

# COLUMBIA COUNTY PLANNING COMMISSION MEETING

April 1, 2024

Approved Meeting Minutes

Go To Meeting

Planning Commission Members Present: Alta Lynch, Dan Magnia, Chris WarrKing, and Brian Brust

Planning Commission Members Absent: Nikole Young, and Alternate Shaun Stewart

Staff Present: Deborah Jacob, Suzie Dahl, Spencer Parsons, Jack Niedermeyer and Amy Herzog

Applicant/s: Victor Broto Cartagena, Flora Bowley, Rachel Jones

Applicant Representatives: Garrett Stephenson, Land Use Attorney with Schwabe

Agenda Item: Victor Broto Cartagena CU 24-01 & DR 24-02

The meeting was called to order at 6:30 p.m. by Deborah Jacob

Dan Magnia took roll call, then reviewed the virtual meeting etiquette, ground rules, and agenda items.

Dan Magnia requests all present who would like to speak to state your name, address, and if you are in favor, opposition, or neutral.

Deborah Jacob presented a summary of the Staff Report. The Staff Report is available on Columbia County's website (<https://www.columbiacountyor.gov/meetings>) for Public Viewing.

Garrett Stephenson introduces his clients. Garrett also states that he appreciates Deborah Jacob's thorough Staff Report. He doesn't any concerns with how the report was presented. He does have some requests regarding a few of the conditions required. These requests were sent in via email and entered into the record.

## ***Email from Garrett Stephenson with modification requests:***

*Below is our list of minor concerns. Can you please include them in the record and place them before the Planning Commission?*

**(1) OAR Ch. 918.** *The applicant wishes to clarify that the regulations in OAR Ch. 918 are not approval criteria for these land use applications. Under ORS 197.175(2)(e), the County is required to "make land use decisions and limited land use decisions in compliance with compliance with the acknowledged plan and land use regulations." OAR Ch. 918 concerns the rules of the Department of Consumer and Business Services, Building Codes division. They are not incorporated into the County's land use regulations or applicable criteria. While the Applicant agrees that the project can and will meet these standards, to the extent they apply, they are to be applied as part of a building permit review.*

*Also, my clients have explained that they do not propose a commercial kitchen or any food preparation by the owners themselves. This, it is not clear quite yet whether OHA approval is necessary for the use. For these reasons, the Applicant requests that Conditions 9 and 10 be amended as follows, to preserve flexibility should these regulations not require state approvals:*

*"9. Per the requirement in the OAR 918.650.0025. (1) (f), any and all eating and drinking establishments for park occupants must comply with the applicable regulatory requirements of the Oregon Department of Human Services*

and/or the Oregon Health Authority. If approval for eating and drinking establishments from DHS and/or OHA is required, written confirmation of said approval ~~from DHS and/or OHA~~ shall be submitted to Land Development Services.”

“10. Per the requirement in the OAR 918.650.0025. (2) Recreation Park and Organizational Camp Operating License Approved parks and camps must comply with any operating license requirements established by the Department of Human Services Oregon Health Authority. If such an operating license is required, a copy of required License from Department of Human Services Oregon Health Authority shall be submitted to Land Development Services.”

**(2) Camping spaces in flood hazard areas.** Camping spaces and yurts should not be subject to the County’s flood hazard regulations. CCZO 1104.3.A requires a development permit “for all structures, including manufactured dwellings, and for all other development, as defined in section 1103, including fill and other development activities.” However, the proposed tent camping spaces are plainly not “structures” and do not meet the definition of “development” in section 1103. Under that definition, “Development” “means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.” However, designating certain spaces of existing field for tent or other camping spaces is not a “man-made change to improved real estate,” and certainly not of the type in the examples stated in that section. In this instance, the camping sites require no permanent structures nor any filling or grading. For these reasons, the Planning Commission can find that a floodplain development permit should not be required for the designation of a camping space. This pertains with as much force to RV sites, as separate RV hookups (which would arguably be permanent structures) are not permitted under CCZO 505.4.A and B.

Similarly, under CCZO 505.4.C, a yurt is not permitted to have a foundation (it must be either placed on the ground or on a wood flood), meaning that it likely does not meet the County’s definition of “structure” as “a building or other major improvement that is built, constructed, or installed.” At any rate, the CCZO’s prohibition of any permanent foundation for a yurt should qualify the County’s application of the definition of “development” in CCZO Sec. 1103. That is, the definition of “development” should be read in context with the prohibition in CCZO 505.4.C of any permanent foundation for a yurt. For this reason, the Planning Commission can find that the a floodplain development permit should not be required for yurt.

Finally, as a practical matter, none of the County’s flood hazard construction standards can fairly be applied to a tent camping space or yurt. For example, the fact that neither are permanent structures nor are permitted a foundation means that they cannot be “anchored,” or “constructed with materials and utility equipment resistant to flood damage.” And, their base floor elevations cannot be elevated for the same reasons.

For the above reasons, the Applicant requests that Condition 8 be modified as follows:

“8. Per the provisions in CCZO Section 1100, the applicant shall submit Floodplain Development Permits for the County Floodplain Administrator to review and approve before any of these structures and areas can be utilized:

- ~~The 4 Yurts~~
- ~~The 2 Recreational Vehicle (RV) sites~~
- The northern proposed toilets and shower area
- ~~The 6 Tent Campsites~~

a. If the County Building Official deems Substantial Improvements as defined in CCZO Section 1103 are required to bring the 1926 "Retreat House" structure up to code for the proposed commercial use, the Final Building Plans must be accompanied by a Floodplain Development Permit for review and approval by the County Floodplain Administrator.”

**(3) Fuel Break Requirements.** The Planning Commission should clarify that camping spaces, yurts, and RV spaces are not subject to the 30-foot primary fuel break requirement. CCZO 505.4.A provides that: “A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel-trailer or recreational vehicle.” Thus, the CCZO contemplates that campsites should be in very close proximity to the “natural

amenities of the site,” which includes “native trees and vegetation.” Further, as campsites themselves are not structures, they would not be subject to the Oregon Fire Code’s fire break requirements. See Oregon Fire Code 3103.2.1 (2022) (exempting recreational camping tents from the approval standards for “Tents and Temporary Special Event Structures”).

**(4) Wetland delineation.** The Planning Commission should not require a wetland delineation, but instead require a delineation of the riparian corridor. Under CCZO 1172 “Riparian Corridor Standards,” the County’s riparian regulations apply within a certain distance of fish-bearing lakes, rivers, and streams. There are no County regulations for wetlands not within that buffer area. Rather, under Oregon State law, no wetlands can be filled without a permit from the Department of State Lands. Further, under CCZO 1175.C, DSL need only be notified of any potential development proposed on wetlands identified in the state wetlands inventory. The only wetlands on the site identified in the state wetlands inventory are comprised of the creek itself and a small area east of the existing 1926 home. This is visible on the National Wetland Inventory map below:



For this sort of wetland, a DSL-regulated fill is any cumulative fill of 50 cubic yards or more (roughly 5 dump truck loads). The site plan does not propose any new structures or regulated fills within the identified wetland area. Thus, there is no basis for the County to require a complete wetland delineation. Rather, the Applicant requests that Condition 3 be modified as follows:

~~“3. Per the provisions in CCZO Section 1170, the applicant shall submit a Wetlands Delineation Permit Application to the Oregon Department of State Lands (DSL) for the~~

~~wetlands associated with fish-bearing Milton Creek on the subject tract. DSL shall review and approve the Wetlands Delineation and the applicant shall provide LDS with a copy of this approved delineation. The Applicant shall delineate the extent of the 50-foot riparian corridor, as defined in CCZO 1172.A. The portions of the subject property that are located within this fish-bearing stream's protected 50' riparian corridor as reflected in the delineation shall also be accurately identified on the Final Site Plan and Final Building Plans submitted for CU 24-01 and DR 24-02.~~

End of Email

No questions from Planning Commission

Flora Bowley 32180 Pittsburg Rd St Helens, OR. Flora speaks to the hardships that covid has caused on communities, and that their proposal would give the community members a place of sanctuary. They would be offering painting retreats, small family gatherings, leadership camps, educational workshops, etc. This is not a generic campground, and she would like to acknowledge that. Flora makes it very clear that they would like the community to know that they would like to be known as a resource, and a place for anyone to attend. They are improving the property and trying to work with Columbia County on ensuring they are getting the required permits needed. They have a plan to ensure anyone attending knows where their property lines are to stay on the property. They would also like to mitigate any potential complaints from neighbors such as noise, lights, excessive vehicles, etc.

Dan opens the floor for public comment.

Karel Bland 32506 Pittsburg Rd St Helens, OR (Opposed) Karel and her husband built their 25 acres 23 years ago. Karel states that she has been on the neighbor Matt Chesley's property walking and had permission when approached by strangers who ventured off from the retreats located on Mr Broto's property. When Karel asked what they were doing they stated they were told to "walk wherever the trails are" Karel feels this would have led them straight on to her property. Karel states that the noise from the retreats is a nuisance. She also states that she has been in contact with local code enforcement as well as police over the loud noises and retreats. Karel feels that these retreats would have a negative impact on the community.

Forest Eckley 1000 Union St Seattle, WA (In Favor) Mr Eckley feels that if permits are acquired and the proposal meets all requirements by the State and County, that this is a great proposal.

Kendra Bratherton 3024 Grand Ave Apt 5 Astoria, OR (In Favor) Just wanted to say she is in favor of the motion going forward.

Rob Focalwitz 63 Walnut Crecent White Horse Yukon, Canada (In Favor) - just stated he is in favor.

Seveda Mamock 950 McPherson Sq NE Calgary Alberta, Canada (In favor) Has personally attended retreats at this space. Enjoys the retreats and feels that they have been respectful and good for the community.

Tim Lajoie 23946 Carmaleta Drive Hayward, CA (In Favor) Says that due to wildfires in the NW, the places to have retreats has been sparse. Feels this proposal will bring only positive things to the community.

Felix Leshchinsky 2449 E Aloha St Seattle, WA (In Favor) Has also spent time at the retreats in the last 2 years. Feels that we need more places like this. It's a wonderful addition to the County.

Kita Roseijadi 1123 E Mission Ave Spokane, WA (In Favor) Feels it would be devastating to the community if this proposal was not passed.

Faustine Hudson 3644 1/2 Wellingford Ave N Apt B Seattle, WA (In Favor) Speaks to the love and care that the individuals putting on retreats has. It's intentional and there are not many places around the area that offer this.

Rom Impus 7020 18th Ave Unit C7 Seattle WA (In Favor) just wanted to state that he is in favor and has been to the land in the proposal. Said the owners have so much passion and do a lot of healing and meditation.

Elizabeth Jason 1518 First Ave W Seattle, WA (In Favor) wants to speak to the owner's character. She states the owners want nothing but peace, and that they will add to the community.

Chelsea (In Favor) feels this is a great opportunity for the community.

Randy Sanders 32283 Pittsburg Rd St Helens, OR (In Favor) Has been at his home for 30 years. He says there is not a noise nuisance and he's never heard music or seen excessive traffic. He feels this is a great proposal. He has done a tour provided by Flora. Feels this would be a great proposal for Columbia County.

Tony Hyde 382 A St Vernonia, OR (In Favor) In Vernonia there are two places similar to what the applicants are proposing: Vernonia Springs & Cedar Ridge. He states that these camps have 300+ children/people they help and are booked out several years.

Erin McCown 59537 Camden St St Helens, OR (In Favor) Is a community member as well as a local business owner. Has been following Flora on social media for years, has also been on the property. Feels that this proposal should pass and is passionate about it.

Oriyah Talbeaux 2125 SE Oak St Portland OR, (In Favor) Feels that this proposal is necessary for healing and peace for all.

Brentwood Reid 6029 NE 7<sup>th</sup> St Portland, OR (In Favor) He works in wildland firefighting. Feels that the proposal will provide mental health support to all.

Mitchell Holmes 54319 Freeman Rd Scappoose, OR (In Favor) Wants to state he is in favor.

Sean Talbeaux 2125 SE Oak St Portland, OR (In Favor) Is a local contractor and has been to the retreat several times. He feels that the craftsmanship of the remodel of the building was done with a level of professionalism.

Jules Montes 9200 W Stark St Portland, OR (In Favor) has been attending retreats previously at this location and feels it should be supported.

Paul Vogel 375 S 18<sup>th</sup> St St Helens, OR (In Favor) Executive Director of Columbia Economic Team- States that they are responsible for small business growth, small business tourism, and business recruitment throughout the county. Feels that this proposal is what Columbia County needs.

Joan Youngburg 695 Seal Rd St Helens, OR (In Favor) is President of Columbia Art Guild and has followed Flora and the Nest for years. Has been offered a tour at the property and feels this is needed.

Jeanette Hieter 12639 NW Ally Elizabeth Ct Portland, OR (In Favor) Has been hosting retreats for years. Feels that most other similar venues were not able to sustain during the pandemic. Feels Columbia County needs this proposal to pass.

Chad Brown 1625 NE Bryant St Portland, OR (In Favor) He is a veteran and a service man. Through his non-profit, he has already utilized this space for veteran suicide and support to vets.

Dan Magnia turns it over to the applicant for response.

Garrett Stephenson speaks on behalf of the applicants. Feels that the testimony tonight was very positive. Thinks that the planning commission should approve the project because it meets the criteria. Requests that the four conditions mentioned previously should be amended as requested in applicant's initial request. Requests to waive the final argument and ask the planning commission to decide on the matter tonight.

Dan Magnia asks planning commission if they have any questions.

Alta Lynch asks the applicants if the Karel Bland ever came to them to talk about her issues.

Flora Bowley speaks up and states that no, Karel has not tried to contact them at all. Flora also states that she had sent numerous hand notes to Karel and invited her to potlucks in which the other neighbors attended. She did not ever attend.

Alta asks if there is any way to outline the property to ensure participants do not trespass.

Flora responded by saying yes, they intend to put very clear signage up. Flora also states that Karel's property doesn't line up to their property. There is a neighbor in between. This neighbor is the neighbor that Karel mentioned earlier stating that people trespassed. Per Flora, they had permission from the owner, and the owner was fine with them walking on his property.

Alta asks Deb if she can modify the conditions that Mr Stephenson had requested. Deborah answers, "yes"

Dan takes a motion

Alta makes a motion to approve CU 24-01 & DR 24-02 with a recommendation to conditions and modifications agreed upon.

Bryan Brust seconds

Staff Recommendation

Approval conditions with modifications proposed by the applicant as further modified this evening.

Roll Call Vote

Chris- Yes

Alta-Yes

Brian- Yes

Motion has passed.

Meeting Adjourned at 7:55PM