

**COLUMBIA COUNTY PLANNING COMMISSION**  
**SUPPLEMENTAL STAFF REPORT**  
September 23, 2022  
Site Design Review - Type II

**HEARING DATE:** October 3, 2022

**FILE NUMBER:** DR 22-04

**APPLICANT:** OHM Equity Partners, LLC, 33470 Chinook Plaza 213, Scappoose, OR 97056

**OWNER:** SPMC Holdings, LLC, 2604 SW Buckingham Avenue, Portland, OR 97201

**LOCATION:** The site is located at the situs address 57246 Hazen Road, Warren, OR 97053

**TAX MAP ID #:** 4213-D0-00103 – Account Number 8930

**ZONING:** Community Service – Recreational (CS-R)

**SIZE:** 77.0 acres

**REQUEST:** A Site Design Review to establish a 103 space Recreational Vehicle (RV) Park and the redesign of the existing golf course, clubhouse, restaurant, and banquet facilities located in the Community Service Recreational (CS-R) zone.

**APPLICATION COMPLETE:** 06/01/2022                      **150 DAY DEADLINE:** 12/10/2022  
**(Waiver signed on 08/04/22)**

**SUMMARY:**

The applicant requested a Pre-Application conference for the proposed development in 2021. This pre-app meeting was held on August 5, 2021 where county planning staff described the land use approval process as well as all of the applicable criteria that needed to be addressed in the application for the Design Review.

The application for the Design Review was submitted in March of 2022 and originally deemed incomplete by Planning Staff. This Deemed Incomplete letter dated April 13, 2022 outlines 11 items that were missing on the original application. As such, the applicant followed up with a revised application on May 17, 2022 and stated that no additional information will be provided. The applicant deemed the application complete as stated in ORS 215.427(2)(b) and began the review process regardless if all of the items on the Deemed Incomplete letter had been addressed.

The application for DR 22-04 was originally scheduled for the July 18, 2022 Planning Commission however was pushed back by the applicant in order to address possible deficiencies in the application. Between the time that the applicant deemed the application complete and the date of the staff report, it appears that the applicant's contract to purchase the property has been terminated. A termination agreement submitted by the property owner's realtor, dated September 13, 2022 is attached to this Supplemental Staff Report and shows that the applicant is no longer in contract to purchase the property. The applicant has not submitted any sort of evidence

to show that he is otherwise authorized to pursue development on the subject property. The Oregon Land Use Board of Appeals (“LUBA”) has held that, where a property owner whose property is subject to a land use application withdraws consent to an applicant’s proposal, that withdrawal may be effective to deprive a county of jurisdiction necessary to process the application, notwithstanding the fact that the nonconsenting property owner may be separately contractually obligated to support the proposal. See, *Setniker v. Polk County*, 75 Or LUBA 1 (2017).

**Finding:** Without any evidence to show that the applicant of DR 22-04 is authorized to develop or pursue land use approvals on the subject property, staff finds that the county is unable to approve this application. A termination agreement signed by the applicant and the current property owner, submitted on September 19<sup>th</sup>, 2022, shows that the applicant no longer is in contract to purchase the property. Also, the applicant has not submitted any evidence to show that he is able or authorized to pursue this application. With this finding, staff recommends that the Planning Commission DENY the application submitted for DR 22-04.

### **CONCLUSION, & RECOMMENDATION:**

Based on the information submitted by the property owner’s realtor and the lack of evidence provided by the applicant showing that he is authorized to pursue the subject land use approval, Planning Staff recommends that the Planning Commission adopt the one finding above and **DENY** the application presented as DR 22-04, a Site Design Review for a proposed 103 space RV Park on the subject property.

### **ATTACHMENTS:**

Termination Agreement signed by the applicant and property owner dated 09/13/2022

**CC:** Dustin and Kari Stansbury, 33711 Fairway Lane, Warren  
John Zavage, 57344 Hazen Road, Warren  
Greg and Toni Nelson, 57016 Rassee Lane, Warren  
Robert and Pamela Vetsch, 33601 Fairway Lane, Warren  
Rodney and Sandra Wilson, PO Box 1232, Scappoose  
Deborah and Steve Stano, 56851 Hazen Road, Warren  
Matt Brown and Marcella Russell, 57464 Hazen Road, Warren  
Ed and Linda Bodenlos, 33906 Lacy Lane, Warren  
James and Debra Davis, 33263 Stone Road, Warren  
Darren and Tania Rahier, 33720 Fairway Lane, Warren  
Richard and Bree Vetsch, 57500 Hazen Road, Warren  
Sonja Parker, 34247 Church Road, Warren  
Mark and Dianne Larson, 34840 Bennett Road, Warren  
Kathy and Bill Fancher, 57577 Brisbane Way, Warren  
Amanda Johnson, 33872 Shamrock Lane, Warren  
Dan Roush, 33262 Stone Road, Warren  
Marti Dell – [marti@richardspeightpc.com](mailto:marti@richardspeightpc.com)