



BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

Wednesday, March 14, 2018
10:00 a.m. - Room 308

BOARD MEETING AGENDA

CALL TO ORDER/FLAG SALUTE

MINUTES:

Minutes, February 28, 2018 Board meeting.
Minutes, February 28, 2018 Work Session

VISITOR COMMENTS - 5 MINUTE LIMIT

MATTER(S)

- 1) 2nd Reading of Ordinance No. 2018-2, "In the Matter of Amendments to Regulations Columbia County Zoning Ordinance Pertaining to Marijuana-Related Land Uses in Unincorporated Columbia County".
- 2) Tammy Maygra - Lawrence Road Gate

CONSENT AGENDA:

- (A) Ratify the Select to Pay for the week of 03.05.18 & 03.12.18.
- (B) Resolution No. 7-2018, "In the Matter of Appointing Teri Powers as Justice of the Peace, Pro Tempore, to the Columbia County Justice of the Peace District".
- (C) Order No. 8-2018, "In the Matter of Adopting the Columbia County Field Worker Safety Policy".
- (D) Order No. 9-2018, "In the Matter of the Petition by Joe Collum to Name a New Private Road, located off of Nicolai Road near Rainier, "Nims Way".
- (E) Approve 2018 Liquor License Renewals for:
 - Marks on the Channel
 - Deer Island Store
 - Scappoose Creek Inn
 - Historic Goble Tavern

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Surplus Property Agreement with the City of Tualatin for Acquisition of Patrol Vehicle Computer Docks and authorize the Chair to sign.
- (G) Purchase and Sale Agreement with Rickey Ross and Jeanette Lynne Richmond for Tax Account Nos. 27355 and 27356.
- (H) Columbia County Kennel License Application and authorize the Chair to sign.

DISCUSSION ITEMS:

COMMISSIONER HEIMULLER COMMENTS:

COMMISSIONER MAGRUDER COMMENTS:

COMMISSIONER TARDIF COMMENTS:

EXECUTIVE SESSION:

Pursuant to ORS 192.640(1), the Board of County Commissioners reserves the right to consider and discuss, in either open session or Executive Session, additional subjects which may arise after the agenda is published.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amendments to the Columbia
County Zoning Ordinance Pertaining to
Marijuana-Related Land Uses in Unincorporated
Columbia County

ORDINANCE NO. 2018-2

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as Ordinance No. 2018-2.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035, ORS 203.045, ORS 197.175, ORS 475B.486, and ORS 475B.928.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend the Columbia County Zoning Ordinance to establish additional standards for marijuana production and retailing operations; prohibit marijuana growing and producing operations in the Rural Residential – 5 Acre (RR-5) Zone; and clarify distinctions between state licensing requirements and County land use regulatory requirements for marijuana-related land uses.

SECTION 4. AMENDMENT AND AUTHORIZATION

The Columbia County Zoning Ordinance is amended as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. FINDINGS

The Board of County Commissioners adopts the Findings of Fact and Conclusions of Law in the Staff Report, attached hereto as Exhibit B and incorporated herein by this reference.

SECTION 6. SEVERABILITY

If for any reason a court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on appeal, that portion shall be deemed a separate, distinct and independent portion. The court's holding shall not affect the validity of the remaining portions.

SECTION 7. SCRIVENER'S ERRORS

Scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

DATED this ____ day of _____, 2018.

Approved as to Form

**BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

By: _____
Office of County Counsel

By: _____
Margaret Magruder, Chair

Recording Secretary

By: _____
Henry Heimuller, Commissioner

By: _____
Jan Greenhalgh

By: _____
Alex Tardif, Commissioner

First Reading: _____

Second Reading: _____

Effective Date: _____

EXHIBIT A

TEXT AMENDMENTS TO COLUMBIA COUNTY ZONING ORDINANCE

(Added text is shown in **bold**; deleted text is shown in ~~strikethrough~~)

Section 603 of the Rural Residential – 5 Zone, shall be amended as follows:

603 Conditional Uses:

1. Signs as provided in Section 1300.

[.]

- ~~6. Marijuana growing and producing within an enclosed structure subject to standards in Section 1803.~~

Section 1803 of the Special Use Standards shall be amended, as follows:

1803 MARIJUANA LAND USES

1. ~~State Issued Marijuana License or Registration Required~~ **Compliance with State Marijuana License and Registration Requirements.** All marijuana land uses except for those not required to be licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA), such as home grown or home made marijuana, shall provide to the Land Development Services Department **written documentation from OLCC or OHA, as follows:** ~~of the issuance of the applicable state issued marijuana license or registration at the time of application for a required land use permit. Applicants for recreational marijuana land uses including producing, processing, wholesaling, and retailing shall also show evidence of a completed County land use compatibility statement for the use for which the application is being submitted.~~

- A. **At the time of building permit application for buildings accommodating marijuana land uses, the applicant shall provide written documentation from OLCC or OHA that the proposed marijuana land use complies with applicable State application requirements.**
- B. **Prior to occupancy of buildings accommodating marijuana land uses, the applicant shall provide a copy of the OLCC license or OHA registration for the marijuana land use.**
- C. **A land use compatibility statement shall not be signed by the Land Development Services Department until all applicable County land use review procedures have been completed and a final land use decision has been made by the County.**

EXHIBIT A

2. Marijuana Growing or Producing Uses. The following standards shall apply to marijuana growing or producing uses:
 - A. **Additional Standards for all zones in which marijuana growing and producing is allowed:**
 1. Co-location with a Dispensary. Medical grows may not be on the same site as a dispensary.
 2. Glare. No artificial light originating from within a grow building shall be visible from outside of the building.
 3. Separation from Certain Sensitive Uses. Marijuana growing and producing shall not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center. For the purposes of this section, separation distance shall be measured as the minimum distance between the property line of the grow parcel and the property line of the sensitive use parcel.
 - B. ~~Within an Enclosed Building in Certain Zones. Growing and producing must be within an enclosed building in the RR-5, RC, M-3, M-2 and M-1 zones. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.~~ **Additional Standards in the RC, M-3, M-2 and M-1 Zones:**
 1. Growing and producing must be within an enclosed building. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.
 2. Grow buildings shall be equipped with an air filtration system designed and approved by an Oregon registered mechanical engineer to minimize odors perceptible outside of the building.
 - C. Additional Setbacks for Indoor Grows in Certain Zones. In the FA-80, and PF-80, and RR-5 zoning districts, minimum front, side and rear yard setbacks for buildings accommodating marijuana growing and producing shall be increased by 50 feet.
 - D. **Prohibited in Residential Zoning Districts.** Marijuana growing and producing uses are prohibited in residential zoning districts. ~~Additional Standards in the RR-5 Zone.~~
 1. ~~Growing and producing uses shall be operated by a resident or employee of a resident of the property on which the uses are located.~~

EXHIBIT A

- ~~2. The growing and producing use shall employ on the site no more than five full-time or part-time persons.~~
- ~~3. No more than one State issued growing or producing registration or license is allowed for each parcel of record.~~
3. Marijuana Processing and Wholesaling Uses. The following standards shall apply to marijuana processing and wholesaling uses:
 - A. Within an Enclosed Building. Marijuana processing and wholesaling uses in the M-3, M-2, and M-1 zones shall be within an enclosed building. For the purposes of processing and wholesaling, a greenhouse does not qualify as an enclosed building.
 - B. Wholesaling and Extract Processing in Residential Zones. Marijuana wholesaling and extract processing is prohibited in residential zoning districts.
4. Marijuana Dispensary and Retailing Uses. The following standards shall apply to marijuana dispensary and retailing uses:
 - A. Separation from Certain Sensitive Uses. Marijuana dispensary and retailing uses may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center. **For the purposes of this section, separation distance shall be measured as the minimum distance between the property line of the dispensary or retail use parcel and the property line of the sensitive use parcel.**
 - B. Separation from Each Other. Marijuana dispensary and retailing uses may not be located within 1,000 feet of another marijuana dispensary or retailing use. **For the purposes of this section, separation distance shall be measured as the minimum distance between the property lines of the dispensary parcels and/or retail use parcels.**
 - C. Prohibited in Residential Zoning Districts. Marijuana dispensaries and retailing uses are prohibited in residential zoning districts.

EXHIBIT B

COLUMBIA COUNTY BOARD OF COMMISSIONERS

Staff Report
January 10 2018

Zoning Ordinance Text Amendment to provisions in
Section 1803 "Marijuana Land Uses"

FILE NUMBER: TA 17-02

APPLICANT: Columbia County
Land Development Services

HEARING DATE: January 17, 2018

REQUEST: To amend provisions in Section 1803 of the Columbia County Zoning Ordinance specifying additional standards for marijuana production and retailing operations, prohibiting marijuana growing and producing operations in the Rural Residential (RR-5) Zone, and clarifying distinctions between state licensing requirements and Columbia County land use regulatory requirements for authorized marijuana land uses operating in the unincorporated areas of Columbia County

STAFF REPORT CONTENTS:

Pages

Notification Requirements

Columbia County Zoning Ordinance
Section 1606 - Legislative Hearing 3
Section 1611 - Notice of Legislative Hearing 4

Oregon Revised Statute
ORS 215.503 - Measure 56 Notice 5

Oregon Administrative Rule
OAR 660-018-0020 - Post Acknowledgment Amendments 5

Review Criteria & Amendments

Columbia County Zoning Ordinance

Marijuana Land Uses
Section 1803.1 State Licensing and Registration Requirements 6
Section 1803.2 Marijuana Growing or Producing 7
Marijuana Producing in Airport Industrial (AI) Zone 10
Section 1803.4 Marijuana Dispensary and Retailing 12-13

Columbia County Comprehensive Plan

Part I Administrative Procedures 14
Part II Citizen Involvement 14
Part III Planning Coordination 14
Part IV Forest Lands 15

EXHIBIT B

Part VII	Rural Residential	15
Part X	Economy	15
Part XVIII	Air, Land and Water Quality	16
<u>Conclusions and Recommendation</u>		17
<u>Written Comments Received</u>	See Attachment 6	

BACKGROUND & SUMMARY:

County Regulation of Marijuana Uses

On November 25, 2015 the Columbia County Board of Commissioners adopted Ordinance No. 2015-4 related to cannabis regulation and set time, place and manner regulations for the growing, processing, and retailing of marijuana operations in the county’s unincorporated areas. This Ordinance added the provisions in Section 1803 for Marijuana Land Use as well as the related amendments to Sections 100, 300, 400, 500, 600, 620, 650, 680, 800, 810, 820, 830, 910, 920, 930, and 940 of the County’s Zoning Ordinance authorized by the Oregon Revised Statutes in ORS Chapter 475B.

Over the last twenty five (25) months since the effective adoption date of County Ordinance No. 2015-4, the County has accepted and processed applications for forty-five (45) Marijuana Operations Permits as follows:

Marijuana Growing/Production Operations

Resource Zone (PF-80/FA-80/PA-80)	Rural Residential (RR-5)	Light Industrial (M-2)
36	4	1

Marijuana Retailing Operations

Existing Commercial (EC) Zone
3

Marijuana Processing/Wholesaling Operations

Heavy Industrial (M-1 Zone)

1

The County has processed only one application for Marijuana Processing/Wholesaling Operations. No Amendments are proposed for the existing provisions in Section 1803.3 related to the Processing and/or Wholesaling of Marijuana Operations. There is no evidence that the present criteria in Section 1803.3 is inadequate. Most proposed amendments deal with inadequacies found in growing and producing of marijuana

Oregon Revised Statutes (ORS) 215.050, allows Columbia County to revise the County’s Zoning Ordinance in order to implement the adopted County Comprehensive Plan. The primary objectives of the Comprehensive Plan are to 1) “prevent or minimize conflicts between incompatible land use activities,” 2) provide a source of information describing the condition and characteristics of the County,” 3) “provide an objective basis for public and private land use decisions,” and 4) “provide a better understanding of specific actions, programs and regulations which may affect the public.”

EXHIBIT B

These proposed amendments in TA 17-02 are based on the experiences of Land Development Services and the Planning Commission in the processing of 45 marijuana operations over the past 25 months. The proposed amendments will support Comprehensive Plan objectives as they establish additional siting and construction regulations specific to proposed marijuana production and retailing operations in order (1) to alleviate issues of incompatibility with nearby different land uses and to (2) clarify the distinctions for operators and the public between obtaining licensing from the State of Oregon and land use authorization from Columbia County.

Planning Commission's initial evidentiary public hearing for TA 17-02:

This matter came before the Columbia County Planning Commission on the direction of the Board of County Commissioners to initiate Amending provisions in Section 1803 of the Columbia County Zoning Ordinance related to Marijuana Land Uses in unincorporated areas that were adopted on November 25, 2015 by the Board of County Commissioners through Ordinance No. 2015-4.

The first public hearing was originally scheduled for August 7, 2017 but was postponed until August 21, where the Planning Commission reviewed the proposed amendments, heard testimony from interested parties and considered written materials including the Staff Report dated July 28, 2017. The Commission expressed interest in considering other amendments (additional) to those presented in TA 17-02 from staff, including increasing minimum size of RR-5 marijuana growing operations to 5-acres, expanding the definition of Sensitive Uses, classifying all indoor marijuana production facilities as commercial facilities, and prohibiting new marijuana operations in the RR-5 Zone. The hearing was then continued until October 2, 2017 and then to November 6, 2017 where they deliberated these proposed additional amendments and voted to prohibit marijuana operations in the Rural Residential (RR-5) Zone, rather than require additional siting regulations.

The County has proceeded with the process of drafting these amendments to its Zoning Ordinance addressing marijuana uses according to the legislative process prescribed by the Comprehensive Plan and Zoning Ordinance.

Proposed Amendments to "1803 Marijuana Uses" within, Article IX (Special Use Standards) (**Attachment 1**) addresses local County standards specific to marijuana production and retailing uses which are in addition to those applicable in individual zoning districts. These standards incorporate State law requirements related to land use and add County reasonable time, place and manner regulations within the meaning of ORS 475B.340 and ORS 475B.500 and address the potential nuisance aspects of marijuana uses. Findings justifying the proposed additional County standards which address related potential adverse effects of marijuana uses are contained in the findings of this Staff Report.

REVIEW CRITERIA AND FINDINGS:

Notification Requirements

Section 1600 of the Zoning Ordinance:

This request is being processed under Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing) of the County Zoning Ordinance. The pertinent sections of the ordinance are as follows:

1606 **Legislative Hearing:** Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following

EXHIBIT B

procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners."

Finding 1: Notification of the Planning Commission's initial evidentiary public hearing for TA 17-02's proposed Amendments was published in local news media, the *Chronicle* on July 19, 2017 and July 26, 2017 and *The South County Spotlight* on July 21, 2017 and July 28, 2017. On June 27, 2017 notification was sent to all government agencies, the Department of Land Conservation and Development, the five County's Citizen Planning Advisory Committees (CPACs) in accordance with Oregon Revised Statute (ORS) 197.047. In accordance with ORS 215.503(4), notice was sent to affected individual property owners on June 30, 2017, 38 days before the first scheduled hearing on August 7, 2017. The subsequent Board's Public hearing notices were published in the *St. Helens Chronicle* on January 10, 2018 and in the *South County Spotlight* on January 12, 2018. With these notifications, Staff finds this criteria has been met.

Continuing with Section 1611 of the Zoning Ordinance:

1611 **Notice of Legislative Hearing:** The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

Finding 2: All of the above information was included for both the Planning Commission's and Board of Commissioners' Notices of Public Hearing published in the *Chronicle* and *Spotlight* newspapers. This criterion is met.

Continuing with Section 1607 of the Zoning Ordinance:

"**1607 Consistency with the Comprehensive Plan:** All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611."

Finding 3: The Planning Commission held their hearing in August 21, 2017 and continued it to October 6, 2017 and to November 6, 2017 where they deliberated on their final recommendations to the Board as described in the Background & Summary Section. The Board of Commissioner's public hearing will be held January 17, 2018 where they will consider these recommendations in their final decision.

As covered in the Background and Pages 12- 15 of this Report, these Text Amendments are consistent with the provisions in ORS 215.050, which allows Columbia County to revise the County's Zoning Ordinance in order to implement the following primary objectives of the

EXHIBIT B

adopted County Comprehensive Plan:

1. "To prevent or minimize conflicts between incompatible land use activities,
2. To provide a source of information describing the condition and characteristics of the County,
3. To provide an objective basis for public and private land use decisions, and
4. To provide a better understanding of specific actions, programs and regulations which may affect the public."

Staff finds that the proposed amendments are in compliance with #1, 3, and 4 primary objectives of the Comprehensive Plan. Applicable elements of the Comprehensive Plan are examined in Finding 15, page 13 and determines that the proposed amendments are consistent with the Comprehensive Plan.

Following with Oregon Revised Statutes - ORS 215-503 - Measure 56 Notice:

"**215.503** Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions."

...

(4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone

Finding 4: Notice was sent in accordance with ORS 215.503 by green postcard to affected individual property owners on June 30, 2017, which is **38** days before the first hearing on the proposed amendments held on August 7, 2017. This criterion is satisfied.

Following with Oregon Administrative Rules OAR 660-018-0020:

660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

(2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered

© A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change

EXHIBIT B

- (d) The date set for the first evidentiary hearing
 - (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable and
 - (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.
- (3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.

Finding 5: Notice and the draft amendments were sent in accordance with OAR 660-018-0020 to DLCD on June 27, 2017, 41 days before the first evidentiary hearing before the Planning Commission on August 7, 2017. The County will mail a Notice of Adoption to DLCD when the Board makes their final decision regarding these proposed amendments. This criterion is satisfied.

Review Criteria

Following with Proposed Amendments to Section 1803.1 of the Zoning Ordinance:

1803 MARIJUANA LAND USES

- .1 **State Issued Marijuana License or Registration Compliance with State Marijuana License and Registration Requirements Required.** : All marijuana land uses except for those not required to be licensed by the Oregon Liquor Control Commission (OLCC) or registered by the Oregon Health Authority (OHA), such as home grown or home made marijuana, shall provide to the Land Development Services Department written documentation from OLCC or OHA as follows: of the issuance of the applicable state issued marijuana license or registration at the time of application for a required land use permit.

A . At the time of building permit application for buildings accommodating marijuana land uses, the applicant shall provide written documentation from OLCC or OHA that the proposed marijuana land use complies with applicable State application requirements.

B . Prior to Occupancy of buildings accommodating marijuana land uses the Applicant shall provide a copy of the OLCC licence or OHA registration for the marijuana land use.

C. County Applicants for recreational marijuana land uses including producing, processing, wholesaling, and retailing shall also show evidence of a completed County land use compatibility statement for the use for which the application is being submitted at the time.

A land use compatibility statement shall not be signed by the Land Development Services Department until any applicable County land use review procedures have been completed and a final land use decision has been made by the

EXHIBIT B

County.

Discussion: In order for the county to coordinate their processing of proposed Marijuana Land Use Permits with the State of Oregon's licensing/registration's process, the current provisions in Section 1803.1 need to be updated.

The amendments in 1803.1(A) will help ensure that all county marijuana operators have been approved for consistency with the applicable State application requirements before the County can release any building permits. Consequently, one condition of building permit issuance for marijuana operations will require the County to receive written confirmation from the State as verification that the applicant has completed the majority of all OLCC's or OHA's Marijuana Production/Processing/Retailing licensing requirements. Typically this State confirmation includes a statement that all licensing requirements are met except for OLCC/OHA Staff's final site inspection(s).

Similarly, the amendments to 1803.1(B) clarify that one condition of occupancy for the marijuana facility will be for the marijuana operator to have met all State licensing requirements, including final site inspection(s). The applicant must provide the County with a copy of the issued OLCC license or OHA registration.

Finally, the amendments to 1803.1 (C) provide clarification to marijuana operators that the County cannot sign a Land Use Compatibility Statement that is included in the State's licensing/registration requirements until the County has reviewed, approved and made a final land use decision for the new marijuana operation. This clarification will help ensure that the new marijuana operation will have met all County land use requirements before the State will be able to issue their license/registration for the marijuana operation.

Finding 6: For these reasons, staff finds the proposed Text Amendments to Section 1803.1 are necessary to coordinate the State of Oregon's and Columbia County's review and approval of new marijuana operations consistent with their respective roles and authorities.

Following with Proposed Amendments to Section 1803.2 of the Zoning Ordinance:

1803 MARIJUANA LAND USES

.2 Marijuana Growing or Producing Uses. The following standards shall apply to marijuana growing or producing uses:

A. Additional Standards for all zones in which marijuana growing and producing is allowed:

- A:
1. Co-location with a Dispensary. Medical grows may not be on the same site as a dispensary.
 2. Glare: No artificial light originating from within a grow building shall be visible from outside of the building at night.
 3. Separation from Certain Sensitive Uses: Marijuana growing and producing uses may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center. For the purposes of this section, separation distance shall be measured as the minimum distance between the property line of the grow parcel and the property line of the sensitive use parcel.

EXHIBIT B

Discussion: As stated in the Summary, over the past 25 months, the county has processed 45 marijuana growing/producing operations as follows: 36 in the Resource (Primary Forest, Primary Agriculture or Forest-Agriculture) Zones, 4 in the Rural Residential (RR-5) Zone, and 1 in the Light Industrial Zone. The proposed amendments in Section 1803.2 (A.2) and 18302.(A.3) are intended to help ensure the continuing compatibility of the new marijuana production operations with the existing land uses and authorized activities typically occurring within close proximity to each another.

Pertaining to the prohibition of glare on adjacent properties in 1803.2(A.2), nocturnal light pollution can be disruptive to people as well as wildlife. The majority of the county's authorized marijuana growing operations are occurring in Resource Zones on properties that are also designated as Big Game or Peripheral Big Game Habitat Areas. Wildlife's normal activities could be significantly impeded by large artificially lit and loud commercial marijuana growing facilities operating in these critical environmentally sensitive areas protected by Oregon's Statewide Planning Goal 5. Sporadic artificial lights along rural county roads can also be disruptive for rural residents and outdoor recreationists who may be in relatively close proximity to large commercial marijuana growing operations.

Another amendment to marijuana production operations are listed in Section 1803.2(A.3) and will require a minimum 1,000 foot separation between marijuana production operations and sensitive public parks and educational facilities that are frequented by persons under 21 years old. The county reviewed a proposed indoor marijuana production operation on an ~80 acre resource zoned property that was located directly across the street from a public campground and a K - 12 school. The affected school district questioned the fact that the county would consider authorizing the proposed production of a federally controlled substance (cannabis) in a location which is in close proximity to both of these public places where children are educated and recreate.

This new siting criterion amendment in Section 1803.2(A.3) for marijuana production operations compliments and adds to the county's current siting provisions in Section 1803.4(A) for marijuana retailing operations in Section 1803.4(A). The current provisions require the 1,000 foot separation between properties that have elementary or secondary schools, day cares and public parks and properties where marijuana products are sold. As stated in the Summary, Columbia County has processed 41 new marijuana production operations, 3 retailing operations, and 1 processing operation within the first 25 months of its adoption of Marijuana Land Use Ordinance in November 2015. With the predominance of the county's new marijuana operations being growing and production of marijuana, residents and elected officials of a rural county such as ours have a legitimate interest in developing regulations that more effectively limit the exposure of minors to the growing and production of a drug that remains listed as a Schedule I Substance under the federal government's Controlled Substance Act, and which has a range of other potential adverse effects discussed in this report.

Finding 7: Staff finds the amendment to 1803.2(A.2) will help to ensure that rural commercial producers of marijuana will minimize or limit the impact that their indoor artificially lit structures will have on nearby residents, properties, and wildlife. This amendment will not only help minimize potentially disruptive light pollution on rural properties and will also help preserve the county's remaining natural areas for outdoor recreation/enjoyment and wildlife habitat.

Finding 8: Staff finds the proposed amendment to 1803.2(A.3) will help to prevent or minimize contact between persons under 21 years old who are attending school or day care or recreating in public parks that may be near properties that contain facilities for the production and/or retailing of cannabis products that are listed as Schedule I substances under the federal Controlled Substance Act.

Continuing with Proposed Amendments to Section 1803.2 of the Zoning Ordinance:

1803.2 B. Within an Enclosed Building in Certain Zones. Growing and producing must be

EXHIBIT B

~~within an enclosed building in the RR-5, RC, M-3, M-2 and M-1 zones. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.~~ Additional Standards in the RR-5, RC, M-3, M-2 and M-1 Zones:

1. Growing and producing must be within an enclosed building. For the purposes of growing and producing, an enclosed building includes an enclosed greenhouse.

2 Grow buildings shall be equipped with an air filtration system designed and approved by an Oregon registered mechanical engineer to minimize odors perceptible outside of the building.

- C. **Additional Setbacks for Indoor Grows in Certain Zones.** In the FA-80 and PF-80 and RR-5 zoning districts, minimum front, side and rear yard setbacks for buildings accommodating marijuana growing and producing shall be increased by 50 feet.

Discussion - Prohibiting marijuana operations in RR-5 zone: The Zoning Text Amendment to 1803.2(B.1) is TA 17-02's first reference to the proposed prohibition of new Marijuana Production Operations in the RR-5 Zone. This Recommendation was partially based on the Planning Commission's testimony received at hearings over the past 2 years from neighbors living adjacent to commercial marijuana operations in the RR-5 Zone. These residents testified that odor and noises emanating from larger warehouse structures used for commercial marijuana operations have detrimentally impacted and changed their rural residential neighborhood's characteristics and quality of life. The Planning Commission also found that currently marijuana operations are already permitted in the unincorporated areas of the county zoned for Primary Forest, Forest-Agriculture, Primary Agriculture, Rural Community, and Urban Industrial land uses which, in turn, encompass approximately 90% (400,000 acres) of the County's total land area. The Planning Commission also determined that the proposed prohibition of new marijuana operations in the RR-5 zone's approximate 22,000 acres (5% of total land) would not be an unreasonable hardship for commercial marijuana growers. Excluding rural residential zoning districts from commercial marijuana growing and production operations would be a reasonable time, place and manner regulation within the meaning of ORS 475B.340 and ORS 475B.500.

A second factor of the Planning Commission's recommendation was based on the 2016 Decision of the Land Use Board of Appeals (LUBA) on 9/13/2016 for Sandra Diesel, Petitioner vs. Jackson County, Respondent. Subsequently, this decision was appealed to and affirmed by the Oregon Court of Appeals on 12/9/2016. Both of these Decisions are attached to this Staff Report.

Specifically, beginning on Page 17 Line 24 of LUBA's affirmation of Jackson County's prohibition of marijuana production in the RR zone, identifies similarities between Jackson and Columbia County as follows:

"Given that the county allows marijuana production in the EFU (Exclusive Farm Use) zone and on lands zoned farm and forest, which together comprise more than a million acres in the county, and on industrial zoned land, the concerns stated by that legislator about the reasonableness of zoning regulations do not appear to be present in this case. Accordingly, petitioner has not established that the amendments to the (Jackson County) Land Development Ordinance(LDO) to prohibit marijuana production in the RR zone are not "reasonable regulations" within the meaning of ORS 475B.340 and 475B.500 or that the county acted unreasonably when it decided to allow marijuana production in some, but not all, county zones."

Another factor for the Planning Commission's recommendation was related to the potential increase in land use incompatibilities occurring between commercial marijuana production facilities operating within or in close proximity to well established rural residential neighborhoods. First of all,

EXHIBIT B

marijuana production operations are prohibited by State law from (1) discharging any process water into septic systems (OAR 340-071-0130(4) and (2) irrigating marijuana from domestic wells is not exempt from the Commercial Marijuana Producer Water Use requirements in OAR 845-025-1030(4)g)(D). Consequently, these commercial operations are required to establish completely separate irrigation and process water disposal systems on a single RR-5 property in ways that will not compromise the site's existing and separate residence's potable water and onsite wastewater treatment systems. In addition, and depending on the size and nature of the new marijuana production, the County Roadmaster and Fire District may also require the site's residential access be improved to commercial standards related to the size of the commercial marijuana production operation.

The final factor for the Planning Commission's recommendation is related to the purpose of the RR-5 Zone as defined in the Zoning Ordinance. The RR-5 Zone *is designed for rural areas where parcels at the time of initial zoning designation are committed to non-resource uses and are characterized with predominantly residential uses that are served by rural levels of public services i.e. domestic water from private wells, sewage disposal using on-site systems, adequate fire and emergency service by fire districts, and access to county roads consistent with the County Transportation Plan and specifications in The County Road Standards Ordinance.*

Allowing new facilities and related site improvements for commercial marijuana production operations to be constructed in already established RR-5 neighborhoods can also be considered as intrusive and obstructive, rather than complimentary to, the predominant rural- residential characteristics of the affected area and residents. Consequently, the prohibition of commercial marijuana operations in the RR-5 zone will help to encourage these already established RR-5 neighborhoods to sustain their predominantly rural residential land uses and development patterns until such time that urban levels of services (sanitary sewer, fire hydrants, commercial/industrial roads, public water etc.) are available to support these more intensive and commercial land uses.

The proposed amendments to 1803.2(B) and 1803.2(C) will not only prohibit new marijuana production operations in the RR-5 zone, but will also require all indoor marijuana production operations, regardless of zoning, to install air filtration systems designed and approved by an Oregon registered mechanical engineer in order to minimize odors perceptible outside of the building in the more densely populated areas of our county. The Rural Community (RC) Zone was designated with the intention of sustaining existing rural and predominantly residential communities in close proximity to and complemented by residences, small farm/forest uses as well as low-impact commercial and/or industrial uses. Since indoor marijuana production operations in the RC zone will remain conditionally permitted in these more populated rural areas, requiring air filtration systems and light-obscuring construction features for these new facilities will also help to sustain these areas' rural residential character in ways that balance the needs of the residents with those of their small-scale and low- impact commercial and industrial users. Likewise, the Heavy Industrial, Light Industrial, and Industrial Park Zones tend to be located in close proximity to more densely populated suburban/urban areas whose residents' residential enjoyment need not be superseded by nearby commercial marijuana production's offensive odors.

Finding 9: For the above mentioned reasons, Staff finds that the amendment to Section 1803.2(B and C) to prohibit marijuana operations in the RR-5 zone will further strengthen the related amendments to Sections 1803.2(A. 2 and A.3) (Finding 7 & 8) aimed at protecting residents and their properties in close proximity to commercial marijuana production operations from offensive odors and artificial nocturnal lighting emanating from them.

Comments or Letters Received concerning Airport Industrial Zone

Discussion - Request to allow marijuana operations in the Airport Industrial(AI) Zone: On

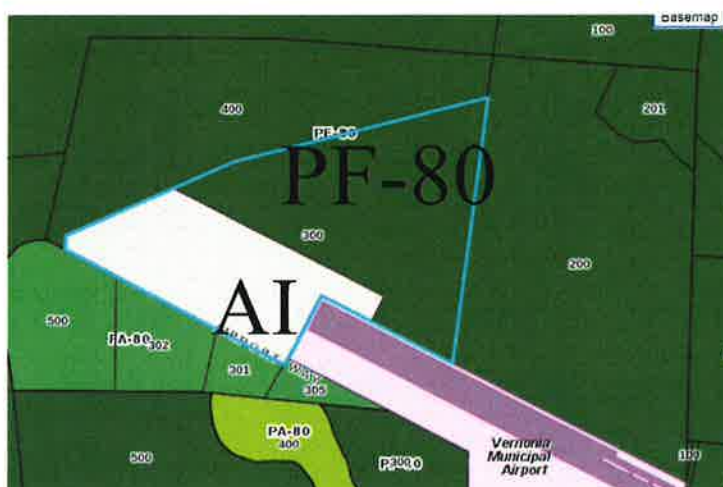
EXHIBIT B

October 17, 2017 Mark A. Gordon, P.C. and representing Tim Bero, delivered the attached request to the Columbia County Board of Commissioners and Planning Commission to remove the current prohibition of marijuana growing and producing operations in the Airport Industrial (AI) Zone. This request states that Mr. Bero seeks to grow, harvest and process cannabis from his approximate 72-acre property, 27 acres of which is zoned for AI uses. This request essentially asks the county to consider the land uses associated with cannabis operations as another kind of agricultural operation and allow them to occur in the AI Zone.

Although this request states that Mr. Bero's property is zoned Primary Agriculture (PA-80), the county's official records verify it has actually been zoned for Primary Forest (PF-80) since 1985 as shown below on Page 11.

The Board of Commissioner's approved of Mr. Bero's 2008 requests for Comprehensive and Zoning Map Amendments (PA 8-02 and ZC 08-02), and the southern 27-acres of the PF-80 subject property was rezoned for AI uses and development.

Zoning of Tim Bero's 72-acres property associated with Tax Map ID # 4501-000-00300



Section 941 of the County's Zoning Ordinance states the purpose of the AI Zone. *"It is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. It is further intended to provide appropriate locations for airport related light industrial uses that are compatible with and dependent upon air transportation."*

The provisions in Sections 942 and 943 moreover, identify industrial and commercial uses that are permitted outright or under prescribed conditions in the AI Zone all of which are either related to operational facilities necessary for commercial or noncommercial aviation, are dependent on aircraft transportation, or are intended to serve air service patrons. Although Section 952.10 outright permits farm uses in the AI Zone, the related provisions in Section 946.2 - 4 specify limitations on uses in the AI Zone where air emissions (smoke, fumes, flying ash dust, vapor gases) and exterior lighting, and the storage of animal, vegetable, or other waste which attract insects, rodents or birds are prohibited since these activities may interfere with present or planned aircraft operations.

EXHIBIT B

Cannabis is classified as a Schedule I drug under the federal Controlled Substances Act (CSA), and its manufacture, distribution, and possession remain prohibited under federal law. The County's review of marijuana operations permits moreover, are approved for consistency with state and local laws; this approval provides no immunity from federal prosecution for violation of the CSA. *The provisions in ORS 475 B.005.2 (c) further that "...The People of the State of Oregon intend that the provisions of ORS 475B.010) to 475B.395, together with other provisions of state law will.... Prevent the diversion of marijuana from this state to other states."*

Finding 10: Staff finds that the majority (approximately 46 acres) of the 72 acre subject property is zoned for PF-80 uses. The existing provisions in Section 504.16 of the Zoning Ordinance authorize the county to administratively review new PF-80 zoned marijuana production operations subject to standards in Section 1803. Although the PF-80 portion of this site already contains a residence addressed at 15165 Airport Way, there are no provisions in Section 1803 or 504 that prohibit the establishment of an accessory marijuana production operation to its existing residential use in the PF-80 Zone.

Finding 11: Staff finds that the applicant has not submitted any evidence demonstrating that marijuana operations are similar to other authorized AI land uses in that they will directly support or be dependent upon aircraft or air transportation. Additional air and light pollution that could emanate from marijuana operations also would potentially interfere with aircraft operations which are discouraged from locating in the AI Zone pursuant to provisions in Section 946. Furthermore, locating these federally Controlled Substance related activities immediately adjacent to the existing Vernonia airport would also contradict one purpose of ORS 475 B: to prevent the diversion of marijuana from Oregon to other states.

Finding 12: For these reasons and without any additional evidence Staff finds that the request to amend Section 942.10 of the Zoning Ordinance to remove the exception for marijuana growing and producing as an outright permitted use in the AI Zone is not consistent with the existing aviation purposes of the zone, and is not consistent with regulatory requirements of the applicable federal, state and local laws governing marijuana operations in Columbia County.

Continuing with Proposed Amendments to Section 1803.2 of the Zoning Ordinance:

- ~~1803.2 D. Additional Standards in the RR-5 Zone:~~
- ~~1. Growing and producing uses shall be operated by a resident or employee of a resident of the property on which the uses are located.~~
 - ~~2. The growing and producing use shall employ on the site no more than five full-time or part-time persons.~~
 - ~~3. No more than one State issued growing or producing registration or licence is allowed for each parcel of record.~~

1803.2 D Prohibited in Residential Zoning Districts: Marijuana growing and producing uses are prohibited in residential zoning districts.

Finding 13: With the proposed prohibition of new marijuana operations in the RR-5 Zone as evaluated during the Discussion for Finding 9, these amended provisions will provide clarification that marijuana production is prohibited in all residential zones, including both RR-2 and RR-5 zones.

EXHIBIT B

Following with Proposed Amendments to Section 1803.4 of the Zoning Ordinance:

- 4 Marijuana Dispensary and Retailing Uses: The following standards shall apply to marijuana dispensary and retailing uses:
- A. Separation from Certain Sensitive Uses: Marijuana dispensary and retailing uses may not be located within 1,000 feet of a public elementary or secondary school, private or parochial elementary or secondary school, public park or child care center. For the purposes of this section, separation distance shall be measured as the minimum distance between the property line of the dispensary or retail use parcel and the property line of the sensitive use parcel.
 - B. Separation from Each Other: Marijuana dispensary and retailing uses may not be located within 1,000 feet of another marijuana dispensary or retailing use. For the purposes of this section, separation distance shall be measured as the minimum distance between the property line of the dispensary parcel and the property line of the sensitive use parcel.
 - C. Prohibited in Residential Zoning Districts: Marijuana dispensaries and retailing uses are prohibited in residential zoning districts.

Finding 14: These amendments to Sections 1803.4 (A & B) will specify to the public and future marijuana operators how the county will measure distances between properties proposed for new marijuana retailing operations and nearby properties containing these specific sensitive land uses where minors are educated or participating in outdoor recreational activities. This clarification specifies that the minimum separation is measured between the affected property's boundaries, not between the property's structures. Staff finds this clarification will provide the county, the public and marijuana producers with a more accurate way to measure and enforce the minimum separation between properties where marijuana products are sold from other such properties as well as from the properties in the general vicinity where persons under 21 years old regularly attend indoor or outdoor educational and/or recreational activities.

Following with Section 1607 of the Zoning Ordinance

1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 15: The Planning Commission's recommendation for the proposed Zoning Ordinance Amendments proposed for TA 17-02 will be heard by the Board of Commissioners at their public hearing scheduled for January 17, 2018. See pages 13 - 16 for discussion of consistency with the Comprehensive Plan. This criterion will be satisfied when the Board holds a hearing and can determine that the proposed amendments are consistent with the Comprehensive Plan.

THE FOLLOWING POLICIES OF THE COUNTY'S COMPREHENSIVE PLAN APPLY TO THE PROPOSED AMENDMENTS (THOSE NOT LISTED ARE NOT APPLICABLE)

The Columbia County Comprehensive Plan has twenty-one (21) Parts, each with a set of general Goals and related Policies that are, in turn, implemented by the Zoning Ordinance, which identifies how land can be used and developed in the County's unincorporated areas. The parts of the

EXHIBIT B

Comprehensive Plan applicable to the proposed text amendment are: Part I (Administrative Procedures), Part II (Citizen Involvement), Part III (Planning Coordination), Part IV (Forest Lands), Part VII (Rural Residential), Part X (Economy and Part XVIII (Air, Land and Water Quality)). Parts of the Comprehensive Plan not addressed in this report are not applicable to the request.

Beginning with Part I - Administrative Procedures for Revising and Amending the Comprehensive Plan:

Part I (Administrative Procedures): This section provides a framework by which the Comprehensive Plan and its implementing ordinances (such as the Zoning Ordinance) may be reviewed, revised and amended. Policy 5.A allows amendments to be initiated by the Board of Commissioners, the Planning Commission, the Planning Director, or the owners of an affected property. Policy 5.C requires amendments to follow a process for adoption: CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments. Policy 5.D addresses legislative amendments and requires notice of the public hearing and that a copy of the proposed amendments be mailed to all Citizen Planning Advisory Committees and interested parties ten days prior to the first public hearing.

As discussed in Finding 1 of this report, the Board of County Commissioners initiated the process for the Zoning Text Amendments to Section 1803 and directed Staff to prepare amendments addressing additional land use requirements for the proposed marijuana uses. Proposed amendments are legislative amendments and have been noticed in accordance with this Plan and applicable Oregon Revised Statutes (ORS 215.060 and ORS 197.610). Notification of proposed amendments were sent to the Department of Land Conservation and Development (DLCD), all County CPACs, affected property owners and other interested parties for their review. In accordance with ORS 197.610, which requires notice of proposed amendments to be mailed to DLCD 35 days prior to the first evidentiary hearing, a copy of the proposed amendments was mailed to DLCD on June 27, 2017. On June 30, 2017, notification of the amendments was mailed to all County CPAC members and other interested agencies. Measure 56 notices were mailed to all affected properties on June 30, 2017. Public notices of the meetings (twice at least 10 days prior to the initial public hearing) were published accordingly.

The first public hearing by the Planning Commission was scheduled for August 7, 2017 and held on August 21, 2017. The Planning Commission's recommendation to the Board of County Commissioners is included in this Staff Report for TA 17-02 and dated January 10, 2018. The Board will then hold a public hearing on January 17, 2018 to consider the Planning Commission's recommendation and public testimony prior to making a decision on the adoption of proposed amendments.

Finally, Policy 8 requires all land use approvals to be consistent with the Comprehensive Plan. The proposed amendments' consistency with the Comprehensive Plan are discussed as follows:

Continuing with Part II of the Comprehensive Plan - Citizen Involvement:

Part II (Citizen Involvement): requires opportunity for citizens to be involved in all phases of the planning process. Generally, Part II is satisfied when a local government follows the public involvement procedures set out in State statutes and in its acknowledged Comprehensive Plan and land use regulations, which has been completed for this application. This is explained further under Part I and Part III of the Comprehensive Plan discussions.

Continuing with Part III of the Comprehensive Plan: Planning Coordination:

Part III (Planning Coordination): This section requires coordination with affected governments and agencies. In accordance with Section 1603 of Columbia County's Zoning Ordinance, ORS 215.060 and ORS 197.610, the County provided notice of the hearing with the opportunity for comments to DLCD, all County CPAC members, affected property owners. Any and all comments, received as

EXHIBIT B

of the date of this report, are discussed under “ Comments Received” below.

Additionally, Zoning Ordinance Text Amendments are subject to the Legislative public hearing process and are heard by the Planning Commission (for a recommendation) and by the Board of County Commissioners (for a decision). These hearings are advertised and open to the public and provide additional opportunity for public comment. The Planning Commission hearing was scheduled for August 7, 2017 which will be followed by a hearing of the Board of County Commissioners on January 17, 2018. All of these requirements have and will be satisfied through the public notice process.

Continuing with Part IV of the Comprehensive Plan - Forest Lands:

Part IV (Forest Lands): The goal of the Forest Lands section of the Comprehensive Plan is to conserve forest lands for forest uses. The State has defined marijuana growing and producing in the definition of farm use(Section 34, HB 3400A). State law also provides that the County may, but is not required to, regulate marijuana as a farm use in the same manner it is regulated in the PA-80 zone as an outright permitted use(Section 34(3), HB 3400A). As discussed during Findings 7 & 8, the proposed text amendments for marijuana production operations in the forest zone will (1) prohibit artificial lighting from within a marijuana growing structure being visible from outside of the building at night and (2) require marijuana growing operations on forested properties be separated by a minimum of 1,000 feet from nearby properties containing sensitive elementary and secondary schools, day cares and/or public parks which are regularly frequented by persons under 21 years old. By updating the construction and siting requirements for marijuana production operations in the forest zone, Staff finds the proposed amendments are consistent with Part IV of the Comprehensive Plan.

Continuing with Part VII of the Comprehensive Plan - Rural Residential:

Part VII (Rural Residential): Rural residential land consists of lands that were “Built and Committed” to non-resource uses at the time of the Comprehensive Plan’s initial adoption of the Zoning Ordinance in 1984. The density of these areas varies with averages of one unit per five acres or less being common. Over 23,000 acres of land in Columbia County are designated Rural Residential and are characterized by two distinct development patterns: five acre densities and two acre densities. It is the goal of the Rural Residential section of the Comprehensive Plan to provide for the continuation and needed expansion of Rural Residential uses on those resource lands where a valid exception can be, or has been shown to be, justified. Marijuana growing and producing has been defined by the State as a farm use and farm use is currently permitted outright in the RR-2 and RR-5 zones. The Board’s adoption of Board Ordinance 2015-4 prohibited marijuana production operations in the RR-2 Zone due to their smaller parcels and more dense residential land use pattern, and allowed them in the RR-5 Zone.

As covered for Finding 9, the Zoning Text Amendments proposed for TA 17-02 are designed to assure that the growing and production of marijuana in all rural residential zoned areas does not unreasonably compromise or interfere with, and should not occur at the expense of the intended “continuation and expansion” of existing well established RR-5 neighborhoods and communities as stated as one goal of the Rural Residential lands. For these reasons, Staff finds the proposed amendments to prohibit new marijuana growing and producing operations in the RR-5 zone are consistent with Part VII of the Comprehensive Plan.

Continuing with Part X of the Comprehensive Plan - Economy:

Part X (Economy): This section generally regards economic strength and diversity in the County through the creation of a stable and diversified economy and the creation of new and continuous employment opportunities. Policy 9 further encourages the establishment and operations of service sectors to insure greater revenue spending locally. The Zoning Text Amendments proposed for TA 17-02 do not amend any existing provisions for marijuana retailing or processing operations. These

EXHIBIT B

amendments however, do allow for the continued marijuana production operations in the PF-80, FA-80, Urban Industrial and Rural Community zones with additional construction and siting requirements intended to reduce nuisances(i.e. light pollution and offensive odors) on adjacent properties. Appropriately sited commercial marijuana production opportunities should provide county residents and property owners participating in the marijuana industry with additional revenue to spend locally that will, in turn, increase the county's tax base. The proposed prohibition of marijuana production operations in the 22,000 acres (~ 5% of the county's land area) zoned for RR-5 uses moreover, will still allow marijuana to be produced in ~ 400,000 acres or 90% of total county land zoned for PA-80 PF-80, FA-80, PA-80, Urban Industrial and Rural Community. These 400,000 acres should still provide commercial marijuana operations with sufficient land to lawfully conduct these activities without interfering with well established rural residential communities and neighborhoods nearby. For these reasons, Staff finds the proposed text amendments are consistent with Part X of the Comprehensive Plan.

Continuing with Part XVIII of the Comprehensive Plan - Air, Land and Water Quality:

Part XVIII (Air, Land and Water Quality): Applicable provisions of this part of the Comprehensive Plan pertain to air emissions, noise, sewage disposal, solid waste removal and surface and ground water protection treatment. Goals of this section aim to “control and limit the adverse impacts of noise, light pollution and air emissions” and “maintain and improve land resources and the quality of the air and water of the County.”

In regard to noise, the Noise Goal of the Comprehensive Plan is to “control and limit the adverse impacts of noise.” Policy 4 further states that “provisions will be included in the Zoning Ordinance to prohibit encroachment of noise pollution sources into noise sensitive areas and to prohibit the encroachment of noise sensitive uses into recognized noise pollution areas.” Marijuana growing and producing typically involves the use of ventilation equipment and artificial lighting that must be used during significant portions of each day and/or night to ventilate and light plants that can emit sounds and light perceptible to nearby properties . In addition, during their final four weeks of maturity, marijuana plants emit a distinct odor and pollen which can be offensive to persons with sensitivities

As discussed in Findings 7 & 8 the proposed amendments include the installation of engineered air filtration systems and light blocking mechanisms for indoor marijuana production operations in the RC, M-3, M-2 and M-1 zoned properties. Indoor production and growing operations on PF-80 and FA-80 properties however will be required to utilize nocturnal light blocking mechanisms but will not be required to install air filtration systems since these are traditionally larger sized properties and are not located near the more densely populated areas of the county. The prohibition of marijuana production operations in the RR-5 Zone will also preserve the rural residential characteristics of RR-5 established neighborhoods by eliminating potentially offense odors, noises, and nocturnal lighting emanating from commercial marijuana operations nearby.

The proposed regulations as applied to traditionally more populated residentially developed areas directly support Policy 4 by limiting the encroachment of a noise, smell, and light pollution sources into those areas that are more sensitive to these off site impacts. For these reasons, Staff finds the proposed text amendments are consistent with Part XVIII of the Comprehensive Plan.

COMMENTS:

The following comments have been received as of January 10, 2018 and were submitted for the Planning Commission's public hearing.

Vernonia Fire District: Has reviewed the proposed text amendments and have no objection to their approval as submitted.

EXHIBIT B

Scappoose- Spitzenberg CPAC: Has reviewed the proposed text amendments and have no objection to their approval as submitted.

City of Scappoose: Has reviewed the proposed text amendments and have no objection to their approval as submitted.

City of Clatskanie: Has reviewed the proposed text amendments and have no objection to their approval as submitted.

Saint Helens School District: Has reviewed the proposed text amendments and have no objection to their approval as submitted.

Other Written Comments: As of the January 10, 2018, Land Development Services has not received any other written comments concerning the proposed Zoning Ordinance Text Amendments other than the October 16, 2017 hand delivered request from Mark Gordon as covered for Finding 9.

Phone Contacts: As of the date of this Report, Land Development Services has received approximately 20 phone calls in response to the the Measure 56 notice mailed to the affected unincorporated area property owners. All of these contacts have been in favor of these proposed amendments as they relate to their properties.

CONCLUSION AND RECOMMENDATION:

Based upon Discussion and related Findings in this Staff Report, the Planning Commission and Staff recommends **APPROVAL** of TA 17-02, the legislative amendments to the text of the Columbia County Zoning Ordinance that will prohibit marijuana operations in the RR-5 zone, specify additional standards for marijuana production and retailing operations and clarify distinctions between state licensing requirements and Columbia County land use regulatory requirements for authorized marijuana land uses operating in the unincorporated areas of Columbia County. The amendments are included as **Attachment 1** to this report.

ATTACHMENTS:

1. Proposed Marijuana Land Use Amendments to Section 1803 of the Zoning Ordinance
2. Application for TA 17-02
3. Oregon Land Use Board of Appeals - Sandra Diesel vs. Jackson County LUBA Nos. 2016-039-055 Affirmed 09/13/2016 -Oregon Court of Appeals - Sandra Diesel vs. Jackson County, Affirmed 12/09/2016
4. Mark A, Gordon's request to Planning Commission and Board of Commissioners to allow marijuana operations in the Airport Industrial (AI) Zone.
5. Section 940 of the Zoning Ordinance - Airport Industrial (AI) Zone
6. Written Comments received and Planning commission draft August 21, 2017 Minutes

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Appointing Teri Powers)
as Justice of the Peace, Pro Tempore, to the)
Columbia County Justice of the Peace District) RESOLUTION NO. 7- 2018

WHEREAS, the Justice of the Peace for the Columbia County Justice of the Peace District, the Honorable Diana M. Shera Taylor, occasionally must decline to hear a case because of a conflict of interest or for other reasons; and

WHEREAS, Teri Powers is a citizen of the United States, and a resident of Oregon for at least three years; is currently a resident of Columbia County, Oregon and has maintained residency within Columbia County, Oregon for at least one year, immediately prior to the date of appointment, and is in all respects fully qualified to temporarily fulfill the duties of the Justice of the Peace as authorized by ORS 51.240;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Teri Powers is appointed as Justice of the Peace, Pro Tempore, to the Columbia County Justice of the Peace District, effective March 14, 2018.
2. Teri Powers may serve as Justice of the Peace, Pro Tempore, only during any temporary absence or other incapacity of Justice Diana M. Shera Taylor, such as when Justice Diana M. Shera Taylor has a conflict of interest.
3. This appointment shall expire on March 13, 2019.

Dated in St. Helens, Oregon this ____ day of March, 2018.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: _____
Margaret Magruder, Chair

By: _____
Henry Heimuller, Commissioner

Approved as to form:

By: _____
Office of County Counsel

By: _____
Alex Tardif, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the Columbia County Field Worker Safety Policy)
County Field Worker Safety Policy) Order No. 8-2018

WHEREAS, it is in the best interest of the County to establish a policy to provide for safety measures to protect the safety of employees in the field;

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. The Columbia County Field Worker Safety Policy which is attached hereto as Attachment 1, is adopted.
2. Within thirty (30) days of the effective date, all departments shall submit written, department specific procedures for compliance with the Columbia County Field Worker Safety Policy to the Columbia County Safety Committee.

Dated this ____ day of _____, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Margaret Magruder, Chair

By: _____
Henry Heimuller, Commissioner

By: _____
Alex Tardif, Commissioner

Approved as to form

By: _____
Office of County Counsel

Attachment 1

Columbia County Field Worker Safety Policy

TABLE OF CONTENTS

Introduction

Purpose

Policy Statement

Application & Scope

Definitions

Mandatory Requirements

Responsibilities

Appendix One: Sample Local Workplace Missing Person Protocol

INTRODUCTION:

Columbia County undertakes a variety of operations that may involve employees either working in or traveling through remote locations where, in the event of an accident or incident, some form of communications equipment or protocol would aid in ensuring that assistance is available.

PURPOSE:

- To ensure that managers and employees consider communications safety issues, and have a method of ensuring that assistance is provided to employees.

POLICY STATEMENT:

- Columbia County will utilize communications equipment and/or protocol to ensure that employees are able to receive help in the event of an emergency.
- Prior to engaging in work or travel where there is a risk of loss of contact and a reasonably high hazard potential in the work activity, employees at a minimum must either:
 - (1) Have access to a means of communications to enable them to reach help if they are injured or otherwise require assistance, and,
 - (2) Use a check-in/check-out system as outlined in the County's Check In/Check Out Procedure.

APPLICATION AND SCOPE:

- This policy applies to all Columbia County employees, including interns and temporary staff, excepting the Columbia County Sheriff's Office which has its own policies and procedures. Local managers or programs may elect to establish their own communications protocol that reflects operational and business needs, provided they meet or exceed the minimum requirements of this safety standard.
- While contractors do not have to check-in/check-out with a Columbia County supervisor, where Columbia County has contracted with other parties to deliver services on its behalf, contractors must have a reasonable method of communicating with their employees and/or monitoring the safety of their employees.

DEFINITIONS:

- Communications Equipment – A two-way radio, a cellular phone, EPIRB (emergency personal location beacon) or satellite phone.
- Remote Location – A location where help or assistance may not reasonably be expected to be accessible or available.
 - For example, it would include work/travel off main roads in back-country settings, or other isolated areas where an employee cannot reasonably expect to be able to obtain any required assistance without communications equipment.

MANDATORY REQUIREMENTS:

- All employees must assess potential risks related to work activities, and understand their communications and monitoring needs as a part of the control of those risks before engaging in the work.
- Supervisors must approve of the precautions taken.

Note – An assessment of risk does not have to be in writing, but Supervisors should consider documenting communications requirements/instruction for recurring, common work activities or work locations.

- In assessing risks, employees and supervisors must consider the following factors:
 1. The potential for adverse or severe weather during work or travel-time,
 2. The remoteness of the location and expected availability of emergency assistance,
 3. The potential for confrontation or danger due to the nature of the work,
 4. The usefulness of a particular communications technology (e.g. cell phone should not be selected where coverage is known to be poor or non-existent; two-way radios must have a receiving station that is monitored), and
 5. The presence of others (i.e. whether the employee is working with a buddy present).
- Without limiting the general items above, an employee must either be provided with communications equipment, or use a check-in/check-out system, when the employee will be either:
 1. In a remote location, or,

2. In any location, working/traveling with a reasonable risk of isolation due to poor weather conditions (e.g. if the employee is traveling by car in winter and could be stranded if the car slides off the road into a ditch), or,
 3. In any location, working/traveling on water (or ice in winter)
- A check-in/check-out system must follow one of the following two methods, as directed by the Supervisor:
 1. Use of the (insert department specific phone number), or,
 2. A local workplace missing person protocol with the Supervisor or a designated contact person at the local Columbia County work location, or other pre-determined location. See the sample protocol at Appendix One which may be used as a guide by the department in creating a custom protocol.

Where a local workplace missing person protocol is to be used, the following mandatory components must be included:

1. Employees must follow their local workplace protocol and record their work plans and contact information before engaging in the work.
 2. Supervisors must issue employees with written instructions, which outline the local workplace missing person protocol and any other local direction from the Supervisor required for employee life safety.
 3. Employees must have access to their local workplace missing person protocol during work/travel time which the local workplace will be monitoring, or otherwise have access to program direction about who to call and what contact phone numbers are to be used, in an emergency.
 4. If radio is being used, there must be a local radio-operator available to receive the radio call. (CCOM PSAP 911?)
 5. At a minimum, a local workplace missing person protocol must include:
 - i. Name of Employee
 - ii. Vehicle Identification (Make, Model, Color, License Plate)
 - iii. Secondary Vehicle if Applicable (ATV, Snowmobile)
 - iv. Destination/Location of Work
 - v. Map and/or Route of Travel
 - vi. Day/Time of Departure
 - vii. Date/Time of Expected Return
 - viii. Contact Person(s)
 - ix. Response Instructions for Overdue/Missing Employees
 6. The contact person, who will report an employee as overdue, must be a Columbia County employee (the supervisor or other local team member).
- Supervisors may provide Emergency Position Indicating Radio Beacons (EPIRBs) to employees. Where provided, EPIRBs are only to be used in an emergency and are not intended to replace communications equipment (where using it is a viable option).
 - Departments are strongly encourage to provide and install GPS units in County vehicles to allow those vehicles to be located in case of emergency.
 - Employees must keep assigned communications equipment in good operating condition, by:
 - Taking reasonable care to ensure it is not damaged

- Ensuring it is carried or located so it is accessible in an emergency. Communications equipment should be carried on the person, not stored in the vehicle. Note if traveling on ice or water the equipment must be kept in a watertight, floating container.
- Checking-in once they have reached their area of work as a precaution where appropriate (e.g. if it is an area where communications have been difficult in the past or where there has been no previous check of communications reliability).
- Where employees are assigned to work at a remote location, there must be a protocol to initiate an emergency response in the event of an emergency. Note: This does not mean a new, separate individual emergency response plan is required for each work site.

RESPONSIBILITIES:

Manager:

- Reviews work activities to determine the application of the policy.
- Ensures that the work is organized in accordance with this policy, and that the mandatory requirements have been addressed and implemented in accordance with the local workplace missing person protocol.
- Provides the Safety Committee with a copy of their respective department policy.
- Ensures that communications equipment is provided as required to reasonably manage risk.
- Ensures that a person is designated to monitor a local workplace missing person protocol, as required.

Supervisor:

- Ensures that employees review the policy
- Ensures employees are provided training or instruction, including how to operate required communications equipment or follow their check-in/check-out protocol
- Ensures that records of training and instruction are maintained.
- Approves communications risk assessment and precautions to be taken by employees, for specific work activities
- Establishes communications protocols as required.
- Confirms that the employees comply with the requirements of the policy (as applicable), including any local protocols that are developed for employee safety monitoring (e.g. use of local sign-out boards, etc.)
- Works with employees to conduct the risk assessment for the work environment

Worker/Employee:

- Works in compliance with this policy, and the training or instruction provided by the Supervisor
- Assesses risks and communication needs related to their work, prior to engaging in specific work activities, in conjunction with the Supervisor
- Works in compliance with the requirements of this policy, or any local direction for check-in/check-out for their local workplace
- Keeps communications equipment in good operating condition
- Reports any deficiencies or hazards related to communications safety to their Supervisor

Safety Committee:

- Monitors the application of this policy as part of conducting regular committee duties.

APPENDIX ONE: Sample of Local Workplace Missing Person Protocol

This protocol is designed for all Columbia County staff when working in the field, where the home location workplace is responsible for monitoring safety communications.

The following are mandatory daily requirements for staff to complete, prior to any outside work activity. A copy of this protocol should be kept in your vehicle or in a place you can access while working out of the office.

Sign Out as designated by your supervisor:

The date, exact destination, routes and expected returned time must be entered. Assign a contact person and let them know of your trip to the field and when you plan to return. Carry an appropriate means of communications with you, in light of your planned work activity and location (i.e. radio, EPIRB, satellite phone or cell phone). If using a radio, ensure it is monitored.

Contact Person and Expected Return Time:

If the expected return time is after normal working hours, it is important that you have a contact person. This person may be either your supervisor or designee.

You must let your contact person know that you will be checking in with them when you return. Your contact person is your lifeline, and must know that you are due back at a certain time, and what their role as the contact person is if you do not arrive as scheduled. Note: Your contact person must know how to contact your Supervisor.

You must communicate with the contact person if you intend to be late.

Employee Contact Information

Must include the following:

- i.** Name of Employee
- ii.** Office and Home telephone #
- iii.** Cellular # and Satellite #
- iv.** Pager #
- v.** Destination/Location of Work
- vi.** Map and/or Route of Travel
- vii.** Vehicle Identification (Make, Model, Color, License Plate)
- viii.** Secondary Vehicle (ATV or Snowmobile)
- ix.** Day/Time of Departure
- x.** Date/Time of Expected Return
- xi.** Contact Person(s)

Note: Each office workplace missing person protocol must also contain emergency contact phone numbers for local management/supervisors and local emergency services.

Search Initiation:

If you do not check in with your designated contact person at the expected return time, the contact person will make a reasonable effort to attempt to contact you, including (1) calling you directly in the field, and (2) calling your home number. If no contact is made, the manager or supervisor will be contacted by the contact person, and the Supervisor will initiate a search.

Emergency Response:

If there is an emergency, accident or incident, a Manager/Supervisor, must be notified immediately.

Emergency Response:

When the contact person contacts the manager or supervisor, he/she will initiate the emergency response required based on information received from the contact person.

Roles and Responsibilities:

Manager/Supervisor

- Attempt to contact the employee.
- Continue to attempt to contact the employee.
- If an employee has been involved in an emergency situation, follow the steps listed under Emergencies (below).

Emergencies:

- Ensure emergency services have been contacted.
- Determine location of employee.
- Determine status of employee.
- Contact family members.
- Determine hospital location where employee has been transported.
- Advise all staff involved with the emergency of any direction received from notified authorities
- Contact Human Resources Director with details of the emergency.
- Notify Safety Committee as they may investigate in the case of a critical injury or fatality.
- Request Critical Incident Stress personnel as appropriate.

Contact Person/Radio Operator

- Record all information pertaining to the emergency.
- Notify Manager/Supervisor
- NOTE: the names of any injured individuals or fatalities are NOT to be identified over the air
- Ensure that a communications link is maintained with the field employee.
- Advise all stations that the frequency is not to be used for other than the emergency - will advise when the emergency is over
- Ensure that a log or the radio log book is accurately maintained and secured for investigation purposes.

This process must be used consistently. Columbia County cannot put undue stress on emergency responders by triggering an emergency response as a result of an employee not being diligent about indicating their whereabouts.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Petition by Joe Collum to
Name a New Private Road, located off of Nicolai
Road near Rainier, "Nims Way"

ORDER NO. 9-2018

WHEREAS, the Columbia County Board of Commissioners can name a private road if citizens so request, and if the Director of the County Land Development Services Department determines that under the circumstances, naming the private road would serve the interest of the public and be beneficial to the County; and

WHEREAS, on January 8, 2018, Joe Collum, submitted a petition to name a new private road off of Nicolai Road near Rainier; and

WHEREAS, the new private road serves three properties known as Tax Map ID Numbers 6222-00-0403, 6222-00-00404 and 6222-00-00300; and

WHEREAS, the Director of Land Development Services has determined that the petition meets the criteria set forth in Ordinance No. 81-6 (Rural Addressing Ordinance), Section 7.04, as amended, regarding the naming of private roads and recommends petitioner's first choice, "Nims Way." The Director's recommendation is attached hereto as Exhibit A and is incorporated herein by this reference.

NOW THEREFORE, IT IS HEREBY ORDERED that the new private road serving properties known as Tax Map ID Numbers 6222-00-0403, 6222-00-00404 and 6222-00-00300 shall be named "Nims Way."

Dated this ____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to Form

By: _____
Office of County Counsel

By: _____
Margaret Magruder, Chair

By: _____
Henry Heimuller, Commissioner

By: _____
Alex Tardif, Commissioner

BOARD COMMUNICATION

EXHIBIT A

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: 2/21 Board/Staff Meeting

TO: Board of County Commissioners
FROM: Todd Dugdale, Director Land Development Services 
SUBJECT: Petition to Name a Private Road Off of Nicolai Road in Rainier Area
APPLICANT: Joe Collum

PROPOSED

ROAD NAME: Nims Way

DATE: February 12, 2018

SUMMARY:

The applicant, Joe Collum, proposes to name a private road as per Section VII; 7.04 "Naming of Private Roads" of County Ordinance # 81-6 "Establishing a Uniform Road Naming System". The applicant's are the only party affected by this new private road as indicated on the Application to Name a Road

The new private road will be in the county and located off of Nicolai Road which is located in Section 22 Township 6 North Range 2 West.

The road is proposed to give access to two existing homes and one proposed home, as approved by RDA 18-01. Conditions of Final Approval (of MP 18-01) required the applicant to construct a private road and submit an application for the naming of said road. Although the subject road is only intended to serve three dwellings at this time, at any point in the future, if this roadway is proposed for access to more than six dwellings, the roadway shall be improved to public right-of-way standards.

FINDINGS:

The proposed application for a road name meets the criteria set forth in Section VII, Road Names, of Ordinance 81-6 as amended: specifically Subsection 7.04 regarding the naming of private roads.

The applicant submitted three proposed road names: **Nims Way, Nims, Drive, and Nims Road**. Columbia 911, the County Roadmaster, Columbia River Fire and Rescue and the Scappoose Post Office were notified of this application for their review. The County Roadmaster submitted comments stating that the applicant's 3rd choice of "Nims Road" would not be acceptable, as the County reserves the title of "Road" for County Maintained roads. No other objections were received regarding this application.

STAFF RECOMMENDATION & SUGGESTED MOTION:

Based on the above findings, Staff recommends that the subject private road be named "**Nims Way**" as requested in the "Petition to Name a Road" submitted by the petitioner and satisfying the condition of approval of MP 18-01 .

ATTACHMENTS:

1. Draft Board Order for Private Road Naming
2. Application to Name a Road
3. Access Plan and Vicinity Maps
4. Agency Review Comments.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Petition by Joe Collum to
Name a New Private Road, located off of Nicolai
Road, near Orr Road, "Nims Way"

ORDER NO. _____

WHEREAS, the Columbia County Board of Commissioners can name a private road if citizens so request, and if the Director of the County Land Development Services Department determines that under the circumstances, naming the private road would serve the interest of the public and be beneficial to the County; and

WHEREAS, on January 8, 2018, Joe Collum, submitted a petition to name a new private road off of Nicolai Road near Orr Road; and

WHEREAS, the new private road serves three properties known as Tax Map ID Numbers 6222-00-0403, 6222-00-00404, and 6222-00-00300; and

WHEREAS, the Director of Land Development Services has determined that the petition meets the criteria set forth in Ordinance No. 81-6 (Rural Addressing Ordinance), Section 7.04, as amended, regarding the naming of private roads and recommends petitioner's 1st choice, "Nims Way." The Director's recommendation is attached hereto as Exhibit A and is incorporated herein by this reference.

NOW THEREFORE, IT IS HEREBY ORDERED that the new private road serving properties known as Tax Map ID Numbers 6222-00-00403, 6222-00-00404, and 6222-00-00300 shall be named "Nims Way."

Dated this ____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to Form

By: _____
Margaret Magruder, Chair

By: _____
Office of County Counsel

By: _____
Henry Heimuller, Commissioner

By: _____
Alex Tardif, Commissioner

ORDER NO. _____

192-18-00009-PLNG
Road Naming
ROAD 17

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

Columbia County Courthouse ♦ St. Helens, Oregon 97051 ♦ (503) 397-1501 ♦ Fax: (503) 366-3902

APPLICATION TO NAME / RENAME A ROAD

Fee: \$176.00 206

Applicant Name Joe Collum	Date of Application 1-8-18
Mailing Address 68446 Nicolai RD	Applicant Signature <i>Joe Collum</i>
City, Zip Rainier 97048	Phone Number 360-624-1668

Township, Range, Section(s): 6222-00-00403

General Location: _____

Current Road Name: (If any) NONE

Proposed Names: 1st Choice: Nims Way
(Please list three) 2nd Choice: Nims Drive
3rd Choice: Nims Road

Reason for Name Change: Adding House to Driveway
RDA 18-01

Affected Properties: (Attached additional page if necessary)

Owner Name (Print) <i>James Ryheep</i>	Address 68500 Nicolai RD
Signature <i>J Ryheep</i>	Tax Account # 21434
Owner Name (Print) <i>Roderick M Nims</i>	Address 68446 NICOLA I RD
Signature RODERICK M. NIMS	Tax Account # 21434 435053
Owner Name (Print) Joe Collum	Address 68446 Nicolai RD
Signature <i>Joe Collum</i>	Tax Account #
Owner Name (Print)	Address
Signature	Tax Account #

Applicant: Please return completed application to Land Development Services.

For Office Use Only			
Date Rec'd 1/8/2018	Receipt # 383799	Check # N/A	Staff Member <i>[Signature]</i>

THIS SIDE FOR OFFICIAL USE ONLY

REFERRAL AND ACKNOWLEDGMENT

- To:
- City of h/a (if inside UGB)
 - Columbia 911
 - County Roadmaster
 - Fire District (Name: CRFR)
 - Post Office (City: _____)
 - Cartography
 - Electric Utility _____

Planner: Hayden Richardson

Date Mailed: 1-9-18

Reply by: 1-19-18

This Application to Name/Rename a Road is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Board of Commissioners in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the decision making process. Please comment below.

1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted. We recommend Choice # _____.
2. _____ Please see our comments below.
3. _____ We are considering the proposal further, and will have comments to you by _____.
4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: _____

Title: _____ Date: _____

Agency: Please return completed Referral and Acknowledgment to Land Development Services.

1" = 400'

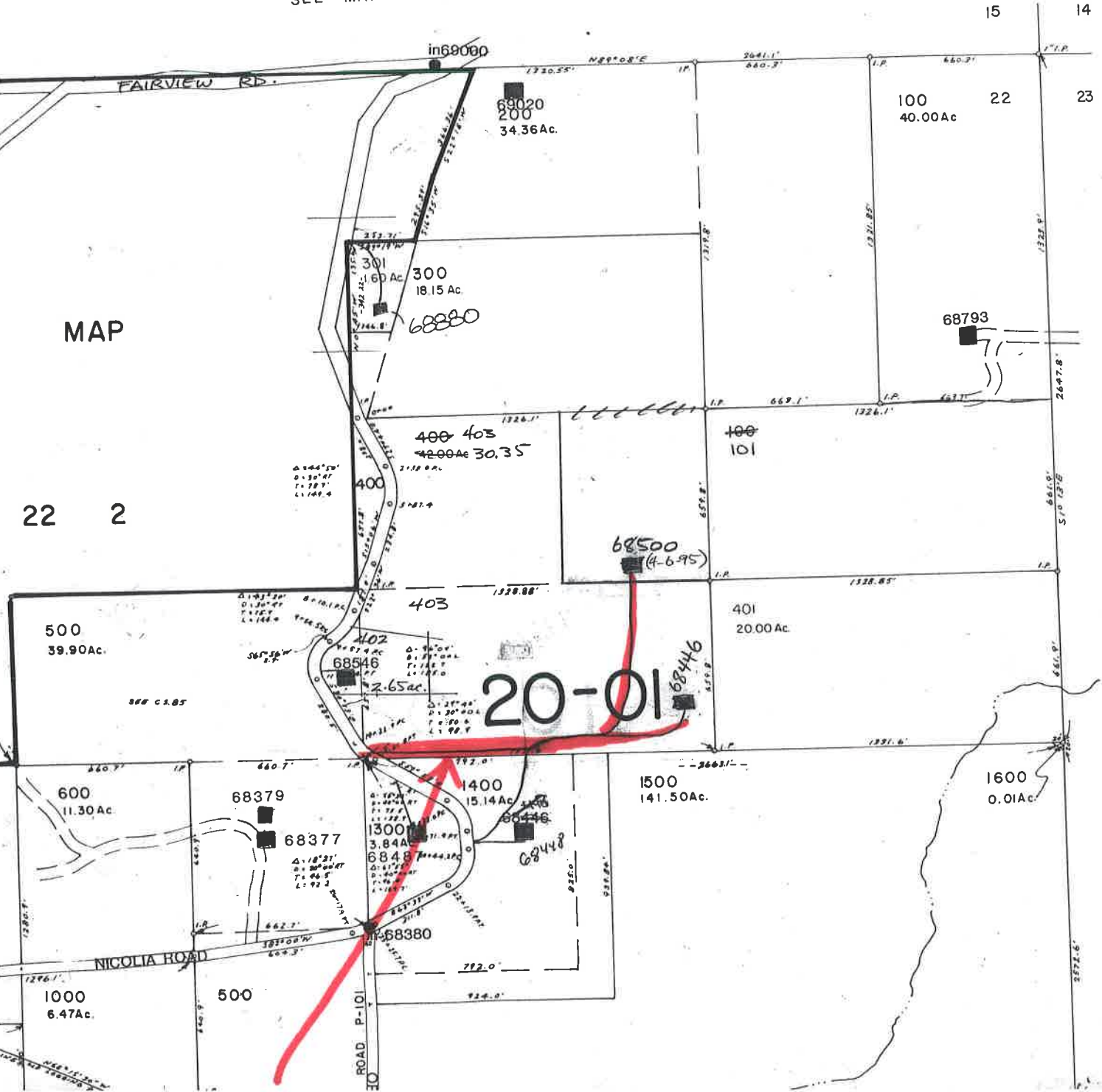
SEE MAP 6 2 15

15 14

MAP

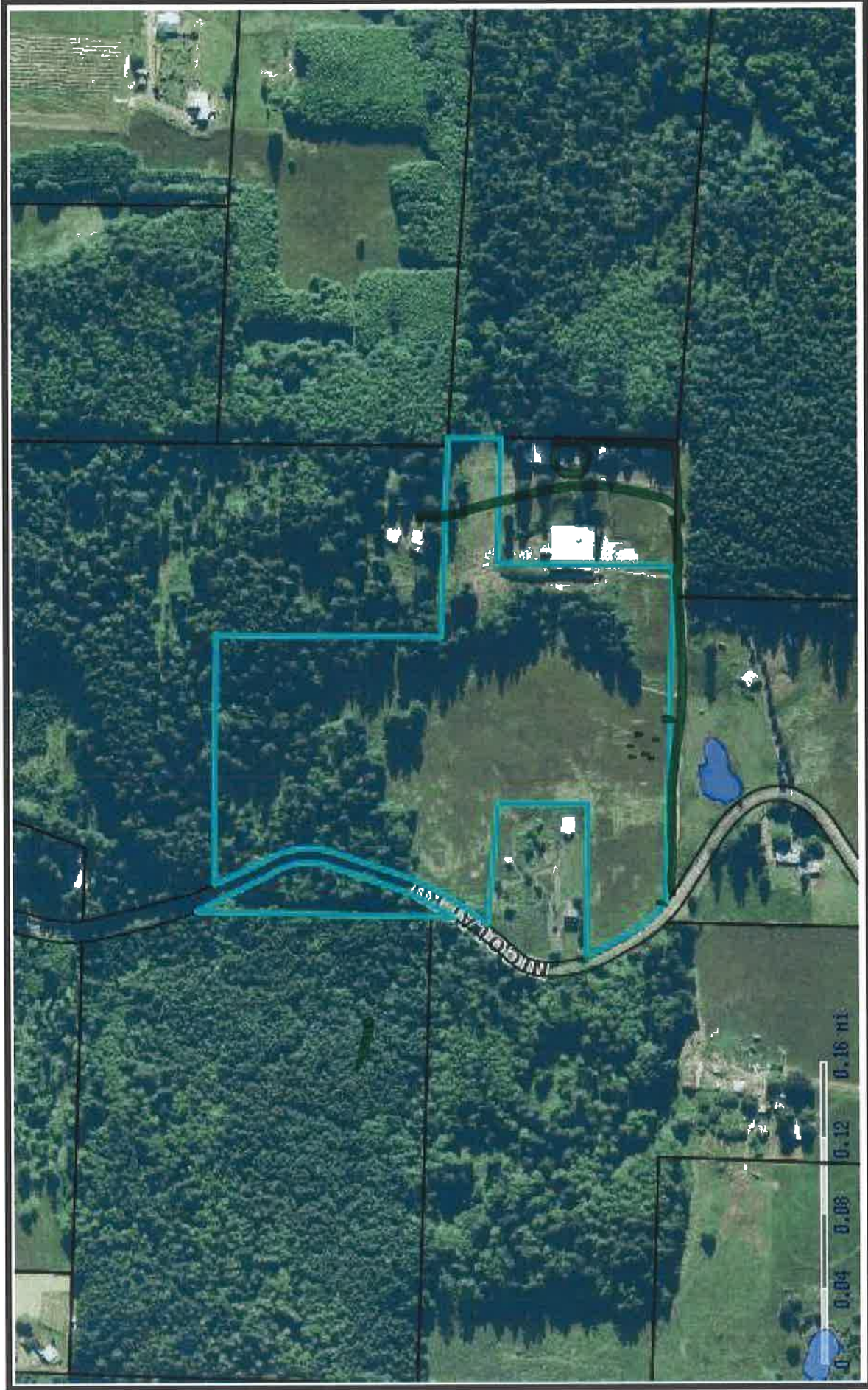
22 2

CANCEL
501
1200



ROAD 17

Aerial Map _ Nims Way



Geotitles

Columbia County



Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

THIS SIDE FOR OFFICIAL USE ONLY

REFERRAL AND ACKNOWLEDGMENT

To: City of h/a (if inside UGB)
 Columbia 911
 County Roadmaster
 Fire District (Name: CRF+R)
 Post Office (City: _____)
 Cartography
 Electric Utility _____



Planner: Hayden Richardson

Date Mailed: 1-9-18 Reply by: 1-19-18

This Application to Name/Rename a Road is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Board of Commissioners in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the decision making process. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted. We recommend Choice # 1.
2. _____ Please see our comments below.
3. _____ We are considering the proposal further, and will have comments to you by _____.
4. _____ Our board must meet to consider this; we will return their comments to you by _____.
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: [Signature]
 Title: Fire Marshal Date: 1/27/18

Agency: Please return completed Referral and Acknowledgment to Land Development Services.



Richardson, Hayden <hayden.richardson@co.columbia.or.us>

Road Name

1 message

Welter, Lonny <lonny.welter@co.columbia.or.us>

Fri, Jan 12, 2018 at 3:01 PM

To: Hayden Richardson <hayden.richardson@co.columbia.or.us>

Road Name for 192-18-DDDD09-PLNG, for Joe Collum, choice 1 (Nims Way) or choice 2 (Nims Drive) are acceptable. Choice 3 (Nims Road) is not acceptable as we like to apply "Road" only to County maintained roads.

Sincerely,

Lonny Welter
Transportation Planner
Columbia County Road Department

TRANSFER OF SURPLUS PROPERTY AGREEMENT

This Transfer of Surplus Property Agreement ("Agreement") is made by and between the City of Tualatin, Oregon, a municipal corporation ("City"), and Columbia County ("Recipient"). City and Recipient are collectively referred to herein as the "Parties".

Section 1. City Surplus Property. The City has surplus property consisting of **7 Gamber-Johnson CF-30 Vehicle Docks** (Property), which it intends to transfer to Recipient, another public agency, under the City's authority as provided in TMC 1-21-110(10).

Section 2. Recipient Agreement. In exchange for receiving the Property, Recipient agrees to the terms and conditions in this Agreement.

Section 3. Transfer of Title and Ownership. City assigns, conveys, and transfers all rights, title and interest in the Property to Recipient without reservation.

Section 4. Delivery. City will deliver Property to Recipient at Tualatin Operations Department, 10699 SW Herman Rd, Tualatin, OR 97062

Section 5. No Representations or Warranties. City makes no warranties or representations about the Property and expressly disclaims any and all warranties, including but not limited to all warranties provided by ORS Chapter 72 (UCC), warranty of merchantability, and fitness for a particular purpose. Recipient agrees the Property is transferred "as is" and Recipient assumes all responsibility and obligation for the condition of the Property as of the date of delivery.

Section 6. Indemnity. Recipient will indemnify, defend, save and hold harmless City and its officers, employees, and agents, from and against any and all claims or actions of any nature whatsoever resulting from or arising out of the use of the Property by Recipient, its officers, employees, or agents.


Section 7. Governing Law. This Agreement is governed and will be interpreted according to the laws of the State of Oregon, without regard to conflict of laws principles.

Section 8. Execution of Agreement; Electronic Signature. This Agreement may be executed in one or more counterparts, all of which when taken together constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original. A signature of a party provided by email, "pdf," or other electronic data file constitutes an original signature of that party.

IN WITNESS WHEREOF the Parties have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below:

CITY OF TUALATIN

RECIPIENT

By  2/27/18
Bates Russell Date
Director of Information Services

By _____
NAME _____
TITLE _____

PURCHASE AND SALE AGREEMENT

Dated: March 6th, 2018

BETWEEN **COLUMBIA COUNTY**, a political subdivision
of the State of Oregon (“Seller” or “County”)

AND Rickey Ross Richmond and Jeanette Lynne Richmond
 (“Buyer”)

Collectively, the “Parties.”

RECITALS

WHEREAS, on January 29, 2015, *nunc pro tunc* October 2, 2014 the Circuit Court of the State of Oregon for the County of Columbia entered of record the General Judgment in *Columbia County v. Bahl, James L. & Freida M., et. al.*, Case No. 14-CV12025; and

WHEREAS, on October 12, 2016, pursuant to that General Judgment, Seller acquired foreclosed real property, including that certain parcel of land situated in Clatskanie, Oregon, having Tax Map ID Nos. 7N5W05-00-00700 and 7N5W04-00-00800 and Tax Account Nos. 27355 and 27356 (the “Property”), by deed recorded as document number 2016-008867 in the Columbia County deed records; and

WHEREAS, the Property is depicted on Exhibit A hereto, and is more specifically described in the draft quitclaim deed attached as Exhibit B hereto (the “Quitclaim Deed”), which is incorporated by reference herein; and

WHEREAS, the County offered the Property for sale at auction on August 16, 2017, with a minimum bid of \$389,520.00, and no offers were received; and

WHEREAS, pursuant to ORS 275.200(2), the County may sell and convey the Property without further public notice for not less than 15% of the minimum bid at auction; and

WHEREAS, and the County has contracted with Robert J. Braud to act as a principal broker on behalf of the County as to the Property, with Mr. Braud referred to as the County Realtor herein;

WHEREAS, Buyer has offered to purchase the Property for \$100,145.00, an amount exceeding the 15% minimum bid; and

WHEREAS, County policy provides that Buyers of tax foreclosed properties shall pay a \$145.00 administrative fee (the “Administrative Fee”) in addition to the agreed upon purchase price; and

WHEREAS, Seller intends to sell the Property to Buyer on the terms and conditions set forth herein.

AGREEMENT

In consideration of the terms and conditions hereinafter stated, Buyer agrees to buy, and Seller agrees to sell, the Property on the following terms:

1. Purchase Price. The total purchase price shall be \$100,145.00 (the "Purchase Price"), which includes the \$145.00 Administrative Fee required by the County.
2. Agreement and Purchase Deposit Delivery. On or before March 21, 2018, Buyer will deliver a signed Agreement to the County at the address provided herein, along with \$10,000.00, in the form of cash, cashier's check or money order made payable to Columbia County (the Deposit), of which \$500.00 is non-refundable. At that point in time the Buyer will have fourteen (14) calendar days (the "Due Diligence Period") to perform reasonable due diligence investigations in accordance with Section 5 herein.
3. Condition of Property and Title.
 - A. Buyer shall acquire the Property "AS IS" with all faults, without covenants or warranties.
 - B. Seller shall convey the Property without warranty through a Quitclaim Deed substantially in the same form as Exhibit B;
 - C. The sale of the Property is subject to any municipal liens, easements and encumbrances of record.
 - D. The Quitclaim Deed will reserve to Seller:
 - i. The mineral and associated rights specifically provided for in Exhibit B; and
 - ii. If applicable, all rights to any County, public, forest C.C.C. roads; and
 - E. Buyer shall rely on the results of inspections and investigations completed by Buyer, and not upon any representation made by the Seller.
4. Seller's Conditions to Closing. Seller's obligation to sell the Property is conditioned upon the following occurring not later than the Closing Date defined herein, unless otherwise specified or waived by Seller:
 - A. The County Board of Commissioners will adopt an Order authorizing the sale of the Property to Buyer in accordance with terms and conditions substantially the same as those provided for in this Agreement. The County will not adopt the Order prior to the end of the Due Diligence Period.
 - B. Buyer will pay the Purchase Price and the Administrative Fee, less the Deposit, in one payment by cash, money order or cashier's check on or before the Closing Date.
 - C. BUYER AGREES TO RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS SELLER, ITS OFFICERS, AGENTS (INCLUDING THE SELLER'S CONTRACTED REAL ESTATE AGENT) AND EMPLOYEES, SUCCESSORS AND ASSIGNS FROM ALL CLAIMS, SUITS, ACTIONS, LIABILITY,

DAMAGE, LOSS, COST OR EXPENSE, INCLUDING ATTORNEY FEES, ARISING OUT OF OR RELATING TO THIS AGREEMENT, THE PROPERTY OR USE OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO: (1) ANY DAMAGE TO OR DESTRUCTION OF ANY PROPERTY THAT SELLER MAY OWN OR IN WHICH IT MAY HAVE AN INTEREST; (2) ANY DAMAGE TO OR DESTRUCTION OF ANY PROPERTY BELONGING TO ANY OTHER PERSON, FIRM OR CORPORATION; (3) INJURY TO OR DEATH OF ANY PERSON OR PERSONS AS A RESULT OF ANY ERRORS OR OMISSIONS OR OTHER NEGLIGENT, RECKLESS OR INTENTIONALLY WRONGFUL ACTS OF BUYER, THEIR HEIRS, SUCCESSORS, ASSIGNS AND/OR INVITED GUESTS ARISING IN ANY MANNER OUT OF BUYER'S USE OR POSSESSION OF THE PROPERTY, AND (4) ENVIRONMENTAL LIABILITY ARISING FROM THE PROPERTY. THIS CONDITION SHALL SURVIVE CLOSING AND SHALL NOT MERGE WITH THE QUITCLAIM DEED.

THESE CONDITIONS ARE SOLELY FOR SELLER'S BENEFIT AND MAY BE WAIVED ONLY BY SELLER IN ITS SOLE DISCRETION.

5. Buyer's Conditions to Closing. Buyer's obligation to accept the Property is conditioned upon the following, unless otherwise specified or waived by Buyer in its sole discretion:
- A. Buyer may conduct a public records search and/or other due diligence inspections of the Property during the Due Diligence Period provided for in Section 2 herein, with said inspections to be paid for by Buyer.
 - B. It shall be a condition to Closing that the results of such due diligence efforts are acceptable to Buyer in its sole discretion. Buyer may engage consultants or engineers of Buyer's choosing to conduct site studies of the Properties as Buyer deems necessary.
 - C. Buyer and its agents shall have the right to enter the Properties at reasonable times during the Due Diligence Period to complete reasonable due diligence inspections of the Property, with said inspections to be non-invasive unless agreed otherwise in writing by the Parties.
 - D. Buyer shall provide evidence of acceptable liability insurance coverage prior to entering upon the Properties upon request of the County.
 - E. Buyer shall indemnify and hold Seller, its officers, employees and agents (including Seller's contracted real estate agent) from any loss, damage, lien, or claims arising out of due diligence efforts completed on the Property. The foregoing indemnity and hold harmless obligation shall survive Closing or termination of this Agreement, and shall not merge with the Quitclaim Deed. However, Buyer shall have no obligation to indemnify County related to any existing condition discovered during an inspection.
 - F. Buyer shall provide County with copies of all reports produced pursuant to this Section.
 - G. In the event that Buyer elects not to purchase the Property as a result of Buyer's completed due diligence efforts, said election shall be communicated in writing to Seller or the County Realtor before the end of the Due Diligence Period.
 - H. Buyer's activities under this Section 5, and those of Buyer's contractors and agents, will be coordinated with the Seller's representative provided for in Section 11.C.

6. Failure of Conditions at Closing.
 - A. In the event that any of the conditions set forth in Section 4 and 5 above are not timely satisfied or waived by the Closing Date, for a reason other than the default of the Buyer or the Seller under this Agreement, this Agreement and the rights and obligations of the Buyer and the Seller shall terminate. In the event of said termination Buyer's agreements provided for in Section 4.C. and 5.E. above shall survive termination.
 - B. In the event that Buyer notifies Seller in writing prior to the expiration of the Due Diligence Period that the condition of the Property is unacceptable to the Buyer, Seller shall refund the Deposit (excluding the \$500.00 non-refundable deposit) to Buyer in full within a reasonable period of time.
 - C. If the Buyer does not notify Seller in writing prior to the expiration of the Due Diligence Period that the condition of the Property is unacceptable to the Buyer, and Buyer, through no fault of Seller, fails to purchase the Property by the Closing Date provided for in Section 8 herein, the entire Deposit shall be forfeited to Seller.
7. Seller's Obligation to Close. Nothing in this Agreement is intended to require Seller to close the sale. Seller shall be entitled to decline to close at any time before the closing documents are signed. In the event that Seller elects to not sell the Property to Buyer through no fault of Buyer, the Deposit (excluding the \$500.00 non-refundable deposit) shall be returned to Buyer.
8. Closing of Sale. Buyer and Seller intend to close the sale on or before close of business on April 12, 2018 (the "Closing"), with the actual time and date of Closing to be set by Seller. Notwithstanding this intention, Seller, at its sole discretion, may elect to extend the Closing by a reasonable period of time necessary to complete administrative actions required by the County. The sale shall be "Closed" when the Purchase Price has been paid in full and the Quitclaim Deed is recorded by the County.
9. Closing Costs; Prorates. Reserved.
10. Possession. Buyer shall be entitled to exclusive possession of the Property at the time the sale is Closed in accordance with Section 8 above.
11. General Provisions.
 - A. Notices. Unless otherwise specified, any notice required or permitted in, or related to, this Agreement must be in writing and signed by the party to be bound. Any notice or payment will be deemed given when personally delivered or delivered by facsimile transmission with electronic confirmation of delivery, or will be deemed given on the day following delivery of the notice by reputable overnight courier or through mailing in the U.S. mail, postage prepaid, by the applicable party to the address of the other party shown in this Agreement, unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day. If the deadline under this Agreement for delivery of a notice or

payment is a Saturday, Sunday, or legal holiday, such last day will be deemed extended to the next following business day.

B. The notice addresses are as follows:

FOR SELLER:	FOR BUYER:
Board of County Commissioners	Rickey and Jeanette Richmond
c/o Board Office Administrator	11910 Eddings Road
230 Strand, Room 330	Clatskanie, OR 97016
St. Helens, OR 97051	Phone No:503-936-8048
Phone No: 503-397-3839	Email: rickrichmondconstruction@gmail.com

C. County Realtor.

- i. Unless otherwise directed by the Seller, Buyer will coordinate its due diligence work with the County Realtor, who can be contacted at 503-397-3023 (phone), or bob@brokerbob.biz (email). The County Realtor will be notified in advance of all due diligence work to be completed on the Property. If Buyer requires entry to the buildings on the Property, the County Realtor will arrange for said entry, subject to reasonable advance notice of the required entry.
- ii. The County Realtor will receive a five percent (5%) of net proceeds commission if the sale is Closed as provided for herein. n/a% of said commission is hereby assigned to n/a, the Buyer's Broker. The Seller will pay said commission fees directly to the County Realtor and Buyer's Principal Broker within a reasonable time period after the sale is Closed.

D. Assignment. This Agreement is not assignable by the Parties.

E. Attorneys' Fees. In the event a suit, action, arbitration, other proceeding of any nature whatsoever to enforce or interpret this Agreement, the Parties shall be responsible for their respective costs and expenses, including attorneys' fees. This paragraph shall survive Closing and shall not merge with the Quitclaim Deed.

F. Exhibits. The following Exhibits are attached to this Agreement and incorporated within this Agreement: Exhibit A, Map; and Exhibit B, Quitclaim Deed.

G. Buyer Representations and Warranties. Buyer representations and warranties shall survive Closing and shall not merge with the deed.

- i. The Buyer has the legal power, right, and authority to enter into this Agreement and the instruments referred to herein and to consummate the transactions contemplated herein.
- ii. All requisite action (corporate, trust, partnership, or otherwise) have been taken by the Buyer in connection with entering into

this Agreement and the instruments referred to herein and the consummation of the transactions contemplated herein. No further consent of any partner, shareholder, creditor, investor, judicial or administrative body, governmental authority, or other party is required.

- iii. The person(s) executing this Agreement and the instruments referred to herein on behalf of the Buyer has the legal power, right, and actual authority to bind the Buyer in accordance with their terms.
- iv. Neither the execution and delivery of this Agreement and the documents referred to herein, nor the incurring of the obligations set forth herein, nor the consummation of the transactions contemplated, nor compliance with the terms of this Agreement and the documents referred to herein conflicts with or results in the material breach of any terms, conditions, or provisions of or constitute a default under any bond, note or other evidence of indebtedness, or any contract, indenture, mortgage, deed of trust, loan, partnership agreement, lease, or other agreements or instruments to which the Buyer re a party.

- H. Governing Law. This Agreement is made and executed under, and in all respects shall be governed and construed by the laws of the State of Oregon.
- I. Venue. Venue related to this Agreement shall be in the Circuit Court of the State of Oregon for Columbia County, in St. Helens, Oregon.
- J. No Third Party Rights. This Agreement is solely for the benefit of the Parties to this Agreement. Rights and obligations established under this Agreement are not intended to benefit any person or entity not a signatory hereto.
- K. Miscellaneous. Time is of the essence of this Agreement. The facsimile transmission of any signed document including this Agreement shall be the same as delivery of an original. At the request of either party, the party delivering a document by facsimile will confirm facsimile transmission by signing and delivering a duplicate original document. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which together shall constitute one and the same Agreement. This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successor and assigns. The Parties represent, covenant and warrant that the person signing this Agreement on their behalf has full right and authority to bind the party for whom such person signs to the terms and provisions of this Agreement. Furthermore, the Parties represent and warrant that they have taken all steps necessary to bind themselves to this Agreement.

L. INTEGRATION, MODIFICATIONS, OR AMENDMENTS. THIS AGREEMENT, INCLUDING ITS EXHIBITS, CONTAINS THE ENTIRE AGREEMENT OF THE PARTIES WITH RESPECT TO THE PROPERTY AND SUPERSEDES ALL PRIOR WRITTEN AND ORAL NEGOTIATIONS AND AGREEMENTS WITH RESPECT TO THE PROPERTY. THE PARTIES TO THE AGREEMENT MUST APPROVE ANY MODIFICATIONS, CHANGES, ADDITIONS, OR DELETIONS TO THE AGREEMENT IN WRITING.

M. STATUTORY DISCLAIMERS. "THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,

UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

"IF THE PROPERTY IS SUBJECT TO ORS 358.505 THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505."

APPROVALS

FOR BUYER:


Rickey Ross Richmond


Jeanette Lynne Richmond

Date: March 6th, 2018

FOR COUNTY:

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY, OREGON

By: _____
Margaret Magruder, Chair

By: _____
Henry Heimuller, Commissioner

By: _____
Alex Tardif, Commissioner

Date: _____

Approved as to form:

By: _____
Office of County Counsel

EXHIBIT A
Tax Account Nos. 27355 and 27356
Map

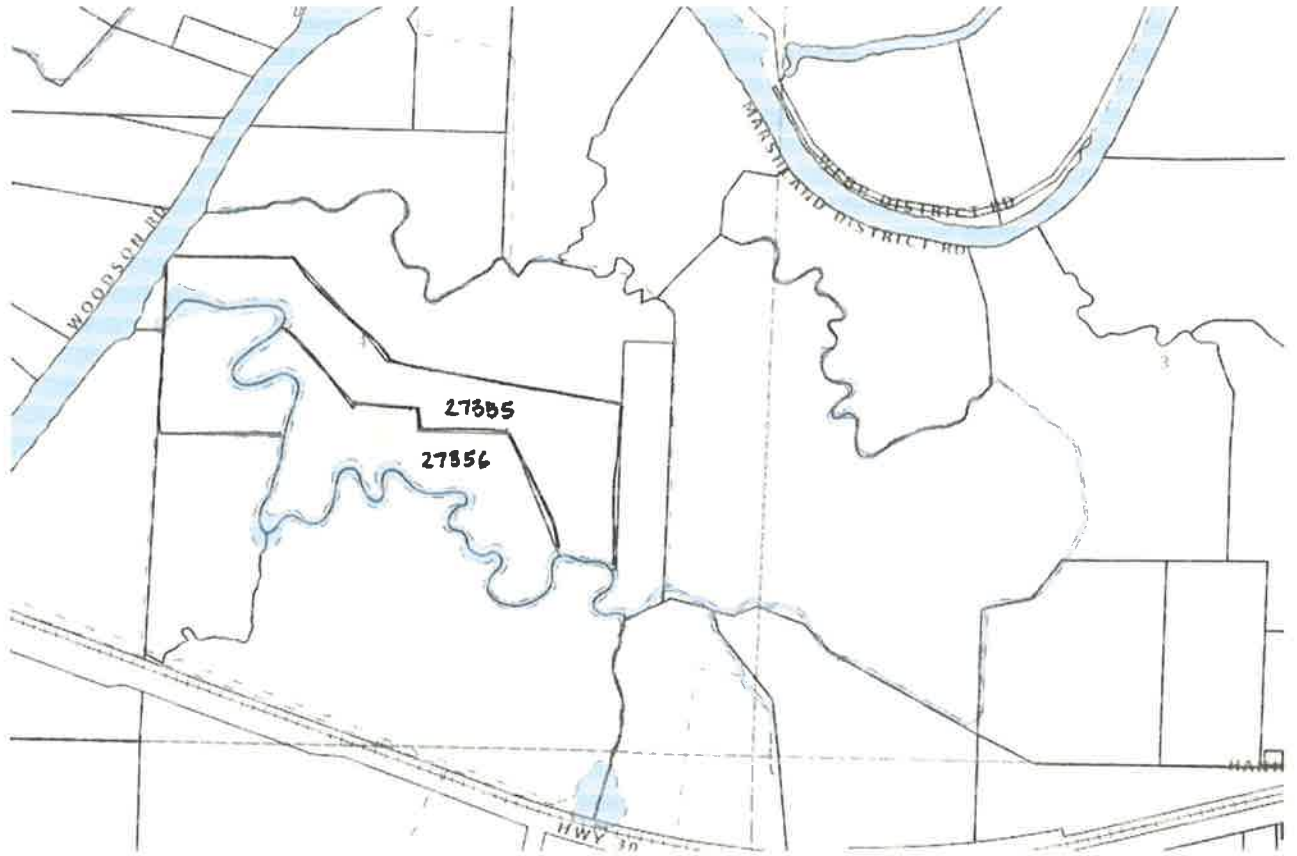


EXHIBIT B

AFTER RECORDING, RETURN TO GRANTEE:

Rickey Ross Richmond and Jeanette Lynne Richmond
11910 Eddings Road
Clatskanie, OR 97016

Until a change is requested, all tax statements shall be sent to Grantee at the above address.

QUITCLAIM DEED

The **COUNTY OF COLUMBIA**, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto Rickey Ross Richmond and Jeanette Lynne Richmond, husband and wife, hereinafter called Grantee, all right, title and interest in and to that certain parcel of real property identified in Columbia County records as Map ID Nos. 7N5W05-00-00700 and 7N5W04-00-00800 and Tax Account Nos. 27355 and 27356, and more particularly described on Exhibit A hereto.

The true and actual consideration for this conveyance is \$100,145.00.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or Civilian Conservation Corps roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, aggregate, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, surface mining, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.

This conveyance is made pursuant to Board of County Commissioners Order No. _____ adopted on the ____ day of _____, 2018, and filed in Commissioners Journal at Book ____, Page ____.

EXHIBIT A

**Legal Description for Map ID Nos 7N5W05-00-00700 and 7N5W04-00-00800 and
Tax Account Nos. 27355 and 27356**

Tax Acct. No. 27355

A tract of land in Section 04 Township 7 North, Range 5 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

All that part of the North half of the Southeast quarter; the Northeast quarter of the Southwest quarter of Section 4, and Government Lot 5 which lies East of Westport Slough, South of district Drainage Basin No. 2, West of a certain District Ditch about 625.0 feet Westerly from the East line of said Section 4, and North of District Holding Basin No. 1, also known as Anderson Slough,

EXCEPTING therefrom the parcel described in Columbia County Deed Book 89, Page 480 and;

EXCEPTING that part thereof owned by and conveyed to Henry Makela by deed of record and;

EXCEPTING that part thereof owned and conveyed to E.A. Raappana, together with the tenements, hereditaments and appurtenances thereunto belonging.

Tax Acct. No. 27356

A tract of land in Section 04 Township 7 North, Range 5 West, Willamette Meridian, Columbia County, Oregon, being more particularly described as follows:

PARCEL 1: Beginning at a point on the Northeasterly bank of Marshland Drainage District Holding Basin No. 1, that is North 88°35' West 495.5 feet from the center corner of Section 4, Township 7 North, Range 5 West, Willamette Meridian, Oregon; said point also being South 74°19' East 877.1 feet from the Northwest corner of the Marshland Drainage District Tide Gate; thence South 43°55' East 626.0 feet; thence South 85°45' East 427.0 feet; thence South 460.0 feet to a point on the Northerly bank of Marshland Drainage District Holding Basin No. 1; thence following the Northerly bank of said District Holding Basin No. 1, in a general Westerly, Southwesterly and thence Northerly direction to the place of beginning and containing 18.4 acres, more or less, all within said Marshland Drainage.

Also a right of way 30 feet in width along the Northerly bank of said Marshland Drainage District Holding Basin No. 1, together with the right to use the same as a roadway with grantors herein and others and not otherwise, said roadway extending from Northerly point of land herein conveyed to levy along Northwesterly side of said Marshland Drainage District.



ANIMAL CONTROL
901 Port Ave
St. Helens, Oregon 97051
Phone: (503) 366-4614 Fax: (503) 366-3990

COLUMBIA COUNTY KENNEL LICENSE APPLICATION

Kennel Licence applications must be fully completed. Submitted applications will be reviewed for completeness by Columbia County Animal Control prior to conducting inspections. Inspections will be conducted based on the information provided in the application. License eligibility determinations will be made after complete applications are submitted, fees are paid and inspections are conducted. Kennel Licenses issued do not constitute any land use approval required for operation of the kennel at the property indicated below.

Please Complete the Following:

KENNEL BUSINESS NAME (if any): Columbia County Animal Control

Owner Name: Columbia County Phone: _____

Cell: _____ Email: _____

Kennel Address: 2084 Oregon Street City: Saint Helens Zip: 97051

Mailing Address: 901 Port Ave City: Saint Helens Zip: 97051

Alternative/Emergency Kennel Contacts:

1. Name: Roger Kadell (ACO) Phone: 503-784-2304

2. Name: Jeff Dickerson (Sheriff) Phone: 503-366-4611

Which of the following kennel activities will occur at the kennel during the course of the year? Check all that apply.

- Operating a non profit animal rescue entity as defined under ORS 609.415 / ORD 2315-5**
- Holding animal for disposition by gift, treatment and care, euthanasia, sale or exchange.
- Care or custody of dogs for boarding, training or similar purposes, for varying periods of time for profit or compensation.
- Breeding, buying, selling or bartering of dogs for profit or compensation.
- Bathing, clipping, pedicures or grooming of dogs for profit or compensation.
- Buying or receiving dogs, and thereafter exhibiting or offering for sale, or selling, trading or bartering such animals.

Please provide the following information. Circle "Yes" or "No" and fill in blanks where appropriate.

Animal rescue: Current number of animals? None
Number of animals received last year? None under contract
Number of animals placed by the rescue last year?
Is the rescue registered as a 501C-3 Non profit? No, County Agency

Dog Kennels:

Current number of dogs over 6 mos. of age kept at your kennel? n/a
-Maximum number of dogs over 6 mos. of age to be kept at your kennel? n/a
Number of dogs sold, traded or exchanged last year? n/a
Number of litters last year? n/a

BY SIGNING AND SUBMITTING THIS APPLICATION, THE APPLICANT ACKNOWLEDGES AND AGREES TO COMPLY WITH THE TERMS OF THE COLUMBIA COUNTY KENNEL ORDINANCE, ORDINANCE NO. 2013-5. APPLICANT HEREBY AUTHORIZES INSPECTIONS IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 4 AND 7 OF THE COLUMBIA COUNTY KENNEL ORDINANCE.

ACCEPTANCE AND PROCESSING OF THIS KENNEL LICENSE APPLICATION DOES NOT CONSTITUTE THE ISSUANCE OF A KENNEL LICENSE BY COLUMBIA COUNTY. APPLICATIONS WILL BE PROCESSED BY COLUMBIA COUNTY STAFF AND, IF APPROVED, LICENSES WILL BE ISSUED AFTER KENNEL LICENCE FEES ARE PAID. SEPARATE LAND USE APPROVAL MAY BE REQUIRED. QUESTIONS MAY BE DIRECTED TO THE COLUMBIA COUNTY ANIMAL CONTROL DIVISION AT (503) 366-4614.

Applicant Signature: _____ **Date:** _____

SPACE BELOW THIS LINE RESERVED FOR COLUMBIA COUNTY

- APPROVED** Pre- start up inspection conducted.
- DENIED**

Notes: Building is a public county owned building operating under ORS 609. In 2017 the shelter operations were under contract to the Columbia Humane Society. This inspection and permit relates to the shelter being returned county operations on January 1st, 2018.

<p><u>LDS</u></p> <hr/> <ul style="list-style-type: none"><input type="checkbox"/> Outright Permitted Zone; or<input type="checkbox"/> Conditional Use Zone:<ul style="list-style-type: none"><input type="checkbox"/> Conditional Use Approval Obtained.<input type="checkbox"/> Lacking Conditional Use Approval.

Subject: Fwd: Inpsection
From: "McIntyre, Robin" <robin.mcintyre@co.columbia.or.us>
To: Department-Counsel <Department-Counsel@co.columbia.or.us>
Date: Thursday, March 8, 2018 1:26:49 PM GMT-08:00

Robin Rojas McIntyre | Assistant County Counsel | Columbia County | 503-397-3839 | robin.mcintyre@co.columbia.or.us

CONFIDENTIALITY NOTICE: This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this email in error, please notify me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

----- Forwarded message -----

From: **Kadell, Roger** <roger.kadell@co.columbia.or.us>
Date: Thu, Mar 8, 2018 at 12:08 PM
Subject: Fwd: Inpsection
To: "McIntyre, Robin" <robin.mcintyre@co.columbia.or.us>

Attached

----- Forwarded message -----

From: **Matthew Hanson** <Matt_Hanson@co.washington.or.us>
Date: Sat, Feb 24, 2018 at 8:11 AM
Subject: Inpsection
To: "roger.kadell@co.columbia.or.us" <roger.kadell@co.columbia.or.us>

Hello Roger,

Here is the inspection report for you. Sorry about the delay.

Thanks,

Matthew

Matthew Hanson | Animal Services Officer II

Washington County Animal Services & Bonnie L. Hays Small Animal Shelter

Washington County Department of Health and Human Services

1901 SE 24th Avenue, MS 53|Hillsboro, OR 97123

[503-846-7165](tel:503-846-7165) desk | [503-846-7074](tel:503-846-7074) fax

www.WashingtonCountyPets.com

www.facebook.com/bonniehaysanimalshelter

--
Roger Kadell
Columbia County
Dog Control Officer

Washington County Animal Services review on Columbia County Sheriff animal facility:

2084 Oregon Street

Saint Helens, Oregon 97051

Reports completed and reviewed by ASO Kelly Bowie and ASO Mathew Hanson

Date reviewed: 02/12/18 at approx. 8:55am

1. The animal shelter had safe housing for large and small animals. Thorough check of the kennels was conducted and was all in functioning order. No repairs needed at this time.
2. The building has full electrical service and a water supply. Artificial lighting was present as well as three windows providing natural light.
3. The isolation structure is located behind the main shelter referred to as the "Old Shelter". The animals will be assessed upon intake whether a veterinarian would be the best place for the animal or the shelter depending on the communicable disease the dog could be harboring. The placement of dogs in every other kennel limits the exchange of potential illnesses. When dogs are impounded they are placed in this manner.
4. The medical room is used as storage but is kept to a minimum. There are 3 large garbage containers with lids to keep open food stored so pests or vermin will be kept down. The minimal food source is also to ensure the food gets used within a reasonable time frame.
5. The County Shelter uses a service through Petland for cremation of deceased animal. The county also has plans to install a small freezer for easier pick up. When euthanasia is needed it is planned for specific pick up days.
(5a) Waste is removed daily or when needed.
6. The medical room is has sinks for washing animal's food containers. There is disinfectant used to ensure no cross contamination.
7. The building has an exhaust ventilation system that continuously flows air through the facility. There are also windows that allow extra air flow when needed. Informed that filters are changed regularly.
8. The facility has heated floors through a hot water system. The animals housed inside have adequate bedding and resource for food and water. When the animal is in the outside area it is covered on 3 sides and the animal is also provided with a dog house and bedding when needed inside of the dog house. The outside area is used limited and not used for long term housing for the dog. All kennels are adequate size for the state hold for an impounded animal.
9. Shelter dogs will be given sterilized bowls with fresh water and food. If any dogs have special needs they will be provided with the appropriate diet. The dogs are given commercial grade dog food. The food and water bowls in use are cleaned daily.
10. Water bowls will be refilled as needed or at least twice a day.
11. Animals are transferred to a clean kennel daily with fresh bedding, food and water provided. The prior kennel will be properly cleaned. The fecal waste is removed, then disinfected, rinsed

and set to dry for the next occupant. The facility is equipped with proper cleaning resources as well as proper practices of disinfecting kennels to limit the spread of contagious disease.

12. Kennels have been designed to be reconfigured for quarantine issues. There is still access to the facility behind the animal shelter that is referred to as the "old pound" that will be used on a needed basis. The quarantine kennels will be cleaned last to prevent spread of disease.

Animals that are impounded and appear to be sick are accessed by the ACO and if needed will be transported to veterinarian and care will be provided. Treatment will follow the veterinarian recommendation.

The facility has the ability to treat such minor issues that occur including and not limiting fleas, providing vaccines, sores etc. will be treated by the shelter staff or volunteers at the discretion.

Animals that are determined to be suffering by the Animal Control officer may be euthanized when to prevent the animal from undue suffering.

13. This county will not be importing animals from other shelters. Therefore no document was present or needed. The county records appear to meet the legal requirements.

14. The counties intention will be to not house dogs in excess of the days required by statues.

15. The county uses County Helion system to document all animals coming into their care and control.

16. D/N/A

17. Shelter dogs will be kept in the inside kennels, not being allowed to run free. Long term hold dogs may be taken to exercise in the yard for additional room to run. Decisions will be made by staff on an individual animal basis.

Officer Hanson and Officer Bowie do not see any issues with the operation the shelter. The plan Columbia County has implemented to use minimal staffing and jail crews for cleaning appears to be adequate. The facility was designed as a kennel and the plans by the county meet and exceed state requirements.

Washington County Animal Services review on Columbia County Sheriff animal facility:

2084 Oregon Street

Saint Helens, Oregon 97051

Reports completed and reviewed by ASO Kelly Bowie and ASO Mathew Hanson

Date reviewed: 02/12/18 at approx. 8:55am

1. The animal shelter had safe housing for large and small animals. Thorough check of the kennels was conducted and was all in functioning order. No repairs needed at this time.
2. The building has full electrical service and a water supply. Artificial lighting was present as well as three windows providing natural light.
3. The isolation structure is located behind the main shelter referred to as the "Old Shelter". The animals will be assessed upon intake whether a veterinarian would be the best place for the animal or the shelter depending on the communicable disease the dog could be harboring. The placement of dogs in every other kennel limits the exchange of potential illnesses. When dogs are impounded they are placed in this manner.
4. The medical room is used as storage but is kept to a minimum. There are 3 large garbage containers with lids to keep open food stored so pests or vermin will be kept down. The minimal food source is also to ensure the food gets used within a reasonable time frame.
5. The County Shelter uses a service through Petland for cremation of deceased animal. The county also has plans to install a small freezer for easier pick up. When euthanasia is needed it is planned for specific pick up days.
(5a) Waste is removed daily or when needed.
6. The medical room is has sinks for washing animal's food containers. There is disinfectant used to ensure no cross contamination.
7. The building has an exhaust ventilation system that continuously flows air through the facility. There are also windows that allow extra air flow when needed. Informed that filters are changed regularly.
8. The facility has heated floors through a hot water system. The animals housed inside have adequate bedding and resource for food and water. When the animal is in the outside area it is covered on 3 sides and the animal is also provided with a dog house and bedding when needed inside of the dog house. The outside area is used limited and not used for long term housing for the dog. All kennels are adequate size for the state hold for an impounded animal.
9. Shelter dogs will be given sterilized bowls with fresh water and food. If any dogs have special needs they will be provided with the appropriate diet. The dogs are given commercial grade dog food. The food and water bowls in use are cleaned daily.
10. Water bowls will be refilled as needed or at least twice a day.
11. Animals are transferred to a clean kennel daily with fresh bedding, food and water provided. The prior kennel will be properly cleaned. The fecal waste is removed, then disinfected, rinsed

and set to dry for the next occupant. The facility is equipped with proper cleaning resources as well as proper practices of disinfecting kennels to limit the spread of contagious disease.

12. Kennels have been designed to be reconfigured for quarantine issues. There is still access to the facility behind the animal shelter that is referred to as the "old pound" that will be used on a needed basis. The quarantine kennels will be cleaned last to prevent spread of disease. Animals that are impounded and appear to be sick are accessed by the ACO and if needed will be transported to veterinarian and care will be provided. Treatment will follow the veterinarian recommendation.
The facility has the ability to treat such minor issues that occur including and not limiting fleas, providing vaccines, sores etc. will be treated by the shelter staff or volunteers at the discretion. Animals that are determined to be suffering by the Animal Control officer may be euthanized when to prevent the animal from undue suffering.
13. This county will not be importing animals from other shelters. Therefore no document was present or needed. The county records appear to meet the legal requirements.
14. The counties intention will be to not house dogs in excess of the days required by statues.
15. The county uses County Helion system to document all animals coming into their care and control.
16. D/N/A
17. Shelter dogs will be kept in the inside kennels, not being allowed to run free. Long term hold dogs may be taken to exercise in the yard for additional room to run. Decisions will be made by staff on an individual animal basis.

Officer Hanson and Officer Bowie do not see any issues with the operation the shelter. The plan Columbia County has implemented to use minimal staffing and jail crews for cleaning appears to be adequate. The facility was designed as a kennel and the plans by the county meet and exceed state requirements.