

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

January 10, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with John Knight, County Counsel, Sarah Hanson, Assistant County Counsel, and Jan Greenhalgh, Board Secretary.

Commissioner Bernhard called the meeting to order and led the flag salute.

**MINUTES:**

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the December 27, 2006 Board meeting and January 2, 2007 Board meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

None.

**PUBLIC HEARING: SYSTEM DEVELOPMENT CHARGES:**

Commissioner Hyde moved and Commissioner Corsiglia seconded to continue this hearing to Wednesday, January 24, 2007, at or after 10:00 a.m. The motion carried unanimously.

**PUBLIC HEARING: FBI SHOOTING RANGE:**

This is the time set for the public hearing, "In the Matter of the Application by the Columbia County Sheriff for a Conditional Use Permit and Site Design Review and MBI aka Morse Bros., Inc. for Modification of Prior Approval of Surface Mining Operating Permit #05-0077 (Reichold Site) and Ordinance No. 2002-1".

Commissioner Bernhard received a couple of calls this morning requesting that this hearing be carried over. She explained that the hearing would be held and the Board would consider the request at the end of the hearing.

Sarah explained that this hearing is to consider five different applications: **PA 07-01** - Amendment to PAPA for Reichold Mining Site; **CU 07-08** Conditional Use for Public Firing Range in SM Zone; **DR 07-01** Site Design Review for Public Firing Range in SM Zone; and **AR 07-03** Request to Modify Mining Operating Hours in SM Zone; and Request to **Amend Operating Permit #05-0077** - Reichold Mining Site. The Board declared no conflicts of interest or exparte contact.

Sarah then read the pre-hearing statement into the record as required by ORS 197.763 and then entered County Counsel's hearing file into the record. A list of all contents is included in the record and a copy of the list is available for the public to review.

Todd Dugdale, LDS Director and Glen Higgins, Chief Planner, came before the Board to give the staff report. The Columbia County Sheriff's Office has identified a site for a new state of the art firing range and law enforcement training facility to be used by local and regional law enforcement agencies and the Federal Bureau of Investigation (FBI). The site is easily accessible from Highway 30, yet is well buffered from potential conflicting uses in the area. The old county firing range near the Watters Quarry is too small and has needed to be replaced for years. The new proposed site is just north of Dyno Nobel and Airgas industrial buildings on property known as the Reichold site, owned and mined by Morse Bros., Inc. The approval of the PAPA for the Reichold mining site, Ordinance 2002-1, designed post mining uses of the site. A law enforcement firing range was not listed as a post mining use; therefore, it is necessary to amend the County's approval with a different post mining use (PA 07-01). Community services facilities are approvable in the existing Surface Mining zone with a Conditional Use Permit (CU 07-08) and Site Design Review (DR 07-01). Changes in the Operating Permit (05-0077) and operating hours (AR 07-03) are addressed by separate applications. Todd noted that the application is only for 12 acres of the total 134.22 acre site for the firing range complex.

Glen Higgins went over the list of exhibits attached to the staff report: a map containing subject property; a vicinity map, existing conditions, proposed site plan; building drawings; and cross-section. He then gave the staff reports.

**PA 07-01:** With regards to the PAPA, Ordinance No. 2002-1 would need to be amended to allow Post Mining Use of up to 40 acres in Community Service as opposed to the entire site to be used for public facilities, such as a shooting range. Changing the post mining use on the southerly 40 acres of the Reichold mining site to Community Service for a firing range is compatible with it's original Rural Industrial designation. The change is consistent with those permitted uses and conditional uses of the SM zone. Given the demonstrated need for the facility, the physical characteristics of the site and its suitability with other land uses in the area, staff recommends approval.

**CU 07-08:** To site a firing range and law enforcement training facility on a portion of land zoned Surface Mining, a Conditional Use Permit would need to be approved, which is allowable under Section 1043.4 of the CCZO. A new firing range for a local law enforcement practice and training has been needed for some time. The present firing range is too small and inadequate. Staff believes that the Sheriff's office has chosen a site with good access and suitable for the proposed use and, based on the criteria and findings, would recommend approval with conditions as listed in the staff report dated 1/3/07.

**DR 07-01:** A new firing range for local law enforcement practice and training has been needed for some time. Again, the present firing range is too small and inadequate. This site has good access and is suitable for the proposed use. Based on the criteria and findings, staff recommends approval of the preliminary site design for the firing range and to amend the Conditions of

Approval #3, #4, #5 and #6 approved in DR 03-06, and add the conditions listed in the staff report, dated 1/3/07.

**AR 07-03:** Regarding the hours of operation of both variances, staff is recommending approval to amend the operating hours for the mining operations to 24 hours/7 days for site preparation of the shooting range; and for operation of the firing range from 7:00 am to 10:00 pm - Monday through Saturday and noon to 9:00 pm on Sunday, with the conditions listed in the staff report.

**Amendments to Operating Permit #05-0077:** The amendment proposed to mine within the 400 foot setback at the south end of their Reichold sand and gravel pit. This setback area comprises 12 acres within TL 200 and is zoning Surface Mining. The applicant has completed the County's Surface Application for a Surface Mining Permit and submitted a Reclamation Plan per Article V of the SMO. The post mining land use will be a Columbia County Firing Range in conjunction with the Federal Bureau of Investigation. After review, staff recommends approval of the proposed amendments to Operating Permit #05-0077 with conditions in Board Order 40-03 and the additional conditions listed in the staff report dated 10/16/06.

The hearing was opened for public testimony.

#### **PROPOSERS:**

**Jerry Simmons, UnderSheriff**, spoke in favor of these applications. The existing firing range is too small and very inadequate. He initiated conversations with the FBI and Morse Bros. for a new law enforcement training facility out at the Reichold site. Jerry stated that there would also be an area for the public to use, without conflicting with the law enforcement portion of the range. They would like to begin construction of the range by May 2007 and would ask that the Board approve these applications so the rock can be moved and construction started in May.

**Tim Marshall, Morse Bros., Inc., 32260 Old Hwy 34, Tangent, Oregon.** Morse Bros., Inc., is the landowner and supports these applications. There is a great deal of earth that needs to be moved before the new facility can start construction and that is why they are asking for amendments to their operating hours on the 12 acre site only. They would like to begin moving the rock as soon as possible.

#### **OPPOSERS:**

**Peggy Crisp, 34571 Millard Road, Warren:** She is not really in opposition, but has a couple of questions. How much is this new facility going to cost and who is paying for it? Commissioner Hyde has been working for the last 10 years on getting a new firing range in this county. The FBI coming on board is huge because they have secured federal money for this. Further, the county owns the pit that the current range sits on and, once the range is moved, the county will be able to mine that site. He made it clear that this is not coming out of the Sheriff's budget. The FBI currently has \$300,000 appropriated, and that may increase. Commissioner Hyde assured Peggy that the tax payers will not be paying for this firing range.

**REBUTTAL:**

No rebuttal given.

With no further testimony, the Board considered the request to carry over this hearing. After discussion and given the time constraints, the hearing was closed for deliberations. With that,

- Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve CU 07-08, subject to conditions of approval set forth in the staff report on CU 07-08, dated January 3, 2007. The motion carried unanimously.

- Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve DR 07-01, subject to the conditions of approval set forth in the staff report on DR 07-01, dated January 3, 2007. The motion carried unanimously.

- Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve AR 07-03, subject to conditions of approval set forth in the staff report AR 07-03, dated January 3, 2007. The motion carried unanimously.

- Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the amendment to Operating Permit #05-0077, subject to the conditions of approval set forth in the staff report, dated October 16, 2006. The motion carried unanimously.

- Sarah read Ordinance No. 2006-12 twice by title only and noted that the ordinance contains an emergency clause. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to adopt Ordinance No. 2006-12, "In the Matter of Amending Ordinance No. 2002-1 to Change the Post Mining Use of Up to 40 Acres from Resource Industrial Planned Development to Community Service Institutional". The motion carried unanimously.

**DELIBERATIONS: PACIFIC CASCADE RESOURCE SM PERMIT RENEWAL:**

This is the time set to determine a date for deliberations, "In the Matter of the Application of Pacific Cascade Resources - Siercks Road Site for Renewal of a Surface Mining Operating Permit #05-0032 for the Period 2006-2011".

Commissioner Hyde moved and Commissioner Corsiglia seconded to set deliberations "In the Matter of the Application of Pacific Cascade Resources - Siercks Road Site for Renewal of a Surface Mining Operating Permit #05-0032 for the Period 2006-2011" for Wednesday, January 24, 2007, at or after 10:00 a.m. The motion carried unanimously.

**2<sup>ND</sup> READING OF ORDINANCE NO 2006-11 - ENFORCEMENT ORDINANCE:**

This is the time set for the 2nd Reading of Ordinance No. 2006-11, "In the Matter of Amending the Columbia County Enforcement Ordinance Regarding Adopting a Form and Procedure for Issuing Compliance Orders and Making House Keeping Amendments".

Sarah has removed the emergency clause from the ordinance, attached the form and noted all other changes to the ordinance. She then gave the second reading of Ordinance No. 2006-11, by title only. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to adopt Ordinance No. 2006-11, "In the Matter of Amending the Columbia County Enforcement Ordinance Regarding Adopting a Form and Procedure for Issuing Compliance Orders and Making House Keeping Amendments". The motion carried unanimously.

**DELIBERATIONS: KEVIN BENDER CU PERMIT & FMP IN PF-76 ZONE:**

This is the time set for deliberations "In the Matter of the Application of Kevin Bender, dba Western States Development Corp., for a Conditional Use Permit to Site a Dwelling in a Primary Forest (PF-76) Zone and for 2 Resource Dwellings in the Primary Forest Zone".

The Board held a hearing on the matter on December 13, 2007, after which the record was left open. The record has now been closed and the deadline is approaching so she would recommend the Board take action today. She reminded the Board that they will need to make three separate motions.

**CU 06-29** - The Board felt that the concerns addressed in testimony have been met in the recommended conditions and can be mitigated, such as fire, water, roads, etc. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve CU 06-29 with conditions of approval. The motion carried unanimously.

**FMP 06-03 & FMP 06-04** - Staff recommended denial of these two parcels. Commissioner Hyde does not agree and explained why. He truly believes that a person living on a tree farm is better able to take care of it. Commissioner Bernhard agreed and also believes that the concerns addressed by the neighbors have been addressed in the conditions of approval. Commissioner Corsiglia spoke about the necessary accessory standard to have a dwelling on site to oversee the forest management. Obviously, there is no home site on the property currently, so why the need now? That said, he would agree that the concerns have been addressed in the conditions.

After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve FMP 06-03 subject to the conditions of approval set forth in the staff report to the Planning Commission with the addition of condition #10 related to a Slope Stability Plan for the driveway. The motion carried unanimously.

Further, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve FMP 06-04 subject to the conditions of approval set forth in the staff report to the Planning Commission with the addition of condition #10 related to a Slope Stability Plan for the driveway. The motion carried unanimously.

The Board directed staff to begin the process of amending the zoning ordinance dealing with resource zones.

**CONSENT AGENDA:**

With no comments on the consent agenda, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 1/9/07.
- (B) Order No. 1-2007, "In the Matter of Amending the Fee Schedule for Non-Commercial and Commercial Kennel Licenses".
- (C) Order No. 3-2007, "In the Matter of a Sole Source Determination in Connection with the Purchase of Identix Fingerprinting Equipment".
- (D) Order No. 4-2007, "In the Matter of Appointing a New Administrator of the Columbia County Public Road Event Ordinance".
- (E) Resolution No. 5-2007, "In the Matter of Approving a Tax Exempt Lease/Purchase Agreement dated 12/27/2006 with Key Government Finance, Inc.".
- (F) Approve the reconveyance of Tax Account No. 5N1W33-DD-11600 to Alice and Linda Pierce, conditioned upon the immediate sale of the property.
- (G) Reaffirm Commissioner Bernhard's appointment to the Oregon Consortium Board of Directors.
- (H) 2007 Social Gaming License for St. Helens Moose Lodge #591.
- (I) 2007 Liquor License for "The Filling Station".

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (J) Amendment #45 to the 2005-2007 IGA #113022 with DHS.
- (K) Amendment #49 to the 2005-2007 IGA #113022 with DHS.
- (L) Amendment #50 to the 2005-2007 IGA #113022 with DHS.
- (M) Approval to Purchase a 28-30 Passenger Bus for Columbia County Rider Transportation.
- (N) Approve Memorandum of Buffer Area Gas Storage Lease, Calvin Creek.
- (O) Approve Memorandum of Buffer Area Gas Storage Lease, Bruer/Flora.

- (P) IGA between the State of Oregon and Local Contracting Agency for Disposal of Surplus Property and authorize Chair to sign.
- (Q) Amendment #1 to the Oregon Commission on Children & Families Health Start - Medicaid Administrative Activities 2005-2007 Intergovernmental Agreement COLU0507 and authorize the Chair to sign.
- (R) Intergovernmental Agreement with the City of Columbia County for Building services, subject to approval by County Counsel.

The motion carried unanimously.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard did a ride along with a State Trooper in south Columbia County. It was a Friday night so it was very interesting.

She attended the Fair Board meeting the other night. The coordinator for the rodeo court was in Denver and one of our rodeo princesses won a speech award while there. There was also a group at the meeting from the Ford Leadership Program called the Echo Busters who will be working on the acoustics in the pavilion. Discussion was held on the other needs at the facility.

She attended the NWACT meeting last week and the person who was going to present some information on the rail project was not able to attend.

**COMMISSIONER HYDE COMMENTS:**

On Thursday, he attended the Oregon Business Summit in Portland. Topics included Economic Development for the State of Oregon for the next year. How to address the Boise Cascade issue was also discussed. On Friday, he was at the OECD commission hearing in Portland.

On Sunday, he was in Salem for a get together with lobbyists and legislators then attended a Board meeting at AOC on Monday.

**COMMISSIONER CORSIGLIA COMMENTS:**

Commissioner Corsiglia is working on some research projects and will report back to the Board when complete.

**FURNACE FAILURE AT FAMILY RESOURCE CENTER:**

Jim Tierney, CAT, has contacted John Knight about the furnace at the Family Resource Center and that it has gone out. The cost estimate is more than they have budgeted. Because the furnace is part of the building, it becomes part of the CDBG grant which the county sponsored. Because we are a county, the work will fall under the Davis-Bacon and Public Contracting laws, which may increase the cost. CAT, who owns the building, needs to replace the furnace

immediately so the pipes don't break. He needs direction on how to proceed. Jim believes they meet the criteria for declaring an emergency and would recommend going with Ultra Heating & Cooling.

After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to declare an emergency and authorize a contract with Ultra Heating and Cooling, Inc. to repair/replace the furnace at the Family Resource center, to be memorialized in a Board order. The motion carried unanimously.

**ANIMAL CONTROL - LLAMA KILL:**

John received a call from Roger Kadell who now has two great danes because they have killed a llama. The dog owners have agreed to surrender the dogs to Animal Control. John has drafted an agreement between the parties to deal with the surrender of the animals, micro chipping the dogs, safeguarding the county against future lawsuits, etc. John will need to make final changes to the agreement, but would recommend approval and to also authorize Roger to sign it. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to authorize John Knight to finalize the agreement and authorize Roger Kadell to sign. The motion carried unanimously.

**EXECUTIVE SESSION UNDER ORS 192.660(2)(h):**


The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Corsiglia seconded to authorize County Counsel to retain John Junkin to handle the Earl Gross Writ of Review. The motion carried unanimously.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 10<sup>th</sup> day of January, 2007.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Rita Bernhard, Chair

By:   
Anthony Hyde, Commissioner

By:   
Joe Corsiglia, Commissioner

Recording Secretary:

By:   
Jan Greenhalgh