

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

November 7, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with Sarah Hanson, County Counsel, Spencer Parsons, 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 October 31, 2007 Board meeting and October 31, 2007 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

None.

**PUBLIC HEARING: SUMMIT POWER PLAN AMENDMENT & ZONE CHANGE:**

This is the time set for the public hearing, "In the Matter of an Application of Summit Power Group for a Comprehensive Plan Map Amendment and Zone Change for Land Near the Port Westward Industrial Site".

Spencer Parsons reviewed the purpose of this hearing and stated that it is on the record of the Planning Commission unless the Board votes to open the hearing for additional evidence. The Board disclosed no ex parte contact or conflicts of interest. Spencer went over the applicable criteria and then read the pre-hearing statement into the record as required by ORS 197.763. Spencer entered County Counsel's hearing file into the record, marked Exhibit "1" and read the list of all contents.

Glen Higgins, Chief Planner, came before the Board to give the staff report. The applicant, Summit Power Group intends to site a power generating facility on property in the Port Westward industrial area near Clatskanie. The initial site for the facility, zoned RIPD, leased from the Port of St. Helens consists of 52.85 acres. This site was determined not to be large enough for the planning facility. Therefore, the applicant is seeking to add the two adjoining parcels to the power generating facility site TL #8422-000-00200 (30.66 acres) and TL #8422-000-00300 (25.12 acres), both of which are zoned Primary Agriculture (PA-38). The two PA-38 properties are surrounded on three sides by RIPD industrial zoned properties. In recent years, during two major industrial construction projects for PGE and Cascade Grain, these two properties have been and currently are being used for construction staging areas. Given their location near and between major industrial developments, it is logical for the County to re-zone

these two properties to RIPD. This Plan Amendment and Zone Change would make possible the future siting of another large industrial development in the Port Westward Industrial Area.

Approval of this Plan Amendment and Zone Change would require the County to take an exception to the State Goal 3 Agricultural Lands. As addressed in the staff report, there are good reasons for the Exception, i.e. the land is near river dock facilities, railroad, public and private infrastructure of gas and electrical grids, Port facility and services. The Exception would result in the clustering of major large scale industrial uses.

Glen went over the applicable criteria and how this application meets that criteria. The Planning Commission held a hearing on this matter on August 20, 2007 and recommended approval. Staff also recommends approval.

At this time, Commissioner Hyde moved and Commissioner Corsiglia seconded to open the hearing for additional evidence. The motion carried unanimously. Because the hearing has been opened, Spencer entered the letter dated 11/4/07 from Eric Gjelde, marked Exhibit "2" and the letter dated 11/6/07 from Diane Pohl, marked Exhibit "3", into the record.

The hearing was then opened for public testimony.

#### **PROPONENTS:**

***Elaine Albrich, Attorney with Stoel Rives LLP, 900 SW 5<sup>th</sup>, Suite 2600, Portland, OR 97209:*** She is here representing Summit Power and Teevin Bros. With her is Paul Langer, of Teevin Bros. To keep it short, they agree with the staff report and recommendations. This was before the Planning Commission back in August and the application received a favorable recommendation to move forward with the comp plan and zoning map amendment, as well as a Goal 3 Exception, which would amend the comp plan text to include the subject property in the Port Westward area. Unless there are any questions, she will pass comments over to Paul Langer.

***Paul Langer, Teevin Bros., PO Box 247 Rainier, Oregon:*** He is here just to answer any questions the Board may have. Commissioner Corsiglia asked Paul about the reference to both Teevin and Teevins and if this was just an error. Paul stated that was an error and has been corrected. Commissioner Corsiglia then asked about the Power of Attorney and wanted some clarification. Elaine stated that her firm has a Limited Power of Attorney from Teevin Bros. for filing this land use application and represent both Teevin Bros. and Summit Power in this process.

With no further testimony coming before Board, the hearing was closed for deliberation. Commissioner Hyde sees this as an obvious move to service this area and has no problems with this application. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve the application of Summit Power Group for a Comprehensive Plan Map Amendment and Zone Change for Land Near the Port Westward Industrial Site". Under

discussion, Commissioner Corsiglia agrees this is a good fit and a logical decision to make. With the vote taken, the motion carried unanimously.

**PUBLIC HEARING: MODIFICATION OF US CELLULAR CONDITIONAL USE:**

This is the time set for the public hearing, "In the Matter of the Application of McDaniel Cell Telephone Co. for a Modification of Prior Approval of US Cellular Corp Conditional Use Permit and Site Design Review for a Cell Tower".

Spencer Parsons reviewed the purpose of this hearing. The Board disclosed no ex parte contact or conflicts of interest. Spencer went over the applicable criteria and then read the pre-hearing statement into the record, as required by ORS 197.763. Spencer entered County Counsel's hearing file into the record, marked Exhibit "1" and read the list of all contents.

***Glen Higgins, Chief Planner***, came before the Board to give the staff report. McDaniel Cellular Telephone Company is requesting a modification of the prior Planning Commission approval with the conditions of a Conditional Use Permit and Design Review for a cell tower to be located on a parcel owned by Etsel and Bernice Honeycutt on Bodine Road in Clatskanie. The original conditional use permit and design review were approved for the applicant, US Cellular Corporation. The modification consists only of a change in the applicant from US Cellular Corp to McDaniel Cellular Telephone Company. All conditions of prior approval contained in the Planning Commissions Final Order CU 07-21 and DR 07-05, dated June 12, 2007, otherwise would remain the same in all respects. Staff recommends approval.

Spencer stated that the original application was to US Cellular. In the subsequent documentation, there is a required development agreement discussing the cell tower at the end of it's useful life, performance bond and a road maintenance agreement. In some of the documents, the party named was McDaniel Cellular and in others, it was US Cellular. When Spencer was reviewing these documents, he contacted the applicant to explain the situation and it was determined that the best fix would be to have the applicant bring this before the Board to modify the application to McDaniel Cellular so that all supporting documents would be in the same name.

The hearing was opened for public testimony.

**PROPONENTS:**

***David Monselle, US Cellular, 11413 E. 20<sup>th</sup> Street, Tulsa, OK:*** Mr. Monselle is here on behalf of US Cellular. He is a site acquisition consultant working for US Cellular. He is here to clear up the discrepancy between the application name and the bond name. Basically, the licenses were issued by the FCC based on the geographical area and whatever entity purchased them. There are a number of different entities within the US Cellular Corporation, the umbrella company. There was no intent of deception and he would ask that the Board approve this name change.

**OPPOSITION:**

*Laurie Holum, 79945 Bodine Road, Clatskanie:* She read her written testimony into the record. When they were approached in the beginning about our neighbors putting a cell tower on their property, we were very disappointed. We live in the country and never thought we would have to look out our windows to see our view of Mt. St. Helens, Mt. Rainier and a cell tower. We did research and found this would reduce the resale value of our property. David Monselle of Complete Wireless Services approached our neighbors, whom no longer speak to us since this started and sold them on the deal for financial gain. As you can see it has already been sold before it was even built. He had poor customer service skills and I feel took advantage of elderly people. They did move the site further away, now instead of 150 feet we will see 75 feet of the tower. We are still not happy about this, we do not want the extra people or traffic on our road (which again is not totally maintained by the county). We also will not allow access to the Clatskanie PUD from our property to the tower. Her question is will the specifications remain the same? The FAA said they will not need a light on top, is that still going to hold true? She submitted her testimony into the record, marked Exhibit "4".

**REBUTTAL:**

David clarified that the tower hasn't been sold, these are both the same company with different names. He regrets this has caused some neighborhood problems. Although he can respect their opinions, he would still ask that the Board approve this name change.

With no further testimony coming before the Board, the hearing was closed for deliberation. After little discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve the application of McDaniel Cell Telephone Co. for a Modification of Prior Approval of US Cellular Corp Conditional Use Permit and Site Design Review for a Cell Tower". Under discussion, Commissioner Corsiglia feels that, although it may be unfortunate, this is an allowed use under the conditional use permit. It appears that the company did make some adjustments to help mitigate the concerns by moving the location and lowering the height. After the vote was taken, the motion carried unanimously.

**CONSENT AGENDA:**

Commissioner Bernhard read the consent agenda in full. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 11/6/07.
- (B) Cancel the 11/13/07 Work Session and 11/14/07 Board meeting due to AOC Annual Conference.
- (C) Resolution No. 146-2007, "In the Matter of Assessing the Costs of the Abatement of the Nuisance Created by the Accumulation of Solid Waste on Tax Lot No. 4119-014-001400 by Leland Ebert".

- (D) Authorize Stan Mendenhall to fill one budgeted Juvenile Probation Officer Position in the Juvenile Department.
- (E) Approve the waiver of one months rent, in the amount of \$300, in-lieu of work performed at Camp Wilkerson Park by the volunteer while the host was out of town.
- (F) Approve the FEMA FY 2008 Emergency Management Performance Grant for financial and technical assistance and authorize the Chair to sign.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (G) Accept Slope Easement from Peter Johnson for Hermo Road Improvements and authorize payment in the amount of 100.00.
- (H) Amendment #1 to Contract #1803 between the Oregon Department of Revenue and Columbia County and authorize the Chair to sign.
- (I) Amendment #1 to Contract #1758 between the Oregon Department of Revenue and Columbia County and authorize the Chair to sign".
- (J) Amendment #2 to Contract #1564 between the Oregon Department of Revenue and Columbia County and authorize the Chair to sign.
- (K) Approve SAVNS Intergovernmental Agreement #3705.
- (L) Approve the Managed Pharmacy Benefit Services Agreement with NACo, and authorize Chair to sign.
- (M) Rental Agreement between the Columbia County Parks Department and Penny Walton for Hudson-Parcher Park.

The motion carried unanimously.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard attended the FERC hearing in Clatskanie on Monday night regarding the proposed LNG plant at Bradwood. There was a fairly good turnout and some good testimony. It was a very technical meeting and good comments from the public.

On Saturday, she went to the Annual 4-H Dessert. This is to recognize the 4-H kids for the projects they do throughout the year. It was very well attended and an enjoyable event.

On Saturday night, she went to the Sock Hop which was sponsored by the Vernonia Grange. It was very well attended and everyone was dressed up. This was a fundraiser for the grange

building. She mentioned that there is a new saddle shoe store in Vernonia, where a lot of people attending the sock hop got their shoes.

Last week she attended the NW Area Commission on Transportation meeting. There are continuing concerns about funding and they are looking at some options on how to continue.

Afterwards, she went to the NOHA meeting. Just like everyone else, they are looking at reduced funding and how to continue to provide services.

#### **COMMISSIONER HYDE COMMENTS:**

Last week, Commissioner Hyde was in Klamath Falls at the OECDD. There was a one day work shop and a one day hearing. The workshop was the second of two, the first being held last week in Portland. These workshops were to address the budget note that is due in February of the 2008 session. The Commission has been assigned in that budget note to report back to the legislature on several different points with the Regional Rural Boards. We are hoping that the funding will be restored to the program at \$12.4 million.

While he was there, the Oregon Board of Forestry was meeting also and they signed a joint IGA between the Board of Forestry and the Oregon Economic Community Development Commission, recognizing forestry as a vital cluster to the State of Oregon and a very important part of the economy.

Yesterday, he was at a 2 day conference in Corvallis for the "At the Crossroads", which was put on by the Oregon Board of Forestry, Oregon State University, Oregon Forest Resource Institute, Small Woodlands Association and a number of conservation associations, talking about wood conditions all over the world and how that effects the State of Oregon. There were a lot of different workshops on where we are at with regards to the wood products industry in Oregon. It was a very good conference with a lot of good information.

On Monday night, he attended the FERC hearing in Clatskanie and agrees it was very technical.

#### **COMMISSIONER CORSIGLIA COMMENTS:**

Commissioner Corsiglia attended the Mist Fall Banquet, which is something he enjoys every year. It's their fund raiser for the Mist school. They probably have the best pie makers in the county.

On Saturday, the Clatskanie Arts Commission had the Oregon Symphonic Band put on a presentation, which was very good.

That same day, he went to the Cultural Trust meeting. Larry Cole deserves a lot of credit for putting on an oral history training session down there. This will ultimately result in capturing a lot of the history of the county, once the people get fully trained and start their work.

On Tuesday, he went to the FERC followup meeting. Afterwards, he met with representatives of TransCanada and asked them to come speak with this Board about Northern Star's proposal. They were surprised that we had little information on this.

This morning, he attended the Traffic Safety Committee meeting. There was a citizen present who has collected 300-400 signatures for ODOT - requesting a light at Johnson's Landing Road in Scappoose. It is very hard to get out onto the highway from Johnson's Landing Road. The committee intends to support this request. It's very unfortunate that there needs to be a certain number of deaths before ODOT will consider a traffic light. Commissioner Bernhard added that, at the NWACT meeting, traffic lights in Warren were brought up for ODOT consideration, but fell on deaf ears.

Last night, he spent a lot of time at the hospital visiting Dena Nelson. She had to have emergency brain surgery last night to remove a tumor and he is glad to report that she is doing very well.

He mentioned that the Kiwanis Club is holding a DD dance and invited all to attend.

There was no Executive Session held.

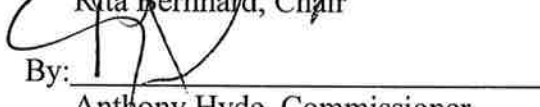
With nothing further coming before the Board, the meeting was adjourned.

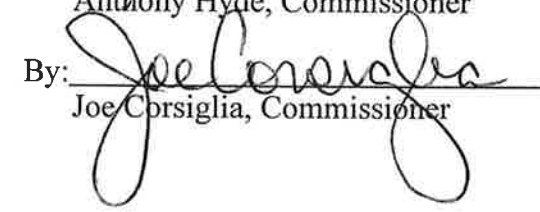
Dated at St. Helens, Oregon this 7<sup>th</sup> day of November, 2007.

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