

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

August 20, 2008

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

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

MINUTES:

Commissioner Corsiglia moved and Commissioner Hyde seconded to approve the minutes of the August 12, 2008 Work Session; August 13, 2008 Board meeting and August 13, 2008 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Scott Groves, Old Mill Road, Scappoose: This is now his 3rd week in a row coming before the Board regarding the trash dumpster near his driveway. The neighbor is dumping dog feces in the dumpster and, after a very hot weekend, the nuisance is even worse. He has talked with Robert Crain about issuing the neighbor a warning, but Robert was out of the office the last week and nothing was done. He then talked with Todd Dugdale about issuing a warning under the laws in the State statutes but still nothing has been done. This is a continuing problem and it is not being addressed. Scott has offered a viable solution to this problem, but still nothing is being done.

HEARING: NW AGGREGATES SDR AND SM PERMIT FOR BATES/ROTH SITE:

This is the time set for the public hearing, "In the Matter of an Application of Northwest Aggregates Co. for a Site Design Review and Operating Permit of the Bates & Roth Mining Site".

Spencer - The Board may recall that the approximate 340 acre Bates & Roth site was re-zoned for Surface Mining through a plan amendment and zone change on February 9, 2005 by Ordinance No. 2005-1, with 32 conditions. On December 19, 2007, the

Board of Commissioners took original jurisdiction over the SDR, normally heard by the Planning Commission, in order to consider both the SDR and Operating Permit applications together.

The Board declared no ex parte contact or conflicts of interest. Spencer read the pre-hearing statement into the record as required under ORS 197.763. He entered County Counsel's hearing file into the record, marked Exhibit "1" and noted all contents (list included).

Todd Dugdale, LDS Director, stated that the Board will be hearing both the Site Design Review and Operating Permit applications by Northwest Aggregates during this hearing. Glen Higgins will present the staff report on the Site Design Review and Bob Brinkman, DOGAMI, will present the staff report on the Operating Permit.

Glen Higgins, Chief Planner, came before the Board to give the staff report on the Site Design Review. He reviewed the applicable criteria and subsequent findings. Two comments were received. Oregon Division of State Lands reminded the County that NW Aggregates permit to impact will expire October 2009 and stated their need for additional information. The Scappoose CPAC requested that the Board deny the proposal, unless assurances can be made that there is adequate protection for neighbors and vicinity landowners from the impact of mining causes and they can ensure that appropriate conditions will be put in the ruling that ensures the needs are met. After review of the findings, staff finds that since the PAPA application (File PA 05-01) has been approved allowing surface mining of the 303.91 acre Bates & Roth site, the primary concern of the design review is to minimize impacts to surrounding properties and make certain that all applicable laws, statutes and ordinances are adhered to. Staff feels that a good way to minimize impacts from adjacent property owners is to create quality buffers. The applicant has proposed to construct a combination of vegetated visual and noise berms along the west, north, and east sides of the site. Noise berms are proposed in the southwest corner where the mining site borders residential uses, along the north side bordering the wetland mitigation area and on the northeast side bordering the Ellis farm. These berms will be planted with various grasses, scrubs and trees, while the remainder setback areas will remain in natural vegetation. Staff finds that these buffers will be effective in reducing the aesthetic impacts, act as a wind break, capture fugitive dust particles, buffer noise impacts, and shield equipment lighting impacts on surrounding properties.

Based on the findings, staff recommends approval of this request, with the conditions that were approved by the Board of Commissioners in the PAPA application,

the conditions included in the pending Operating Permit as proposed by the Surface Mining Administrator, along with the 24 conditions listed in the staff report dated August 13, 2007.

Bob Brinkman, DOGAMI, presented the staff report on the Operating Permit. After review of the criteria and findings, he would recommend approval of the proposed operating permit contingent upon the conditions being met, as listed in his staff report dated July 2, 2008.

The hearing was opened for public testimony.

PROPONENTS:

Bob Short, Glacier NW aka NW Aggregates, 1050 N. River Street, Portland: Bob is here today to represent the applicant. Along with him is Glacier's attorney, engineering consultant and hydro-geological consultant. They are here to answer any questions the Board may have. Bob began with some history. The Santosh facility has been operating for more than 4 decades in pits A & B. Some time ago, the company looked to the future to determine where to go after the aggregate in these pits ran out. They first looked at the Meier Site, but after years of negotiations, decided to look elsewhere. Glacier then purchased the Bates & Roth site, applied for and received a zone change to surface mining. The last piece of the puzzle is to obtain an Operating Permit and that is why he is here today.

Bob wanted to note that the DSL permit expires in October 2009 and they will be renewing that. He also pointed out that the conceptual drawing of where the conveyor will cross the slough, is just conceptual. They are looking at perhaps moving that so that it would avoid wetland 1 which would delay any impacts on that wetland for a number of years. Other than that, he doesn't have a lot to add. They have reviewed the staff report and have no problems with it.

Bob Schwartz, DEQ: He is neither in favor or opposed, however, as Bob Brinkman mentioned, DEQ is involved this summer in a \$3.5 million project to re-grade and recap the Santosh Landfill. If this permit goes forward, Bob would point out that DEQ would need about 40,000 tons of cover soil to put over their impermeable cap. If the timing works out, they would be able to use the overburden from the Bates & Roth site. This will eliminate a lot of truck traffic on the Highway.

With no further testimony coming before the Board, the hearing was closed for deliberation. After little discussion, Commissioner Bernhard moved and Commissioner Corsiglia seconded to tentatively approve the Site Design Review, with the 24 conditions recommended by staff. The motion carried unanimously.

Further, Commissioner Bernhard moved and Commissioner Corsiglia seconded to tentatively approve the Operating Permit #05-0081, with the 11 conditions listed in the staff report. The motion carried unanimously.

Staff was directed to prepare the final Orders for Board approval.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda. Sarah pulled **Item (G)** to allow time to review the contract. With no other changes, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 8/19/08.
- (B) Ratify Partition Plat for McBride Place Subdivision.
- (C) Resolution to Support the 2010 Census.
- (D) Approve the request by Strawberry Hill Enterprises, Inc. for a partial refund a Building Permit Fee in the amount of \$5,309.25 - application withdrawn.
- (E) Resolution No. 68-2008, "In the Matter of Making Budget Appropriation Changes in Various Funds of the 2008-2009 Columbia County Budget".
- (F) Award the contract for the Apiary Road Overlay to Morse Bros, Inc. dba Knife River.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (G) Approve the Public Improvement Contract with JBL for removal of debris for Woodson project. *(PULLED AND HELD OVER)*

- (H) Personal Services Contract with Property Development Services, LLC. for Onsite Wastewater Treatment Program Consulting Services.
- (I) Public Services Contract with Temp Control Mechanical, Inc. for HVAC maintenance for County buildings.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde attended the "Police Night Out" last night in Vernonia. There was a lot of people who attended and a lot to do.

He then attended a Town Hall meeting in Vernonia. This was a good opportunity for the residents to talk about their specific flood issues. He noted that there was also an article on the front page of the Oregonian today about where the Vernonia residents are 8 months later.

On Monday, he attended the Rail Corridor meeting. One recommendation made was that the existing properties that have a potential for overpasses, will be sequestered forever. That way, when funding does come available, the overpasses can be built.

On Friday, he was at the Nehalem Valley Senior Day in Vernonia, which was a nice event.

On Thursday, he attended the first Homeland Security Commission meeting to talk about membership.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia continues to work on the Natal Grange, getting it ready for the Hood-to-Coast event. All the buildings in Natal have a fresh coat of paint and all looks good.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the flood recovery meeting last night. She is very impressed with the team of people working on this project. There is good communications and decent time lines for people to help ease their discomfort.

Yesterday, she attended the Transit meeting. There was discussion about the CC Rider and the increase in services and ridership. Other topics included the Rail Corridor and Highway 30 traffic.

She also attended the Rail Corridor meeting this week.

Last Thursday, she attended the AAA meeting. They continue to have problems getting volunteers to deliver meals for the Meals on Wheels program. One reason has to do with the high cost of gas. All senior centers are facing this problem.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 20th day of August, 2008.

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: _____

Anthony Hyde, Chair

By: _____

BOC Minutes
August 20, 2008
Page 7

Joe Corsiglia, Commissioner

Recording Secretary:

By: _____

By: _____

Rita Bernhard, Commissioner

Jan Greenhalgh