

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

January 28, 2009

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Earl Fisher, together with 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 Fisher seconded to approve the minutes of the January 21, 2009 Board meeting and January 21, 2009 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

DELIBERATIONS: TIM BERO ZONE CHANGE APPLICATION:

This is the time set for deliberations, "In the Matter of the Application of Tim and Michelle Bero for a Comprehensive Plan Map Amendment and Zone Change for Two Parcels Directly North and West of the Vernonia Airport".

Spencer reviewed the prior proceedings in the matter and some procedural items. Since the December 1st hearing, we have a new Commissioner. Spencer asked Commissioner Fisher if he has had any ex parte contact or conflicts of interest regarding this application. Commissioner Fisher stated that he has no conflicts of interest, however, he has had several possible ex parte contacts prior to the election and before the application came before the Board. In October, he met one of the neighbors that live along the airport. They expressed some interest and concerns about what was going on. At that point, he did not comment, he only listened. At the same time period, Mr. Bero spent some time talking about general issues. Again, his position was to only listen. So for the record, these contacts were all prior to sitting as Commissioner, were general in nature and did not get into any details regarding this application. He also stated that he attended the hearing in Vernonia prior to becoming a Commissioner. Spencer indicated that the October contacts and hearing in Vernonia are not considered ex parte contacts. Commissioner Fisher has reviewed all materials in the file and intends to participate in the deliberations.

Spencer then entered the following into the record, which the Board has received: Letter from Tim and Michelle Bero with attachments, dated 1/5/09, marked **Exhibit 22**; Letter from Mark Greenfield, with attachments, dated 1/5/09, marked **Exhibit 23**; Submission from Mike Sheehan, with attachments, dated 1/7/09, marked **Exhibit 24**; Submission from Wendy Fife, with attachments, dated 1/7/09, marked **Exhibit 25**; Submission from Mike Sheehan with attachments, dated 1/14/09, marked **Exhibit 26**; Submission from Pat Zimmerman, dated 1/14/09, marked **Exhibit 27**; Submission from John Burns with attachment, dated 1/14/09; marked **Exhibit 28**; and memorandum from Mark Greenfield, dated 1/16/09, marked **Exhibit 29**. After deliberations, the Board will make a tentative decision and direct staff to prepare the final order.

Under deliberations, Commissioner Hyde stated that there were a number of things the Board was asked to consider and he has had a lot of discussion with staff on these issues. One issue is the feet base issue and this is the primary principal use around the airport and is it feasible to create an opportunity for airport related uses. From his perspective, it is. He thinks that it is very important that if the Board approves this, they pay close attention to the future uses that would be applied to the zone changed property and that they would be principally airport related. For instance, if the Board was to approve this and then it ended up with nothing but a campground, that would not be principally airport related. Another matter was the private road issue and that it could be severely impacted as a result of this zone change. Clearly there were points made about the varying uses of the subject property that could take place as a result of the zone change. The Board needs to consider that and also if there is an alternative to mitigate the impact on the private road. As pointed out during the hearing, there is a secondary access to the property by way of the pre-existing road to the hanger to the north of the airport property. So for him, he believes it is feasible to grant this zone change and ultimate land use with an alternative road opportunity because the private road issue can and should be mitigated. Regarding the existing AI property at the airport. We have heard very clearly from the City of Vernonia who owns that property, that this is "the cart before the horse" thing. They really don't have the opportunity to put in the infrastructure they need for this property, however if this zone change were to take place and if there was some development there with the infrastructure put in place, then ultimately, the city would have use of their property already zone AI. The Board also heard from the adjoining land owners about the potential for a lot of discharging of weapons. This was a concern because the applicant is

in the weapons business. This can be mitigated by clearly saying that there will be no discharging of weapons on this property.

Spencer stated that if the Board grants a Goal Exception, it would be limited to the uses allowed in the re-zone and also limited by the Goal Exception statement. So there are those limiting factors built in. Also, in the conditions recommended by staff, the site would only be used for those uses justified in the applicants exception statement as allowed by state law. However, if the Board wants, language could be added in the final order that specifies the exclusion of the discharge of firearms.

Commissioner Hyde addressed the testimony that there were existing properties there would be sufficient for this economic development within 30-40 miles, such as the Scappoose and Hillsboro airports. This flies in the face of what the city and the applicant is trying to do, which is to create economic opportunities for the Vernonia community. So in focusing on what properties are available in Vernonia, it comes down to two sites, the AI site at the airport and the other is industrial site off of Hwy 47 and Knott Street. He would find it difficult to believe you could land an airplane at the Knott Street site. The Board has heard from a person who is interested in coming to the Vernonia Airport to do research and development around airport uses. For him, that takes the Knott Street property off the table. Given all of that and looking at this application as a whole along with economic development it would provide, he is very much in favor of this application.

Commissioner Bernhard believes that all of the issues and concerns that have been addressed can be mitigated in the future processes. There are times when plans don't go as originally planned, however, any future

development will need to go through the site design process and other land use approvals. One of the biggest issues for her was the neighbors concerns.

This is something that the Board needs to pay attention to. Any time there are going to be changes or development in a community, neighbors will have concerns about how they will be impacted. However, the bottom line here is that this is an airport and it has been there for a very long time and it's going to expand in the future in one way or another. Many of the neighbors moved in after the airport was already there and it should be reasonable to expect changes and development to happen. Again, many of those concerns would be addressed in the future application processes. The city can develop their property at the airport with the infrastructure and improvements that would be provided by this private individual. This would make their property more available and desirable for other companies. Economic development is a big issue and we clearly need jobs in this county. When you have a private investor like this that is willing to come in and do some of the infrastructure, it is going to benefit the city and the community. The city has already stated that they are very much in favor of this application. With regards to the issue of firearms, that can be addressed in the conditions. On the runway extension, that is not part of this application, however if and when that is done, it would be in a future process and the FAA could be involved in that discussion. On flooding concerns, it is her understanding that this property has never flooded. Commissioner Hyde noted that all property in Columbia County are subject to FEMA flood rules and regulations so flood plain issues are addressed in any application. Commissioner Bernhard stated that we clearly need economic development in the county and Vernonia has been struggling so hard for so long that this is a good opportunity for some local jobs. With that said, she is in favor of this application.

Commissioner Fisher went through the paperwork on this application, which was very complex. He feels it is for the good of the public, will create jobs and still keeping the area rural. It seems it involves conflicting views and interpretations of land use laws, both state and local. The first issue he looked at is whether or not there is a clear rule, regulation or procedure that would prevent him from moving in either direction. Secondly, there were unique issues in this situation that dictate a decision on way or another. Thirdly, there is the public interest and good versus private rights. In dealing with access, it appears that there is a potential alternative access to this site. He believes that the City of Vernonia has the right to develop the airport. He had some concerns about the discharging of firearms on the property, however, he now understands that can be addressed in the conditions. He feels that the concerns addressed by the neighbors can be mitigated through future development processes and that those concerns should be taken seriously by those who make the decisions. Based on his review of the file, he is in favor of this application.

After deliberations, Commissioner Hyde moved and Commissioner Fisher seconded to tentatively approve Application PA 08-02/ZC 08-02 and the proposed Goal 4 Exception, with the conditions proposed by Staff, with clarification to prohibit the discharge of firearms, and direct staff to prepare the final order. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Bernhard read the consent agenda in full. With no changes/additions, Commissioner Fisher moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 1/27/09.
- (B) Approve the payment of incentive pay to Terry Miller for Herbicide Applicator License.
- (C) Order No. 6-2009, "In the Matter of the Application by Ed Bergman for a Surface Mining Operating Permit at the Bergman Mining Site".
- (D) Reappoint David Thompson, Jr. and Evelyn Hudson to the Columbia County Fair Board for a three (3) year term.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Approve State Waterway Lease ML-10462 -- Sublease with Yacht's Landing Marina Association and authorize the Chair to sign.
- (F) Approve Department of State Lands Consent to Sublease and authorize the Chair to sign.

The motion carried unanimously.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the Regional Workforce Investment Board meeting at Tongue Point last week. There was a great deal of discussion on the stimulus package and the money for workforce programs. Discussion was also held on the possibility of a junior college program for displaced workers.

She attended the Community Action Team meeting on Monday. They continue to deal with an increased demand for emergency assistance and more people coming in to apply for VA benefits. These increases are a result of the downturn in our economy.

Last week, she had the opportunity to speak with the Civics class at the Scappoose High School. She is always impressed with the knowledge of the students on the political issues.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde wanted to say that, although deliberations on the Bero application only took about 15 minutes, he would hope that people know that the Board has spent many hours going over the staff report and all of testimony received.

Last week, he got to spend some time with his mother in Orange, California.

With all the talk about the federal stimulus package, he wanted everyone to know that the Board will be working very hard to make sure that Columbia County benefits from that funding.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher met last week with Randy Peterson, Mayor of St. Helens, to discuss the common ground between the city and the county and how they and the county can work together.

He also attended a meeting at the St. Helens School on ways to improve communications. He mentioned that ESD will be sending over their IT person to meet with our IT department on sharing information and technology.

He has been spending a lot of time talking with department heads and others building relationships.

There was no Executive Session held.

Dated at St. Helens, Oregon this 28th day of January, 2009.

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

Recording Secretary:

By: _____

By: _____

Jan Greenhalgh

Earl Fisher, Commissioner