

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

May 4, 2011

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Henry Heimuller, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

MINUTES:

Commissioner Heimuller moved and Commissioner Fisher seconded to approve the minutes of the April 26, 2011 Work Session; April 27, 2011 Board meeting and April 27, 2011 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Richard Melton, 55141 Columbia River Hwy, Scappoose: It has just come to his attention that he has to buy an electrical permit for find out if his porch light should be taken down or not. These lights have been up since the 1958. He has a lot of medical issues and not thinking too straight. Although codes change over the years, the State grandfathered this property years ago and he shouldn't have to get a permit. He has continually been told he needs an electrical permit for his sign, outside lights, garage sales, etc. How does he figure this all out.

Dale Chambers, 34492 Berg Road, Warren: He is a resident at the mobile court in Warren. He and his wife have been continually harassed when walking their dog around the property and it has caused his wife some severe medical issues. Harassment is a federal offense and he wants it stopped.

HEARING: WAYDE ELLIOTT SITE DESIGN REVIEW:

This is the time set for the public hearing, "In the Matter of the Application of Wayde Elliott for a Site Design Review on Approximately 5 Acres Zoned Light Industrial (M-2) in the City of St. Helens Urban Growth Boundary to Construct New Storage Units and for Future Industrial Authorized Uses".

Robin read the pre-hearing statement into the record as required by ORS 197.763. Commissioner Heimuller stated that he visited the site last night and walked around to get a visual of the site, but had no contact with anyone. Commissioner Hyde and Fisher declared no exparte contact. Robin entered County Counsel's hearing file

into the record, marked **Exhibit "1"**; and a letter dated 4/30/11 from Wayde Elliott, marked **Exhibit "2"**.

Glen Higgins, Chief Planner, came before the Board to review the staff report. Wayde Elliott applied for a site design review to convert and/or retrofit an existing 10,000 square foot building and construct new structures for future M-2 uses and to construct recreational vehicles and personal storage units on property located at 717 N. Columbia River Hwy, St. Helens, Oregon. Glen went through the staff report in detail. The application was heard by the Planning Commission on March 7, 2011 and was approved with conditions. The City of St. Helens then appealed Condition #11 ©) which reads *"The applicant and the City of St. Helens shall enter into an agreement for the installation of a sidewalk and curb to this 5-acre site. Proof of the recorded document shall be submitted to LDS"*. Glen noted that the County has the authority under the Zoning Ordinance to require the sidewalks and the above condition requires sidewalks but in conjunction with an agreement with the city as to the timing of when the water, sewer and sidewalks are installed. ODOT also recommends that the sidewalks be put in during the first phase of this project. Staff is recommending that the Board approve the application with revised conditions as reviewed and listed in the staff report dated 4/27/11.

The hearing was opened for public testimony. Because this is an appeal, the appellant will speak first.

APPELLANT:

Jacob Graichen, City Planner for the City of St. Helens: Jacob explained that the City of St. Helens has an Urban Growth Boundary (UGB) and has an interest in assuring that development within the UGB proceeds appropriately and noted that the subject site is entirely within the UGB. The issue here for the city is the timing of the installation of the sidewalks. Their contention is that it be required at the time the develop occurs rather than by agreement for sometime in the unknown future. Given the magnitude of the proposal, there is a clear need for public improvements along the frontage of this property. This is about responsible growth and the governments obligation to ensure public health, safety and welfare to the citizens.

There were questions about the sewer and where it would come from if and when connected to the city system. Jacob is unsure at this time if it would come along the frontage of the property, across the back of the property or from across the highway. Jacob pointed to Condition 13(a) that states *"A sidewalk shall be installed per the City of St. Helens' standards as identified in the Transportation Systems Plan adjacent to the subject property's entire Columbia River Hwy frontage"*. When talking about frontage improvements, there is more than just the sidewalk, there is the street, the curb, park/green strip, etc. He would recommend a revision to the language in that condition to include *"A sidewalk and related frontage improvements shall be installed per the City of St. Helens' standards as identified in the Transportation Systems Plan..."*.

Commissioner Heimuller agreed that sidewalks are important to pedestrian access and safety but has a couple of comments. He understands there is a requirement dealing with occupancy of the mini storage/car wash (also owned by Mr. Elliott) that requires the sidewalks be completed along that stretch of Hwy - when will that take place. Jacob stated August 1, 2012. Secondly, Commissioner Heimuller he has a real concern with the timing of installing the sidewalks now with the possibility that they will have to be ripped up to connect the water/sewer. He would like to know when the city plans to connect these services. Jacob couldn't answer that question at this time.

Commissioner Hyde questioned which Transportation Plan is being referenced in the appeal. Jacob stated there are two plans, one adopted in 1997 and one currently being revised, which ODOT is recommending be used. Commissioner Hyde would suggest that Jacob submit the correct plan if he wants it to be considered.

Commissioner Fisher asked about the drainage from the existing car wash next to the subject site. Jacob did not review the drainage plans for that facility however he understands that Mr. Elliott had to do some wetlands mitigation and could answer that better.

Wayde Elliott explained that, for the sewer, there is a 3" pipe that runs under the highway and there is a pump station. All of the stormwater is treated on site.

Nancy Whitney, 40 Wagner, St. Helens: She has lived in the Hanken subdivision for about 35 years now. She heard Glen refer to the rock wall behind the subject property. There is a huge amount of drainage from Hankey Road to that site and improvements will effect the wetlands on that property.

APPLICANT:

Wayde Elliott, 575 S. Columbia River Hwy, St. Helens: He is the owner/developer and applicant for the Site Design Review. He wanted to be clear that he is not opposed to putting in the sidewalks, but would like some coordination with the city. The improvements should be required at the time city services are brought onto his property. With regards to the car-wash property, Wayde spoke with ODOT and they did not require him to put sidewalks in and he also talked with them about this site and, again, did not have any requirements for him to put in sidewalks. However, he plans to put in sidewalks along the car wash site because that property has been annexed into the city and he has city services. Further, Wayde submitted some information on a LUBA case (Dolan vs City of Tigard) that he felt applies here. Commissioner Hyde is very familiar with that case and stated that there is no relevance here because that was a case of taking private property. That is not the case here. When asked to clarify his position, Wayde stated that if the property

is annexed into the city and the city bring sewer services to the site, he is more than willing to pay for the sidewalk installation. Again, it is a timing issue.

REBUTTAL:

Jason addressed the comment by Mr. Elliott that ODOT didn't require sidewalks in his prior development. ODOT typically doesn't require sidewalks, they leave that up to the local jurisdiction. The city didn't respond or request sidewalks at that time and Jason believes that was an oversight by the city and they are working to correct that process.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Fisher stated that he would like time to get answers to some of the questions on the sidewalk and sewer issues before making a decision.

Robin stated that the Board is facing the 120 day limit which is up June 2nd unless the applicant (Wayde Elliott) waives the 120 day requirement. After discussion, Commissioner Fisher moved and Commissioner Heimuller seconded to move deliberations to Wednesday, May 11, 2011 at or after 10:00 am. The motion carried unanimously. Commissioner Heimuller noted that he would not be present on May 11th.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of May 2, 2011.
- (B) Approve Personnel Action for Dave Hill, Public Works Director.
- (C) Order No. 28-2011, "In the Matter of Accepting the Dedication of Additional Right-of-Way to Millard County Road, Warren, Oregon, from the St Helens Community Bible Church".
- (D) Resolution No. 29-2011, "In the Matter of the Application of Columbia County to Participate in the Assessment and Taxation Grant".
- (E) Approve the request by Walt Pesterfield for out of state travel for staff to attend Drug Court Training Conference in Washington, DC, July 17-20, 2011.
- (F) Approve Jan Kenna's request to spend 2009-2011 State General Fund administrative dollars awarded to the Columbia County Commission on Children & Families, by June 30, 2011, not to exceed \$8,000.

- (G) Authorize the purchase of mower(s) for the Columbia County Fairgrounds, for an amount not to exceed \$19,700, to be paid out of the Apple Valley settlement.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Amendment #5 to the Personal Services Contract with Lower Columbia Engineering for foundation design and engineering services on flood rehabilitation projects.
- (I) Purchase and Sale Agreement with Melody Gray (1236 Alder Street, Vernonia, Oregon) and Notice of Fair Compensation for Melody Gray.
- (J) Purchase and Sale Agreement with Linda Schivley (1211 Heather Lane, Vernonia, Oregon) and Notice of Fair Compensation for Linda Schivley.
- (K) Purchase and Sale Agreement with RoseMarie Ruehmann (58589 Nehalem Highway S, Vernonia, Oregon) and Notice of Fair Compensation for RoseMarie Ruehmann.
- (L) Purchase and Sale Agreement with Harold and Ella Murray (600 Jefferson Avenue, Vernonia, Oregon) and Notice of Fair Compensation for Harold and Ella Murray.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

No comments.

COMMISSIONER FISHER COMMENTS:

No comments.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller attended the retirement dinner for OSP Larry Lucas last weekend, who retired after 31 years on the force.

There was no Executive Session held.

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

Dated at St. Helens, Oregon, this 4th day of May, 2011.

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

BOC Minutes

5/4/11

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BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Earl Fisher, Commissioner

Recording Secretary

By: _____

Henry Heimuller, Commissioner

By: _____

Jan Greenhalgh, Recording Secretary