

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

October 26, 2016

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

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 October 19, 2016 Board meeting and October 19, 2016 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Nancy Seiler, 33623 Bennet Road, Warren: Her issue is with the property owner across from her that is conducting a construction business. She noted all of the equipment that sits on the property along with other work vehicles that come and go all the time. How long can this be permitted to go on? LDS denied a conditional use permit but it still continues. This has been going on for years now and she keeps getting the run around and feels that LDS has been dragging their feet. She encouraged the Board to get that business off that farm land.

ORDINANCE 6-2016: PROCEDURE TO ACCELERATE REDEMPTION PERIOD:

This is the time set for the first reading of Ordinance No. 6-2016, "In the Matter of Establishing A Procedure for Accelerating the Redemption Period for Waste and Abandonment". Sarah highlighted some pertinent parts of the ordinance and briefed the Board on the tax foreclosure process and the redemption period that allows the owner to retain possession of their property. This ordinance accelerates the redemption period if the property is being subjected to waste or abandonment and causes a depreciation of value to the property. Sarah corrected some typographical errors and added a Section 7 which allows the county to correct any scriveners errors by board order rather than by having to amend the ordinance. With no objections, Sarah gave the first reading of Ordinance No. 6-2016, by title only. The second reading was set for Wednesday, November 9, 2016.

HEARING: NW AGGREGATES MAP AMENDMENT FOR SURFACE MINING:

This is the time set for the public hearing, "In the Matter of the Application of NW Aggregates for a Major Map Amendment from Primary Agriculture to Surface Mining to Expand the Existing Bates Roth Site to Allow Continuation of Mining Activity".

Robin briefly reviewed the application. This is a land use hearing and will follow those procedures. This application came after the Planning Commission held a hearing and voted to recommend the Board to approve the application with conditions. This hearing is on the record unless the Board votes to open the record to new evidence. No ex parte contacts or conflicts of interest were declared. Robin then read the pre-hearing statement into the record. Commissioner Fisher moved and Commissioner Heimuller seconded to open the record to additional testimony. The motion carried unanimously.

Robin entered County Counsel's hearing file into the record as **Exhibit "1"** with a list of all contents. Also entered was a letter from John and Marit Olsen dated September 27, 2016 as **Exhibit "2"** and a written submittal by the Scappoose Drainage Improvement Company as **Exhibit "3"**.

Glen Higgins, Planning Manager, came before the Board to give the staff report. The applicant proposed to amend the County Comprehensive Plan Map from Agricultural Resource to Mineral & Aggregate Resource and to amend the Zoning Map from Primary Agriculture (PA-80) to Surface Mining for an approximately 153 acre parcel located immediately south of the presently permitted Bates Roth mine site. The applicant proposed to amend the Text of the Comp Plan by adding the Bible College Mine Site to the Comp Plan Table XVI-2 List of Significant Aggregate Sites. If this site is approved, NW Aggregates would have a continual supply of rock and sand to continue processing and shipping large quantities of aggregate products to market.

The Bible College site is located at least 5,000 feet to the northeast from the Scappoose Airport, out in the middle of the Scappoose gravel peninsula, between Honeyman Road on the east and a 1/4 mile from Honeyman Road on the west. The proposed mine site is not close to any residences but active farm parcels border to the southeast and south past the Evans Slough. There has been no opposition from the airport development community. Scappoose Drainage Improvement Co. has expressed opposition to the application which would add another open water containment pond/lake within their drainage district. The concerns are about seepage from the pit area into the Evans Slough or other areas that are pumped by SDIC into the Multnomah Channel. Concerns about the mining activity impact on private wells, quality and quantity, have been expressed in letters and testimony at the Planning Commissioner hearing.

Glen reviewed the applicable criteria and staff findings. The Planning Commission held a public hearing on September 12, 2016 and voted to recommend approval of this

application with conditions as listed in PC Final Order PA 17-01 and ZC 17-01. At this time, staff is recommending approval of this application with conditions.

The hearing was opened for public testimony.

PROPONENTS:

Bob Short, 10 SW 51st Court, Portland. Bob gave some historical information on the subject property. This mining operation began in 1964 and a predecessor company of Cal Portland acquired it in the 1980's. The company immediately needed to look to securing a long term supply of aggregate to continue the processing operation at the Santosh facility. The first place they looked was to the Meier property, which is to the South and adjacent to Scappoose Airport. There was considerable amount of controversy over that site selection. In the final analysis after decades of wrangling, it was decided that the good must make way for the great and that the Meier site was better suited for potential industrial development. That meant they had to look elsewhere for their reserves. This led them to where they are now at the Bates Roth property and this present application is an expansion of the Bates Roth site where mining is ongoing. The aggregate sources need to be within conveyor of mining facility so that you are not hauling raw materials. It's important that the operation be assured a long term supply of aggregate which is why they are seeking to expand the Bates Roth site.

Tom Lowry, 1050 N. River St., Portland: He is a geologist and permit manager for NW Aggregates. They have been a valuable part of Columbia County and its economy for many years and materials have been mined and processed from their Santosh location for over 50 years. They agree with the Oct 19 staff report and accept the proposed conditions of approval. They want to reaffirm that condition #24 applies to this site. They hope that the Commissioners approve this proposal as recommended by staff and the planning commission.

Betsy Johnson, 53894 Airport Way, Scappoose: Betsy read her prepared statement into the record. Slightly more than a month ago, she and Bob Short watched as dozens of Cal Portland trucks zipped in and out of the construction site dumping yards and yards of local concrete that would be the floor of a 300,000 sq. ft. building. The first of three such buildings when they are completely built, employing dozens of people from Columbia County. She was emotional that day because it was the culmination of a nearly three decade long battle. Today we are here to write the following chapter. She is totally in support of this application.

OPPONENTS:

Marie Gadotti, 33717 Johnson Landing Road, Scappoose: She has farmed in this district since 1969. Although she is here today speaking as a property owner, she briefly

explained what the Scappoose Drainage District does. Protection of the district is so important.

Joe Baker, PO Box 1524, Scappoose: He submitted his written testimony into the record, marked **Exhibit "4"**. He is here to represent the Olsen Farm. Using the display map, he pointed to where the Olsen farm site is in relation to the mining site. He read from the list of their concerns: 1) Will NW Aggregate insure the Olsen water well? It is over 300 feet deep and has good untreated water since the early 1940's. It lies about 700 feet from the property line with Bible College; 2) The farm property will lose value, being next to an active gravel pit. The farm has 3 houses, barns and outbuildings with 133 acres of farm ground. Total of 8 bedrooms with 11 bathrooms and at some time in the future, this could be a bed and breakfast; 3) The farm will be confined by the Overlay Zone, 1500 feet from the Bible College property line. All buildings lie within that boundary; 4) How will they deal with dust and noise from this rock pit. The house is less than 600 feet from the property line with NW Aggregate; 5) They worry about the vibration being so close and with this new electric cutter suction dredge, may be the biggest dredge in the US - did the Planning Commission look at this?; 6) the farm was assessed \$3,697 this year for operation and maintenance of SDIC. Every land owner pays their share, which keeps them safe and the land useable; 7) Who will pay their assessment once the gravel company is gone; 8) They will pay for extra electricity charge but what if we need more ditches and pumps due to more seepage; 9) As digging gets deeper, the veins of water (boils) increase - when you have a well drilled, the driller will tell you that as you use water, the veins will open and gpm will increase; 10) The Fort James property is already zoned for mining. Will Army Corp of Engineers approve surface mining behind the dike. How many holes can be have behind the dike before it fails; 11) He feels the SDIC concerns were not addressed by the Planning department. He would hope the Board doesn't throw the SDIC under the bus, as the dike needs to be recertified, which is a big deal because the SDIC area county be zone a flood zone; 12) There should be a hydrologist report that all is ok; 13) This is a safety issue; 14) Drive around the dike and look at cyclone fence with red alder and Oregon ash trees on the berms. It does not look that way to Joe; and 15) He hopes to get answers to these concerns. In summary, he is not in support of this application.

Laurie Mapes, 33973 SE Oakridge Drive, Scappoose: She submitted her written comments into the record marked **Exhibit "5"**. She is a SDIC board member and although her comments are her own, they reflect shared concerns. She then read her statement. The elevation of the groundwater goes up and down based on the influence of factors including precipitation, the river level in the Multnomah Channel and groundwater flowing from the foot hills to the west. This in turn increases the amount of water in SDIC's drainage system and triggers SDIC pumps to work harder to keep ditch levels within the range that SDIC has set. The engineers that appear in this record agree that mining the Bates & Roth and Bible College properties will add water to SDIC's pumping burden. Surface mining within a levee district has a risk of altering the areas of land predicted to be under one foot or more of water in a 100-year flood event, a risk large enough to

require substantial engineering analysis before FEMA can re-accredit the levee system. In short, NW Aggregates asserts in its application that its proposed mine at Bible College will have no significant impact to ground or surface water, despite the fact that the hydraulic modeling needed to support that conclusion has not been done. The seepage impact from mining is not uniform throughout SDIC's lands. The amount depends on underground geology and proximity to the Multnomah Channel. She would like to see the need for additional engineering analysis as well as improvements to the monitoring program before a decision on this application is made.

Darryl Whipple, 76439 Alston Mayger Road, Rainier: He wanted to share his objections. One being the loss of farm land in our county and he sees that happening over time. And he is wondering how the commission decides between one Goal 5 resource and another? He would urge the Board to deny this application.

REBUTTAL:

Steve Abel, 760 SW 9th Avenue, Portland: He is the attorney representing the applicant. He wanted time to review Exhibit "5" that was just submitted. He then made some comments on Goal 5, stressing that Goal 5 protects for use of aggregate resource. You look at the conflicts and determine if they are significant and what needs to happen to minimize those conflicts. These steps are covered in the conditions of this application as recommended by the Planning Commission. As stated by Planning Commission member, Jeff VanNatta, this site has been studied and studied for 30+ years.

Commissioner Fisher asked if the re-certification of the dike land will be affected by this change? Steve has no idea because today is the first he has heard of that.

Ron Blegen, Golder Associates, 9 Monroe Parkway, Lake Oswego, OR 97035: He is a hydro-geologist and has 27 years experience and is a registered geologist in Oregon and a licensed hydro-geologist in Washington. This is a very well understood site and we do understand the hydro-geology and geologic regimes here. This is backed up by data that has been collected over the last 15 years. The groundwater system reacts consistently to various stimuli whether its seasonal variations or annual variations. There has been no change in the hydraulic regime within this area. The main issue with regards to seepage into the ditch which needs to be noted here is that is purely controlled by hydraulic gradient, what the hydraulic gradient will be between the pit and the slough. There is very low gradient and there really is not going to be very much seepage coming out of the slough due to the presence of the pit. They have not ran a model on this site.

Derek Holm, Golder Associates, 9 Monroe Parkway, Lake Oswego: He is a registered geologist in Oregon and a licensed hydro-geologist in Washington. He drew a diagram of what a geologic cross section would look like between the pit and the slough to explain how the seepage is determine.

Commissioner Heimuller asked about condition #24 and if that is the best way to monitor the seepage to give assurance to the SDIC. Ron believes the system is an adequate system.

Tom Lowry responded to Commissioner Heimuller's question of sharing monitoring data with SDIC on a monthly or quarterly reports. Tom believes the annual data report is a reasonable amount of data because of the sheer amount of it, however, this is something that can be provided more often if the SDIC wants it more regularly.

Steve Abel commented that he briefly went through the existing monitor program and he wants to try to be responsive to Commissioner Fisher's question and he does not know what the corps said about that but when he reads the monitoring program, the costs incurred by the district for the mining are claimable under the monitoring and compensation agreement.

Commissioner Heimuller understands the Goal 5, maybe that's not a significant impact on the Olsen well, but by being a good neighbor, the miners need to listen to their neighbors, even if it doesn't meet the meaning of "significant". Tom Lowry responded that they have met with the neighbors because they want to be good neighbors and continue to work with them. If anything comes up regarding wells, they will certainly work with the neighbors to help resolve any issues.

With no further testimony coming before the Board, the Board considered leaving the record open or not. There was no request from the audience. Robin stated that the 180 day deadline is January 21st. After consideration, Commissioner Fisher moved and Commissioner Heimuller seconded to close the hearing. The motion carried unanimously.

Steve Abel waived his right to a written argument.

Commissioner Fisher moved and Commissioner Heimuller seconded to carry over deliberations to Wednesday, November 9, 2016, on or after 10:00 a.m. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. Items (G) & (M) were pulled for discussion at the afternoon session. With no other changes/additions, Commissioner Heimuller moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 10/24/16.

- (B) Order No. 58-2016, "In the Matter of Conveying Certain Real Property In St. Helens, Oregon, to Martin M. Kennedy and Dawna M. Kennedy".
- (C) Resolution No. 63-2016, "In the Matter of Authorizing Supplemental Budget Appropriations For Fiscal Year 2016-2017".
- (D) Order No. 64-2016, "In the Matter of Approving Benefits for Non-Represented County Employees Who Are Otherwise Eligible to Receive County Employee Benefits".
- (E) Quitclaim Deed: Columbia County to Martin M. Kennedy and Dawna M. Kennedy,
Tax Map ID No. 4N1W04-AD-00304 and Tax Account No. 10139 and authorize Chair to sign.
- (F) Approve Personnel Action appointing Karen Kane.
- (G) Approve Expectations Letter to Karen Kane. ***(Pulled and held over to Staff meeting for discussion)***
- (H) Appoint James C. Tierney and Leslie Jerry Keenon to the BOPTA Chairpersons' Pool.
- (I) Appoint James C. Tierney, Leslie Jerry Keenon, Richard Larsen and David Reynolds to BOPTA for the Non-office-Holding Pool, terms to expire June 30, 2017.
- (J) Appoint MaryAnn Guess to the Columbia County Fair Board to complete the term of Judy Reed, term to expire January 1, 2018.
- (K) Liquor License for Island Cove Market (new ownership).
- (L) Approve the re-creation of the position of General Services Director and assign to Exempt Salary Range 06.
- (M) Approve the General Services Director job description. ***(Pulled and held over to Staff meeting for discussion)***
- (N) Appoint Casey Garrett to the position of General Services Director and approve Personnel Action, effective November 1, 2016.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

No comments.

COMMISSIONER HEIMULLER COMMENTS:

No comments.

COMMISSIONER FISHER COMMENTS:

No comments.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 26th of October, 2016.

NOTE: An audio CD of this meeting is available for purchase by the public or interested parties. A video of the meeting is also posted on our website at www.co.columbia.or.us

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Anthony Hyde, Chair

By: _____
Henry Heimuller, Commissioner

By: _____
Jan Greenhalgh
Board Office Administrator

By: _____
Earl Fisher, Commissioner