

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

February 8, 2017

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Margaret Magruder and Commissioner Alex Tardif, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator.

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

MINUTES:

Commissioner Magruder moved and Commissioner Tardif seconded to approve the minutes of the February 1, 2017 Board meeting and February 1, 2017 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Rory Hammond, 66350 Bishop Creek Road: When Commissioners take office, they are expected to attend many different meetings, an expectation that can be difficult at times. His neighbors and himself would like to thank Commissioner Magruder for attending a meeting at the Beaver Valley Grange to talk about the homeless and squatter problem we have in the county. Thank you!

Don Campbell, 75735 Price Road, Rainier: He lives next to 2 commercial size trailer parks, both have failing sewer issues. He has spent a lot of hours on the phone with DEQ trying to get them to do something more than they've done in the past. In Don's investigate, he's found 3 parks with failing sewer systems. Don presented photos to the Board showing liquid coming out of the ground next to his property. He has brought this to the attention of the Board and DEQ a number of times and nothing seems to be getting done. Commissioner Heimuller asked that Don send him the information he has on these trailer parks.

Leanne Hellberg, 53180 Flint Drive, Scappoose: She has lived in this county for the last 5 years and has been victimized for the past 4 of them. Right now, they are dealing with just being able to use a road between two neighboring properties. This road was given to the public in 1911. She and her husband cannot walk on that road without being yelled at and shot at. With their backs turned, they can't see who is shooting them, but they have been told by officials that they know this is happening to them. She is here today to ask the Commissioners to do something. The last incident was in 2016 when her husband was up on the property in the dark checking an access which they paid for and authorized by the County Road Department. His back was to "them" and she was putting away the dogs. She witnessed lights coming at her and heard one shot. She didn't know

if her husband was shot so she called 911. She is being bullied and it's not right - something needs to be done about this. Commissioner Heimuller asked if there was a response or followup to her 911 call. Leanette stated there was no followup. He asked that she send the 911 information to the Board office for followup.

DAVID WEBER - NW NATURAL GAS:

David Weber, Todd Thomas, Andy Bower and Mike Hayward, NW Natural Gas, were present to give the Board an update on the North Mist Expansion project. Because there are 2 new Commissioners, they wanted to make sure they are up to speed on the project in the Mist gas fields.

Todd Thomas, presented a power point review of the expansion, which is being developed to serve the PGE at the Port Westward Industrial Park. The project is currently on schedule for a 2018 in service date. When finished, focus shifts to commissioning, start-up and turnover of facilities to place in-service for PGE. Commissioner Magruder asked if there are any restrictions in that area? Yes, there are limited restrictions, but one can build a structure over the pipeline.

DAVE GUTMANN ROAD MODIFICATION REQUEST:

Dave Hill and Lonny Welter, addressed the application by Dave Gutmann for a road modification to construct improvements within an unnamed and unconstructed public right-of-way off of EM Watts Road near Scappoose, Oregon. Mr. Gutmann would like to develop the ROW to driveway standards to serve up to two parcels. He is requesting a modification to the maximum grade standard as well as the road surface width standard for local roads. Using the grease board, Lonny drew an outline of the area to explain the existing grade of the road, road width, land lock issues, etc. He then reviewed conditions that staff would recommend if approved. Questions were asked about potential buildout of the other surrounding parcels and who would pay the cost for additional road improvements. Lonny explained how those costs are determined and how that cost is divided up between the land owners. This has been reviewed by LDS and the Scappoose RFPD, with no issues. After discussion, Commissioner Tardif moved and Commissioner Magruder seconded to approve Order No. 8-2017, "In the Matter of the Application of Dave Gutmann to Modify Road Standards for an Unnamed Platter Right of Way off of EM Watts Road", with conditions noted by the Road Department. The motion carried unanimously.

DELIBERATIONS: CHRISTOPHER ARTHUR APPEAL:

This is the time set for deliberations, "In the Matter of the Application Submitted by Christopher Arthur for a Variance to Setbacks for an Indoor Marijuana Grow Operation in the Rural Residential RR-5 Zone on Turley Road in Warren, Oregon".

Robin reviewed rebuttal received from Ross Day, attorney for the applicant, which was entered into the record, marked **Exhibit "5"**. This is now time for the Board to deliberate.

Commissioner Tardif stated that this issue is not a matter of if it's legal or illegal for a person to grow marijuana in the county - it's about an application for a major variance to the code and that needs to be the focus. Based on the facts before the Board and the criteria that needs to be met for a major variance, he fails to see how we could allow this, considering it doesn't meet the requirements. There is room on the property that would allow for this, but not in it's present location. The ordinance was established for a reason and feels the Board was very generous in allowing this in an RR-5 zone, when the majority of counties surrounding us do not allow grow sites in the RR-5 zone, only in a PF-80 and PA-80. To move forward with this would be setting a precedence.

Commissioner Magruder agreed with the comments made by Commissioner Tardif and does not believe the applicant has met the burden for approval.

Commissioner Heimuller gave some historical background on the marijuana ordinance, and the involved process in drafting that ordinance. That said, this application comes down to one issue. Although the property is zoned RR-5 but smaller than 5 acres, the neighboring property is sub-dividable and could be impacted by this operation. By allowing this operation, which is 5 feet away from the property line, would devalue the building site next door. These are exactly the type of impacts this ordinance was designed to minimize. He has to make his decision based on the neighborhood impact. After review of the file, his support would have to go with the staff recommendation to deny this variance.

With that, Commissioner Tardif moved and Commissioner Magruder seconded to tentatively deny application V17-02. The motion carried unanimously.

Robin will prepare the final order for an upcoming agenda.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of 2/6/17.
- (B) Authorize Human Resources Director to fill .49 FTE Office Specialist vacancy in the HR Department.

- (C) Appoint George Dunkel, Dennis Kenna, Jim Tierney and Dee Wooley to serve on the Elected Officials Compensation Committee for a one year term.
- (D) 2017 Liquor License renewal for the Multnomah Channel Yacht Club.

The motion carried unanimously.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller attended the NOHA meeting last week in Warrenton. They continue to work on the needs of low income housing in our region.

The Board attended the Veterans Bunker fundraiser at Buccini Hall. There seemed to be a large turnout and it was very successful.

Reminder that the 102nd Columbia County Fair and Rodeo is coming up this summer. This fair is run totally by volunteers but they can always use more. They meet every Saturday morning and everyone is welcome to attend.

Last night he attended the St. Helens Urban Renewal District meeting for the development of the waterfront. That and other projects were discussed.

COMMISSIONER MAGRUDER COMMENTS:

Commissioner Magruder spoke at the Kiwanis Daybreakers meeting yesterday in St. Helens. They are a great group of volunteers.

She visited the Community Corrections department and toured their transitional housing at the Jail site. That housing is a great opportunity for those transitioning from Jail to outside life again. Great program.

She attended the Beaver Valley Grange meeting last night. There were a number of people there and discussion was held on the serious problem of the homeless and the negative effects on the community.

New week in Oregon's 158th birthday on 2/14/17,

COMMISSIONER TARDIF COMMENTS:

Commissioner Tardif attended the Valentines for Vets event on Saturday, put on by veteran advocate Alta Lynch. It was a great time supporting our vets.

He will be in Astoria on Friday for a Public Health meeting.

On Saturday, he will be at OSU Extension office grafting apple trees. This will be his second time doing this and will have about 20 new apple trees to plant around his property.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 8th of February, 2017.

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: _____
Henry Heimuller, Chair

By: _____
Margaret Magruder, Commissioner

By: _____
Jan Greenhalgh,
Board Office Administrator

By: _____
Alex Tardif, Commissioner