

COLUMBIA COUNTY PLANNING COMMISSION MEETING

June 1, 2015

Approved Meeting Minutes

Members Present: Paula Lichatowich, Linda Hooper, Alta Lynch and Jeff VanNatta

Staff Present: Glen Higgins, Kay Clay, Deborah Jacob and Robin McIntyre

Others: Gary Tetz, Rob Blevins, Penny Clement, Barbara & John Arnold, Sarah Esterson, Max Woods, Ginny Gustafsen, Claudia Frace, Grant Gratrix, Steve W, Sarah Curtiss, Andy Bauer, Mike Hayward, Todd Thomas, Don Wallace, Larry Gainer, Gary Gainier, Swain Gainer and Konrad Hyle

The Planning Commission meeting was called to order by Jeff VanNatta at 6:30 pm

Deborah Jacob read the pre-hearing statement.

No Ex-Parte was declared.

CU 15-09 Grant Gratrix

Deborah presented the staff report.

BACKGROUND & SUMMARY:

According to OAR 330-008-0000, the Oregon Medical Marijuana Act (OMMA) was adopted by voters in the November 3, 1998 general election (Ballot Measure 67), and was subsequently amended during the 1999, 2005 and 2007 legislative sessions. The statutes governing the Oregon Medical Marijuana Program (OMMP) are ORS 475.300 through 475.346. Moreover, *“The Oregon Health Authority was assigned rulemaking authority necessary for the implementation and administration of the Oregon Medical Marijuana Act. The Act intends:*

(1) To allow Oregonians with debilitating medical conditions who may benefit from the medical use of marijuana to receive the benefit of their doctor's professional advice regarding the possible risks and benefits of medical marijuana;

(2) To allow Oregonians suffering from debilitating medical conditions to use small amounts of marijuana without fear of civil or criminal penalties when their doctors advise that such use may provide a medical benefit to them; and

(3) To make only those changes to existing Oregon laws that are necessary to protect patients and their doctors from criminal and civil penalties, and are not intended to change current civil and criminal laws governing the use of marijuana for non-medical purposes.”

In January 2015, the applicant, Grant Gratrix, submitted a Building Permit to Land Development Services (LDS) to modify the interior of an existing detached pole barn. Upon further review of this application on February 4, 2015 the LDS Director determined

that the applicant was intending to use this structure for a medicinal marijuana grow operation authorized by the OMMA. Subsequently, the applicant signed the Acknowledgment or Deferral of Land Use Review for Authorized Use of Structure (Attached) stating he understands that *“the medicinal marijuana grow operation requires approval of a home occupation permit from Columbia County prior to the building being used for this medicinal marijuana grow operation .”*

On February 4, 2015 the applicant applied for a Type 1 Home Occupation Permit that will allow him to use accessory structures on his RR-5 zoned property for the growing and processing of Medical Marijuana authorized by the OMMA.

Section 1507 of the Columbia County Zoning Ordinance (CCZO) permits the Planning Director to approve the Type 1 Home Occupation according to the procedures and requirements of Section 1601 of the CCZO. Property owners within 250 feet of the subject property were notified of CU 15-09 on February 17, 2015 and given ten (10) calendar days to either submit comments and objections to the Planning Department or to request a public hearing on the matter before the Planning Commission for a fee of \$262.00.

On February 24, 2015, John and Barbara Arnold, residents at 73739 Cedar Grove Drive submitted the attached request and fee to refer CU 15-09 to the Columbia County Planning Commission’s public hearing scheduled for May 4, 2015. The County’s present Moratorium on the operation of Medical Marijuana facilities, expires on May 1, 2015, applies to the siting of dispensaries. It does not include Medical Marijuana growing operations as applied for in this application.

Summary

The applicant lives on the 5.0 acre RR-5 zoned property addressed at 73749 Cedar Grove Drive. The application submitted for CU 15-09 summarizes the activities associated with his proposed home occupation as follows:

“All cultivation of cannabis at 73749 Cedar Grove Drive will take place in accordance with the OMMA in ORS 475-300 to 475-346. Plant counts are limited to four patients per grower. Each patient’s grower is allowed six mature plants, and eighteen immature plants, Patients will not be visiting the grow sight (site) and their medication is delivered to them. All excess product is sold to only licensed medical marijuana dispensaries, so no one will be visiting the property as it is only a grow site with nothing for sale at this location.

Cultivation will occur in the shop year around in the two small flowering rooms,. Total indoor grow space is approximately 500 square feet. The remaining shop area (of 500 sq ft) will be used for processing of all cannabis grown on the property. During summer months outdoor cultivation will take place according to ORS 475-300 to 475-346 plants limits. Most of the outdoor plants are contained within a Hoop House and the entire property is fenced. Smell is not a problems due to the distance between residents.

Processing includes trimming and drying. Drying is completed in an enclosed room that is temperature and humidity controlled. The product is then packaged into one pound lots and delivered to dispensaries”

The proposed home occupation accesses Cedar Grove Drive via a graveled driveway. The applicant will need to apply for and be granted a Road Access Permit from the County Road Department as none could be found on file. The Clatskanie Rural Fire District's and the County Building Officials fire and life safety concerns will be required to be met prior to final occupancy for the new use of the pole barn/shop.

The southern portion of the 5-acre site is intended to be the area that will be used for the growing and processing of medical marijuana. This site is surrounded to the north, east, and west by other RR-5 zoned and developed properties and to the south by vacant Primary Forest (PF-80) zoned land. The applicant's residence is located between the shop and the driveway to Cedar Grove Drive. The Cedar Grove Estates Subdivision platted this portion of the county and allowed it to be developed and used for Rural Residential uses. The adjoining un-platted properties to the south are in PF-80 uses and consist of large tracts of forest lands. Finally, the property is served by a private well and an onsite sewage disposal system. Disposal of any wastewater generated from the medical marijuana processing/growing operation cannot be discharged into the septic system; the method of disposal must be approved by the County Sanitarian prior to commencing the home occupation.

A grower:

(a) May produce marijuana for and provide marijuana to a patient or that person's designated primary caregiver as authorized under ORS 475.300 through 475.346 and these rules;

(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each patient or designated primary caregiver for whom marijuana is being produced;

(c) May possess up to 18 marijuana seedlings or starts for each patient for whom marijuana is being produced.

(4) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.

The applicant states that he will grow no more than six mature plants and 18 immature plants per patient and that he will grow for a maximum of four patients, This criterion has been satisfied.

Though a Type 1 Home Occupation may be found not to jeopardize public health, safety and welfare now, it could evolve to do so in the future. Thus, compliance with all conditions and applicable standards will be required to ensure that the Home Occupation remains in compliance with all conditions of approval for the lifetime of its operation at the subject property. Any departure from these conditions of approval and the approved plans constitutes a violation of this ordinance. In such circumstances this Conditional Use Permit will be subject to suspension or revocation. Staff finds that the criterion can be met subject to conditions

The applicant states in his response to this question that *“Plenty of space, isolated and good soil and sun. Out of view from the public and driveway. A pole barn on the property will be used for processing which will keep the product out of sight and secure. The product is grown using organic best practices with no impact on the environment”*

In addition, the applicant's response to the criteria in Section 1503 (C & D) states “ *The property is zoned RR-5 which allows for agricultural uses. There is plenty of flat ground with good soil that lends itself well to crop cultivation. All existing infrastructure is well suited for the proposed use. There will be no adverse impacts on the current roads, power, or any public facilities, No customers will be visiting the property, no tractor trailers will be transporting goods in and out, only passenger vehicles of the business owner will be coming and going from the property.*”

It appears the applicant has designed both his indoor and outdoor activities in ways that minimizes their impact on adjacent properties. Although neither immediate neighbors to the south, east or west have yet to submit their concerns as to how the applicant's proposal will impact their properties, the immediate neighbors to the north were the ones who requested and paid for the Planning Commission's review of CU 15-09. All indoor growing and processing of medicinal marijuana will occur in the shop and hoop structures that will be ventilated to ensure climate as consistency. When medicinal marijuana can be grown outdoors, during the ~3-month dry season, the proposal submitted for CU 15-09 have no mechanisms in place for reducing the odor and pollination from emanating onto adjacent properties

Although the applicant has installed a gated entrance to Cedar Grove Drive and has a wire fence around the perimeter of his property, additional safety measures will most likely be necessary in order to improve the security of these features

Open for comments

In favor:

Grant Gratrix: There will be no ventilation to the outside and the only time there may odors would be August-September. The only water there would be is about 1-2 gallons a day and most of that would evaporate. Grant will work with the county to meets the conditions they set and wants the least impact on all the neighbors.

Opposition:

Barbara Arnold resident at 73739 Cedar Grove Drive: States concerns about the strong odor permeating surrounding properties from the smell of growing cannabis outdoors or indoors in structures with vented fans that are necessary to optimize suitable growing climate for Medical Marijuana. Mrs. Arnold also emphasizes her concerns that this will reduce not only her property's value but her and her husbands' quality of life by not being able to enjoy time spent outdoors on their rural residential property.

Mrs. Arnold also expresses her concerns that the proposed medical marijuana growing operation will be likely to draw crime since Cannabis is a street drug and that in Colorado grow sites and dispensaries are often the target of thieves. Mrs. Arnold then explains that the applicant's property is not secure and can be accessed via an existing All Terrain Vehicle (ATV) path that runs from Cedar Grove Road along the boundary of her property and onto the applicant's. She further describes the applicant's existing fence and gated driveway which, due to their poor maintenance and construction, would not deter anyone from accessing the applicant's property. Finally, Mrs Arnold states that this area has minimum levels of police protection; the Sheriff's department states that they will not respond to calls after 5 PM unless there is a threat to life.

Dr. John Arnold, resident at 73739 Cedar Grove Drive: John and his wife Barbara are the immediate neighbors to the north who requested a public hearing before the Planning Commission for CU 15–09. Mr. Arnold is a physician who knows the dangers of “medical” marijuana and as a land owner feels that allowing this type of operation in a residential area will adversely affect all people of this rural subdivision. Mr. Arnold also submitted the following articles from the American Academy of Pediatrics, American Academy of Family Physicians, American Society of Addiction Medicine, and the American Medical Association all of which state these medical associations’ opposition to the legalization of marijuana. These articles include:(1) *Impact of Marijuana Policies on Youth: Clinical, Research and Legal Update (March 2015)*, (2) *Marijuana - AAFP Policies*, (3) *ASAM Opposes State Ballot Measures to Legalize Marijuana, July 2012*) and (4) *AMA Opposes Marijuana Legalization.(November 2013)*.

Richard and Linda Kujala residents at 73752 Cedar Grove Drive: The Kujalas’ expressed their concerns about the strong odor from the marijuana growing process which is noticeable inside and outside their home. They are also concerned with decreasing property values and increase likelihood of crime associated with the proposal requested for CU 15-09. They also stated that the applicant built a gate, posted No Trespassing” signs as well as signage indicating the property was under video surveillance.

Robert Crain, Columbia County Code Enforcement Officer:

Mr. Crain submitted his concerns about how the growing and cultivation of marijuana on this property could detrimentally impact adjoining properties in the following ways:

1. Becoming an attractive nuisance luring children onto the property who may want to ingest the Cannabis,
2. The strong odors generated by growing of Cannabis, and
3. The trespass of Cannabis pollen and particulate leading to allergic reactions

Mr Crain then recommended the applicant be required to conduct all cultivation indoors and inside fully secured and not opaque, prohibit odors, pollen and particulate from trespassing onto adjoining properties, and only allow outdoor activities to include the storage of gardening tools and like kind materials

During the site visit, the County Planner mentioned these concerns and discussed possible measures to address the pertinent issues. Here is a summary of this conversation including information about the actual growing of marijuana as well as additional measures the applicant is willing to undertake on his own to help alleviate these expressed concerns:

1. The applicant has written contracts with his 4 patients that prohibits any visits to his home containing the medical marijuana growing operation. This contract includes a substantial fine (\$1,000) for any violations.
2. Only a female marijuana plant makes flowers/buds that contain a usable amount of THC. Male marijuana plants only provide pollen for fertilization which is when the majority of allergic reactions occur, during pollination. In order to maximize female plants’ bud (THC) production, the applicant will only grow

female marijuana plants and will immediately remove any invasive male marijuana plants. Growing only female plants will significantly reduce the likelihood of pollination on site and subsequent allergic reactions.

3. In the Pacific Northwest climate, marijuana plants cannot be grown outdoors during the average 9 month rainy season; if plants roots get wet they develop bud rot that destroys plants. Indoor growing requires ventilation/exhaust fans and lighting to ensure appropriate growing temperatures and climate.
4. The applicant will install security cameras for his shop and outdoor hoop structures and security bars for the shop and will lock his gated driveway at night.
5. Plants grown indoor mature in 8 - 10 weeks while those grown outdoor take 3 - 4 months. All plants will be grown in pots to facilitate moving between indoor and outdoor grow areas.
6. Optimum maximum plant size is 5 feet high by 3 feet wide. No more than 24 **mature** plants are authorized at one medical marijuana grow operation: 4 patients (required to be medical marijuana card holders) each of which can have 6 mature plants and 18 immature plants. With these restrictions the number of immature plants is limited to 72 (18 X 4). The total number of medial marijuana plants onsite is limited to 96.

Although the site is surrounded by other residential properties, the proposed home occupation will take place primarily within the detached shop and hoop structures during the 9 month rainy season here in the Pacific Northwest. In order to minimize any increases in odor and allergens during the dry season (when medical marijuana can be grown outdoors), staff recommends that if LDS receives complaints from neighbors and is able to verify these complaints, that the applicant be required to relocate all plants indoors into approved ventilated structures where the odors and allergens can be minimized. The growing of medicinal marijuana will not generate obtrusive amounts of noise, will occur in approved accessory structures or outdoors in individual pots in the southern portion of the property that is further away from nearby residents. The applicant will not have any non-resident employees, signage, or customer trips associated with this home occupation. All of these characteristics and site development will help preserve the rural residential characteristics of the RR-5 community

The proposed medicinal marijuana growing operation will be operated only by the applicant who is the resident and owner of the subject property. None of his 4 customers will be allowed to visit his home and if they do, will be fined \$1,000 for each offense per the signed Contract between the each patient and the applicant/their licensed medicinal marijuana grower. Finally, the applicant has no need or desire to have any signs advertising this business which is consistent with this provision for home occupations. Staff finds that these criteria have been met and will be required to be adhered to for the lifetime of this home occupation at this location

Public Hearing opened.

Grant Gratrix wanted to express that there would be no ventilation to the outside. The building being used are air tight. The only times that there might be an odor is from August to September when the plants are outside. There should not be concerns about waste water because on a normal day there is only about 1-2 gallons of water and most of that evaporates.

Rebuttal

Grant Gratrix noted that all the growth inside will not expose odors, the air conditioning will control the odors. Any odor concerns are addressed in the staff report.

Closed to public comment.

Linda Hooper complimented the staff on how well the staff report was written.

Paula Lichatowich made motion to approve CU 15-09 with conditions, alta Lynch seconded.

Motion carried all in favor.

Northwest Natural Gas CU 15-12

Paula Lichatowich declared that she has been elected to a position with the Port but that would not influence her decision.

Glen Higgins presented the staff report.

Background:

Northwest Natural Gas Company (NWN) has submitted a Conditional Use Permit application to allow for the drilling and operations of four new natural gas injection/withdrawal wells at a single pad location, and one monitoring well at a close, but different location, all within the greater Mist Gas Field area. The Mist Gas Field consists of numerous existing gas production wells in the Nehalem Valley formation and two natural gas storage areas. According to the Oregon Department of Geology and Mineral Industries (DOGAMI) the Mist Gas Field has “produced over 65 billion cubic feet of gas since its discovery in 1979.” These proposed new gas wells will become a part of a new NWN Mist Underground Natural Gas Storage Facility. The current Mist Storage Facility is comprised of a couple underground storage locations: the Bruer/Flora area and the Calvin Creek area. The storage areas are used by injecting the excess flow of gas (at low demand times) into selected underground caverns or a storage reservoirs, and using the stored gas to serve customers at times of high demand, throughout their

service area and intrastate. The four injection/withdrawal wells, of this application, are located over a new storage reservoir site called the Adams Storage Reservoir.

This conditional use permit (CU 15-12) is part of a larger project. NWN is seeking to expand the Mist Underground Natural Gas Storage Site Certificate (Site Certificate) boundary, by extending it to the north. The Adams Storage reservoir is the first of three the potential storage areas of this extension. The Energy Facilities Siting Council (EFSC) has the jurisdiction for permitting of this facility expansion through the Site Certificate Amendment #11. The only portion of this larger project that Columbia County Planning Commission will be reviewing is the Conditional Use Permit CU 15-12 for the drilling the four gas wells themselves. The State Department of Geology and Mineral Industries (DOGAMI) has the permitting authority for subsurface gas well drilling. The State Department of Energy (DOE) administers and provides staff for the EFSC, within the guiding law of the Code of Federal Regulation for siting of regional energy facilities. At this time by amending the Site Certificate, through Amendment #11, NWN proposes to develop the Adams reservoir as a new underground storage area, to install injection/withdrawal wells, transmission lines to and build a new compressor facility, located nearby the injection/withdrawal wells, and to construct an approximately 13 mile, up to 24", natural gas transmission pipeline between the new compressor station and Port Westward Industrial Park near Clatskanie. These overall gas facilities, the new wells, new underground storage reservoir, piping, compressor stations, transmissions lines and other related improvements are all permitted separately through EFSC. The County Board of Commissioners and the Planning Division are reviewing the application (EFSC Site Certificate Amendment #11) and will provide comments to DOE prior to June 8, 2015.

The site for these proposed gas wells, serving the proposed Adams Storage Reservoir, is located in an area that does not have any farm use parcels within miles. Adjacent properties are all large timber properties used for forest management. The area is mountainous with steep slopes, any streams in this area are very small in deep ravines near their head-waters. The drilling site is at an elevation of approximately 1200 feet above sea level. There are no floodplain or wetlands near the subject site, as per FIRM Map # 41009C0125D November 26, 2010 and National Wetlands Inventory NWI, Marshland Map. This area has little to no public facilities available, no public roads but is within the Mist-Birkenfeld Fire Protection District. The Planning Commission has reviewed other gas wells in the remote areas near Birkenfeld and has set usual conditions that have been imposed on other gas well applications. Those conditions of approval generally included obtaining a State DOGAMI drill permit and coordination activities with various state and local agencies for oversight and emergency preparedness.

Glen pointed out that there are approximately 200 wells in the Mist-Birkenfeld area. This projects will encompass approximately 3.6 acre area with the well pad being within a acre of that site. Even though there will be heavy equipment on Hwy 202 there will be minimal impact in such a short period of use.

There will be 6 conditions in the final order with a recommendation of approval from staff.

In Favor

Sarah Curtiss, Stoel-Reeves, representing NW Natural. Just wanted to express the appreciation she has for Columbia County and the planning staff.

Todd Thomas, Project Manager. Explained that this is just a portion of the larger project. This is part of the fuel supply for PGE, it will offset the energy source of wind energy. The compression station included at Miller Station is at its capacity. This complete project will be lasting for 1-2 years.

Opposed - none

Rebuttal

Closed discussion.

Alta Lynch moved to approve CU 15-12, Linda Hooper seconded. All approved motion carried.

V 15-04 & MP 14-02

Marlene Landon

No exparte

Deb presented the staff report, pointing out that this is very unique property. It has split zones and steep terrains. Most of the homes on Mountain View Rd are built closer to the road. Deb did express the need for a geo-tech report prior to the partition due to the unique characteristics .

Background:

The applicant, Marlene Landon, is requesting a Major Variance to the standards in Section 1005.A of the Columbia County Subdivision and Partitioning Ordinance (CCSPO) and to those in Section 604.5 (A) of the Columbia County Zoning Ordinance (CCZO) in order to waive the minimum 50 feet of usable public road frontage requirements for one of three newly created parcels in the Rural Residential (RR-5) zone. Proposed Parcel 2 will have only 22 feet, instead of the required 50 feet, of usable frontage on Mountain View Road while Parcels 1 and 3 will both have at least 50 feet of usable frontage on Dutch Canyon Road.

The subject property is approximately 96 acres, is located on the north and south sides of Dutch Canyon Road, will be served by septic systems and are eligible to petition the City of Scappoose for use of their water. The ~ 16-acres located north of Dutch Canyon Road is zoned RR-5 while the remaining ~70 acres south is zoned PA-80. The proposal requested for MP 14-02 and V 15-04 proposes to create 2 new RR-5 parcels and will leave the property's existing 1908 residential structure on an approximate 70 acre parcel in the PA-80 Zone.

No new development is proposed for the PA-80 zoned Parcel 3 which is already developed with a residential structure and various accessory structures. Land Development Services (LDS) has limited building and septic records for the existing

dwelling that utilizes the City of Scappoose's water. Proposed Parcel 2 will be accessed from its 22' of usable frontage on Mountain View Road and necessitates the submittal of the Major Variance Permit. Parcel 1's approximate 11 acres consists of two portions on the north side of Dutch Canyon Road. Although these two portions do not appear to be contiguous, recorded surveys of this area reveal these two portions share a common point that is located within the right of way of Dutch Canyon Road.

According to the National Wetlands Inventory Map of Dixie Mountain OR, there are identified wetlands associated with Raymond Creek running through the central portion of Parcel 3. Although these wetlands are at least 200 feet away from the site's existing development, no new development is proposed or authorized for Parcel 3. Similarly, FEMA FIRM Panel No. 41009CO481 D confirms that portions of Parcel 3 are within Raymond Creek's 100 year Flood plain. All future development on Parcel 3 will be required to be consistent with the County's Flood Hazard, Wetlands, and Riparian Corridor Overlay Zones. Although portions of the subject property are designated as Peripheral Big Game Habitat per the Scappoose-Spitzenberg CPAC Area Beak Maps the site does not contain any threatened, endangered or sensitive plant or animal species. Emergency services are provided to the site from the Columbia County Sheriff and the Scappoose Rural Fire Protection District.

Section 1005.A of the County's Subdivision and Partitioning Ordinance and Section 604.5(A) of the County's Zoning Ordinance require all newly created lots or parcels to have at least 50 feet of frontage on an existing public street that also needs comply with specifications of the County Road Standards Ordinance. Because Parcel 2 will have only 22 feet of usable frontage on Mountain View Road, the applicant's partition requires the Planning Commission to review and authorize this Major Variance from the strict requirements of Section 604.5(A) and Section 1005.A, provided the Commission's review finds the variance:

1. Is in the public interest,
2. Originates from unusual circumstances of the subject property,
3. Would result in undue hardship if it were denied, and
4. Meets the specified criteria in Section 1504.1 for Major Variances

Paula Lichatowich wanted to express her appreciation for the strong wording in the staff report.

Open for comments.

Don Wallace - KLS Surveying. Pointed out that Dutch Canyon divides the proposed partition. There are many issues with building on these sites and reason for concerns but Don feels that the conditions should be placed on the building permits as well as getting a geo tech report prior to submittal of building application. Don feels but putting conditions on the partition could double the geo tech reports.

Jeff VanNatta asked how long these lots were in existence but Don was not sure but Landons were relatively newer owners.

Gary Tetz believes that the Landon's bought this property 8 years ago. There is a turnout on Dutch Canyon that would make a good driveway entrance for a home that could be built where it is not too steep.

Pat Griffith, J L Scott, feels that the county is making it hard for the Landon's to do what they want to do and if this is standard practice for a partition. The cost for the geo-tech is a lot of expense for the owner to take on before the lot is sold if it sells. He feels the conditions should be placed at the time of the building permit submittal with notations on the partition map.

Closed to public comment.

Jeff VanNatta inquired as to why the geo-tech is being required prior to building.

Deb pointed out that the geo tech report would run with the land and as long as the home is placed in the proposed area then the geo-tech report is still good. Columbia county needs to assure that the property will be safe when used for the intended zoning. This zoning is for residential use. The buyers should be aware of their options and the developer should take responsibility for the steep slopes.

Glen said that it is cumbersome to buy property then find out it is not buildable because of slopes, driveways, septic issues.

Linda Hooper wanted to know if the geo-tech report is site specific and they are, if they wanted to build elsewhere another report may be needed it depends on the site.

Alta Lynch wanted to know if the property could be pre-approved and then do a geo-tech when developed.

Deb pointed out that the property may not be able to be developed because of the site of the home, septic, driveway

Paula Lichatowich suggested that maybe a buyer is found and then partition it.

Glen pointed out that when a partition is done that it has to be completed within a one year time frame, from preliminary plat to final plat.

Linda Hooper what the cost to have a geo-tech was and they usually run from 2-10 thousand.

Open for rebuttal

Pat Griffith, J L Scott, Wanted to point out that you do not have to have a house to partition, you can make any important notes added to the plat. Wants to know why the staff is dragging their feet on this.

Robin McIntyre, County Counsel wanted to point out that all comments need to be directed to the Planning Commission. Planning can not allow if the sites are un-buildable, due to slopes, septic or geo tech issues.

Closed for comments.

Paula Lichatowich suggested that we table this application until the next meeting

There needs to be more information submitted to the Commission from the staff that supports their decision.

Paula Lichatowich made motion to table V 15-04 & MP 14-02 until the June 15th meeting. Linda Hooper seconded. Approved to carry to the June 15th meeting.

CU 15-10 & DR 15-05

No ex parte. Paula Lichatowich did disclose that she has a cell tower contract with a cell company.

Deborah Jacob presented the staff report.

In summary:

The applicant, Verizon Wireless represented by Black Rock LLC, is requesting approval to site a communications tower on property owned by Rolf and Donna Larson. The property owners have signed a document confirming their consent and agreement for Verizon to proceed with obtaining the necessary land use and building permits (from the county) to install a new wireless communication facility and related equipment inside the existing leased area. (Attached) The submitted site plan identifies existing structures inside the a 6' chain link fence - two shelters for equipment and a generator, a 1,000 gallon LPG tank, an underground utility vault, and a power transformer. All of these structures are on concrete foundations and were authorized by the County Planning Commission in 1991 through the approval of CU 5-91 and DR 1-91.

The requests proposed for CU 15-10 and DR 15-05 involve constructing a 120' monopole telecommunications tower and associated equipment within a 50' by 150' (9,500 square feet) leased area located in the far NW corner of the 7.17-acre property. The new 120' monopole tower will be built SE of these structures and will also require a 14' southern expansion of the 6' chain link fence.

Transmission/communication towers are conditionally allowed in the PA-80 Zone and must be accompanied by a Site Design Review review to ensure compliance with siting standards. The subject property is adjacent to and south of the Bayview Cemetery on Old Portland Road and is located between Old Portland Road and the railroad tracks running parallel to Highway 30 in Warren. The remaining acreage of the 7.17 acre subject site is currently in pasture use as seen below and in the pictures on the next few pages.

The subject property does not contain any special flood hazard areas in accordance with FEMA FIRM 41009CO454 D. The St. Helens Wetlands inventory Map indicates the site contains identified wetlands in the central and southern portion of the 7.17 acre site; these environmentally sensitive areas are at least 500 feet away from the leased area. The St. Helens -Columbia City CPAC BEAK maps indicate the property is not within a

big game habitat area and does not contain any identified sensitive habitat, wetlands, plants or hydric soils. According to the Soil Survey of Columbia County, the NW portion of the subject property is composed of Aloha silt loam (Type 1A) with 0% to 3% slopes. This soil is deep, somewhat poorly and is on broad terraces. It is further identified as a high value farmland soil with a Class II Agricultural soils rating. Emergency services are provided by the Columbia River Fire and Rescue and the Columbia County Sheriff.

Open for comment.

Conrad Hyle, Verizon. This application is needed so that Verizon can better serve its customers with data and voice connects. These upgrades are market driven and all changes have to be compliant with 911. There is no special design to this project it will be made of galvanized steel and a bond is required for this jog and they do have one.

Linda Hooper, if a camo tower would be less noticeable and what the cost are for that option.

Conrad replied that camo towers are more expensive and in actuality the galvanized steel are better.

Opposition:

Larry Gainer, lives across the highway from where the tower is going to be and he is concerned that the property values will go down and that it will change the character of the property, this is a rural living setting.

Duane Gainer, lives above the proposed site and this pole would be right in front of his property and extending the height does create an issue for him. As the tower is now it does not create a problem increasing the height would. Is there a real benefit to increasing this location? What are the chances of the intended changes decreasing the property value of surrounding properties. The eagles have a flight pattern to their nest right in the area of the expansion. Is it possible to decorate the tower so it is not so abusive?

David Bolton, wants to know why here. It blocks the view and is concerned about it decreasing the value and view.

Rebuttal

Conrad Hyle, The reason the tower is here is for better coverage to their customers, it will fill in the gaps in the service. To date there has not been evidence of depreciations of values or impact on the environment and to date there is no evidence that it will interfere with eagles and wildlife. The towers are only sited where they are needed.

Linda Hooper asked what impact on Verizon there would be to paint the tower green with limbs so it might blend in with the environment?

Conrad pointed out that there is a less impact with a gray color and they want to do what has the most minimal impact.

Alta Lynch asked how they go about picking the property for the towers and Conrad replied that they look for gaps in the service, they preferred PA 80 zones, an existing facility.

Closed to the Public

Alta wanted to know why here and **Deborah** replied that they don't put it in an RR zone.

Alta Lynch moved to approve motion died no second.

Paula Lichatowich, says it is difficult to decide, the tower near her house has a light on it and that is not a problem, she prefers this design of tower. The placement of the antenna's are an eye sore. Paula can see both sides.

Linda Hooper supports the purpose of the application but would like to make it more appealing to the neighbors.

Alta Lynch, mentioned that the only way to do that would be nothing to obstruct the view.

Robin McIntyre, stated that there is a federal law since 1996 regarding tower sites and local government can regulate the location, without discrimination, if this is denied it would have to be with substantial evidence.

Alta Lynch moved to approve CU 15-10 & DR 15-05, **Paula Lichatowich** seconded, approved 3-1. **Linda Hooper** was against.

Meeting was adjourned at 8:50 pm.