

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

March 4, 2013  
Meeting Minutes

Members Present: Gayle Lee, Linda Hooper, Terry Luttrell, Guy Letourneau, Jeff VanNatta, Paula Lichatowich

Staff Present: Glen Higgins, Deborah Jacob, Kay Clay

Others: Ron Brownlow, Elmer Brink, Dale Witham, Sharon & Tom Coates, Robert Clarke, Rose Hanson, Daniel Hanson, Stephen Vocana, Ray & Sharon Manning, Ed & Lu Parshall, Chris Thompson, Richard Thompson, Val & Don Matthews, Stephen Topaz, Frank Hall, Heather Kimberly, C Marrero, Mary Anne Anderson, al Peterson, Annikar Petersen, Alice Hulse, Dick Backlund, John H Petersen, Ed Rabinowe, Steve Hausner, Jo Allyn Beckett, G Villanti, Darlene Bernsten, Diann thurston, Harold Hamilton, Mark Kuhn, Wes Fischer, Phillip Grillo, Kevin Pishion, Paul Owens, Ralph H\_\_\_, Michael Newton, Jill Stockwell, Robert Petersen, Cathy Petersen, Alvin Petersen, James Mosteller (2 additional names that are not clearly written)

The Planning Commission meeting was called to order by Chairman Guy Letourneau at 6:30 pm.

Glen Higgins read the pre-hearing statement.

Glen Higgins discussed with the Planning Commission that we had received a request from Andrew Stamp to continue the application submitted by Dave Reynolds on behalf of Stephen Edney. Glen pointed out the Planning Commission would receive new information for the April 1, 2013 meeting.

Terry Luttrell made motion to continue and Linda Hooper seconded. All were in favor.

### **Visitor Comments:**

Sharon Coates presented a power point presentation regarding the Home Occupation that was approved near her house for Michael Clark. This did not pertain to the current application for Valerie Matthews.

**Valerie Matthews**  
**Continuance of Conditional Use - CU 13-03**

**CONFLICTS OF INTEREST/EX PARTE CONTACTS:**

None Disclosed

Additional comments received from the Clatskanie CPAC, Valerie Matthews, Sharon & Donald McLarty, Kristine & Michael Langley, Gina Villanti, Jo Beckett, Ray Manning and a petition was submitted by Sharon Coates, all of which are included in the minutes.

**In favor of Conditional Use 13-03**

**Valerie Matthews** presented updates to the Planning Commission. Valerie noted that she had met with the Clatskanie CPAC and had an additional site visit with Rich Larson and Sharon Coates. She felt that the meeting with the CPAC had resolved some of the concerns that the CPAC had previously stated. We received a letter from the Clatskanie CPAC which is in the record. Valerie pointed out that she had hired a DJ to come out do testing of sound equipment and while he was playing music they went to the neighbors to measure the noise levels, the noise was very minimal, if any and when they went down by the road there was nothing. Valerie noted that they have added additional conditions which are, only music would be by a DJ except if the bride wanted a solo singer or a string quartet with no speakers or amplification, security officers will be onsite, designated smoking areas, on line events calendars, decibel meter for monitoring the noise level and no overnight camping, rock concerts, paintball parties and any function without a specified guest list and finally, all OLCC regulations will be enforced.

**Rose Hansen** stated that when the DJ was setup and playing music that they could not hear the music except when they were in the wedding area.

**C Marrero**, supports this application. She has operated the same type of business and did do outside wedding and states that Mrs Matthews is going to great lengths to meet any concerns. She said this is a positive change for the area even though accidents do and can happen on any road not just this one. She also pointed out that a chainsaw makes more noise and is heard easier than the DJ.

**Guy Letourneau** asked Ms Marrero what acreage she had at the time of her business and Ms Marrero stated 5 acres but the neighbors were not real close to her.

**In Opposition:**

**Ray Manning**, He believes in the rights of the owner but questioned if this type of business was appropriate for this area, primarily being concerned about traffic control. He feels that there should be a duty officer present and not a security person because of the potential drinking that could be done. Also how would it be monitored if a guest brought in alcohol that was not allowed. He stated that this would be beneficial to no one

except the owners and he would like a written notice each time an event happened. He wanted to have it in writing that the owners would have to live on site and be the only ones to hold an event.

**Guy Letourneau**, asked what Mr Manning thought about the applicants using VIPS (volunteer enforcement) and Mr Manning felt that it would work just fine.

**Gina Vallenti**, stated that she had concerns regarding the partying on the property and then having to travel on a narrow road and it is a mile from Hwy 30. The possible streams of traffic could create a travel issue, how do they access and exit the property, if the guest were to use Beaver Falls to the site the road is dangerous, drinking could make the behavior become lazy and had concerns that cigarette butts could end up in the hay fields, the burden is not on the applicant but on the neighbors, there is a lack of emergency support, could be a contamination of the stream and disrupt the presence of wildlife, fire safety is a real concern and that if approved the language needs to be strong regarding the conditions.

**Jo Beckett**, is a resident of the Delena Mayger area and she lives .6 miles from the Matthews. She mentioned that she use to live in Lake Oswego and she bought the property she has now for peace of mind and quiet time at home. The music and road traffic is going to disrupt this. If issues and problems are not handled correctly now then that will create many problems in the future and finally she has a big concern over fire suppression.

**James Mostellar**, has concerns regarding the roads and elderly people that travel that road now and how an increase in traffic would effect them, the roads are dangerous now, no guard rails and he is totally opposed to this application.

**Steve Hausner**, is currently living in the Scappoose area an is looking for property in the Delena area and is concerned about this application. He stated the code requires all Home Occupations, Type 1 & 2 require to be in a building and presently this does not qualify as a home occupation, if this is allowed then it could create a snowball effect in the code, he is concerned about the fire safety if this is allowed, what impact would there be on the septic system, is there potable water to the event and if there had to be work on the County roads that only a contractor could do it and not the Matthews and finally he is concerned about the visual clearance from the Matthews driveway, especially after any alcohol is served.

**Michael George**, Concerned about the noise within 600' and the roads.

**Rebuttal:**

**Valerie Matthews** is willing to work with the neighbors and if they want more conditions then she will support that, the amount of traffic on the road is less than what was previously stated. They are not having 161 parking spaces, is more like 100 and on an average there will only be 50-70 cars at the most, she will notify the neighbors of

upcoming events through her web site and she restated that they will have security as requested. As a business owner she will look into traffic control. They will follow all OLCC guideline. The septic issues that were brought up have been discussed with the County Sanitarian. They also plan to be there forever and they are not now or intending to intrude on the wetlands.

### **Close to the Public**

Gayle Lee made comment to her concerns of getting past the fact that 1507.3 states that Home Occupations will be in the dwelling and this is not.

Guy Letourneau was concerned about the two way traffic on such a narrow country road.

Paula Lichatowich noted that the applicant cannot ask the planning commission to monitor compliance of the conditions on the permit. That is beyond what the planning commission does. It would perhaps be better to apply for a temporary permit similar to what has been used for summer concerts.

Guy Letourneau pointed out that the concerts were approved by a yearly permit.

Linda Hooper was concerned about the rights of the Matthews' and it was pointed out that there were a lot of safety issues in concern.

Jeff VanNatta stated that the safety for all was most important.

Jeff VanNatta moved to deny this application, Terry Luttrell seconded. There were 4 denial and 2 approving. Application was denied.

### **Tide Creek Rock - Al Petersen PA 13-01 & V 13-03**

#### **CONFLICTS OF INTEREST/EX PARTE CONTACTS:**

None Disclosed

**Glen Higgins** presented the staff report. A Comprehensive Plan Amendment (PA) designating an expansion site (56 acres) as a significant mineral and aggregate resource. This request will amend the Columbia County Comprehensive Plan Map and Zoning Ordinance Map for the identified site. Also requesting a Variance to setbacks in two areas.

Glen did point out that the access would not change and reviewed this on the plot plan of the surface mine. The acreage involved is 56 acres that would go from FA80 to Surface Mining. This change would be a benefit to the slides that have occurred in that area. The

variance that is being asked for is to the bridge. The existing bridge will be covered with gravel. Phase 1 of this project is by the bridge going south-east.

Paula Lichtowich asked if the land slides were to the north of the property and they were and Glen noted that by doing the work that Tide Creek wants to do would only help the land slide issues.

**Al Petersen**, 155 Clark (home) and 101 St Helens (work) gave a presentation from power point. He submitted an affidavit from his father for the record. He stated that they did want to mine on both sides of the creek and this would be an advantage for the County due to the rock tax. He reviewed the history of the mine. He stated that they are asking for a zone change in order for goal five to protect the surface mining. In the application Section 2.2 A & B the reports prove that the resource exist. Mr Petersen did point out that in the past they have not had any complaints regarding the noise, dust or vibration.

Planning Commissioner Gayle Lee dismissed herself from the meeting.

Mr Peterson continued saying that they have an existing permit with ODOT, permit number 54436. In section 4.3 of the application it addresses the Riparian area and a 50' buffer will be provided in that area.

In Section 5 of the application, Mr Peterson submitted a few **Proposed Alternate Conditions**:

**Plan amendment conditions: (page 58 & 59)**

- 2) Prior to mining the Applicant shall obtain a Site Design Review for this site, as required to satisfy the requirements of the Columbia County Zoning Ordinance.

**Proposed Condition #2**

Applicant shall provide a Site plan and reclamation plan approved by DOGAMI.

- 3) The applicant shall provide vegetated buffers on the site as depicted on the Mining and Reclamation Plan. Six foot chain link fences shall be installed protecting the rock face as mining progresses east and south toward the Highway and residentially used properties.

**Proposed Condition #3**

The applicant shall provide vegetated buffers on the site as depicted on the Mining and Reclamation Plan. Upon commencement of Phase 3 a 4-foot or higher fence may be installed with warning signs indicating the presence of the mine and steep slopes.

**Riparian Variance conditions: (page 60)**

- 1) The applicant shall provide detailed construction drawings of the berms and/or swales to be used for water quality protection of Tide Creek near the bridge (both

sides). These plans can be submitted prior to Site Design Review and DOGAMI Operating Permit.

**Proposed Condition #1**

Applicant shall provide a site plan and reclamation plan approved by DOGAMI.

2) The applicant shall provide a detailed topographical drawing with distances to the top bank of the creek for those areas to be mined, developed or disturbed within the Riparian Corridor.

**Proposed Condition #2**

Not required per Condition #1.

**Hours of Operation: (last sentence of staff report page 60)**

Hours of Operation shall be allowed from 6:00 am to 8:00pm daily.

**Agnes Petersen**, she wanted the hours to be extended and reenforced that the pit is a solid rock pit for mining.

**Ron Brownlow**, in support of this application. He is a trucker and has worked with Tide Creek for 20 years and has always received the lowest prices through Tide Creek.

**Ed Rabinowe**, lives next to Tide Creek and has no issues with this application.

**Dale Withum**, he totally supports this expansion because he is a trucker that has worked with Tide Creek for a long time and Tide Creek is the only one that can give them the 3/4- that they need and you can depend on it being good quality and they can provide the rock at any time. Tide Creek is a good resource for the County.

**John Petersen Sr.**, gave the background history of the site, reviewed the zoning, he had issues with the County in the past regarding an Environmental Impact study, 3 surveys have been done on the property, he feels we have lost information in the past and Bob Brinkman from DOGAMI did not need an impact study unless the effected area is more than 200 acres.

**Gary Brown**, He is a trucker and totally supports this increase in mining area. It is a solid pit.

**Opposition**

**Michael Newton**, he is in opposition to the extension. He wanted clarification as to what a Waiver of Remonstrance is, Glen explained what that was. Mr Newton said that he can feel the vibration from the bull dozer, the fire department can not get to the site and that the complete surface mining operation de-values the surrounding property and degrades the water. If this application is approved he will file a lawsuit against Tide Creek.

**Phillip Grillo**, Attorney for the Cosgriff's. Mr Grillo presented more information to be entered into the record. ( exhibits 1,2,3 & 5 are new). His client has 11 homesites that will be 300' from the mine and he really doesn't know what the impact will be and the 180' hill that is referenced in the application is mis-leading. He pointed out there is no substantial evidence that supports what amount of noise, vibration or dust there actually is. He would like to have the Cosgriff's property omitted from the overlay. As seen on Exhibit 10 he would like to have phase 4 denied. If there are any or become any violations he would like the mine to have to cease operations. He would also like to see a traffic study done if the amount of truck trips increase, submitting to the county the number of trips now and the number of trips later. He suggest that this application be denied.

**Paula Lichatowich**, planning commissioner, inquired about the legal property name and Mr Grillo stated that it was the Cosgriff property.

**Lu Parshall**, she is not for or against this application. She was curious as to why her property was included and what would happen to the value of her property.

**Glen Higgins** explained to Mrs Parshall that anyone owning property within 1500' of the surface mining area received a notice and she would have to talk to the assessor's office regarding the value of her acre changing.

#### **Rebuttal:**

**John Peterson** commented on the comments from Michael Newton implying that the mine caused the land slides in that area and pointed out that was incorrect, they were caused from high rainfall and the soil was not stable where the slides happened. The road that Mr Newton referenced never was a County road but actually a private road owned by the Petersen's. All water testing and monitoring is on records that have to be filed with DOGAMI.

As far as the Cosgriff property on the South side you can see in the submitted application that in Section 4, exhibit 4.4, Section AA exhibit 4.3, Section BB, Exhibit Section AA & BB address the Cosgriff property. Mr Petersen noted that the Cosgriff's did not want to be in the impact area and they would need to talk to the County Planning Department about that. Also on these exhibits you can see a change in the elevation and there is a difference. Currently Tide Creek is a small stream and it remains small year round except in the floods of 1996, there are berms and swales that protect the creek and they will always be there. The Petersen's have not experienced any water issues.

**Guy Letourneau** pointed out that in Section AA that it will not go against water gravity.

**Paula Lichatowich** was concerned about the bridge by the creek and if DOGAMI monitored this.

**Mr Petersen** commented that the run off is minimal and it does get pumped off to a settling pond to divert the water. DOGAMI does monitor the water run off.

**Paula Lichatowich** referred to Section 4.1 and needed clarification on mining outside of the area. The section near the road that was previously mined.

**Mr Petersen** explained that DOGAMI had stopped that operation. He went on to explain that properties were traded in the past and the Seifert property was allowed to mine previously in history but DOGAMI put a stop to it.

Mr Petersen did address the values of the land near the mine possible losing value but explained that he was recently involved with his grandmother's estate and that the value of that land had not changed.

**John Petersen Sr** wanted to address the Waiver of Remonstrance that Mr Newton brought up and pointed out that Mr Newton had built on a slide area and previously that in 1952 the house that was there did slide and then Mr Newton built there anyway.

**Linda Hooper**, planning commissioner, wanted to define that the SMIO area was the overlay area and why it was set to 1500'. Linda also wanted to know if the Cosgriff's and Parshall's could be removed from the overlay. Glen Higgins replied that the State of Oregon set the 1500'.

**Robin McIntrye**, County Counsel for Columbia County, stated that it may be possible to adjust the 1500' and referred to Page 12 of the staff report, no residence was on the Cosgriff properties so it may not need to be included but further research would need to be done.

**Paula Lichotowich** pointed out that this meeting was only to make a suggestion to the Board of Commissioners.

Hearing was closed.

Jeff VanNatta moved that PA 13-01 & V 13-03 be recommended for approval, accepting the applicants revisions to condition, to the Board of Commissioners. Terry Luttrell seconded. Motion past with 4 approving and 1 denial.

Meeting dismissed at 10:15 p.m



