

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

December 14, 2016

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde and Commissioner Earl Fisher, together with Sarah Hanson, County Counsel and Jan Greenhalgh, Board Office Administrator. Commissioner Heimuller was present by phone.

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

MINUTES:

Commissioner Fisher moved and Commissioner Hyde seconded to approve the minutes of the December 7, 2016 Board meeting and December 7, 2016 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

DELIBERATIONS: NW AGGREGATE MAJOR MAP AMENDMENT:

This is the time set for deliberations, "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 reviewed the hearing process to date on this application. The Board held a public hearing on October 26, 2016 and deliberations were set for November 9, 2016. On November 9, 2016, the Board voted to reopen the record to allow additional written evidence and to continue deliberations to today. Staff is here to present revised conditions based on additional evidence that was received.

Todd Dugdale briefly summarized the additional testimony and rebuttal received during the extended time period. Five items were received and are noted in the updated staff report. Todd then responded to the 5 issues raised either in testimony, rebuttal or Board questions.

- The Board has raised the question as to whether the applicant's post mining use could be better clarified. The applicant specified in their application the water impoundment as the post mining use.

Staff is proposing a condition that better specifies that post mining use should be for fish and wildlife habitat and that there should be a detailed plan to be integrated that those adjacent properties. Condition #29: The post mining use will be Fish

and Wildlife Habitat. A detailed plan for the Fish and Wildlife Habitat use for this site will be submitted for review and approval by the County in an application for Design Review. The plan shall be developed in consultation with the Oregon Department of Fish and Wildlife; be integrated with the post-mining uses on the applicant's adjacent mining properties and inter-connected with these properties by a system of trails.

- The SDIC submitted additional testimony regarding their ongoing concerns on impacts that the proposed mining use may have on the drainage system within the levy district. In particular, they are concerned about increased pumping costs that might result by additional seepage created by the mining operation, along with the potential for increased engineering costs and a new or updated interior drainage analysis, triggered by the mining use. The staff looked into that and felt the need to recommend an amended condition regarding the monitoring of ground water to better address this question. Amended condition #24 is as follows:
 - The Applicant shall continue the approved ground water monitoring program at the Bates Roth property and, upon approval of PA17-01 and ZC17-01, expand the monitoring program to include the proposed mining site and include the following as summarized on page 9 of the Golder Associates Technical Memorandum dated November 29, 2016'
 - Groundwater elevation monitoring of three existing peizometers on the Bible College property;
 - Installation of five additional co-located peizometers along the Evans Slough to monitor groundwater elevations in the shallow fine grain overburden and gravel units compared to the Evans Slough elevations;
 - Slug testing of the Bible College peizometers to obtain site-specific estimates of the hydraulic conductivity in the fine grain overburden and gravel unit;
 - Installation of a staff gauge to measure surface water elevations in the Evans Slough;
 - Installation of a staff gauge to measure surface water elevations in the future Bible College mine pit; and
 - Quarterly reporting to the SDIC and annual reporting to the USACE.

When fully implemented, the expanded Bates Roth monitoring program will comprise:

- Continuous groundwater elevation data from 20 peizometers recorded at 1-hour intervals,
- Continuous surface water elevation data in the Santosh Slough and Evans Slough recorded at 1-hour intervals,
- Continuous mine pit surface water elevation data from 3 locations in the Bates Roth and Bible College mine pits recorded at 1-hour intervals,

- Compilation of Columbia River level data from the NOAA gauging station in St Helens,
- Compilation of precipitation and meteorological data from the Scappoose Industrial Air Park, and
- Quarterly hydrogeological reporting to the SDIC and annual reporting to the USACE; including tabulated data, hydrographs, and figures.

Additional hydrogeological data information collected in the interim from the

existing and expanded monitoring program as discussed above, will be contributed to the SDIC and USACE to strengthen the existing data set for an updated interior drainage analysis, if such update is required in the future.

- The third issue raised by the Olson's who own a farm adjacent to the proposed site is their concern of what restrictions of the surface mining impact overlay zone would be on future development actions they might want to take. They use the example of a Bed and Breakfast. Staff finds that the overlay zone would not prohibit any uses allowed in the underlying zone. So the Bed and Breakfast would remain as a conditional use assuming they meet the conditions.
- Another concern was brought up by John Olson, Olson Farms, is with well water quality. The Golder report states that the mining is not expected perceptively alter ground water conditions. Todd felt it important to acknowledge this concern and incorporate it into a condition as follows:

Condition #31: The applicant shall compensate adjacent landowners for any degradation of well water quality which requires it to be treated to be potable standards due the proposed mining.

- Finally, there was a couple of pieces of testimony that had similar concerns regarding impacts of mining on loss of farm land, air quality and greenhouse gas emissions. To address these concerns, Condition #30 is recommended as follows:

Condition #30: The applicant shall comply with all applicable Oregon Department of Environmental Quality regulations regarding air quality including any air contaminant discharge permit conditions for point source pollutants and greenhouse gas reporting, if applicable. The applicant shall comply with the dust control plan submitted as a part of the application and/or the requirements of Oregon DEQ for dust control whichever is more restrictive .

Robin pointed out that some of the conditions in the staff report has been changed. There were 2 minor changes in Condition 24. Condition 31 - adding language "The applicant shall compensate adjacent landowners for any degradation of well water quality **due to the proposed mining** which requires it to be treated to be potable standards". This was originally implied but is now in writing. After deliberations, the Board can make a tentative decision and then direct staff to prepare the final document for formal approval.

Under deliberations, Commissioner Fisher thanked everyone for participating in this process, both pro and con. This is a piece of property that has been examined for a good number of years so the Board is very aware of the concerns. This applicant has a history of being a good corporate neighbor. Staff has worked hard on this and have come up with some conditions that should mitigate most, if not all, concerns addressed. He can see no reason why this applications should not be approved.

Commissioner Hyde reiterated those comments on the way staff was able to address the concerns raised, through conditions of approval. He noted that we are all subject to Senate Bill 100 which is intended to protect farm, forest and aggregate. Aggregate is a very important resource for this state and Columbia County and we need to protect it. The applicant has displayed a high level of professionalism and patience with regards to this application. This is not new as the first application he dealt with 20 years ago was on this issue with the same company. He is pleased with the conditions of approval and he sees no reason not to approve this.

Commissioner Heimuller - through all of this, there are many to thank on both sides of this issue for their being patience and professionalism. He believes that the conditions set forth should cover most, if not all, concerns that have been raised. With all of the information provided, all the research that he has done, with all that he has read, he sees no reason not to proceed with approval of this application, with the set conditions as modified.

After deliberations, Commissioner Fisher moved and Commissioner Heimuller seconded to approve the recommendation/conditions by staff and to direct staff to move forward with preparing the final Ordinance for adoption next week. The motion carried unanimously.

ORDINANCE 2016-5 - PROCEDURE FOR EXCLUSION FROM COUNTY PROPERTY:

This is the time set for the 2nd Reading of Ordinance No. 2016-5, "In the Matter of Establishing a Procedure for Exclusion from County Owned Property and From Contacting the County by Telephonic and Electronic Means".

With no objections. Robin gave the second reading of Ordinance No. 2016-5, by title only. Commissioner Fisher moved and Commissioner Heimuller seconded to adopt Ordinance No. 2015-6, "In the Matter of Establishing a Procedure for Exclusion from County Owned Property and From Contacting the County by Telephonic and Electronic Means". The motion carried unanimously.

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 12/12/16.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde missed the last two Board meetings, the first because he was in Washington, DC representing the Association of O&C counties. He was accompanied by the new incoming O&C President to familiarize him with the process.

Then on December 5-7 he was in Tallahassee, Florida for the NACo Board of Directors meeting. There are a number of resolutions that are becoming the marching orders for NACo staff, i.e. CDBG, Secure Rural Schools, and others that effect our county directly.

There is an employee recognition ceremony at 11:00 today and then our annual employee holiday luncheon.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher wanted to acknowledge Sheriff Dickerson and his staff for how they dealt with 2 attempted suicides at the Jail recently. How they handled those situations was commendable and those deputies deserve the recognition.

He attended a meeting yesterday with the Emergency Operations staff. There may be some weather conditions coming our way. Hats off to our emergency management department that helps keep us informed.

Last night, he attended the ESD meeting. One of the items on the agenda was the Linn County suit. They are suing the State of Oregon over the Forest Trust Lands on behalf of all of the taxing districts. ESD took no position last night, so they will be just part of the class action suit.

Today is staff appreciation day and he can't say enough about how he appreciates our county employees.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller commented on the courthouse closures last week. The Board does not take that lightly, but the safety of employees and the citizens are very important to them.

Because he is out of town today, he wanted to thank the employees that will be recognized today for their many years of service and to all of those who worked so hard on putting together the holiday luncheon. Happy Holidays to all.

The Board recessed the meeting at 10:45 am and reconvened at 11:00 am. Present were Commissioner Hyde and Commissioner Fisher.

EMPLOYEE SERVICE RECOGNITION SERVICE AWARDS:

The following employees were recognized for their years of service to Columbia County.

Mark Grau (10); Debra Jacobs (10); Debbie Klug (10); Joelle Leach (10); Phillip Barton (10); Kim Silverman (10); Dawn Hunt (10); Ryan Scholl (15); Timmie Sue Hald (15); Jan Greenhalgh (25); Todd Dugdale (20); and Janice Faltersack (20).

The Board expressed their gratitude to these employees for their many years of service to Columbia County, through good times and bad - thank you all!

There was no Executive Session held.

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

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Dated at St. Helens, Oregon this 14th day of December, 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: _____
Earl Fisher, Commissioner

By: _____

Jan Greenhalgh, Board Office Administrator