

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

August 3, 2016

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

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

**MINUTES:**

Commissioner Fisher moved and Commissioner Heimuller seconded to approve the minutes of the July 27, 2016 Board meeting and the minutes of the July 27, 2016 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

None.

**HEARING: APPLICATION OF BRIAN ROSENTHAL FOR ZONING AMENDMENT:**

This is the time set for the public hearing, "In the Matter of the Application of Brian Rosenthal for a Zoning Map Amendment to Rezone Property Within the City of Scappoose's Urban Growth Boundary (UGB) from Rural Residential (RR-5) to Highway Commercial".

Robin McIntyre presented some brief background information about the application. The applicant aims to rezone a 2.3 acre parcel from Rural Residential-5 acre to Highway Commercial with a Zoning Map Amendment. Although the Planning Commission has already approved the application, the property is subject to an Urban Growth Management Agreement with the City of Scappoose, and so, the application has to be presented before the Board. Robin stated this is a land use application and noted the hearing procedure. No ex parte contacts were declared. Robin then proceeded to read the prehearing statement into the record as required by Oregon statute. After reading, she entered the Planning Commission's hearing record and any correspondence and documents received by the time of the staff report as Exhibit 1; and the Urban Growth Management Agreement with the City of Scappoose as Exhibit 2 into the record.

Glenn Higgins, Planning Manager, came before the Board to give the staff report. The applicant is Brian Rosenthal, PO Box 963, Scappoose. He is proposing a Zone Change for a 2.3 acre property within the City of Scappoose's recently approved UGB (Urban Growth Boundary). Rosenthal's request is consistent with the 2011 UGB Expansion and Ordinance 2011-3 and will allow the property to be commercially developed before Scappoose annexes it. Glen then presented a map of the property's location and gave a brief overview of the sections in the report.

The City of Scappoose and the UGB Expansion didn't rezone any property that was within county jurisdiction. However, this 2.3 acre property was part of the City's plan to be utilized for commercial development in the future. In accordance to Oregon Transportation Planning Rule, the proposed Zoning Amendment cannot significantly affect existing or planned transportation facilities. Therefore, when Lancaster Engineering's Traffic Study concluded that the Zone Change could lead to a net increase of 1,774 weekly roundtrips, they then had to include a proposed mitigation that will limit the property's future development to a trip cap of 1,010 maximum average daily trips. ODOT finds this trip cap to be reasonable. The property is accessible from both Old Portland Road and Highway 30. Any future development on the property requires a site design review for Columbia County Road Department and ODOT to determine how they want the roads to be used.

The property doesn't currently have access to city water, sewage, and storm utilities, so no future development will be allowed unless the necessary public or private facilities and infrastructure are present onsite. If the property is not annexed by the City of Scappoose, a sewer system will need to be implemented. However, there is a well onsite that can be used for a commercial basis. The Planning Commission and staff recommends approval of this application on 3 conditions: the applicant has to submit a site design review before applying for any development on the property, the traffic cap of 1,010 maximum average daily trips needs to be met, and all future uses of the property need to comply with the County Zoning Code and/or Subdivision and Partitioning Ordinance.

The hearing was opened for public testimony.

### **PROPONENTS:**

***Brian Rosenthal, PO Box 963, Scappoose:*** The applicant, Brian Rosenthal, came before the Board to present his testimony. He commented that his initial motive for purchasing this property was to convert it to commercial and develop it. Mr. Rosenthal reassured the Board that he will not develop something that will attract high volumes of traffic; he aspires to help the community and knows that developing something like a KFC will not be ideal. The reason why he has applied for a Zone Change is because people will not meet and discuss potential commercial development ideas with him if the land is zoned as Rural Residential. Although Mr. Rosenthal initially wanted to annex the property, extending the sewer system proved to be too costly because of the elevation change. Extending the water line is not as expensive, but the City of Scappoose refused

to annex the property without connecting the sewer system. Mr. Rosenthal does believe that annexation will happen inevitably in the future. He has met with CPAC, the Planning Commission, and the City of Scappoose, all of whom have recommended approval of the Zone Change. In addition, Scappoose citizens voted for this land to be a part of UGB and his neighbor to the south is in favor of this Zone Change too. Mr. Rosenthal also commented that the area is not purely residential. A little ways north of the property is zoned as R-4 and currently contains a small floral shop and other small commercial buildings. He is well aware that this process starts over when he wants to start developing and he is open to ideas at this point.

Commissioner Fisher expressed his concern for the Fairview Cemetery on the property's northern border. Mr. Rosenthal explained that he discussed this issue at the CPAC meeting and has agreed to make a lot line adjustment to donate some of his property if there are bodies on it.

***Alta Lynch, PO Box 369, Scappoose:*** Ms. Lynch is present before the Board to testify in favor of this Zone Change. She believes rezoning this property to commercial will be beneficial to both the County and the community because of its location and the development of new homes in the area.

#### **OPPONENTS:**

***Mike Bradley, 50905 Old Portland Rd, Scappoose:*** Mr. Bradley came before the Board to testify in opposition of the Zone Change. He had submitted a written testimony to the Planning Commission and spoke before them prior to the hearing. Mr. Bradley's main concern is the increase of traffic that will result from the rezoning. He is worried that Old Portland Road will become an arterial—something speculated in the *South County Spotlight*. With the development of over a hundred houses planned within a mile of this property on Old Portland Road, Mr. Bradley knows traffic will increase and believes Lancaster Engineering's Traffic Study has underestimated the net increase to come. Additionally, he discussed the impracticality of commercial septic systems on the property. Mr. Bradley commented that he would support this if it was the City of Scappoose's doing, but since the City will not annex the property, he opposes the rezoning.

#### **REBUTTAL:**

***Brian Rosenthal:*** Mr. Rosenthal commented that he currently has deeded access to Highway 30, which in this case, gives him a right to get to the highway. He intends to keep the highway access point open because it provides value for both the property and the community. Therefore, he does not anticipate too much traffic change on Old Portland Road. Mr. Rosenthal plans to work with ODOT to maintain the access point.

In regards to the concern voiced about the property's septic system, Mr. Rosenthal refuted that the septic tank has been replaced rather recently and he has a letter from

Lower Columbia Engineering stating that a septic system is acceptable for small scale commercial development. Since the City's plan is for small scale commercial development, Mr. Rosenthal doesn't see a problem with the septic system.

With no further testimony coming before the Board, the hearing was closed for deliberations. Commissioner Fisher supports the application but with reservations. He explained that eventually, all the surrounding land in Scappoose will become commercial and it is better to try to find solutions to the traffic problems now. Commissioner Heimuller reiterated the traffic problems Scappoose faces. He is also slightly concerned about the effect the Fairview Cemetery will face if this Zone Change happens and believes this conversation would be much easier if Rosenthal had an idea of what he wanted to develop on the property. Commissioner Hyde commented that Scappoose is a poorly planned city that needs to figure out their traffic problems. He approves of Rosenthal's other developments in the city and believes this rezoning will be ideal for the local residents especially with all the houses being developed in that area. With that, Commissioner Fisher moved and Commissioner Heimuller seconded to tentatively approve the Application of Brian Rosenthal for a Zoning Map Amendment to Rezone Property Within the City of Scappoose's Urban Growth Boundary (UGB) from Rural Residential (RR-5) to Highway Commercial with conditions as requested by the Planning Commission. The motion carried unanimously.

#### **CONSENT AGENDA:**

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

- (A) Ratify the Select to Pay for week of 8/1/16.

#### **AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (B) Amendment No. 1 to Fund Exchange Agreement No. 30822 with Oregon Department of Transportation for Scappoose-Vernonia Highway Overlay.
- (C) Fund Exchange Agreement No. 31559 with Oregon Department of Transportation for Apiary Road Overlay.
- (D) Intergovernmental Agreement with the City of Rainier for Road Work.

The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Last Thursday and Friday, Commissioner Hyde attended meetings in Portland, Scappoose, and local areas to discuss the nuances with the Oregon Manufacturing Innovation Center that is planned for Scappoose. He believes this development will have a very positive traffic impact with more people commuting into Scappoose rather than out of it. Three Oregon Universities and PCC have already committed to helping develop OMIC along with companies like Boeing. Commissioner Hyde knows this will transform Columbia County in a positive way. He however, commented once again on the lack of planning in Scappoose and the need to fix that by utilizing the dike. Scappoose and all of Columbia County needs to start planning for growth and for people to have a future in this county.

On Friday, Commissioner Hyde also chaired the RDPO (Regional Disaster Preparedness Organization) meeting in Portland. RDPO was founded in the early 90's and is composed of five counties: Clark, Columbia, Multnomah, Washington, and Clackamas. Commissioner Hyde emphasized the importance of preparing for disasters and knows this County is a leader of emergency management in not only this region, but also in this state.

Yesterday, he attended the merged CEPA (Columbia Emergency Planning Association), LEPC (Local Emergency Planning Commission), and Homeland Security Management Commission meeting. There, he discussed the commissions' goal to have a response plan and also, to have a proactive preparation plan for before any disasters hit.

Commissioner Hyde met with Congressman Suzanne Bonamici in Rainier to discuss the Oregon Manufacturing Innovation Center and the \$400,000 maximum in applications to cover repairs for the disaster last December in Rainier, Clatskanie, and Scappoose. The application is for a grant for a 25% match that's required for these repairs.

He would also like to speak on Initiative 97 regarding the corporate tax increase. This tax is based on gross receipts rather than on net profit. Many firms have narrow profit margins but high gross receipts, meaning that they cannot afford this tax. Increasing corporate taxes for these firms may destroy them and then the consequences end up back at the consumers. While the initiative process is fair because it is pure democracy, many people partaking it are not informed.

**COMMISSIONER HEIMULLER COMMENTS:**

Commissioner Heimuller attended the Columbia Pacific Coordinated Care Organization local group meeting to discuss additional funds incoming and discovered that \$64,000 will be available for use in Columbia County. Similar amounts are coming to Tillamook and Clatsop Counties as well. They then discussed the best ways to allocate that money for healthcare, whether it's for mental health or something else.

Tomorrow, Commissioner Heimuller will be attending the NOHA (Northwest Oregon Housing Authority) meeting in Warrenton before driving to the other side of Warrenton to a meeting with Sunset Empire Transportation District to introduce the new Transit Director, John Andoh.

Lastly, Commissioner Heimuller would like to announce that the Vernonia Jamboree is this weekend. There will be a parade on Saturday and he invites everyone to attend.

### **COMMISSIONER FISHER COMMENTS:**

This morning, Commissioner Fisher attended the Traffic Safety meeting at which they discussed the transportation issues on Highway 30, especially in Scappoose. He emphasized the urgency of finding a solution to this problem.

Commissioner Fisher would like to remind everyone that schools will be starting soon and to be aware of kids on the streets.

Yesterday, he attended a CCMH (Columbia County Mental Health) meeting. One of the main concerns they discussed was the relationship between mental health and the judicial system. Many citizens are concerned that mental illnesses are not being recognized by people in the judicial system and that there are mentally ill people being forced into plea bargaining when they are unaware of the circumstances of their actions. Commissioner Fisher wanted to reassure people that in this County and most likely in this State, judges, attorneys, prosecutors, and other people of the judicial system are aware of the mental health of their clients. The CCMH is also looking for new Board members, so feel free to apply.

Commissioner Fisher also attended an all day workshop at the ESD (Educational Service District) for this region yesterday. There, they talked about the flaws in the initiative process. Commissioner Fisher cannot stress enough about the need for people to truly understand what they are voting for. For example, there will be two initiatives on the ballot that will sound like good policies but are actually detrimental. Initiative 97 is a corporate tax that will raise roughly \$5 billion and people will be inclined to vote for it since they are not the ones paying the tax. However, this corporate tax will be a huge issue for companies and will lead to increased unemployment since companies will no longer be able to afford their current expenditures. The other initiative, Initiative 98, will require school districts to spend \$850 per student to ensure graduation. While this is an important idea, the money is supposed to come from Initiative 97. If Initiative 97 does not pass, the money will have to come from K-8 programs which is essentially taking money from elementary schools for high schools—something Commissioner Fisher believes will destroy school systems. Therefore, he believes it is imperative to educate the public so no unintended consequences come from the initiative process.

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There was no Executive Session held.

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

Dated at St. Helens, Oregon this 3<sup>rd</sup> of August, 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](http://www.co.columbia.or.us)

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Anthony Hyde, Chair

By: \_\_\_\_\_  
Henry Heimuller, Commissioner

By: \_\_\_\_\_  
Ashley Chen  
Acting Board Office Administrator

By: \_\_\_\_\_  
Earl Fisher, Commissioner