

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

May 18, 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 Jan Greenhalgh, 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 May 11, 2016 Board meeting and May 11, 2016 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

Agnes Peterson, 33625 Tide Creek Road, Deer Island: Agnes presented the Board with supplemental information on the ownership of property near where the BPA and Columbia Land Trust are proposing to open the flood gates for the enhancement of the salmon run. Any comments must be received by the BPA by 5/25/26. The Peterson's and, she believes, the diking district will be submitting their objections to this proposal for the following reasons. There are tax consequences to the county; the BPA plan includes the destruction of historical buildings; and this will do nothing to enhance fish habitat. She would encourage the Board to also send BPA their written comments in opposition to this plan. She gave some additional history on the buildings from back in the 1800 and 1900. The Board asked that Agnes forward her comments and those of the diking district to them.

1st READING OF ORDINANCE 2601-1 - AMENDING THE ASA ORDINANCE:

This is the time set for the first reading of proposed Ordinance No. 2016-1, "In the Matter of Amending the Columbia County Ambulance Service Ordinance".

With no objections from the Board, Robin gave the first reading of Ordinance No. 2016-1, by title only. The second reading will be held on June 1, 2016.

HEARING: ORDINANCE 2016-2, ESTABLISH ENVIRONMENTAL SERVICES FEES:

This is the time set for the public hearing on proposed Ordinance No. 2016-2, "In the Matter of the Adoption of an Ordinance to Establish an Environmental Services Fee Schedule for the Food, Pool and Lodging Licensing Program for Columbia County".

Sarah Hanson read the pre-hearing statement into the record. As the Board is aware, the County entered into an agreement with the Oregon Health Authority and the Public Health Foundation for environmental health services. The agreement requires the county to establish a single license fee for establishment or facility type as described in the agreement. Previously, these fees have been adopted directly by Public Health but this is no longer allowed by the State. The agreement also requires the county adopt these fees on or before 6/1/16. Therefore, the Ordinance does include an emergency clause. The Public Health Foundation has established the fees attached to the proposed ordinance. OHA has also approved this fee schedule by letter dated 5/3/16. Notice of this hearing was published in the Chronicle, Chief, Spotlight and Vernonia Voice and the fee schedule was posted on the Public Health Foundation website. Sarah listed all contents included in the record.

Sherrie Ford, Public Health Administrator, came before the Board to give the staff report. The new fees were developed based on a cost analysis as recommended by the State and received from several other counties that are based on expenses of providing the licensing and inspections that are required by ORS. The cost analysis was created by identifying personnel expenses over the course of a year, the number of inspections that are required and the number of hours spend in the field. Through that calculation, the cost per hour comes to \$127.56. That dollar amount was used consistently to calculate a new fee structure. A comment was received that asked if there are any exceptions to this fee schedule. Sherrie explained that exceptions are allowed by ORS to provide a discounted rate to benevolent organizations. That is very specifically defined in the statute. In this new fee structure, some fees have been increased and some didn't change because the fees are based on actual costs. Sherrie reviewed some of the other fees and how those costs were determined. It is the intent of the PHF to review this fee schedule every 2 years to ensure they remain on target.

Commissioner Heimuller commented on the concern expressed by one operator and understands those concerns, however he also completed PHF for really being on target with most of these fees. Commissioner Fisher asked about the inspection of marijuana shops that sell food products. Sherrie explained that those facilities are under the jurisdiction of OLCC.

There hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. Commissioner Fisher supports this ordinance and believes these fees have been systematically determined. Commissioner Heimuller is impressed with the process used to determine the fees. He reviewed the fees from other counties and believes this fee schedule is appropriate and he also supports this ordinance.

With that, Sarah gave the first and second reading of Ordinance No. 2016-2 and noted that there is an emergency clause in the Ordinance. Commissioner Fisher moved and Commissioner Heimuller seconded to adopt Ordinance No. 2016-2, "In the Matter of the Adoption of an Ordinance to Establish an Environmental Services Fee Schedule for the Food, Pool and Lodging Licensing Program for Columbia County". The motion carried unanimously.

HEARING: PCC APPLICATION FOR PUBLIC SAFETY TRAINING FACILITY:

This is the time set for the public hearing, "In the Matter of the Application Submitted by Portland Community College for an Authorized Use - Public Safety Training Facility in the Primary Agriculture (PA-80) Zone".

Robin explained the unique hearing process for this type of application. This is not a land use application but instead is totally governed by a statute that was adopted by the legislature a couple of years ago. ORS 215.312 essentially allows PCC to establish a training facility on property zoned for farm use and allows it as an outright permitted use provided that certain requirements are met. One is that the facility be sited on land that is in the community college district in Columbia County and that PCC must apply for approval for this facility on or before December 31, 2015. Both requirements have been met. Although this is not a land use hearing, she would recommend the same process be used. Robin emphasized that this is treated as an outright permitted use and the use itself is not up for debate. What is before the Board is the location of the facility and that the criteria the Board would apply would be procedural provisions of acceptable development standards.

Glen Higgins, Chief Planner, came before the Board to give the staff report. As just explained by Robin, the application is an outright permitted use, however, before approve the authorized public safety training facility, the County must hold at least one hearing to allow interested persons to testify concerning the location of the facility. The statute and HB 2898 make it very clear that any decision made by the County is not a land use decision or a limited land use decision, nor is the decision appealable to the Land Use Board of Appeals.

Procedurally, staff is treating this application as an administrative review, similar to a "farm facility" allowed outright in the farm zone. There are prescribed standards in the Zoning Ordinance that are applicable for these types of applications. These standards are generally implemented as conditions to the approval, such as no development in a wetland, setback from stream corridors and mitigation measures to protect adjoining farmlands from significant adverse impacts. This hearing is the only review by the County for authorizing a training facility at this location near the Scappoose Airport. If the location of this facility is approved as proposed, Site Design Review will be required and a related public hearing will be held once detailed site planning for the facility has been completed and before any development. If the project develops in stages, then possibly several

SDR applications would be required to assure mitigation of any identified impacts for a particular training venue on adjoining lands or resources. Based upon the research of the property and the findings of the staff report, staff recommends the Board approve this request for a Public Safety Training Facility on the subject 282 acre PA-80 zoned tract, subject to the 6 conditions listed in the staff report dated May 11, 2016.

The hearing was opened for public testimony.

PROPONENTS:

Glen Bolen, OTAK, 808 SW 3rd Avenue, Portland: He is with the architectural consulting firm for Portland Community College. Glen Higgins did a good job of describing this application but he wanted to add just a couple of things. PCC went through a significant amount of research to determine what was needed regionally, ensure there was no duplication of other facilities competition, etc. The main targets for the use of this facility are public entities, police, fire, emergency responders and Trimet. Trimet bus drivers need to take a 6 week training course for city speed (not race car speed), which was one of the purposes of the test tract. This facility is intended to be combined with classroom space located within the urban growth boundary. PCC has worked with the City of Scappoose and the County so they are very familiar with the overlays they are working with, the air traffic criteria, etc. They are also very aware of the Native American site in the area and will have a survey done and then work with the appropriate parties to mitigate those concerns. He explained the timeline of this application and that the UGB appeal was just settled in November which then allowed PCC to make application. They are working on the lot line adjustments so that the full facility will be inside the UGB and the connector road would be just on the inside of the UGB. Glen also mentioned that the proposal is not complete as of yet and PCC is very flexible and is aware of the Site Design Review that would be required on any development.

OPPONENTS:

Joel Haugen, 52363 SW Jobin Lane, Scappoose: He is not sure if he is opposed to this or not, because the proposal is incomplete at this time so we don't know what we're going to end up with. Is there going to be a shooting range, land ambient noise allowed. Would PCC want a shooting range next to the facility? When Joel looked through the report, he sees that the lot line adjustments are not specified, no good handle on where the flood plain is, etc. There are just too many unanswered questions. Another concern is that when he attended the Scappoose City Council meeting, they didn't seem to know anything about this application. The only one who seemed to know anything was Mayor Burge. This project will surely impact the city of Scappoose, whether good or bad is unknown as of yet. At the minimum, he would suggest the Board hold a public hearing in Scappoose because of the potential impacts to that area.

Jerry Arnold, 52481 Miller Road, Scappoose: He heard the consultant state that the road extension will possibly go down along the south side of CZ Road. He would strongly suggest that isn't even considered. The airplanes come in about 100 feet from the trailer park, just across the road from him. Further, in 1996 and 1997, that area flooded and it was just one big lake down there. Jerry also understands there is a moratorium on building in that area and surprised that there isn't someone here from the drainage district to address that. Commissioner Hyde pointed out that this hearing is for the concept of the facility only and any issues such as wetland mitigation, noise, etc. would be addressed through the site design process.

Cynthia Edes, 29358 Huber Road, Scappoose: She is here because, although this is preliminary, there are a lot of concerns about this site. There is a prehistoric Indian hunting village and another smaller village in the subject area, over 1,000 years old. Back in the late 1980's, a plank house was partially excavated and the archeologist believe there are more. The developers of this property need to know from the start that there are these concerns that will need to be addressed, because this is the biggest and best excavated plank house in the world. So this is a very significant site. There has already been some damage done by the gravel pits. She welcomes development, but she has concerns due to this significant historical area which is protected by federal law.

Michael Sheehan, 33126 Callahan Road, Scappoose: It would be interesting to know who owns the land (Joe Weston is the predominant land owner out there) and will PCC be leasing the property? Commissioner Hyde stated that in his experience with PCC, they don't lease - they buy. Moving on, he wanted to voice a concern that this development doesn't effect the CZ Trail in any way. Further, if the major access point is Moore Road, Michael would hope that the County Road Department would not be responsible for that upkeep. Commissioner Hyde responded that the county would not be responsible for that. Michael mentioned that when PCC proposed this some years ago, they had included a firing range. He would like confirmation that this property would not ever have a firing range on it. Commissioner Hyde would hope that, if this all comes to fruition, they would use the firing range in Columbia City. Michael stated that his other concerns will be addressed through any site design review such as any additional air traffic, noise, Indian artifacts, etc.

Dr. Margaret Trenchard-Smith, 29232 Huber Road, Scappoose: She simply wanted to clarify the term "prehistoric". She is a professional historian and any manifestation of human culture that existed before the written record, no matter what the time period was, can be referred to as prehistoric. So the historical information provided by Mrs. Edes is both historic and prehistoric.

REBUTTAL:

Glen Bolen responded to testimony in opposition. As far as he is aware, there is nothing in the current plan about a firing range at this site. Regarding the comment about the

property owner, Mr. Ed Freeman, part of Scappoose Airpark, LLC, has been included in all of these discussions. They are not wanting anything here that would conflict with their potential use of the property for economic purposes that is now inside the UGB. Their intent is to enhance the property, not create a detriment to their interest. As for the lot line adjustment, the plan is to separate, they are separating off those parcels that are split so the ones inside the UGB can be developed for economic use. PCC is currently working with the City of Scappoose on a master plan to identify multiple 40 acre parcels. The flood plain concerns would be address through the site design review. Glen wanted to clarify that they have been working with the city planner and city officials on this project. Regarding the CZ extension, PCC will look at all restrictions concerning the airport and he clarified that race cars are not part of this. PCC is looking at a better sidewalk system to access the CZ Trail. The air traffic for helicopters, or any air traffic is controlled by the FAA. With concerns regarding the road extension, noise, etc., those would be addressed during the site design review.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Heimuller asked if it would be feasible to hold a second hearing in Scappoose as requested. Glen Bolen confirmed that PCC is not up against any deadlines on this application, but would note that most of the concerns brought up would be addressed through the site design review process. Commissioner Fisher would agree. Commissioner Hyde suggested that any future site design review hearings be held in Scappoose. Commissioner Heimuller commented on the benefits of having a college here in the county and understanding there are some concerns that will need to be addressed. That said, he wants to ensure that there will be a professional archeologist inspect the property for artifacts and that they will be protected. After discussion, Commissioner Heimuller moved and Commissioner Fisher seconded to tentatively approve the application "In the Matter of the Application Submitted by Portland Community College for an Authorized Use - Public Safety Training Facility in the Primary Agriculture (PA-80) Zone", with the addition of Condition 7 - Airport Landing Overlay and Condition 8 that states any and all Site Design Review hearings on this matter be held in the City of Scappoose in the evening. The motion carried unanimously.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of 5/16/16.
- (B) Order No. 15-2016, "In the Matter of Conveying Certain Real Property in Rainier, Oregon, to Richard A. and Sandra D. Vance [Tax Map ID No. 7N2W16DD1500]".

- (C) Order No. 16-2016, "In the Matter of Approving Ambulance Service Area Boundary Changes and a Memorandum of Understanding with Clatsop County" and authorize the Chair to sign the MOU. (***Pulled and held over to the Staff meeting***).
- (D) 2016 Emergency Management Performance Grant (EMPG) application.
- (E) Letter of support for ODOT application by the City of St. Helens for Transportation & Growth Management Program funding.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Purchase and Sale Agreement with Richard A. and Sandra D. Vance for Sale of Property in Rainier, Oregon [Tax Map ID No. 7N2W16DD1500]"
- (G) Quitclaim Deed to Richard A. and Sandra D. Vance for Property in Rainier, Oregon [Tax Map ID NO. 7N2W16DD1500] and authorize the Chair to Sign.
- (H) Maintenance Plan Contract with Crossmatch Technologies and Authorize the Chair to sign.
- (I) Amendment #7 to the 2015-2017 Agreement #148004 with the Oregon Health Authority and authorize the Chair to sign.
- (J) Amendment 1 to Intergovernmental Agreement #15-170 with the City of Portland for UASI Grant Funding and authorize the Chair to sign.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

No comments.

COMMISSIONER HEIMULLER COMMENTS:

No comments.

COMMISSIONER FISHER COMMENTS:

No comments.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 18th of May, 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: _____
Jan Greenhalgh
Board Office Administrator

By: _____
Earl Fisher, Commissioner