

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

August 23, 2017

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller and Commissioner Margaret Magruder, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Office Administrator. Commissioner Alex Tardif was not present.

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

**MINUTES:**

Commissioner Magruder moved and Commissioner Heimuller seconded to approve the minutes of August 16, 2017 Board meeting and August 16, 2017 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

***Alta Lynch and Melissa Fleming, Elks Veterans Bunker, St. Helens:*** They were present here today to approach the Board about creating a community calendar. The County now has a Public Affairs person that coordinates all the county activities. With all of the different social media sites, it would be nice to keep it central, instead of having to go to the Chamber, City of Vernonia, and Keep it Local, etc. It would be nice if they could all post to one site, and have links to others.

Secondly, Alta wanted to make the Commissioners and the community aware of the 3<sup>rd</sup> annual "Veterans Stand Down" on September 9, 2017 from 10 a.m to 3p.m at the Fairgrounds Pavilion. This is an outreach to our Veterans focusing on the homeless and/or soon to be homeless. There will be booths available with information on homelessness, mental health, job placement, education, compensation and legal advise. If anyone would like to volunteer or donate, they can contact Alta at the Bunker, Marty at KOHI, Phil with Work Source Oregon or Russ with Veterans Service Office.

Lastly, the Veterans in our county have started an AA group, focused more on Veterans. It's called "We are Vets". They meet every Wednesday at 7:00 p.m. at the Elks Veterans Bunker located at 125 S. 13<sup>th</sup> St. St. Helens, OR.

Commissioner Heimuller asked that Alta follow up with an email to the Board regarding the community calendar and they will pass this along to Karen Kane to work on.

**Erin O'Connell, P.O. Box 55, Rainier:** Erin is here today as the Chair of the Rainier City Planning Commission to talk about Columbia Crossing Development. During their meeting last night, concerns were expressed about the traffic back up impact at the Lewis and Clark Bridge, which has been increasing over the last 6 months. They wanted to inform the Board that the Rainier Planning Commission asked the applicant to write to the Board of County Commissioners and the Rainier City Council, requesting that both agencies make contact with ODOT and ask for this to be looked at, and to re-evaluate the transportation impact analysis. Considering this current situation, something has changed and they feel that it is not being addressed. There is only one time to do this right, so they really want this problem to be considered more in depth. They are asking for the County's assistance in addressing this with the State.

**Don Campbell, 75735 Price Road, Rainier:** Don also wanted to talk about the increase of traffic at the Lewis & Clark bridge. When I-5 had the land slide sometime back, he feels that people discovered other routes on Hwy 30 that made an easier commute for them. He spoke with the ODOT Director in Astoria about putting a merging lane 1/4 to 1/2 mile long to help reduce the over flow of traffic thru Rainier. The idea has been put out there, hopefully they will do something with it.

Commissioner Heimuller noted that this conversation has been going on for quite some time, basically since the land slide on I-5 a year and half ago. The Northwest Area Commission on Transportation has also been discussing this issue and he agreed that a formal request right on down the line is exactly what we need.

#### **HEARING: LUCS APPEAL FOR DEER POINTE MEADOWS MHP:**

This is the time set for the public hearing, "In the Matter of an Appeal of the Administrative Decision by the Land Development Services Director for the Issuance of the Oregon DEQ Land Use Compatibility Statement (LUCS 17-44) for Deer Pointe Meadows Mobile Home Park".

**Robin McIntyre, Assistant County Counsel:** Applicant Dale Strom sought approval of a Land Use Compatibility Statement which is required for a DEQ permit to modify the on-site waste water treatment facility at Deer Pointe Meadows Mobile Home Park. The Land Development Services Director approved the LUCS by administrative decision and sent notice to neighboring property owners. The decision was timely appealed by Don Campbell, a neighboring property owner. The Board of Commissioners took original jurisdiction to review the appeal, which normally would have gone to the Planning Commission, and that is why it is now before the Board. The Board declared no ex parte contact or conflicts of interest. Robin then read the pre-hearing statement into the record, which is required by ORS.197.763. Robin then entered into the record all contents received to date, which includes a list of contents as **Exhibit "1"**.

Todd Dugdale, LDS Director, presented the staff report. The Deer Pointe Meadows Mobile Home Park is located at 25231 Alderbrook Road, approximately four miles west of the City of Rainier. Currently, the park consists of 46 mobile home/ RV spaces and a laundry room located on tax lot 1900 and a wastewater treatment facility, consisting of three septic systems, covered under a single Water Pollution Control Facilities Permit (WPCF).

This mobile home park has existed on the subject property since 1965, pre-dating the rural residential zoning (RR-5) that was applied to the property in 1984. It was determined to be a legal non-conforming use, consisting of 33 spaces and allowed to expand to 46 spaces by the County in 1996. A non-conforming use is defined by Section 100.72 of the Columbia County Zoning Ordinance as “a use or structure lawfully existing at the time this Ordinance became effective and which does not conform with the use regulations district in which is located.”

Touching briefly on the proposed waste water system improvements to DEQ are three major components. **(1)** The addition of secondary treatment to the entire system will provide the greatest change and benefit as far as mitigation of future failures. Sewage that has not received secondary treatment has a significantly greater amount of pollutants that have to be treated by the soil. With secondary treatment, the sewage effluent is treated by a proprietary product to a much higher level before the effluent is even introduced into the ground. **(2)** The design flow of the system is proposed to be increased from 8,250 gallons per day to 12,000 gallons per day. There is no proposal to actually increase the amount of wastewater that will be going into the system. The intent of increasing the design flow is to ensure that primary and secondary treatment components are sized to a level that, if high flows are experienced, the system has the ability to properly respond. Historically seasonally during our wet season the system gets overloaded by a combination of inflow and infiltration. Where attempts have been made and continue to be made to control inflow and infiltration there will be peak flow due to those factors, along with usage of water by residents in the park. **(3)** By effectively combining the previous separate systems into one system where all the wastewater will be processed through secondary treatment components, all flows that are introduced into the drain field cells in the future will be able to be monitored. This is extremely important and beneficial in understanding how the drain field is working at any given time. It also provides a mechanism for troubleshooting, making better maintenance decisions, and also catching flow problems before they can overwhelm the drain field and result in failure.

The bases for the appeal filed by Don Campbell lists 4 items. **(1)** The LUCS is a discretionary land use decision and permit under state law and therefore requires notice to affected landowners and opportunity of a de novo local appeal. With respect to the procedural point, notice prior to this hearing, the notice of decision for this hearing and the de novo of appeal request is the result of the procedural requirement.

**(2)** The argument made by the appellant argues that the proposed system improvements are unlawful because they violate Condition 5 of the original non-conforming use determination for the mobile home park increasing allowable mobile home units from 33 to 46 in 1996. Condition 5 stated that there can be no ‘Further expansion of the mobile home park’ nor ‘further development of tax lot 1900. In 2012 the County’s decision determined that proposed septic system improvements to the mobile home park were compatible with applicable land use regulations. In LUBA No. 2012-060, denied this argument. According to the petitioners, the approved septic improvements on tax lots 1900 and 2400 constitute “further expansion and “further development” prohibited by Condition 5. Intervener respond and we agree that Condition 5 is not properly understood to prohibit the proposed septic improvements.

The appellant also argues that by approving the LUCS, the County erred in finding that it is permissible to increase the design flow of the system even though the design is based on flawed flow assumptions based on the park being a “senior only park” generating effluent volumes. In approving the LUCS the County lacks jurisdiction to review whether the proposed improvements to a system with a design sewage flow capacity meet DEQ wastewater treatment rules and regulations.

**(3)** The argument made by the appellant is that the proposed on site wastewater treatment system improvements are neither a “repair” nor a lawful “alteration” of the non-conforming use. ORS 215.130 (5) & (9) address permitted alteration to non-conforming uses and provided the statutory basis for Section 1506 of Columbia County’s zoning ordinance which contains land use rules governing non-conforming uses. However, the same provision of State law prohibits a County from placing conditions on the continuation or alteration of a non-conforming use “when necessary to comply with State & local health safety requirements, or to maintain in good repair the existing structure associated with the use”. Failure to have a properly designed sewage treatment system has historically contributed to the malfunctioning of the system and the resultant violation of state and local health and safety standards. Further it needs to be noted that DEQ onsite wastewater treatment system rules define “repair” as the installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.

**(4)** The appellant argues that the proposed improvements are not permissible alterations because the proposed increase in design flow will have greater adverse surface and groundwater impacts on downstream neighbors. Permissible alteration of non-conforming uses pursuant to ORS 215.130(5) are further defined in ORS 215.130(9) which allows changes in non-conforming uses “of no greater adverse impact to the neighborhood” and changes to the structure or physical improvements “of no greater adverse impact to the neighborhood.” The appellant is arguing that the on site wastewater treatment system improvements constitute an alteration of the non-conforming mobile home park use and that the alteration is unlawful because, by increasing the effluent design flow, it will result in increased surface and groundwater

quantities which will have a greater adverse effect on the neighborhood. In DEQ's evaluation of the proposed system improvements in referring to the proposed increase in the wastewater flow to a combined treatment system states: This is being proposed in order to recognize seasonal wastewater flow increase. Typically during winter months due to inflow and infiltration (I/I) resulting from a combination of leaks in the system, older plumbing fixtures in the residences, and methods used by the residents to help avoid freezing water pipes. Some of these issues can be identified and corrected with upgrades to the wastewater collection portion of the system, but I/I cannot be completely removed. The approach has been to correct I/I where identified, but to recognize that I/I does exist and to design the system for the increase flow. We are talking about existing seasonal inflow and infiltration, while pursuing measures to reduce it where possible. These findings are pertinent to ORS 125.130 which is the statutory basis for Columbia County's non-conforming use regulations found in Chapter 1506 of the Columbia County Ordinance. As noted in finding 2, State law provides more specific guidance regarding alteration of non-conforming uses.

Finally, two findings against Section 1506 Non-Conforming Uses: **(1)**1506.2 Normal Maintenance and Repairs: Finding must be made that no change in the basic use of the building occurs that would make the use less conforming to the district. Staffs' finding for the reasons: Repair and improvement of the on site wastewater treatment system would not constitute a change in the non-conforming mobile home park use, that is , they would not increase the number of spaces, nor would they make the park use less conforming to the existing RR-5 zoning district regulations. **(2)** Section 1506.5 deals with how any Rebuilding, Change, Moving, or Use Expansion need to handled and what kind of criteria apply. Staff is finding that this section of the code does not apply because improvements to the on site wastewater system proposed in the application to DEQ do not constitute an expansion of the non-conforming mobile home park use, that is, do not add mobile home park spaces nor add site area for the use. Likewise the proposed improvements to the existing utility system do not constitute rebuilding, changing nor moving of the non-conforming mobile home park use.

Based on the facts and findings of this staff report for the Appeal of LUCS 17-44, Staff recommends that the Board of County Commissioner *DENY* the Appeal and *APPROVE* LUCS 17-44 determining that the proposed improvement to the Deer Pointe Meadows Mobile Home Park on site wastewater treatment system on tax lots 7315-01900 and 7315-020-01902 are compatible with applicable land use regulations.

### **PROPONENTS:**

***Tim Ramis, 2 Centerpointe Dr #600, Lake Oswego, OR 97035:*** He is the attorney for the applicant Dale Strom. With him is Brannon Lamp, Registered Health Specialist, for the State of Oregon. For purposes of expediting this hearing, it would make more sense to hear from the appellant. The procedural status of the case is that the LUCS was

issued by staff than appealed. The appeal includes the arguments that your staff reviewed and responded to. This includes the letter from counsel for the appellant warning that they reserve the right to expand on their appeal, we do not know what those expansions are. We will respond on rebuttal.

### **OPPONENTS:**

**Andrew Stamp, 4248 Galewood St., Lake Oswego, OR 97035:** He is the attorney for Don Campbell. With him today is Robert Sweeney a Registered Environmental Specialist. We were here 5 years ago asking you not to approve the septic expansion. Since 2012 there has been continuous failures. DEQ has been kind of an absentee regulator, but have recorded three failures, the first being in 2013, then 2016 and third March of 2017. How many times are we going to do this before we all recognize there are too many mobile homes in this park, putting into a system that just can not handle it. We would like to see that the county revoke the permit that was issued in 1996 allowing the park to grow from 33-46 units. Interesting enough is that in the last failure the park was down 7 spaces, the park is down 12 spaces right now. This would be a great time to revoke the permit and file for a nuisance, you would not have to evict any tenants.

The county has issued an order called temporary suspension of mobile/ RV placement. It basically says the park owner will not put anymore spaces into use pending the resolution of the failing septic. We would like to put into record that the property owner has violated that order and has at least two new tenants on the property right now. The history of this park is they violate the law and you should not trust the park owner.

Moving on, Staff said the proposed improvements are repair, and staff cited the LUBA case. Disagreeing, Andrew Stamp reads the LUBA case again. Saying the LUBA says it is not a repair. "Adding a forced drain field to replace drain field three and keeping drain field three in commission as an extra or a repair drain field arguably does more than maintain an existing structure in good repair". LUBA ended up saying that it was allowed under different provisions of the code but it said it is not a repair. This is not a repair either because you are increasing the design flow. In the last LUBA case the county specifically told LUBA "we are not increasing the design flow". I don't think you can use the LUBA for any kind of precedence for this, because staff is doing exactly what they said they were not doing in the last case. This case presents a different set of facts, you are moving from an allowed 8250 gallons per day to 12,000 gallons per day. There is no lawful requirement from DEQ to raise system capacity. All DEQ is saying is fix the system. Your experts have said that because of the clay none of the water will drain into the ground. Consistent of what we see with increased groundwater, that runs to the neighboring properties contaminating the water source. With the 4000 gallon increase it is going to impact the neighbors even more. We are going to ask to keep the record open, we want to enter video showing the water running on to Mr. Campbell's property.

The county lacks jurisdiction, it is true that DEQ has jurisdiction, but county has authority over land use permits. You can declare this issue as nuisance and use your authority to close some of these spaces down. Bottom line if you approve this LUSC we will be here every few years to discuss this issue.

**Robert Sweeney, 4080 SE International Way, Milwaukie, OR:** Has been to the Deer Pointe Meadows Park with an issue in 2012 at which he observed ground sewage entering Mr. Campbell's property. The purpose for him being here today is that he has been asked to review the design submitted to DEQ for approval. He has reviewed the design a couple of times based on The Oregon Administrative Rules. The Oregon Administrative Rules has a min. code for design, we use that to calculate 10,200 gallons for the proposed use. Mr. Lamp has indicated the flow should be more like 12,000. Either way the current design does not meet the standards in The Oregon Administrative Rules. Reading from his findings he explains how the peak flows work, with cluster 1 being two times its peak flow per day, cluster 2 two times its peak flow per day, and cluster 3 also two times its peak flow per day, with the shortage of 6400 gallons for the three clusters. Explaining how the new system would work they are still going to be short. They are requesting three AX100's leaving a 2700 gallon shortage, they would need two more, needing to request a total of five AX100's. The ultraviolet disinfection system, the proposed unit is not listed by DEQ as improved technology according to the manufacturer's brochure. The model pallet number 30 should be placed before the final dosing tank rather than pumping through it as designed. Final dosing tank is min. sizing 1x's the daily peak flow. The proposed is 1500 gallons. That tank has virtually no capacity to contain peak flows at 10,200 gallons required, shortage is 8700 gallons go to the drain fields. The drain fields are unknown capacity giving their history of failure. Much of the drain fields have already been shut down. Speaking more on the I/I and peak flows he has spread sheets that go into the calculations that have been outlined for the 10,200. Other similar facilities in the area that have failing systems have been required to have the contents of their systems pumped daily or more often to prevent surfacing, and to protect public health, not sure why DEQ has not required that for this site.

Also including spread sheets from my report from 2012 as well as the DEQ approval letter.

Commissioner Heimuller asked Robert if he had anything to do with the design or repairs back in 2012 at the Deer Pointe Meadows Mobil Home Park? Robert stated that he was not involved in the design or repair, but has been on the property for review and comment.

Commissioner Heimuller stated that there was some indication of water flow onto Mr. Campbell's property. It seems though that the drain field more adjacent to his property was drain field #1. Understanding back to 2012 or so, that drain field was shut down, and has not been in use. Has there been current fluent draining onto Mr. Campbell's property

since that drain field has been closed down? Mr. Sweeney was not able to verify that the drain field is still shut down, it was to his understanding that it was shut off, but still available to be reconnected with valving at any time as deemed necessary.

Andrew stated that Mr. Sweeney threw a lot of numbers out there and he will follow up with a memo that he has here today. I think there is too much to ever fix this system. At the very least if you are going to approve this, I urge that you follow Mr. Sweeney's letter that follows DEQ guidelines. In regards to the I/I problem, basically what that means is there are cracks in the pipes, that allow water to get into the pipe and flow down into the system. What Mr. Sweeney testified to was that if you have cracks in the pipes, flow can come out of the pipe as well, causing contamination. An I/I problem is almost always going to be an indicator of contamination. Another condition of the approval is that they should have to fix the I/I problem. We have not heard any specifics on how staff is planning on fixing this. The county should require the applicant fix the I/I problem by digging up and replacing pipes prior to increasing the design flow.

Commissioner Heimuller asked how does a person measure the pipes and water flow? Is it standard to check septic systems for I/I. Robert Sweeney responded - the plumbing system and the septic system are different permits. Nevertheless, to find out if you have leakage you want to pressure test the system to check for leaks. Commissioner Heimuller - "so it is not typical to dig up and check the pipes?" Sweeney, "only when the test, or water spots show that there could be a leak."

Andrew talked more about seasonal water flow, in addition to rain and the possibility that residents keep water running to prevent freezing pipes. Another potential condition to approval is that you could make the applicant pay to make sure all pipes are insulated.

As Commissioner Heimuller understands it, the I/I piece of it could be water coming into a breach in the pipe or, it could be rain water lying on top of the drain field. Would that also be I/I water? Andrew explained that any water getting into the system is considered I/I. Cracked pipes are the easiest to identify.

The last thing Andrew would like to say and can be entered into the record, is that the AX100 system will handle 8,000 gallons peak not 12,000 gallons peak flow. The manufacturer says that the product is not designed to be used in this way. This should be an indicator that this system will fail. He would recommend that you deny this LUCS and revoke the 1996 expansion of 13 units.

Andrew then requested that the record be left open for 14 days.

**Gene Krause, 2454 Archwood, Longview WA:** Gene read a letter into the record from his brother Robert Krause. Giving a snapshot of what it has been like being a neighbor to this mobile home park. Bob owns about 16 acres next to the park, a slight downhill slope



to the west. The property has been in the family since the 40's. When the park was developed in the mid 60's it instantly started causing problems from the septic system, it was like a giant sponge. It was obvious that the approved septic system was not adequate. The park developer and his father Walter Krause agreed that the park would purchase 6 acres of the Krause property to add more ground footage for water treatment. The run off of the septic started to contaminate other parts of the Krause property. Run off polluted the drinking well, the only source of fresh water to the property, eventually having to be filled with dirt. My parents were finally able to move to a different part of the property in the early 70's putting in a manufactured structure and tapping into a fresh water spring in order to have fresh water, which they had not had for several years.

We were notified this year the mobile home park has had more failures. We have had the spring water tested as recommended by DEQ. Test result show that the water is contaminated by bacteria. We are now trying to make changes to make this water potable. In the 90's I attended a meeting with my brother and father showing how bad the water was and asking that the expansion not be approved to add more spaces to the park. Yet, it was still approved. This park has caused a lot of problems, devaluing the property, and it has been very expensive to be neighbors of the Deer Pointe Meadows Mobile Home Park. I urge you to please listen to the problems. We now have a polluted water source again. We are not in favor of any further expansions or further harm to the neighboring properties.

His parents raised the family, and lived in the house with no water for a few years before they could move to another spot on the property. Why is this acceptable to allow this wastewater to run onto the Krause property contaminating the drinking water? Even though we have gone several weeks without rain water, ditches are still full. How do my brother and his wife live with this terrible injustice? I hope the commission takes a stand and speaks for the neighboring properties.

***Don Campbell 75735 Price Road, Rainier:*** Has lived on his property since 1997. He has filed the appeal due to that he has watched over the years the damage and pollution that has come from the park. Submitting photos taken Jan 25<sup>th</sup> 2017 right after DEQ did a surprise onsite inspection. Calling the park on 24<sup>th</sup> and ordering the park to put dye in the tank of choice for inspection on the 25<sup>th</sup>, pictures showing the red dye that leaked from the tank. Verified that the first picture is on the Deer Pointe Meadows. Second picture, showing the green water that is year round near the Krause home. Next two photos are from Dan Sap who has lived in the park for years, Dan passed away a few months back. The property was cleared of all structures and items. Currently these photos showing that new residents are on the site. Believed to be family members of the management.

Commissioner Heimuller asked Gene Krause, "Have you seen this photo before?" Krause said "yes", he, in fact, had taken pictures of this same ditch yesterday, still showing water. Commissioner Heimuller also addressing Gene Krause, " was this ditch

purposely put there?" "Yes, it was put in to help pull water away from the house."

Don Campbell - Looking at the ditch that Krause's had done, he also dug a ditch back in 2010 to protect their home approx. 700 feet long, french drain style. Taking 4 days and \$7,000. Neighbors on the other side, to the east, Robert and Kathy Ramey also have incurred huge cost, as well, putting in drainage systems. There needs to be a fix to the problem, The county had no problem, when my grandmother passed, to dissolve the hardship, requiring that toilets be removed and things of that nature, deeming the house he lived in unlivable. The county has had no problem in the past to push people out of their homes to follow rules. Talks about making tenants move, there is already 12 empty spaces, if this is approved those spots will be full, and when the system fails again, what is going to happen? I have tried to have a neutral on look to this, hiring people that have more knowledge than myself. He likes to base facts on history. If you don't follow the history you will keep repeating that history. This is what keeps happening with Deer Pointe. It is not just me coming forward today, this room is full of people that are here for this issue. Families have been suffering for years. The only people that are for this project are ones that will profit from it one way or the other.

In late 2016 after the first failure was identified around July thru September County allowed space 9 to be occupied by a double wide mobile home. He was told that the county had no control of the situation and it was under DEQ jurisdiction. Things that he thinks should change is DEQ needs not to be put on the pedestal to address this issue, and the county completely steps aside hoping that DEQ does their part.

On another note the liquid that has been randomly pushed to my property, there is a video that shows it bubbling on the Deer Pointe side and also running onto Price Rd that is the road for entrance of Deer Pointe and along his fence. The level of contamination, is not only coming from the sewage discharge, it goes further than the sewage, but also medication that goes into the system that is leaking. Kids are exposed to this, this is a huge deal.

Commissioner Magruder asked for verification on Dan Sap's site. Dan has died and all of his belongings were moved from the site. The R.V. in the photo was moved in after LDS said no more sites to be occupied. This photo was taken last week. Photos entered **Exhibit "2"** Don gave brief re-cap description of the photos.

**Dawn Burrows, 757357 Price Rd. Rainier:** Dawn draws on white Board, 8250 gallons down to 8025 gallons up to 12,000, gal per day. Mr. Strom had a due diligence when he bought the property. Why can Strom do what ever he wants, no matter who it hurts. Property is being damaged.

**Robert Ramey 75702 Price Rd. Rainier:** East of the #1 drain field. Reading from test done by DEQ, reading in the high 3's Ecoli was 1300.0 intercaucose 2419. Fecal 960 some perspective of the numbers, the intercaucose over 69 x's higher than what the

numbers are when they close beaches and public water ways. Talks about the new system, 97-98 % cleaner if this is going into soil, we do not live on soil we live on clay. The drain field is not capable to handle any of it.

Commissioner Heimuller asked about the ditch that goes across Robert's pasture and if he is the one that dug it. No, when he bought the property it was there. He plugged the ditch that was running to Beaver creek, he was trying to protect his cattle and other animals. Entered testing done 2012 as **EXHIBIT 3**

**Kathryn Ramey 75702 Price Rd. Rainier:** It is not just the surrounding neighbors that are affected with this issue, it is also the property owners down Price Rd to the hwy, it is everyone down hill from the trailer park, a lot of small children that will be at risk. Would you not feel horrible if these children got sick or died. Because you allowed an expansion, allowing the contamination to distribute through our properties.

### **REBUTTAL:**

**Tim Ramis with Brannon Lamp 3439 NE Sandy Blvd. #165 Portland, OR 97232:** Mr. Strom has inherited a situation and he wants to bring this issue into compliance. Mr. Strom notified DEQ and initiated this process. He is committed to keeping the park open to the number of spaces that are approved to help with low cost housing that this park plays a part in.

A couple of things that Tim thinks that are important to realize are **(1)** What is not before you is the design of the system. This will be arbitrated by DEQ, they will decide what is the correct design of the system. Also not before you today is the proposal to change the size of the park, this not part of the scope of today's proceedings. **(2)** What is before you are the statements issued by county staff in the LUCS, are they correct? LUCS is asking is the proposed activity allowable, is it permitted? It is important to understand that this case has two fundamental facts 1 legal 2 factual. Legal proposition is permitting repair and upgrade of utility that service a use, are not themselves land use decisions. There are permit processes for that. The fundamental proposed is not an expansion to expand the park, it is to expand the capacity of the system, the process began when Dale Strom and his manager noticed problems and asked DEQ to come in to evaluate and initiate the process.

The specific findings in the staff report **(1)** Maintenance and repairs are allowed under your code. A lawful repair required by DEQ rules is not a change in the park. **(2)** Important finding it is not a violation of Condition 5 to repair the utility that serves the park. **(3)** The assumption that DEQ flow numbers are wrong. Staff is correct that it is not in your jurisdiction for you to decide. DEQ will hold a hearing and that will get decided by DEQ after experts review.

ORS 215.130 statute that staff referenced with non-conforming issues: When you have to make changes because the state is requiring repair, you are allowed to do that permitted by law.

On the other issues, I think we should answer any other questions you may have in writing and submit as evidence submitted. We will provide you with information and data pertaining to allegation to the order that Mr. Strom has violated. It is our understanding that the R.V. is not connected to the system.

Commissioner Heimuller: It does seem like other things that land owners could be doing is not leaving water running in the winter, and install low flow water faucets and low flow toilets, a huge impact could be made by updating these items.

Commissioner Magruder: Please note the current occupancy of the court.

With no further testimony coming before the Board, the hearing was closed for deliberations on Oct. 4<sup>th</sup> 2017 at or after 10:00 a.m

Leaving the record open for 14 days for additional written evidence and testimony Sept 6<sup>th</sup> 2017, Rebuttal testimony Sept 20<sup>th</sup> 2017 and Final argument Sept. 27<sup>th</sup> 2017

### **CONSENT AGENDA:**

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

- (A) Ratify the Select to Pay for the week of 8.21.17.
- (B) Approve request for out of state travel for Ryan Moore to attend "Facilitator Training for Applying Mindfulness", 9/22/17 - 9/30/17 and 5/5/18 - 5/11/18.

The motion carried unanimously.

### **COMMISSIONER HEIMULLER COMMENTS:**

No comment.

### **COMMISSIONER MAGRUDER COMMENTS:**

Commissioner Magruder wanted to thank the folks that supported United Way last week at Burgerville, and whomever it was that put the \$100.00 in our donation can. We really

want to thank you.

On a sad note Humps restaurant will be closing this coming Sunday in Clatskanie. Hopefully someone else will come along and reopen the restaurant.

**COMMISSIONER TARDIF COMMENTS:**

Not present.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 23<sup>rd</sup> day of August, 2017.

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: \_\_\_\_\_  
Henry Heimuller, Chair

By: \_\_\_\_\_  
Margaret Magruder, Commissioner

By: \_\_\_\_\_  
Jan Greenhalgh,  
Board Office Administrator

By: Not Present  
Alex Tardif, Commissioner