

City and Developer Deadlocked on Nickerson Ridge

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Schrader appeared before the Vernonia City Council on three separate occasions during the summer of 2015, which initiated an investigation by the City of Vernonia into any available documentation and if any improvements were made.

Documentation concerning development requirements that Schrader presented to Council during his initial presentation begins in 1998 and includes the names of City Administrator Gordon Zimmerman, Public Works Director Robyn Bassett, and Planning Clerk Kathy Morrison. Tetra Tech was the City Engineering firm at the time; several memos and documents include the name of Kevin France as the City Engineer. Several documents dated from 2000 are signed by City Planner Julie Coontz. None of these people are currently employed by the City or the engineering firm.

A memo from Engineer France to Bassett and Zimmerman dated September 18, 1998 lists several comments concerning water and sewer line installation requirements that may not have happened. A memo from France dated December 17, 1998 indicates that underground utilities were not installed according to approved plans.

A memo to Bassett from France dated February 29, 2000 discloses that Bassett and France had performed a preliminary review of infrastructure improvements and presented a list of items that needed to be resolved before the City would take responsibility for future operation and maintenance of the improvements. Included in the list is an upgrade from a four inch water line to a six inch line into the development, improvements to the culvert crossing Knickerson Creek, and the installation of compacted fill beneath the westside sidewalk.

The Vernonia Planning Commission gave final approval for the subdivision on April 20, 2000. City Planner Coontz informed Smejkal of this in a letter dated May 4, 2000, but indicates that flows from fire hydrants did not meet the required 1,000 gallons per minute and therefore all homes in the subdivision would require sprinkler systems.

There is no documentation on file with the City or Columbia County indicating that any of these requirements or improvements were completed. The eight homes that were built do not have

sprinkler systems.

A Final Plat map, giving final approval for the development, was signed shortly after the Planning Commission's approval. It was signed by City Planner Coontz, Engineer France, new City Manager Michael Sykes, the Columbia County Surveyor, the Columbia County Assessor and all three Columbia County Commissioners, as well as James Smejkal.

No construction occurred following the final approval until 2012.

Following Schrader's allegations the Vernonia City Council instructed staff, including then City Administrator Gian Mammone, to begin investigating what improvements, if any, had been done in the last fifteen years since the subdivision had been approved and if developer Smejkal had complied with all requirements imposed in 1998-2000.

In his report to Council at the July 6, 2015 City Council meeting, Mammone reported that staff was unable to locate any additional records, minutes from meetings or any plans for the project, and Mammone suggested that the required improvements were never done. He reported that after contacting staff at Oregon Department of State Lands (DSL) he was informed that Smejkal did not have permits for improvements he made to the land at the subdivision. DSL disclosed that there are two violations pending against Smejkal and Nickerson Ridge Estates, one concerning wetlands violations in connection with the rerouting of Knickerson Creek and the second involving the installation of an undersized culvert.

At the August 3, 2015 City Council meeting Council was presented with a memo from City Attorney Alex Sosnkowski addressing whether the City should continue to approve construction in the development. Sosnkowski noted concerns about storm water run-off and fire hydrant flows and expressed concern

about the City's exposure to potential liability. She recommended the City not place a moratorium on construction but rather only approve development that meets the required conditions of approval. Instead the City has declined to issue any further building permits on any of the properties in the subdivision.



Terry Lindauer would like to see the City and the developers reach a compromise to fix the infrastructure.

According to City Administrator Mitchell all construction permits were issued through Columbia County at the time the subdivision was originally approved; the City of Vernonia contracted with Columbia County to provide building inspection services and Columbia County purges all records after 10 years. The engineering firm hired by Smejkal also purged records after a set period of time. Mitchell said that she asked Smejkal in August of 2015 to provide documentation of final "As BUILTs" for the development. "As BUILTs" are the latest changes on blueprints that show how a construction project was actually built as opposed to as it was designed. Smejkal was unable to provide that documentation.

"One of the big problems is that there is no verification of any of the things the developer did, or did not do," says Terry Lindauer.

Still waiting

Terry and Gretchen Lindauer have regularly attended Vernonia City Council meetings for the last year or so. Since the issue was originally brought

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forward in 2015, little progress has been made on resolving the issue of who is responsible for fixing the problems that have been plaguing some residents in the neighborhood. In August of 2016 it appeared the City and the Smejkal had an agreement for the developers to install additional catch basins that would have helped with the storm water run-off. But the developers backed out of that deal before it moved forward.

Meanwhile the Lindauers have been unable to get their building permit for their shop and are frustrated by the lack of movement on both sides that have stalled any progress towards a resolution.

The Lindauers previously lived on Highway 47 south of Vernonia for almost 27 years on a 12 acre hobby farm. They raised two children there while Gretchen worked for the Vernonia School District in the cafeteria and Terry

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