

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

February 5, 2003

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia and Commissioner Anthony Hyde, together with Sarah Tyson, Assistant County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Bernhard was not present.

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

MINUTES:

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the January 28, 2003 Work Session; January 29, 2003 Staff meeting; and January 29, 2003 Budget meeting. The motion carried unanimously.

SECOND READING OF ORDINANCE #2003-1:

This is the time set for the second reading of proposed Ordinance No. 2003-1, "In the Matter of Establishing a Procedure for Exemption from the Requirements of a Survey Upon County Acquisition of an Interest in Real Property for Public Road Purposes".

Sarah stated that the first reading was held on January 22, 2003. Because the Board did not want the emergency clause included, the second reading needed to be held two weeks later. Sarah noted that no changes have been made to the ordinance since the first reading. Sarah then gave the second reading of Ordinance No. 2003-1 by title only. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to adopt Ordinance No. 2003-1, "In the Matter of Establishing a Procedure for Exemption from the Requirements of a Survey Upon County Acquisition of an Interest in Real Property for Public Road Purposes". The motion carried unanimously.

PUBLIC HEARING: RICH MORTON APPLICATION FOR (2) PARTITIONS:

This is the continuation of the public hearing, "In the Matter of the Applications of Rich Morton for Two (2) Partitions in the Rural Residential (RR-2) Zone".

Sarah reviewed. A hearing was held on January 20, 2003 and was continued to today to allow for any additional testimony or evidence. At this time, the record is still open for additional evidence or testimony.

With that, the hearing was continued.

PROPONENTS:

Mike Ward, 58969 Ward Avenue, St. Helens: Mike wanted to speak in favor of this application. He has been an adjoining neighbor for 14 years. It was always the fathers desire to see this property developed and something of quality. Over the course of time, Rich has done a lot of work to see this happen. He is at a loss to explain the frivolous attempts to forestall this process and the productive development for the community. He would like to see this development take place.

OPPONENTS:

Joyce Heller, 1220 2nd St., Columbia City: She is the owner of the property directly adjacent to the Morton property. Her son John was here last week but couldn't be here today. He wanted her to submit a copy of the survey prepared by Duncanson Co., Inc. into the record, along with a letter from herself to the Board. Her concern is with the survey done by Phil Dewey, because it differs from hers. She believes her survey is correct. She just wants to know that the property boundaries are correct and that the Morton's still meet the two acre minimum.

Sarah marked the 2 page survey from Duncanson Co., Inc. as Exhibit "10". She then read the letter from Joyce Heller to the Board into the record and marked it Exhibit "11".

REBUTTAL:

Art Coyne, 2828 NE Rocky Butte Road, Portland: He wanted to comment on the statement made by Joyce Heller. It appears that both sides agree that the 2 acre parcels, if they can be satisfied, are what is necessary to approve this partition. That has been proven without reiterating arguments previously made. The boundary dispute appears to be the only issue of contention. That is something that should to be resolved outside of this process. He would ask that that be considered in the approval of this petition

Glen Higgins, Chief Planner: Glen asked for clarification on what boundary line is being used for the partition. The Dewey survey or the Heller's survey. Art Coyne stated that the applicant is willing to accept the eastern boundary line in the Duncanson survey to mitigate the issue so the partition can move forward.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Hyde expressed his displeasure with this proceeding. He felt there was a certain amount of civil action that was being asked to take place in this proceeding, which was unnecessary and irrelevant. That said, the Board has heard from a certified surveyor that, even going with the boundary line in the Duncanson survey, it still meets the minimum 2 acre standard. We understand that this is a preliminary plat and, if it doesn't meet the 2 acre standard, that will have to be dealt with at a different level. However, with the information before the Board, he sees no reason not to approve the application before us. Commissioner Corsiglia is saddened to see, what he considers all good parties, going through this. He doesn't feel that the

preliminary plat is the process to question a survey dispute. Any boundary dispute will ultimately be decided by a Judge and doesn't come under the jurisdiction of this Board. Because this is in the preliminary process and all parties seem to be in agreement and there is still adequate acreage, there is no reason not to approve this partition. After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve MP 01-08 and MP -01-09, "In the Matter of the Applications of Rich Morton for Two (2) Partitions in the Rural Residential (RR-2) Zone", with all conditions listed by the Planning Commission, and direct staff to prepare the final order, using the Duncanson survey. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Corsiglia read the consent agenda in full. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 2/4/03.
- (B) Ratify Partition Plat for Anya Spielberg
- (C) Approve Liquor License for Lindberg Grocery (new ownership).
- (D) Appoint Jim Cordell and George Lemont to the Columbia Drainage Vector Control District Board for a four (4) year term.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Amendment #6 to contract between CCCCCF and CCMH for "Juvenile Crime Prevention Plan, Case Management for 4th, 5th and 6th Grades".
- (F) Amendment #41 to the 2001-2003 County Financial Assistance Agreement #05-001 with State Mental Health.
- (G) Amendment #43 to the 2001-2003 County Financial Assistance Agreement #05-001 with State Mental Health.
- (H) Amendment #1 to contract between CCCCCF and the Public Health Authority for "Healthy Start".

The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

We, as a nation, are all saddened by the loss this weekend in our space program. Our thoughts go out to the families. Unfortunately, this is one of the things we have to expect will happen when we reach for higher destinations.

On the local front, Gracie Sonneland passed away this week. Gracie was 95 years old and ran the antique shop in old town. It has attracted a lot of people to the community. This is a sad loss to the community and she will be missed.

COMMISSIONER BERNHARD COMMENTS:

Not present.

COMMISSIONER HYDE COMMENTS:

Last Friday, we reached a mile stone with regards to the Port Westward project. All the projects out there are pending on the water intake system permit. That was approved by the DEQ Commission on Friday. If we can get through the 60 day comment period, we'll have a green light to move forward. We will probably seeing some immediate applications for construction, starting with Cascade Grain.

Commissioner Hyde reported on two statewide issues effecting the county. One is a comprehensive bill that will be introduced next Tuesday on PERS. As the co-chair of the PERS Employers Task Force, he feels this will go a long way towards fixing the PERS system. Secondly, Karen Minnis has introduced what she is calling her "humanitarian package". It is amendments to Senate Bill 5100, which was the last bill that passed in terms of the budget and budget cuts in the last special session. Her amendments address a lot of human resource issues, most notably mental health and senior programs. They are very targeted amendments and she makes it very clear that these amendments do not open the door for subsequent amendments.

SPRAGUE PROPERTY REPLAT:

Cynthia Zemaitis, came before the Board to speak about 2 pieces of county owned property (Tax Account Nos. 7405-000-02000 and 01800. These properties were previously owned by Dan Sprague. As a result of the recent auction, the County received and accepted offers on both pieces of property. Cynthia has been advised that, when Dan Sprague sold property to James River back in 1989, he sold portions of certain parcels and effectively created several illegal lots, including the two owned by the County. Therefore, before completing the sale of the county owned property, a replat should be done of the whole property. Cynthia sent a letter to all concerned property, including GMO Forestry, who owns the property formerly owned by James River, asking for their cooperation in the replat process. GMO has tentatively agreed to put as much as \$1,500 towards a survey for the replat. Cynthia comes before the Board will a couple of issues: request that the Board consider waiving the \$1,000 partition application fee; extending the time for final payment on these properties to April 30, 2003; and approve the request by Mr. Slape & Mr. Avent (purchasers) to waive the 1% interest per month.

After little discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to extend the final payment date on the Sprague property to April 30, 2003 and waive the 1% interest. The motion carried unanimously.

Further, Commissioner Hyde moved and Commissioner Corsiglia seconded to waive the \$1,000 application fee and move towards creating a legal lot. The motion carried unanimously.

While in attendance, Cynthia spoke about the cost of the survey, which will need to be done. She has received a few estimates and it looks like it will cost around \$4,000 to \$6,000. GMO has tentatively agreed to pay \$1,500 towards that survey. John has confirmed that the County can take the remaining portion from the land sales proceeds. The Board agreed with that.

EXECUTIVE SESSION UNDER ORS 192.660(1)(h) - PENDING LITIGATION:

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(h). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Corsiglia seconded to appoint Commissioner Corsiglia to represent the County in the Knieriem and Matt Marks Trucking dispute. The motion carried unanimously.

Further, Commissioner Hyde moved and Commissioner Corsiglia seconded to appoint Commissioner Bernhard to represent the County in the Ryder dispute. The motion carried unanimously.

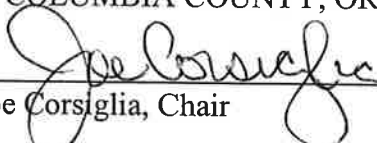
Further, Commissioner Hyde moved and Commissioner Corsiglia seconded to appoint Commissioner Hyde to represent the County on gas and storage issues. The motion carried unanimously.

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

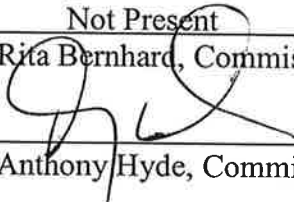
Dated at St. Helens, Oregon this 5th day of February, 2003.

NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Joe Corsiglia, Chair

By: Not Present
Rita Bernhard, Commissioner

By: 
Anthony Hyde, Commissioner

Recording Secretary
By: 
Jan Greenhalgh