

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

July 23, 2003

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia and Commissioner Rita Bernhard, together with John Knight, County Counsel, Sarah Tyson, Assistant County Counsel and Cynthia Zemaitis, Acting Board Secretary. Commissioner Hyde was not present for the morning session.

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

MINUTES:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the minutes of the July 16, 2003 Board meeting. The motion carried unanimously.

Commissioner Corsiglia announced that the public hearing on Goal 5 Sensitive Lands, will be held this evening at 6:00 pm, in the auditorium at St. Helens High School. The hearing is to take public input on some land use changes to the comprehensive plan and also a plan map amendment.

APPOINTMENT TO THE SCAPPOOSE PUBLIC LIBRARY DISTRICT BOARD

Sarah Tyson, Assistant County Counsel, stated that it did not appear that the District Board followed *Roberts Rules of Order* when voting, and that the minutes reflected that the District Board had actually voted to postpone the election until the next meeting, which Sarah believed was held last week. However, in the meantime, this Board received a letter requesting that the Board of Commissioners make the appointment for the vacant District Board position. Sarah stated that since the District Board didn't actually vote according to *Roberts Rules of Order*, the request that the Commissioners make the appointment is premature.

Commissioner Corsiglia stated that, therefore, the Board of Commissioners was not ready to make an appointment today, and invited those interested to contact Sarah, who will take a look at what the next course of action is, if they had any further input.

Sarah confirmed that the District should refer questions to their legal counsel or, if they don't have one, to the District Attorney.

MARK SCHNEIDER - GEORGIA PACIFIC CORP:

Mark Schneider, Operations Manager for Consumer Products at the Wauna Facility, was here to update the Board on the progress of their paper machine expansion project. The construction is on schedule and on budget and all major equipment is on site. The paper machine itself will start operating in January of 2004. They expect that the vast majority of the construction will be completed within the next four months and will start phasing down the labor during that time.

Georgia-Pacific shares the community concern with regard to the hiring of local contract labor; 77 percent of the current work force is made up of people from Oregon and SW Washington. However, Georgia-Pacific feels that linking the Enterprise Zone eligibility to contract labor requirements will hurt the State of Oregon. Georgia-Pacific is committed to hiring 110 new people at the Wauna facility, all of which will be members of the local union. They have already hired over 100 new people, the majority of which are residents of Columbia and Clatsop counties, at an average wage at the mill of approximately \$60,000. The increase in the Wauna payroll will be over \$6 Million. The financial impact in the community is estimated to be increased earnings between \$8 Million and \$9 Million, using indirect and direct multipliers, that are provided by the State of Oregon. The 110 new jobs at the Wauna Mill will add a total of 200 to 300 new jobs in the local economy.

Commissioner Corsiglia asked whether the 77% local hire mentioned are people whose W-2 forms are actually sent locally or people who get a temporary apartment and are called local hires. Mr. Schneider responded that the data comes from the contractors, but a drive through the parking lot indicates that the number of local vehicles appears to line up with the data.

Commissioner Bernhard indicated that she spoke with Mr. Schneider a couple weeks ago, and would like a more detailed explanation about the technically-skilled folks who were from out of the area who are working on a specific part of the machine.

In response, Mr. Schneider indicated that Georgia-Pacific has a preferred contractor, based in Wisconsin, used for the erection of paper machines, and a lot of their workforce comes from the South. He believes this accounts for the out-of-state license plates seen in the parking lot. Their job is almost completed, and they'll be phasing out and reducing their workforce considerably by the end of August.

Commissioner Hyde remarked that the original intent of the Enterprise Zone Agreement was twofold – continued viability of the plant, not just the new machine, is important. Without that new machine, the plant would be gone. It's very important that the existing employees are able to retain their jobs.

CONSENT AGENDA

Commissioner Corsiglia read the consent agenda in full. After some discussion, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 7/22/03
- (B) Order No. 57-2003, "In The Matter of Granting Permission to the Latter Day Saints 'Oregon City Stake' Young Women's Group to Conduct Archery and BB Gun Classes at Camp Wilkerson During Its Reserved Use From July 28 to August 2, 2003".

The motion carried unanimously.

PUBLIC TRANSIT VEHICLE REPAIRS

In John Knight's absence, Commissioner Bernhard indicated that she believes John was asking the Board for funding for needed repairs. Commissioner Hyde agreed that they did discuss the need for some repairs, and there is some money to do only the repairs that need to be done to get the system viable. He understands that there is \$5,000 for each of the senior centers, and another \$25,000 which is held in abeyance for these kinds of activities.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia announced that on Wednesday, July 30th, there will be a ground breaking ceremony at Young Mechanical in Scappoose. This is great news for economic development, and he wants to personally thank all our employees who had a part in making this happen.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard commented that she spent a lot of time out at the Fair and working the ticket booth at the main gate.

There were some traffic issues with the last concert that need to be addressed and the County will be meeting with the promoter to try to identify the problem areas as well as meeting with the Sheriff's Department to try to resolve some of those issues.

Commissioner Bernhard also attended a hospital coalition meeting. This group has found three different providers that are interested in the area and in maybe looking into the process. I

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde commented on the good Fair and the number of comments received about the traffic from the last concert. They intend to meet with Double Tee to determine what took place, and see to it that it doesn't happen again. He also commented on the status of the current legislative activities.

COUNTY COUNSEL

No comments.

CITIZEN COMMENT

Dixie London, PO Box 1074, Scappoose, OR 97056. Ms. London is a member of The Friends of the Library and questions whether the Board has addressed the issue of the Scappoose Library. Commissioner Corsiglia indicated that the County is still trying to understand what its duties are. Sarah Tyson is analyzing the best course of action. Commissioner Hyde stated that the question is whether it's appropriate for the Board to even look at this, or whether it needs to go back to be done right by the District Board.

Ms. London indicated that, as a member of the Friends of the Library, and as a private individual, she hopes that the Board refers this back to the existing District Board of Directors. In her personal opinion, there is a rogue member who is trying to create trouble and that's why it is now before this Board. She has talked with a number of other people who are involved in this, and they also hope that it can be returned to the Library Board to deal with.

Commissioner Bernhard stated that the County intends on sending it back to the District Board to deal with, and that the County should only be involved as a last resort.

Commissioner Corsiglia indicated that the Board would now recess for a potential trip to Sauvie Island to review the Lewis & Clark project. They are scheduled to depart at about 2:00. After that, there is a 6:00 p.m. hearing at the St. Helens High School Main Auditorium for taking testimony on the Goal 5 process. So there is a potential that we will be in quorum on a trip to the island but we're not sure about that.

The Board recessed the meeting at 11:10 a.m. The Board reconvened the meeting at 6:00 p.m. at the St. Helens High School, Main Auditorium. Present were Commissioner Joe Corsiglia, Commissioner Rita Bernhard and Commissioner Anthony Hyde. Staff present were Sarah Tyson, Assistant County Counsel, Todd Dugdale, LDS Director, Glen Higgins, Chief Planner and Lisa Scholl, LDS Clerk.

Commissioner Corsiglia called the meeting to order at 6:05 p.m.

PUBLIC HEARING: GOAL 5 SENSITIVE LANDS:

As scheduled, the public hearing, "In the Matter of Amending the Columbia County Comprehensive Plan and Zoning Ordinance Under Periodic Review Work Program Task IV, Goal 5 Sensitive Lands, and as a Post Acknowledgment Plan Amendment," was held.

Sarah Tyson noted that the amendments will be two separate ordinances for adoption at the Board level. The Big Game Habitat and Historical/Cultural Resources will be done as a Post Acknowledgment Plan Amendment, Ordinance 2003-6. All other amendments will be dealt with in Ordinance 2003-5. Copies of the draft are available.

Todd Dugdale gave a brief introduction of the Goal 5 proposed amendments. The County is proposing to go with the state minimum protection, which is the standard Safe Harbor. The amendments will not change permitted uses in the zone. The amendments will eliminate the Big Game Habitat density standard. Testimony received in prior hearings has had significant impact on the proposed amendments, revisions have been made to reflect this. There is a significant section on variance to allow for flexibility.

The hearing was opened for testimony.

Daniel J. Brown, 27241 Kingsley Road, Scappoose: Questioned if there is anything cast in stone that will keep this from taking more landowner rights away in the future.

Commissioner Corsiglia responded that this will back off restrictions to match state level. There is always the possibility that more state or federal regulations could arise that would need to be introduced into the county. These amendments will make regulations less restrictive.

Commissioner Hyde stated that this is to take the ambiguity out of the ordinances. Our current ordinances are more restrictive than state statutes. These amendments are to make regulations less restrictive.

Mr. Brown believes there are administrations, in the past, who have had a tendency to give away American natural resources and put them under a world control heading through the UN and making those natural resources a world natural resource. Questioned if we are opening ourselves up to this body to claim our natural resources, the corridor.

Commissioner Hyde does not think we are. He feels we resisted that.

Mr. Brown is concerned with the parties that don't live in the country and would like to control the country's resources for their access. They may be renters, may not even be landowners, or may just be city dwellers that feel that our resources should be made accessible to them. There are tendencies for biking trails and running trails. Some of those have already come through this county and have been put down by the locals. There are concerns of having trails through private land.

Commissioner Bernhard believes Mr. Brown may be misunderstanding the amendments. This is to bring our ordinances in line with state laws.

Mr. Brown questioned if this was initiated on a local level and not a state level. Commissioner Bernhard replied that Periodic Reviews are to be done on a regular basis and there have been requests from individuals to make laws more restrictive.

Chris Thompson, 76214 Heath Road, Rainier: Is very pleased with the changes that have been made to the amendments. He still has concerns with buffers, streams, and what is/isn't a stream. He has been told that the Oregon Department of Forestry maps will be used to determine if there is a stream. He does not believe that some streams shown on maps are actually where they are located or even exist. He has concerns with buffers from streams.

Mr. Dugdale explained that it's the actual stream bed being dealt with. It would be a stream that has been inventoried, shown on the ODF maps.

Mr. Thompson is concerned those streams may not even exist. He assumes it will be reviewed and make sure the stream actually exists. His main concern is that you're not running 5000 cubic yards of silt down the stream into a major stream. He was just clarifying that stream buffers are for structures.

Commissioner Hyde and Commissioner Bernhard both feel common sense would prevail for buffers.

Ray Barrett, 9470 N.W. Leahy Road, Portland: He has property on Sauvie Island on Willow Bar Slough. He's very interested in riparian section. He attended the last meeting held at the high school and feels there was 95% to 100% hostility through the meeting. He gave credit to the staff for listening and revising the amendments. He has made four suggestions: 1) Defer the actual implementation of the final product for 6 months or even until January 1, 2004. This will give property owners time to plan as well as take steps to get building permits, variances, etc. prior to the implementation of more strict regulations. Don't freeze people waiting for this to be adopted, continue on with current rules and regulations. 2) Define a stream as a body of water continuously moving at greater than 1,000 cubic feet per second. That would eliminate many bodies of water that cut through private lands at only certain times of the year. 3) The riparian setback from the banks of streams with less than 1,000 cubic feet per second on a continuous basis, not just something that happens because it rains. Anything less than that should remain at the 25 feet setback. If the stream flow is greater than 1000 cubic feet per second the setback should be 50 feet with a provision allowing for variances of 10% to 25% to cover undue hardships. That has been done. 4) Properties utilizing water frontage for recreational or business purposes should be allowed, with governmental approval, to build docks, boat launching facilities, and other amenities for the general public closer than the required setbacks proposed. That has been done. Non-fish bearing streams require 25 foot setbacks. Questioned what the definition of a non-fish bearing stream is. Feels that definition needs to be better interpreted. There is one that says, "Expand uses and activities allowed in a setback area to include private recreational areas." Add public and "...private recreational areas."

Commissioner Corsiglia replied that there are not a lot of people that we are actually holding from applying. There are some people holding from applying, awaiting the outcome of a portion of this due to a huge threat of appeal. He would like clarification of stream flow and definitions.

Mr. Dugdale clarified that is an average annual flow.

Mr. Thompson came to the Board with another concern about the siting of dwellings next to other dwellings in forest or farm zones. Concerned with the clustering issue and possibly having a farm use right next to an adjacent home.

Mr. Dugdale replied with the fact that would be an issue of siting the home. The Planning Commission would weigh that concern. The rules on clustering are not optional. There is a state law that requires clustering.

Gary Roth, 34162 Church Road, Warren: Presenting testimony on behalf of Vera Roth, regarding the Bates & Roth property located at 35361 N. Honeyman Road, Scappoose. He complimented staff on generous time made available. He appreciates efforts made to make language more consistent and usable by citizens of the county. He summarized comments: "1) Remove Bates & Roth property from Major Waterfowl Habitat designation. Reasons to be removed: A) Outlined in May 1, 2003 letter submitted to the Planning Commission. B) Conferred with ODFW. In 1995, ODFW had no map or criteria identifying the Bates & Roth property as Major Waterfowl Habitat upon which Beak Consultants could make this designation. It appears there was an inadequate basis for such a designation, as the Waterfowl Habitat overlay appears to encompass most everything in the Scappoose area east of Hwy 30 and west of Multnomah Channel. C) The area identified as Major Waterfowl Habitat is larger than, and inconsistent with, protection area afforded in Article

VIII, Section E.5 of the Comprehensive Plan whereby waterfowl habitat will be protected by setbacks from significant streams, wetlands, and lakes. D) However, it is our understanding staff has removed the last sentence of Section E-5 resolving any ambiguity between the Comprehensive Plan and the Zoning Ordinance. 2) Clarification of Intent regarding ODFW referral. For the various habitat sections listed in the Zoning Ordinance where property uses would trigger ODFW comments to be considered by the County, it is our understanding from staff that the practice of referring to ODFW and considering the agency's comments is intended to be the same between all habitat sections. We requested that the ODFW referral language between the sections read the same. However, if the County's intent and practice of receiving and considering ODFW's comments for each of the habitat types is precisely the same, then we are comfortable with the language as written. Specifically, the sections we are referring to in the Zoning Ordinance are 1124.4, 1170.B, and 1180.7.B. 3) Remapping to correct inventory designation errors. No inventory can be perfect and we have requested adding language that would afford the ability to correct inaccurate designations in inventories. The Columbia County Planning Commission expressed similar interest in this during its deliberations on June 30, 2003. While no specific language has yet been added to address this, it is our understanding that an opportunity to correct an inaccurate designation is covered by OAR 660-23-0030, (1) and (2) as referenced in the Comprehensive Plan. However, it is our understanding that this would require a Comprehensive Plan Amendment. Again, we urge the county to consider adding language containing a provision for correcting inaccurately inventoried properties based upon the report of a qualified expert and the County finds the analysis in the report to be soundly and scientifically based (without the need for a Comprehensive Plan Amendment or Zoning Ordinance Amendment). 4) Public process for future map updates. Plans to update inventory maps in the future to comply with agency maps should include a public notice process and approval by the Board of Commissioners, and not be automatically updated by reference in the text without notice to landowners and opportunity to comment. 5) Clarification of Wetland Definition. We also expressed concern with staff regarding the ambiguity of Section 1181 and 1182 of the Zoning Ordinance regarding the definition of a wetland. It is our understanding this has been corrected by identifying the specific maps that will be used in Section 1181 and deleting the last sentence of Section 1182. 6) Clarification of intent regarding flood control structures. Finally, regarding Sections 1170.5.F and 1180.5.F, it is our understanding that this language is intentionally written somewhat generically and is interpreted by staff to include any structure that would prevent discharging water off-site, hence a flood control structure. If you intent and interpretation is the same, then we are comfortable with this language as well."

Mr. Dugdale met with Gary Roth this week and went over the comments submitted. After the discussion, a reference was eliminated having to do with the ODFW consultation that would occur in designated Waterfowl habitat.

Diane Pohl, 17881 Beaver Falls Road, Clatskanie: Requested that Ordinance 2003-6 be acted on immediately. Ordinance 2003-6 came about because of a change in interpretation.

Chairman Corsiglia replied that Ordinance 2003-6 is set up as an emergency clause.

Ray Pohl, 17881 Beaver Falls Road, Clatskanie: He thanked staff for listening to the majority of Columbia County residents. He feels this is a step in the right direction.

With no further testimony coming before the Board, the hearing was closed. Commissioner Corsiglia restated the urgency of Ordinance 2003-6.

On behalf of the Board, Commissioner Corsiglia thanked staff and the Planning Commission for all their efforts and work.

There was no Executive Session held.

With nothing further coming before the Board, the meeting was adjourned at 7:37 p.m.


Dated at St. Helens, Oregon this 23rd day of July, 2003.

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

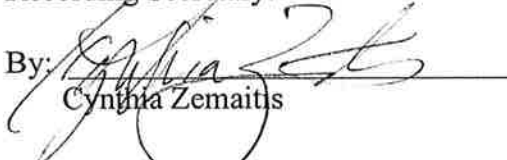
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Joe Corsiglia, Chair

By: 
Rita Bernhard, Commissioner

By: 
Anthony Hyde, Commissioner

Recording Secretary:

By: 
Cynthia Zemaitis