

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

July 30, 2003

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia, Commissioner Rita Bernhard and Commissioner Anthony Hyde, together with Sarah Tyson, Assistant County Counsel, and Cynthia Zemaitis, Acting Board Secretary.

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

HOOD-TO-COAST RELAY

John Clouse, Emergency Management Director, indicated that the Hood-to-Coast Relay is set to go forward on the 22nd and 23rd of August. He has received all the required documents, including a check for \$25,000 as a deposit toward the costs incurred by various County and City agencies, which he estimates will be enough to cover the costs. In addition, John asked for a \$1,200 donation to the communications center, which they agreed to. Tom Linhares has put together a press release, which will probably be sent to the local papers today. Commissioner Hyde moved and Commissioner Bernhard seconded the motion to approve the Hood-to-Coast Relay. The motion carried unanimously.

CONSENT AGENDA:

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

- A) Ratify the Select to Pay for 7/29/03.
- B) Authorize Tom Linhares to fill one (1) full-time Assessment Clerk I position.
- C) Order No. 58 - 2003 Approving Appointment of Mary Ann Guess as Deputy Tax Collector.
- D) Authorize payment of \$1,700 to subscribe to "Community Alert Network, Inc."

AGREEMENTS/CONTRACTS/AMENDMENTS:

- E) Letter of Understanding (LOA No. 2003-85) with OR Department of Justice for 2003 Marijuana Eradication Project.

The motion carried unanimously.

SECOND READING OF ORDINANCE NO. 2003 - 4

This is the time set for the second reading of proposed Ordinance No. 2003 - 4, "In the Matter of an Application by David Klein for a Comprehensive Plan Amendment and Zone Change from Surface Mining (SM) to Rural Residential (RR-5)"

Sarah Tyson indicated that on July 16 an on-the-record hearing was held on this matter before the Board of Commissioners. At the end of that hearing, the record was closed and the Board authorized the first reading of the ordinance and set the second reading for today. Sarah noted that no changes have been made to the ordinance since the first reading. The Board had no further questions or discussion items, and Sarah gave the second reading of Ordinance No. 2003 - 4 by title only. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to adopt Ordinance No. 2003 - 4, "In the Matter of an Application by David Klein for a Comprehensive Plan Amendment and Zone Change from Surface Mining (SM) to Rural Residential (RR-5)". The motion carried unanimously.

ORDINANCE NO. 2003 - 6 - COMP PLAN & CCZO AMENDMENTS RE BIG GAME HABITAT

Deliberations were held on proposed Ordinance No. 2003 - 6, "Post Acknowledgment Plan Amendment to Columbia County Zoning Ordinance, Section 1190, Big Game Habitat Overlay, and Section 1130, Historic Overlay; and to Comprehensive Plan, Article VIII, and Article XI".

Sarah Tyson stated that the document in front of the Board is a result of the carry-over of this matter from the hearing last Wednesday in St. Helens, when it was decided that a few changes were needed to the draft. Siting standards contained in all sections of the Comprehensive Plan and Zoning Ordinance were made consistent. In addition, at the last hearing there was no Technical Appendix, but one has since been completed which will not actually be attached to, but is a part of, the Comprehensive Plan. There is a separate Appendix section for the big game habit, and one for historical and cultural areas. The big game habitat includes the Beak maps listed as Attachment D to the ordinance; not physically, but in spirit – the originals will be kept in County Counsel's office. The Board indicates that the original will need to have the Attachment for the Commissioner's Journal. These are the major changes to the body of the ordinance; no substantive changes were made for the siting standards for big game habitat. The Board has no questions. Commissioner Bernhard praised the work of staff on this project.

Todd Dugdale, LDS Director, indicated he is pleased to be at the point where we can adopt these. He believes this is a moderate approach which brings us into compliance with the State. There has never been a formal Technical Appendix as part of the Comprehensive Plan before, but due to the complexity, it was decided an Appendix would be needed. He recommends that the Board proceed with adoption.

Commissioner Corsiglia indicated that this is the result of two rounds of public hearings by the Board and major work by staff. It has been given very careful consideration. Commissioner Hyde stated that this subject has been commented to death and he would like to see some action.

Sarah stated that she did do supplemental findings, which were not attached to the last draft but are now attached to the ordinance.

Sarah stated that the Board has deemed this an emergency and continued with the first and second reading of Ordinance No. 2003 - 6. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to adopt Ordinance No. 2003 - 6, "Post Acknowledgment Plan Amendment to Columbia County Zoning Ordinance, Section 1190, Big Game Habitat Overlay, and Section 1130, Historic Overlay; and to Comprehensive Plan, Article VIII, and Article XI". The motion carried unanimously. This ordinance becomes effective immediately.

GOAL 5 PERIODIC REVIEW WORK TASK

Todd Dugdale indicated that the Goal 5 protection programs included the big game habitat ordinance just adopted. The second part includes the periodic review work task. He believes staff is about ready to present this packet to the Board and requests that the Board allow staff approximately three weeks to complete this work. Commissioner Hyde questioned whether they would open it again to a public hearing to discuss the draft. Todd does not believe any changes that might be made are substantive, just ensuring that all references to the Technical Appendix are correct and that all maps and inventories referenced are the latest version. Commissioner Corsiglia stated that the safe harbor provisions are of great concern to many parties. Commissioner Hyde agreed, indicating that it is one thing to say we have flexibility, and another thing to make this workable. He understands that any change would be through PAPA, an expensive undertaking. Commissioner Corsiglia indicated that if an ESEE analysis could be used instead of a blanket analysis, that would be advantageous to everyone. Todd indicated that an ESEE is either done at county expense or by a property owner through specific action, such as a PAPA. A property owner can initiate this process at any time. As far as suspending action on safe harbor until such time as property owners step forward asking for an ESEE analysis, that could mean a considerable delay. The question remains whether the County or a property owner pays. Commissioner Corsiglia stated that he is not suggesting that the County cover expenses, but if a property owner is willing to take this action they should have the opportunity now. Commissioner Hyde believes that, by the way it is crafted now, there is considerable flexibility in the safe harbor provisions. Todd stated that the pressures can be relieved by the variance process, which is much more user friendly. He indicated staff will follow up with the question on how ESEE can be applied. Commissioner Hyde commented that he draws a clear distinction between OAR and ORS.

Commissioner Corsiglia stated he feels the public needs to be made aware of the possible consequences to property owners of the safe harbor provisions.

COMMISSIONER CORSIGLIA COMMENTS

Commissioner Corsiglia indicated that both he and Commissioner Bernhard attended the VA monument dedication in Clatskanie on Saturday. They all also paid their respects to prior Commissioner Jack Peterson yesterday. Jack put a great deal of time and effort into the County.

COMMISSIONER BERNHARD COMMENTS

Commissioner Bernhard stated that she enjoyed the ceremony in Clatskanie, which was a good

example of how the community comes together. She attended Jack's funeral mass yesterday and the rosary the night before. Jack made some great contributions to the community and he will be missed.

Commissioner Bernhard also wanted to state that two young men in Scappoose received the Eagle Scout award on Saturday evening and that both young men have contributed a lot to the community as well.

COMMISSIONER HYDE COMMENTS

Commissioner Hyde testified last Friday on behalf of the Counties on the State's budget roll-out. One of the pieces was their taking the incentive away for early property tax payments. On Saturday he was fulfilling a 27 year ongoing commitment to the Vernonia timber show. Commissioner Hyde stated that he considered Jack a very, very close friend and one of the finest gentlemen in the County.

COUNTY COUNSEL COMMENTS

Sarah Tyson discussed the **Scappoose Public Library District's** quest to have the Board of Commissioners appoint a District Board member. She drafted a letter to the District for Board comment and is waiting to hear from the Board. Commissioner Hyde moved to approve the letter as written, and Commissioner Bernhard seconded. The motion carried unanimously.

Sarah indicated that the County received letters from the Scappoose Drainage Improvement Company requesting a continuance of the **Glacier PAPA hearing** on the Ft. James site. Notice has already gone out indicating that the public hearing is set for August 20. With the 180-day deadline, Sarah recommends that the hearing not be continued. The Planning Commission minutes contain the Scappoose Drainage Improvement's concerns, which the Board can read. She also noted that the District had two continuances at the Planning Commission level. Commissioner Hyde thinks enough time has been had. Commissioner Corsiglia pointed out that the 20th will be a very busy day and perhaps the hearing should be continued. Commissioner Bernhard stated that, since it has already been advertised, the County should move ahead. Sarah pointed out that the deadline cannot be extended absent Glacier's request for an extension; the deadline is September 16. The Board agrees to keep the hearing on August 20. Sarah reminded the Board that any contact from the parties would be considered ex parte contact. She recommended that any one who approaches the County to place evidence in the record on this matter be directed to County Counsel's office.

Commissioner Corsiglia indicated there will be a five minute recess after which the Board will go into Executive Session. The Board will then reconvene at the site of Young Mechanical at 12:00 noon.

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, no action was taken by the Board.

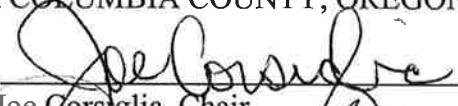
The Board recessed, and reconvened at the Young Mechanical site at 12:00 noon for a tour of the facilities.

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

Dated at St. Helens, Oregon this 30th 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