

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

April 20, 2005

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

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

MINUTES:

Commissioner Corsiglia moved and Hyde seconded to approve the minutes of the April 12, 2005 work session, the April 13, 2005 Board meeting, and the April 13, 2005 staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

PUBLIC HEARING: HUDSON GARBAGE CURBSIDE RECYCLING PROGRAM.

Sarah Tyson, Assistant County Counsel, explained that, pursuant to the Solid Waste Ordinance, a public hearing must be held before franchise rates are increased, and that this was the time set for the public hearing on the proposal by Environmental Waste Systems, Inc., dba Hudson Garbage Services and Clatskanie Sanitary Service to implement a curbside recycling program for customers in the unincorporated franchise areas of the City of Clatskanie and the City of St. Helens/City of Columbia City.

Matt Tracy, Solid Waste Administrator, brings the proposal by Hudson Garbage Service to increase curbside and/or roadside recycling in unincorporated St. Helens and Clatskanie to the Board for a decision. Matt stated that staff has worked on the rates of return, which seem to be well in line with the Metro area and other counties – 9 percent over 7 years, with a kick-off rate of 4 percent the first year. During this process, he has received favorable comments from two citizens; no negative comments have been received.

PROPONENTS:

Jason Hudson of Environmental Waste Systems is here to answer any questions there might be about this proposal. They have received several requests over the years to provide this service, so they would like to now move forward with establishing a recycling program. Commissioner Hyde stated, that in the interest of full disclosure, Mr. Hudson talked to the Board well prior to this hearing and they have been briefed completely on this concept. The Board is excited about the idea.

Mr. Hudson gave some further details of the proposal. It will be an every-other-week program with a 95 gallon cart provided for plastic bottles, magazines, junk mail, scrap paper, tin, aluminum, and small pieces of metal. No glass is being accepted, but that can be recycled at the transfer station. The cost of this program to the customer would be \$4.25 per month, although many customers will be able to reduce their garbage bill by recycling. Mr Hudson stated that, at the Clatskanie hearing, the written testimony was evenly split between the "for" and "against". Since then, there have been a couple more opponents come forward. Mr. Hudson stated that he believes most of the concerns have since been resolved. They decided to make the service optional for commercial customers. There were concerns expressed about the disabled not being able to get the carts out, so they have added the service of retrieving the cart for people who need this assistance. There was also a concern that the carts might be too large for some people to handle, so they will allow people to pre-order a smaller cart.

If this proposal is approved, Mr. Hudson believes it will take approximately 3 months to order and receive the truck to start the service.

Brian Little, City of St. Helens, wanted to go on record to support this proposal. The City has had this program for 7 years. It has been well received in the community. The Council is concerned about the amount of recyclable materials going into the land fill. Environmental Waste Systems has provided statistics of the amount being diverted from the landfill by this program, and the City would encourage the Board to extend this service to residents outside the City.

Adam Sommers, 33343 Blaha Road, Warren, spoke in favor of this proposal for curbside recycling, which would be much easier than taking recyclables down to the transfer station.

OPPONENTS:

None.

With no further testimony coming before the Board, the hearing was closed for deliberation. Sarah Tyson indicated that the Board was provided with a draft order approving the proposal, Order No. 15-2005. Commissioner Corsiglia requested that as much public information go out as possible, particularly with regards to the glass piece. Commissioner Hyde commented that the DEQ does require the County to have a percentage of recyclable materials in their solid waste program.

With no further discussion, Commissioner Corsiglia moved to approve Order No. 15-2005, "In the Matter of the Proposal by Environmental Waste Systems, Inc., dba Hudson Garbage Services and Clatskanie Sanitary Service to Implement a Curbside Recycling Program for Customers in the Unincorporated Franchise Areas of the City of Clatskanie and the City of St. Helens/City of Columbia City", and Commissioner Hyde seconded. The motion passed unanimously.

PUBLIC HEARING: LAND USE APPLICATIONS OF ARDESHIR TALEBI

Pre-hearing Statement

Sarah Tyson explained that this was the time set for a special hearing of three separate applications for Mr. Talebi – a modification to the County Road Standards, a variance to the Zoning Ordinance,

and a minor partition in an RR-5 zone. The applications are being heard together because of the close relationship between them. Because of the special application and the other factors in this matter, the road modification is being treated as a land use matter.

Sarah indicated that the Board previously made a motion to take original jurisdiction over this matter, which was approved, so the Board is the first body to hear this matter. After deliberations, Sarah will ask the Board to make three separate motions, one for each application.

The Board was asked if there had been any *ex parte* contacts. Commissioner Corsiglia declared a potential conflict on the basis of the paperwork from Ticor Title. His wife works at Ticor, although he doesn't see her name anywhere on the paperwork. Commissioner Corsiglia stated that there is no financial gain or detriment from these applications before him, but he wanted to make this disclosure. He feels comfortable going forward. Commissioner Hyde stated that he has no conflict, but is interested in how these applications might affect the Crown-Zellerbach ("C-Z") trail.

Sarah gave the pre-hearing statement, listing the various criteria that apply to these applications, and read the hearing exhibits into the record.

Staff Report

Glen Higgins, Chief Planner, gave the staff report. Glen explained that Mr. Talebi owns property located on Pioneer Road, which is west of Scappoose in proximity to Siercks Road. The whole section is zoned RR-5, with surrounding areas being zoned the same. These lots were created years ago, pre-zoning. Currently, there are eight houses being served by Pioneer Road, with a total of 11 tax lots, including the large lot owned by a major timber company. The road has served timber companies for many years. Mr. Talebi owns the 10-plus acres in the middle of the quarter section, and seeks to partition it into two 5-acre lots.

Glen explained that Pioneer Road is not a public road, which is a big problem when wanting to divide parcels in the RR-5 zone, where 50' of frontage on a public road is required. Because of this, Mr. Talebi has applied for a variance to the zoning ordinance and modification to the road standards, both of which are a prerequisite to the partition.

Glen began with the variance and directed the Board to this staff report. Mr. Talebi has applied for a major variance from the requirement that any parcel created after 1991 have 50' of frontage on a public road. With regard to the road standards, the requirement is that a private road can only serve six lots, meaning that this is already out of compliance, since it currently serves eight residences and there are an additional three lots.

Glen explained that there is a public road known as Viewcrest Drive just to the east. Mr. Talebi could gain access into his parcels across the larger property and make it a public road, so there is a way to do this if a variance and modification cannot be approved.

Commissioner Corsiglia asked who controlled the portion of Pioneer Road between the Scappoose-Vernonia Highway and the C-Z trail. Glen stated he did not know, but suspected it might be the property owner across the highway or the adjacent timber owner. The applicant did find an easement for the section of the road north and east of the C-Z trail, and over the C-Z trail, but has yet to find

an easement for the section between the highway and the C-Z trail. The Board would like to know how that section is zoned.

Dave Hill, Road Department, indicated that his biggest concern about turning Pioneer Road into a public road is the steepness of grade. The first section off the highway is 12-14% grade; then it climbs to 17-18% grade, and the remaining road is between 14-15% grade. The length of the road currently under use is approximately 3000 feet. The County Road Standards for public roads require that the steepness of a grade be 12% or less. This road is in fairly good condition, and fairly wide, but it is difficult to maintain a gravel road with this steepness of grade. Dave indicated that private roads can have up to 17% steepness of grade with approval of the fire department, as long as it is paved. The other issue Dave sees in turning this into a public road is that it does not connect to the Scappoose-Vernonia Highway, so there would be no legal access to a public road.

Dave indicated that, for safety reasons, there should be a requirement to pave at least a portion of this road. It would be his recommendation that the partition be allowed, that the road remain a private road, and that the developer be required to pave the first section of the road starting at the highway for a distance of 500' to a width of 20' and a depth of 2".

Commissioner Corsiglia asked for clarification on how the County can require paving if no easement has been found for this section of the road. Dave adds to his recommendation that the applicant or developer be required to provide proof of an easement and the right to complete the required road improvements. He also confirmed that the Scappoose Fire District has approved this partition with the road remaining gravel.

Glen Higgins then directed the Board to the list of recommended conditions if these applications are to be approved.

With that, the staff report was concluded and Commissioner Hyde opened the hearing for public testimony.

Proponents

Ardeshir Talebi, 55373 Pioneer Road, Scappoose. Mr. Talebi is here to speak for dividing his property from 10 acres into two 5-acre lots. Mr. Talebi indicated that he has read the recommendations, but is concerned about the requirement to pave the road. Mr. Talebi related that he knew Pioneer was a private road, but the Road Department told him a year or so ago that it was a public road. He paid the \$900 application fee and performed all sorts of inspections and met requirements, and then was informed that Pioneer Road was a private road. At first, it was recommended that he pave 700 square feet, and now the recommendation is for 500 feet, which will probably cost him more than what he will get for selling the property.

Maurice O'Brien, who has lived at 55407 Pioneer Road for 30 years, just above Mr. Talebi, wanted to comment on his understanding of the status of the road. Mr. O'Brien stated that, there is supposedly two owners that own pieces of the road from the logging road to the highway. He has always been told that the property owners' rights have been grandfathered in. C-Z Timber put the road in and owned all the surrounding property. They have a 60' right-of-way from the logging road to the top of the hill. He has no objections to the partition being requested, and feels that the road

should remain just as it is. To require Mr. Talebi to pave it may result in a waste if the logging trucks begin using this portion of the road again.

Robert Brinster, 55496 Pioneer Road, Scappoose. Mr. Brinster has lived at the end of the road for 44 years. He would like to know who owns the section of the road between the C-Z trail and the highway, and secure a right-of-way across this section to be sure that Pioneer Road is connected to the highway. He too feels that paving this section of the road would be a mistake unless they can stop the logging trucks.

Opponents

There was no testimony in opposition to Mr. Talebi's applications.

With no further testimony coming before the Board, the hearing was closed to public testimony. The Board will defer their deliberation for a week, as there are some questions to be answered. Deliberation is scheduled for April 27, 2005, at 10:00 a.m.

CONSENT AGENDA

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

- (A) Ratify Select-to-Pay for 4/19/05.
- (B) Ratify Resolution No. 12-2005, "In the Matter of Authorizing Columbia County Forest, Parks and Recreation to Apply for a Local Government Grant from the Oregon Parks and Recreation Department for the Construction of Restroom and Shower Facilities at Camp Wilkerson and Delegating Authority to the Public Works Director to Sign the Application".
- (C) Reappoint Scott Swanson to the Meadowview Service District SDL-1 Budget Committee for a three (3) year term.
- (D) Authorize Community Corrections to fill one Parole & Probation Officer II position.
- (E) Appoint Kathy Tysinger to the Mental Health Advisory Committee for a three year term.
- (F) Reappoint Cindy Stockton to the Mental Health Advisory Committee for a three year term.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (G) Interagency Agreement with the Oregon Emergency Management to Participate in the Homeland Security Exercise Program.

- (H) Amendment #41 to the 2003-2005 County Financial Assistance Contract #05-001 with State Mental Health.
- (I) Amendment #42 to the 2003-2005 County Financial Assistance Contract #05-001 with State Mental Health.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde has been spending a lot of time in Salem the last week or so. He testified on HB 1008 which would allow for a state take-over of PGE, and on the issue of taxable accounts in not only Columbia County but 1.9 billion dollars in assessed value around the State. On Monday, he testified for the Department of Revenue regarding the assessment & taxation fund, \$5M to counties, after which the committee passed out the recommendation to Ways & Means. Yesterday, he testified with regard to SB 1145 to provide full funding for Community Corrections which had been handed off to the Counties.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia expressed his appreciation for the work of Commissioner Hyde during this legislative session – it is tremendously important to the County. Commissioner Corsiglia has been to additional meetings on the meth problem, and they are getting near to passing on some recommendations. He also attended a thank-you dinner for businessmen in Clatskanie on Friday night.

EXECUTIVE SESSION UNDER ORS 192.660(1)(d):

The Board immediately recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(d). Upon coming out of Executive Session, no action was taken by the Board.

The Board recessed the meeting and carried it over to 2:00 p.m., Thursday, April 21, 2005. The meeting reconvened as scheduled. Those present were Commissioner Hyde, Commissioner Corsiglia and Janet Wright.

Commissioner Hyde called the meeting back to order.

TRANSPORTATION ADVISORY COMMITTEE MEETING:

Commissioner Hyde and Commissioner Corsiglia attended the regularly scheduled meeting of the Columbia County Citizens Transportation Advisory Committee.

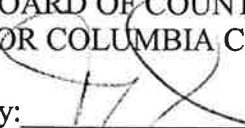
There was a request to use one of the buses during the Vernonia Riverfest. After some discussion, Commissioner Corsiglia moved and Commissioner Hyde seconded to approve the request by the Vernonia Chamber to use one bus during the Riverfest. The motion carried unanimously.

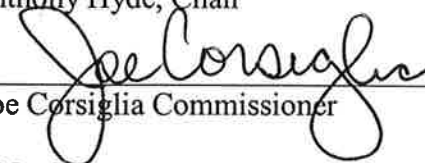
With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 20th day of April, 2005.

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

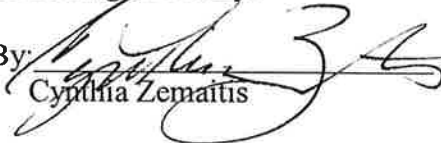
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Joe Corsiglia Commissioner

By: Not Present
Rita Bernhard, Commissioner

Recording Secretary:

By: 
Cynthia Zemaitis