

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES
June 1, 2005

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

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

MINUTES:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the minutes of the May 24, 2005 Work Session and May 25, 2005 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Tammy Maygra, 34319 Cannan Road, Deer Island: Tammy asked if the county has tweaked the county public records procedure. Commissioner Hyde stated that staff is working on it.

Tammy wanted on the record, that there was a comment made last week by an individual who was chastising herself and Thelma Bonar about an initiative process. Tammy just wanted to reiterate that the initiative process is important and it is every citizens right to participate in the government process, because after all, we are the government. To deny people an initiative process is wrong and that the money that is allotted for the initiative process is not an extra cost to the taxpayers. The money that is not used goes back to the general fund and that is what it is there for, to have participation in the government. She also wanted to say that the person that made those comments is in the rock industry and the rock industry has cost the taxpayers of this county thousands upon thousands of dollars by fighting land use regulations and reclamation laws. When comparing the costs of an initiative and what the surface mining industry has cost the taxpayers of Columbia County, it doesn't add up.

PUBLIC HEARING: ADOPTING FEE SCHEDULE FOR SURVEYOR'S OFFICE:

As scheduled, the public hearing, "In the Matter of Adopting a Fee Schedule for Services Provided by the Columbia County Surveyor", was held.

Sarah presented the draft Ordinance 2005-2 which, if adopted, would increase the surveyor's fees as listed on the attached exhibit. At the conclusion of the hearing, Sarah would ask that the Board read the ordinance twice by title and adopt it with an emergency clause so that it can be in effect immediately.

Todd Dugdale, LDS Director, stated that the Board has directed him to coordinate a user fee study to specifically focus on the service fees required through the surveyor's office. An outside

firm conducted a study and the fees proposed in this ordinance are the results of that study. Todd feels these fees are justified based on the information in the study.

The hearing was opened for public testimony.

Phil Dewey, County Surveyor, is in favor of this ordinance because he has been trying to get this done for years. However, he feels that some of the fees are arbitrary with no rhyme or reason. Commissioner Hyde explained that he was involved with this and assured Phil that there are no arbitrary fees listed in the exhibit. These fees are very comparable around the state.

Phil went over some of the fees that he is questioning and the changes he would recommend. On Line 1, he would recommend the \$50 per lot be changed to \$40 per lot. On Lines 3 and 4 - the initial cost should be \$500 instead of \$700 and the per lot fee should be raised from \$35 to \$40. The only other recommended fee change would be in the affidavit of correction. He feels that should be raised from \$50 to \$70 per hour, as in line 9, 10(a) and 11(a) - (b) & (C) on both 10 and 11 should remain at \$50. His only other question is what the astrick at the left of the dollar amount on the first five lines are. The Board did not know the purpose of the astrick but would check on that. Phil suggested that if a subdivision or partition plat comes through that is so poorly drafted that it takes 3,4 or 5 times to check it to get it corrected, there should be some way for him to be compensated for that extra work. Further, if the cost to check plats are lower than the fee, there should be a process to refund the client. Commissioner Hyde stated that there is already a process that allows that for refunds. In terms of the re-checks, this additional charge does not exist anywhere else in the state and he is not sure that this Board wants to set that precedence.

Todd suggested they take a look at a re-check fee and felt it might be appropriate but suggested that be dealt with at a later date. Phil agreed with that.

Phil asked if this is adopted, does that mean the Memorandum of Understanding between himself and the County will remain the same. Commissioner Hyde stated that this has nothing to do with the MOU. This sets the tone for changing the MOU but this ordinance has to be done prior to that. Phil won't get another dime until the MOU is changed, even with this change. Therefore, the MOU will need to be done right away.

With no further testimony coming before the Board, the hearing was closed for deliberation. The Board tabled deliberations until June 8, 2005 at or after 10:00 am. to allow time to consider the changes recommended by Phil Dewey.

PUBLIC HEARING: 2005 CDBG GRANT FOR HOUSING IMPROVEMENTS:

As scheduled, the public hearing on the application for a 2005 Community Development Block Grant for public facilities and housing improvements was held.

Beverly Danner, Community Action Team, came before the Board to address the CDBG grant. CAT is proposing to partner with the County to apply for a CDBG grant for public facilities and housing improvements. Bev went over the program design and what services this grant would provide. CAT would serve households on a priority basis with an emergency repair loan of up to \$4,000. The grant would also be used for lead based paint compliance. The total grant application is for \$330,000. Discussion was held on the different counties in the region that applies for these grants. Bev explained that only one county in the region can apply so the counties rotate each year so that all counties in the region are serviced. She stated that they have been very fortunate and have always been awarded these grants.

The hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. The Board has been very impressed with this program and feels that CAT has always done a good job with it. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the 2005 CDBG grant application for public facilities and housing improvements. The motion carried unanimously.

PUBLIC HEARING: LOWELL MacGREGOR TEMPORARY USE PERMIT:

As scheduled, the public hearing, "In the Matter of the Application by Lowell MacGregor Group, LLC for a Temporary Permit to Conduct the 2005 Series of Concerts at the Reichold Site, also known as Columbia Meadows", was held.

Sarah pointed out that this is a special hearing for consideration of the application for a temporary permit to hold 10 summer concerts at the Reichold site which is zoned for surface mining. The Board has called a special hearing to hear testimony and receive evidence related to the application. The Board took original jurisdiction over this matter by motion on May 4, 2005. The CCZO, Section 1612 authorizes the Board, at its discretion, to hold a quasi judicial land use application to be heard at a special hearing, in lieu of the Planning Commission. Special hearings are heard by the hearings officer appointed by the Board of Commissioners, which is the Board of Commissioners in this case. Sarah then read the pre-hearing statement into the record as required by ORS 197.763. Sarah entered County Counsel's hearing packet into the record, marked Exhibit "1", and noted all contents.

The hearing was opened for public testimony.

Glen Higgins, Chief Planner, came before the Board to give the staff report. Using the overhead, Glen explained for the public where the site is located. There has already been 4 successful years of concerts held at this site and this would be the fifth. Concerts are not an outright use in the Surface Mining Zone and therefore a Temporary Use Permit is required. The CRPUD has submitted a letter with comments and recommended conditions. Glen stated that the conditions of approval are the same as in prior years. After review of the staff report, Glen stated that staff recommended that the Temporary Permit be approved with conditions listed in the staff report.

Valarie Koss, Columbia River PUD, PO Box 1193, St. Helens: She just wanted to reiterate what is covered in the letter from CRPUD. There have been some specific problems in the past that need to be addressed. Basically, their request is that the existing plan be followed. In the past few years, the plan has gotten lax. There has been a lot of effort put into a traffic plan. Initially, when the concerts first started, they were not held during the week. They are now and this has a big impact on their business. They need to ensure that their staff and trucks can get in and out of their facility without being impacted by the concert traffic. Security for their facility is also an issue. There is roving security, but not security primarily to ensure that people don't come in and out of their facility. There has been occasions where someone has vomited in the doorway that staff has to enter. Things like this are more than just an annoyance and they would like to see these types of things covered. Val also wanted to remind whoever the promoter is, that they will be responsible for requesting electrical service and the cost. This needs to happen soon to make sure everything is in place for the concert.

Lowell MacGregor, of Lowell MacGregor Group LLC, attended the meeting by conference call. He responded to Valarie's comments. LMG is more than aware of what has been removed from the site and what needs to be replaced. As soon as the switches are in place, they will be in contact with CRPUD. In terms of traffic control and security, he will set up a meeting with CRPUD representatives to go over all the specific concerns. Lowell is more than happy to place security at the entrances of the CRPUD parking lots.

Mike Cave, Dyno Nobel, St. Helens: Dyno Nobel would like to make a recommendation that there be conditions on the permit that would define planning and communications for emergency response due to industrial, transportation or natural disaster events. They feel strongly that, without such planning, the potential for overwhelming emergency services would be high. Such a condition on the permit would allow all industry, rail transportation and emergency services to be coordinated for such a response in the event anything occurred.

Lowell stated that they have an emergency response plan in place and have emergency response teams on site. They have an integrated plan with the neighbors and there are evacuation plans in place. They keep police and fire on site. There are trained, licensed and bonded security people that integrate with the Sheriff's employees to facilitate any type of emergency. The ingress and egress for emergency vehicles are maintained. Lowell stated that he is more than willing to communicate with Dyno.Nobel.

Valarie asked that perhaps a joint meeting between CRPUD, Dyno Nobel and Lowell be held. Lowell would be more than happy to meet with both of them to go over any concerns and address all issues.

With no further testimony coming before the Board, the hearing was closed for deliberation. Glen pointed out that condition #5 has 9 points related to fire. However, it is a good idea to have a plan in place for industrial emergencies. The Board feels that local fire and emergency management personnel be included in condition #5. After discussion, Commissioner Bernhard moved and Commissioner Corsiglia seconded to tentatively approved the application by Lowell MacGregor Group LLC for a Temporary Permit to Conduct the 2005 Series of Concerts at the

Reichold Site, also known as Columbia Meadows, with the change in condition #5 to include the language "must meet with local fire officials and emergency management personnel to develop and implement a coordinated safety plan to fit the location and weather conditions". The motion carried unanimously.

MORSE BROS. TEMPORARY USE PERMITS - TAKING JURISDICTION:

Commissioner Hyde explained that Morse Bros. has applied for two Temporary Use Permits for a temporary batch plant. They need a quick decision to keep serving the PGE project out at Port Westward. Because of this, Todd Dugdale has asked that the Board take jurisdiction over these two applications. With that, Commissioner Corsiglia moved and Commissioner Bernhard seconded to take original jurisdiction for review of temporary use permit applications by Morse Bros., Inc TP 05-15 and TP 05-16. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. Sarah asked that **Items D & E** be pulled and held over. With that change, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify Select-to-Pay for 5/31/05.
- (B) Approve Final Plat for Neil & Beulah Wight, accept waiver and authorize the Chair to sign.
- (C) Order No. 21-2005, (To Execute and Deliver Quitclaim Deed), "In the Matter of Selling Certain County-Owned Real Property Known as Tax Account No. 04-03 4512-000-01200 to Richard E. Cook".
- (D) Order No. 22-2005, "In the Matter of Claim Numbers CL 05-02, CL 05-03 and CL 05-04 submitted by Wayne and Catherine Stevens for Compensation under Measure 37". **PULLED AND HELD OVER**
- (E) Order No. 23-2005, "In the Matter of Claim Number CL 05-01 submitted by Opal Burkhard for Compensation Under Measure 37." **PULLED AND HELD OVER**
- (F) Approve Public Event Permit for "Seattle to Portland Bicycle Classic" on July 9-10, 2005.
- (G) Approve Public Event Permit for "MS 150 Bike Tour" on 8/7/05.
- (H) Approve a partial fee waiver for multiple Measure 37 claims for Fred Luttrell, \$500 for the first parcel and \$50 for each additional parcel for a total modified fee of \$650.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (I) Approve ORMAP Intergovernmental Agreement #1386 with the Department of Revenue and authorize the Chair to sign.

The motion carried unanimously.

CCMH APPLICATION FOR ANNEXATION INTO THE CITY OF ST. HELENS:

John Knight handed the Board a blank application for annexation into the City of St. Helens, which Donna Tewksbury, Director for CCMH has asked the Board to approve. As the Board is aware, the County and CCMH are partnering in the development of a new main facility for CCMH located on McNulty Way. It is currently just outside of the city limits. Pursuant to the requirements of the CDBG program, it was required that the county actually own the site during the construction process, after which the county would deed the property back to CCMH. The county is the owner of the site and it is the responsibility of the county to file for the annexation application. The reason Donna is asking that the Board approve an annexation application is because it is one of the requirements that the city requires in order to provide water and sewer service to the building. If the Board approves this, John suggested the motion include the authorization for the Chair to sign. After little discussion, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the annexation application with the City of St. Helens and authorize the Chair to sign the completed application after review by County Counsel. The motion carried unanimously.

REQUEST TO FILL CHIEF APPRAISER POSITION:

Jeff Benham is retiring, effective June 15, 2005. Sue Poling, County Assessor, is requesting authorization to fill this budgeted position. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to authorize the County Assessor to begin the recruitment process to fill the Chief Appraiser position. The motion carried unanimously.

BOB SHORT, GLACIER NW:

Bob Short, Glacier NW, commented that he sat through the deliberations on the concert hearing. He feels it is important to point out the role that Morse Bros. has played in bringing these concerts to the community and the role these concerts play in keeping the Fair alive. If not for the revenue raised by these concerts, it is likely that the Fair would either die or need a lot more tax dollars to keep them going. He feels that Morse Bros. needs to be commended for that.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde reported on the Western Interstate Region conference he attended last week in Tacoma. This is an arm of NACo and included a NACo meeting. They talked about a lot of issues important to this county, one of which is the re-authorization of T21.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia had the honor of returning to his alma mater to give a keynote address to the scholars of the 2005 graduating class of St. Helens. He enjoyed the opportunity.

This week, he will be graduating from the Scappoose Police Academy. He is really looking forward to that. It has definitely been an eye opener. He highly recommended that any citizen that wants a better understanding of what police do, should attend.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard is an alumni of the St. Helens Police Academy. One nice thing is that they have continuing education opportunities for this program.

On Monday, she attended the veterans' services in both St. Helens and Scappoose. There were about 300 people in attendance. There were a lot of very moving speeches.

She attended the memorial service in Clatskanie for Peter Brewer at the Clatskanie Gun club. Peter was a long time member of the Columbia County Planning Commission.

Last week, she was involved in the presentation of the Brownsfield event with RSVP and the Port of St. Helens. The presentation was about the research and re-development of the Pope & Talbot property.

She spent time last week with MTC. She went through the actual process of when a person comes into MTC looking for employment. MTC does all the workforce training for the county.

She attended the grand opening of the Waunna Credit union.

She attended retirement parties for three county employees, Hal Wilson, Tony Weaver and Ethel Weaver and presented plaques to them on behalf of the County. There was a great deal of people that showed up.

There was no Executive Session held.

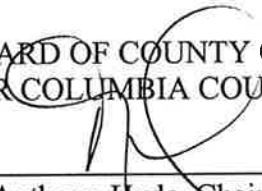
With nothing further coming before the Board, the meeting was adjourned.

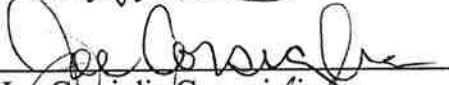
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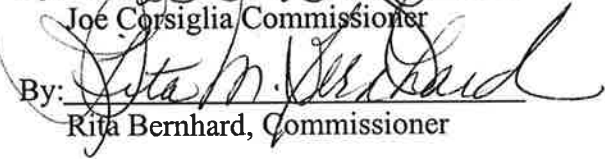
`Dated at St. Helens, Oregon this 1st day of June, 2005.

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

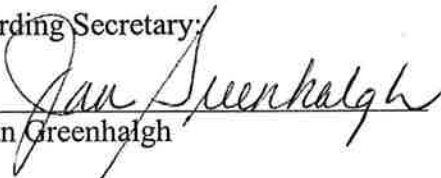
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Joe Corsiglia, Commissioner

By: 
Rita Bernhard, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh