

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES
June 8, 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 June 1, 2005 Board meeting and June 1, 2005 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

PUBLIC HEARING: SURFACE MINING PERMIT FOR JOHN PETERSEN:

This hearing was canceled and will be held at a later date. Todd explained that John Petersen also filed a Site Design Review application. This should be done at the same time as the Surface Mining Permit application, but it will be some time before that is ready. Therefore, Todd is requesting that the Board take original jurisdiction over the Site Design Review and then hear both applications at the same time. After little discussion, Commissioner Bernhard moved and Commissioner Corsiglia seconded to take original jurisdiction over the Site Design Review for the Tide Creek Rock application. The motion carried unanimously.

DELIBERATIONS: ADOPTING FEE SCHEDULE FOR SURVEYOR'S OFFICE:

Deliberations were held, "In the Matter of Adopting a Fee Schedule for Services Provided by the Columbia County Surveyor". Commissioner Hyde went over the fee schedule recommendations made by Phil Dewey at the hearing held last week. Commissioner Bernhard wanted to bring up a phone call she received. The gentlemen who called suggested that all the surveyor information, i.e. surveys, partition plats, subdivision plats, etc. be made available to the public on CD. She asked, if this were added, a fee should be included in this ordinance. Todd clarified that there are some 6,600 surveys have been scanned and digitized. So there is already a disk with scanned surveys that is available to the public on CD. Sarah stated that it wouldn't apply here because that would be coming from the Assessor's office, and that fee would be covered in the county's overall fee schedule, which includes a charge for CD's. Under deliberations on the ordinance, the Board considered the recommended changes by Phil Dewey and noted that they would deal with the re-check issue at a later date. The Board agreed with the recommended changes in Exhibit "A" as follows: Line 1 now \$40 per lot; Lines 3 & 4 now \$500 plus \$40 per lot; Line 9 now \$70 per hour; Line 10(a) now \$70 per hour and Line 11(a) now \$70 per hour. At this time,

Sarah read Ordinance No. 2005-2 twice by title only. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to adopt Ordinance No. 2005-2, "In the Matter of Adopting a Fee Schedule for Services Provided by the Columbia County Surveyor", with changes noted under discussion. The motion carried unanimously. It was noted that this ordinance will become effective July 1, 2005.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. After discussion on Items (J) and (L), Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify Select-to-Pay for 6/5/05.
 - (B) Approve Partition Plat for Ken & Helen Bateman, accept waiver and authorize the Chair to sign.
 - (C) Approve Partition Plats for Closing Time, LLC and Merrill Strobel.
 - (D) Approve a partial fee waiver for multiple Measure 37 claims for Don and Diana Dahl, \$500 for the first parcel and \$50 for the additional parcel for a total modified fee of \$550.
 - (E) Reappoint Bill Eagle and Carole Smith to the Columbia County Parks Committee. Terms to expire on December 31, 2009.
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- (F) Order No. 24-2005, "In the Matter of the Application by Lowell MacGregor Group, LLC for a Temporary Permit to Conduct the 2005 Summer concert Series at the Reichold Site, also known as Columbia Meadows".
 - (G) Resolution No. 25, 2005, "In the Matter of Adopting the Columbia County Community Corrections 2005-2007 Biennial Plan".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Personal Services Contract with Northern Resource Consulting, Inc.
- (I) Grant Award Conditions and Certifications for Juvenile Accountability Block Grant Agreement #CFDA 16.523 for In-Home Assessment & Treatment Program.
- (J) Approve Contract with Sea Reach, Ltd. for final planning, research, text writing, design, artwork, fabrication, delivery and installation of interpretive elements for the Columbia County Plaza of Discovery and authorize the Chair to sign pending review of final changes by both parties. **(Pending Review by Counsel).**

- (K) License Agreement with Morse Bros., Inc.
- (L) Sublicense Agreement with LMG, LLC. **(Pulled and held over)**

The motion carried unanimously.

PUBLIC HEARING: CLOSURE ORDER FOR LAMMI SAND & ROCK:

As scheduled, the public hearing, "In the Matter of Issuing a Closure Order for the Lammi Sand and Rock Products Surface Mine (Operating Permit No. 05-0029)", was held.

Sarah stated that the Board will be going through a land use process for this hearing. Notice was sent out to adjacent property owners and the Lammi's. As some background, in November 2004, the Board instituted proceedings to issue a closure order of the Lammi Sand and Rock Products surface mine (Operating Permit #05-0029), which was first permitted in 1982, for failure to comply with the Operating Requirements of the Surface Mining Ordinance (SMO). According to the SMO, Section 9.6(5), the Board may issue a closure order when it finds that the landowner or operator is conducting surface mining that is in violation of the ordinance, the reclamation plan or permit conditions if the landowner or operator has failed to correct the violation within thirty days of the mailing date or delivery of notice, or extension thereof. If approved, the closure period shall remain in effect indefinitely, or until lifted by the Board or reviewing court. A landowner or operator subject to a closure may request an appeal hearing before the Board after a decision has been made. It is unlawful for any person to engage in surface mining of any surface mining site during a closure period.

At this time, the Board stated they have no conflicts of interest or exparte contact. Sarah then read the pre-hearing statement as required by ORS 197.763. Sarah entered County Counsel's hearing packet into the record, labeled Exhibit "1" and noted all contents.

Todd Dugdale, LDS Director, reiterated that this is coming before the Board due to on-going violations by Lammi Sand & Rock Products at the OK Creek Mine site. The closure order has been initiated due to continuing violations related to their non-compliance with their DEQ NPDES permit and the Columbia County Depletion Fee Ordinance.

Bob Brinkmann, DOGAMI, Surface Mining Administrator, gave the staff report. Since this surface mine was first permitted in 1982, the operation has been plagued by turbid water problems in OK Creek and Westport Slough. In 2003, the operator was issued a Notice of Violation from the DEQ for non-compliant turbid water discharges to OK Creek. Pursuant to the Notice of Violation, DEQ implemented enforcement action against Lammi Sand and Gravel and has not renewed their NPDES 1200 permit. Bob inspected the site on July 28, 2004. The purpose of the inspection was to review the status of the storm water system and to notify Lammi that if the DEQ permit was not reinstated by 10/1/04, then a recommendation for closure would be made based on Article VIII Section 8.1 of the Columbia County Surface Mining Ordinance. To date, DOGAMI has not received notice or otherwise been contacted by DEQ to indicate that the permit has been reinstated. Therefore, the recommendation for site closure stands.

Todd referred to his memo regarding delinquent depletion fees for Lammi Rock. On June 6, 2005, Lammi Rock became current with the filing of their monthly reports and payment of monthly depletion fees. However, penalties and interest are still owing.

The hearing was opened for public testimony.

George Lammi, Lammi Sand & Rock: He was not aware of the penalties and interest because his sister takes care of these things. However, he intends to pay them. In regards to the NPDES permit, he has been dealing with Dennis Juries of DEQ but has not been able to get a hold of him yet. He stated that what we're looking at, is the completion of the bial swail, an engineered pollution control facility where the run off water would be pumped into. It would then go back into OK Creek if it is clean, pure water. He has the bial swail mostly completed, but the rain has effected that completion of the project. DEQ is holding back the NPDES permit until this is completed. If the Board could somehow modify the closure order and allow him one month to complete the bial swail, that would help. Once completed, he can contact DEQ for inspection. He will also be paying the penalties and interest on the depletion fees.

Commissioner Bernhard asked for clarification on the violations. Todd stated that the two violations are the bial swail and the depletion fee penalties and interest.

Discussion was held on prior inspections, the violations, and compliance. Bob stated that this site is in violation because the Surface Mining Ordinance requires a NPDES permit. Commissioner Corsiglia asked if Bob felt that, with giving Mr. Lammi one month, can the violations be corrected. Bob stated that if he had some communication from DEQ stating that work is in progress in getting the permit reinstated, that would be satisfactory.

No opposition.

Under rebuttal, Todd stated that there hasn't been compliance with the NPDES permit requirements and has been on-going for some time. Do we accept at face value that Mr. Lammi is actively working on getting in compliance? Todd asked the time frame in getting the closure order implemented. Sarah stated that it would only take one week. Todd is not sure whether or not these violations can be accomplished in one month. Commissioner Hyde feels we are lacking in having a DEQ representative present here today to shed some light on this issue. Todd suggested that, if the Board is considering giving Mr. Lammi one month, they could authorize the closure order and then set it over 30 days for action. Sarah expressed some concerns with that.

After discussion and with no further testimony coming before the Board, the hearing was closed. The Board will leave the record open until July 13, 2005 and will deliberate on July 27, 2005.

21 DAY WAIVER DAN SCOTT:

Sarah presented the Board with a 21 Day Waiver for a partition plat for Dan & Kim Scott and recommended approval. With that, Commissioner Bernhard moved and Commissioner Corsiglia

seconded to approve the 21 Day Waiver for Dan & Kim Scott and authorize the Chair to sign. The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Last week, Commissioner Hyde helped with the kickoff of the summer concert series in the park next to the Courthouse.

On Friday, he attended a COLPAC meeting in Seaside.

Yesterday, he was in Salem testifying on some Bills effecting the county.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia continues to work on the NASCAR issue.

He has been receiving a lot of calls on the budget, specifically the Veterans' Services. Commissioner Hyde wanted to state publicly that the County has no intention of cutting the VA services.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard has also received a number of calls on the VA budget and heard concerns with the county cutting the hours for VA services and with the contract that needs to be signed.

On Saturday, she worked at the Farmer's Market in Scappoose in the information booth. This market continues to grow and is very well attended.

She also participated in the kickoff of the concerts in the park. These concerts will be going on throughout the summer. A lot of work went into the new amphitheater.

She and Janet went to the Rainier Senior Center to meet with their Senior Board to discuss transportation services.

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

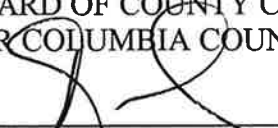
The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(b)(h). Upon coming out of Executive Session, Commissioner Bernhard moved and Commissioner Corsiglia seconded to deny the request by AFSME to postpone Dave Anderson's suspension. The motion carried unanimously.


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

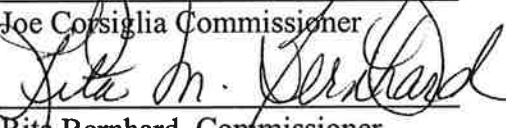
Dated at St. Helens, Oregon this 8th day of June, 2005.

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

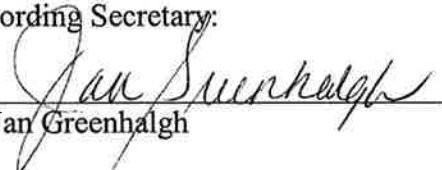
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Joe Corsiglia Commissioner

By: 
Rita Bernhard, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh