

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

August 3, 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 July 26, 2005 Work Session, July 27, 2005 Board meeting and July 27, 2005 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

Tammy Maygra, 34319 Cannan Road, Deer Island: Tammy informed the Board that there will be a meeting in Astoria on August 15<sup>th</sup> at 7:00 pm at Culinary Arts Building on Liquid Natural Gas. Jerry Havens, who is very well informed on this subject, will be speaking. She wanted to invite the Board to attend this meeting. Commissioner Bernhard will be out of town and asked if the meeting would be taped. Tammy was not sure if it will be taped or not, but she will be getting additional information on this meeting to the Board very soon.

**DELIBERATIONS: LAMMI SAND & ROCK PRODUCTS CLOSURE ORDER:**

Deliberations were held "In the Matter of Issuing a Closure Order for the Lammi Sand and Rock Products Surface Mine (Operating Permit No. 05-0029)".

Sarah Tyson explained that Mr. Lammi was given notice that the Board would be deliberating on the matter today and was invited to attend.

Robert Crain, Code Enforcement, has not been contacted by DEQ as of yet and has not been given notice that any permits have been issued. Robert would recommend that the Board move forward with the closure order.

Sarah brought up that Mr. Lammi had requested that the Board re-open the record on this matter and the Board should address that request.

Todd Dugdale, LDS Director, reminded the Board that the reason for this closure order is due to non-compliance with regular reporting and payment of past depletion fees, penalties and interest and violation of DEQ regulations. At this time, Lammi is now current on all fees, penalties and interest. However, NPDS permits still have not been obtained from DEQ. Robert recommends that the Board follow the ordinance as written and move forward with the closure order.

Todd feels that if operations are allowed to continue, it could create more problems and agrees with Robert's recommendation.

After discussion, Commissioner Bernhard moved and Commissioner Corsiglia seconded to decline the request to re-open the record. The motion carried unanimously.

Commissioner Bernhard wanted to make it clear that Mr. Lammi still has the opportunity to work with DEQ to obtain the necessary permits. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the closure order for the Lammi Sand and Rock Products Surface Mine (Operating Permit #05-0029). The motion carried unanimously.

Robert Crain explained to Mr. Lammi what this closure order means and what steps need to be taken to rectify it.

**CONSENT AGENDA:**

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

- (A) Ratify Select-to-Pay for 8/2/05.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (B) Intergovernmental Agreement for Document Publishing, Processing and Delivery.
- (C) Amendment #3 to the 2005-2007 Intergovernmental Agreement #113022 with State Mental Health.
- (D) FY 2005-07 Partnership Agreement with the Oregon Commission on Children & Families.
- (E) Ratify Amendment #6 to Elderly and Disabled and Public Transportation Contract with Metro West Ambulance.
- (F) Ratify the 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.

The motion carried unanimously.

**MEASURE 37 CLAIM #CL 05-09 FOR JAMES RAY:**

Todd Dugdale, LDS Director, approached the Board to give a report on the Measure 37 Claim CL 05-09 submitted by James Ray. The claim was received from Rhonda Lee Benson, who has

power of attorney for the claimant James Ray for a 9.05 acre parcel on Walker Road in Rainier. The property is zoned PF-76 and claimant is claiming a reduction in fair market value in the amount of \$58,750 due to land use regulations which restrict their proposed development of one 6 acre lot and one 3 acre lot for residential development. Notice was sent out to all neighboring property owners allowing a 14 day period in which to submit comments on the claim or to request a public hearing. No comments were received and no request for a hearing was received. Based on the staff report, staff has determined that the claimant has met the threshold requirements of a Measure 37 claim and recommends that the Board take action to determine the amount, if any, by which the cited regulations reduced the value of the claimant's property, and act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Section 506.1 to this property. Todd noted that the State has granted a waiver on the claim. The Board needs to make the determination that the restrictions restrict the use of private real property and that the restriction causes a reduction in value. Todd feels there is a possible reduction in value, however, the claimant has not submitted adequate documentation to show that. Discussion was held on what type of documentation should be produced by the applicant to show a reduction in the value of the property.

After discussion, Commissioner Corsiglia moved and Commissioner Bernhard seconded to approve the M37 claim CL 05-09 filed by James Ray and not apply CCZO Section 506.1. Under discussion, Commissioner Hyde stated that the hardship permit will need to be applied for. The motion carried unanimously.

Robert Crain updated the Board on the existing hardship permit. The father was living in the mobile home, but has not resided there for the last year. He has been traveling around the country and the dwelling has been rented out for income. Robert will continue to work on this active code enforcement violation to have the hardship dwelling removed. Sarah will prepare a Board order for next week.

#### **TRANSITION OF TRANSPORTATION SERVICES:**

John Knight stated the Janet Wright has done a wonderful job working on the transportation services and presented her with a hat that reads "Wright Rider Transportation".

Janet gave a brief update on the new transportation services and everything seems to be running very smoothly. Metro West hired some drivers from the prior COLCO service and Scappoose Senior Center so it has been a seamless transition for the riders. Commissioner Bernhard wanted to express her appreciation for the work Janet has done on this project.

#### **IGA WITH THE CITY OF PORTLAND:**

John Knight presented the Board with a draft agreement that he has been working on for the past year with the City of Portland and explained the long delay. John reviewed the agreement and explained what it will provide for. It would free up some grant funding for Columbia County. John would recommend that the Board approve this so he can get it back to Portland and on their

agenda for approval. With that, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the Intergovernmental Agreement with the City of Portland dealing with UASI grant funding. The motion carried unanimously.

**AMENDED ORDER NO. 48-2005:**

After an explanation by John Knight on the amendments to the order, Commissioner Bernhard moved and Commissioner Corsiglia seconded Amended Order No. 48-05 (Authorizing Resolution), "In the Matter of Appointing a Financial Assistance Administrator for the 2005-2007 Intergovernmental Agreement with DHS". The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde reported on the second open house meeting in Scappoose on the CZ Trail. It was standing room only and by the end of the evening there was some resolution on the property owners concerns and issues.

On Friday, he attended the NW RC&D meeting in Tillamook. He mentioned that they are the most effective RC&D in the State. They also received a national award.

**COMMISSIONER CORSIGLIA COMMENTS:**

On Friday, Saturday and Sunday, he was cleaning up the Natal Grange getting ready for the Hood-to-Coast next weekend.

He is looking forward to attending Vernonia Days this weekend.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard also attended the CZ Trail meetings held in Vernonia and Scappoose. Since then, she has received e-mails and phone calls from people who appreciated the Board holding these meetings.

On Thursday, she co-hosted the concerts at Columbia View Park. A very good turnout. Attendance ranges from about 400-500 every concert.

Yesterday, she went on a tour of the Mist Gas Fields in Mist. It was a very good opportunity.

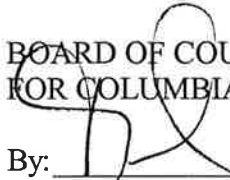
There was no Executive Session held.

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

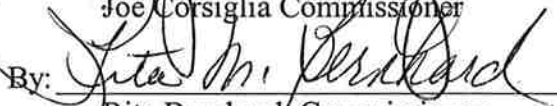
Dated at St. Helens, Oregon this 3<sup>rd</sup> day of August, 2005.

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

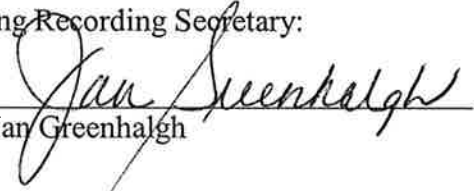
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

By:   
Joe Corsiglia Commissioner

By:   
Rita Bernhard, Commissioner

Acting Recording Secretary:

By:   
Jan Greenhalgh