

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

April 19, 2006

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

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

MINUTES:

Commissioner Hyde moved and Commissioner Bernhard seconded to approve the minutes of the April 11, 2006 Work Session; April 12, 2006 Board meeting; and April 12, 2006 Staff meeting. The motion carried unanimously.

HEARING: APPEAL OF ACCESS APPROACH DEPOSIT FORFEITURES:

This is the time set for a public hearing, "In the Matter of the Appeal of Access Approach Permit Deposit Forfeitures".

Cynthia Zemaitis, Paralegal, explained that this hearing is to deal with the access approach permit deposits forfeitures for Gary & Cindy Godsey and William Dombrowsky, Jr. Cynthia stated that, for the past couple of years, staff has been working on past access approach permits and related deposits which have since expired. She reviewed the process for dealing with these deposits. The process begins with an on-site inspection made by the Transportation Planner who determines if the access approach has been constructed according to standards. If he finds that it has been, the deposit is refunded. However, if he finds that the access approach has not been constructed, notice is sent to the applicant that their deposit is forfeited. The notice provides for an appeal to the Board. In addressing the final round of these deposit forfeitures, there are two remaining that have not completed their accesses and are appealing to the Board.

Starting with Gary & Cindy Godsey's appeal. An Access Approach Road Construction application and permit was issued to the Godsey's on May 29, 2001 and they made the required \$500 deposit. An inspection was done on this site on September 14, 2005 and determined that the access approach had not been paved as required. On October 12, 2005 a notice of deposit forfeiture was sent to the Godsey's and, on November 2, 2005, the Godsey's filed a deposit forfeiture appeal form. The Godsey's indicated that they did not remember to apply for a permit extension after the 2 year period, nor did they recall receiving a notice that the permit had expired. Therefore, the Godsey's have requested a further extension. Cynthia noted that, under Ordinance 98-10, it does not provide for notice to be sent out to the permittee when the permit is about to expire. Commissioner Corsiglia questions, after 5 years, why there is a need for an extension. Cynthia explained that, in the past, the Board has denied the appeal, but has granted the applicant a 60 day extension to complete the access approach. If it is not completed in that

60 day period of time, the deposit is automatically forfeited. Commissioner Bernhard doesn't see any reason to treat this request and the request from William Dombrowsky any differently.

The hearing was opened for public testimony. With no testimony coming before the Board, the hearing was closed for deliberation. Under discussion, Commissioner Hyde would agree to a 60 day extension. Commissioner Corsiglia would like to see the letters of Board decision go out by certified mail so there is no question that the applicant received notice. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to grant an extension of 60 days from the date of receipt of the certified letter. John clarified that if the work is not completed in the 60 days the deposit would be forfeited. The motion carried unanimously.

DELIBERATIONS ON ORD #2006-3: RECHT, NELSON, RUSSELL ZONE CHANGE:

John Knight stated that this is the time set for deliberations on Ordinance No. 2006-3. He noted that the first reading was held on April 5, 2006. John first went over the issue of the road width of Callahan Road. This is a portion of road described as the right-of-way between the current end of Callahan and Valleyview Road. A request was made that that portion of the road only has to be paved to the width of 18 feet and a grade of no greater than 15% - the 18 feet was a new issue and John hasn't heard back from Dave Hill regarding his position on this. His position was that part of it was ok, but there was a potential loophole in a couple of other places in the same paragraph that talked about Callahan shall be paved at 20 feet in width and all local roads serving 18 or more homes shall be paved at 20 feet in width, except for Wayside Road and Valleyview Road, if an 18 foot width is determined more appropriate by the Road Master. The comment was - did that paving requirement have to wait until the 18 homes were constructed, and Dave's suggestion was we change that to all local roads serving 18 or more home sites shall be paved to 20 feet in width. There was another section that talked about all limited services roads serving less than 18 homes shall be paved at 18 feet in width and the recommendation was that we change that to 18 home sites. John ran that suggestion by Mr. Ramis, attorney for the applicant, and they did not oppose that change. The other issue that was raised was a change in the language of paragraph 7. He doesn't have the proposed language, but essentially, what paragraph 7 requires is a covenant be signed for the lots that are in the areas to be re-zoned as RR-5, that would limit the number of building permits issued for single family dwellings in that area to 130. There is a mechanism in there whereby that number could be increased up to 139 and that's if the Department of Water Resources approves a greater number of homes using the water, that the settlement agreement that the County has with some of the applicants be amended which currently says 130 and that Ordinance No. 2002-8, which re-zoned a couple of the lots for the water system, which was also relying on the DWR data with regards to capacity. Sarah's position was that that Ordinance needed to be changed because it was granted on the assumption of 130 homes. John did not agree with the proposal but was able to come up with language that accomplished the same things without opening up concerns. Basically, John has added language that says the covenant has to be signed within 6 months of the adoption date of this ordinance and that it would either be the 130 homes or such higher amount which is determined by DWR and any amendments to the settlement agreement and any amendment to Ordinance 2002-8, whichever number is lesser, but not more than 139. That was acceptable to the applicant. There

has also been a last minute adjustment of the lots which John outlined on a map. Mr. Russell came in this morning and asked that the Board not finalize that switch at this point. There still needs to be some discussion between the Russell's and the applicant on that issue. Other than that, the ordinance is ready for adoption. Regarding the last minute issues of these lots, John would ask that the Board allow him to work with Todd Dugdale to handle it administratively, as long as it doesn't change the overall number of lots.

John read all changes into the record that have been made to the ordinance since the first reading. He then gave the second reading of Ordinance No. 2006-3 by title only. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to adopt Ordinance No. 2006-3, "In the Matter of the Application of Dick Recht, Chris Nelson, and Scott & Sue Russell for a Comprehensive Plan Amendment and Zone Change from FA-19 to PF-76 and from FA-19 to RR-5", and authorize staff to verify and finalize any further changes. The motion carried unanimously.

VISITOR COMMENTS:

None.

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 Select-to-Pay for 4/18/06.
- (B) Ratify Partition Plat for Cascade Meadows in Scappoose.
- (C) Resolution No. 32-2006, "In the Matter of the 2006 Election to Receive O&C Land Related Safety-Net Payments Under P.L. 106-393".
- (D) Order No. 33-2006, "In the Matter of the Approval of Appointment of Sara Synder as Deputy District Attorney".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Approve Promissory Note to the City of St. Helens for Transitional Housing Project.

The motion carried unanimously.

AMENDMENT TO VA SERVICES CONTRACT WITH WASHINGTON COUNTY:

John Knight has received an amendment to the VA contract with Washington County. He went over the changes in amount, service levels, etc. John hasn't discussed this with the Board or

Ruth Baker so he is not sure if the numbers are correct. Commissioner Hyde confirmed that the figures are correct. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the amendment to the VA Services contract with Washington County. The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia applauded Bill Potter and staff for the installation of the flag poles in the Plaza area. They look very nice.

COMMISSIONER BERNHARD COMMENTS:

Yesterday, Commissioner Bernhard attended a training at the Women's Resource Center called - "walk the walk". This is a training on what victims have actually gone through. Afterwards, a lot of discussion was held on the long term effects on the victims. Very powerful information was shared.

She attended the Parks meeting last night. They have been working real hard to get ready for the summer months. Some changes to the Parks program will include wedding packages, horse trails, etc.

On Saturday, she went to the Easter Egg Hunt at the Fairgrounds. It rained all day, but there were still a couple thousand people who attended.

Tonight, she will be leaving for Bend to attend a Workforce Training meeting on Thursday and Friday.

COMMISSIONER HYDE COMMENTS:

Last Thursday, Commissioner Hyde was in Forest Grove to attend the RC&D meeting. Discussion was held on projects in Columbia County.

On Friday, he was at a Connect Oregon meeting in Portland. He was surprised to see all other Commissioners had staff with them.

He then went to Salem to a meeting on Forest Trust Lands.

Yesterday, he was in Salem attending the Community Development Forum.

Commissioner Hyde commented on the article in the paper last week on VA Services. The comment that the new person won't be certified is not true. The contract will require that the individual filling this position will ultimately be certified.

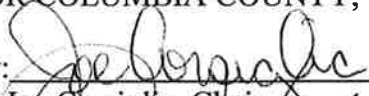
There was no Executive Session held.


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

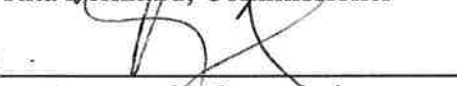
Dated at St. Helens, Oregon this 19th day of April, 2006.

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

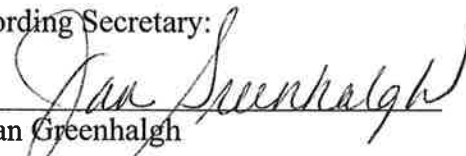
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Joe Corsiglia, Chair

By: 
Rita Bernhard, Commissioner

By: 
Anthony Hyde, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh