

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES  
May 17, 2006

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia, and Commissioner Anthony Hyde, together with John Knight, County Counsel and Linda Waters, Acting Board Secretary. Commissioner Rita Bernhard was at a GOBHI Conference in Bend.

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

**MINUTES:**

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the May 10, 2006 Board meeting. The motion carried unanimously.

**PUBLIC HEARING: TIM CROUSE, COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE:**

This is the time set for a public hearing, "In the Matter of the Application of Tim Crouse for a Comprehensive Plan Amendment from Community Service to Rural Residential and a Zoning Map Amendment from Community Services - Institutional (CS-I) to Rural Residential (RR-2) to permit residential use of the old Marshland Grange building located on a .95 acre parcel on Schroeder road in the Clatskanie area (Tax Lot No. 7510-011-03500).

John Knight, County Counsel, gave the staff report. For the record, the Board stated they have no conflict of interest.

Kevin Provance, LDS Planner, came before the Board to give the Staff report. Tim Crouse is applying to amend the Comprehensive Plan from Community Service to Rural Residential to allow him to remodel the old school house for residential use. The subject property, .95 acre parcel, is adjacent to the old platted Marshland Home Subdivision of very small lots, less than 100' by 100'. Over the years the surrounding areas has developed into residential use, zoned rural residential, with the exception of the Marshland Grange Hall property zoned Community Service (CS-I). There has not been opposition to the concept of this plan amendment and zone change. Kevin went through the applicable criteria, which has been met by the applicant. Staff recommends approval of this Plan Amendment and Zone change because the new zoning would be compatible with the surrounding area. The Marshland Grange Hall is no longer used for meeting purposes and if the structure were to remain vacant it would deteriorate and eventually become unusable for anything.

The hearing was opened for public comments.

Proponents: None.

Opponents: None.

No rebuttal.

Public Hearing closed.

With no testimony coming before the Board of Commissioners, Commissioner Hyde moved, Commissioner Corsiglia seconded the motion to approve the application of Tim Crouse for the Comprehensive Plan Amendment (CS-I) and Zone change to Rural Residential (RR-2). (File no. PA 06-01). The motion carried unanimously.

**PUBLIC HEARING: MEASURE 37 CLAIMS CL 05-20, CL 05-21 AND CL 05-22 FILED BY FRED LUTTRELL, FRED LUTTRELL TRUST:**

This is the time set for a public hearing "In the Matter of a Measure 37 Claim Filed by Fred Luttrell on Behalf of the Fred Luttrell Trust for Compensation Under Measure 37".

Todd Dugdale, LDS Director, came before the Board to give the staff report on the Measure 37 Claims CL 05-19, CL 05-20, CL 05-21 and CL 05-22 filed by Fred Luttrell, On Behalf of Fred Luttrell Trust. As required, notices were sent out to adjacent property owners within 500' providing a 14 day period in which to submit comments or to request a hearing. A request for a public hearing was received from Leslie and John Upton, which is being held today. The Claim is for 124.53 acres currently zoned PA-38. Claimant is alleging a reduction in fair market value in the amount of \$6,550,000 due to land use regulations which restrict the proposed development of one to two acre lots for residential development.

Based on the staff report, Staff has determined that the Claimant has met the threshold requirements of a Measure 37 claim. Staff recommends that the Board of County Commissioners 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 Sections 210, 300, 302, 303, 304.1, 305.2 and 309.

The Hearing was opened for public testimony.

**PROPONENTS:**

**Joe Luttrell, 61160 Skeet Ave., St. Helens:** Joe (Fred's son) is here representing Fred Luttrell and the Fred Luttrell Trust. He stated he didn't come prepared to debate this issue just share some of the history. Fred Luttrell by 1977 had approx. 1100 acres which the majority were fields of strawberries. Through the years working capital decreased and it was necessary to sell off property which was done in 16-18 acre parcels for farming. Today, they have ended up with 150 acres and feel that 197.352 validates their claim. They have turned in all information into the County and stand by the Staff recommendation.

**OPPONENTS:**

**Suzanne Lemire, 33596 Elladonnah Lane, St. Helens:** She showed where her property was located off Robinette Road and had questions concerning city water/sewer services. Commissioner Hyde stated that this was not a land use hearing but whether the family has a Measure 37 Claim. Todd Dugdale, Director LDS reported that this is a monetary claim under

Measure 37 for the Luttrell's ,and the 1<sup>st</sup> step in many steps, should this meet the M37 guidelines. It could be 5 to 10 years before we have a clear definition of Measure 37.

**Ann Mathers, 60460 Robinette Rd., St. Helens:** She questioned whether there was any Measure 37 provisions for the homeowners loss of value in property. Commission Hyde stated the only provision he has seen was law suits filed in the courts.

**Patty Franklin, 60745 Robinette Road, St. Helens:** Her big concern is when the bigger issues are still before the court, they are still determining a correct value on a piece of property how do you rule on a big issue when these other issues are still there? If these haven't been settled in the bigger court yet, how do you determine what he has brought to us is in fact going to be in line with the law. Commission Hyde stated, in Columbia County we have pretty well established the Policy that we have no money. To meet the threshold of a claim, they have to show they have been impacted by a dollar. That's a claim. John stated that if the Board doesn't make a decision the courts will.

**Ann Mathers, 60460 Robinette Road., St. Helens:** Ann stated that she doesn't have a problem with someone selling their property at all, she wants to be able to do that herself if she wants or needs to, but she does have a problem with the county and all the citizens being held prisoner by Measure 37. That's really the crutch of it, as a property owner you have rights to buy or sell but you do not have the right to make it so, the taxpayer is the one subsidizing your development.

**Bob Rice, 61789 Dart Creek Rd., ST. Helens:** Asked to be added to list of further notifications. Residents within 500' have to be notified.

**Suzanne Lemire, 33596 Elladonah Lane, St. Helen:** Suzanne stated it's obvious he does have a claim. My question is, he's asking for 1 & 2 acres parcels, if the county were to decide that the 5 acre parcels are what would be necessary to fit the sewers and that kind of thing, who is going to determine the loss of value or the increase of value in the larger parcels of the 1 or 2 acres? Commissioner Corsiglia stated that the applicants can state whatever the applicant wants to state. There are steps left, that will be available for the applicant to apply, as Todd described, as a minor partition which is 3 parcels or less or a major partition which is 4 parcels or more. That's down the road.

**Jonelle Stroup, 27470 Scappoose Vernonia Hwy, Scappoose:** Jonelle had questions concerning the December 2 date and some property that she had inherited .This was not pertaining to these parcels. After date was explained she was directed to contact Todd at the LDS office.

#### **PROPOSERS:**

**Andrew Neimi, 33482 Elladonah Lane:** Mr. Neimi showed where his property was located and he wished to express that he felt the Luttrell family has hung out as long as possible and felt that in his opinion this is a Measure 37 claims and that the County has no choice but to let this move forward.

REBUTTAL: Joe Luttrell stated he really had no rebuttal because all these issues are ahead of us, but he did want to say something because a lot of the neighbors are here and he didn't want to sound facetiously but the Property is for sale and it's only neighborly to offer it to the neighbors first. We are setting here land poor and Dad has always been a good neighbor. Times change and conditions change and Measure 37 was an opportunity for them to get some pay or maybe able to develop some of the property that they used to have

After Discussion, Commission Hyde moved and Commission Corsiglia seconded the motion to Adopt the Board Order as presented by the staff, with the addition of the correction as outlined by staff, that the Commissioners 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 303, 304.01, 305.2, 309. And 210, 300, and 302 (as corrected). The motion carried unanimously.

Commission Hyde moved, Corsiglia seconded the motion to adopt Order No. 41-2006 "In the Matter of Claim Nos CL 05-19, CL05-20, CL 05-21 and CL 05-22 for Compensation under Measure 37 submitted by Fred Luttrell. Motion carried unanimously.

Commissioner Corsiglia invited anyone to stop by Todd Dugdale's office for any further clarifications or any residual comments or actions that apply to this matter. His office is always willing to answer your questions.

**VISITOR COMMENTS:**

None.

**CONSENT AGENDA:**

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

- (A) Ratify Select-to-Pay for 5/16/06.
- (B) Cancel the Board of Commissioners May 24, 2006 meeting.
- (C) Ratify Partition Plat for Sharf Properties.
- (D) Amended RESOLUTION NO. 35-2006, "In the Matter of the Application of Columbia County to Participate in the Assessment and Taxation Grant".

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (E) Public Services Contract with Community Action Team , Inc. To provide Veteran's Services.

- (F) License Agreement by and between MORSE BROS., INC., "Landowner" COLUMBIA COUNTY a political subdivision of the State of Oregon, by and through its Fair Board.
- (G) Amendment #23 to the 2005- 2007 Intergovernmental Agreement #113022 with DHS.

The motion carried unanimously.

**SCHOOL DISTRICT ANNEXATION- MELINDA BERNERT:**

**Melinda Bernert, 34355 Bennett Road, Warren:** She has come before the Board because they would like to annex out of the ST. Helens School District to the Scappoose School District. She has approval in writing, from both school Boards approving the annex. She has had problems with the local ESD responding back to her and Counsel Knight has researched the ORS stated he saw nothing to stand in the way of the Board authorizing her request. Commissioner Hyde moved, Commissioner Corsiglia seconded the motion to approve the boundary change of the Bernert property into the Scappoose School District. The motion carried unanimously. Counsel Knight will prepare something in writing for Ms. Bernert to take to the Assessors Department.

**COMMISSIONER CORSIGLIA COMMENTS:**

- Enjoyed the Budget Hearing- Thanked all employees and Department Heads for working together.
- Had fun on KOHI last Saturday for the Kawanis Day.

**COMMISSIONER BERNHARD COMMENTS:**

- Not Present.

**COMMISSIONER HYDE COMMENTS:**

- Budget meeting went well due to good staff and very co-operative.
- Sorry about of Voris Probst - he was well thought of.
- Spent last week at WIR meeting.
- Last night had the opportunity to set on a panel at the High School that judges Seniors.

**COUNTY COUNSEL KNIGHT:**

John Knight presented an Infrastructure Contract 1632-DR-OR with OEM and Columbia County. Stating this is FEMA money that will help some district that incurred damage from a severe winter storm on 12/18/05 thru 1/21/06. Commissioner Hyde moved, Commissioner Corsiglia seconded the motion to approve the Infrastructure Contract 1632-DR-OR as presented by Counsel Knight. The motion carried unanimously.

Commissioner Hyde commented on the Sheriffs Levy being defeated and that we need to bring it to the next level, being the November election. Our County had one of the highest turnouts in Oregon but we still did not get the 50% of voters that was needed

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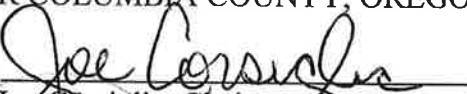
There was no Executive Session held.


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


Dated at St. Helens, Oregon this 17th day of May, 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

Acting Recording Secretary:

By:   
Linda Waters