

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

August 23, 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 August 8, 2006 Work Session; August 9, 2006 Board meeting; August 16, 2006 Board meeting; and August 16, 2006 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

*Dick Recht, 2255 Tioga Drive, Menlo Park, California 94025:* The Board acted two months ago on the re-zoning application for Columbia Hills and it required some covenants be recorded. He is working on getting those covenants put together. Sarah has some concerns with the details of the implementation on the 140 home limit covenant and that it went beyond the Boards intention and she suggested there be some input from the Board for clarification on the proposed covenant. The Board must approve the covenant before it is recorded. He is here today to ask for suggestions from the Board on how to get that input. He understands that Sarah and Todd Dugdale are continuing work on this issue and that the concept of pre-qualifying home sites is being considered. He hopes that we can come up with something that will be clear and achieve the requirements of the Board's decision.

**HEARING: PUBLIC LAND CORNER PRESERVATION ORDINANCE:**

This is the time set for the public hearing on proposed Ordinance No. 2006-10, "In the Matter of Adopting the "Public Land Corner Preservation Fund Ordinance".

John Knight - There is an existing ordinance, Ordinance No. 89-16, which was adopted in 1989, and will be replaced by this ordinance. For the most part, the rules regarding the public land corner preservation fund are spelled out in state statute, however the details are somewhat lacking. For that reason, the Board felt it appropriate to add some guidance as to expenditures out of that fund. If adopted, the change would be in section 4(C), which states "*No payments may be made from the Public Land Corner Preservation Fund without the prior written approval of both the Board of County Commissioners and the County Surveyor*". John inadvertently added an emergency clause but is not sure that is necessary because there is a procedure currently in place.

The hearing was opened for public testimony.

With no testimony coming before the Board, the hearing was closed for deliberation. The Board did not feel it necessary to include the emergency clause. John then read the changes from the original ordinance he presented to the Board and then gave the first reading of Ordinance No. 2006-10 by title only. The second reading was scheduled for September 6, 2006, at or after 10:00 a.m.

**HEARING: OUTDOOR MASS GATHERING ORDINANCE:**

This is the time set for the public hearing on proposed Ordinance No. 2006-9, "In the Matter of Re-Adopting the Columbia County Outdoor Mass Gathering Ordinance".

John Knight - The Board adopted Ordinance No. 2006-8 on August 2, 2006, without holding a public hearing on an emergency basis. That ordinance is set to expire on September 30, 2006, unless re-adopted. The purpose of this hearing is for the Board to consider re-adopting the Outdoor Mass Gathering ordinance. John reviewed the contents of the ordinance. He stated that he selected the number of 1,000 persons from an ordinance from another county. He explained that it would eliminate the need to deal with the smaller groups, such as weddings, larger parties, etc. This number can be changed prior to adoption.

The hearing was opened for public testimony.

***Lew Parshall, Butterfield Road, Deer Island:*** Ms. Parshall questioned how the number of people will be counted. They were told that there would only be around 250-300 people at the ABATE event, but 1600 showed up. She believes they were planning on that amount even before the event started. Who is responsible for counting people coming into an event. Another concern is the traffic safety issue. That should be considered when reviewing the permits. The staff report answered most of her questions, but for clarification, 1,000 or less do not require a permit? Correct. While present, she wanted to thank each Board member individually for all their hard work on this. She is also glad to see there will be an evening meeting on this issue.

***Joan Megan, PO Box 258, Scappoose:*** She owns a home in Scappoose with a 6,000 sq ft lot. She may be holding a funeral there and she does not know how many people will be attending - will she have to get a permit for this. She feels there are already too many rules and can't believe that this is even being discussed. She is totally against it.

***Jonelle Stroup, PO Box 1341, Scappoose:*** For clarification, this is for numbers 1000 and over and for events lasting 24 hours or more. Correct, any event with 999 persons and 24 hours or longer would need a permit.

With no further testimony coming before the Board, the hearing was recessed to tonight at 6:30 p.m.

**CONSENT AGENDA:**

Commissioner Corsiglia read the consent agenda in full. **Item (I)** was removed because of duplication. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 8/22/06.
- (B) Amended Order No. 65-2006, "In the Matter of Calling an Election to Consider the Columbia County Law Enforcement Local Option Tax Levy".
- (C) Order No. 69-2006, "In the Matter of Adopting a Policy Regarding the Issuance of Firearms and the Use of Force by the Department of Community Corrections".
- (D) Order No. 70-2006, "In the Matter of Accepting the Dedication of Additional Right-of-Way Along Miller Road, Scappoose, Oregon, from the City of Scappoose".
- (E) Approve the proposed Portland Community College Fare and Time Schedules as recommended by the Columbia County Citizens Transportation Committee.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (F) Agreement with Portland Community College.
- (G) Amendment #38 to the 2005-2007 Intergovernmental Agreement #113022 with DHS to extend the date to 9/30/06.
- (H) Amendment #3 to the Memorandum of Understanding with CCMH to extend the date to December 31, 2006 for Creekside Manor.
- (I) Accept the Dedication of Additional Right-of-Way to Miller Road from the City of Scappoose. (*PULLED - SEE ITEM (D) ORDER NO. 70-2006*)
- (J) Amendment #12 with CCMH to extend the agreement to September 30, 2006

The motion carried unanimously.

**WAIVER OF FEES FOR ABATE SUMMER RUN EVENT:**

John Knight stated that the ABATE Summer Run event was held last weekend at Columbia Meadows. The ABATE group used it without payment to Lowell. After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the waiver of the fee as discussed. The motion carried unanimously.

**COMPLAINT ON ROAD WORK DONE ON PITTSBURG ROAD:**

***Keith Bunn, 35338 Pittsburg Road, St. Helens:*** The Road Department paved Pittsburg Road and in front of his house, there are two driveways and a parking strip. His complaint is that when they did the paving they didn't slope his driveways and it will be a problem for the runoff. Commissioner Hyde will contact the Road Department regarding this matter.

**COMMISSIONER CORSIGLIA COMMENTS:**

Commissioner Corsiglia attended the Anti-Drug Coalition event in Vernonia last night. He was surprised by the number of people who attended - around 500 people. It was put on by the Police Department and was a very quality family event.

He reminded everyone that the Hood-to-Coast event is coming up this weekend. This is a good event for the county and hopefully all will go well.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard attended the City/County meeting last night in Rainier - the rail project was discussed. All the parties will be working together to get a rail plan developed. More meetings will be held on this issue and everyone seems to want to work together on this.

The County employee picnic was held on Saturday and was a big success.

On Saturday, she went to Summer Days in Scappoose where the Historical Society held their annual car show.

On Saturday night, she went out to Columbia Meadows for the ABATE event with Lowell McGregor - it was very clear this was the perfect site for the event. She spoke with Lowell the next day and everything had been cleaned up and just the way it was when they got there, so he refunded their deposit.

**COMMISSIONER HYDE COMMENTS:**

Last week, Commissioner Hyde attended the first Emergency Management Commission meeting to work on the permanent committee. It went very well.

He MC'd the 13 Nights on the River last week, attended the County picnic on Saturday, which was another great success and met with Senator Smith's staff in Vernonia on their water system.

***The Board recessed the meeting at 11:30 a.m. and reconvened at 6:30 p.m. Present were Commissioner Corsiglia, Commissioner Bernhard, Commission Hyde, together with John Knight, County Counsel and Jan Greenhalgh.***

Commissioner Corsiglia called the meeting back to order.

**HEARING: OUTDOOR MASS GATHERING ORDINANCE:**

This is a continuation of the public hearing on proposed Ordinance No. 2006-9, "In the Matter of Re-Adopting the Columbia County Outdoor Mass Gathering Ordinance".

***Lew Parshall, Butterfield Road, Deer Island:*** She had a question on why the number of people started at 1,000. She feels it should be lowered to 500. In her situation, 500 people would have been plenty of people. John explained that he simply chose that number, which is the same as Yamhill County. He didn't want it too small so the County was regulating so many events. Commissioner Corsiglia asked about the possibility of a two-tiered ordinance to deal with smaller groups and it was discussed. John stated that the ordinance requires written approval by the Sheriff and an application form still needs to be developed. Ms. Parshall also feels there needs to be some traffic management.

Discussion was held on the traffic issue and it was suggested that the location of an event may be just as important, if not more so, than the number of people attending the event. John had the idea of lowering the number to 800 and then allow people to apply for a waiver from the 800-999 number. The Board could then consider the waiver and require them to show how they are going to ensure there won't be more than 999 and that all impact concerns are addressed. This would allow for some flexibility. The Board felt there are a number of issues to consider and will keep the record open until September 8<sup>th</sup> for written comments.

With no further testimony coming before the Board, the hearing was closed but the record was left open until September 8, 2006 for written testimony.

***The meeting was recessed at 7:00 p.m. and reconvened at 9:00 a.m. on Thursday, September 24, 2006 with all present.***

Commissioner Corsiglia called the meeting back to order.

**BENJAMIN BRUCE CONDITIONAL USE PERMIT APPLICATION:**

Sarah Hanson - A hearing was held on this matter on August 9, 2006. After the hearing was closed, the Board made a tentative decision and directed staff to prepare the final order. Afterwards, Commissioner Bernhard had a conversation with Diane Pohl regarding this issue, which was ex parte contact. To deal with that, a letter was sent to all parties explaining that there had been ex parte contact after the record was closed and that a date had been set to allow the parties to question Commissioner Bernhard on the contents of that conversation. Therefore, the Board will need to re-open the record to hear the discussion held between Commissioner Bernhard and Diane Pohl and then to give opportunity to anyone wishing to comment on the ex parte communication. Sarah would recommend that the Board not open the record for any other evidence at this point because notice was not give for that. Afterwards, the Board will close the hearing and deliberate.

Commissioner Bernhard first apologized for complicating the issue and didn't realize the conversation would be exparte contact. She then read her notes outlining her discussion with Diane Pohl on August 9, 2006 after the record was closed.

The record was then opened to allow anyone to comment on the exparte contact. Hearing none, the record was closed for deliberation.

Todd Dugdale, LDS Director, just wanted to reiterate what the staff report reflected, that the satisfaction of the fire siting standards which applies to this action can be met through a variety of means. With respect to the issue of the easement, for there not to be a description of the area, and where the very right of entrance onto the property is in dispute, it would be extremely difficult to carry out the purposes of the secondary fuel break.

Commissioner Hyde understands from testimony that Mr. Roush's biggest concern seemed to be that he planned to use the easement area for outbuildings and felt this would restrict him. Todd clarified that he could still do that.

Commissioner Corsiglia asked about the septic drain line easement that Mr. Roush has that extends onto the Bruce's property and if there was a physical description on that. Todd stated that, typically, a permit for a septic system would not be allowed unless there was a described easement, per DEQ standards.

Commissioner Corsiglia felt there are planning issues and civil issues here. He wonders how the county even approved these divisions because of the hardship it causes. Wherever the house is sited, there will be a need for an easement on one side or the other. Todd stated that the easement was a condition of the partition because the lots are so narrow, but the problem is that the easements were not described because it was not know where the home would be sited.

Commissioner Bernhard asked about moving the house towards the other side of the property to mitigate the issue. Commissioner Hyde doesn't feel that is up to this Board to decide where the described easement is. The driveway and septic system is already in, so it's not so simple to move the house. The neighbors just need to come to agreement.

After lengthy discussion on the easement, setbacks, secondary fire break, Commissioner Bernhard moved and Commissioner Hyde seconded to approve Order No. 67-2006, "In the Matter of the Application by Benjamin & Amber Bruce for a Condition Use Permit to Build a Dwelling in the FA-19 Zone, with the following changes: Under 4A, prior to obtaining a building permit, the applicant must obtain a written and recorded easement agreement with the owner of Tax Account No. 6302 000 00700, and/or Tax Lot 00900, establishing the applicant's right to a sufficient firebreak easement on the adjacent properties; Under 4B, prior to obtaining a building permit, applicant must obtain a court order establishing the applicant's right to a sufficient firebreak easement on the adjacent property Tax Account No. 6302 000 0070, and/or 00900 and prior to obtaining a building permit, follow other firebreak equivalents to avoid the need for a firebreak easement on the adjacent property for Tax Account No. 6302 000 00700 and/or 00900. Commissioner Corsiglia opposed. The motion carried.

**CHARLENE WASHBURN:**

Commissioner Hyde received a call yesterday from a Ms. Washburn, who is being evicted from her home because it is not permitted as a dwelling. He invited her to attend the next 2pm staff meeting to discuss this matter.

There was no Executive Session held.


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

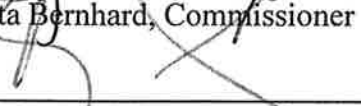
Dated at St. Helens, Oregon this 23<sup>rd</sup> day of August, 2006.

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

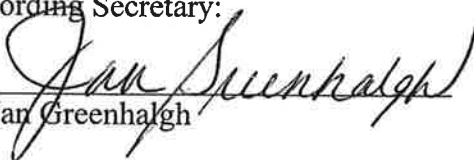
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Joe Corsiglia, Chair

By:   
Rita Bernhard, Commissioner

By:   
Anthony Hyde, Commissioner

Recording Secretary:

By:   
Jan Greenhalgh