

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

August 30, 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 Bernhard moved and Commissioner Hyde seconded to approve the minutes of the August 23, 2006 Staff meeting. The motion carried unanimously.

The minutes of the August 23, 2006 Board meeting were held over one week.

VISITOR COMMENTS:

Diane Pohl, PO Box 1022, Clatskanie: Diane addressed the Board on her concerns with the process for land use hearings, specifically the Benjamin Bruce hearing, and had some suggestions for improvement. With regards to the Bruce hearing, they were not notified that an appeal had been filed and went forward with some costly improvements to the property. When they questioned why they weren't notified, they were informed that the county doesn't have to notify them. This process needs to be changed. Diane also questions whether or not she legally had exparte contact with Commissioner Bernhard on August 9th because the hearing and the record was closed. The vote was taken and all that was needed was the final order. John Knight explained that, until the final written order is approved and signed, decisions can be altered and therefore the conversation with Commissioner Bernhard was exparte contact and needed to be disclosed. Diane stated that Sarah Hanson contacted Amber Bruce after the hearing, knowing that the Bruce's had hired an attorney. Any discussions from that point should have gone through their attorney. Also, after the record was closed, the Planning staff was asked questions about the application. The Board spent a lot of time talking about the easements issue after being told that was a civil matter. Diane had two letters from the Bruce's attorney to both adjacent property owners setting that in motion, but she couldn't tell the Board because the record was closed. It is possible that the Board's discussion could have complicated those agreements because Mr. Roush was in the audience. Also, there was a lot of discussion on the septic easement. Mr. Bruce could have told the Board immediately that there was no description on the septic easement of Mr. Roush's. In fact, the Planning Commission required Mr. Bruce to find the septic system because it wasn't defined on the septic permit. So the problem is that they couldn't convey these things to the Board because the hearing and record was closed. There should be a process in place to deal with this type of circumstances. When the record was closed, the Board stated there would be no further testimony taken, yet it was re-opened to allow testimony from Todd Dugdale. Commissioner Hyde explained that law allows the Board to converse with staff after the record is closed and does so frequently. Diane wanted to say that

she is not criticizing anyone, but is simply asking that the Board take this experience and consider some changes for improvements to the process. She will be drafting some suggestions and get them to Todd Dugdale.

John Knight commented that the notification issue is a good point and needs to be corrected. Regarding staff contact, John clarified that the Board can have contact with staff after the record is closed and that is not ex parte contact. However, there should not be additional information given to the Board. If there is pertinent information that should be seen by the Board after the record is closed, then a process should be in place where that information can be submitted to County Counsel. They could review that information and, if it is determined to be relevant, then counsel could recommend that the Board reopen the hearing to receive it.

Sarah responded to some comments that were made. She did speak with Amber Bruce but was not aware that she had hired an attorney, only that they had an appointment with one. She agrees there is a problem with the applicant not getting notice of the appeal and a process has now been put in place that, when an appeal is received, notice will be sent to the applicant.

Diane thanked the Board for listening and considering some changes.

CONSIDERATION OF ORDINANCE #2006-6 - AMENDING ORDINANCE 2002-8:

This is the time set for the Board to consider Ordinance No. 2006-6, "In the Matter of Amending Ordinance No. 2002-8, Approving the Application of Richard Recht for Columbia Hills Development Co. for a Comprehensive Plan Amendment and Zone Change from Rural Residential (RR-5) to Community Service-Utility (CS-U)".

Staff recommends this be held over for two weeks because of on-going discussions with the applicant. With that, the Board continued consideration of Ordinance No. 2006-6 to September 13, 2006, at or after 10:00 a.m.

PROCLAIM SEPTEMBER AS "WORKFORCE DEVELOPMENT MONTH":

Commissioner Corsiglia read the proclamation into the record, proclaiming September as "*Workforce Development Month*". Commissioner Bernhard stated that Julie Gassner with MTC will coming before the Board in two weeks to give an update on their services.

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 the Select to Pay for 8/29/06.
- (B) Ratify Partition Plat for OHM Equity Partners, LLC.

- (C) Ratify Partition Plat for Jay Tappan.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (D) Amendment #1 to the Intergovernmental Agreement with the Oregon Department of Geology and Mineral Industries (DOGAMI) to extend the agreement to July 20, 2008.
- (E) Amendment #9 to the Contract with Metro West to extend the contract to October 31, 2006.
- (F) Accept dedication deed from Gordon Carnese for public road and utility purposes and authorize payment of \$2300."
- (G) Accept Slope Easement from Arthur Lee McIntire, Jr. for right-of-way construction and maintenance and authorize payment of \$1600.00.

The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia spent a lot of time working the Hood-to-Coast event. It was another successful event and good for our economy.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended Regional Workforce Investment Board meeting last week in Astoria. They are working on drug testing policies.

She attended Ron Wyden's town hall meeting last Friday in St. Helens. It was a packed house and immigration issues seemed to be the biggest concern.

Last Thursday, she was at the United Way campaign kickoff at the 13 Nights on the River. There were a lot of people in attendance and good information shared about what UW does.

The Board has received a couple more letters from people who stayed at the Scappoose RV Airpark. They had very positive comments and were impressed with the treatment they received from the park hosts.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde continues to work on the Emergency Management Commission and having conversations with the PUD and fire districts to participate. Every city has put money in their budgets to help fund the full time Emergency Management position. The full county will benefit from this position.

He also met with the Clatskanie Fire District on their emergency management issues.

On Friday, he attended Senator Wyden's town hall meeting - a lot of people and a lot of energy.

He continues to work on the OECDD on the statutory review. They have heard from a couple of larger companies that about 75% of their employees are washing out because they're failing the drug test.

VISITOR COMMENTS:

Low Parshall, Butterfield Road, Deer Island: She asked if the Board has received any additional input on the Mass Gathering Ordinance. Commissioner Corsiglia has heard some comments, but nothing written.

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

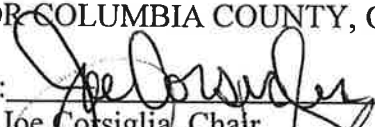
The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(h)(f). Upon coming out of Executive Session, no action was taken by the Board.

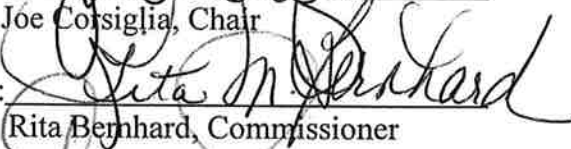
With nothing further coming before the Board, the meeting was adjourned.

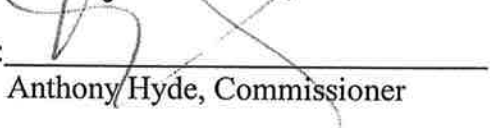
Dated at St. Helens, Oregon this 30th day of August, 2006.

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