

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

September 27, 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, Sarah Hanson, Assistant 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 September 20, 2006 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Jim Huffman, 52904 NW Cliff Drive, Scappoose, commented on the policy of housing inmates for the cities for free. He is concerned because the City of St. Helens is abusing this privilege. He has monitored all the cities and, the last time he checked, St. Helens had about 30-40 percent of the inmates. The city has a full time prosecutor now and this is just a way for them to make money. They are burdening all the tax payers by doing this. The Jail is already understaffed and underfunded. Jim feels there should be a limit put on the number of inmates the cities can have. He asks that the Board look into this and suggests they change the policy. The Board agreed with the concept of a pro-rata for each of the cities and felt that was something to look into. Jim stated that he would get some information to the Board to review. Commissioner Corsiglia complimented Mr. Huffman on his suggestion and asked him to stop by with further information.

Martha Stokes, 32768 Bella Vista Drive, Scappoose, is here on behalf of the neighborhood on Bella Vista Drive regarding the wood that was cut on the county property up there. She feels the neighbors have been treated very unfairly by the county on this issue. The wood sat there for a long time, so the neighbors cut up some of it and it was for everyone. Then the county came up and took the wood that was split and, in doing so, they damaged a neighbors property. Martha then received a letter from the county stating that if she trespassed on county property, she would be arrested. She was very offended by that letter. This issue has been blown way out of proportion. Mr. Tompkins of the BPA said they cut trees all over the state and Columbia County is the most difficult county to work with. The neighbors have offered to purchase this property so they can maintain it. Martha had brought in a cashiers check to purchase the property, but no one was in the County Counsel's office. She would like to purchase this property and asked the Board to consider her offer. If approved, she would ask that she only be charged \$1 per year for the taxes on it. After some discussion, the Board stated they would look into Martha's proposal to purchase the property.

Tammy Maygra, 34319 Canaan Road, Deer Island, gave the Board some information on a forum on LNG and invited the Board to attend.

On another issue, she asked if the Board was involved with bringing Pacific Stainless to the county. The Board stated they had some discussions with the City of St Helens but that was done by the city. Tammy expressed her extreme disappointment with the use of non-union workers erecting that building. It is a slap in face to county citizens to bring in workers from outside the county. She feels the Board needs to step up to the plate and support union workers. She also feels that the giveaways need to be tightened up - we need family wage jobs and benefits for our citizens.

Her last issue is with the Animal Control position that was recently approved by the Board. She commended Commissioner Corsiglia for taking a stand on this and voting against the less than half time position. However, both Commissioners' Bernhard and Hyde voted for it, so the County wouldn't have to pay benefits. Commissioner Hyde stated that the Board doesn't always like the decisions they have to make, however, a result of that discussion brought up the need to look into insurance benefits for all employees, regardless of hours worked, which the HR Director is looking into now. Commissioner Bernhard stated that by making that decision, there are now two employees and full time coverage at the shelter. Also, the person who was working there, is still there and making twice as much money. Commissioner Corsiglia restated his dislike for the constant training that occurs with part time rotation.

For the record, Tammy wanted to complain about the cost she had to pay for just a couple of documents from the Fairgrounds.

DELIBERATIONS: COLUMBIA HILLS DEVELOPMENT ZONE CHANGE:

This is the time set for deliberations on proposed 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)".

After a brief update Sarah recommended this matter be carried over two weeks. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to carry this matter over to Wednesday, October 11, 2006, at or after 10:00 a.m. The motion carried unanimously.

ORDINANCE NO. 2006-9: OUTDOOR MASS GATHERING ORDINANCE:

This is the time set for the public hearing, "In the Matter of Amending and Re-Adopting the Columbia County Outdoor Mass Gathering Ordinance".

John Knight was unsure if the second reading of this ordinance was held, so at this time, John gave another reading of Ordinance No. 2006-9, by title only. John then went over all changes to

the ordinance since the hearing was closed. He noted that the ordinance does include an emergency clause, so it would need to be adopted unanimously to go into effect today.

After little discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to adopt Ordinance No. 2006-9, "In the Matter of Amending and Re-Adopting the Columbia County Outdoor Mass Gathering Ordinance". The motion carried unanimously.

Further, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Order No. 78-2006, "In the Matter of Setting a Fee for an Outdoor Mass Gathering Permit". The motion carried unanimously.

PUBLIC HEARING: MEASURE 37 CLAIM FILED BY DAVID & CAROLYN YOUNG:

This is the time set for the public hearing, "In the Matter of a Measure 37 Claim Filed by David & Carolyn Young for Compensation Under Measure 37".

Sarah stated that a hearing had been requested on this Measure 37 claim. This is not a land use issue, however, the Board can open the hearing for testimony in favor and any opposition. She noted that Mr. Young made a request yesterday that this hearing be carried over to allow time for his attorney to review the case. He was informed that the hearing would be opened to take testimony and that he could request the Board carry the matter over at that time. Sarah would recommend that, after testimony, the Board continue this matter because there are some issues in the staff report that may not be totally correct and she will need additional time to research that.

Todd Dugdale, LDS Director, came before the Board to give the staff report. A Measure 37 claim was received by David & Carolyn Young for a 36.32 acre parcel on Young Road in St. Helens. The property is zoned FA-19 and the claimant is claiming a reduction in fair market value in the amount of \$2,095,080 due to land use regulations which restrict the proposed development of 13 two-acre parcels, and one 10.32 acre parcel for residential development. An initial determination was made that the subject claim was eligible for further review and notice was sent to adjacent property owners. Comments were received from D. Sandberg, the Badger family and Craig & Rhonda Melton. Both the Badgers and the Sandbergs requested a hearing.

As the Board is aware, one of the most crucial determinations for eligibility under Measure 37 is based on the acquisition date of the current owner, in this case David & Carolyn Young. The staff report, prepared by a third party attorney, made an initial finding that the acquisition date was December 16, 1986. This is the date of the probate settlement document, conveying the property to David Young from his father. There is now a question on when title actually transfers, at the time of death (1979) or the date of probate settlement. If it is determined that the acquisition date pre-dated our 1984 zoning ordinance, then it would need to be determined what regulations were in effect at that time. Todd would wait on a final recommendation until the acquisition date is determined.

Sarah entered County Counsel's file into the record and noted all contents. She went over the research she did this morning on the application and reviewed the statute dealing with the transfer of title upon a death. She would like to do more research on this and would recommend that the Board hear testimony and then carry it over for another week.

David Young, 33940 Young Road, St. Helens: He is the applicant for this Measure 37 claim. He is in the process of obtaining legal counsel and asked for a 30 day continuance so his counsel can review the minutes of this meeting and other documentation, which he is requesting at this time. He would waive the 180 day deadline. Aside from everything in the record, this is not about compensation, it's about family. His grandfather acquired this property in the 1920's, then it went to his father in 1951, then the property went to him in 1979 when his father died. He wants this property to stay in the family. He wants his sons and grandchildren to be able to build a home on this property. He is not looking at a concrete jungle. The only reason he even filed this claim is to protect the property for his children because he is the only one who could file this claim.

Sarah stated that October 20th is the deadline for this application. If the Board carries this over to October 18th, that would meet the deadline.

With no further testimony, the Board considered the request to continue this hearing. After discussion on the options, Commissioner Hyde moved and Commissioner Bernhard seconded to close the hearing to oral testimony but the record will be left open to October 18, 2006, at or after 10:00 a.m. for written testimony only. The motion carried unanimously.

CONSENT AGENDA:

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

- (A) Ratify the Select-to-Pay for 9/26/06.
- (B) Order No. 77-2006, "In the Matter of the Application of Donald and Diana Dahl for a Variance from the Columbia County Subdivision and Partitioning Ordinance".
- (C) Appoint Linda Bainbridge to the Citizens Transportation Advisory Committee.
- (D) Appoint James Fery and James Tierney for Chairperson's Pool to the Board of Property Tax Appeals.
- (E) Appoint James Fery, James Tierney, Eric Sellix and Patricia Fail for Non-Office-Holding Pool to the Board of Property Tax Appeals.

- (F) Reappoint Woody Davis to the Commission on Children & Families for a four year term.
- (G) Reappoint Donna Tewksbury to the Commission on Children & Families, term to expire on December 31, 2006.
- (H) Authorize the County Assessor to promote one Assessment Clerk I to an Assessment Clerk II position.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (I) Approve Grant Agreement #06-155 with the Oregon Office of Homeland Security, Criminal Justice Services Division.
- (J) GIS Data License Agreement with Cowlitz County Assessor.
- (K) GIS Data License Agreement with Bascom Pacific, LLC.
- (L) GIS Data License Agreement with Klabzuba Oil & Gas, Inc.
- (M) GIS Data License Agreement with OSU-Columbia County 4H & Extension Service.
- (N) GIS Data License Agreement with Ecotrust.
- (O) Amendment #2 to the Personal Services Contract with MCM Architects, Inc.

The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia attended a fundraiser at the Vernonia Senior Center last Friday night. It was quite a festive evening.

He also attended the Pacific Logging Congress up in Clatskanie - what a beautiful view from up there. It was a great show and some very advanced machinery for the logging industry was on display.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard also attended the Vernonia Senior Center fundraiser on Friday night. Vernonia is moving right along on their new senior center.

She attended the Grace Baptist Church for their grand opening last week. It's a beautiful building with state-of-the equipment throughout.

At their meeting last week, Kiwanis held their installation of officers.

COMMISSIONER HYDE COMMENTS:

Last week, Commissioner Hyde attended the annual RC&D meeting. There was a presentation by NW Development Solutions on sustainability.

EXECUTIVE SESSION UNDER ORS 192.660(1)(e) - REAL PROPERTY:

Not held.

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


Dated at St. Helens, Oregon this 27th day of September, 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