

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

November 8, 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 November 1, 2006 and the **amended** minutes May 17, 2006 Board meeting. 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 the Select-to-Pay for 11/7/06.
- (B) Appoint Jan Kenna to the Citizen Transportation Advisory Committee for a three year term.
- (C) Authorize the County Sheriff to fill 6th Corrections Technician position, not previously included in the fiscal year 2006-07 budget.
- (D) Order No. 86-2006, "In the Matter of the Sale of Real Property Acquired by Columbia County Referred to as Tax Account No. 01-01 3202-044-00600" (Bella Vista Drive).
- (E) Order No. 87-2006 (Setting Auction Date), "In the Matter of Leasing Underground Gas Storage Rights".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Settlement Agreement with Northwest Natural.

- (G) Amended and Restated Calvin Creek Gas Storage Lease.
- (H) Bruer/Flora Buffer Area Gas Storage Lease.
- (I) Calvin Creek Buffer Area Gas Storage Lease.

The motion carried unanimously.

VACATE POSITION ON COMMISSION ON CHILDREN & FAMILIES COMMITTEE:

Jan Kenna sent a letter to the Board explaining that Garth Bachman has not been attending the Commission meetings. After a number of attempts to contact him, without success, the Commission is requesting that his position be vacated so that it can be refilled. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to terminate Garth Bachman's position on the Commission on Children & Families Committee. The motion carried unanimously.

2006-2011 SURFACE MINING RENEWALS:

Todd Dugdale, LDS Director and Bob Brinkman, Surface Mining Administrator with DOGAMI, were present for discussion. Todd gave a staff report. Applications for renewal of limited exemption certificates and operating permits, for a total of 30 mining sites, have been received and all have paid their renewal application fees. All sites have been inspected by the Surface Mining Administrator on an annual basis and copies are available in the LDS office. With the exception of Pacific Cascade Resources, Siercks Road site, any concerns found during the inspections were brought to the attention of the operator, have been addressed to the Surface Mining Advisory Committee's satisfaction and, where required, remedial actions are being taken. Notice has been sent out to all property owners within 750 feet of each mine site. He noted that there will be a hearing scheduled to review the renewal application of Pacific Cascade Resources.

Staff is recommending that all permits be renewed for 2006-2011, with the exception of Pacific Cascade Resources, Siercks Road Site #05-0032. Todd then turned it over to Bob for his report.

Bob Brinkman, Surface Mining Administrator, summarized his staff report and findings. The SMAC meeting reviewed all mining sites. Comments were received on the following sites:

Morse Bros. - Reichhold (#05-0077) and Waterview (#05-0078) Site:

Steve Hursh with Columbia River PUD submitted comments regarding ground water monitoring and testing, requesting an update of the Water Monitoring program and evidence of approval by DEQ; a copy of test results; continued provision of bonds for modification of wells and that Chaney Road not be used for access to the mine site. Bob spoke with Mr. Hursh and, after that conversation, Mr. Hursh stated that he was satisfied that his concerns had been met.

Leahnette River with the City of Columbia City submitted comments requesting the replacement of dead landscape vegetation along Hwy 30 for the Reichhold and Waterview sites.

Morse Bros. submitted a letter, dated October 13, 2006, addressing each of these comments and confirmed that the concerns would be addressed for both mining sites.

Columbia Rock Co., LLC - Goble Quarry (05-0004):

Daniel Wegener, a property owner on Neer City Road, expressed concern about blasting. The site operator, Rinker Materials, has been notified by DOGAMI of blasting issues, such as vibration. Rinker has responded by indicating seismic monitoring and other best management practices would be implemented to prevent offsite impacts (i.e. excessive vibration) from occurring. In addition, a condition of the surface mining permit is to prevent offsite impacts from blasting at the quarry.

Clatskanie Rock Products (#05-0061):

George and Debbie Throop, area residents on Beaver Falls Road, submitted comments expressing their concerns about blasting. Extraction from the upland quarry has been accomplished primarily through the use of heavy equipment (i.e. bulldozer or excavator). However, the owner, Mr. Viuhkola, of this Limited Exempt quarry, will be requested to make notification to the Surface Mining Administrator prior to any future blasting to discuss best management practices for mitigating offsite impacts.

After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to tentatively approve all of the Surface Mining Renewal Operating Permits and that Limited Exemption Permits be renewed for the period 2006-2011, with the exception of Pacific Cascade Resources, Siercks Road Site, based on the Surface Mining Administrator's findings and recommendations, subject to the conditions referenced in the Surface Mining Administrator's Report. The motion carried unanimously.

MEASURE 37 CLAIM CL 06-20 - BOB CICERCHI:

Todd Dugdale, LDS Director, presented the staff report. A Measure 37 claim was received from Bob Cicerchi for a 39.7 acre property on Olsen Road in Deer Island. The property is zoned Forest Agriculture (FA-19). Claimant is claiming a reduction in fair market value in the amount of \$900,000 due to land use regulations which restrict the proposed development of 7 five acre lots for residential development. Notice was provided to adjacent property owners within 500 feet. One comment was received from Cathy Wright, Olsen Road, who expressed concerns with water, sewer and road requirements. No request for a hearing was received. 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 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 Section 407.1 to the extent necessary to allow the claimant to divide and develop the subject property as proposed.

Based on staff recommendations, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Order No. 89-2006, "In the Matter of Claim No. CL 06-20 for Compensation Under Measure 37 Submitted by Bob Cicerchi". The motion carried unanimously.

APPEAL FOR TEMPORARY OCCUPANCY BY JOSHUA THOMAS:

Sarah presented background on this request. Mr. Thomas would like to move in as soon as possible, with the understanding that everything must be complete within four weeks. Lonny Welter is not comfortable with the Board waiving the \$1,500 or allowing a temporary occupancy permit until the work is complete. The Board recently put procedures in place and they should be adhered to and Sarah agrees with that. The Board agrees with staff and directed Sarah to notify Lonny that the Board is not in favor of any waiver on this request.

LEGALIZATION OF KEASEY ROAD:

Sarah reviewed the memo from Dave Hill. This matter became an issue when a property owner in the area wanted to develop his property and the lending company wanted verification that there is access to a public roadway. The County has maintained the section of roadway in question for many years, but cannot find any legal record of the roadway, and doubt exists as to the legal establishment of a public road. However, it is apparent that there was intent many years ago to make this a county road. There are approximately 8 private properties that would need to use this section of the road for access.

After discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to proceed with the legalization process for a portion of Keasey Road. The motion carried unanimously.

HOUSEHOLD HAZARDOUS WASTE APPOINTMENTS:

Todd Dugdale updated the Board on the Household Hazardous Waste collections. A contractor has been hired for this. Todd is proposing that the County not hold these events for November and December and resume again in January. DEQ only requires that it be open 8-10 months out of the year. The Board agreed.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia wanted to compliment the people who worked so hard during the election and the time they put in. The Board will be doing something in the near future to recognize them.

He reported on the LGAC meeting he attended on Friday in Salem.

On Saturday night, he DJ's a dance for handicapped kids. This is one of his favorite events and really enjoyed doing it. Everyone had a great time and it was a very rewarding experience. Kiwanis has held this event for the last 12 years.

Commissioner Corsiglia congratulated Commissioner Bernhard on her re-election.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended a key club meeting last week.

She attended the St. Helens City Council meeting, along with Janet Wright, to request money for the transportation system. It looks very positive that they will be contributing again this year.

Last week, public health held a pandemic drill and she got her flu shot while she was there.

She attended the NWACT meeting last week. Discussion was held on the rail corridor study from Portland to Astoria. NWACT voted to support the concept.

Commissioner Bernhard wanted to say thank you to everyone who supported her during the election.

Geri Johnson, long time employee with Columbia County, lost her husband this week and a service will be held today at noon.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde attended a city council meeting to discuss Phase I and II on system upgrades. He also attended the Scappoose City Council meeting to discuss West Lane Road, and then attended the Vernonia City Council meeting to discuss their public works project.

Last Thursday and Friday he was attending an OECDD meeting in Bend. Big projects going on right now.

Commissioner Hyde stated that the **November 14, 2006 Work Session and November 15, 2006 Board meeting has been canceled** because the Board will be attending the annual AOC conference in Eugene.

EXECUTIVE SESSION UNDER ORS 192.660(1)(h) - LITIGATION:

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(h). Upon coming out of Executive Session, Commissioner Bernhard moved and Commissioner Hyde seconded to approve Order No. 88-2006, "In the Matter of Claim No. CL 06-19 for Compensation Under Measure 37 Submitted by Earl Gene Gross". The motion carried unanimously.

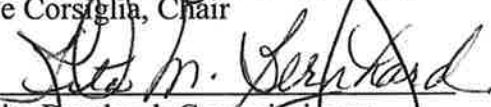
With nothing further coming before the Board, the meeting was adjourned.


Dated at St. Helens, Oregon this 8th day of November, 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