

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

November 29, 2006

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia, Commissioner Rita Bernhard and Commissioner Anthony Hyde, together with Sarah Hanson, Assistant 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 November 22, 2006 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

None

HEARING: DIXIE BLAHA MEASURE 37 CLAIM:

This is the time set for the public hearing, "In the Matter of a Measure 37 Claim Filed by Dixie Blaha for Compensation Under Measure 37".

Sarah reminded the Board that this is not a land use hearing, however she would recommend the hearing process be followed.

Todd Dugdale, LDS Director, gave the staff report. There are 3 claims that were filed by Dixie Blaha, Trustee of the Joseph Blaha Credit Shelter Trust. Notice was sent to neighboring property owners and a hearing was requested by Nancy & Charles Bubl on two of the claims, CL 06-22 and CL 06-23. Todd reviewed these two claims. Measure 37 claims were filed on two contiguous parcels totaling 109.82 acres at the end of Church Road in Warren. Both parcels are zoned PF-76. Claimant is claiming a reduction in fair market value in the amount of \$5,800,000 due to land use regulations which restrict the proposed development into 2 acre parcels for residential development. With regards to the date of acquisition, the property was placed in a credit shelter trust under the will of Joseph Blaha. When he died, the property was conveyed from his estate to the trust. ORS 112.355 (a devise by will conveys interest as of the date of death). Thus, for the purposes of this evaluation, the date of acquisition is the date of Joseph Blaha's death. From the records, it appears that he died sometime in 1990. Therefore, staff has determined that the claimant has not met the threshold requirement of a Measure 37 claim and recommends denial of both of these claims.

The hearing was opened for public testimony.

PROPOSERS:

Holly Haebe, 32242 Church Road, Warren: It was her understanding is that the date, for purposes of a Measure 37 claim, would be the date of acquisition which was in the 1920's, not the date of her fathers death which was in 1990.

Commissioner Hyde explained how the Measure 37 rule has been interpreted by the State, as far as the date of acquisition and the County must go by their interpretation.

OPPOSITION:

Chip Bubl, 32221 Church Road, Warren: Chip is not really in opposition to this, but when he got the notice, he didn't have the staff report to review so he requested a hearing. After review of the staff report, he has no problem with these two claims and would support them.

With no further testimony, the hearing was closed for deliberation.

The Board would like to review this further before taking any action.

MEASURE 37 CLAIM #CL 06-21:

Todd gave the staff report on Measure 37 Claim CL 06-21. A Measure 37 claim was received from Dixie Blaha, Trustee of the Joseph Blaha Credit Shelter Trust for a 16.65 acre parcel located on Blaha Road in the St. Helens area. The parcel is zoned RR-5. The Trust acquired the property in 1991. Claimant is claiming a reduction in fair market value in the amount of \$675,000 due to land use regulations enacted in 1999 which restrict the proposed development of 2 acre parcels for residential development. Notice was sent to property owners within 500 feet and no comments or 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 and recommends that the Board determine the amount, if any, by which the cited regulations reduced the value of the claimant's properties and act accordingly to pay just compensation in that amount, or not apply CCZO Section 604.1.

After little discussion, Commissioner Bernhard moved and Commissioner Hyde seconded to approve the Claim CL 06-21 for compensation under Measure 37 submitted by Dixie Blaha Trustee of the Joseph F. Blaha Credit Shelter Trust. Order number to be assigned. The motion carried unanimously.

TERRY DEATON ROAD MODIFICATION REQUEST:

Lonny Welter, Transportation Planner, Dave Hill, Public Works Director and Terry Deaton were present for discussion. Lonny reported that Terry Deaton has approval to partition 25.54 acres into three parcels in the Light Industrial Zone west of Rainier and within the UGB of Rainier. One of the conditions of approval of the partition is "the Columbia County Road Department will

require the applicant to widen Barton Road to 20 foot travel lane in accordance with the Columbia County Road Standards”. Page 42 of the Road Standards state “the applicant for a partition shall improve the existing road that is adjacent to the subject property, whether or not a new road is created within the partition, to the applicable standards as if new residences were immediately constructed on the new parcels”.

Including this partition, there could be 10 parcels that have frontage on Barton Road. Page 41 of the Road Standards indicate that the gravel base width shall be 30 feet for 7 or more parcels. Lonny believes there are 2 other developed parcels such that the remaining undeveloped parcels would be 5 and therefore the requirements for this partition would be to make 3/8 of the road base requirements of the 30 foot width. Lonny has asked that the applicant for the partition widen the road to the mobile home park to 20 feet and the remaining frontage of the property to 12 feet.

The applicant is requesting the road modification be done at a time in the future when the land is developed for business, however, the Road Department always looks at the person that is partitioning the property as the primary developer. The burden should not be placed on a person who purchases the property. This could always be made a condition by the seller of the property to the purchaser, but that agreement should be made between the private parties.

Commissioner Hyde stated that a road modification is a land use issue and will need to be dealt with through the hearing process. This is not a scheduled hearing and the Board is only gathering information today.

Terry Deaton explained that she already has three separate tax parcels on Barton Road, a farm, a trailer park and an empty lot, zoned light industrial. She needs to survey out the trailer park because she is trying to sell it. She can't sell it until this is accomplished. She does not understand the reason for needing to widen the road because the traffic flow is not changing.

The suggestion was made that a condition of approval be that the road improvements be made upon any future development of the property thereby simply postponing the required road improvements.

After lengthy discussion, there was a consensus of the Board to schedule a land use hearing to amend the current condition for road improvements.

Commissioner Bernhard moved and Commissioner Hyde seconded to charge Terry Deaton a reduced fee of \$200 for an application to modify prior approval and that the Board will take original jurisdiction over this application. The motion carried unanimously.

PRESENTATION OF PUBLIC ALERT RADIOS FOR COUNTY EOC STAFF:

Commissioner Hyde read a press release announcing that 38 public alert radios were purchased for the EOC use. These were purchased with a restricted Homeland Security Grant.

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 11/28/06.
- (B) Order No. 93-2006, "In the Matter of Accepting the Dedication of Additional Right-of-Way Along Division Road, St. Helens, Oregon, from Christ Episcopal Church".
- (C) Resolution No., 94-2006, "In the Matter of Acquiring Right-of-Way for Van Street Road Improvements from John Schroeder".
- (D) Accept Dedication Deed for right-of-Way from John Schroeder".
- (E) Order No. 95-2006, "In the Matter of Declaring Certain Personal Property Owned by Columbia County to be Surplus to the County's Needs and Directing the Sale Thereof".
- (F) Approve the submittal of a preliminary application for a Business Energy Tax Credit for Purchase of a 28-30 Passenger Transit Vehicle.
- (G) Approve the reappointment of Tim Ohling to the Parks Advisory Committee for a 4 year term.
- (H) Authorize Dave Hill to permit Kevin Bernt to place a gate (barrier) on a portion of Old Clatskanie-Rainier Road, provided that the Bernt's give a key to the Road Department. This permit can be revoked at any time, for any reason.(and direct staff to prepare an order)

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (I) Ratify the Escrow Agreement with Pacific Continental Bank for public works improvements to a portion of West Lane Road, Scappoose, Oregon.
- (J) Public Services Contract with Acti-Dyne Survey Research for community survey and development of a marketing strategy for Columbia County's transit system.

The motion carried unanimously.

ORDINANCE #2006-11 - AMENDING ENFORCEMENT ORDINANCE:

Sarah has been working with Robert Crain for some time now on a cease and desist provision in the enforcement ordinance. This would allow Robert to inform violators to cease immediately or

be cited. When going through the ordinance, she also made a number of changes that are basically housekeeping items. An emergency clause is included but can be deleted.

After discussion, Sarah read Ordinance No. 2006-11, once by title only. The second reading was set for December 13, 2006, at or after 10:00 am. The Board wanted the emergency clause deleted.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia wanted to thank the Road Department for their work during the bad weather. Very little complaints have been received.

He mentioned that the original courthouse was erected in 1906 and that the county should recognize the 100th year. He will be doing some research on this and get back to the Board.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard also wanted to thank the Road Department for getting the roads sanded during the bad weather.

Commissioner Bernhard has drafted a letter to Boise showing the County's support to keep Boise up and running and will print it off for Board review and signature.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde will be leaving for Ohio this afternoon to attend a NACo Board meeting. He will be representing Columbia County and the State of Oregon.

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

The Board recessed the regular session to go into Executive Session, as allowed by ORS 192.660(1)(e)(h). Upon coming out of Executive Session, discussion was held on Measure 37 claims CL 06-22 ad CL 06-23 filed by Dixie Blaha. Commissioner Bernhard asked, if denied, are there other avenues for the claimant. Sarah stated that she could re-file a claim or file a claim in circuit court. Commissioner Corsiglia wants it on record that he disagrees with the Attorney General's interpretation of Measure 37 and feels it is unfair to the people because their intent is not being carried out. Commissioner Hyde and Commissioner Bernhard agree but unfortunately, the counties were given guidelines to follow.

With that, Commissioner Hyde moved and Commissioner Bernhard seconded to deny Measure 37 Claims CL 06-22 and CL 06-23 submitted by Dixie Blaha Trustee of the Joseph Blaha Credit Shelter Trust. The motion carried unanimously.

PROCESS AFTER DECEMBER 4TH DEADLINE FOR MEASURE 37 CLAIMS:

Todd Dugdale talked briefly about what happens after the December 4th deadline for Measure 37 claims. After that date, claimants would need to file and complete a land use application and be denied before they could file a M37 claim. The State will not even look at these claims until a decision of denial has been received by the County.

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

Dated at St. Helens, Oregon this 29th 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
Joe Corsiglia, Chair

By: Rita Bernhard
Rita Bernhard, Commissioner

By: Anthony Hyde
Anthony Hyde, Commissioner

Recording Secretary

By: Jan Greenhalgh
Jan Greenhalgh