

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

February 21, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with John Knight, County Counsel, Sarah Hanson, Assistant County Counsel, and Jan Greenhalgh, Board Secretary.

Commissioner Bernhard called the meeting to order and led the flag salute.

**MINUTES:**

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the minutes of the February 13, 2007 Work Session and February 14, 2007 Board meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

Tammy Maygra and Thelma Bonar, asked the Board if they have made a decision about putting their initiative on the ballot. Commissioner Hyde remembered saying that he would consider it if Tammy & Thelma got a resolution from each city involved agreeing with that and agree to pay for the election, win or lose. This is the same as the health district did. Thelma disagreed that the health district only paid a portion of the \$63,000 cost of the election. The Board explained that the \$63,000 was for the total election, not just the health district levy. Tammy explained that the amount paid by the health district was still paid by taxpayer dollars. Commissioner Bernhard asked if either Tammy or Thelma have taken any of their concerns to any health district meetings. She explained the extensive work that has been done on this project prior to it going before the voters. Commissioner Hyde reiterated that Tammy and Thelma need to get a resolution from the cities first and then the Board would consider putting this initiative on the ballot. Commissioner Corsiglia stated that they could go out for signatures to get it on the ballot and feels they could probably get enough to get it on the ballot. There is always the issue the cost of the election and how that would be paid for. Tammy feels that if they have brought in enough information to show there are major flaws in this levy, then the Board should take it back to the voters. They are just trying to make it right for the citizens. In answer to Commissioner Bernhard's question, they have both been to the health district meetings and talked with Pamela Powell, but did not get any information. Commissioner Hyde feels that some good questions have been raised by Tammy and Thelma that deserve answers and the Board will seek those answers. Commissioner Bernhard asked for some patience until the Board can get those answers.

**2<sup>ND</sup> READING OF ORDINANCE #2007-1 - SYSTEM DEVELOPMENT CHARGE:**

There have been no changes to the ordinance since the first reading on February 7, 2007. Sarah gave the 2<sup>nd</sup> reading of Ordinance No. 2007-1, "In the Matter of Adopting the Columbia County System Development Charge Ordinance". The ordinance is now ready for action. With that,

Commissioner Hyde moved and Commissioner Corsiglia seconded to adopt Ordinance No. 2007-1, "In the Matter of Adopting the Columbia County System Development Charge Ordinance". The motion carried unanimously. Sarah noted that this ordinance will become effective 90 days from today.

**CONSENT AGENDA:**

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

- (A) Ratify the Select-to-Pay for 2/20/07.
- (B) Order No. 22-2007, "In the Matter of Claim No. CL 07-05 for Compensation under Measure 37 submitted by David Thorvald Erickson and Virginia Carol Erickson".
- (C) Appoint Donald Kalberer and Donna Webb to the Columbia County Museum Association Board of Directors.
- (D) Approve 2007 Liquor License Renewals for:
  - Mark's on the Channel;
  - St. Helens Moose Lodge #591;
  - The Quincy Store;
  - Wayside In.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (E) Construction Contract for OTIA III Bridge Replacements County Bridges 17, 19, 22 and 24.

The motion carried unanimously.

**MEASURE 37 CLAIM CL 07-15 - CLIFFORD MULTANEN:**

Todd Dugdale, LDS Director, gave the staff report. A Measure 37 claim was received from Clifford and Diana Multanen for an approximate 17.14 acre property on Pittsburg Road in the St. Helens area. The property is currently zoned PF-76. The claimant is alleging a reduction in fair market value in the amount of \$624,000 due to land use regulations which restrict the proposed development of seven 2-acre lots and a 3.14 acre lot for residential development. A letter was received from the City of St. Helens, an adjacent property owner, requesting that if the land use requirements are waived, the city would request that a deed restriction be included on the new parcels that would recognize that the lots are next to forest lands being actively managed for forest use and that any residential use waive any claims for normal forestry activities but not limited to harvesting or thinning of trees, spraying of herbicide or pesticides or other normal forest management activities permitted under the Forest Practices Act. The Board felt this is not

something the Board could consider. Todd stated that no request for a hearing was received. Staff has determined that the claimant acquired the property in January 1977 and have met the threshold for a Measure 37 Claim. Staff is recommending approval of the Measure 37 claim, however, staff is also recommending that the Board deny the claim pertaining to CCZO 503.9, waiving the Conditional Use Permit requirement.

After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 25-2007, "In the Matter of Claim No. 07-15 for Compensation under Measure 37 Submitted by Clifford and Diana Multanen". The motion carried unanimously.

**MEASURE 37 CLAIM CL 07-12 & CL 07-14 - JOSEPHINE ERNEST:**

Todd Dugdale gave the staff report. A Measure 37 claim was received from Josephine Ernest for Tax Lots 600 & 601 which are approximately 80 and 23.20 acres, respectively. The subject property is developed with a single family dwelling and accessory buildings. Access is provided by a road and utility easement off of the Turley Road right-of-way. Claimant appears to have acquired the property as early as August 14, 1973. At that time the property was approximately 123.39 acres. Since then, the tax lot lines have changed and that portion owned by the claimant has been reduced. Whether or not a property is a legally platted lot or parcel created by a Subdivision or Land Partition, respectively, or a legal lot-of-record is not included in the review for a Measure 37 claim. If the property reviewed by this claim is neither of these, this could impact any subsequent development under this claim. The claimant is alleging a reduction a total reduction in value of \$3,583,500, due to land use regulations which restrict the proposed development. With that, staff recommends the Board take action to determine the amount, if any, by which the cited regulations reduced the value of the claimants' property and act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Section(s) 303.13(D) and 304.1.

After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 26-2007, "In the Matter of Claim Nos. CL 07-12 and CL 07-14 for Compensation under Measure 37 Submitted by Josephine Ernest". The motion carried unanimously.

**MEASURE 37 CLAIM CL 07-13 - JOSEPHINE ERNEST:**

Todd Dugdale gave the staff report. A Measure 37 claim was received from Josephine Ernest for an approximate 80 acre property in the Warren area. The property is currently zoned PF-76. Claimant is alleging a reduction in fair market value in the amount of \$3,500,000 due to land use regulations which restrict the proposed development of sixteen 5 acre lots for residential development. Comments were received by Gayle Russell but there was no request for a hearing. Staff recommends approval. Staff recommends the Board take action to determine the amount, if any, by which the cited regulations reduced the value of the claimants' property and act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Section(s) 506.1.

After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 27-2007, "In the Matter of Claim No. CL 07-13 for Compensation under Measure 37 Submitted by Josephine Ernest". The motion carried unanimously.

**ORDER #23-2007 - ESTABLISHING THE COUNTY EXECUTIVE SESSION POLICY:**

John Knight presented the Board with an updated draft Order No. 23-2007, establishing the Columbia County Executive Session Policy. The difference between this and the one discussed last week is that he took the substance of the policy and made that Exhibit "A". He then made the appropriate changes to the policy to reference the order. If approved, the order would adopt the policy. There are no other changes. After the last discussion, John felt there was a need to clarify who is entitled to attend Executive Sessions. The statutes provide that representatives of the news media shall be allowed to attend ES but doesn't define the terms. John has attempted to define the definition of the news media and representatives of the news media and also established a policy that information discussed in ES shall remain undisclosed, a means of recognizing who are news media with recognition granted in the policy to the local newspapers: Spotlight, Chronicle, Longview Daily News, Clatskanie Chief, Vernonia Independent, the Oregonian and KOHI radio and means of allowing other entities that wish to attend ES to establish their credentials as a news media organization and for persons to establish that they are representatives of news media organizations. Should the Board deny permission to attend an Executive Session, there is a means for challenging that denial. The policy also gives the Board the authority that cameras and tape recorders be turned off during ES. This would not apply to other Boards and Committees unless they adopt this order themselves. With that, this is now ready for Board consideration. Commissioner Hyde wanted to thank John for his work on this. Commissioner Corsiglia has had some discussions with John and, quite frankly, he doesn't agree with proceeding with this, but also understands there is a consensus to do so. About a year ago, he forwarded a proposal that he felt would satisfy the perceived problems at that point. He is not sure what happened to that proposal, but would have rather that this would have followed in that direction. With that proposal, people would acknowledge what the rules were and the Board would be able to keep a handle on who was in the room and who was reporting and, at the same time, not tread on what he believes are some constitutional rights. He feels the policy being presented takes it too far and is not sure this Board has that authority. Commissioner Bernhard understands there has been a lot of research done on this throughout the State. She personally attended some AOC training where this subject had been discussed. This policy is very consistent with what other counties are doing. As with all policies, it can be changed if necessary. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to approve Order No. 23-2007, "In the Matter of Establishing the Columbia County Executive Session Policy". Commissioner Corsiglia opposed. The motion carried.

**COMMISSIONER BERNHARD COMMENTS:**

On Monday evening, Commissioner Bernhard attended a Town Hall meeting in Forest Grove with representatives from Congressman Wu's office. Talked about the war and the effects on all of us. She had expressed her concerns with funding for counties due to the loss of the Rural School funding. It was very well attended and she heard some very compelling stories from soldiers who have returned from the war.

On Sunday, she attended the VFW concert at the St. Helens High School and a dinner afterwards at Springlake Park. It was very well attended and the auditorium was almost full.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde was home sick a couple of days last week and then his wife had to go in for sinus surgery.

He has been in Salem twice in the last two weeks for meetings. Discussed the need for relief from mandated services due to the loss of the Rural Schools funding.

He attended a meeting in Vernonia regarding the public works project; met with the Clatskanie Fire Department Board on emergency management; met with NW Natural Gas on the mist gas fields, the rail company regarding the rail corridor, and a number of other meetings.

**COMMISSIONER CORSIGLIA COMMENTS:**

On Friday, Commissioner Corsiglia attended an open house at the Lewis & Clark School, a Chamber of Commerce event. He explained the process of their new program. There are over 860 kids in that school, which makes it one of the largest in Oregon. The kids are being given jobs to do at the school to help out.

Commissioner Corsiglia has received a number of complaints, day and night, on the Hankey Road closures. He has been trying to smooth those over and Dave Hill has put a letter out to hopefully address the problems.

**EXECUTIVE SESSION UNDER ORS 192.660(2)(h)(e):**

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h)(d). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 24-2007, "In the Matter of CL 07-06 for Compensation under Measure 37 Submitted by George and Emilie Skach, Trustees of the Trust Agreement dated June 16, 1978". The motion carried unanimously.

Further, Commissioner Hyde moved and Commissioner Corsiglia seconded to oblige ourselves to keep confidential the package submitted by West Coast Bank. The motion carried unanimously.

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


Dated at St. Helens, Oregon this 21<sup>st</sup> day of February, 2007.

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

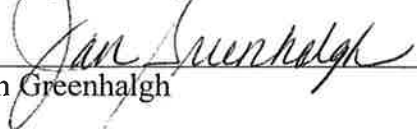
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Rita Bernhard, Chair

By: \_\_\_\_\_  
Anthony Hyde, Commissioner

By:   
Joe Corsiglia, Commissioner

Recording Secretary:

By:   
Jan Greenhalgh