

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

April 25, 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 April 10, 2007 Work Session and April 18, 2007 Board meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

***Nellie Arnold, 544B South 12<sup>th</sup>, St. Helens, Oregon:*** She is here on behalf of her daughter Cheryl Fitzwilliams who is incarcerated at the Columbia County Jail, and the threat to her life in the Jail as a result of the county doctor (Dr. Tilley) messing with her prescription medication from her doctor, for high blood pressure and diabetes. When he was examining Cheryl at the Jail yesterday, he told her he knew that Nellie was going to the Board of Commissioners about her medical mistreatment and that if it didn't stop, he wouldn't give Cheryl any of her medications. Cheryl needs her medication and Dr. Tilley is withholding her drugs. The County is looking at serious litigation if someone is hurt because of this doctor. Nellie's efforts to protect her daughter is only hurting her because of the treatment she is receiving from this doctor. She wants to know the criteria under which Dr. Tilley was hired, how long has Dr. Tilley and his medical staff been working at the Jail, if there are any suits or complaints against Dr. Tilley and who makes the rules for the Jail. The Board offered to have their office staff complete a public records request form and call Nellie in to sign it to obtain the information that can be supplied by the County.

***Joe Luttrell, St. Helens, Oregon:*** He wished to speak about their decision to eliminate the conditional use as a part of his Measure 37 claim, which is on the consent agenda. He explained that he received a waiver of Section 303, along with another claimant, and now the Board is looking at taking that waiver away from both of them. Sarah explained that there are two items on the consent agenda under Item (I) and (J). The Board erroneously waived the conditional use permit criteria. The orders on the agenda are to correct that. The Board allowed Joe to speak.

He is asking that they be able to keep the waivers that the Board and John Knight already signed. Joe feels they are grandfathered in. They have septic systems, public road dedicated and parcels already through. Joe submitted information to the Board for review. Again, he wanted to make sure that the Board is aware that his waiver, which the Board plans to rescind today, has completed septic systems on four of the legally created parcels, that an 1800 foot public road has

been built to county specs and then dedicated to the public, that water lines, phone lines and electrical lines have also been installed. The Board has signed off on all of these actions. He referred to ORS 215.130(5) which states "*The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued*". At this time, they have invested over \$230,000 and 2 ½ years of time in this project. He would ask that the Board consider these facts and recognize that they are vested in this because of the waiver that was granted and allow them to acquire the building permits that were initiated two weeks ago.

Commissioner Bernhard understands that the county has a policy that even if a waiver is granted, there is a conditional use process that has to be done. Joe stated that his claim approved May 25, 2005 and he just found out yesterday that this was being rescinded. Commissioner Hyde stated that the Board knew this would be problematic when this was discovered. The only excuse is that there was an error on the part of the Board. They made a mistake and it needs to be corrected. The conditional use permit should not have been waived and the process will need to take place. The Board is looking at a way to get it done as soon as possible. Joe feels that the CU process is not a problem but the length of time is.

Sarah suggested the Board move to take original jurisdiction over this matter to expedite the process. Because the County made the error, they would like to expedite it. After discussion, the Board will pull Item (J) from the consent agenda for discussion under Executive Session. Commissioner Corsiglia asked if it would be appropriate to invite Mr. Luttrell into the Executive Session to discuss this matter. Sarah recommended that not happen because Mr. Luttrell could be a possible litigant.

**DELIBERATIONS: M37 CLAIM CL 07-68 FILED BY DONNA TEWKSBURY:**

This is the time set for deliberations, "In the Matter of Claim No. CL 07-68 for Compensation Under Measure 37 Submitted by Donna Tewksbury".

Todd Dugdale, LDS Director: A public hearing was held on this matter last week and the Board carried over deliberations to today. Donna Tewksbury is the claimant and the claim is based on the division of the property into 5 acre lots for residential development. The issue that was focused on, as far as eligibility, was the acquisition date. Graham and Donna acquired the property in 1977. Through a divorce decree dated March 26, 1985, Graham Tewksbury received a 26.4 acre portion of the property and Donna received a 5.1 acre portion. On May 28, 1987, Graham conveyed the 26.4 acre portion back to Donna. A former husband is not a family member within the meaning of the statute. Therefore the claimant acquired the balance of the subject property on May 28, 1987. Based on this information, staff has determined the acquisition date to be May, 1987, which was after the enactment date of the regulation cited and recommends denial of the Measure 37 claim.

Sarah has prepared a final order that is consistent with the staff findings in the staff report. Commissioner Hyde stated that the Board is coming up against this issue a lot. The intended use and the way it was written are two different things. The Board is going by the opinion of the Attorney General which states that, if there is a break in the ownership, the claimant is not

eligible for compensation. Commissioner Bernhard agreed and it makes it difficult when the Board knows that the property has been in the family for years, but the break in ownership disallows eligibility.

After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 93-2007, "In the Matter of Claim No. CL 07-68 for Compensation Under Measure 37 Submitted by Donna Tewksbury". The motion carried unanimously.

**CONSENT AGENDA:**

Commissioner Bernhard read the consent agenda in full. Items (I) & (J) were pulled for discussion in Executive Session. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 4/24/07.
- (B) Ratify Partition Plat for Scappoose Sand & Gravel.
- (C) Order No. 74-2007, "In the Matter of Claim No. 07-46 Submitted by Paul A. Nys, Trustee of the Paul Alfred Nys Trust, and Judy I Nys, Trustee of the Judy Irene Nys Trust for Compensation Under Measure 37".
- (D) Order No. 83-2007, "In the Matter of Claim No. CL 07-126 for Compensation Under Measure 37 Submitted by Susan Wold, Affiant in re Estate of Ardelle Baden, Susan Wold, and Michael Baden.
- (E) Order No. 84-2007, "In the Matter of Claims Nos. CL 07-74 and CL 07-75 Submitted by Berkley and Diane Tack for Compensation Under Measure 37".
- (F) Ratify Order No. 85-2007, "In the Matter of Claim No. CL 07-51 Submitted by Donald and Louise Hill for Compensation Under Measure 37".
- (G) Ratify Order No. 86-2007 "In the Matter of Claim No. CL-07-78 Submitted by Mildred Probst for Compensation Under Measure 37".
- (H) Ratify Order No. 88-2007, "In the Matter of an Application by Clatskanie Sanitary Service for a Drop Box Rate Increase".
- (I) Order No. 89-2007, "In the Matter of Amending Order No. 40-2006, "In the Matter of Claim No. CL 05-09 for Compensation Under Measure 37 Submitted by Forrest and Geraldine Hemeon". ***(PULLED FOR DISCUSSION IN EXECUTIVE SESSION)***

- (J) Order No. 90-2007, "In the Matter of Amending Order No. 41-2006, "In the Matter of Claim Nos. L 05-19, CL 05-20, CL 05-21 and CL 05-22 for Compensation Under Measure 37 Submitted by Fred Luttrell". (***PULLED FOR DISCUSSION IN EXECUTIVE SESSION***)
- (K) Order No. 91-2007, "In the Matter of Claim No. 07-128 Submitted by Marc and Shirley Crull for Compensation Under Measure 37".
- (L) Order No. 92-2007, "In the Matter of Claim Nos. CL 07-85, CL 07-86, CL 07-87, and CL 07-88 Submitted by Loren Ellis Jr. & Sons, a Partnership, for Compensation Under Measure 37".
- (M) Resolution No. 94-2007, "In the Matter of the Application of Columbia County to Participate in the Assessment and Taxation Grant.
- (N) Order No. 96-2007, "In the Matter of Conveying Certain Real Property on 4th Street, Columbia City, Oregon, to Marilyn S. Yarbor".
- (O) Order No. 97-2007, "In the Matter of Claim Nos. CL 07-89, CL 07-90, CL 07-91, and CL 07-92 Submitted by Bitte Timber Development Co. for Compensation Under Measure 37".
- (P) Appoint Diane Pohl and re-appoint Anthony Hyde to the NW Oregon Economic Alliance Board for a two year term.
- (Q) Appoint Roland Migchielsen to the Commission on Children & Families for a four year term, to represent Columbia Community Mental Health.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (R) Approve 2005 Fund Exchange Agreement for Beavercreek Bridges No. 00138 & 00140.
- (S) Approval of the Crown Zellerbach Linear Trail Plan.

The motion carried unanimously.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard spent time in Bend last week attending the Oregon Consortium and Regional Workforce Investment Board conference. Discussions were held there on workforce training, which is very important for employment in this county. Another topic was the trend of training high school students for actual jobs so they are prepared as soon as they graduate for a job or an apprentice program. This is a trend that is working very well for the students.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde expanded on the workforce issue, OECDD has really taken on the workforce, which is a lacking piece in the economic development workforce which hasn't been there. His concern is that the co-chair has cut the workforce budget by \$10 million.

He met with the Quincy Water Association to work on their issue and they are waiting for their engineering report from CH2M Hill.

Last week, he was at an AOC meeting on PL 106-393 and where it is going. The Senate Bill failed and the House version should be on the President's desk today for a possible veto. If that happens, that will result in major cuts to the county.

**COMMISSIONER CORSIGLIA COMMENTS:**

Commissioner Corsiglia is happy to say that he has completed his first ICS class for emergency management.

On Friday, he went to the open house at Burgerville, then spent all day Saturday in Clatskanie - helping out with the Clean Up day. Cars were lined up 7-8 blocks steadily for 6-7 hours.

He also attended an NRA banquet, the Kiwanis meeting, and the Democratic Central Committee meeting.

**EXECUTIVE SESSION UNDER ORS 192.660(2)(h) - LITIGATION:**

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h). Upon coming out of Executive Session, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 89-2007, "In the Matter of Amending Order No. 40-2006, "In the Matter of Claim No. CL 05-09 for Compensation Under Measure 37 Submitted by Forrest and Geraldine Hemeon". The motion carried unanimously.

Commissioner Hyde moved and Commissioner Corsiglia seconded to approve Order No. 90-2007, "In the Matter of Amending Order No. 41-2006, "In the Matter of Claim Nos. L 05-19, CL 05-20, CL 05-21 and CL 05-22 for Compensation Under Measure 37 Submitted by Fred Luttrell". The motion carried unanimously.

Commissioner Hyde moved and Commissioner Corsiglia seconded that the Board will take original jurisdiction over the Conditional Use Permit application submitted by Fred Luttrell. The motion carried unanimously.

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

The Board immediately recessed the regular session to go back into Executive Session as allowed by ORS 192.660(2)(h)(e). Upon coming out of Executive Session, no action was taken by the Board.

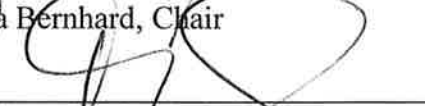
With nothing further coming before the Board, the meeting was adjourned.


Dated at St. Helens, Oregon this 25<sup>th</sup> day of April, 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