

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

June 13, 2007

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with 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 June 6, 2007 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

PUBLIC HEARING: FRED LUTTRELL TRUST (10) CONDITIONAL USE PERMITS:

This is the time set for the public hearing, "In the Matter of the Applications by the Fred Luttrell Trust for 10 Conditional Use Permits for Non-Resource Dwellings on Smaller Parcels in the Primary Agriculture (PA-38) Zone".

Sarah Hanson - This is a special hearing set by the Board to hear 5 applications. There were a total of 10, however only 5 are ready to be heard today. The Planning Department approved the partition of these 5 lots. The partitions were possible due to a minimum lot size waiver issued by the Board in Measure 37 claim number 05-19 through 05-22 and State Claim #M118688. It is important to note that those waivers were only for Fred Luttrell as an individual and not as the Trust. The Board took preliminary jurisdiction over these applications at their meeting on April 25, 2007, so it has not gone to the Planning Commission. The Board will be the hearing officer under CCZO Section 16.12. Special hearings are held by the hearings officer, which is the Board in the case. Sarah stated that this is a denovo hearing and the deadline for a final decision in this case is September 23, 2007.

The Board declared no ex parte contact or conflicts of interest. Sarah then read the pre-hearing statement into the record, pursuant to ORS 197.763. Sarah entered County Counsel's hearing file into the record, marked Exhibit "1" and noted all contents.

Glen Higgins, Chief Planner, came before the Board to give the staff report. Using the overhead, he explained the location of all 10 parcels. Because Mr. Luttrell is still in the process of partitioning the 25 acre parcel (CU 07-28), staff is recommending that CU 07-28 be carried over to July. After clarification, Commissioner Hyde moved and Commissioner Corsiglia seconded to continue CU 07-28 over to Wednesday, July 11, 2007, at or after 10:00 a.m. The motion carried unanimously.

Glen moved to the staff report on CU 07-27 and CU 07-29. After review of the criteria and based on the findings, staff recommends approval of the 5 conditional use permits to site non-farm single family dwellings on the 5 parcels with 4 conditions. Glen noted that condition #1 should be deleted because the Board has already waived CCZO Sections 303.13 (A) and 303.13 (D).

The hearing was opened for public testimony.

PROPONENTS:

Joe Luttrell, 61160 Skeat Avenue, St. Helens: He concurs with the staffs recommendation. However, he just wanted to point out that the density in section 36 is far less than the surrounding sections, because 36 was mainly used for farming. He wanted to thank the Board and planning staff for their work on this.

OPPONENTS:

None.

With no further testimony coming before the Board, the hearing was closed for deliberations. After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve 5 conditional use permits (CU 07-27 & CU 07-29) for 5 non-farm single family dwellings in the PA-38 zone. The motion carried unanimously.

Staff will prepare the final order for Board approval.

PUBLIC HEARING: FORREST HEMEON LAND PARTITION IN PA-38 ZONE:

This is the time set for the public hearing, "In the Matter of an Application of Forrest L. & Geraldine L. Hemeon for a Land Partition in the Primary Agriculture (PA-38) Zone".

Sarah Hanson - This is a special hearing on appeal of prior approval of a Major Partition MP 07-20. On March 22, 2007, the Planning Department approved the Major Partition to divide approximately 32.1 acres into 3 parcels, with several conditions. The Hemeon's filed an appeal on Condition 2B. Normally this would go before the Planning Commission, however, the Board took jurisdiction over this appeal. The Board will be the Hearings Officer under CCZO Section 16.12. This is a denovo hearing and the deadline for decision is June 15, 2007. This is also a case where a M37 waiver is involved. The Board declared no exparte contact or conflicts of interest. Sarah then read the pre-hearing statement into the record, pursuant to ORS 197.763. She then entered County Counsel's hearing file into the record, marked Exhibit "1", and noted all contents.

Jacob Graichen, LDS Planner, came before the Board to give the staff report. This appeal is based on required street improvements in Condition 2b and the financial burden it entails. These improvements are required for the subject property to be partitioned. Jacob explained that the

conditions in the May 16, 2007 staff report have been changed from the original in two ways. First, there was a condition regarding legality of access for the area between Hwy 202 and Wallace Road, which includes the bridge spanning the Nehalem River. This condition has been removed as staff has attained the documentation demonstrating legal access. Second, the road improvements required have been updated per a letter from the Road Department dated April 10, 2007, a revision to their original letter dated January 29, 2007. Based on the findings, staff recommends approval of the Minor Partition, subject to the 5 conditions (including condition #2b) listed in the staff report dated 5/23/07.

Dave Hill, Public Works Director, was present to give his report and recommendation. The pictures give a good idea of the current road condition (Wallace Road). He believes the road is about 14 feet wide, gravel, flat and in pretty good condition. It's a nice road, but just narrow. Under the Road Standards, it states that any time a new public road is created, the entire road needs to be constructed to the County Road Standards. This road is out in the Mist area and comes off of a county road, which is a gravel surface and county maintained. Dave referred to an oversized map to explain the area. There is a county road that goes through the property but is not constructed and could possibly be vacated at a later date. Regarding the improvements, a case could be made for paving, but his recommendation would be to gravel it. The improvements would include widening Wallace Road to 26 feet and graveled for a distance of 1100 feet starting at the Fiber bridge.

Commissioner Corsiglia asked about condition 2b - the widening of the road, does that mean that culverts or ditches would be involved. Yes. Regarding approval, is that from the fire district or from the county. Dave stated this is just approval by the Road Department. Commissioner Corsiglia asked if there was a way to put in turnouts to reduce the cost. Dave stated there are areas where the turnouts wouldn't require culverts, which would help reduce the cost.

Dave also wanted to mention that the Driveway Standards and Fire Apparatus Access Code Standards say that for long driveways, such as this, that there should be turnouts every 400 feet. That is where his recommendation came from. That could be more or less and again, they would be located in places that make sense to minimize construction costs. The entire length of Wallace Road is about 4,000 feet - at every 400 feet, that would mean 10-11 turnouts are required.

The hearing was opened for public testimony.

PROPONENTS:

Geraldine Hemeon, 14090 Wallace Road, Mist, Oregon: - Geraldine came before the Board with her son John. She presented written information into the record marked Exhibit "2". Geraldine then read her prepared statement into the record.

John Hemeon, 14291 Wallace Road, Mist, Oregon: John used an arial map to show the property and the roadway. He is the only person that will be impacting this road. In all the years

that his family dump trucks were going up and down that road, there was never a problem. However, he agrees that there may be a need for 2-3 more turnouts, but not 11.

Commissioner Corsiglia asked staff about the letter from the fire district. Is the county bound by what they are requiring or can we override that. Todd stated that the county has an agreement with the fire districts on minimum standards for road access, however their standards are different from the county road standards.

OPPONENTS:

None

With no further testimony coming before the Board, the hearing was closed for deliberation. The issues seem to be just the road improvements and the Measure 37 claim. Sarah stated that if the Board wants to make any changes to their decision on the M37 claim, to lower it below the minimum of 10 acres, then she would suggest the Board amend the Measure 37 Order previously approved to reflect that. Regarding the 25 foot road width and turnouts - Commissioner Corsiglia would like to see any improvements be the least costly for these people. Dave suggested that we could dedicate the road as a public right-of-way, then modify the standard to construct it to private road standards for a 25 foot width.

After lengthy discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to tentatively approve the application by Forrest & Geraldine Hemeon for a Minor Partition (MP 07-20) in the Primary Agriculture Zone, subject to conditions of approval as outlined in requiring public road dedication and modifying the road standards to private road standards and instruct staff to modify the Measure 37 Final Order 89-2007. Under discussion, it was stated that this is with the understanding that the spacing for the turnouts will be to rural fire protection district standards which are at 600 foot spacings. The motion carried unanimously.

Staff will prepare the final order and an amendment to the Hemeon Measure 37 final order for Board approval.

CONSENT AGENDA:

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

- (A) Ratify the Select-to-Pay for 6/12/07.
- (B) Ratify Partition Plat for Lone Oak Estates & Heritage Farm.
- (C) Cancel the June 20, 2007 Board meeting and Staff meeting.
- (D) Authorize the Land Development Services Director to fill one vacant Planner II position in LDS.

- (E) Approve increase of .6 FTE Computer Technician to 1.0 FTE, effective July 1, 2007.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (F) Approve Amendment No. 3 to the State Marine Board Facility Grant Cooperative Agreement FG #1255 and authorize the Chair to sign.
- (G) Approve the Intergovernmental Agreement for Data Sharing with the City of Scappoose.
- (H) Approve the Intergovernmental Agreement for GIS Products, Services, Assistance and Data with the City of Scappoose.
- (I) Approve Amendment No. 1 to Intergovernmental Agreement Contract #90G000091 with the Oregon Department of Consumer and Business Services, Building Codes Division.
- (J) Approve Amendment #1 to the Local Public Health Services Agreement.
- (K) Intergovernmental Agreement with the City of Clatskanie for Emergency Management Services and authorize the Chair to sign.
- (L) Intergovernmental Agreement with the City of Rainier for Emergency Management Services and authorize the Chair to sign.
- (M) Approve the Local Agency Emergency Relief Agreement for Columbia County Storm and Erosion Damage Repairs #23,842 and authorize the Chair to sign.

The motion carried unanimously.

CONTRACT FOR THE PURCHASE OF A JOHN DEERE LOADER/BACKHOE:

Sarah explained that the Board previously approved the purchase of a John Deere Loader/Backhoe for the Road Department. She has now received the signed contract from Pape Machinery and is recommending the Board approve it. With that, Commissioner Hyde moved and Commissioner Corsiglia seconded to approve the contract with Pape Machinery for the purchase of a Loader/Backhoe for the Road Department and authorize the Chair to sign. The motion carried unanimously.

CYCLE OREGON PUBLIC EVENT PERMIT:

Cynthia Zemaitis, Public Event Coordinator, approached the Board regarding the Public Road Event permit for Cycle Oregon. Their application was just received and the event is scheduled for June 23-24. They have sent in the Certificate of Insurance along with their permit application, however, on the advice of their attorney, they are refusing to sign the Indemnity

Agreement. Cynthia needs direction from the Board on how to proceed. She would recommend that she notify Cycle Oregon and inform them that without signing the form, the permit will not be approved. The Board agreed.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended her husbands class reunion in Southern Oregon over the weekend.

Last week, she attended the Board of Forestry meeting in Salem. They are looking very seriously at changing their forest management plan.

On Thursday, she attended a NW Oregon Housing meeting - they are looking at different ways to do business and monitoring their standards for residents.

On Thursday night she spent a short time over at the 13 Nights on the River.

Last night, the Board held a public hearing on the county budget in Rainier.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde also attended the Board of Forestry meeting last Wednesday.

On Thursday, he testified before the Ways & Means committee in Salem and then attended the O&C meeting.

One Friday, he was at an AOC meeting in Salem.

Yesterday, he met with Portland Community College to talk about budget issues and their possibly increasing funding for transportation.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia has heard a lot of good comments on the transportation services and gives kudos to Janet for all her hard work.

There was no Executive Session held.

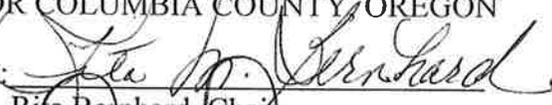
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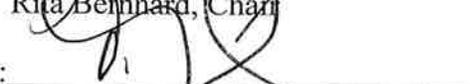
With nothing further coming before the Board, the meeting was adjourned.

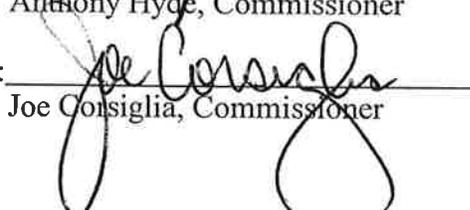
Dated at St. Helens, Oregon this 13th day of June, 2007.

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

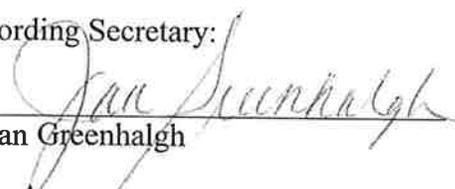
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Rita Bernhard, Chair

By: 
Anthony Hyde, Commissioner

By: 
Joe Consiglia, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh