

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

May 21, 2008

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde and Commissioner Joe Corsiglia, together with Spencer Parsons, Assistant County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Bernhard was not present.

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

MINUTES:

Commissioner Corsiglia moved and Commissioner Hyde seconded to approve the minutes of the May 14, 2008 Board meeting and May 14, 2008 Staff meeting. The motion carried unanimously.

HEARING: DAVE MOLONY - MODIFICATION OF COUNTY ROAD STANDARDS:

This is the time set for the public hearing, "In the Matter of an Application by Dave Molony for a Modification to the County Road Standards on a Previously Approved Partition MP 07-37".

Spencer briefed the Board on the application and reviewed the hearing procedure. This hearing was carried over from May 7, 2008, to allow staff to update the staff report. At this time, the Board declared no ex parte contact or conflicts of interest. Spencer then read the pre-hearing statement into the record, as required by ORS 197.763. He then 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. The applicant, Dave Molony, is requesting a modification of Condition #3 of the approved partition (MP 07-37). The partition would divide an approximate 10 acre parcel into two parcels of approximately 5 acres each. Condition #3 required the applicant to widen and gravel the existing travel surface of Cedar Springs Road from its current average width of 12 feet to a standard width of 20 feet. Specifically, the applicant is requesting that the Board modify the condition of approval to reduce the required travel surface width on Cedar Springs Road

from 20 feet to 18 feet pursuant to Section VI of the County Road Standards. Condition #3 will also require the County Road Department to approve these improvements to Cedar Springs Road prior to final partition approval. The applicant is not contesting the related requirement to extend the public right-of-way for Cedar Springs Road by the dedication of a 30 foot wide by 125 feet long strip of land along the proposed parcels.

The original partition application was processed administratively and was approved on August 24, 2007, with conditions. The applicant did not appeal the condition imposed on original approval of the partition and therefore, the original staff decision became final. In order to get a new County review of the decision, the applicant has filed a new partition application requesting modification of Condition #3 on the prior partition approval.

The applicant has also requesting a modification of road standards contained in the original staff decision approving the partition to reduce the improvement width of Cedar Springs Road from the standard 20 foot width to an 18 foot width. Per the County Road Standards, only the Board of Commissioners can modify the road width standards. On April 2, 2008, the Board took original jurisdiction for the review of this request to modify Condition #3 of the Final Order MP 07-37.

Staff is recommending that the Board approve the modification of prior approval of Partition MP 07-37 with the five conditions listed in the staff report dated May 21, 2008. The report supports the modification of Condition #3 related to road improvement requirements and the addition of a new Condition #5 to address required minimum lot sizes.

The Road Department has submitted a report on this application along with their recommendation. Dave Hill is recommending that, if approved, the Board should require that *“the applicant survey the road to determine the right-of-way boundaries and that the road shall be widened to the extent feasible within the right-of-way without damaging trees of 6 inch diameter or greater”*.

The hearing was opened for public testimony.

PROPONENTS:

None.

OPPONENTS:

Jay Nelson, 28932 Huber Road, Scappoose: He wanted to share a few of the events that have happened since the subject property was clear cut by Dave Molony. There is a seasonal creek along his property and, since the area has been logged (July 2006), a lot of mature trees have fallen, one about 30 feet from his house. The Forestry Department informed him that the logged area was going to be reforested, however, he later received notice that the property was going to be split into 3 parcels for development. From 2006 to date, there has been over a dozen trees that have fallen on his property. Some over the creek and others just leaning. Because he does not have the money to do anything about this, he is asking that some financial support be given to deal with these trees to get them out of harms way.

Commissioner Hyde clarified that removing any of the trees that are down in the riparian area (close to the creek), is illegal. Neither the County nor Mr. Nelson can do anything about those trees. Further, windfall trees are considered an act of God.

Mr. Nelson feels he was misinformed to by the Forestry Department, that the property was going to be reforested and he just wanted to know what he can do to eliminate potential hazards.

Commissioner Corsiglia suggested that if he is talking about trees on his own property, he should check with the Forestry Department to see if any of those trees can be removed, especially if they are creating a hazard.

Commissioner Hyde agreed with Commissioner Corsiglia. Although he suspects not much can be done, Mr. Nelson should contact the Forestry Department to see if some of those trees can be removed. He also clarified that because Molony's property is zoned primary forest, by law, it must be reforested.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Hyde asked Dave Hill to clarify his recommendations. Using the overhead, Dave explained the details of the property location, the road improvements already made by Molony and the inability to determine exactly where the right-of-way is. As noted in his report, Dave would recommend that Molony have the right-of-way surveyed. However, Dave still doesn't believe that

an 18 foot width can be realized for the entire road. After discussion and review of the conditions, Commissioner Corsiglia moved and Commissioner Hyde seconded to tentatively approve the application by Dave Molony for a Modification to the County Road Standards on a Previously Approved Partition MP 07-37, subject to conditions 1-5 as listed in the amended staff report dated 5/21/08. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. With no changes/additions/deletions, Commissioner Corsiglia moved and Commissioner Hyde seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 5/20/08.
- (B) Resolution No. 40-2008, "In the Matter of Acquiring Real Property from the State of Oregon, by and through the Oregon Department of Transportation, for Hermo Road Improvements".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (C) Rescind prior approval of the Lease Agreement with Gordon Smith.
- (D) Approve the Lease Agreement with Smith and Hendryx Partnership.
- (E) Approve State Grant Agreement #24815 with ODOT, Public Transit Division.
- (F) Approve Bid Form and Interim Sales Agreement with the Oregon Department of Transportation for the purchase of real property for Hermo Road improvements, and authorize payment in the amount of \$22,975.00 with a \$2,297.50 deposit.

The motion carried unanimously.

VISITOR COMMENTS:

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Michael Foutch, 55605 Timber Road, Vernonia: A couple of months ago, an anonymous caller informed the county that he was running raw sewage on his property. When his property was trespassed upon to check into these accusations, they were found to be untrue. He wants to know how he can find out who made the anonymous call and what he can do about the trespassing on his property. The Board stated that this is the first time this has ever come up and will have staff check into this and get back to Mr. Foutch.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde was in Salem last Thursday to attend an O&C Board meeting on Secure Rural School funding.

He also attended a meeting with Northwest Natural last Thursday.

On Saturday, he had planned to attend the Sacagawea art auction, but instead was asked to give the eulogy at a friends funeral service.

He also attended another Vernonia School siting meeting.

Yesterday, he was in Salem meeting with the Governor's Chief of Staff and the O&C Executive Board on federal timber lands.

Last night, he took part in the Vernonia Senior orals, which he has done for many years now. He is always amazed at the level of education these kids are getting.

COMMISSIONER CORSIGLIA COMMENTS:

Commissioner Corsiglia stated that he was home ill with pneumonia most of last week, however, it was still an active week on the phones and emails.

COMMISSIONER BERNHARD COMMENTS:

Not present.

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 21st day of May, 2008.

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: _____

Anthony Hyde, Chair

By: _____

Joe Corsiglia, Commissioner

Recording Secretary:

By: Not Present

By: _____

Rita Bernhard, Commissioner

Jan Greenhalgh