

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

June 11, 2008

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

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

MINUTES:

Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the minutes of the May 28, 2008 Board meeting and May 28, 2008 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: AMEND SECTIONS OF CCZO IN FLOOD HAZARD OVERLAY ZONE:

This is the time set for the public hearing, “In the Matter of Amending Sections 1102.3; 1109.1A; 1109.2A and 1109.3A of the Columbia County Zoning Ordinance, Relating to Requirements for Elevation of Residential and Non-Residential Structures Located in the Flood Hazard Overlay Zone and Amending the Definition of “Development”.

Spencer explained the purpose of this hearing. It was brought to the attention of the County, by the State Floodplain Coordinator and FEMA officials, that the language in the Columbia County Zoning Ordinance is outdated with regards to the “*One Foot Above the Base Flood Elevation*” and “*Storage of Equipment of Materials*”.

Spencer reviewed the proceedings for this hearing.

Because this is an amendment to the CCZO, it must be done by ordinance.

Commissioner Bernhard stated that she spoke with Bill Buol, but hadn't yet seen the paperwork on these amendments. Mr. Buol simply stated that he had concerns about areas in Clatskanie. Commissioner Hyde has had a lot of contact with citizens

in the county due to the recent flood. Commissioner Corsiglia has only heard comments, but no specific particulars.

Spencer then read the pre-hearing statement into the record as required by ORS 197.763, entered County Counsel's hearing file into the record, noted all contents and labeled it Exhibit "1".

*Todd Dugdale, LDS Director*, these amendments are basically to meet official FEMA Guidelines, in order to make sure that our residents and their properties comply in all respects.

*Glen Higgins, Chief Planner*, was present to give the staff report. These amendments are mandatory in order to participate in the flood program with FEMA. The Planning Commission held a public hearing last week and there were a number of citizens addressing their concerns with the definition of "storage of materials and equipment". After deliberations, the Planning Commission recommended that more specific language be added. However, staff felt it would be too cumbersome to define what floats and what doesn't. With that, staff is recommending approval of the following proposed amendments: (1) to insert "one foot above in Section 1109 at three locations, replacing "at or above"; (2) the definition of Development would be amended to include "or storage of equipment or materials"; and (3) Section 1106 Development Permits is amended to exclude any temporary storage of equipment or materials, and to exclude residential use storage unless located in the floodway. Commissioner Corsiglia hasn't seen anything from FEMA in the hearing file and asked how the county was notified of the need for these amendments? Todd stated that he has had multiple conversations with the flood coordinators and believe there are some emails. Commissioner Hyde doesn't want to put the citizens of Columbia County in jeopardy of losing benefits from FEMA because we are not in compliance.

The hearing was opened for public testimony.

#### TESTIMONY IN GENERAL:

*Jim Tierney, Flood Relief Director, 1209 Bridge St., Vernonia*: He is here to speak in favor of this. These amendments are in place to help people. Although there may be some costs involved, he would encourage the Board to approve these amendments.

*Ruth Grimsrud, 61785 Nehalem Hwy N., Vernonia*: They have conformed with all the rules to get their home replaced after the 1996 flood and it cost approximately \$280,000 to do so. They went over and above what was required. The recent flood

came very close and now, because they are not one foot above the flood level as required, they cannot get insurance. Further, because their home was not substantially damaged in the recent flood, they are not eligible for relief. She is looking for funding to help raise their home, stabilize the pad their home sits on and to be compliant. She is not even listed in the flood plain.

*Dan Brown, 18512 Mellinger Road, Vernonia:* He is in favor of these amendments and is glad to see the County come into compliance with the FEMA regulations. Commissioner Corsiglia asked about Ruth's comments that she is not in the flood plain, so how does FEMA know that she doesn't comply. Dan stated that there are only certain things that are insurable. However, he will need to meet with Ruth to get more details to see if she is or isn't in the flood zone and insurable. He understands that, if the Grimsrud's made improvements, based on the existing requirements, they should be insurable.

*Agnes Peterson, 33625 Tide creek Road, Deer Island:* Commissioner Corsiglia raised a good point and it should be looked at. The question is if we have anything in the record in writing from FEMA regarding the amendments. She is concerned that there is no actual language required by FEMA. The county should obtain the specific language from FEMA prior to making the amendments to make sure they are exact and that they comply. Commissioner Corsiglia agrees and feels that if there is nothing in the record from FEMA, they can use that against us.

This raised some questions and so at this time, Jim Tierney presented information he intended to do at a later time.

*Vance Fraizer, PO Box 1443, Clatskanie:* These amendments are going to be significant in cost to a lot of people. There are a lot of people that live out on the dike land and the County should be working with FEMA to help the citizens. One size does not fit all. He would like to have some representation for his tax dollars. There are several districts listed as flood zones. He wants to know how he can be removed from the flood plain map because his home has never flooded.

Todd stated that there is a process to change the FEMA maps, so if Mr. Fraizer doesn't believe his property should be included in their flood zone maps, he can

file to have it removed. Vance feels that the homeowner always gets the short end of the stick in these types of emergencies and he doesn't see the urgency to get these amendments approved. He wasn't flooded and wants to be able to build a barn if he wants to without having to meet additional requirements just because he is in the flood plain.

*Bill Buol* stated his opposition to these amendments.

*Crystal Westen, 469 Lexington, Astoria:* In Clatsop County, if there is an out building to store equipment, it falls under different rules, so that may be a way to deal with Mr. Fraiser's concern. Glen stated that under the CCZO, outbuildings do not need to be elevated to meet FEMA codes, however, removing residential property from a flood zone may be a difficult process.

Agnes used the greaseboard to explain issues with diking districts and perhaps they can be looked at and possibly removed or exempted.

*Scott Parker, Scappoose Sand & Gravel, 33485 CZ Road, Scappoose:* He has had some discussions with staff on these amendments because he is concerned with the ability for his company to continue to do business. His property is in the flood zone A. Storage is not an issue and those concerns have been addressed. However, if he were to build a shop, he's not sure he would be able to do that.

Glen stated that Scott would need to get a Flood Plain Development Permit and he would need to flood proof the building up to 1 foot above the flood level. When asked about the installation of a crushing plant, Glen stated that the electrical would need to be one foot above, but if an open building, it would not need to be flood proof. Scott stated that there are three other mines in the flood zone. He is currently reclaiming his property and wants to know if he is in violation at this point. Spencer stated that "no" if he is doing this with an active permit.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Corsiglia feels if there is something the Board can do right away to help some people out, however, he is not ready to make a decision at this time. Commissioner Bernhard suggested that the Board look at this issue

in two parts one for the people currently in the recovery process and two - for the people in the dike lands. Commissioner Hyde suggested holding more discussion on this matter at a work session with staff to go over the details and issues of concern. Jim Tierney asked that the Board not hold off on this too long because of the potential effects on the homeowners. With that, Commissioner Corsiglia moved and Commissioner Bernhard seconded to continue this hearing to July 9, 2008, at or after 10:00 a.m. and allow written testimony until that time. The motion carried unanimously. The Board will meet with staff on Wednesday, June 25, 2008, at or after 2:00 pm. to review the amendments.

CONSENT AGENDA:

With no changes/additions/deletions to the consent agenda, Commissioner Bernhard moved and Commissioner Corsiglia seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 6/3/08 & 6/10/08.
- (B) Ratify Order No. 42-2008, (Initiating/Finalizing Vacation Proceedings), "In the Matter of the Proposed Vacation of a Portion of CF Doan County Road # 47, aka Hammond Road, and a Portion of County Road # P4 7 aka JR Headlee Road, near Rainier, Oregon [Bonnie Burnham Petition]".
- (C) Resolution No. 43-2008, "In the Matter of Acquiring Property for Hermo Road Improvements from George Poysky III".
- (D) Order No. 44-2008, ""In the Matter of Adopting Policies and Procedures for Compliance with Title II of the Americans with Disabilities Act".
- (E) Order No. 45-2008, "In the Matter of Adopting Policies and Procedures for Compliance with Title VI of the Civil Rights Act of 1964".
- (F) Accept warranty deed from George Poysky III and authorize payment in the amount of \$55,000.
- (G) Approve the purchase of grave flags for Veterans and Memorial Day.

- (H) Reappoint Margaret Magruder and Kathy Syrstad to the 4-H & Extension Service District Budget Committee.
- (I) Reappoint Val Linhares to the Civil Service Commission for a six (6) year term. Term to expire on December 31, 2013.
- (J) Reappoint Marie Gadotti and Herman McNeely to the Farm Use Board of Review.
- (K) Approve new Liquor License for "Island Cove Café & Market".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (L) Agreement between Columbia County by and between the Columbia County Unmet Needs Committee and the Americorp, Corporation for National and Community Service and authorize the Chair to sign.
- (M) Amendment #1 to the Intergovernmental Agreement Contract #90G000124 with the Department of Consumer and Business Services, Building Codes Division and authorize the Chair to sign.
- (N) Contract Renewal for Intergovernmental Agreement between Columbia County and the Oregon Department of Transportation.
- (O) Lease Agreement with the City of Vernonia for the Vernonia Learning Center and authorize the Chair to sign.
- (P) Amendment #20 to the Agreement with CCMH, to extend the date to September 30, 2008.
- (Q) Amendment #27 to the 2007-2009 IGA #119925 with DHS.
- Ⓢ Amendment #28 to the 2007-2009 IGA #119925 with DHS.
- (S) Amendment #29 to the 2007-2009 IGA #119925 with DHS.
- (T) Amendment #30 to the 2007-2009 IGA #119925 with DHS.

- (U) Amendment #32 to the 2007-2009 IGA #119925 with DHS.
- (V) Intergovernmental Cooperative Agreement between Rainier School District No. 13 and Columbia County Sheriff's Office.
- (W) Intergovernmental Agreement by and between Columbia County and the City of Vernonia for Justice Courts.
- (X) Personal Services Contract with Columbia County Title & Escrow for lien searches on properties in foreclosure.

The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde was in Bend last week to attend the Annual AOC Spring conference. The main topic of discussion was on public lands and what it means to Oregon counties and the State. It was one of the better conferences he has attended.

On Monday, he met with the Governor, who is the Chair of the Oregon Solutions Steering Committee. He asked some very pointed questions about where the Vernonia School issue is at.

The Board will be attending an Environmental Revitalization Team BBQ in Scappoose at 12:30 am today.

**COMMISSIONER CORSIGLIA COMMENTS:**

No comments.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard also attended the AOC spring conference in Bend last week. She came back early to attend the CAT meeting and retreat.

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She attended the Fair Board meeting, which lasted until 10:00 pm. A lot of time was spent on the upcoming Fair and everything seems to be moving forward smoothly.

Yesterday, she spent all day in Vernonia and Clatskanie meeting with the Economic Revitalization Team (ERT).

Today, she will be going to the Scappoose Airport to again meet with ERT.

**REQUEST FOR WAIVER OF ROAD VACATION FEES - ATKINS-DOWNING ROAD:**

Cynthia Zemaitis, Paralegal, received a letter from Attorney Larry Derr, representing Donald & Theora Campbell. The letter states that the vacation was suggested by County staff and that it is in the public's best interest to do this.

Because of the issues listed in the letter, they are requesting that the county waive the \$1,000 petition fee. Cynthia understands that the Road Department is in favor of this road vacation and has consented to waive \$500 of the fee attributed to the Road Department. Commissioner Hyde would suggest that, on these types of issues where the Road Department wants this, they should just bring the request to the Board instead of having a private citizen apply and then waive the fees.

The Board agreed and suggested that Cynthia contact the Road Department to have them bring this back as their application.

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

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h)(f). Upon coming out of Executive Session, Commissioner Corsiglia moved and Commissioner Bernhard seconded to send a letter to CASA program regarding the issues just discussed. The motion carried unanimously.

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

Dated at St. Helens, Oregon this 11<sup>th</sup> day of June, 2008.

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



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BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_

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*Anthony Hyde, Chair*

By: \_\_\_\_\_

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*Joe Corsiglia, Commissioner*

Recording Secretary:

By: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

*Rita Bernhard, Commissioner*

*Jan Greenhalgh*