

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

September 9, 2009

The Columbia County Board of Commissioners met in scheduled session with Commissioner Rita Bernhard and Commissioner Anthony Hyde and Commissioner Fisher, together with Spencer Parsons, 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 Fisher seconded to approve the minutes of the September 2, 2009 Board meeting and September 2, 2009 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

READING OF ORD # 2009-7 AMEND SECTIONS IX AND X OF COMP PLAN:

This is the time set for the first reading of Ordinance No. 2009-7, "In the Matter of an Application to Amend Sections IX and X of the Columbia County Comprehensive Plan to Update the 20 Year Population Forecast". Spencer noted that this ordinance does include an emergency clause due to the immediate need and would ask approval to give both readings. With approval, Spencer gave the first and second reading of the Ordinance, twice by title only. With that, Commissioner Hyde moved and Commissioner Fisher seconded to adopt Ordinance No. 2009-7, including the emergency clause. The motion carried unanimously.

READING OF ORD #2009-8 AMEND SECTION 683 OF CCZO:

This is the time set for the first reading of Ordinance No. 2009-8, "In the Matter of an Application of Edward and Dolores Norgard for a Text Amendment to Section 683 of the Columbia County Zoning Ordinance Related to Uses Permitted Under Prescribed Conditions in the Resource Industrial Planned Development (RIPD) Zone".

All changes that were made to the ordinance during the public hearing have been included. At this time, Spencer gave the first reading of Ordinance No. 2009-8, by title only. Commissioner Hyde moved and Commissioner Fisher seconded to set September 23, 2009 at or after 10:00 am for the second reading. The motion carried unanimously.

DELIBERATE ON SAMANTHA MILLER APPEAL:

This is the time set for deliberations on the appeal by Samantha Miller on the denial of her application for a kennel license. Spencer entered a letter received from Attorney Geordie Duckler, dated 8/27/09, marked Exhibit "7". The record is now closed. The Board now needs to determine whether the applicant complies with the Kennel Ordinance in her application and in the kennel inspection that was conducted by the County and whether the LDS Director was correct in denying the application.

Commissioner Fisher stated that he was not present during the hearing so he will not be voting on this matter, however he had read the record and been involved in numerous discussions on this. Although he will not be voting, he wanted to make some comments. He would find that the Code Enforcement Officer has responded to multiple complaints of violations of the Solid Waste Ordinance regarding the applicants handling the solid waste at the property. Copies of warnings and citations are in the record, along with multiple photos of the violations. Also, the applicant does not have an approved conditional use permit. The applicant was cited and convicted for operating a home occupation without a permit in 2006.

The county has received photos showing the applicant loading up dogs from a sale event in Hillsboro and transporting them to her home in Columbia County, since the most recent trial and conviction. There are misrepresentations in the application regarding the activities on her property and there is substantial evidence that the applicant is operating a home occupation with the required permit.

If he was to vote, he would find it very hard to support this appeal.

Commissioner Hyde found the applicant chasing her own tail when it came to answering substantive questions and contradicting herself all through the hearing proceedings. This is something the county has been seeing for years. Ms. Miller seems to tailor the answers to the questions and, to him, that is a material misrepresentation. The Board heard from a number of people who testified in support of Samantha Miller and the noble work that she does. He believes that what she does is noble work, however, she also considers that noble work trumps

local land use laws and any consideration for the neighbors. This application has been denied by staff for good reason.

Commissioner Bernhard agrees with the comments made by both Fisher and Hyde. The county has received complaint after complaint, citations have been issued, just one thing after another that has come before the Board on a number of occasions regarding the applicant. With all of the information that has been received and with everything in the record, it appears to be a business and not legally permitted. She cannot support this appeal.

After deliberations, Commissioner Hyde moved and Commissioner Bernhard seconded to tentatively deny the kennel license application of Samantha Miller for failure to comply with Section 9 of the Columbia County Kennel Ordinance and direct staff to prepare the final order. Commissioner Fisher abstained. The motion carried.

CONSENT AGENDA:

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

- (A) Ratify the Select-to-Pay for 9/8/09.
- (B) Appoint Jennifer Cuellar-Smith as Finance Director, effective 9/21/09.
- (C) Authorize Dave Hill to fill one Shop Supervisor position in the Road Department.
- (D) Approve the waiver of \$1,708 of the \$2,391.32 due from Maxine Massey for the siting of a new and temporary replacement mobile home.
- (E) Reappoint James Fery and James Tierney to the Chairperson's Pool and James Fery, James Tierney and Eric Sellix to the Non-Office Holding Pool on the Board of Property Tax Appeals (BOPTA).
- (F) Order No. 60-2009, "In the Matter of the Attack on Livestock Owned by Randy Holdner".

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (G) Award Contract to TFT Construction, Inc. for Big Eddy County Park Roadway and RV Pad Paving Project in the amount of \$39,822.00.
- (H) Contract with the Oregon State Marine Board for Boating Safety and Law Enforcement Services.

The motion carried unanimously.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard noted that there will be a moment of silence on September 11th at the riverside flag pole, in observance of the 9/11 event.

She participated in a 2 hour conference call with both NOHA and HUD. HUD has conducted a review of the NOHA program, which was very lengthy. HUD is working with NOHA to find some resolution to the problems with the housing issues. A majority of the people who lost their housing vouchers will be back on the program by year end.

She also attended the NWACT.

Yesterday, she attended both the MHAC and LADPC. Both of these committees address mental health and drug and alcohol addiction problems.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde was in Bay City last week for a COLPAC meeting. A lot of discussion on our regions Economic Development strategy.

Last Friday was the county's first furlough day with courthouse offices

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closed.

Yesterday he traveled to Silverton to attend a Board of Forestry meeting. Major discussion was held on the Forest Management Plan.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher has been receiving a lot of calls from people regarding the condition of their roads and the repairs needed. Hopefully the transportation funding will go through so that a lot of these repairs can be done.

The Humane Society will be holding their annual Bow Wow Hour at the Dockside this weekend, which is a fundraiser for the shelter to help pay for spay/neuter, vaccinations and toys.

The Amani Center is holding their annual Luau this weekend at the Fairgrounds. This is a very successful fund-raiser to help offset costs to maintain the center.

He attended an event last weekend in Clatskanie, with music, food, etc.

A number of fund raisers have been going on the past few weeks to help raise money for school supplies for kids in need. These events appeared to be very successful and helped a lot of kids. He also wanted to remind people, now that school has started, to pay attention to speed signs.

He continues to work with PCC and ESD to provide GED services to our community.

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He will be in Wilsonville tomorrow attending a CCCC meeting.

EXECUTIVE SESSION UNDER ORS 192.660(2)(e)(h) - REAL PROPERTY:

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(e)(h). Upon coming out of Executive Session,

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

Dated at St. Helens, Oregon this 9th day of September, 2009.

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: _____

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Rita Bernhard, Chair

By: _____

Anthony Hyde, Commissioner

Recording Secretary:

By: _____

By: _____

Earl Fisher, Commissioner

Jan Greenhalgh, Board Secretary