

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

September 23, 2009

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

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

MINUTES:

Commissioner Fisher moved and Commissioner Hyde seconded to approve the minutes of the September 16, 2009 Board meeting and September 16, 2009 Staff meeting. The motion carried unanimously.

NATIONAL EMERGENCY PREPAREDNESS MONTH:

Commissioner Bernhard read the proclamation into the record and afterwards, Commissioner Fisher moved and Commissioner Hyde seconded to proclaim the month of September, 2009, as "*National Emergency Preparedness Month*". The motion carried unanimously.

VISITOR COMMENTS:

None.

2<sup>nd</sup> READING OF ORDINANCE #2009-8 AMENDING SECTION 683 OF THE CCZO:

This is the time set for the 2<sup>nd</sup> reading of Ordinance No. 2009-8. With no objections, Sarah gave the second 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 of the Resource Industrial Planned Development (RIPD) Zone" by title only. Commissioner Hyde moved and Commissioner Fisher seconded to adopt Ordinance No. 2009-8. The motion carried unanimously.

#### HEARING: PROPOSED FLOOD BUY-OUT DEMOLITION PROGRAM:

This is the time set for the hearing to solicit public input on the exemption from the low competitive bid process on the proposed Flood Buy-Out Demolition Program.

Sarah stated that this hearing has been published in the Chronicle and Daily Journal of Commerce to solicit comments. To date, no comments have been received. Sarah has prepared an order along with staff findings.

The hearing was opened for public testimony.

Dan Brown, Unmet Needs Committee, was present in support of this and is here to answer any questions.

With no further testimony coming before the Board, the hearing was closed for deliberation.

Commissioner Hyde is very familiar with this process as he has been involved with the UNC since its inception. With that, Commissioner Hyde moved and Commissioner Fisher seconded to approve Resolution No. 59-2009, "In the Matter of the Resolution Adopting Findings in Support of Exempting the Columbia County Buy-Out Program Demolition Contract from Competitive Low Bid Requirements". The motion carried unanimously.

#### HEARING: MODIFICATION TO PRIOR APPROVAL OF ZONE CHANGE BY 911:

This is the time set for the public hearing, "In the Matter of the Application of Columbia 911 Communications District for a Modification of Prior Approval for a Conditional Use Permit and Site Design (CU- 09-17 & DR 09-06) to Construct a Public Safety Communications Tower and Related Equipment in the Primary Forest (PF-76) Zone".

Spencer briefly reviewed the application by Columbia 911 District for a modification to the condition requiring a security bond on the previously approved Conditional Use Permit and Site Design Review. With regards to exparte contact, Commissioner Fisher had a discussion with Sally Jones on September 10, 2009 and briefly discussed the issue with securing a bond, however, that discussion will not effect his decision on this matter and will participate in the hearing and vote. Commissioner Hyde had the same conversation with Sally Jones, which will not effect his decision. Commissioner Bernhard stated that she received an email

on this from staff. When asked, no persons in the audience wished to rebut those discussions. Spencer then read the pre-hearing statement as required by ORS 197.763 then entered County Counsel's staff file into the record, marked **Exhibit "1"** and listed all contents.

Glen Higgins, Chief Planner, came before the Board to give the staff report. The Planning Commission held a public hearing on the Conditional Use Permit and Site Design Review for the Clakskanie Mountain communications tower and approved it with 8 conditions. One of those conditions (2) was for the applicant to enter into a Development Agreement with the County to remove the 180 feet tower when it is no longer needed. These are typical agreements required of all communications cell towers constructed in the county. The 911 District has had difficulty with the security portion of the agreement. Consequently, the District has applied to modify the approvals of CU 09-17/DR 09-09 to eliminate the requirement for a Development Agreement. The applicant has made attempts to assure financial security by trying to obtain a performance bond, line of credit with a bank or a certificate of deposit, none of which has been successful. Further, the application believes the development agreements were created to address the placement of private enterprise cellular communication towers and does not apply to public safety radio communication systems. Staff would recommend that the requirement for the agreement stand, but no bond requirement and that the removal of the tower be required at the end of its use. In preparation, Spencer has drafted an order with language to this effect, but it also include language that, should the District sell the property, the bond would be required.

The hearing was opened for public testimony.

**PROPOSERS:**

*Steve Watson, 911 Communications District, PO Box 998, St. Helens:* The 911 District has taken a lot of steps to comply with the condition requiring a security bond, exhausting all avenues available, but with no success. All other 7 conditions can and will be met.

**OPPOSERS:**

None.

With no further testimony coming before the Board, the hearing was closed for deliberation. After discussion, Commissioner Hyde moved and Commissioner Fisher seconded to approve Order No. 67-2009, "In the Matter of the Application of Columbia 911 Communications District for a Modification of Prior Approval of a Conditional Use Permit and Site Design (CU 09-17/DR 09-09) to Construct a Public Safety Communications Tower and Related Equipment in the Primary Forest (PF-76) Zone" as presented. The motion carried unanimously.

HEARING: CITY OF VERNONIA ZONE CHANGE FROM UGB TO CSI:

This is the time set for the public hearing, "In the Matter of the Application of the City of Vernonia for a Major Map Amendment from Rural Residential to Urban Growth Boundary (UGB) and Interim Zoning to Community Services Institutional (CSI)".

Spencer briefly reviewed the application. This hearing is on the record of the Planning Commission unless the Board votes to open the hearing for additional testimony. Understanding that the City of Vernonia has new testimony to submit, Commissioner Hyde moved and Commissioner Fisher seconded to open the hearing for additional testimony. The motion carried unanimously.

Commissioner Hyde declared exparte contact. He has been actively involved in this project prior to and after this application was filed, as part of the Oregon Solutions Committee, meetings with the City of Vernonia and others regarding this project. He will be participating in the hearing and any action taken. No one in the audience wished to rebut that discussion. 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, marked **Exhibit "1"** and listed all contents.

Glen Higgins, Chief Planner, came before the Board to give the staff report. He submitted a legal description of the track of land into the record, marked **Exhibit "2"**. He made one correction to the staff report. *Spencer Park is actually 5 acres not 9 acres.* The City of Vernonia has applied to expand its Urban Growth Boundary by 22 acres to accommodate the siting of a new K-12 school complex. After a rigorous search and analysis of various sites, the Oregon Solutions Team, the Vernonia School District and the City of Vernonia agree that the best site

for the new school site would be the centrally located "Boot" site. The 22 acres, consisting of three tax lots, can be combined with the Spencer Park land (approximately 5 acres) to have direct access to Texas Avenue and Missouri Avenue, just a quarter mile from Hwy 47.

An Urban Growth Boundary expansion is a Comprehensive Plan Amendment for both Columbia County and the City of Vernonia. State Statute and zoning ordinances outline a prescriptive set of rules and procedures to accommodate urbanizing once rural lands. For siting a school, there are specific types of land needs including size, central location, accessibility, development constraints and neighborhood compatibility. All of these factors have been analyzed and considered by the Siting Team through a public meeting process. The proposed UGB Expansion for the school site meets all of the State rules and County Ordinances criteria and would be an excellent site, given the alternatives. Glen noted that this UGB expansion is specific for a school site.

The Planning Commission held a public hearing on August 17, 2009 and after all testimony, recommended approval of this application to the Board of Commissioners. Staff also recommends approval with the 3 conditions as listed in the Staff Report dated 9/23/09.

The hearing was opened for public testimony.

**PROPONENTS:**

***Carol Connell, City of Vernonia, 1001 Bridge Street, Vernonia:*** She is the Planner for the City of Vernonia. She entered a map showing the outline of the property, marked **Exhibit "3"**; City of Vernonia Ordinance 862, with their final decision to approve the UGB, marked **Exhibit "4"**; Option Agreement between the Vernonia School District and Mr. Webb to purchase this property, marked **Exhibit "5"**.

Dan Brown, UNC, was present in support of this application. He sat on the siting committee and all agreed that this is the best site for the school project. Vernonia obviously needs to look at higher ground and this property meets that criteria.

OPPONENTS:

None.

With no further testimony coming before the Board, the hearing was closed for deliberation. After discussion, Commissioner Hyde moved and Commissioner Fisher seconded to tentatively approve the application of the City of Vernonia for a Major Map Amendment from Rural Residential to Urban Growth Boundary (UGB) and Interim Zoning to Community Services Institutional (CSI)" with recommended conditions in 9/23/09 staff report and direct staff to prepare the ordinance. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Bernhard read the consent agenda in full. With the removal of Item (M), Commissioner Hyde moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select-to-Pay for 9/22/09.
- (B) Order No. 65-2009, "In the Matter of Declaring Certain Personal Property Owned by Columbia County to be Surplus to the County's Needs and Directing the Disposal Thereof".
- (C) Resolution No. 66-2009, "In the Matter of Appointing a New Administrator of the Columbia County Ambulance Service Ordinance".
- (D) Appoint Laney Coulter and Dana Pearman to the Commission on Children & Families for a (4) year term.
- (E) Ratify approval for Janet Wright to submit application and attend the Emergency Management Institute Advanced PIO Course.
- (F) Adopt the Flood Mitigation Assistance and Hazard Mitigation Grant Program funding recommendations as described in the Unmet Needs Committee recommendations received 9/14/09.
- (G) Approve the request by the City of St. Helens for use of the Plaza for the month of October for Halloween activities.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (H) Amendment #1 to the IGA #3950 with Oregon Department of Corrections and authorize the Chair to sign.
- (I) Amendment #77 to the 2007-2009 IGA #119925 with DHS and authorize the Chair to sign.
- (J) Amendment #2 to the 2009-2011 IGA #127291 with DHS and authorize the Chair to sign.
- (K) Amendment #3 to the 2009-2011 IGA #127291 with DHS and authorize the Chair to sign.
- (L) Amendment #4 to the 2009-2011 IGA #129291 with DHS and authorize the Chair to sign.
- (M) License and Indemnity Agreement between Columbia Educational Service District and Columbia County. (***PULLED AND CARRIED OVER***)

The motion carried unanimously.

**COMMISSIONER BERNHARD COMMENTS:**

*The Board hosted the AOC District 7 meeting yesterday at the Elks Lodge. Discussion was held on common county issues, legislative activities, and general sharing of information.*

*On Sunday, she and her daughter participated in the Walk for the Cure in Portland, a fundraiser for the Susan Koman Breast Cancer Foundation. There were over 45,000 people who participated in this walk, which was very impressive. She heard that they raised about \$3 million.*

*She worked the City Club Sandwich booth at the Scappoose Sauerkraut Festival on Saturday. The city club made about 2,000 sandwiches. This is always a great event and even with the morning rain, there was a good turnout.*

Last week, she was present for the opening of the City of St. Helens bike bridge path. It looks very nice and is a great safety benefit for walkers and bike riders.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde commented on the AOC District 7 meeting held yesterday. Last year only 2 people showed up, this year around 25, so a good turnout. This is a good opportunity to talk about common issues with other counties.

On Friday, he attended an Oregon Business Commission meeting.

He attended an Oregon Solutions Team meeting last Thursday on the Vernonia School project, specifically the funding part of it. The school bond for Vernonia is coming up in November.

**COMMISSIONER FISHER COMMENTS:**

Commissioner Fisher spent some time this morning with Jennifer Cuellar-Smith, our new Finance Director.

He was very impressed at the AOC meeting yesterday with Lincoln County who has prioritized every position in the county so they are more aware if and when any budget cuts may need to be implemented. He would like to visit with them to discuss the process they used for this. They also have issues with their law enforcement funding and layoffs.



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He attended the AOC County College last week. He talked with Commissioners from Curry County who are also dealing with law enforcement issues. They have actually hired a consultant to look at how to deal with this. While there, the group visited the Oregon State Food Innovation class and the extremely interesting projects they are working on.

On Saturday he spent time at the Scappoose Sauerkraut Festival and the Kiwanis' 8<sup>th</sup> Annual Pig Feed in Clatskanie. Both great events.

Last night, he attended the Clatskanie PUD meeting. They will soon be moving to their new office site.

There was no Executive Session held.

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

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

Dated at St. Helens, Oregon this 23<sup>rd</sup> day of September, 2009.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

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

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Rita Bernhard, Chair

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

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Anthony Hyde, Commissioner

Recording Secretary:

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

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

Earl Fisher, Commissioner

Jan Greenhalgh, Board Secretary