

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

February 2, 2011

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Henry Heimuller, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

MINUTES:

Commissioner Heimuller moved and Commissioner Fisher seconded to approve the minutes of the January 18, 2011 Facilitated Meeting; January 25, 2011 Work Session; January 26, 2011 Board meeting; and January 26, 2011 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

*Thelma Bonar, 56734 Way Lane, Warren:* She is here today to request that the Board lower the bond fee for dissolving the hospital district. The Board will take that under advisement. On the subject of safety on Hwy 30, she would suggest reducing the speed limit in the Warren area.

*Tammy Maygra, 34319 Cannan Road, Deer Island:* She doesn't believe that the Commissioner's should be considering the "declaratory judgement" to lower the tax amount of the \$.38 for the Hospital District. There was a 73% vote to stop the tax and anything less than stopping the tax would be a slap in the face to the voters. She would urge the Board to not even consider that but follow the will of the people.

HEARING: AMEND ENFORCEMENT ORDINANCE - BUILDING CODE VIOLATIONS:

This is the time set for the public hearing on proposed Ordinance #2010-10, "In the Matter of Amending the Columbia County Enforcement Ordinance to Adopt Procedures for Enforcing Building Code Violations; to Add Certain Offenses Relating to Animals; and for General Housekeeping".

Robin summarized the purpose of this ordinance, which is to bring our code enforcement ordinance process into compliance with state law requirements.

Todd Dugdale, LDS Director, came before the Board to give the staff report. He stated that the proposed ordinance amends the County's Enforcement Ordinance primarily to comply with changes in state law. The amendments address three

subjects: new procedures for enforcing building code violations; addition of puppy mill law and other animal related offenses; and correction of scrivener's errors. After a more detailed review of the amendments, staff recommends the Board adopt Ordinance 2010-10.

The hearing was opened for public testimony.

***Jim Huffman, 52904 Cliff Drive, Scappoose:*** Being an attorney, he has had considerable amount of history with code enforcement issues. It has also cost him personally a great deal amount of money due to an out-of-control code enforcement officer. He explained his personal situation with the code issue and how codes were interpreted by the enforcement officer, as opposed to how it was meant. He would like to see the Board of Commissioners sit as the appeal officers for any code enforcement issues. Jim suggested that the Board not adopt today to allow the building community have some input on this.

***Thelma Bonar, 56734 Way Lane, Warren:*** She agrees with the policy and feels it's long overdue.

***Tammy Maygra, 34319 Cannan Road, Deer Island:*** Tammy commented on the fees and appeal process. Several years ago, a woman from Vernonia purchased a house and then was threatened by the County with fines and court action for something that the prior owner did. There should be something in this ordinance to safeguard those who, at no fault of their own, take on these types of problems. Each case should be addressed on a case-by-case basis.

With no further testimony coming before the Board, the hearing was closed for deliberation. Commissioner Heimuller stated that, in consideration the comments here today, he would not be opposed to carrying this over. Todd stated that this matter has not been specifically addressed with the builders but they are fully aware of the legislative part of it. Robin stated that most jurisdictions in Oregon have adopted a model ordinance from SB 915. The County doesn't have a hearings officer but may be something the Board can consider. Commissioner Hyde clarified that this ordinance is bringing the county into compliance with state law. Robin stated that this is specific to building code violations, all other violations go through the court system.

After discussion, Robin gave the first and second reading of Ordinance 2010-10 by title only and noted that it does include an emergency clause. With that, Commissioner Fisher moved and Commissioner Heimuller seconded to adopt Ordinance No. 2010-10, "In the Matter of Amending the Columbia County Enforcement Ordinance to Adopt Procedures for Enforcing Building Code Violations; to Add Certain Offenses Relating to Animals; and for General Housekeeping". The motion carried unanimously.

**ORDINANCE #2011-1: WEST OREGON ELECTRIC ZONE CHANGE/SDR:**

This is the time set for deliberations "In the Matter of the Application of West Oregon Electric for a Major Map Amendment and Zone Change from Rural Residential (RR-5) to Community Service - Utility (CS-U) and a Site Design Review to Allow for the Siting of an Electrical Power Substation".

Robin reviewed this application to date. The Board held a public hearing on January 12, 2011 after which the hearing was closed. Final arguments have been received by applicant and it is now time for deliberations. There has been one change to Condition #2(a) that adds the word "approximately" which more closely reflects the language from the Fire Chief. With that, Robin then gave the first and second reading of Ordinance No. 2011-1, by title only, noting that it does include an emergency clause. At this time, Commissioner Heimuller moved and Commissioner Fisher seconded to adopt Ordinance No. 2011-1, "In the Matter of the Application of West Oregon Electric for a Major Map Amendment and Zone Change from Rural Residential (RR-5) to Community Service - Utility (CS-U) and a Site Design Review to Allow for the Siting of an Electrical Power Substation". The motion carried unanimously.

**ORDINANCE #2011-2: REPEALING ORD #86-9 RELATING TO SIGNS ON COUNTY ROADS:**

This is the time set to consider Ordinance No. 2011-2, "In the Matter of Repealing Columbia County Amended Ordinance No. 86-9, Relating to Signs along County Roads".

Robin stated that it has been brought to the attention of the Board that there is a sign ordinance that is unconstitutional and should therefore be repealed. There are state statutes that address the placement of signs in the right-of-way which are fairly prohibitive. Robin then gave the first and second reading of Ordinance No. 2011-2 by title only and noted that the ordinance includes an emergency clause.

With that, Commissioner Fisher moved and Commissioner Heimuller seconded to adopt Ordinance No. 2011-2, "In the Matter of Repealing Columbia County Amended Ordinance No. 86-9, Relating to Signs along County Roads". The motion carried unanimously.

**CONSENT AGENDA:**

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

- (A) Ratify the Select to Pay for week of January 24, 2011.
- (B) Reappoint Rod Bennion, Rosemary Lohrke and Steve Scott to the

Transportation/Road Advisory Committee for a two (2) year term.

- (C) Reappoint Marie Gadotti to the Farm Use Board of Review, term to expire on 6/30/2012.
- (D) Reappoint Kathy Syrstad and Steve Reed to the 4H & Extension Service District Budget Committee.
- (E) Approve out-of-state travel for Lorraine Churchill during the week of March 28, 2011 to attend the WebEOC National Conference in Augusta, Georgia at the request of the Portland Urban Area Security Initiative (UASI) with travel costs to be reimbursed by Portland UASI.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (F) Irrevocable Instructions to Release Termination of Waiver of Remonstrance Held in Escrow and authorize the Chair to sign.
- (G) Amendment #5 to the Personal Services Contract by and between Columbia County and Oregon Realty Co., Inc.
- (H) ORMAP Intergovernmental Agreement #2468 with the Oregon Department of Revenue and authorize the Chair to sign.

The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde commented on a couple of programs he watched that talked about the growing problem of texting and driving and the number of accidents associated with that. We need to appeal to everyone, especially our kids, to put the phones down while driving.

He will be attending another meeting with the diking districts tomorrow to discuss the their levee certifications. We need to get past the FEMA regulation that has the potential hamper all of our industrial sites in the county. We need to be responsible for the safety of these dikes and see that they are certified, but they should not be unduly impacted.

On Monday, Commissioner Hyde had the pleasure of going to Georgia Pacific Wauna Mill to accept a check for \$50,000 for the Vernonia School project. This is the largest donation they have ever made and definitely reflects their interest.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher met with the Hwy 30 Traffic Safety Meeting. The committee sent an email to the school districts seeking help in finding a teen driver to sit on this committee.

On Monday, he hosted another Decision Maker meeting at the Extension Service office. This group is looking at government efficiencies and possible sharing of services.

He attended the School Board meeting in Clatskanie on Monday. They are also looking at ways to share services.

The Board attended the CEPA meeting yesterday.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller is amazed at the amount of team work in this county on a variety of issues and groups. Things like Georgia Pacific, whose mill is not even in our county, donating to the Vernonia School project. It makes a person feel good. The whole idea of working together has proven the very positive effects.

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 2<sup>nd</sup> day of February, 2011.

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

BOC Minutes

2/2/11

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parties

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

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

Anthony Hyde, Chair

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

Earl Fisher, Commissioner

Recording Secretary

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

Henry Heimuller, Commissioner

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

Jan Greenhalgh, Recording Secretary