

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

July 20, 2011

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde and Commissioner Henry Heimuller, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Fisher was not present.

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

MINUTES:

Commissioner Heimuller moved and Commissioner Hyde seconded to approve the minutes of the July 12, 2011 Work Session and July 13, 2011 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Evan Wickersham, Courthouse Union representative, presented the Board with a petition signed by 80% of the membership regarding the 10% cut to the employee wages. He understands that times are tough, but a 10% cut in wages is devastating to the employees. It is hard to understand why the Board is not using the reserve fund to eliminate the need for the wage cut. He explained how the reduction in wages will dramatically impact 50 county employees.

Karen Davis: She doesn't understand the Board because they have shown the employees no respect. To just dismiss the employees who work for them just inflames her. Her daughters, her granddaughters, her disabled husband, all live with her and this will make it very hard on all of them. The union voted and the Board didn't listen.

Josh Luttrell: He is a life time community member here in Columbia County and wants to raise his family here. They just had their second son and now finds the contract he was depending on isn't any good anymore. He now has to dip in to their savings just to make ends meet. He is asking the Board to do the same and use the county reserves.

Pam Benham, Courthouse Union President, wanted to add that she has personally been taking a 10% cut for the past two years and is now having to take another 10%. She asked the Board to please use the reserves to help the employees.

Commissioner Hyde wanted to say that anytime the Board has to consider furlough

days, wage cuts, etc., it is a very painful process and not something they take lightly. His wife is a teacher and has been cut back in hours and wages and the Board is taking the same cut as employees, so he knows the effects. The County is \$1.5 million upside down this year and next year is going to be worse, possibly \$2.5 million down.

Commissioner Heimuller stated that his wife is a 30 year federal employee and has now been cut back 50% this year, so he too knows and understands the effects of reduced income.

Jeff Smith: He has always given to United Way and that is now in jeopardy. He is very thankful that his sons are raised because it would be tough. With these cuts, he won't be able to give anymore.

Renee Gearman: She has been with the County 7 years and was the only female plans examiner and building inspector for over 6 years. She has already taken a 40% pay cut and had to bump her best friend. Her husband lost his job in November and now she has to take another 10% pay cut? She doesn't know they are going to make it. She asked that the Board look more closely at the effects on their employees.

The Board thanked all for their comments.

HEARING: APPEAL OF JOHN CROSLEY APPLICATION RDF 11-01:

This is the time set for the public hearing, "In the Matter of an Appeal of the Decision by the Land Development Services Director to Approve a Resource Dwelling in the Primary Forest Zone (Application No. RDF 11-01 - John Crosley) Subject to Conditions".

Robin gave the background on this application, which was approved by the LDS Director, with conditions. The applicant appealed that decision, although he did not state the basis for his appeal. On June 22, 2011, the Board took original jurisdiction to review the appeal and scheduled this hearing. The Board then declared no conflicts of interest. Robin then read the pre-hearing statement as required by ORS 197.763 and reviewed the hearing procedure. She entered County Counsel's hearing file into the record marked **Exhibit "1"** and noted the list of contents.

Glen Higgins, Chief Planner, came before the Board to review the 42 page staff report dated 7/13/11. By way of background, John Crosley obtained a building and septic permit in 1979 to construct a home on his 9.95 acre property bisected by Rock Creek.

According to the plot plan in the 1979 building file, the house was to be set back 18 feet from the creek with a deck protruding to just 8 feet from the creek. Inspection cards in the file show that the foundation forms were approved on 10/18/79 but that no work occurred after construction of the foundation. A note on the inspection card, dated 4/21/81, states "no work after foundation, permit expired".

Approximately 30 years later, work resumed on the abandoned foundation without permits. The partially completed house is framed, sheathed, roofed and most windows are installed. No permit was or has been issued for these improvements, done sometime

in 2009. A stop work order was posted on 4/5/11 and the applicant was notified that land use approval is required for the siting of dwellings in the forest zone prior to the issuance of building permits. The applicant followed through with an application for a dwelling in the Primary Forest Zone.

The property is eligible for the siting of one dwelling, according to both a State Measure 49 Home Site Authorization and Columbia County Zoning provisions for a Resource Dwelling in the Forest Zone. However, both approvals are subject to restrictions of activities for the protection of public health and safety. The old foundation and partially completed dwelling are located in an area designated as Flood Hazard Riparian Protection, and Wildlife & Game Habitat. As such, the LDS Director made an administrative decision to approve the application contingent upon 17 conditions listed in the final order of approval. The applicant is appealing that decision based three conditions of approval including the requirement that the partially completed dwelling be moved out of the riparian corridor boundary.

The applicant contends that the dwelling's location, within the Rock Creek riparian zone, does not violate public health and safety regulations and should therefore, be allowed to remain in its current location based on the approved Measure 49 Homesite Authorization. The applicant is not eligible for a riparian corridor setback variance pursuant to Section 1178 of the Zoning Code. Findings 1-3 of the staff report set forth an analysis of the Measure 49 Homesite Authorization as it pertains to the siting of the dwelling on the subject site. Staff recommends that the Board deny the appeal and approve RDF 11-01 with conditions as outlined in the Final Order dated June 2, 2011.

The hearing was opened for public testimony.

Ross Day, 12755 SW 69th, Portland, Oregon: He is the attorney representing the applicant. The LDS Director originally approved Mr. Crosley's application, with conditions. There are three conditions of approval that are the basis of this appeal - conditions 12,13, 14 & 15. For the record, he will at this time request that the record be left open for 14 days to allow the submittal of additional documentation.

Mr. Day also noted for the record that the applicant originally appealed the LDS Director's decision to the Planning Commission but the Board of Commissioners took jurisdiction over the appeal. The following conditions are being appealed:

Condition 12 - the Riparian Zone Condition that would require Mr. Crosley to relocate his dwelling. Mr. Crosley appeals this condition because Section 1170 of the CCZO was adopted after he acquired the property. This is important because, unless it can be shown that Section 1170 is subject to an exemption under Measure 49, the parties would be in agreement at this section should not be applied to Mr. Crosley's property.

Condition 13 - the Big Game Habitat Condition that would require Mr. Crosley to relocate his dwelling. It is difficult to understand why this condition is included in the order. During staff's presentation at the public hearing, they did not assert that Section 1190 of the CCZO was intended to be a "public health or safety" regulation.

Condition 14 - requires Mr. Crosley to submit a new site plan for relocating the single-family dwelling from the current location to another location on the property. The basis for this condition is the county's assertion that Section 1170 and Section 1190 of the CCZO is exempt from Measure 49's protections. As discussed, because conditions 12 and 13 should be removed from the order, so should this condition.

Condition 15 - which reads *"concurrent with building permits, the applicant shall apply for a floodplain development permit. The applicant shall submit a flood elevation certificate and all development shall be designed to confirm to the flood development standards of Section 1100 of the CCZO"*. Mr. Crosley reserves the right to argue that the requirements of the Columbia County Flood Hazard Overlay Zone are not "public health and safety regulations" exempt from Measure 49's protections. Nevertheless, assuming without conceding that the Flood Hazard Overlay Zone of the CCZO is applicable, the application and information submitted with the application demonstrates that this criteria has been met.

In addition to these arguments, Mr. Crosley has vested his right to complete the construction of his dwelling at its current locations, notwithstanding the requirements of the CCZO.

With no further testimony coming before the Board, the hearing was closed. Regarding the request to leave the record open, the applicant verbally waived the 150 day deadline. Commissioner Heimuller moved and Commissioner Hyde seconded to leave the record open and deliberate on this matter on August 10, 2011 at or after 10:00 a.m. The motion carried unanimously.

CONSENT AGENDA:

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

- (A) Ratify the Select to Pay for week of July 18, 2011.
- (B) Reappoint Tim Bero, James Lee and Bud Dow to the Upper Nehalem CPAC for a two year term.
- (C) Reappoint Sanna Ekstrom to the Scappoose-Spitzenburg CPAC for a two year term.

- (D) Approve the settlement with Metro West Ambulance, Inc., in the amount of \$17,500 for the 2005 Ford E-350 Champion, VIN #1FDWE35565HA24609 which was totaled in a motor vehicle accident occurring April 27, 2011, and authorize the Transit Administrator to sign the Vehicle Title transferring the vehicle to Metro West Ambulance, Inc.
- (E) Ratify Owner's Certification and Approval of Demolition at 1190 Fir Street, Vernonia, Oregon (Filburn) and authorize the Chair to sign.
- (F) Ratify Owner's Certification and Acceptance of Improvements at 1190 Fir Street, Vernonia, Oregon (Filburn) and authorize the Chair to sign.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (G) 2011-2013 Intergovernmental Agreement #134270 with DHS for the Financing of Community Development Disability Services and authorize the Chair to sign.
- (H) Amendment #2 to Community Development Block Grant D08029 with the Oregon Business Development Department and authorize the Chair to sign.
- (I) Amendment #1 to the Intergovernmental Agreement between Columbia County and the Oregon Department of Transportation for Community Corrections Work Crew.
- (J) Addendum #7 to Hazard Mitigation Grant Program, Project 2 Agreement DR-1733 for Management Costs and authorize the Chair to sign.
- (K) Amendment #1 to the Personal Services Contract by and between Columbia County and Helion Software, Inc.
- (L) Amendment #2 to the Personal Services Contact by and between Columbia County and Helion Software, Inc.
- (M) Intergovernmental Agreement #COL1113 with the Oregon Commission on Children & Families and authorize the Chair to sign.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde commented on the NACo Annual Conference which was hosted by Multnomah County this year. Commissioners, staff and others from around the country were in

attendance. There were some very important meetings held over a five day period. It was huge success and generated a lot of revenue for Oregon.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller reported on another very successful Columbia County Fair. He wants to personally thank everyone from staff, volunteers, sponsors and the public for making it all work. Although the fair is facing some tough times ahead, he is confident that the annual fair will continue.

He also commented on the NACo conference. It was a great opportunity to share information with others around the nation.

Commissioner Heimuller commented on the issues county employees are facing with the 10% cut. He understands the financial hardship because he and his wife are in the same situation. He stated that the Board is committed to doing what they can to turn this around. At the recent NACo conference, they heard from a county that has cut their work force by 50%. This is a hard time for all of us.

COMMISSIONER FISHER COMMENTS:

Not present.

EXECUTIVE SESSION UNDER ORS 192.660(2)(d) - BARGAINING:

The Executive Session was not held.

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

Dated at St. Helens, Oregon, this 20th day of July, 2011.

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: _____ Not Present

Earl Fisher, Commissioner

BOC Minutes

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Recording Secretary

By: _____

Henry Heimuller, Commissioner

By: _____

Jan Greenhalgh, Recording Secretary