

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

October 10, 2012

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 October 3, 2012 Board meeting and October 3, 2012 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None.

HEARING: SAM JAURON APPLICATION FOR A PROPERTY LINE ADJUSTMENT:

This is the time set for the public hearing, "In the Matter of an Application by Sam & Joanna Jauron for a Property Line Adjustment of Two 2-Acre Parcels Created Under Measure 49".

With regards to exparte contact, Commissioner Fisher stated that he had a short conversation with Mr. Jauron on this matter about 6 weeks ago and stated the content of

that conversation. There was no response or rebuttal from the audience to that conversation.

Robin then read the pre-hearing statement into the record as required by ORS 197.763. Afterwards, she entered the following into the record: County Counsel's hearing file, including the list of all contents, marked **Exhibit "1"**; a letter from the Oregon Department of Land Conservation and Development, dated 10/9/12, marked **Exhibit "2"**; and a binder of materials submitted by the applicant, dated 10/9/12, marked **Exhibit "3"**. Robin then reviewed the hearing procedures to be followed.

Glen Higgins, Chief Planner, came before the Board to give the staff report. He entered into the record a zoning map of the subject property, marked **Exhibit "4"**. Glen went through the staff report in some detail explaining the allowed minimum and maximum lot sizes. Based on the findings included in the Staff Report, staff recommends denial of PLA 13-02 and PLA 13-03.

Commissioner Heimuller addressed the 80 acre parcel was always undersized and there are already laws that won't allow these properties to be divided more - so what is the intent of staff to deny this application - what does staff feel would happen on those parcels that wouldn't happen otherwise. Glen stated that each parcel will be owned separately and it is unknown who will purchase these lots in the future and/or what they would do with their property. It is better to retain the property as forest use.

The hearing was opened for public testimony.

PROPONENTS:

Agnes Thompson Petersen, was here to day to represent the applicant. She mentioned that her parents worked with the applicants parents back in the 40's and Agnes has known the Jaurons all of her life. She pointed out the Jauron family has owned this property since 1924 and Priscilla Jauron doesn't want to wait until she has passed on to see this property go to her children. Agnes introduced many of the family members that

were present here today and those here in spirit. She first wanted to correct staff who stated that this property has always been a PF-80 parcel. She referred to county map (Exhibit D) already in the record showing that the property was originally FA-19 in the Comp Plan, not PF-80. The Peterson's have been working with the Jauron's on this issue since 2006 and tried many times to explain to the planning department that this property was always FA-19. The reason this is important is that this is what was intended all along to give the property to each of her children. Ms. Jauron complied with the rules of Measure 37 and Measure 49 and when M49 was over and she obtained her permit and then asked the children where they wanted their properties. Agnes then submitted into the record, a three page letter from the Oregonians in Action dated 10/9/12, marked **Exhibit "5"**, which states that this is an application. Agnes then discussed lot line adjustments which had historically been allowed in Oregon when M49 passed. The law did not state that you could not do a lot line adjustment in connection with a piece that is allowed by M49. Anges noted that with all the notices that were sent out to neighboring property owners, there has not be one objection.

Diane Dillard, 124 N. 2nd, St. Helens: Diane is fully in support of this application for a property line adjustment. She (and Sandy) have been friends of the Jauron's for many, many years. She personally can attest that the Jauron family is an honest family, they are very hard working, long term families, and people that love their property. Diane is also a woodland owner and knows that you can manage small woodlands as well as larger ones. The Jauron's are not asking for anything out of line - Pat Jauron is simply wanting to give her children some land to build their homes on. Diane encouraged the Board to approve this appliation.

K.C. VanNatta, 24255 VanNatta Road, Rainier: Agnes entered Mr. VanNatta's biography into the record marked **Exhibit "6"**. He has been a member of the Small Woodlands

Association since 1968. They help people with small acres manage their timberlands. K.C. referred to the maps in the records, showing the 19 acres broken down into 3 parcels which he believes would be quite manageable with today's equipment. If the boundaries are left the way they currently are, it would be harder to manage. It's very important for loggers to have defined property lines. He noted, from personal experience, that if the owner lives on the property, he will work that property harder than someone who lives somewhere else. He supports this application and recommends that to the Board of Commissioners.

Sam Jauron, 32568 Brooks Road, St. Helens: He has lived on this property for 24 years and obtained it from his parents who had it for many years prior to that. At that time, it was zoned FA-19. Agnes has worked with the family on the Measure 37 filing and then again with the Measure 49. County staff has been aware of what the family has wanted to do with the property for years, so this is not something new - not a big surprise. His family loves this property and there is no intention by any of the family to split the property up or log it. They just want to build a home on this property.

Tom Souther, 32549 Cater Road, Scappoose: He has lived on this property for 23 years and had been awarded this property in a divorce settlement agreement. He needs this property divided because he owes his exwife Susan Jauron \$100,000. He lived in the Goble area all of his life until he married Susan and then moved up to the Jauron property on Cater Road. If he gets title to this property, he will be leaving it to the Jauron family should something happen to him. Agnes submitted a petition of supporters for this application, marked "Exhibit 7".

Al Petersen, 101 St. Helens Street, St. Helens: Al first addressed his copy of the county staff report, which contains the changes he made. He then addressed State Law and

explained that the legislators created Measure 37 and Measure 49 but they did not address how they were to be administered - silence in the law means "consent".

Measure 49 did not address lot line adjustments. Mr. Hunnicutt was involved in the creation of Measure 49 and how to administer it, so he is fully aware of the law. He states in his letter (Exhibit "5"), that the subject parcels were created in accordance with the applicable requirements of Measure 49. Al stated that there is nothing in M37 or M49 that addresses lot line adjustments and the actual text is included in his submittal. Al then went through the staff report and more details on both Measure 37 and Measure 49 and that parcels created under M49 are non-conforming lots. Staff failed to mention a very important part of the M49 law, which is..."ORS 195.310(7) the legal status of the parcels created under this law automatically become legal non-conforming lots, with all the rights given to legal non-conforming lots, under the law. Therefore, under the law, legal non- conforming lots can do lot line adjustments.

Al stated that the minutes of the 8/1/12 Commissioners Staff meeting wherein this matter was discussed, should have been included in the record. Robin agreed and will have those minutes added to the record, marked **Exhibit "8"**.

Al continued through the staff report, noting his changes and more on Measure 49, the law and the intent. He referred to three very similar cases in Yamhill County where the County did just what the Jauron's are asking. When he spoke to the Yamhill County Planning Department, they said these are just a matter of course. So he doesn't understand why Columbia County seems to think they can't do this.

On a side note, Al wanted to comment on how disappointing it is to him, as an architect, that there are a lot of historic buildings around the county - examples are Warren Grange originally built as the McNulty School and the Bachelor Flat School, built many years ago

and more less the same design. Years later, we have all of these zoning rules and these types of buildings cannot be used for original use because of all the rules. There are too many restrictions that have really screwed things up.

Commissioner Heimuller asked if it was known when the zoning was changed from FA-19 to PA-80. Agnes believes that was 2010. Commissioner Heimuller would like to see confirmation on that. Further, Commissioner Heimuller asked that Al provide information on the Yamhill cases he referred to and that those cases are not currently being challenged by LUBA.

Agnes wanted to close her comments on behalf of George Jauron who passed away this past June. Her office prepared his will, which is an exhibit in the record of this hearing. George's daughter who is in stationed in Louisiana, sent Agnes a letter stated that once her husbands tour is over, they plan to move back to Columbia County and live on her great grandparents property.

OPPONENTS:

None.

REBUTTAL:

None needed.

With that, the hearing was closed. After some discussion, Commissioner Fisher moved and Commissioner Heimuller seconded to close the hearing to oral testimony, leave the record open to 10/17/12, then 10/24/12 to allow for rebuttal and 10/31/12 for final

argument. The Board will then deliberate on November 7, 2012, at or after 10:00 a.m. The motion carried unanimously.

DELIBERATIONS: KRISTEN DREYER VARIANCE TO KENNEL SETBACK & CUP:

This is the time set for deliberations “In the Matter of the Application of Kristen Dreyer for a Major Variance to Kennel Setback Standard (V 12-01) and for a Conditionally Permitted Home Occupation in the Primary Forest (PF-80) Zone”.

Commissioner Heimuller wanted the opportunity to visit the site before taking final action on this application. After a brief discussion, Commissioner Fisher moved and Commissioner Heimuller seconded to reopen the record on this matter to allow the Board to visit the kennel site. The motion carried unanimously.

Glen Higgins noted that the applicant has approved a waiver of the 150 Rule so that will allow some additional time for deliberations. With that, Commissioner Fisher moved and Commissioner Heimuller seconded to carry over deliberations to October 17, 2012 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 Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for week of 10/1/12.
- (B) Approve Personnel Action for Jennifer Cueller.

- (C) Order No. 45-2012, "In the Matter of Modifying the Furlough Schedule for Fiscal Year 2012-13".
- (D) Resolution No. 46-2012, "In the Matter of Authorizing a Supplemental Budget Appropriation for Fiscal Year 2012-13".
- (E) Resolution No. 47-2012, "In the Matter of the Authorization of Interfund Loans to Close FY 2011-12 Fund Short Falls".
- (F) Appoint Inky Aulenbacher to the Columbia County Museum Association.
- (G) Public Road Event Permit for Columbia River Run - November 10, 2012.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Indemnity Agreement with Columbia County Rotary for Columbia River Run.
- (I) Property Donation Agreement with Knife River Corporation for the Columbia County Firearms Range Property.
- (J) Amendment #12 to the 2011-2013 IGA #134305 with DHS and authorize the Chair to sign.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

No comments.

COMMISSIONER FISHER COMMENTS:

No comments.

COMMISSIONER HEIMULLER COMMENTS:

No comments.

The Board recessed the meeting and reconvened at 12:00 p.m. in the Annex Meeting Room to meet with the County Parks Advisory Committee.

MEETING WITH PARKS ADVISORY COMMITTEE:

Those present were: Commissioner Hyde, Commissioner Fisher, Commissioner Heimuller, along with Dave Hill, Chuck Parks, Bill Eagle, Bill Goodwin, Cathryn Hammond, Rory Hammond, Glen Crinklaw, Teresa Golson, Stephanie Klepel, Linda Salle and Tim Ohling. Discussion was held on Dibble Point, the Parks budget, Prescott Beach Park and Camp Wilkerson. This was discussion only and no action was taken by the Board.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 10th October, 2012.

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

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

BOC Minutes

10/10/12

Page 10

By: _____

Anthony Hyde, Chair

By: _____

Earl Fisher, Commissioner

Recording Secretary:

By: _____

By: _____

Henry Heimuller, Commissioner

Jan Greenhalgh