

COLUMBIA COUNTY BOARD OF COMMISSIONERS

BOARD MEETING

MINUTES

July 24, 2019

The Columbia County Board of Commissioners met in scheduled session with Commissioner Henry Heimuller, Commissioner Margaret Magruder and Commissioner Alex Tardif, together with Tiffany Johnson, Assistant County Counsel, and Jacyn Normine, Board Office Specialist

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

MINUTES

Commissioner Tardif moved and Commissioner Magruder seconded to approve the minutes of the July 10, 2019 Board meeting and July 10, 2019 Work Session. The motion carried unanimously.

VISITORS:

Chris Brumbles, 67251 Maple Crest Rd. Deer Island, OR. He was at the Fair on July 19th gathering signatures to recall Kate Brown and the Second Amendment Sanctuary Ordinance. He was approached by two Fair Board members telling him that he was not allowed to gather signatures at the location that he was at and explained there was a place on the other side of the fair grounds for this. Mr. Brumbles asked if this would be something like a free speech zone. When he was told yes, he informed the fair board member that we are in the United States of America and wherever he is standing in the fairgrounds is a free speech zone. Mr. Brumbles' friend Bill Meyer, at another location of the fairgrounds also collecting signatures, was approached and asked to stop or move to the appropriate location. When the security guard noticed that Mr. Meyer also had an open carry, Mr. Meyer was asked to unload his hand gun. Mr. Myer has a CHL and when asked to unload his hand gun or show his CHL, Mr. Brumbles stepped in and informed the security guard that the CHL by law is not required to show and it is unsafe to unload a hand gun in public and quoted ordinances to the security guard. Mr. Brumble felt that he was insulted and harassed by the fair board, adding that this is not Portland and he doesn't want to live in Portland.

Commissioner Magruder asked which gate he was located at, Mr. Brumbles responded that he was by the Rodeo 12 to 15 feet back from the gate and Mr. Meyer was by an outside gate.

HEARING:

This is the time set for the public hearing, "In the Matter of Appeals of Administrative Decisions by Land Development Services Director for Building Permit No. 92-19-000377-MD and Residential Electrical Permit No. 192-000602-ELEC for Space 10 of the Deer Pointe Meadows Mobile Home Park.

Tiffany Johnson, Assistant County Counsel: Gave a brief background for this hearing. With no ex parte contacts or conflict of interest by the Board of Commissioners, Tiffany read the pre hearing statement and introduced into the record exhibit 1. Exhibit 1 contains a Staff report dated 07.10.19 and 07.15.19 and letter from Timothy Ramis dated 07.23.19.

Matt Laird, Columbia County Planning Manager: Presented staff report and based on the findings and facts of this staff report for the appeal of Building Permit 192-19-000377-MD, recommends the Columbia County Board of Commissioners approve the building permit allowing the placement of a manufactured dwelling in space 10 of the Deer Pointe Meadows Mobile Home Park.

Additionally, based on the findings and facts of this staff report for the appeal of Electrical Permit 192-19000602-ELEC, recommends the Columbia County Board of Commissioners approve the electrical permit allowing repairs to be made to an existing electrical service in space 10 of the Deer Pointe Meadows Mobile Home Park.

The hearing was opened for public testimony.

Tim Ramis, 2 Center Point Dr., Lake Oswego, 97035. Tim Ramis represents Deer Pointe Meadows Mobile Home Park. Mr. Ramis thanked the Commissioners for taking the time to hear this case, it is important to all of us to get your judgment and wisdom on this matter, it is not just one space in danger there are thirteen mobile home park spaces in danger causing potentially a loss of affordable housing within the county.

The specific question on the appeal is that did they make a mistake by issuing 2 permits? Fundamentally this is the question that the appellant is asking. Their view of these issues have been very thoughtfully under taken, the issues raised have been dealt with extreme detail, and the staff has done a commendable job. The argument of the analysis is that we agree with substantive part of the analysis and the issuance on the permits. We are quite prepared to defend that analysis legally if called upon to do so, therefore endorse it in all of its particulars.

We would like to request today to have a tentative decision and have a final set of findings prepared. In the event that you find this favorable to the position to the staff, we ask that decision be tentative and there be some time available for us to consult with staff on the construction of the findings.

OPPOSITION:

Andrew Stamp, 4248 Gale Wood Street, Lake Oswego, OR. 97035 representing the appellant Don Campbell. Mr. Stamp asked the record stay open, he would like additional time to respond to testimony that was entered into the record on 07.23.19 and to further review the staff report that he received on 07.23.19. Entered into the record as exhibit 1.

Mr. Stamp addressed the Staff findings on page 6 and he finds that this is a little confusing because the staff report spends 4 pages talking about why the building and electrical permits were not land use decisions. He finds this odd since we are having a land use proceeding and he thought that question had already been decided. Mr. Stamp wanted to note that the County Counsel disagrees with staff on that question, County Counsel and Mr. Ramis have represented to LUBA that the proper time to have a land use decision was at the time of the issuance of the building permit for space, such as space 10.

On page 9 of the staff report, staff cites ORS 215.130 and says "a county shall not place conditions upon the continuation or alteration of use described under this subsection when necessary to comply with state or local health." Mr. Stamp argues that this provision is not applicable. Space 10 was voluntarily discontinued in June 2017, the reason he knows this, is his client Don Campbell helped knock the structure down. Under Oregon Land Use Law once you knock down a structure you have one year to start re-construction on the property without discontinuing construction for more than a year. Mr. Strom did not apply for a building permit until March 2019 causing a discontinuance.

The Mobile Home Park is not being considered as a whole, these spaces are being addressed individually. The park holds 46 units and there was an order placed by Todd Dugdale stating that 13 spaces including space 10 could not be used while the septic system was being repaired starting February 22, 2017. The DEQ extension request was made in September while the appeal period was still being adjudicated. Their extension request had nothing to do with Mr. Campbell's appeal, it had everything to do with they had not completed their engineering drawings. Mr. Campbell's appeal only took 5 months leaving 3 months for them to work on the septic system.

The second argument that Mr. Stamp would like to address is there was no intent to abandon the use of space 10 by Mr. Strom. That is a good argument until you read LUBA case law and realize that LUBA and the court of appeals have already said that intent does not matter. Saying that Mr. Strom had no intent to abandon is irrelevant.

Discussion on ORS 446095 which requires a park owner to have well drained and hard surface park street with a least 20 feet in width, staff admits that there are no nonconforming use rights associated with this statute for this park.

He will submit written testimony in response to Mr. Ramis letter.

Don Campbell, 75735 Price Road, Rainier: The uniform fire code has been in place since 93 with revisions in 94 and 2014. This has been left out of the staff report.

Nobody can supply him with a sign off of fire protection for Deer Meadows mobile Home Park. The fire safety has required since before the expansion in 1996, now requiring 2 fire exits. When adding new dwellings a new fire code needs to be signed off.

Land use does not have a procedures. Staff knows there is a safety issue and are side stepping the problem.

REBUTEL:

Tim Ramis, on behalf of the applicant. Would like to focus on two fundamental questions:

First is this the right policy that could affect 13 sites?

Second how you choose to interpret land use laws for non-conforming use.

His view on Andrew Stamp's argument is that he left out the most critical ORS 829 focus on this ORS.

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

Commissioner Tardif requested that we keep the record open for written testimony to close the on 08.07.19, rebuttal on 08.14.19 and continue deliberations on 08.21.19

CONSENT AGENDA:

Commissioner Heimuller read the consent agenda in full. Item D has been pulled for further discussion, Item N has been pulled for incomplete information, Commissioner Magruder moved and Commissioner Tardif seconded to approve the consent agenda as follows:

- A. Ratify the Select to Pay for 07.15.19 and 07.22.19.
- B. Approve Out-of-State Travel for Kathleen Boutin-Pasterz to attend Household Hazardous Waste Conference in Denver, CO, on 9/14-9/21, 2019.
- C. 2019 Social Gaming License for the St. Helens Moose Lodge #591.
- D. Authorize the District Attorney to fill the vacant position of Department Secretary.(PULLED FOR DISCUSSION)
- E. Order No. 38-2019, "In the Matter of the Vacation of a Portion of Pine Avenue near Scappoose in Columbia County, Oregon".
- F. Dedication Deed to the City of Scappoose for Right of way on JP West Road and authorize the Chair to sign.
- G. Order No. 45-2019 In the Matter of Conveying Certain Real Property in Clatskanie, Oregon, to Jorge Ramirez Palacios, Tax Map ID No. 7N4W08-BD-01601 and Tax Account No. 25749
- H. Quitclaim Deed – Columbia County to Jorge Ramirez Palacios, Tax Map ID No. 7N4W08-BD-01601 and Tax Account No. 25749, authorize Chair to sign and record with Columbia County's Clerk's Office
- I. Order No. 47-2019 In the Matter of Conveying Certain Real Property in Scappoose, Oregon, to Loren and Desenia Goodwin, Tax Map ID No. 4N2W20-00-00800 and Tax Account No. 8569
- J. Quitclaim Deed – Columbia County to Loren and Desenia Goodwin, Tax Map ID No. 4N2W20-00-00800 and Tax Account No. 8569, authorize Chair to sign and record with Columbia County Clerk's Office.

- K. Order No. 64-2019, In the Matter of Conveying an Easement to the Columbia River People's Utility District for the Use of a Portion of Certain County-Owned Real Property Identified as Tax Map ID No. 4N2W-100-3500
- L. Order No. 65-2019, In the Matter of Conveying an Easement to the Columbia River People's Utility District for the Use of a Portion of Certain County-Owned Real Property Identified as Tax Map ID No. 4N2W-100-3600

AGREEMENTS/CONTRACTS/AMENDMENTS:

- M. C109-2019 – Personal Services Contract for Assessment and Taxation Software Services.
- N. C110-2019-1 – Amendment #1 to RCTP Investment Agreement with CCET.(PULLED-INCOMPLETE INFORMATION)
- O. Approve corrected C112-2019 – Collective Bargaining Agreement with FOPPO, to correct the Salary Range Schedule.
- P. C120-2019 - Amendment No. 1 to Intergovernmental Agreement No. 11088 with the Oregon Department of Education, Youth Development Division and authorize the Chair to sign.
- Q. C121-2019 - Public Services Contract with Temp-Control Mechanical Service Corp for Environmental Systems Maintenance.
- R. Utility Easement Agreement with the Columbia River People's Utility District for Property at Sykes Road and Kappler Road (Tax Map ID 4020100-3500) and authorize Chair to sign.
- S. Utility Easement Agreement with Columbia River People's Utility District for Property on Sykes Road (Tax Map ID 4020100-3600) and authorize Chair to sign.

The motion carried unanimously.

COMMISSIONER MAGRUDER COMMENTS:

Commissioner Magruder had a great time at the 2019 Columbia County Fair and Rodeo. The Youth Auction had a great amount of support the 4H and FFA brought out over 100 head of livestock. The county was very well supported at this auction.

July 24th at 6:30 pm at the Clatskanie Cultural Center there will be a DEQ hearing about Global Partners.

On July 25th at 6:30 pm also in the Clatskanie Cultural Center is an open house on Next Energy potential renewable diesel site at Port West.

COMMISSIONER TARDIF COMMENTS:

Commissioner Tardif said that there was a ton of great things happening this week.

Alex had the opportunity to tour the Unity Behavioral Health Center in Portland last weekend.

Next weekend he will be touring with the DA and the Executive Director for Columbia Community Mental Health other Behavioral Health Respite Centers in Grants Pass, Klamath Falls, John Day, and back to Columbia County. 975 miles of Oregon pavement. He is looking at how we can create Regional Crisis Respite Center here in Columbia County. They are going to look at some of the best models in the state to see how feasible it will be and how to move forward.

COMMISSIONER HEIMULLER COMMENTS:

Commissioner Heimuller talked about the Fair and Rodeo this year and thanked the other Commissioners for being there to support the fair, all the committee, and boards. The fair is run on limited funds so the great sponsors, the plant sale, vendors, auction, and many volunteers make the fair work.

He talked about the 4H Auction and how well the 4H members did, the money that they raise from their auction goes into their college funds.

After 28 years of dedication Jan Greenhalgh is retiring today. She will be greatly missed.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 24th day of July, 2019.

NOTE: An audio of the meeting is also posted on our website at www.co.columbia.or.us.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____
Henry Heimuller, Chair

By: _____
Margaret Magruder, Commissioner

By: _____
Alex Tardif, Commissioner

By: _____
Jacyn Normine
Board Office Specialist