

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
WORK SESSION

MINUTES  
July 22, 2003

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia, Commissioner Anthony Hyde, and Commissioner Rita Bernhard, together with Sarah Tyson, Assistant County Counsel, and Janet Wright, Board Assistant.

**DAVE HILL: BEAVER FALLS ENHANCEMENT PROJECT**

Dave Hill, Public Works Director, spoke of the transportation enhancement program grant to complete some enhancement work on Beaver Falls Road at the falls.

Part of the enhancement project was to perform reinforcement work on the bridges in that area. However, through the HBBR program, five bridges in the area are scheduled for replacement in the next few years, so Dave now recommends that the enhancement project be delayed until the bridge replacement is completed, negating the necessity of spending money on the reinforcement work. He has received a letter from the State encouraging the delay of the project and confirming that there would be no penalty to the County by this delay.

With regard to cleaning up the park, the cars have already been removed and volunteers will be picking up the smaller debris this weekend. The enhancement project will include the installation of fencing at the viewing area of the falls for safety reasons.

Commissioner Hyde questions whether, during the delay, a trail down to the base of the falls could be put in, along with the fencing and other safety measures, and recommends a press release. Dave responded that the Parks Department did not have the \$5,000 for fencing. The Road crew could put in the trail in two days or less with a little excavator, but funds to pay for the Road crew and excavator time would need to be found. Commissioner Hyde suggested looking into using some of the bike trail enhancement money. He believes that safety improvements, including a trail to the base of the falls, should be undertaken now.

Dave will put together a press release for Board approval.

**JEAN RIPA: VOLUNTEERS & WORKERS COMPENSATION INSURANCE**

Jean stated that the recent incident where a volunteer with the Asbury Task Force suffered an allergic reaction has prompted her to approach the Board about a formal volunteer policy. Currently, the County covers certain volunteers under a special rider to the County's workers comp policy. However, this coverage does not cover Task Force members, various commissions or committees.

Commissioner Corsiglia stated that the City of St. Helens required the Department Head to track the names and hours worked for all volunteers. Providing workers comp coverage for them did not cost

that much and, ultimately, might be cheaper than the County having to pay individual claims when presented. Jean agrees that providing workers comp coverage would limit the County's liability.

Jean stated that having Department Heads take the responsibility of officially appointing volunteers and tracking their time would solve any question about whether the person was an official volunteer as opposed to a citizen interested in some County issue.

Commissioner Corsiglia remarked that there are County boards and committees made up of volunteers who are in our building and functioning on our behalf without pay. There is often talk about what we can do for them. Perhaps it would be best for these volunteers and the County to provide coverage and some distance from liability.

Jean indicated that there is a fine dividing line with this issue. If Human Resources is involved, there is a risk that volunteers will think they are employees. In situations where a volunteer is doing the work of an otherwise paid employee, those tend to be covered fairly well. The risk is with the volunteers who do work that the County does not otherwise hire someone to do. Jean believes that, after she can figure out the number of such volunteers and hours worked, the Board will need to decide on a policy, perhaps along the lines that all department heads will be responsible for officially tracking volunteers, recording all time and turning it in on time.

Jean stated that the premium is based on \$100 of payroll pay. Since a volunteer is not paid, they use an artificial amount to figure out the payroll based on how many hours they have worked.

Commissioner Hyde questions the need to cover volunteers, such as the Planning Commission who meet in the Courthouse, since they would be covered under a different type of insurance if they were hurt in the Courthouse. He believes that a line needs to be drawn somewhere about what's affordable and what's not – the County cannot be responsible for all civic involvement. However, when there are people running power tools, or involved in the Adopt-A-Road program, it is reasonable to insure them. But insuring all the boards, commissions and panels that are appointed is too subjective and opens the door.

Commissioner Corsiglia indicated that more investigation is needed. Commissioner Hyde confirmed that he is interested in limiting the County's liability, but if a department takes on a project that involves volunteers, any coverage should come out of that department's budget. For instance, the Fair should be covering their volunteers and it should be written into their budget.

Jean recommended that she proceed to verify that the Fair is tracking its volunteers and that we're paying for those, send out a survey to department heads on volunteers, and survey a few of our comparable counties to see if anybody has a volunteer policy.

With regard to the specific incident of the allergic reaction, Commissioner Corsiglia did talk with Peggy Crisp and sent her to Sarah. He feels the County needs to understand what happened.

Sarah Tyson, Assistant County Counsel, believes there needs to be some kind of system where the County can control what volunteers or interested citizens are doing, as opposed to the volunteer telling the County what it is they are doing.

Dave Hill, Public Works Director, stated that when volunteers do these kinds of clean-up things or whatever, they do have a volunteer form. Its more of the Task-Force-type things where they're kind of doing their own thing.

Jean indicated that, with a Task Force, the Board may want to have a very defined "charge" of the work to be performed. Commissioner Corsiglia feels the good part is giving more structure to what they're doing out there. Jean will come back before the Board when she has some information.

Jean also stated that if Peggy Crisp files a claim, she will send it off to SAIF for their determination.

Dave Hill questions whether, in the meantime, the volunteer form should be applied to all the task force people at Asbury. Commissioner Hyde believes it would be nice to develop a form that all the departments can use.

#### **EXECUTIVE SESSION UNDER ORS 192.660(1)(h) - PENDING LITIGATION**

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(h). Upon coming out of Executive Session, Commissioner Corsiglia moved and Commissioner Bernhard seconded authorizing the hiring of attorney Mike Lilly to proceed with filing litigation to answer the question of the ownership of articles contained in both the St. Helens and Vernonia Museums. The motion carried unanimously.

With that, the Board returned to regular session.

#### **LEWIS & CLARK EXCURSION TRAIN**

Commissioner Corsiglia questions whether the Board should discuss the Resolution asking that the Lewis & Clark excursion train make a stop in St. Helens and Rainier. Commissioner Hyde stated he would review his research and see if he can make the draft Resolution form fit this situation. Commissioner Corsiglia believes it would be ideal to ask that systems be set up through SKAT and Metro West which would accommodate gatherings - a group of seniors or school kids and coordinating group tours from our end to make it a better situation.

Commissioner Hyde suggested that skipping the part that says "be it resolved that the Columbia County Board of Commissioners hereby respectfully requests that tour trained owners and operators seek opportunities to provide local access to outbound and return rail services within Columbia County" and just say "local access" probably says enough. And "that all Columbia and Clatsop schools be contacted to offer opportunity to include this limited rail service" would be fine. Somewhere in there we should also say that "the Board of Commissioners commence working with both state and federal and owners to make this happen". In other words, that we are willing to work with them.

Commissioner Corsiglia felt there was a chance for this to happen with a platform in St. Helens actually dedicated to this stop, and the requirement that it stop in Rainier because of the funding on both sides of the river - there's actually some kind of federal requirement that they do that.

Commissioner Bernhard supports this avenue as long as it is approached as a cooperative deal rather than a demand.

Commissioner Corsiglia indicated that the Board would now recess and reconvene for a 6:00 p.m. hearing at the Vernonia for taking testimony on the Goal 5 process.

***The Columbia County Board of Commissioners reconvened the meeting for a special session held at the City of Vernonia City Hall with Commissioner Joe Corsiglia, Commissioner Rita Bernhard and Commissioner Anthony Hyde, together with Sarah Tyson, Assistant County Counsel, Todd Dugdale, LDS Director, Glen Higgins, LDS Chief Planner, and Kathy MacNeill, LDS Office Specialist.***

Audience members: James Karr, Roger Grimsrud, Gayle Lee, Jim Lee, Susan Goodhope, Dan Webb, Kathleen Worman, Ray Pohl, Diane Pohl.

Commissioner Corsiglia called the meeting to order at 6:00 p.m. as a continuance of their work session meeting earlier in the day. Audience joined the Board in saying the Pledge of Allegiance.

**PUBLIC HEARING: GOAL 5 SENSITIVE LANDS:**

As scheduled, the public hearing, "In the Matter of Amending the Columbia County Comprehensive Plan and Zoning Ordinance Under Periodic Review Work Program Task IV, Goal 5 Sensitive Lands, and as a Post Acknowledgment Plan Amendment," was held.

Sarah Tyson noted that the amendments will be two separate ordinances for adoption at the Board level. The Big Game Habitat and Historical/Cultural Resources will be done as a Post Acknowledgment Plan Amendment, Ordinance 2003-6. All other amendments will be dealt with in Ordinance 2003-5. Copies of the draft are available.

The public hearing was opened at 6:05 p.m.

Todd Dugdale gave a brief introduction of the Goal 5 proposed amendments. The County is proposing to go with the state prescribed minimum standards for protecting natural resources. The resources being addressed in these amendments for Columbia County are wetlands, riparian areas, threatened and endangered species, sensitive lands, natural areas, fish and wildlife, and historical and cultural resources. For the most part, these will follow the State's Safe Harbor standards. The amendments will not change permitted uses in the zone. Some of these rules are already in effect and are in state rules and now are just being incorporated into our code. An example of that would be the stream setbacks requirements of the state which we now follow. The streams are identified in an inventory. The amendments will eliminate the Big Game Habitat density standard. Testimony

received in prior hearings has had significant impact on the proposed amendments and revisions have been made to reflect this. There is a significant section on a variance to allow for flexibility.

Glen Higgins was asked by Todd to address two questions from a previous meeting in Clatskanie. One, can a jurisdiction inventory the wetlands or riparian areas for a particular stream segment using a hybrid approach - in other words, use some Safe Harbor regulations and also do an individual ESSE inventory on that particular section of the stream? Can we do that now during our Periodic Review Program? Second, after we've adopted this Safe Harbor approach which we are proposing to adopt, could a particular property owner change the designation of the property as far as the Safe Harbor approach? Could they change what the setbacks were and amend that inventory? The answer to both questions is yes. The state has been very flexible in that if we adopt a standard setback on every stream, every stream is not the same, every particular property is not the same. There may be natural features on a property where the standard setback is not applicable or very well suited for either the protection of a resource or a particular land development. In those cases, again, we could do an in-depth analysis to re-inventory through the Oregon Administrative Rules, look at each analysis, make a decision and propose an alternate protection measure based on the inventory and analysis that's done on that particular stream section.

The hearing was opened for testimony from the audience.

**Jim Carr, PO Box 36, Forest Grove, Oregon.** (Owns property in the Birkenfeld area.) Wanted to know why rural people had to do all of this and the cities don't, and why do we keep doing this? He felt that the cities are held to a different standard than the rural lands. He also stated that he appreciated that this process is relaxing some of the restrictions.

Commissioner Hyde responded that we have no jurisdiction over the cities, the cities are mandated to do exactly what we are doing, and we're not doing this - we are simply complying with state statutes. This is not being County driven. He also stated that we are actually relaxing current County Standards. Mr. Hyde also pointed out that these new standards apply to new construction only.

To Mr. Carr's repeated concerns about the cities ignoring stream setbacks and other issues, Commissioner Bernhard responded that we simply did not have jurisdiction over the cities, and Commissioner Corsiglia responded that the cities are mandated as is the county to consider the Goal 5 process.

Mr. Dugdale pointed out that these rules are preventive and not remedial. Existing construction will not be affected.

**Roger Grimsrud, 61786 Nehalem Hwy. N., Vernonia, Oregon.** Thanked the Land Use people for the hard work they've done. He is concerned how this will affect his taxes, since the county may start losing revenue due to these changes and how the county would be compensated by the state. In regard to stream flows, he felt that the definition of stream flows of 1,000 cu. ft. per sec. as based on annual review was in error due to rivers being affected by tributaries in different areas. He felt that

the data presented in the hearings was too old and therefore not scientifically valid. He was also concerned about river drift, but acknowledged that the state had more jurisdiction there. How will individual priorities be established? Who will bear the cost of a re-inventory if it is needed? Mr. Grimsrud asked that the Commission go back to the state and say that the data that they provided is no longer current and therefore no longer valid and that we cannot make these recommendations for changes based on the invalid data.

Mr. Dugdale explained that he didn't feel that these amendments would adversely affect property owners by causing loss of tax revenue. There may be individual circumstances where value might be affected by these regulations. Multnomah County recently funded an exhaustive impact study of these kinds of regulations and basically it concluded that overall the effect of these regulations was minimal and not statistically significant. And in some cases, they found that the implementation of the policies actually had a positive effect. Mr. Dugdale said that he would like to get back to Mr. Grimsrud as to the validity of the statistical data and what could be done with that in regard to the state.

Commissioner Hyde said that he felt that for the most part there wouldn't be a negative net result from these regulations, because these state statutes already exist. He stated that he understood and appreciated the public's concerns about the cumbersome process involved with regulations for land use.

Commissioner Corsiglia stated his concern about this policy and how it would relate to a meandering property line due to stream bank erosion, floods, etc.

Mr. Dugdale explained that an interpretation on set backs from existing conditions on a particular property and previous set backs would probably allow for a variance.

Commissioner Hyde pointed out that conservation efforts are made to protect the integrity of the stream and prevent bank erosion, also.

Commissioner Bernhard explained that it would be difficult for us to challenge the state. The issue of state mandated programs without funding is an ongoing issue that is not being addressed by the state. It is not easy to tell the state what to do.

Mr. Grimsrud stated that maybe they weren't making enough noise and that they should involve the media.

Mr. Hyde pointed out that civil disobedience in regard to the state was not new to Columbia County and that past practices in this area had caused a lot of problems for the county that the county is still dealing with. He does not want us to end up in a position where the state is controlling our land use. He would rather that we decide how we're going to comply and try to make it happen in our fashion where we're steering the ship. If we start going down that road of civil disobedience that we did in the early 80's, we may end up not being in control of our ship again.

**Steve Ellis, 58176 Wilson Cut-Off Rd., Vernonia.** His family has owned property on North Vernonia Hwy. since 1948 and has seen the state of Oregon change the rules on his property rights a lot. He does not want to give any more of his rights away. His property has a mile of river running through it. He stated that he thought it was criminal, even communistic, to take land away without paying for it. He wanted the commissioners to know that when you purchased a property 50 years ago and worked hard on it all your life, then the state comes along and says what you can and can't do with it, it was very frustrating. It's not right.

Commissioner Hyde pointed out that the county was not passing any new rules with this process, but that they were clarifying the state statutes.

Commissioner Corsiglia pointed out that the reason they were in Vernonia was to take testimony and make as little impact as possible when these state laws are implemented.

**Diane Pohl, 17881 Beaver Falls Rd., Clatskanie, Oregon 97016.** Ms. Pohl thanked the commission for listening to the public's concerns and thanked the Planning Department staff for their hard work. She acknowledged that the county is crippled by state standards on what they can and can't do with land use, but that it is a help for the county to back down and go along with state minimum standards on the big game density issue on rural lands. Ms. Pohl sees our local constituents as good stewards of the land and sees them continuing to be good stewards. Testified very strongly in agreement with these amendments.

**Jim Karr, PO Box 36, Forest Grove, Oregon.** Wanted to know where we were at on the Elk issue.

Commissioner Hyde cited two ordinances - 2003-5 and 2003-6 in reference to this issue. Sarah Tyson pointed out that the amendments had to be split, and that the big game habitat amendment is addressed in 2003-6. This takes out the density requirement previously included in Columbia County's ordinance.

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

On behalf of the Board, Commissioner Corsiglia stated they really enjoyed coming to the outlying areas of the county and that it was clear that this process was really good. They would look for other opportunities to come to the outlying areas. He thanked everyone for their attendance and participation.

With nothing further coming before the Board, the meeting was adjourned at 7:25 p.m.

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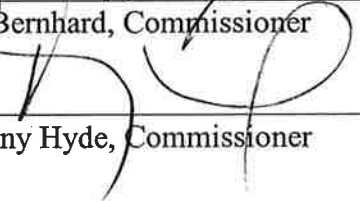
Dated at St. Helens, Oregon this 22<sup>nd</sup> day of July, 2003.

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

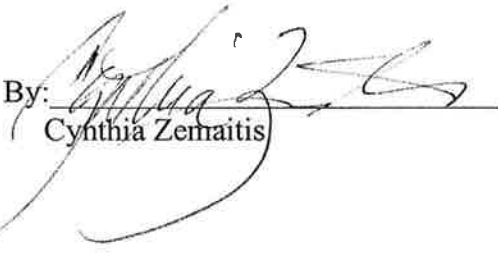
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Joe Corsiglia, Chair

By:   
Rita Bernhard, Commissioner

By:   
Anthony Hyde, Commissioner

Recording Secretary:

By:   
Cynthia Zemaitis