

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

October 12, 2004

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

Commissioner Bernhard called the meeting to order.

PURCHASE OF ASPHALT PAVING MACHINE:

Dave Hill, Kelly Lungberg and Bill Potter came before the Board to discuss the purchase of a used paving machine with only 500 hours on it for \$58,000. The Road Department has been renting this machine, and Kelly has been the primary operator. Dave Hill obtained comparative prices and has reviewed the information with Bill Potter. This is a 2003 LeeBoy 85,000 LD paver, which is self-propelled. The Road Department has budgeted \$81,354 for used equipment, so the money is there. Kelly indicated that 500 hours is only about 1/10th of the machine's life; basically, it has just been broken in. Currently, the Road Department is using a box behind a dump truck for paving purposes, which provides no control over where the overlay goes. Kelly indicates the quality of over-lays would improve drastically with this machine. Dave would like authority to purchase this machine as the price is comparable to others and there is the advantage of already having the machine. With that, the Board instructed that approval to purchase this machine be moved over to the next consent agenda.

ACCESS PERMIT #5701 -- DAN HARMON ACCESS TO EMIL ROAD:

Dan Harmon has asked to speak with the Board concerning the denial of his application for an access permit on Emil Road.

Roger Kadell, temporary Transportation Planner, gave the Board some background information about this particular application. Emil Road is a 12' gravel road and not up to County standards. There have been previous requests for partitions in the area and when the applicants learn of the requirements to bring the road up to standards, they either can't pay for it or don't want to. Mr. Harmon currently has a driveway coming off Atkins Road and wants a second driveway off of Emil Road to get to the back of his property. Some of the neighbors are concerned because Mr. Harmon has two home occupations there involving trucks and mobile homes. Employees arrive in the morning, load up the vehicles and head out, coming back at the end of the day. Neighbors feel that the road is not good enough to handle local traffic, let alone larger vehicles coming and going every day. Roger stated that there are other options, such as putting the driveway alongside the property line to the back of the property, but he believes there has been a dispute with neighbors. Dave Hill indicated that it was only a 20' right-of-way which doesn't allow enough room for improvements. A neighbor attempted to partition property on Emil Road but, because it couldn't be improved, the partition couldn't go through.

Dan Harmon, 76025 Atkins Road, Rainier. Mr. Harmon approached the Board with information as to why access off of Emil Road is necessary. Mr. Harmon brought photos of the current access to his property and how they have gotten to the back of the property where the shop has been for many years. They store a couple of their trucks on the property, but the sale lot is in downtown Rainier. The adjacent neighbor intends on building additional shops, which will cut off Mr. Harmon's current access to the back of the property. They need access to the back of the property.

Greg Wallin, 76961 Atkins Road, Rainier. Mr. Wallin, adjoining property owner, indicated that when Mr. Waggoner built the building on Mr. Harmon's land he purposefully built it so that it could be entered from the front or back. Through time, they began driving around the building rather than go through the building. Mr. Wallin explained his plans for building additional buildings near the driveway.. Mr. Wallin indicated that the neighbor who has objected to Mr. Harmon having access via Emil Road has much bigger, heavier equipment than that being used by Mr. Harmon, and has now taken steps to block access to anyone on Emil Road. Someone has placed a "No Trespassing" sign on the post of the County road sign at the entrance to Emil.

Roger Kadell confirmed that the road is incapable of handling any additional traffic without improvements. The neighbors who wanted to partition their property would have had to pay \$32,000 for the needed improvements. Dave Hill stated that another issue to be considered is that Mr. Harmon's conditional use permit for a home occupation allows for access coming off of Atkins; if access is changed to Emil, the conditional use permit would need to be changed.

Commissioner Hyde thanked Mr. Harmon for coming in, but it doesn't appear as if he is precluded from building another driveway on his property to get to the back of his property. Mr. Harmon explained that, due to the sloping, an existing wetland and the house building site with drain field, there is no room. Commissioner Hyde stated that if Mr. Harmon wanted to change the conditions of his conditional use permit, he would have to go back to the Planning Department.

Roger Kadell, in answer to Mr. Wallin's question, explained that the difference between Mr. Harmon using Emil Road and the neighbor at the other end parking heavy equipment is that Mr. Harmon has a permit to run a business, the neighbor doesn't.

Dave Hill confirmed they would address the issue of parking the equipment on the road and blocking access to Emil Road.

Commissioner Hyde explained that there is a significant difference in having a home occupation with one employee and having several employees. Commissioner Bernhard advised Harmon to go back to the Planning Department. Commissioner Corsiglia stated it would be very difficult for the Board to take any action today, and that the best route for Mr. Harmon is through the Planning Department.

VAL MASSEY - REQUEST TO REPURCHASE PROPERTY:

Mr. Massey appeared before the Board in follow-up to his request for an "extension" so he can attempt to get the money needed to pay the back taxes on his property.

Cynthia Zemaitis, Natural Resources Administrator, explained to the Board that the County had just taken deed through foreclosure on Tax Account No. 7235-014-00300 which had previously been owned by Mr. Massey. Cynthia explained that, since we have already taken deed to the property, Mr. Massey could not redeem it, but could have it reconveyed upon Board approval and the payment of all taxes owing.

Robert Crain, Code Enforcement Officer, detailed the attempts over a several year time span to have Mr. Massey clean up his property and bring it into compliance with the solid waste ordinance. He stated that, currently, Mr. Massey is just barely within compliance. Robert asked Mr. Massey why he had not taken advantage of the dumpsters strategically placed near his property during the recent SOLV clean-up around Prescott Beach; Mr. Massey had no excuse.

Upon further discussion, the Board agreed that they would rent the property to Mr. Massey for one month during which time he was to submit a solid proposal to the Board on when all taxes would be paid and the steps he has taken to bring the property into full compliance with the solid waste ordinance. They directed Cynthia to have a rental agreement signed by Mr. Massey. Robert Crain agreed to confirm that Mr. Massey had a working smoke alarm present in the home as required by law.

UPDATE ON SCAPPOOSE -VERNONIA HIGHWAY SLIDE NEAR WALKER ROAD

Dave Hill handed the Board a map of the slide area, prepared by the geo-techs a couple years ago. They depict fairly well the current conditions. Recently, several folks have signed a petition requesting that the hump in the road, which was created by the landslide, be fixed by the Road Department. Dave indicated that, although the slide is very slow moving, it does continue to move.

There is also a map depicting the cross-section of the slide. Dave believes the slide is hitting the basalt area, which is not moving, and then piles up to create the hump in the road. He also believes that the basalt areas are preventing the slide from moving much faster.

As the Board will recall, there was a mining stockpile which is in line with the hump, and Dave thought this might be contributing. However, even though the stockpile was totally removed over a year ago, the slide continues moving. They are trying to do everything they can to slow down the slide, but, without a million dollars, there is no way to actually stop it. The Road Department, just a few days ago, did some work on the hump; they have ground it and done other work on it at least a couple of times each year since the slide began. They do go out and clean the ditch in that area to try to control the water as best they can 2 or 3 times a year, and have built a ditch higher on the hill to try to keep the water out of the slide area.

Commissioner Corsiglia stated that Dave has worked with this problem for several years, and the Board cannot ask him to baby-sit just this one project when there are problems all over the County. Dave advised that another slide has now started behind the basalt, not where the mining took place, but on the back side and has actually already blocked the C-Z logging road. Once it goes completely across the logging road, it will be down on the highway.

Commissioner Corsiglia felt that a wonderful paving job had been done on the road, and that once the petitioners see that the hump reforms, they will get a better idea of what is happening.

Dave stated that they have added 12 inches of asphalt in some areas, which has created a bigger drop-off into the ditch. He believes they will use perforated pipe along this area in addition to cleaning out the ditch.

BOAT CLUB ROAD:

Dave Hill stated that he wanted to update the Board on his research into the request that the County Road Department continue to maintain this access road. Dave indicated that Boat Club Road is in the Clatskanie area off of Clatskanie District Road. He believes the boat club is at the end of Boat Club Road and consists of floating boat houses for storing boats. Boat Club Road is not a public road, but the County has maintained it in the past by grading and graveling. It used to be an old logging railroad spur. Dave has discovered that the road is actually a strip of land owned by James River and the County probably doesn't even have the right to maintain it. Dave stated that there probably is some public travel along this road, and he doesn't have any problem with continuing to maintain it. Commissioner Hyde wondered whether, if we agree to continue to maintain it, the road should be given to the County to accept as a public road. Sarah Tyson indicated that to maintain that portion of the road belonging to a private party, or James River, would be trespassing. They could dedicate it as a County road and the Board could accept it, and then they could maintain it. Otherwise, it is illegal to spend money on maintenance. Commissioner Bernhard believes the best answer is to have the road dedicated as a County road. Dave stated that, in the meantime, they will stop maintenance out there.

The Sweeden property is at the end, on top of a dike, and Dave does not believe the Road Department has done any work out there. However, the Sweedens insist they have. Dave does not see any public benefit in making that a County road, it is just a driveway.

Going West from Boat Club Road, although the County has maintained that section Dave has been unable to find any right-of-way whatsoever. There are a few residences on this strip. It is on top of the dike and used to belong to the Clatskanie Drainage District. Historically, the Road Department would maintain the top of the dikes and get reimbursed by the diking districts. The maintenance continued even after the Districts stopped the reimbursement. Dave does not believe that it is in the public interest to continue to maintain this portion of the road.

Sarah Tyson confirmed that, just because the County has maintained a local access road in the past, does not mean they are required to continue maintenance. Clatskanie District Road intersects with Collins Road. They did find public right-of-way for a portion of Clatskanie District Road. The County has always maintained the platted roads surrounding Boat Club Road but, legally, he does not know how the County can continue to maintain these roads. Dave believes the minimum needed is a Board order approving maintenance on the platted streets. Sarah indicated they would have to make findings justifying this. Dave stated there might be 5 residences on it, but the roads are used to deliver mail. Commissioner Corsiglia indicated that we need to make what we're doing legal, first, and then work the surround property owners. Dave will work with Sarah to come up with the appropriate Board order.

STF ALLOCATIONS:

Janet Wright, Assistant to Board of Commissioners, has put together the application for Special Transportation Funds. The application is standard. Janet referred the Board to Part 7: C, Funding Allocation to Provider. She explained that there are two companies the County is under contract with to provide transportation services until June 2005. Part of this money is used to pay for those services.

The sum of \$26,747 will be used to cover the contracts through June 30 for Metro West and Scappoose Senior Center. The STF Advisory Committee made these recommendations, including using the Capital Allocation funds as a match for the FTA grant to purchase new buses. With the Planning Allocation, they would like to hire a consultant to work on increasing ridership and community awareness. The Board agreed with these allocations and directed that the application be placed on tomorrow's consent agenda for approval.

VISITORS:

Thelma Boner heard from Dave Hill that we are going to lose a valuable employee, Roger Kadell. In Thelma's opinion, the County needs to find a way to save his position, like on the weigh station when that gets under way. Commissioner Hyde says he was hired to replace Lonnie while Lonnie was on active duty. Thelma said Lonnie is coming back, and she thinks the County should do whatever it can to keep him there.

Peggy Crisp talked recently with John Knight about leasing property and wondered if the Board would lease Asbury Acres. Commissioner Hyde indicated that it was possible, but the first priority is to get the recommendation of the Park Advisory Board. Whether the Board would decide to lease the property would depend on an actual proposal.

Peggy Crisp talked to someone from DEQ about the problem with the Fairgrounds sewer, and was told that excess water was being dumped on to Asbury Acres, and Asbury doesn't need any more water. Commissioner Bernhard stated that the sanitarian has been working on getting this problem fixed.

There was no Executive Session held.

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

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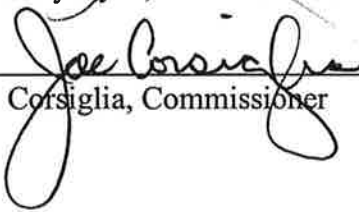
Dated at St. Helens, Oregon this 12th of October, 2004.

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

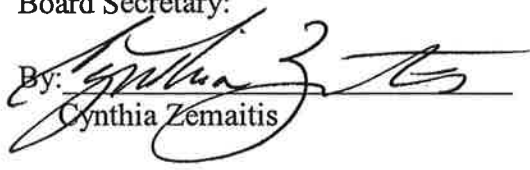
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Rita Bernhard, Chair

By: _____
Anthony Hyde, Commissioner

By: 
Joe Corsiglia, Commissioner

Board Secretary:

By: 
Cynthia Zemaitis