

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

November 23, 2004

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

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

OFFER TO PURCHASE TL #4512-000-01200:

Cynthia Zemaitis approached the Board regarding an offer to purchase county owned property TL #4512-000-01200. She has received an offer of \$624 from the neighboring property owner. When this was previously discussed with the Board, there was some questions whether there was any timber on the property. The Surveyor looked at the property and determined there is no timber and that the property appears to be grasslands. After discussion, the Board directed Cynthia to move forward with this sale.

EXERCISE EQUIPMENT IN THE COURTHOUSE:

Jean Ripa, Human Resources Director, came before the Board for discussion. She was approached by an employee who would like to put in some exercise equipment; i.e. tread mills in the extension area for employees to use during the bad weather. Jean went over the details of doing this and, if the Board is in agreement, she will inform the employee to move forward with a written proposal to the Board. She would also suggest that the group work with Bill Potter on this. The Board agrees with the concept, but details need to be worked out.

EMPLOYEE ID BADGE POLICY:

Jean Ripa reminded the Board of the policy they adopted some time ago requiring employees to wear ID badges. There are a number of employees that have been very lack about wearing these badges. The two questions before the Board is: Does the Board want this policy to remain in force, and if so, is the Board willing to send out a memo reaffirming this policy. The Board agreed that the policy needs to remain in force and will reaffirm the policy. Jean stated that she would draft a memo for Board signature to send out to all department heads.

SURFACE MINING: COMPLIANCE STATUS UPDATE:

Todd Dugdale, LDS Director, and Robert Crain, Code Enforcement Officer, came before the Board to give an update on the status of surface mining compliance. Annual inspections are being conducted and, in doing so, there are three or four mines where there are some issues. Robert reviewed the status of depletion fees and has notified miners who are not submitting reports and/or depletion fees.

Robert Crain reported on the three mines where there were issues:

Eagle Star Rock Products was 18 months delinquent. After notifying them of the delinquency, they are now currently up to date and in compliance.

Tide Creek Rock was in violation of the Surface Mining Ordinance and delinquent in their depletion fees, however, after sending them letters, they are now current and have applied for the required permits.

Lammi Sand and Rock Products was delinquent in depletion fees and after sending them letters regarding the delinquency, checks were received, however, they were returned NSF. Robert worked with them, arrangements were made and those checks finally cleared, however, they are still 7 months delinquent and also in violation of the SMO and DEQ requirements. DEQ has notified George Lammi that he is operating illegally and gave it back to the County to enforce. Robert stated that Lammi is failing to work with DOGAMI, DEQ and the County. Robert took this issue to the Surface Mining Advisory Committee meeting and to DOGAMI and both back a closure order. Robert is now bringing this before the Board for direction. Sarah stated that a hearing should be held on this before taking any action to allow Mr. Lammi due process. After discussion, the Board directed Robert to move forward with the process.

BATES ROTH SETBACK VARIANCE - BOARD JURISDICTION:

Todd Dugdale, LDS Director, came before the Board to discuss Bates Roth surface mining application. In July, 2004, Bates & Roth applied for a PAPA to surface mine on 300+ acres near the Northwest Aggregates processing plant in Scappoose. The Planning Commission heard their request and made a recommendation; the PAPA application is pending establishing a Board hearing date. On November 12, 2004, Bates & Roth submitted two variance applications, one for the Zoning Ordinance and the other for the Surface Mining Ordinance, pertaining to setbacks of the proposed mining operation. Both the ZO and the SMO have setback standards to adjacent properties with dwellings or the potential to have dwellings.

Section 1044 of the ZO and Section 8.3 of the SMO require that the extraction setbacks shall be 200 feet from any zone that allows residences as permitted or conditional uses [SMO], without written consent of the affected property owners. The applicant is seeking a variance to these ZO and SMO standards.

The process for a major variance application to the ZO is heard and decided by the Planning Commission, with appeals to the Board. The process for a variance to the Surface Mining Ordinance is that the Board makes the decision after recommendation from the Surface Mining Administrator and the Surface Mining Advisory Committee.

As a procedural matter, staff is recommending that the Board take jurisdiction of the Zoning Ordinance variance, under Section 1614 Special Hearings, and hear both variances at the same time in conjunction with the date set for the PAPA application.

The Board felt this was appropriate under the circumstances and, after discussion, Commissioner Hyde moved and Commissioner Bernhard seconded to take jurisdiction over the Zoning Ordinance variance, under Section 1614 Special Hearings and hear both variances at the date set for the PAPA application. The motion carried unanimously.

Sarah understands that the Roth's have been in to speak with the Board and she would recommend that the Board not have any further ex-parte contact with the Roth's before the hearing.

ELECTRONIC CONTRACTING SYSTEM FOR MENTAL HEALTH PAYMENTS:

John Knight, County Counsel, approached the Board to discuss the express payment system for Mental Health. This proposed system would eliminate a lot of the paperwork involved. John explained what would be involved in this new process. He has talked with Ruth on this and she agrees it would be easier to have CCMH handle this. John would need to amend the agreement with CCMH to include this new procedure. After some discussion, John was directed to draft a letter to the State opting for Option 2.

ORDER NO. 82-2004 - FORMATION OF NEW COLUMBIA HEALTH DISTRICT:

John Knight reviewed Order No. 82-2004. He went over the results of the election on the new Columbia Health District. Both measures passed, the formation of the new health district and the dissolution of the existing health district. John explained what the Board needs to do, which is outlined in the order now before the Board. The Board feels this is something that needs to be done as a result of the election and added this Order to the consent agenda for approval.

John noted that an assignment needs to be prepared and approved which would assign the public health services agreement from the old district to the new district. He will have this ready for the meeting tomorrow.

RECORDING OF FINAL PLATS:

Sarah received a call from a man who was very upset about the procedure for signing and recording plats. The Board is currently waiting the 21 days before allowing the plat to be recorded. Sarah feels that if the County is getting written comments, then the Board should wait the 21 days. However, if no comments have been received and the applicant signs a waiver, the Board could go ahead and allow the plat to be signed and recorded. Commissioner Hyde feels this is a compromise that is workable. This was discussed at the County Counsel's meeting at AOC, and the responses on what the different entities do were mixed. Sarah noted that if the plat is allowed to be recorded before the 21 day waiting period, it's a risk the developer takes.

Sarah talked about how Clackamas County is handling this. They are not treating any partitions outside the urban growth area as a land use issue. Sarah would recommend that we continue to treat all plats the same, whether inside or outside the urban growth area.

Commissioner Corsiglia attended the meeting.

Sarah reviewed the previous discussion for Commissioner Corsiglia and, after which, she was directed to draft a waiver form for Board review.

EXECUTIVE SESSION UNDER ORS 192.660(1)(d):

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(1)(d), ORS 192.660(1)(h) was carried over to the Board meeting. Upon coming out of Executive Session, no action was taken by the Board.

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

Dated at St. Helens, Oregon this 23rd of November, 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: 
Jan Greenhalgh