

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION
May 24, 2005

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

Commissioner Hyde called the meeting to order.

MEASURE 37 CLAIMS:

Todd Dugdale, LDS Director, came before the Board to discuss 4 pending Measure 37 claims. Sarah briefly reviewed SB 1037-2 which will deal with how Measure 37 claims are handled. If this Bill passes, it would make any prior decisions null and void and claimants would have to re-file their claims. However, the four claims presently before the Board have to be acted upon as the law stands at this time.

Because other staff were present for the next two items, the Board tabled this item until after the next two issues were discussed.

SOLID WASTE ORDINANCE AMENDMENTS:

Sarah reviewed the need for an amendment to the Solid Waste Ordinance. The purpose is to amend the ordinance to exempt the creation or maintenance of the Columbia County Transfer Station and Household Hazardous Waste Facility from the requirements of the Columbia County Solid Waste Management Ordinance. The ordinance would be amended to read "*It shall be unlawful for any person to create or maintain a transfer station within Columbia County, Oregon unless such person is franchised in accordance with the applicable provisions of this Ordinance. This section does not apply to the creation or maintenance of the Columbia County Transfer Station and Household Hazardous Waste Facility*". The Board will need to schedule a public hearing to amend the ordinance and Sarah will work with Jan on setting a hearing date.

SWAC APPOINTMENTS:

Todd Dugdale and Matt Tracy approached the Board to discuss the vacancies on the Solid Waste Advisory Committee. Todd stated the Dave Jappert has resigned as the industry alternate and Chris Thomas would like to take his place and Todd is recommending that happen. After little discussion, the Board added this appointment to the consent agenda.

PLANNING COMMISSION APPOINTMENTS:

Peter Brewer, a member of the Planning Commission, recently passed away and there is a need to replace his position on the Planning Commission. Commissioner Bernhard sent an interest form to Margaret Magruder to continue to have representation from the Clatskanie area. The interest form

has not been sent back yet but understands that Margaret is interested in sitting on the Planning Commission. There are still two vacant alternate positions on the Planning Commission and Commissioner Hyde recommended that Benita Saatvedt be appointed to an alternate position. The Board will need to consider another applicant for the remaining alternate position and to replace Peter Brewer. The Board agreed and the appointment of Benita was added to the consent agenda.

FRANCHISE AGREEMENT:

Staff updated the Board on the extension to the Solid Waste Franchise Agreement. Once we receive that back, it can be added to consent agenda for approval.

MEASURE 37 CLAIMS - continued:

Todd handed the Board a printout showing the existing 17 Measure 37 claims that have been filed since 12/2/04. Commissioner Hyde feels strongly that the County needs to make it clear that the county will not be compensating these claims because there is simply no funding in the budget for this. Todd reviewed a letter he will be sending out to the claimants where an appraisal will be preferred. The letter was discussed and some minor changes were made.

Discussion moved to the 4 claims before the Board, starting with **CL 05-01 Opal Burkhard**. This property is 116 acres in PF-76 and Opal is claiming \$1.2 million. She claims that the minimum lot size regulations and conditional use permit requirements for her proposed development of 29 four acre rural residential lots, has reduced the market value of her property. Todd went over the staff report. Commissioner Hyde feels that, because she will have to meet other requirements, they should just allow the 29 lots. The Board agrees with staff recommendation. Sarah stated that a Board order will need to be drafted to approve this.

CL 05-02 Wayne & Catherine Stevens. This is 11.57 acres on Robinette Road in St. Helens, zoned RR-5. The Stevens are claiming a reduction in fair market value in the amount of \$275,000 due to RR-5 minimum lot size regulations and requirements to have frontage on a public road for their proposed division of the property into three 2-acre parcels and 5.5 acre parcel for residential development. Staff has determined that the claim meets the requirements for proving a Measure 37 claim and recommends the Board take action to determine the amount, if any, which the regulations reduced the value of the claimant's property and either pay just compensation or to not apply the minimum lot size regulation contained in the CCZO.

CL 05-03 Wayne & Catherine Stevens. This is a 5 acre parcel on Robinette Road in St. Helens, zoned RR-5. The Stevens are claiming a reduction in fair market value in the amount of \$50,000. Again, staff has determined that the claim meets the requirements for proving a Measure 37 claim.

CL 05-04 Wayne & Catherine Stevens. This is a 6.22 acre parcel on Robinette Road in St. Helens, zoned RR-5. The Stevens are claiming a reduction in fair market value in the amount of \$65,000. Staff has determined that the claim meets the requirements for proving a Measure 37 claim. *Discussion on these claims were tabled until after the Executive Session.*

EXECUTIVE SESSION UNDER ORS 192.660(1)(b)(d) - Bargaining/Discipline:

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

EXECUTIVE SESSION UNDER ORS 192.660(1)(h) - Litigation:

The Board immediately recessed the regular session to go back into Executive Session as allowed under ORS 192.660(1)(h). Upon coming out of Executive Session, Commissioner Bernhard moved and Commissioner Hyde seconded to deny the grievance filed by Dave Anderson. The motion carried unanimously.

EMPLOYEE PAINTING REQUEST:

Commissioner Bernhard reviewed the memo from Jean Ripa on this issue and, understanding there is some liability, the employees approached the Board and asked to be allowed to do this and they are supplying the paint. She feels this should be allowed. Jean stated that it is up to the Board to allow this, however, she wants the Board to understand all of the legalities and suggested that some type of procedure be established to deal with these types of requests. After discussion, Commissioner Bernhard moved and Commissioner Hyde seconded to direct General Services to establish a procedure to allow employees to paint county offices as outlined in Jean's memo. The motion carried unanimously.

FAIR ISSUE:

There was a gentleman that came into the Board office complaining about the loud music at the Fairgrounds one night that went on until 2:00 a.m. Commissioner Bernhard spoke with Ronda about this and she will take this concern to the Fair Board and suggest no loud music after midnight.

MEASURE 37 CLAIMS - continued:

Todd Dugdale continued with the Measure 37 claims. Commissioner Hyde feels that everyone can see that these claims are somewhat inflated but that there is some value restrictions here. Sarah gave her opinion on these claims and doesn't feel there is any basis if they are challenged, and she feels strongly that appraisals should be required so the county has something they can rely on.

After discussion on all four claims, action was carried over to the Board meeting under discussion.

MULTIPLE LOT WAIVERS:

As the Board will recall, there was a request to reduce the Measure 37 application fees when there are multiple applications by the same claimant. The Board previously granted a reduction by charging \$500 for the first application and \$50 for additional applications. Todd presented two more waiver requests and recommended that the Board do the same. With that, Commissioner Bernhard moved and Commissioner Hyde seconded to charge a \$500 fee for first application and a

\$50 fee for the additional applications for Dixie Blaha and Francis Martin. The motion carried unanimously.

Sarah also asked for the Board to consider implementing an hourly rate for the work done on these claims. With approval, Sarah will draft something for Board consideration.

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


Dated at St. Helens, Oregon this 24th of May, 2005.

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

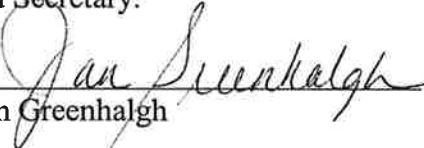
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Joe Corsiglia, Commissioner

By: 
Rita Bernhard, Commissioner

Board Secretary:

By: 
Jan Greenhalgh