

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

May 23, 2006

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia, Commissioner Rita Bernhard and Commissioner Anthony Hyde, together with John Knight, County Counsel and Linda Waters, Acting Board Secretary.

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

Commission Corsiglia explained this meeting would be conducted like a regular meeting due to the regular Board of Commissioners meeting that has been cancelled for tomorrow.

PUBLIC HEARING: MEASURE 37 CLAIM CL 06-13 AND CL 06-14 FILED BY JAMES SMEJKAL:

This is the time set for the public hearing, "In the Matter of Claim Nos. CL 06-14 filed by James Smejkal for Compensation under Measure 37".

Todd Dugdale, Director, LDS came before the Board to give the staff report on the Measure 37 Claim CL 06-14 filed by James A. Smejkal. As required, Notices were sent out to adjacent property owners within 500' providing a 14 day period in which to submit comments or to request a hearing. A request for a hearing was requested by Violet G. Polos, which is being held today. The claim is for 32.15 acres currently zoned Primary Forest (PF-76) located in the Vernonia area (Tax Parcel No. 5533-000-00501). Claimant is alleging a reduction in fair market value in the amount of \$1,142,000. due to land use regulations which restrict the proposed development of 22 lots for residential development.

Based on the staff report, Staff has determined that the Claimant has met the threshold requirements of a Measure 37 claim. Staff recommends that the Board of County Commissioners take action to determine the amount, if any, by which the cited regulations reduced the value of the Claimant's property, and act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Sections 200 through 222, 502, 503 and 506.1.

The hearing was opened for public testimony.

Commission Hyde stated that this is not a land use hearing, This is only to decided if there is or if there is not a Measure 37 Claim.

PROPONENTS:

None.

OPPONENTS:

Janice Everett- 12910 Keasley Road, Vernonia: Basically, had questions about Measure 37 which

was passed in 2004. Did the language in Measure 37 cover past incidents?

Commissioner Hyde explained that the way Measure 37 works is if you continuously own property, prior to land use decisions that negatively affected your property, mostly around SB 100 and our Comp Plan when we were required to submit to State, which zoned properties. If your property was owned prior to the "Restrictive Land Use" and your land was then in turn diminished in value, in anyway, then you have a right to either a compensation or waiver of land use.

Janice Everett: Janice had questions concerning regardless of whether or not you had applied for a permit for this development or not? In other words he didn't have to do that prior?

Commissioner Hyde stated it is what you could have done and cited an extreme example of "I could have put a McDonalds' there and therefore I lost \$10 million dollars in the last 20 years, so you owe me \$10 million. It's what you could have done.

Janice Everett: So regardless of the fact that he had not applied to do this development at all, the fact that he could have done this before 1984 is what he's claiming his reason for compensation.

Commission Hyde stated that we've already made it very clear that we are broke and we're not compensating anybody.

Necia DeWitt, 11788 Keasey Road, Vernonia: Necia had questions concerning transferability of a piece of property to her son and she was told to get him under the grandfather clause, that she had to get him on a deed at that time, may have been 1975 or 76 but she stated she thought that the acreage changed at that time. Further stated if she wanted him in that it had to be under the grandfather clause.

Commission Hyde explained that the County knew in 1975 that the acreage change was going to take place and that they were going to be required, because of SB 100. We were the last County to go into SB100, kicking and screaming. We weren't happy with it either, but by statute we had to comply.

Todd Dugdale, stated this particular client would need to file a claim with the State of Oregon. State of Oregon Statutes and Rules predated the County's but we are dealing only with the County's locally adopted rules for forest land use.

Janice Everett, 12910 Keasley Road, Vernonia: Questioned whether there were State Regulations there before 1977 before he purchased the property.

Todd stated that he thought there were some rules and regulations that were in effect. The State will review this claim based on particulars of this claim. Basically you can check with the State on-line.

Commission Hyde further explained that was a two pronged process, first they establish a claim with the county and then in turn have to establish a claim with the State. Once you've reached that, then through the courts and the Attorney General says we're looking at somewhere between 5 to 10 years before a lot of these issues are resolved.

Commissioner Corsiglia explained to Ms. Dewitt if she had something in writing that Marian Sahagian provided her or minutes from a meeting, to stop in and talk to Todd Dugdale in Land Development Service Department..

REBUTTAL:

None.

With nothing further coming before the Board, the hearing was closed for deliberation. After discussion, Commissioner Bernhard moved and Commissioner Hyde seconded the motion to adopt Order No. 42-2006, "In the Matter of Claim No. CL 06-14 for Compensation under Measure 37 submitted by James A. Smejkal". Motion carried unanimously.

MEASURE 37 CLAIM NO. CL 06-13 FOR COMPENSATION TRUST:

This is time set for a Review-No Hearing "In the Matter of a Measure 37 Claim No. CL 06-13 filed by James A. Smejkal Trustee, Antone F. Smejkal and Louise J. Smejkal Trust dated March 5, 1974.

Todd Dugdale, Director LDS, came before the Board to give the staff report on the Measure 37 Claim CL 06-13 filed by James A. Smejkal, Trustee, Antone F. Smejkal and Louise J. Smejkal Trust dated March 5, 1974. As required, Notices were sent out to adjacent property owners within 500' providing a 14 day period in which to submit comments or to request a hearing. No comments nor requests for a hearing was received concerning CL 06-13 for the property on Timber Road., Vernonia (Tax Parcel No. 4535-000-1500). Claimant is alleging a reduction in fair market value in the amount of \$2,696,000. due to land use regulations which restrict the proposed development of one to two acre lots for residential development.

Based on the staff report, Staff has determined that the Claimant has met the threshold requirements of a Measure 37 Claim. Staff recommends that the Board of County Commissioners take action to determine the amount, if any, by which the cited regulations reduced the value of the Claimant's property, act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Sections 200 through 222, 502, 503 and 506.1.

Commissioner Hyde moved and Commissioner Bernhard seconded the motion to adopt Order No. 43-2006 "In the Matter of Claim No. CL 06-13 for Compensation under Measure 37 submitted by James A Smejkal, Trustee, Antone F. Smejkal and Louise J. Smejkal Trust dated March 5, 1974". Motion carried unanimously.

AIRPORT PARK:

Commissioner Corsiglia stated that a couple months ago he had heard some comments that there had not been any follow-up discussion on the Airport Issue and a letter was sent to the Port and they were asked to examine the feasibility for a relationship between our airport park and their airport. Greg Jenks, Port of St. Helens, 100 E St., Columbia City explained he was here today to update how far we've gone on this and where they think we're at and just get advice and counsel. Greg stated

that sometime ago the Port was contacted to explore the idea of a cardlock gas system at the airport to generate funds for the Columbia County Parks. Some fundamental research needed to be done to see if any development was feasible and he stated he didn't think they were even close to a determination on that. Discussion of a rumor that there was a reverter on the deed and the Port(Greg) which had cause to them ordering a title from a title company. He stated that the property was through a warranty deed, bought by the County for \$1207.20 from the Kehrli family and it contains no reverter. Greg stated there were a couple other steps we'd need to go through before they were ready to determine feasibility. One was a physical lay out, is there enough property in that parcel and the second is the financial feasibility issue, will this generate the revenue that the county is looking for to fund the parks.

There was further discussion on the restrictions on the deed, and if maybe there was two different actions, 1 regarding the airport and 1 regarding the park. Greg mentioned the need to know where the lines were, doesn't look the same out there now, and the road has changed with the building at the airport. Commissioner Bernhard asked what exactly was being proposed. Greg stated a fueling of airplanes. Commissioner Corsiglia stated that he did not ask for a proposal and they were just brainstorming and the Spotlight ran an article that quoted a portion of their comments. There was a little flack that said a lot of discussion wasn't coming back to the Parks Commission or to the Commissioners and that's basically the reason this is being updated here today. Commissioner Bernhard expressed concerns that when we have these meetings, we need to have the Port Commission, private businesses at the airport, the Parks Commission and all other interested parties at the table. Commissioner Hyde stated that it is the Park Commissions job to take a look at all the opportunities out there. Commissioner Corsiglia stated this meeting was to increase the level of discussion only. Commissioner Corsiglia told Commissioner Bernhard that she was overreacting to a need to acquire information and that there was no plot as she was suggesting.

MEASURE 37 CLAIMS FILED BY THAYER:

This is time set for Review- No Hearing "In the Matter of Claim Nos. 06-15 and CL 06-16 for Compensation under Measure 37 submitted by Paul L. And Laura R. Thayer.

Todd Dugdale, LDS Director, came before the Board to give the staff report on the Measure 37 Claims CL 06-15 and CL 06-16 filed by Paul L. And Laura R. Thayer. As required, notices were sent out to adjacent property owners within 500', providing a 14 day period in which to submit comments or to request a hearing. No request for public hearing nor written comment has been received regarding these claims. The Claim is for CL 06-15 (tax lot 1201) 1.07 acres and CL 06-16 (tax lot 600) 3.36 ac. Portion currently zoned R-10 (Single Family). Claimant is alleging a reduction in fair market value in the amount of \$303,200 due to land use regulations which restrict the division of the parcels into half-acre parcels for residential development.

Based on the staff report, Staff has determined that the Claimant has met the threshold requirements of a Measure 37 claim. Claim recommends that the Board of County Commissioners take action to determine the amount, if any, by which the cited regulations reduced the value of the claimant's property, and act accordingly to pay just compensation in that amount, or, in the alternative, to not apply CCZO Section 704.1.(A).

Commissioner Hyde moved and Commissioner Bernhard seconded the motion to adopt Order No. 44-2206, "In the Matter of Claim Nos. CL 06-15 and CL 06-16 for Compensation under Measure 37 submitted by Paul L. Thayer and Laura R. Thayer". The motion carried unanimously.

LAND DEVELOPMENT SERVICES: TODD DUGDALE:

Todd Dugdale, Director LDS came before the board, to discuss donating a truck to the Humane Society. He stated we work closely with them and it would help improve the relationship we have with the Humane Society. Counsel Knight stated he had looked into Donation of Personal Property and he will draw up an order and ratify it at the next meeting.

Some discussion about when the next surplus sale would be.

AMENDMENTS#24, #25, #26 INTERGOVERNMENTAL AGREEMENT WITH DHS:

Commissioner Hyde moved, Commissioner Bernhard seconded the motion to approve Amendments #24, #25, and #26 to the Intergovernmental Agreement with DHS and authorize the chair to sign. The motion carried unanimously.

EXECUTIVE SESSION:

The Board recessed the regular session to go into Executive Session as allowed under 192.660 (1)(h) Potential litigation. Upon coming out of Executive session, Staff was directed to remove the wood from the Bella Vista property and take it to the Parks, write letters to all concerned utilities establishing that if they are going to cut any trees that we need to know in advance and then the 2nd letter to BPA letting them know that we've been slighted, in one way or another, in them giving permission to neighbors to haul off our wood, when it wasn't theirs to give.

MOA- SHOOTING RANGE FACILITIES:

John Knight reviewed the Memorandum of Agreement between the FBI, Columbia County, and the Columbia County Sheriff for access, use and construction of a Shooting Range Facility. We have received an okay from the FBI on the location, to use a portion of the Reichold Plant property which is currently being leased by Columbia County from Morse Bros., Inc. and is planned to be permanently acquired by Columbia County from Morse Bros., Inc. for the construction and future use of a firearms range.

Commissioner Hyde moved, Commissioner Bernhard seconded the motion to adopt the Memorandum of Agreement Between The Federal Bureau of Investigation, Columbia County and the Columbia County Sheriff for Access, Use and Construction of Shooting Range Facilities. The motion carried unanimously.

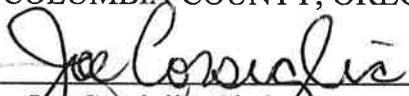
With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 23rd day of May, 2006.

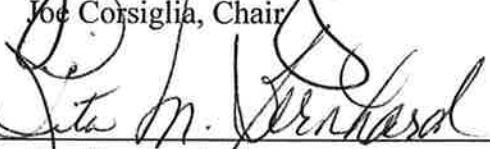
NOTE: A tape of this meeting is available for purchase by the public or interested parties.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____


Joe Corsiglia, Chair

By: _____


Rita Bernhard, Commissioner

By: _____


Anthony Hyde, Commissioner

Acting Board Secretary:

By: _____


Linda Waters