

BEFORE THE BOARD OF COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

November 28, 2006

The Columbia County Board of Commissioners met in scheduled session with Commissioner Joe Corsiglia and Commissioner Rita Bernhard, together with Jan Greenhalgh, Board Secretary. Commissioner Hyde, John Knight and Sarah Hanson were not present.

Commissioner Corsiglia called the meeting to order.

**INTERPRETATION OF DEPLETION FEE ORDINANCE:**

Todd Dugdale, LDS Director, came before the Board regarding the interpretation of the Depletion Fee ordinance. The Board has been asked by property owners and developers in the past to consider exemption of certain non-aggregate materials such as soil used for fill on construction sites, gypsum and others from the depletion fee pursuant to the Depletion Fee Ordinance. In particular, the Board has previously indicated that non-aggregate fill material used in the reclamation of surface mining sites should not be subject to the fee. In addition, the Board has noted that the transportation fee was not intended to apply to materials not naturally occurring in the County such as gypsum brought into the county for use in manufacturing drywall.

Short of inclusion of amendments to the Depletion Fee Ordinance submitted to the voters, the Board is able to interpret the current language and intent of the ordinance as to applicability of the fee to certain materials. The Board's direction as to the applicability of the depletion fee and transportation fee is needed so that staff can know how to consistently enforce the ordinance as the Board intends.

Sarah Hanson has drafted an order which would provide an interpretation and direction to staff that: *1) The depletion fee and transportation fee shall not be applied to natural resources used to reclaim surface mines or to improve farmland, or to soil used solely for construction fill; and 2) the transportation fee does not apply to natural resources which are not taken from natural deposits or dredge spoils located in the County such as gypsum and clay.*

Commissioner Bernhard worked here when this ordinance came about and the intent was specifically for aggregate and nothing more. She feels the Board needs to honor the original intent of the voters which was a fee just for aggregate. It was clearly not for other materials such as the gypsum or paper products for Boise.

Commissioner Corsiglia would like to see the entire ordinance reviewed and updated then take it to the voters. If problems and/or concerns are addressed here, it may make it more difficult to pass an amended ordinance.

Todd feels there needs to be clear direction for staff and that a written interpretation will only help staff enforce the ordinance.

Robert Crain talked about the education piece of the transportation fee and the amount of revenue the enforcement would bring in. He would suggest that, if this goes back to the voters, that a COLA be built in to the transportation fee.

**Tammy Maygra, Cannan Road, Deer Island:** If this is changed, will Morse Bros., Inc. have to pay a depletion fee on sand. Yes. She would suggest that the county get a destination slip from any truck leaving a site. This would make it easier to track. Commissioner Corsiglia suggested that Tammy put her thoughts down on paper and get it to the Board for review.

After discussion, Todd reiterated that staff needs a clear direction on the interpretation of this ordinance. He could add something to the order that this is an interim fix until a total review of the full ordinance is completed. Commissioner Corsiglia also suggested this be reviewed by the Surface Mining Committee prior to any Board action. Todd stated that staff will continue as they are currently until this interpretation is approved by the Board.

#### **REQUEST TO CLOSE A PORTION OF OLD CLATSKANIE-RAINIER ROAD:**

Dave Hill, Public Works Director, went over his memo to the Board regarding the request by Kevin Bernt to close or vacate a portion of Old Clatskanie-Rainier Road. The Bernt's are requesting this because of the amount of garbage, abandoned vehicles, old furniture, etc., being dumped on the property. Dave explained that this old county road right-of-way appears to be at the toe of a 30'-40' slope of the new highway and, based on the assessor's map, the old right-of-way may actually project into the new right-of-way for the highway. If the highway was ever widened, ODOT would need this additional right-of-way for construction. Therefore, Dave does not feel the county should vacate this section of right-of-way, but due to the amount of garbage being dumped there, he feels it would be appropriate to allow Mr. Bernt to place a gate at the one end. A condition would be that the Road Department has a key to the gate and that this permit may be revoked by the County at any time, for any reason.

After discussion, the Board added approval to the 11/29/06 consent agenda.

#### **AMENDING THE ENFORCEMENT ORDINANCE:**

This matter was carried over to the 11/29/06 Board meeting.

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

The Executive Session was carried over to the 11/29/06 Board meeting.

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

Dated at St. Helens, Oregon this 28<sup>th</sup> day of November, 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

Board Secretary:

By: Not Present

By: 

Jan Greenhalgh

Anthony Hyde, Commissioner