

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

January 23, 2007

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

Commissioner Bernhard called the meeting to order.

FISHHAWK ROAD ACCESS:

Dave Hill, Public Works Director, and Lonny Welter, Transportation Planner, came before the Board to discuss a situation with a steep driveway on Fishhawk Road. This was discussed with the Board a couple of weeks ago and believes there is a solution to the problem. By way of some history, the property requested an access permit. The location was safe so he was granted an access permit. The Mist-Birkenfeld Fire Department went out to inspect the driveway, but did not take into consideration how steep the grade was and was issued a temporary permit. With those two permits and septic approval, they were granted a building permit. Lonny was called out to do the final inspection. The driveway was paved but is at a 30% grade. In good conscience, Lonny could not sign off on the final. He noted that the fire department is not signing off on this either. Basically, the owner has a \$100,000 home sitting on a \$100,000 worth of property and is wanting to move in. Lonny feels the County cannot prevent him from moving in, but under what conditions. Lonny would recommend some type of hold harmless to the county. This is a small lot, no turn around at the top, and is over 170' long. Lonny explained the procedure now being incorporated from this point forward to eliminate this problem in the future. Again, Lonny would recommend a hold harmless agreement between the county and the owner before signing off on this. After discussion, the Board directed Lonny to work with Sarah to draft a Hold Harmless agreement and bring it back before the Board for action.

OLD PORTLAND ROAD/GABLE ROAD PEDESTRIAN BRIDGE:

Just to inform the Board, Dave Hill would recommend that the grant agreement for the pedestrian bridge on Gable Road be transferred to the City of St. Helens to administer since they now have jurisdiction of the road. The Board agreed.

RARE PROGRAM AND PARKS MASTER PLAN:

Dave Hill introduced Lorraine Churchill, Assistant Parks Director and Erika Owen, RARE student. Erika presented the Board with information explaining what she is doing to update the Parks Master Plan and the projects she is working on. She is in the process of gathering information to update the plan and will start connecting with public groups soon. She has prepared a survey that she would like to send out to help gather information from the public regarding the county parks. Commissioner Hyde suggested adding a place for comments on the Linear Trail. Roger Kadell also suggested looking into grants for a Dog Park. Erika will add both items. Dave would like the

Board to take some time to review this information and let Erika know if there are additional items they would like added.

Erika gave the Board another survey which is specifically for the Board which is to get their feedback on the county parks and the Master Plan. She asked that the Board review it and she will schedule time with each Board member individually to go over their comments. So far, she has been working on a marketing plan and grant research, Camp Wilkerson, and update the Master Plan.

SCOTT PARKER REQUEST TO RECONSIDER SURFACE MINING ACTION:

Todd Dugdale, LDS Director: As the Board is aware, Scappoose Sand & Gravel (SS&G) began mining back in the 1940's. The County adopted their first Surface Mining Ordinance (SMO) in 1972 and it provided for a Limited Exempt status for mines that pre-existed 1972 under certain criteria. In 1993, SS&G came before the Board and was granted a Limited Exemption for the mining site as shown on the 2005 aerial map, with the exception of the cross hatched acreage in the northeast corner, which is about 10 acres. Scott has indicated that he would like to finish mining that 10 acres. A good share of the mine has already been mined - between 1972 and 1990. Scott is requesting the opportunity to make a case for the 10 acres through the Limited Exempt application process. Under the SMO, an expansion of the Limited Exempt area is not allowed. The request is to have the Board reconsider the 1993 Board decision excluding the 10 acres. They have gathered documentation to support, on reconsideration, adding the 10 acres. A motion by the Board would be necessary to begin the land use process.

Commissioner Bernhard asked about a reclamation plan. Todd believes that Scott has a reclamation plan filed and is very actively involved in reclamation of the site for industrial site. A portion of the site has already been reclaimed and in the process of partitioning the reclaimed portion for industrial use.

Scott Parker, SS&G, 33485 Crown Zellerbach Road, Scappoose & Larry Derr, 425 NW 10th Avenue, Portland, OR 97209: The 1972 SMO was fairly basic, with not a lot of detail, but it clearly exempted existing mines. At that time, application was made and that Exempt status was recognized by the Board. Unfortunately, there is no information remaining, either by SS&G or the County, detailing that. What is clear is that an application was made for the entire 113 acre site and a Limited Exempt Certificate was issued for the entire site. Back in 1972, the land fell into 3 categories: 1) the area that was actively mined which was determined by aerial maps; 2) on almost all of the remainder of the site, the overburden had been stripped and sold; then what was left was the issue of the vested rights argument - a commitment to property that wasn't already mine; and 3) the last was a roughly 10 acre area in the north part of the site. The map shows that 10 acres running down West Lane Road. Larry thinks what was probably being referred to at that time was the 10 acres that ran along the north property line. Scott stated that there was never a metes and bounds legal description for that 10 acres. Between 1972 and 1990, the house was taken out and mining occurred. However, the mining did not include the strip along the north property line because there was an easement for a driveway to serve the adjacent property so that was not available for mining. Within the last year, Scott has made arrangements with the adjacent property owner to relocate the driveway and the easement will be moved to another piece of property that he owns. So that has

been addressed. When the 1990 SMO was adopted, it said that anyone with an exempt status had to come back before the Board to get a Limited Exemption Certificate. Scott came in to do that and Larry submitted minutes of that hearing before the Board. At that time, Dale Heimuller was a Commissioner and submitted an extensive affidavit about the history of the site going back to 1972. Larry also has a letter from past Commissioner Bruce Hugo outlining his memory of that hearing. Both of these statements show that there was really no issue at the 1993 hearing about whether the 10 acres was in one area or another. At that hearing, the Board asked Scott what could be done with the easement. Scott had stated he had no immediate intention to mine the 10 acres but wanted to preserve the ability to do it. The only testimony that was heard had to do with some people in the surrounding area that had been having problems with their wells. They had concerns that work in the pit was effecting their wells. Scott hired some professionals in the field to work with those people on their wells issues. The fact that there was no present intention to mine that area and the fact that there was the potential of these people's problems reoccurring, it caused the Board to hold out the 10 acres and let Scott come back in the future when he is ready to mine the 10 acres. Therefore, it is their belief that the 10 acres was not withheld because it didn't qualify as exempt, rather for the reasons just mentioned.

Scott stated that he is very aggressively reclaiming towards West Lane Road up to the 100 year flood plain to allow building with having to deal with flood issues.

Commissioner Hyde asked what the difference is between a reconsideration as opposed to just applying for an operating permit. Todd stated that the process would be the same, either a reconsideration or an application to mine this area. Larry stated that the SMO doesn't contemplate coming back to revisit a Limited Exempt grant, so there is no process for expansion. The only thing that speaks to expansion is that you establish, once and for all, where the site is exempt and if you want to extend that area, it takes an operating permit. John hasn't looked at the ordinance lately, however Todd has stated that the County is not able to expand a Limited Exempt area without an operating permit. However, John believes that the Board inherent authority to reconsider this. He would suggest this be discussed further in Executive Session to determine the options before making a decision.

When asked about the time frame, Larry stated that there is someone that has already committed to use this property but that can't happen until the property is mined and reclaimed, so time is of the essence. Scott reviewed the arrangement with the adjoining neighbor. He explained that the Surface Mining Committee originally approved the entire site, but because of some concerns with some wells at a later date, Commissioner Hugo took out the 10 acres. Scott stated that, years ago, he submitted a reclamation plan, but that has been lost by the county and himself. He has submitted a new reclamation plan to ensure the County that this entire area will be reclaimed. He went into detail on the easement and why that area wasn't mined. He stated again that when the Limited Exempt status was approved for the site, the Surface Mining Committee approved the entire site. It was past Commissioner Hugo who was holding out because of the well problems that occurred in one area to he put the hammer on the 10 acres and that is why he didn't include the 10 acres.

After discussion, the Board felt the need to meet with staff in Executive Session to discuss the options prior to taking any action.

ANIMAL CONTROL LICENSING DATES:

Roger Kadell and Betty Huser came before the Board. Roger had changed dog license renewal date to January 31st. Betty asked him to review that and consider changing that date to March 1st. Roger feels that, to do everything that he needs to do to keep the program running smoothly, March 1st is a more practical date. This date is the same date as the City of St. Helens, so it will cause less confusion for the public. Roger stated that this will be advertised in the local papers to inform the public of the change in the date. The Board was in agreement and directed staff to prepare an order for final approval.

While present Betty wanted to make the Board aware that the Scappoose Parks & Recreation District owes the County approximately \$21,000 for past elections and will have 3 positions coming up for election which will add an additional \$1,600. Commissioner Bernhard will contact them to set up a meeting to discuss this billing.

PROPOSAL FOR TRAINING FACILITY AT TROJAN:

Fred Butcher previously submitted a proposal and asked to review it with the Board at this work session. However, Mr. Butcher was not present and the matter was canceled until Mr. Butcher rescheduled with the Board.

US BANK BUILDING:

Elliott Michael, 13236 NW McNamee Road, Portland: He is one of the owners of the US Bank building in Old Towne. Mr. Michael gave some personal background on himself. He likes this community and it's where he wants to live with his family. He has been working with the Downtown group to enhance the area. He is very community minded and has given a lot to this community. He explained some of the plans he has for the building and, because his is very family oriented, he will be very conscience about what can and cannot go in there. His purpose here today is to request an easement from the county for a rear stairwell out of the back of the building. He is not asking for any parking spaces from the county. He spoke with Bill Potter on this and Bill had asked about an opening on the side of the building. Mr. Michael explained the process involved with doing that and determined that it would be cost prohibitive. Commissioner Bernhard feels that, because this is a private company, there should be some fee involved so the County is not just giving away the easement. Commissioner Corsiglia suggested a discount for county employees for the rock gym. Commissioner Hyde feels that would benefit the employees and the county both because of the risk management effect. Commissioner Corsiglia also feels it would be a great community service for the kids. Commissioner Bernhard just wants to be able to justify the reason for giving away an easement. Elliott made a suggestion that he pay the county a monthly fee of \$50 for the easement, and he would landscape and maintain the area. Commissioner Bernhard would be comfortable with that, as long as there is some monetary benefit to the county. After discussion on some different options for payment to the county, John stated that he would draft an easement and review it with the Board prior to any action.

EXECUTIVE SESSION UNDER ORS 192.660(2)(h):

The Board recessed the regular session to go into Executive Session as allowed under ORS 192.660(2)(h). Upon coming out of Executive Session, no action was taken by the Board.

EMERGENCY MANAGEMENT POSITION:

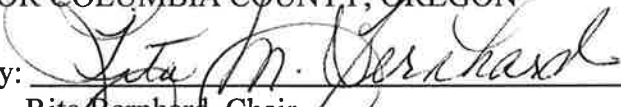
Commissioner Hyde brought up the issue of the new proposed Emergency Management position. He reviewed his discussions with the stakeholders involved in the funding of this position. Basically, we are two units short of funding the position but feels the commitment is there. Commissioner Bernhard is concerned with losing a very qualified candidate and feels there will be adequate participation to fund the position. Commissioner Corsiglia still has some concerns with the agreements and funding being finalized, however agrees the position is needed and his concerns have been minimized. After discussion, approval was added to the consent agenda. Commissioner Corsiglia would like a process set up where the Board can see when the funding comes in.

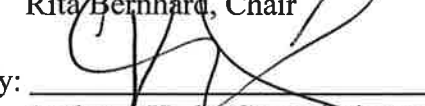
With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 23rd day of January, 2007.

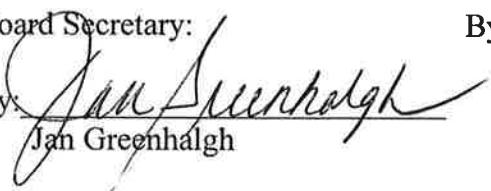
NOTE: A tape of this meeting is available for purchase by the public or interested parties.

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