

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

WORK SESSION

May 22, 2007

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

Commissioner Bernhard called the meeting to order.

ROAD ADVISORY COMMITTEE:

Dave Hill, Public Works Director, began discussion with the Road Advisory Committee and the need to get it started up again. This committee would look at weight restrictions on certain roads, among other issues. Dave would suggest the committee invite the timber companies and citizens to come in and see what can be done about the road issues. It was suggested that Nita Greene be invited to serve on this committee because of her considerable interest in the roads. Commissioner Corsiglia feels the committee should have a balance - people from the business end of the community and residents, because they both have a shared interest. As far as coming to a negotiated understanding, that's a different situation because we're not asking the residents to pony-up, where we are asking the haulers to.

Commissioner Bernhard asked about assistance at the state level to make some adjustments. Dave felt that would be something that the Road Advisory Committee would want to look at too. To look at how the revenues are coming in from the trucking industry. Commissioner Corsiglia suggested creating a pin board so we can see what areas people are from, to get a good disbursement from around the county, particularly the areas where the roads are going back to their historic nature.

Dave has prepared a list of recommended members for the committee and feels it is fairly well covered geographically. He asked that the Board approve this list and noted that changes could be made, if and when it is necessary. Commissioner Hyde asked if the timber industry is being represented on the committee. He noted that the Forestry Department is a regulatory agency, not a timber industry. Commissioner Bernhard felt that Keith Klecker would be a good one to represent the timber industry. Dave agreed, but stated that he is hard to get a hold of many times. Commissioner Corsiglia suggested establishing a base committee and see who shows up. Once you get an idea of who's going to be there and who's not, then adjustments can be made.

Dave felt the first thing the committee would be looking at is the weight restrictions. We have also talked about modifying the road standards or not, how we go about charging developers and what kind of improvements each development should make, the size of the development, improvements to the roads, etc. Another topic is going to be the Northwest ACT projects. Dave stated that, with funding for the roads decreasing, it would be a good idea for the group to look at our funding situation and see what our priorities should be for maintaining our roads and making improvements to the roads.

Commissioner Hyde talked about the potential loss of timber revenue, what is being done at the legislative level and what it means for the future of Columbia County. After discussion, the Board added the recommended appointments to the Road Advisory Committee to the consent agenda.

ELK CREEK TIMBER HAUL:

Dave Hill updated the Board on the Elk Creek timber haul project. Keith Klecker of Hancock Forest Management has begun the timber operation on Elk Creek Road. Dave has asked for the \$5 per mile fee and Keith has agreed to pay that. However, Dave does not feel that will be enough to cover the cost of repairs. The Road Department is making provisions to put down dust control on sections of the road if necessary.

APPLICABILITY OF FEE TO NON-AGGREGATE MATERIALS:

Todd Dugdale, LDS Director, approached the Board to again discuss the applicability of depletion fees to non-aggregate materials. This discussion began in November 2006 when the Board directed staff to prepare a draft order to clarify the interpretation of the applicability of a fee to non-aggregate materials. The order achieved a couple of good objectives that we discussed in previous meetings of clarifying how we were to interpret and apply the depletion fee and we've suggested an approach which would exempt reclamation of mines, improvement of farm lands and soil used for construction fill, and a related interpretation that we would not apply it to natural resources that are not depleted from the county, i.e. coal, gypsum, clay, etc. Staff needs direction on how to proceed with this. One of the reasons that this was brought forward is because of the administrative and enforcement uncertainty of applying our fee to certain situations. There was prior discussions about applying the fee to materials used to reclaim mines, and at that time, the Board direction was to not apply the fee to those, so they haven't. Then a draft amendment was submitted to the voters, which was turned down. For materials used in reclaiming mines, this has not been addressed consistently, or materials used to improve or fill farm land. Some of these materials are obviously very difficult track, administer and enforce.

Commissioner Bernhard remembered Commissioner Hyde having an issue regarding this and wondered if his questions have been answered. Commissioner Hyde stated that he would have to go back through his notes to determine that.

Todd stated that staff could proceed the way they have been. If nothing is done, then Todd understands that the direction of the Board would be to not apply the fee where reclamation activities are involved and continue efforts to obtain a fee for construction fill or fill material that is brought into the county. As to non-aggregate materials, such as coal and gypsum, it would be useful to have something definitive on how staff should proceed with that. Commissioner Bernhard understood that the Surface Mining Committee looked at that and thought they should not be including those items.

Todd stated that was the premise in the draft board order - that we would not apply the fee to materials that are not depleted within Columbia County, likewise with the transportation fees, that basically that fee was to create a level playing field in terms of marketing materials that we do

deplete so that we aren't undercut by others. The transportation fee is clearly tied to depletion fee and, the reason behind that, was to make sure that the folks who were paying it - depleting materials within Columbia County, were not operating at a disadvantage. Commissioner Bernhard is talking about gypsum or coal, they absolutely are not mined in this county at this time. If they are mined here in the future, they would be subject to the fee.

Commissioner Corsiglia stated that the question is still hanging out there on soil and understands that was going to the Surface Mining Committee for a recommendation. Commissioner Hyde agrees and, that was the concern he had before, and he still doesn't see a resolution to that. The SMAC basically said they agreed that we shouldn't be applying the fee to materials that are not depleted within Columbia County, but again, soil is obviously depleted under the definition of this Ordinance. By its very nature, we have a very uneven enforcement. He agrees with Commissioner Corsiglia that this order is not yet ready for action. Commissioner Corsiglia feel this needs rewriting, but now isn't a really good time. Maybe in the future we could sit down and pencil out a proposal for a ballot title, slowly put something together that makes sense and rewrite this thing.

After discussion, the Board held this matter over for more discussion.

FEMA LETTER REQUESTING CERTIFICATION OF LEVIES:

Todd Dugdale explained that the County was notified by FEMA that Columbia County is a National Flood Insurance Participant Community. Therefore, the county must comply with certain rules as to the protection of development in flood prone areas, which are defined by the maps. What happened in New Orleans and Louisiana has focused a lot of national attention on levies. Commissioner Hyde understands that this is to bring more recent data into their flood plain maps.

Todd - It is, but it's also more than that. As he understands it, a lot of levies along the Columbia River were constructed by the Corps of Engineers and then, over a period of time, they were turned over to the diking and drainage districts (and there are 14 of them in Columbia County). Todd does not know how those districts operate, how they fund their maintenance activities, their responsibilities, actual ownership, etc. and this will require some further investigation.

FEMA is saying that, as the participant community, the onus is on us to act in a coordinating function, because we're the governmental entity that participates in the program. If we do not enter into this agreement together with the districts who own and operate or maintain these levies, and if we don't come forth with the supporting engineering information concerning the adequacy of those levies to protect the properties that they now protect, then we run the risk in two years that the maps would be automatically amended to convert those properties that are now protected by the levies.

Commissioner Corsiglia asked if this is something that has been addressed by AOC or the courts - it seems like this is not just pertaining to Columbia County, but anyone who's on a river that has a levy. He would think that if it's counties that are considered the oversight group, that all counties through AOC would be interested in this. The other end of it would be the ports because they have to deal with these. Commissioner Hyde agreed.

Todd spoke with FEMA about how some of the communities were responding and the possibility of contract with the Corps to do the work. That sounds like an easy solution, but the potential costs for the engineering studies to re-certify our levies has to be huge. Commissioner Corsiglia feels this should be a group effort, where all counties who have similar situations get together and have a single approach. Commissioner Hyde agreed and suggested holding a workshop with all groups in attendance, i.e., districts, the Corps, FEMA, etc. Todd stated that the County is up against a deadline because the agreement must be signed and returned to FEMA by July 26th.

After discussion, the Board directed Todd to contact other counties, specifically Multnomah County to find out how they are going about certifying their levies, the cost and where the money is coming from. Todd will schedule time with Board and invite representatives from the various agencies to discuss this matter. Commissioner Hyde stated that he will contact Les Miller himself. Todd will also gather some information from the different agencies and other counties and bring that information back to the Board in two weeks.

PUBLIC HEALTH CONTRACT:

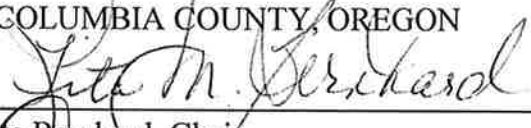
Commissioner Bernhard addressed the contract with the Public Health District. John Knight has made changes to the contract and it should be ready for action. Commissioner Hyde and Commissioner Corsiglia have not reviewed the contract yet, therefore it was carried over one week.

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

Dated at St. Helens, Oregon this 22nd day of May, 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