

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

February 22, 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, Sarah Hanson, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

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

CCMH 2007-2009 IMPLEMENTATION PLAN:

Donna Tewksbury, CCMH Director, came before the Board to request approval of the 2007-2009 Implementation Plan for Columbia Community Mental Health. After a brief review, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the Columbia Community Mental Health 2007-2009 Implementation Plan. The motion carried unanimously.

MINUTES:

Commissioner Hyde moved and Commissioner Bernhard seconded to approve the minutes of the February 8, 2006 Board Meeting; February 14, 2006 Work Session; and February 15, 2006 Staff meeting. The motion carried unanimously.

The minutes of the February 15, 2006 Board meeting were held over one week.

VISITOR COMMENTS:

Tammy Maygra, Deer Island: Regarding the REDCO agreement, she asked if the language was changed to address her concerns regarding all the money collected going to pay the USG debt and nothing else. Commissioner Hyde stated the language was changed.

Michael Sheehan, Scappoose, asked for clarification on the language in the REDCO agreement. Commissioner Hyde again stated that the REDCO reserves will go to the USG debt and, if not, it will have to be paid back to the taxing districts with interest.

HEARING: RECHT, NELSON, RUSSELL ZONE CHANGE - HILLCREST:

This is the time set for the public hearing, "In the Matter of the Application of Dick Recht, Chris Nelson, and Scott & Sue Russell for a Comprehensive Plan Amendment and Zone Change from FA-19 to PF-76 and from FA-19 to RR-5".

Sarah stated that this hearing would be held on the record of the Planning Commission unless the Board makes a motion to allow additional testimony. Because there have been changes since that

time, she would recommend the Board allow additional testimony. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to hold this hearing denovo. The motion carried unanimously. Regarding exparte contact, Commissioner Hyde stated that he had contact with Scott Russell several years ago, but prior to this application being filed. No other exparte contact was declared. Sarah then read the pre-hearing statement into the record as required by ORS 197.767. Sarah presented the Board with an updated ordinance which includes comments that have been received to date. The County Counsel's hearing file was entered into the record, marked Exhibit "1", and all contents were noted. Sarah stated that if there is anyone who believes there should be additional documents in the record, they must be presented to the Board today, or they will not be considered part of the record.

Glen Higgins, Chief Planner, came before the Board to give the staff report. Dick Recht, Chris Nelson and Scott & Sue Russell are applying to amend the Comprehensive Plan and create more RR-5 zone properties in the center and western portions of the Hillcrest Subdivision where roads and topography enables residential development. At the same time, the request would re-zone the eastern block of the subdivision into one 80 acre parcel and zone it PF-76. A community water system will serve the RR-5 zone developed areas and individual septic systems will be required for each proposed dwelling. A plan has been developed for roads serving the developed areas and which roads are to be vacated. The Road Department has reviewed the construction standards for various road improvements depending on their anticipated usage. A preliminary development plan has been submitted showing lots to be consolidated into buildable tracts. Each buildable tract would have an Irrevocably Bound Covenant recorded, septic approval and road improvements to access the property prior to issuance of a building permit. There has not been opposition to the concept of this plan amendment and zone change, except surrounding homeowners with individual wells have expressed concern about the protection of their well water. Glen went through the applicable criteria, which have been met by the applicants. This proposal is well thought out and the most comprehensive development proposal seen to date. Staff recommends approval of this Comprehensive Plan Amendment and Zone Change with the 14 conditions listed in this staff report, dated 2/13/06.

The hearing was opened for public testimony.

PROPONENTS:

Mike Stone, 50606 Crystal Ridge, Scappoose: He is a property owner next to the Hillcrest subdivision. He will also be building some of the home sites. No more than 140 homes in the subdivision. With the new home sites, density will be spread out. It is a state regulated water system which everyone will be connected to. He submitted a letter from a property owner - read it into the record, and it supports this application - from Exhibit "2".

Scott Russell, 31291 Raymond Creek Road, Scappoose: He has been growing trees for the last 30 years. As co-applicants, they would be adding 50 plus acres to the family tree farm. He won't have anything to do with the building of home sites. Raymond Creek is a premier salmon protection act. He feels this plan will help protect Raymond Creek. He sees the benefits to the

neighbors in the area. Regarding water and wells - this system will be monitored and controlled with metering. As for fire safety, the Forestry Department feels this is a good plan. Some conditions need to be workable for all. For the record, he supports this application.

Phil Engen, PO Box 1131, Scappoose: He is a property on the south side of the buffer zone. Any concerns he had about that, Mr. Recht had addressed. Traffic and available water are issues that aren't going away, because the subdivision is here to stay. He feels this plan is an improvement and helpful to the property owners.

Terri Lahti, 33317 SW JP West Road, Scappoose: It was her responsibility to get a letter signed by the property owners, however, if the Board is going to require letters from the 30 other property owners not effected, it may not be possible and would probably deny the zoning. (Conditions 6 & 7). All owners effected agree with this application.

Rich Bailey, 61132 Barger Road, St. Helens: He is in favor of the proposed changes here today. They are making many improvements to the area. The number of building sites are not changing.

Peggy Howell, 184 N. 13th, St. Helens: She is in favor of this re-zoning. She is a real estate agent and will be selling the lots.

Sally Cox, PO Box 73 Dotie, Washington: She asked about the comment of some roads being vacated and how will she be able to access her property. Glen clarified that is part of the plan. She is not opposed to this as long as she has access to her property.

Bruce Birtchet, 31762 Callahan Road, Scappoose: He questioned condition #6 - which limits the number of dwellings to 140. It sounds like they are being discriminated against. Commissioner Hyde stated that goes back to an original agreement between the proponents and opponents of this subdivision. Sarah elaborated on the agreement

Tom Prockishc, 31750 Callahan Road, Scappoose: He and his wife supports this zone change. He has been very happy with the planning of this subdivision.

Fred Sattler, 3270 Callahan Road, Scappoose: He joined Hillcrest in 1959. He also has a 5 acre parcel below Hillcrest in Crystal Ridge. He doesn't have any restrictions on that property. He doesn't see anything wrong with mobile homes. He is concerned that anything less than 5 acres is not acceptable.

Rod Davis, 31308 Raymond Creek Road, Scappoose: He supports this project. Mr. Recht has addressed all of their concerns regarding water, very professional man.

Sue Russell, 31291 Raymond Creek Road, Scappoose: She is a co-applicant. Years ago, she did not think this was a very good project. However, today she is here to support this application. It's of good quality and it benefits the property owners.

Dick Recht, 830 Woodside Road #4, Redwood City, California: He wants to make sure that Sally Cox's question is answered. Dick submitted a tax printout of her property and explained that she will have access to her property. There is no intent to take away any access. He talked about the road and the standards to be met. Dick pointed out a correction in the proposed zoning map. Assessor's map marked Exhibit "3".

Tim Ramis, 1727 NW Hoyt, Portland: Attorney representing the applicant, submitted a document into the record, marked Exhibit "4". He will be discussing the conditions and some suggested changes, which are outlined in his submittal to the Board. The Planning Commission decided this case after testimony and imposed conditions. The CPAC suggested additional conditions, which the applicant agreed to. Since that time, other changes have been suggested. He would like to respond to those and suggest some solutions. The first relates to condition #6 - the topic is the 140 cap, which they agree with. But it says - let's commit to 140 and, in addition, impose a covenant that commits the owners to 140 unit cap. The applicant agrees with that and will sign such a covenant, but he would suggest that the Board eliminate the language that requires other owners to sign the covenant. The applicant doesn't have any control over that. Related to that, there needs to be some type of method for calculating the 140 as development takes place. He has included some language that requires monitoring the number of dwellings. Each time a building permit is issued, it will reduce by one, the allowable density. So he has set out a formula that could be followed in the future. The alternate formula that Mr. Sheehan has suggested makes the project unworkable, because it has a number of features, one of which is to take the 140 and then reduce it by each and every unaffiliated lot in a subdivision, whether or not that lot is developable. It's unrealistic and it guts the proposal.

Condition #7 - this is a good effort by County Counsel's office to flag the issue of the interplay between the 140 overall limitation and the reference to the 130 that is contained in the settlement agreement. The 130 applies to the RR-5 area. The question is does that 130 apply to, not only the RR-5 area as it existed at the time of the settlement agreement, or does it apply to all RR-5 areas that might later be added. That question will need to be resolved. County Counsel has pointed out that that is not relevant to this hearing. The suggestion might be heard that the Board may carve out the right, not only to amend the settlement agreement, but also the right to interpret the agreement.

Condition #8 is a technical suggestion which mentions the 130 cap just discussed but doesn't cross reference the ability to amend or interpret the agreement under 6 and 7. He would ask that a cross reference be included.

Condition #11 as specificity with respect to the monitoring wells. It incorporates a request that came in from Mr. Russell. The applicant is in agreement with that language.

Condition #14 deals with the water system. After review, it was determined that this is already covered in Condition #11. That concludes his comments.

OPPONENTS:

Michael Sheehan , 33126 Callahan Road, Scappoose: Mr. Sheehan has not seen Mr. Ramis's proposal yet and would agree to wait until next week to allow him time to review it.

Before recessing the hearing, Dave Hill, Public Works Director, commented on the emergency access road at the end of Callahan Road. Dave feels the access would be the quickest emergency route to the bigger part of development. It would be good to pave that portion of the road if the grade is less than 15%.

The Board recessed the public hearing and will continue it on Wednesday, February 28, 2006, at or after 10:00 a.m. for opposition and rebuttal.

CONSENT AGENDA:

Commissioner Corsiglia read the consent agenda in full. With no comments, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify Select-to-Pay for 2/21/06.
- (B) 2006 Liquor License Renewals for:
 - Quincy Store;
 - St. Helens Golf Course
- (C) Order No. 11-2006 (Finalizing Vacation Proceedings and Accepting Dedication), "In the Matter of the Proposed Vacation of a Portion of an Unnamed, Unused, Platted Right-of-Way and Accepting the Dedication of an Alternate Route for the Vacated Portion of this Right-of-Way Lying Within the Scappoose Acre Tracts Section 5 Subdivision near Scappoose, Oregon [Scott and Rosalind McKenna]".
- (D) Ratify Order No. 17-2006, "In the Matter of Declaring an Emergency and Awarding a Public Contract for Emergency Construction and Repair Work".
- (E) Ratify Waiver Request Application for Commission on Children & Families.
- (F) Appoint Deb Parmley to Position #2 on the Columbia County Fair Board to replace Wayne Burton.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Public Improvement Contract with Carter & Company

The motion carried unanimously.

COMMISSIONER CORSIGLIA COMMENTS:

No comments.

COMMISSIONER BERNHARD COMMENTS:

The Board attended the grand opening of the Columbia County Transfer Station last Thursday.

The Board also attended a meeting with PGE at the Rainier Senior Center yesterday, to get an update on the Trojan implosion

She attended a meeting with Scappoose Community Club representatives where discussion was held on creating a Miss Columbia County pageant. That will take place along with the Scappoose Sauerkraut Festival and St. Helens Festival pageants.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde attended the Governor's Economic Development forum yesterday - they spent most of the time talking about Measure 37.

The Board recessed the meeting at 12:15 a.m. and reconvened at 1:30 p.m. with all present.

Commissioner Corsiglia called the meeting back to order.

KEITH CERNAC ROAD IMPROVEMENT LIEN:

Cynthia Zemaitis informed the Board that she received a call from Fidelity National Financial indicating that the Cernac's were refinancing their property, and the financial company was requesting that the Cernac's Road Improvement lien be subordinated to this new mortgage. John Knight stated that the County has twice before subordinated this lien and felt that the County could again subordinate the lien upon assurance that the lien would take second position; i.e., that all other previous liens had been paid off. John also recommended that we check the status of this lien and get it re-recorded because the 10-year period was about to expire. Following some discussion, Commissioner Hyde moved and Commissioner Bernhard seconded a motion to subordinate this lien into second position. The motion passed unanimously.

EXECUTIVE SESSION UNDER ORS 192.660(1)(h)(d):

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

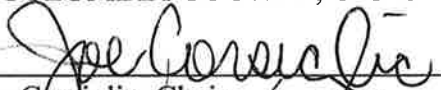
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With nothing further coming before the Board, the meeting was adjourned.


Dated at St. Helens, Oregon this 22nd day of February, 2006.

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

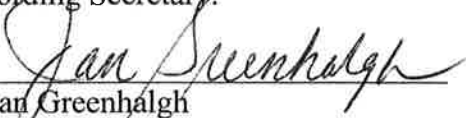
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Joe Corsiglia, Chair

By: 
Rita Bernhard, Commissioner

By: 
Anthony Hyde, Commissioner

Recording Secretary:

By: 
Jan Greenhalgh