

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

March 1, 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.

**MINUTES:**

Commissioner Hyde moved and Commissioner Bernhard seconded to approve the minutes of the February 15, 2006 Board Meeting; February 22, 2006 Board meeting; and February 22, 2006 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

***Tammy Maygra, 34319 Cannan Road, Deer Island:*** Since the LNG project has gone away, is the Board still supporting the current direction the Port is taking with the Thompson's property, specifically - a lease or condemnation. Commissioner Bernhard stated that she has not been involved in any of that but does listen to any proposals that come before the Board. Commissioner Corsiglia has asked to be informed of any new proposals but hasn't heard anything as of yet. Commissioner Hyde is not sure that the funders have gone anywhere yet and understands that the Port Commission is pursuing a lease option, but hasn't heard anything about condemnation. The Board will hear any proposal that comes before them for consideration.

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

This is the continuation of 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 - this hearing was continued from last week to hear testimony in opposition and rebuttal. Since last week, she has received an e-mail from Dave Hill, Public Works Director, with proposed additional language regarding the emergency road. The e-mail was entered into the record marked Exhibit "5". In response to that e-mail, Sarah inserted the recommend language into Condition #1 in the ordinance.

**OPPOSITION:**

***Thelma Bonar, 56734 Way Lane, Warren:*** She is concerned with the impact this will make on Columbia County. She became a member of the Scappoose CPAC because she thought she could make a difference. She feels the water issue is essential and there should be something in

writing to the county that they can supply enough water for fire safety. Columbia Acres, years ago, was short of water and she doesn't want to see that happen again. Thelma referred to Resolution No. 50-90 regarding road standards and feels it should be followed. Sarah noted that this Resolution is part of the record. Thelma is concerned with the roads, emergency services, schools, and all impacts to the county. Thelma entered the Uniform Fire Code, Article 9 into the record, marked Exhibit "6". Thelma also entered the Re-platting statues into the record, marked Exhibit "7". The zoning ordinance says RR-5 should be 5 acres and these lots should not be smaller than that. Another concern is under #7 - that the number of dwellings could be increased upon approval by the Water Resource Department. She doesn't think it should be up to them to increase the number of dwellings.

**Michael Sheehan, 33126 Callahan Road, Scappoose:** Mr. Sheehan is representing himself and the Scappoose CPAC. There has been a lot of back and forth on the language in the conditions, and he has worked on these conditions with the applicant over the past week. There were two significant issues. One is to ensure that the agreement over either there being 130 or 140 dwellings maximum, that it wasn't disturbed by the fact that there are approximately 40 lots that are owned by third parties. Most of those lots are too small to be developed without the provision of sewer service. In the end, he had a provision suggesting that if any of those did end up with a building permit, that would count against the total number. This has been agreed to by the applicant. The other major item is what the impact would be on the domestic wells. The water supply has always been a touchy subject. The Department of Water Resources response some time ago was that if Hillcrest goes in and everyone's wells go dry, too bad unless each homeowner can prove that their well is drilled to the bottom of their own personal aquifer and obtain a hydrological study to show that Hillcrest is the entity that is responsible for making their well go dry. That would be very expensive to do on an individual basis. So language has been added in condition #11 that he believes has been agreed to by the applicant. Sarah entered the proposed language into the record marked Exhibit "8". Mike stated that the language sets into effect a monitoring requirement continues, notwithstanding anything that DWR would do. Monitoring wells will be installed and will remain so that annual testings will be comparable. Applicant has established an entity to monitor the wells. Finally, they agreed on annual monitoring data and that data will be filed in LDS so that it is public record. In his conversations with Mr. Ramis, Mike feels that there is tentative agreement on all of these issues, however, Mike would ask that he be able to review the final ordinance prior to Board approval. Mike noted that most of the changed language would also address a lot of Thelma Bonar's concerns.

#### **REBUTTAL:**

**Tim Ramis,** Again, he is the attorney for the applicant. He wanted to thank Mike Sheehan for working with them for a good final product. To reiterate, he had suggested some amendments to the original conditions and Mr. Sheehan reviewed them and made some changes and then they worked together to finalize them. Condition #14 is a product of working with the Russell's. The first change is to make sure that the Waiver's of Remonstrance are actually done by the entities that are controlled by Hillcrest, Columbia Hills and Nelson & Recht. The second is to make sure that the remonstrance against lawful forest practices applies throughout the subdivision to protect

the forest practices that are going on. On Item 6 on the first page, the change is to identify the portions of the applicant that can actually sign remonstrances and covenants. It also clarifies that the cap that applies is the 140 cap. Item 8 just makes sure there is a cross reference between Items 6 and 7 so that the ability to adjust the number of home sites is recognized. In Item 11, they have specifically referenced the Homeowners Association as being responsible for the monitoring because that is an entity that already exists and will continue to exist. The date of March 10 was chosen because they were told by technicians that that is the time of year you get the best and most consistent reading. Tim wanted to mention, on the record, that under subsection section (3) where it states that the establishment of an entity shall occur before the issuance of any building permit - the has already happened. The Homeowners Association is already in existence. With that, he would ask that the Board adopt these changes as an amendment to the base document submitted by County Counsel. He would also ask that he be allowed time to review the final product before any Board action.

**Mike Stone**, is a neighbor of the subdivision and has a well close but feels the water issue has been met and is enough for fire safety. He has been working with the Road Department on the roads. He will be one of the major builders in this subdivision and, being local, this is good for the economy.

**Durell Kearsley, 300 Spinnaker, Columbia City, Oregon:** As one of the proposed builders for this subdivision, he feels there is a need for housing in that area and it will allow the local builders to be a part of this. This is good for the county, the builders and the homeowners.

**Bruce Birtchet**, talked last week about a covenant they all have to sign and still doesn't understand why he, or anyone, has to sign this document. The property up there is increasing in value. The number of dwellings has already been established and can't change, so why the need for a covenant.

**Tom Prockisch, 31750 SW Callahan:** He just wants to be on record that he continues to support this application. He is a property owner up there and a number of neighbors, along with Mr. Recht are doing things to help support the community. Mr. Recht has been very generous in what he has done up there.

**Dick Recht**, explained that Bruce Birtchet was responding to a condition that was originally proposed that said every existing homeowner would have to sign the covenants. That has been worked out with Mr. Sheehan and understands that condition has been removed. He addressed the water issues which have been covered in the most recent conditions.

**Scott Russell**, referred to condition #11, parts 1 and 2. He does not want anything to do with monitoring these wells and asked that this be addressed in the conditions.

With no further testimony coming before the Board, the hearing was closed for deliberation. Sarah suggested that she finalize the ordinance and allow review prior to adoption. Todd Dugdale stated that he would also need time to review the language agreed upon before approval.

With that, Commissioner Hyde moved and Commissioner Bernhard seconded to carry over deliberations to March 15, 2006, at or after 10:00 a.m. The motion carried unanimously.

**CONSENT AGENDA:**

Commissioner Corsiglia read the consent agenda in full. Sarah asked that Item (J) be added. With that, Commissioner Hyde moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (A) Ratify Select-to-Pay for 2/28/06.
- (B) Order No. 14-2006, "In the Matter of an Application by Forest Systems LLC for a New Surface Mining Operating Permit (#05-0079) at the Oak Ranch Quarry".
- (C) Approve the creation of the GIS Programmer/Cartographer position, assign to Salary Range 26 and authorize the County Assessor to fill the position.
- (D) 2006 Liquor License Renewals for:
  - Star Mart;
  - St. Helens Moose Lodge #591

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (E) Ratify Amendment #16 to the 2005-2007 IGA #113022 with DHS, to extend the agreement to March 31, 2006.
- (F) Ratify Amendment #6 to the Agreement with Columbia Community Mental Health, to extend the agreement to March 31, 2006.
- (G) Approve Right-of-Way Easement for West Oregon Electric Cooperative Inc., for Camp Wilkerson and authorize Chair to sign.
- (H) Intergovernmental Software Right-to-Use Agreement with Polk County.
- (I) Personal Services Contract with Helion Software, Inc.
- (J) **Authorize Todd Dugdale to sign agreements to extend stay of Ballot Measure 37 Claims.**

The motion carried unanimously.

**COMMISSIONER CORSIGLIA COMMENTS:**

The Board attended the City/County meeting last night. He was impressed with the amount of good things going on throughout the county, even when budgets are tight.

**COMMISSIONER BERNHARD COMMENTS:**

Commissioner Bernhard attended a portion of the City/County meeting last night. MTC gave a very good presentation.

She also attended Congressman Wu's town hall meeting. A lot of discussion was held on the Havlik Road improvement. Some grant funding has been received but not enough yet to complete the project.

She attended the City of St. Helens Planning Commission meeting last night. It was a packed house and there was a lot of opposition to the Victory Outreach proposal. She has some grave concerns about this proposal and its potential impacts to county services.

She attended the Bridal Show last week. They did a great job putting this on and there were a lot more vendors in attendance.

On Saturday night, she attended the Mardi' Gras Fireworks fundraiser event at the Armory and then the Casino Night fundraiser at the Elks put on by the Rotary Club.

**COMMISSIONER HYDE COMMENTS:**

Commissioner Hyde attended the first CZ Trail meeting last week. This is a good start.

He gave a presentation to the taxing districts last week and a lot of discussion was held on the REDCO issue.

On Friday, he met with the Arts Commission to establish some benchmarks.

He will be leaving for Washington DC tomorrow to attend the NACo Board meeting. He will be working on a lot of issues while there, including the PL 106-393 reauthorization and CDBG funding.

**ORDER NO. 13-2006 - LAW ENFORCEMENT LOCAL OPTION TAX LEVY:**

John Knight approached the Board with the changes made to the order as discussed yesterday at the work session. If approved, the order would call for the law enforcement levy election and would also approve the ballot title. The explanatory statement will be completed by March 15<sup>th</sup>.

With that, Commissioner Hyde moved and Commissioner Hyde seconded to approve Order No. 13-2006, "In the Matter of Calling an Election to Consider the Columbia County Law Enforcement Local Option Tax Levy", and authorize the Chair to sign the Ballot Title. The motion carried unanimously.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 1<sup>st</sup> day of March, 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  
Joe Corsiglia, Chair

By: Rita M. Bernhard  
Rita Bernhard, Commissioner

By: Anthony Hyde  
Anthony Hyde, Commissioner

Recording Secretary

By: Jan Greenhalgh  
Jan Greenhalgh