

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

September 1, 2010

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

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

MINUTES:

Commissioner Bernhard moved and Commissioner Fisher seconded to approve the minutes of the August 24, 2010 Work Session; August 25, 2010 Board meeting; and August 25, 2010 Staff meeting. The motion carried unanimously.

VISITOR COMMENTS:

None

HEARING: AMEND CCZO TO REVISE FLOOD HAZARD OVERLAY ZONE:

This is the time set for public hearing, "In the Matter of Amending the Columbia County Zoning Ordinance to Revise the Flood Hazard Overlay Zone for Compliance with NFIP Regulations and Adopt November 26, 2010 FIRM Maps".

Sarah reviewed the procedures to be followed for this hearing. Commissioner Hyde and Commissioner Bernhard both stated that they have property in the flood zone and could potentially effect their insurance rates. Therefore, they may have a potential conflict of interest but will be voting on this matter. Commissioner Fisher declared no conflict of interest. Sarah then read the pre-hearing statement as required by ORS 197.763. She entered County Counsel's hearing file into the record, marked Exhibit "1" which includes a list of all contents.

Todd Dugdale, LDS Director, gave a brief introduction on the purpose of this hearing. The Board will be considering the revised flood insurance rate maps prepared by FEMA and to consider amendments to the county's flood hazard overlay zoning district which applies to those areas that are mapped on the flood insurance rate maps within the 100 year flood plain and the regulatory flood way. These are mandated by FEMA as a pre-condition for participation in the National Flood Insurance Program, which provides lower cost flood insurance to those throughout Columbia County who are located within flood hazard areas.

Glen Higgins, Chief Planner, came before the Board to review the staff report, dated August 25, 2010. The Board will be considering adoption of the FIRM maps and flood insurance rate study created by FEMA. These maps will become effective November 26, 2010 so they will need to be adopted by the County prior to that date. Another requirement by FEMA is that the County make amendments to Section 1100 (Flood Hazard Overlay Zone) of the Columbia County Zoning Ordinance. Glen noted that Measure 56 notice of both the Planning Commission and Board of Commissioner hearing dates was provided to over 2,300 property owners with all or a portion of their property within the flood plain as depicted on the revised FEMA Flood Insurance Rate Maps. Under the criteria section, Glen addressed the Code of Federal Regulations (CFR) 59.24(a), Suspension of Community Eligibility which reads "*A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plan management regulations meeting the minimum requirements of the federal insurance program...*". Basically, if we want to participate in the National Flood Insurance Program, we need to adopt regulations and maps to support that participation. Glen stated that amendments state that we will participate in this program. He further noted that the county first started participating in 1974.

The Planning Commission held a public hearing on this matter August 2, 2010. The Commission received testimony raising questions as to the accuracy of the mapping and process required to appeal the maps. Based on testimony received, the Planning commission recommended denial of the proposed amendments until more accurate maps are provided and a valid and reliable process is established for the public to remove themselves from the flood plain zone.

In order to administer the National Flood Insurance Program, there must be mapped areas that are subject to flooding. FEMA has provided the County with revised Floodplain Maps that are scientifically prepared. The November 26, 2010 FIRM panels are the best information available and are required to be adopted and used.

Individual property owners can amend the flood hazard maps by providing scientific and technical data to take their individual property or structure out of the flood hazard area. Based upon the finding, staff recommends approval of the legislative amendment to the text of the CCZO, Section 1100 Floodplain Overlay contained in TA 10-04 as presented.

Todd introduced FEMA representatives, Chris Shirley, State Flood Plain Coordinator, Ken Murphy, Regional Administrator and Mark Carey, Mitigation Division Director.

The hearing was opened for testimony.

PROPONENTS:

Greg Hinkleman, Clatskanie City Manager: The City of Clatskanie is current in the process of adopting the same exact changes to their code. He is in favor of the County approving this for compliance purposes.

Jim Tierney, CAT, read a very lengthy letter testifying in favor of the amendments and the adoption of the FIRM maps. He submitted his letter for the record, marked Exhibit "2".

Tyler Joki, SWCD, 2514 Sykes Road, St. Helens: Tyler is here to address the restoration portion of CCZO Section 1110(2). The SWCD had submitted some recommendation language at the Planning Commission meeting, some of which was incorporated, but want to cover some additional concerns. Under Section 2, the title "Projects for stream habitat restoration **may** be permitted in the floodway provided". They would recommend replacing "may" with "**shall**" to allow the project to occur if the criteria is met. This is an important issue for the SWCD from a regulatory sense. The second concern is with (2)(b) which requires a feasibility analysis and certification by a qualified professional. The SWCD has projects where professional engineering is not required, but with this language, they would still need obtain professional engineering, even if other qualified professionals were involved. The last recommendation is that subsection (c) be stricken as it is redundant, and strike (d) as well, based on the fact that monitoring funds are fairly scare throughout the different funding agencies. This is a requirement that could prevent projects from moving forward.

Glen responded to the comment to remove (c) as it is redundant. Because the County doesn't know what impacts there may be, he would suggest leaving it in. On subsection (b), Glen agrees with SWCD and feels that staff can make that determination. Subsection (d) is model language provided by the State of Oregon, however Glen is not sure if necessary. No problem with adding language about obtaining permit from LDS if (a) and (b) can be met.

Janelle St. Piere, SBWC, 57420 Old Portland Road, Warren: Janelle is here giving support by the Scappoose Bay Watershed Council. She stated that many of their grant funders require monitoring but only for a certain time frame. The SBWC typically checks on projects years 1,3,5 but funding is limited so having it open ended could be costly. Also, having an engineer approve their projects can be costly and is not typically covered in their grant funding. They want to make sure they are meeting the requirements but also able to continue doing projects at a reasonable cost.

Dan Brown, Unmet Needs Committee: Dan is managing flood recovery efforts in Vernonia and is also on the Vernonia Planning Commission. He is in support of

the new map adoption. Vernonia has been operating on draft maps since shortly after the 2007 flood. They have found this to be an invaluable tool in recovery, new construction and elevations. It may add somewhat of a burden to property owners, however he can't imagine a recovery without the help from FEMA. He stated that, after the flood, the garbage cleanup alone would have bankrupted the City of Vernonia if it had not been for FEMA. He would encourage the Board to adopt this.

Derek White, Emergency Management Director: He wanted to voice his support for the adoption of the flood maps. From an emergency management standpoint, Columbia County has seen a number of disasters, 5 Presidentially declared disasters in the past decade. People tend to think that when there is a disaster, there will always be assistance. However, there have been other events that have not reached the level of a Presidential Declaration. The City of Clatskanie saw this in 2009. They did not meet this criteria and went without. The county has received millions in mitigation grants, thanks in large part to our participation in the National Flood Insurance Program. We need to make sure that we continue to be part of this program so that we are to protect the greater good of the citizens of Columbia County.

Ken Murphy, Region 10 FEMA Administrator, 130 228th St, SW, Bothell, WA: He has been an Oregonian all his life and worked for the State Emergency Management for 10 years. Columbia County knows first hand what flooding does to communities, families and businesses. What Columbia County has done in dealing with floods and the flood program maps to improve their risk profile is commendable. These maps are one tool that helps support the communities during a time of flooding. What the County is doing here today will help promote success in the future and give the citizens of this County a greater opportunity to succeed when a flood does hit.

Mark Carey, FEMA Mitigation Division Director: His department manages mitigation of the National Flood Insurance Program for a four state region. Columbia County is known to have one of the best flood plain management staff in the State and he applauds their work. Adoption of these maps is an absolute essential element of the county's overall risk management portfolio. Some facts about flood insurance - the average price for a policy in a flood plain is between \$400-\$700 per year for up to \$250,000 coverage and you don't have to live in a flood plain to buy flood insurance. These maps are an update to 22 year old maps and part of FEMA's efforts to completely update the nations inventory of flood insurance rate maps. This is not a one time effort as mapping will continue to be updated. FEMA understands that they cannot guarantee total accuracy of these maps so they have in place methodologies to amend the maps, both on an individual property

owner basis and a community wide basis. A property owner can dispute the flood map by submitting a Letter of Map Amendment, along with an elevation certificate prepared by a land surveyor to FEMA for review and consideration. There is no cost other than the surveyor fee.

OPPONENTS:

Alan Bronson, 56240 Old Portland Road, Warren: He is here in opposition of these amendments. There has been a lot of testimony given with good reasons for adoption and some compelling, however he wanted to remind the Board that the Planning Commission recommended denial. Alan believes this will have a negative impact for community members based on his understanding of what the homeowners will receive compared to the high cost of flood insurance. If he were to purchase flood insurance today, it would cost him between \$200-\$400 per month. If these maps are adopted, the cost could triple. When he called the FEMA office in Bothell, he was told he could contest the map for his property but it wouldn't do any good because FEMA won't change it. There has been a lot of figures thrown out here today and what he's seeing is a significant financial impact on the property owner. As a fire fighter with the City of Portland, he understands disaster mitigation. He was in New Orleans and saw Katrina first hand. FEMA is a great organization and does a lot of good things but he saw a lot of things that went horribly wrong. Another concern is that if the county doesn't adopt these maps, we would be denied services and the ability to build or sell their homes. This is basically blackmail. Overall, he isn't opposed to the county adopting maps, just not these maps because they are inaccurate. There is a lot of technology out there to produce more accurate maps and he would ask that the Board not adopt this today and wait for more precise maps.

Commissioner Hyde responded that the Planning Commission was in error with their denial. The County has two choices, adopt or don't adopt, with no room for consideration on the accuracy of the maps. However, FEMA is continuing their work to ensure the accuracy of the maps. He can understand the frustration with the County being in a position where we have no choice on the maps but it's an either/or situation. Commissioner Bernhard reiterated that there is a process to change the map if a property owner can show that their property meets the criteria.

Larry Mckee, 70360 Columbia River Hwy, Goble: He is here representing Goble Landing RV Park & Marina and they carry flood insurance. His concern is with the proposed language that they can't have permanent RV's and this will impact their business. They make sure that everyone keeps their wheels on and that the RV's are licensed, but they have people that stay they for years.

Glen read the language in the amendment on RV for clarification. RV's placed on site are required to either be on the site for less than 180 consecutive days, or be fully licensed ready for highway use on wheels or jacking systems is attached to the site only by quick disconnect utilities with no permanently attached additions. Larry stated that the 180 day language is a concern. Glen clarified that it is either 180 days or have the wheels on it ready to move. Larry stated that no one is allowed to remove the wheels so then this would not be an issue. **Ray Ryder, Owner of the Goble Landing RV Park, 70360 Columbia River Hwy:** He has been a member of this community for 25 years. His RV park was impacted by the 1996 flood and he incurred over \$100,000 in damages which they paid for themselves. He understands the severe impact of flooding, having been through it, but his property is more impacted by water being released from the dam as opposed to mother nature. His concern is with the RV language. He's had people living there for 7-8 years and is it his responsibility to personally check everyone's tires, license, etc? Commissioner Hyde understands that it would be the owners responsibility anyway because this isn't a permanent trailer park, regardless if these amendments are passed or not.

Floyd Haderly, Scappoose-Vernonia Hwy, Scappoose: Just for clarification - he purchased his home in 1999 and is not sure if he is in the flood zone or not. Todd can supply Floyd with a copy of the map in his area.

With no further testimony coming before the Board, the hearing was closed. Commissioner Hyde stated that, personally, he will not be voting on this until the last possible date to allow property owners time to purchase flood insurance. Sarah stated the ordinance must be adopted by November 25th, however the Board can adopt the ordinance in advance, with an effective date of November 25th. Commissioner Bernhard wanted to clarify that normal homeowners insurance does not cover floods, so people need to be aware that they have to have actual flood insurance. It was noted that if the county doesn't adopt these flood plain maps and amendment, then no one in Columbia County can purchase flood insurance. Commissioner Fisher wanted to make sure that although the Board is not taking formal action today, people need to understand that the Board will be adopting this.

After discussion, Commissioner Fisher moved and Commissioner Bernhard seconded to carry over deliberations on this matter to September 8, 2010, at or after 10:00 a.m. The motion carried unanimously.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. Item (I) was pulled and held over. With no other changes/additions, Commissioner Bernhard moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay for 8/31/10.
- (B) Order No. 47-2010, "In the Matter of Declaring Certain Person Property Owned by Columbia County to be Surplus to the County's Needs and Directing the Disposal Thereof".
- (C) Order No. 53-2010, "In the Matter of Transferring Dean Cramer's \$500.00 Deposit on Access Approach Permit No. 6196 from the Columbia County Treasurer's Deposit Fund to the Columbia County Road Fund".
- (D) Approve the Following FMA II program funds for flood-related elevations: Carl Stern, VF892, \$53,499.00 and John Brewer, #VF0568, \$51,371.01.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (E) Amendment No. 2 to Contract with Aramark to Provide Food, Commissary and Laundry Services to the Columbia County Jail and authorize the Chair to sign.
- (F) Amendment to Inmate Telephone Service Agreement with Global Tel Link and authorize the Sheriff to sign.
- (G) Intergovernmental Agreement with Washington County for the Sheriff's Civil System Software Program and authorize the Chair to sign.
- (H) Amended and Restated Agreement for the Provision of Community Mental Health, Developmental Disability and Addiction Services with Columbia Community Mental Health.
- (I) Demolition/Deconstruction Contract by and between Columbia County and Custom Excavating by Dean Larson, Inc. (***Pulled and Held Over***)
- (J) Intergovernmental Agreement with the State of Oregon for Joint Voters' Pamphlet and authorize the Chair to sign.
- (K) Approve the Statement of Work for Phase 2 of the Architectural and Engineering Contract with OTAK Engineering for the Columbia County Transit Center.

The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde reported on his meetings with O&C; Forest Trust Lands; and AOC

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher received a copy of an email from Anya Sekino, State Juvenile Crime Prevention Manager addressed to Jan Kenna, CCCC Director. He felt it appropriate to read the letter into the record.

“Thank you very much for submitting the Juvenile Crime Prevention Plan to the Juvenile Justice Advisory Committee (JCPAC) for review and approval. We commend your community efforts and commitment to improving the lives of children, youth and families while preserving public safety. The JCPAC members reviewed the plan and recommended it for approval. The reviewers considered Columbia County plan to be a great example of the purpose of the Juvenile Crime Prevention program being put into action at the community level. They also noted that Terry Martin has been a tremendous asset to the planning. The high of level collaboration and community involvement in the development of the plan is also highly commendable”.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended the Democratic Central Committee meeting last night. There was a lot of discussion on upcoming ballot measures.

This morning she attended the Traffic Safety Committee meeting. Discussion was held on the ODOT study and task force committee to review safety issues on Hwy 30.

She also attended a GOHBI meeting. They are working on their annual review of mental health services.

She attended the Community Hospital meeting last week and noted that they are putting the tax refund measure on the November ballot.

Thursday was the United Way kickoff.

The Grand Opening of the new Otto Peterson School in Scappoose was held Monday.

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It's a big, beautiful building and something the community can be proud of. The kids seem to be very excited about their new school.

She sat in on the Joint Fisheries meeting held Monday at the CCMH facility.

There was no Executive Session held.

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

Dated at St. Helens, Oregon this 1st day of September, 2010.

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: _____

Anthony Hyde, Chair

By: _____

Earl Fisher, Commissioner

Recording Secretary

By: _____

Rita Bernhard, Commissioner

By: _____

Jan Greenhalgh