

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING

MINUTES

November 3, 2010

The Columbia County Board of Commissioners met in scheduled session with Commissioner Earl Fisher and Commissioner Rita Bernhard, together with Sarah Hanson, County Counsel, Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary. Commissioner Hyde was not present.

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

**MINUTES:**

Commissioner Bernhard moved and Commissioner Fisher seconded to approve the minutes of the October 27, 2010 Board meeting and October 27, 2010 Staff meeting. The motion carried unanimously.

**VISITOR COMMENTS:**

*Tammy Maygra, Cannan Road, Deer Island:* She is an appointed member of the St. Helens/ Columbia City CPAC and wanted to share her concerns with their receiving information. By the time this committee gets the packets from the County, the County had already made their decision. She wants to be on record that this committee has quit participating because of the delay in obtaining the needed information. She would ask that something be done to get these packets to the CPAC members more in advance, otherwise, what is the use. Also, her term is up and she would like to be reappointed.

**ORDINANCE 2010-6 - AMEND CCZO, FLOOD HAZARD OVERLAY ZONE:**

This is the time set for deliberations on Ordinance No. 2010-6, "In the Matter of Amending the Columbia County Zoning Ordinance, Section 1100, Flood Hazard Overlay Zone, to Comply with the National Flood Insurance Program Regulations".

Robin stated that the Board held a public hearing on September 1, 2010 and carried over deliberations to September 8, 2010. At that time, the Board tentatively approved the ordinance and directed staff to prepare the final draft. A copy of the Ordinance was sent to the State for the confirmation that it complies with the National Flood Insurance requirements. The State sent back some comments and additional requirements to be included in the Ordinance. Those changes have been incorporated into the ordinance which is now ready for adoption.

Glen Higgins, Chief Planner, addressed the revisions made to the ordinance, outlined in red. Staff is recommending that the Board adopt this ordinance with changes

as discussed.

Commissioner Fisher addressed the matter of the floodway not being identified, particularly concerning the Columbia River and asked what is being done about that issue. Todd spoke with FEMA, Region 10 about our particular issue and what is unique for Columbia County. The AE zone without floodway is a fairly standard provision in the model FEMA code, however the impact to Columbia County is proportional to the number of properties we have in that category. Todd asked why these floodway were not defined, but did not get a direct answer. However, the FEMA representative verbally stated that he would be checking with the FEMA contractor for map revisions to see what it would be involved in getting those defined.

The bottom line is that the Board must adopt these maps or no one in Columbia County can purchase flood insurance.

Robin stated that this ordinance includes an emergency clause to go into effect by the November 26, 2010 deadline. Robin then gave the first and second reading of Ordinance No. 2010-6, by title only.

After discussion, Commissioner Bernhard moved and Commissioner Fisher seconded to adopt Ordinance No. 2010-6, "In the Matter of Amending the Columbia County Zoning Ordinance, Section 1100, Flood Hazard Overlay Zone, to Comply with the National Flood Insurance Program Regulations" with an emergency clause. The motion carried unanimously.

The Board praised LDS staff for all of the hard work they have put into this project.

#### **DELIBERATION ORDINANCE #2010-11 - AMEND FOREST & AG ZONES IN CCZO:**

This is the time set for deliberations on proposed Ordinance No. 2010-11, "In the Matter of Amending the Columbia County Zoning Ordinance and Comprehensive Plan to Bring Columbia County Forest and Agriculture Zones into Compliance with State Law".

Robin asked that the Board carry over deliberations to November 10, 2010 to allow staff to complete the amendments. Commissioner Bernhard moved and Commissioner Fisher seconded to carry over deliberations on this matter to Wednesday, November 10, 2010 at or after 10:00 a.m. The motion carried unanimously.

#### **DISSOLVING THE SCAPPOOSE PARKS & RECREATION DISTRICT:**

This is the time set for the Board to consider Order No. 58-2010, "In the Matter of Dissolving the Scappoose Parks & Recreation District without Election".

Sarah stated that the Board held a public hearing on October 13, 2010 on this matter, after which the hearing was closed and deliberations were carried over to October 20, 2010. On October 20, 2010, the matter was carried over again to today.

Deliberations were delayed at the request of the City of Scappoose to allow them time to meet with the Scappoose Parks & Recreation District (SPRD) to see if there may be any alternatives to the request to dissolve the District. Sarah spoke with the District Attorney yesterday, who represents the SPRD but he did not have any update on what may or may not have happened at their 11/1/10 meeting. If the SPRD does not rescind the request for dissolving the District, it will be dissolved. Commissioner Bernhard has been confused about the process and not sure how the City of Scappoose would be involved in the dissolution of a separate district. Sarah stated that would be up to their attorneys on what they want to do, but the role of this Board is to determine if the district will be dissolved either by election or not. Commissioner Bernhard asked that, even if this district were to be dissolved, it would not prohibit the formation of another district at a later date. Sarah responded that another district could be formed by going through the process.

At the close of the hearing, the Board had asked the City of Scappoose and the SPRD to come back before the Board to report on their meeting on the request for dissolution. The Board needs to know if the SRPD wants the Board to go forward with deliberations on this matter and should hear from the City of Scappoose and any members of the SRPD today. If there are others that wish to testify, the record would have to be re-opened.

After some discussion, the Board re-opened the record for additional testimony.

***Ed Decost, 33667 SE Oaks Street, Scappoose:*** Scappoose Parks & Recreation District Board member. The District held a meeting with the Scappoose City Council on Monday and the City decided that it was not in their best interest to continue the district themselves and the best option would be to re-establish a parks district at a later time when they had a reason to. Jon Hanken was supposed to get a letter to the Board noting the decisions made at that meeting. No other options could be worked out at this time.

***Geraldine SE 4<sup>th</sup> Street, Scappoose:*** She was hoping that the Board would have a letter from the City of Scappoose by now to make it official. The Parks Board is still intent on the dissolution.

***Thelma Bonar, 56734 Way Lane, Warren:*** She is here to ask that the Board not dissolve this district. This district was approved by the voters. Why can't they go out for a levy to fund this district. Why we can't afford to put in a swimming pool. She has talked to a lot of people who are willing to put money towards a pool. She just feels that there are other options out there. This should at least go back to the voters and let them decide.

The record was closed to any additional testimony.

Under deliberations, Commissioner Bernhard stated that she was an original District Board member and they attempted a number of times to get funding for the district but it didn't work out. Funding has always been a problem for this district and is fact in debt to the County for over \$24,000 for election costs. There may be an attempt in the future to fund a new district and she would be supportive of that

Commissioner Fisher stated that the Board held over deliberations at the request from Jon Hanken, City of Scappoose. Understanding that the City and the District just recently held their meeting and a letter is forthcoming from the City, he would suggest holding this over one more week. By consensus, deliberations were carried over to November 10, 2010 at or after 10:00 a.m.

**CONSENT AGENDA:**

Commissioner Fisher read the consent agenda in full. With no changes/additions, Commissioner Bernhard moved and Commissioner Fisher seconded to approve the consent agenda as follows:

- (A) Ratify the Select to Pay(s) for October, 2010.
- (B) Order No. 68-2010, "In the Matter of Declaring Certain Personal Property Owned by Columbia County to be Surplus to the County's Needs and Directing the Sale Thereof"
- (C) Order No. 69-2010, "In the Matter of Correcting a Scrivener's Error in Ordinance No. 2010-7, Amending the Solid Waste Management Ordinance".
- (D) Appoint Stephanie Klepel to the Columbia County Parks Advisory Committee, term to expire December 31, 2013.
- (E) Reappoint Bill Goodwin, Cathryn Hammond and Tim Ohling to the Columbia County Parks Advisory Committee, terms to expire on December 31, 2014.

**AGREEMENTS/CONTRACTS/AMENDMENTS:**

- (F) Intergovernmental Agreement between Columbia County and the Port of St. Helens regarding confidential information.
- (G) Amendment #2 to the Personal Services Contract with Banner Non-profits for CASA program services.
- (H) Amendment #1 to the Personal Services Contract with Koch Consulting, Inc.

- (I) Columbia County Courthouse Art Project Release Agreement with Susan Jensen.
- (J) Columbia County Courthouse Art Project Release Agreement with Maeona L. Urban.
- (K) Columbia County Courthouse Art Project Release Agreement with Autumn Pendergrass.
- (L) Columbia County Courthouse Art Project Release Agreement with Kathie Fellows.
- (M) Amendment #1 (#11412a) to Oregon Youth Authority Agreement #11412 and authorize the Chair to sign.
- (N) Inter-County Mutual Aid Omnibus Agreement 2010 Revision.

The motion carried unanimously.

**ORD #2010-10: AMEND ENFORCEMENT ORD FOR BUILDING CODE VIOLATIONS:**

Robin addressed proposed Ordinance No. 2010-10, "In the Matter of Amending the Columbia County Enforcement Ordinance to Comply with ORS 455.157 Requiring Certain Procedures for Enforcing Building Code Violations".

The State legislature passed SB 9-15 establishing new procedures for enforcing building code violations and staff has drafted an ordinance to comply with State Law. Robin explained the current process and that the new legislation requires that the county establish a process other than the judicial proceeding for challenging a building code violation.

Todd stated that there is not a lot of building code violations however they do get about 2-3 a year. When they do come up, they tend to be very serious violations. The most notable amendment is the provision for an appeal process.

After discussion, Commissioner Bernhard moved and Commissioner Fisher seconded to direct staff to prepare the Ordinance for Board action. The motion carried unanimously.

**COMMISSIONER HYDE COMMENTS:**

Not present.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard attended a number of political parties last night and checked in at the Courthouse to look at the election results. It was interesting to watch both local and national elections.

She attended the Regional Workforce Investment Board meeting in Tillamook last week. A lot of discussion was held on jobs, training, green certificate, etc.

Community Action Team is doing a transition due to retirement of a management person. They have had several meeting on how that will impact their organization and how they will move forward. Commissioner Bernhard stated that, although she cannot represent the County on this Board after the first of the year, she is hoping to stay on as a private sector representative.

She attended the CEPA meeting yesterday. As always, a very good meeting. There was a speaker from NW Natural Gas who talked about the gas lines throughout the community.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher reported on a discussion held at the CEPA meeting yesterday. Everything points to us having a very wet winter this year and we all need to be prepared for weather related emergencies. Tammy Maygra, who was present in the audience, suggested there be places for people to go during emergencies and that those designated areas be communicated to the public. Commissioner Fisher suggested Tammy talk with Derek White in EOC to share her ideas.

He mentioned that art work has now been put up around the Courthouse. This is art that's on loan from local volunteers.

Regarding the recent election, he wanted to say that it's essential that we have the participation of people who are willing to stand up and get in the political arena. It is not an easy task and he wants to thank those who do participate in our democratic process.

There was no Executive Session held.

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

Dated at St. Helens, Oregon, this 3<sup>rd</sup> day of November, 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: Not Present

Anthony Hyde, Chair

By: \_\_\_\_\_  
Earl Fisher, Commissioner

Recording Secretary

By: \_\_\_\_\_

Rita Bernhard, Commissioner

By: \_\_\_\_\_  
Jan Greenhalgh, Recording Secretary