

where there is nothing located, except trees. Commissioner Sahagian stated that she thought they were talking about something different that couldn't be done anyway, because the county counsel had previously advised that the Board cannot make a variance on a lot size, because what they would really be doing would be making a zone change that is being called a variance. What would be done, if this were to be allowed, was making a zone change for one parcel of land, and the Board would then have to allow anyone living in the area to do the same thing. Otherwise, the Board would be selecting only certain people who would be allowed to do this, and it would be easier for him, and his neighbors, in the future, if the zone were changed so that he and others could do what he was asking to do. She felt what was really needed was a zone change in the area, if it could be justified. Mr. Backlund said that if there is a variance, and the Board explained why it was done, it would be done against the Planning Commission and county counsel recommendations. But, if there were a zone change for the area, however big it might be, it could drag on for a long time. He further stated he had planned to bring counsel with him today, but the first hearing was cancelled because of the snow, and today his legal counsel is in court. Commissioner Hunt asked Mr. Backlund if he wished the Board to continue the hearing, and he said he did. He further stated that he felt there was more reason to grant a variance for this one parcel than to make a zone change for the entire area because he didn't wish to cut anything more off this parcel. There was only one neighbor with enough land who would be able to do it, if it were a zone change.

Commissioner Sahagian then commented that even if the Board agreed and wished to grant the variance, so long as the Ordinance was in effect the way it is written, they had no choice. If the Ordinance were wrong, and it shouldn't be that way, it should be changed, or the zone should be changed, but it must be done according to the laws. She would prefer to see a zone change in the area so that others could also do what Mr. Backlund proposed, if they wished to do so.

Mr. Backlund then said that the staff had indicated if he would put more than what he had proposed into the partitioning, it would be more favorable toward allowing it. He felt if it were favorable if there were twice as much land as he had indicated, it should not make any difference. On the rest of the land, there are water lines, and other things buried in various locations which relate to what he wishes to keep intact, which he would run into if the division were made any other way. He referred to Section 1802, and stated there were things there over which he had no control, because that it is the way it was built years ago. Commissioner Hunt said that perhaps if both legal counsels were available, this matter might be resolved, and the hearing would be continued for a week, providing the counsels could be available. He added that he was not being an adversary, but was only saying that it can't be done because of the way the ordinance is written, but he thought there might be some other way it could be resolved. Mr. Backlund said that if it couldn't go the way he had proposed, he was tempted to request his money back, and continue to live in the old house. He has lived in it all his life, and would like a new one.

Commissioner Sahagian stated she was in sympathy with him, and appreciated his position, but hoped he realize the Board's position. If they allowed the one variance, they would have to allow the same thing anywhere in the county. She felt the Board might be able to work around it with a zone change, and did not think he would have to go through anything more with a zone change than he had for a requested variance. Had he initially come in for a zone change, he probably would be where he is now, in progress.

The Board recommended liquor license renewal application for the following: Brown's Landing, Goble Garage and Grocery, A & C Yankton Store, Sunnyside Service, Kim's Market, Ray Mar Tavern, Quick Shop Minit Mart 41.

Notice of acceptance of reappointment to the Budget Committee was received from Edith Bartel.

Notice of rejection of reappointment to the Fair Board was received from Al Lennox. The Board discussed a possible

replacement. Commissioner Sahagian commented on a letter which had been received from the Pomona Grange at an earlier date, recommending the appointment of a Grange member, and stated that Shalmon Libel, of the Natal Grange, had expressed interest in serving on the Fair Board. The Fair Board will be advised of this interest, and requested to submit their comments and/or recommendations.

Notice was received from Bill Ostrander and Arthur Haight, of the Upper Nehalem Valley CPAC of their resignations. The CPAC was to be contacted and requested to make recommendations for replacements.

There was brief discussion regarding a proposed ordinance amending the zoning ordinance, with regard to maps designating potential flood plain areas. No action was taken.

A Resolution was received from Rainier School District No. 13 protesting the plan of Bonneville Power Administration to cross the district property with new lines and towers. A Resolution of the City of Rainier was also received adopting the Bonneville Power Administration plan to take the new 500 KV power line through the state of Washington, rather than Oregon. These resolutions were discussed by the Board. It was agreed that a Resolution would be drafted for signature by the Board also protesting the lines coming through Columbia County.

Commissioner Sahagian moved, and Commissioner Ahlborn seconded, that the minor partition requested by Max O'Black, of Tax Lot No. 6428-000-01100 be approved and found not in violation of the LCDC Enforcement Order. Motion carried.

February 6, 1980

Commissioner Sahagian moved and Commissioner Ahlborn seconded an Order be signed approving the appointment of Fredrick A. Dodge, as Deputy Sheriff. Motion carried.

A request was received from property owners and other travelers using McDonald Road, requesting berming and guardrails along the road. Sam Hollinger was asked to be present to discuss this. Mr. Hollinger said there had never been any complaints until Publishers Paper had clear-cut the area, and people could see it. However, since that time, the road department crews had widened the road about four feet, and put up site posts. The petition indicated there was a drop of an estimated 1,000 feet. However, Mr. Hollinger indicated this was not so, as it had been measured, and in the deepest area it is about 150 feet. He also stated there were a great many areas on roads throughout the county that were far worse than this, and explained that when the road was widened, the road department had put an approximate 2-foot berm along the edge. Mr. Hollinger was asked a cost estimate, and he said it would cost \$3.00 per foot for guard rails, the posts would be about \$9.00 each, the necessary bolts were close to 90¢ each, and with the labor involved, it would cost \$6,000 to \$7,000 to put a guard rail along there. He also advised there was a similar situation along Roack Creek Road in places.

A letter received from Robert VanNatta, on behalf of Kynsi-Lammi, was referred to Mr. Hollinger. This related to a proposed realignment requested by Kynsi and Lammi. Commissioner Ahlborn drew a sketch on the blackboard to show the other commissioners what they had proposed the previous day when they had discussed this with him. They proposed to have a short portion of Old Highway 30 vacated, which would allow them adequate room for set back for a building they propose to erect, and creation of a roadway changing the road. He showed in the sketch the area they proposed to vacate. He suggested the Board not do anything with regard to the vacation until such time as the new road has been built to county standards, including paving, and accepted by the county for maintenance. Later, Mr. VanNatta personally appeared in behalf of Mr. Kynsi and Mr. Lammi regarding the letter he had written, and the Board advised him of their previous discussion. Mr. VanNatta questioned whether Mr. Hunnicutt would be doing the necessary legal paper work required in order to accomplish this. He was advised that he, as attorney for Kynsi-Lammi, should be responsible for notifying his clients of the Board's requirement, and should also do whatever legal work was necessary.

Commissioner Sahagian moved and

Commissioner Ahlborn seconded the Board sign the Right of Way Certification form required for Rock Creek Bridges, Keasey Road, FAS A-756. Motion carried.

Notice of acceptance of reappointment to the Fair Board was received from Geri Johnson.

Dan Sprague, Clatskanie, met with the Board to discuss information he had learned concerning leasing of minerals. He advised he had recently leased the minerals on his property near Clatskanie, and had found, in his investigation, that there was no requirement that a lessor, or driller, be required to show financial responsibility. The only thing that is required is a bond for \$10,000 to protect the leased property. He suggested the count consider an ordinance requiring anyone drilling to have some kind of property liability insurance. Commissioner Hunt advised what had been done to date with regard to mineral rights owned by the county, stating a list had been prepared, this is being researched by the title companies, and in some cases, there may be areas of litigation. He did not know if leasing and/or drilling would require any ordinance, or if such provisions were contained in the lease agreement itself. The companies who are leasing, and those who are drilling, should provide a bond or other proof of property damage liability, especially in such critical areas as along dikes, or in forested areas, according to Mr. Sprague. He also discussed the distribution of funds received from mineral leases and/or royalties, and said he would like to discuss this further next week.

Commissioner Sahagian suggested that because what he proposes is informational type of thing, that he submit this in a written report which could be read by each of the commissioners, rather than taking up valuable time during the regular Board meetings, when they are so heavily scheduled. Mr. Sprague indicated he did not object to this type of procedure.

At the request of the Board, Phil Dewey, surveyor, met with them to review a claim he had submitted in the sum of \$4,535.39 for various services. Because there was only a balance of \$7,815.62 left in his entire budget for the balance of the year, the claim in question was going to reduce that amount considerably. Mr. Dewey indicated that he could stop the work on microfilming, and setting corner sections. He said the survey records are a problem, because the old maps are on paper which is rapidly deteriorating, and is becoming illegible. These need replacement. He did say he could stop all of the normal work with the exception of helping the public. Commissioner Sahagian asked if there was any reason why the public could not pay for the services they request. Mr. Dewey said that prior, fifteen years ago, the service of help to the public was not offered, and that he could charge those using the service if the Board was willing to accept the complaints they would be receiving. He said that previously it had been made available because of the public demand, and only since he has been in office has the public been consistently able to take advantage of the records in the surveyor's office. In addition, he has always kept the office open, except of rare occasions, which had not been done previously, because the county was not willing to pay for the service to the people. Commissioner Hunt said that he personally would rather have the public be given the service, and cut down on something else. Commissioner Sahagian stated she could not see where payment by the public for the services of the surveyor was any different than someone going into the clerk's office and requesting copies of information they have, and make charge for. She felt that perhaps the public might have to be charged for his services the same as the services in the clerk's office.

Mr. Dewey was advised that he should do nothing but that which was absolutely essential for the balance of this fiscal year, and if the funds did run out, some action would have to be taken by the Board. He said he could hold off for a few months on the maps that need restoring. He could hold off nearly indefinitely on the bearing trees, but the section corners were a different matter. If they are out surveying and run across a rusted off pipe that is almost impossible to find, and the crew is in there, they will reset the corner then, rather than waiting a year, or two or three, until it is completely gone, where they would have to go back and relocate

the corner, and do it over again. Other portions of the bill were also discussed, such as charges for repair of equipment. Because the equipment is county-owned, Commissioner Sahagian asked why the county was being required to pay the repair costs when he uses this same equipment in his private practice as well. Mr. Dewey stated he does not charge for his private services an amount sufficient to cover the cost of equipment repair.

Bill Ostrander, representing O & T Properties, met with the Board regarding their request for a minor partition of Tax Lot 4406-000-00800. Commissioner Hunt read aloud the staff findings. It was noted that this particular tax lot is divided by Capitol Hill County Road, No. 120, and Mr. Ostrander was requesting a minor partition of that portion lying north of the road, and south of the road. They proposed dividing the north portion, and the south portion, into three parcels each. Commissioner Sahagian commented this was a case identical to the incident of Reed Bruegman, wherein the Board had determined that because the tax lot was split by a county road, therefore in separate ownership, the property was not contiguous. Based upon this previous determination, the commissioners approved the minor partitionings, north and south of the road, — found not in violation of the LCDC Enforcement Order.

Commissioner Hunt discussed at some length the Forest Land Counties meeting he had attended recently, and indicated that it was decided at this meeting that the dues for calendar year 1980 for the participating counties would be \$147.00. This was based on a \$15,000 budget for the first year. Commissioner Hunt also indicated that he felt it necessary that someone with knowledge of forestry should represent the Board of this committee, and suggested that because of his background in timber, Commissioner Ahlborn be the representative for Columbia County, and be given the proxy vote of the commissioners to act in their behalf. This was agreeable to both Commissioners Sahagian and Ahlborn. Commissioner Hunt then advised that the next meeting of this group was scheduled for Friday, Feb. 8, in Eugene, at 10:00 am.

A letter had been received from Bill Ostrander advising of his resignation as a member of the Upper Nehalem Valley CPAC. However, after discussion with him, it was learned that he had been under the impression he had been elected for one year, rather than two, and his letter was to advise he did not wish to be reelected. He stated he would continue to serve the balance of his term, and the Board ignored his resignation.

Notice was received from Ralph Langwick of the Rainier-Fernhill CPAC that he did not wish an extension of his term of office following its expiration. Commissioner Hunt suggested a letter be written to the CPAC chairman requesting they recommend a replacement.

Notice was received from Dick McClure of the Rainier-Fernhill CPAC that he would be willing to serve a two-year term if reappointed. Commissioner Ahlborn moved and Commissioner Sahagian seconded Mr. McClure was reappointed for a two-year term effective Jan. 1, 1980. Motion carried.

Commissioner Sahagian moved and Commissioner Ahlborn seconded Orders Approving Appointment of Mildred G. Sherburne, Melanie A. Roth, and Helen D. Tupper, as deputy tax collectors, be signed. Motion carried.

Commissioner Sahagian commented about the Park department budget noting there were some items over-expended and suggested Mr. Hollinger be advised of this and told to watch expenditures very carefully for the balance of the fiscal year, for if the fund runs out of money, the parks will have to be closed, there is already quite a drain on the contingency fund with these overexpenditures.

The Board then discussed the release by staff personnel of materials in the Board office. It was the conclusion that those items which are public record could be shown to anyone requesting them, but that if copies were desired, these must be obtained in the clerk's office. Inter-office correspondence of correspondence with legal counsel which was not a public record would neither be shown nor given.