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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, February 11, 1987
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COMMISSIONERS PRESENT: Dean J. Kinkade, Chairman
Gerald J. Creasy, Vice-Chairman
Gerald A. Woodward, Commissioner

STAFF PRESENT: Fred G. Young, County Counsel
Karen Richards, Treasurer
Dorene Sheldon, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Dorothy Berry, Tax Collector; Irv West, Custodian; Doug Marshall, Sanitarian

GUESTS PRESENT: Mike Sims, Headlight Herald; Robert C. Wilson, Tillamook Counseling, Inc.

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:05 a.m. in the Justice Courtroom.

UNSCHEDULED: CONSIDERATION OF APPOINTMENT OF JO ANNE WATTERS TO THE TILLAMOOK COUNTY BUDGET COMMITTEE: Chairman Kinkade said the position had been advertised in Lincoln County and Tillamook papers. Ms. Watters was the only applicant. There was some discussion on how the public would view her position, because her husband is in Sheriff's Department management.

Although he felt the position should be filled by someone with business experience, Commissioner Creasy moved, Commissioner Woodward seconded, approval of order appointing Jo Anne Watters to the Tillamook County Budget Committee, passed with three aye votes.

The Commissioners signed Order #87-18.

UNSCHEDULED: DISCUSSION CONCERNING AGENT OF RECORD: Chairman Kinkade said G & M Insurance has been agent of record for the past year and would like a reappointment of one year or three years. He recommended a three year appointment.

Commissioner Creasy disagreed and said a one year appointment is enough. He said the agent of record should not be the county's insurance carrier. They do a good job, but he suggested the agent of record be a retired insurance broker who could be a "watchdog" to search out insurance needs.

After further discussion, Commissioner Woodward moved, Commissioner Creasy seconded, approval of order appointing G & M Insurance Company as the County's Agent of Record for one year.

Order #87-19 was assigned and will be prepared later in the day.

UNSCHEDULED: DISCUSSION CONCERNING VANWEST OIL SERVICES: Chairman Kinkade said this item should be discussed when Mr.

Oshel is available. Commissioner Woodward said the services should be investigated. He is very interested in getting the gasoline tanks in back of the Courthouse removed.

ITEM NO. 2: CONSIDERATION OF JANUARY 1987 COMMISSION PROCEEDINGS: Commissioner Creasy moved, Commissioner Woodward seconded, approval of Commission Proceedings for January 1987, passed with three aye votes.

The Commissioners signed the Commission Proceedings.

ITEM NO. 3: CONSIDERATION OF ORDER TRANSFERRING FUNDS BETWEEN BUDGETED LINE ITEMS: Commissioner Creasy moved, Commissioner Woodward seconded, approval of order transferring funds between budgeted line items from contingency to audit, passed with three aye votes.

The Commissioners signed Order #87-20.

ITEM NO. 4: DISCUSSION CONCERNING REQUEST TO REPLACE ROTTEN WOOD SASH IN THREE WINDOWS AT SOUTH END OF COURTHOUSE: Mr. West said a window blew out and two others seriously damaged in the last storm and would cost approximately \$900 to replace.

Commissioner Creasy moved to replace the windows, Commissioner Woodward seconded (motion was not voted on).

Commissioner Woodward asked if the county was going to continue to replace the wood sash windows, and if not, now is the time to look at installing metal sash windows. Mr. West recommended contacting the architect to have him draw up specifications.

Commissioner Woodward moved, Commissioner Creasy seconded, to have Mr. Young contact Ed Kontz to set up a meeting to discuss specifications for the windows, passed with three aye votes. It was the Board's consensus to wait on replacing the three windows.

ITEM NO. 5: CONSIDERATION OF REQUEST FOR REFUND OF TAXES AS PROVIDED BY ORS 311.806: Ms. Berry said she received a journal voucher from the Assessor's Office stipulating the value is about $\frac{1}{2}$ of what was shown for taxes, which generated a \$7,255.38 refund to John and Madelyn Memering. She requested Board approval to refund the money.

Mr. Young asked if any written explanation was given by the Assessor besides the journal voucher. Ms. Berry said no. Mr. Young will check with the Assessor to get some documentation and report back to the Board later in the meeting.

ITEM NO. 6: CONSIDERATION OF MODIFICATION #9 TO THE 1985-87 INTERGOVERNMENTAL AGREEMENT #29-001 FOR THE COMMUNITY MENTAL

HEALTH PROGRAM: Mr. Wilson said a couple people who were to start the program at the activity center July 1st did not come until September 16th, and the changes reflect the discount in funding. This will bring \$792 back into the activity center fund.

Commissioner Creasy moved, Commissioner Woodward seconded, approval of modification #9 to the agreement, passed with three aye votes.

The Commissioners signed the letter acknowledging acceptance of modification #9 to the 1985-87 Intergovernmental Agreement #29-001.

ITEM NO. 7: UPDATE ON MENTAL HEALTH CRISIS CONTACT MATTERS: Mr. Wilson said the center has been receiving an increased number of crisis cases, basically through the hospital. There needs to be a community solution to the problems and he recommended a workshop be held to discuss this situation.

Commissioner Creasy said Harold Johnston, Chairman of the Mental Health Advisory Committee, has been looking at the problems in the mental health area. Mr. Johnston submitted some ideas to the Commissioners and Commissioner Creasy suggested after the Board reviewed the ideas, a workshop be set up with Mr. Johnston, Mr. Wilson and the Board of Commissioners.

SITTING AS THE BOARD
OF THE HEBO SERVICE DISTRICT

ITEM NO. 8: CONSIDERATION OF CONTRACT WITH RICHARD THOMPSON TO MANAGE HEBO WATER AND SEWER SYSTEMS: Commissioner Creasy moved, Commissioner Woodward seconded, to approve and sign the contract for professional services with Richard Thompson, passed with three aye votes.

The Commissioners signed the professional services contract.

ITEM NO. 9: CONSIDERATION OF ADDITIONAL ENGINEERING CHARGES FOR HEBO SERVICE DISTRICT: Mr. Young, Budget Officer, recommended postponing this until an inventoried list can be compiled with all the user's needs. By Board consensus, payment was postponed.

ITEM NO. 10: MISCELLANEOUS SERVICE DISTRICT MATTERS:
Finances: Commissioner Creasy asked how the service district finance situation might be handled. Mr. Young suggested asking for an increase on the grant, explaining the unanticipated problems.

Recirculating Sand Filter System: Mr. Marshall has checked with D.E.Q. regarding the sample checks on the system. He was told if

the Hebo Service District would write a letter to the Director of D.E.Q. requesting modification of the sampling criteria of the NPDES waste discharge permit, weekly checks of the system may possibly be changed to monthly.

Septic Tank for Mr. Billups (Cracker's Tavern): Mr. Marshall said Mr. Billups was told he needs a 3,000 gallon septic tank and that Mr. Marshall would design it for him. Mr. Marshall asked if the Board wanted him to do it. This is a system inside the district that has not been hooked up yet and Mr. Marshall asked if it was in the contract for H.G.E. to design it. Chairman Kinkade said he didn't think so.

Commissioner Woodward said Mr. Billups talked to H.G.E. and was told he needed a 3,000 gallon tank. Mr. Billups said he didn't need that big of tank, but the size of the tank was based upon the information given H.G.E.

It was the Board's consensus to not have Mr. Marshall design the tank.

SITTING AS THE BOARD OF THE
TILLAMOOK COUNTY SOLID WASTE SERVICE DISTRICT

ITEM NO. 11: MISCELLANEOUS SOLID WASTE MATTERS:

Consideration of Order Establishing Solid Waste Disposal Fees: Commissioner Creasy moved, Commissioner Woodward seconded, to approve the order establishing the solid waste disposal fees, passed with three aye votes.

The Commissioners signed Order #87-21 (Solid Waste Service District Order #17).

Review of Letter to Hallie Kirkingburg: Mr. Young and the Commissioners reviewed the letter Mr. Oshel had written, making some changes in the wording. A copy will be sent to the Headlight Herald. Mr. Young suggested a cover letter be sent with the letter to the paper indicating this is our response to Mr. Kirkingburg's letter.

It was the Board's consensus to have Mr. Young redraft the letter.

SITTING AS THE
BOARD OF COUNTY COMMISSIONERS

ITEM NO. 12: MISCELLANEOUS PUBLIC WORKS: Mr. Oshel was absent and there was no discussion.

Chairman Kinkade recessed the meeting at 11:20 a.m. and reconvened at 1:30 p.m.

ITEM NO. 13: PUBLIC HEARING: ZONE CHANGE REQUEST ZC-86-7:
REQUESTING AN EXCEPTION TO STATEWIDE PLANNING GOAL 4 AND A CHANGE
IN THE COMPREHENSIVE PLAN AND ZONE DESIGNATION FROM FOREST TO
RURAL RESIDENTIAL ADJACENT TO STATE FISH HATCHERY NEAR HEBO.
TIMES MIRROR LAND TIMBER COMPANY, APPLICANT: Russell A. Peterson, of Times Mirror, signed the Guest List. Staff present was Vic Affolter, Community Development.

Mr. Affolter said the Board would be considering two zone change requests from Times Mirror which are almost adjacent to each other.

Mr. Affolter identified the subject parcel, indicated as "Exhibit A", along with the location of the fish hatchery and several residential dwellings. This 17-acre parcel is currently in the Forest Zone and is being proposed for Rural Residential zoning.

He said there were no significant objections to rezoning because the surrounding property is either zoned Rural Residential or developed at Rural Residential density. There is no adjacent land managed for timber production. Mark Labhart, State Forestry, told Mr. Affolter it would not be economical to continue growing trees on the property.

Mr. Affolter said it does involve a Goal 4 exception because of going from a Forest Zone to a Rural Residential zone. This issue is covered in the staff report.

Mr. Peterson said looking down the road 40 years there would be too much pressure keeping that small quantity in forestlands. Having the fish hatchery so close makes it prohibitive to spray.

Commissioner Creasy moved to approve Zone Change Request ZC-86-7, Commissioner Woodward seconded, passed with three aye votes.

The Commissioners signed the Amendments to the Comprehensive Plan #32 and Land Use Ordinance #33.

ITEM NO. 14: PUBLIC HEARING: ZONE CHANGE REQUEST ZC-86-8:
REQUEST TO CHANGE THE COMPREHENSIVE PLAN AND ZONING DESIGNATION
FROM FOREST TO SMALL FARM WOODLOT 20 ON PROPERTY ADJACENT TO
STATE FISH HATCHERY NEAR HEBO. TIMES MIRROR LAND & TIMBER COMP-
ANY, APPLICANT: Mr. Affolter showed the 52-acre subject parcel on the aerial photo, indicated as "B" and said this request is a little more complicated. The parcel is divided by a 100-foot BPA power line running northwest to southeast. He said 22 acres lie northeast of the BPA line consisting mostly of forest terrain. The remaining 30 acres on the southwest side of the line closer to the highway have a mixture of timber-type land and open pasture.

Mr. Affolter said when Mr. Peterson came to him initially, the main concern for Times Mirror was to be assured if they marketed it, there could be at least one building site on the property. It is doubtful on a 52-acre piece in the Forest Zone, that a dwelling could be put on it. It would have to be a non-forest dwelling, which would require going through a lot of work with no assurance it would be granted.

The next step down in zoning is a Small Farm 20 zone. The application of that zone to the property would allow it to be divided into two parcels, each larger than 20 acres, with a possibility of a house on each parcel.

Much adverse public comment was received when this idea was opened to the public. Resource agencies were concerned how this would affect forest management and the winter elk habitat. Several adverse comments were also received from local property owners.

When evaluating the situation, Mr. Affolter said the primary concern of Times Mirror was what was going to happen to the property on the northeast side of the power line. A compromise emerged which fundamentally satisfies the concerns of the resource agencies and Times Mirror. The portion on the northeast side of the power line is to remain in the Forest Zone. That portion of the zone request would be denied. The zone change request for the portion southwest of the power line would be approved to go into Small Farm Woodlot 20, providing the assurance of one residence outright.

Mr. Affolter said a letter was received from 1000 Friends after the Planning Commission hearing supportive of the first zone change, but raising concern about the second zone change. Mr. Affolter said if the zoning was split along the power line, 1000 Friends would not get involved in any legal action.

In concluding the staff report, there were three possible actions for a final decision: 1) Change the zoning on the entire parcel from Forest to Small Farm Woodlot 20, 2) Deny the entire zone change request, or 3) Leave the portion northeast of the power line in the Forest Zone and change the portion southwest of the power line to Small Farm Woodlot 20. The third option was recommended to the Planning Commission by the staff, and the Planning Commission unanimously recommended it to the Board of Commissioners.

Mr. Peterson said Times Mirror's only concern was to sell it as one parcel. The portion above the power line will be replanted this winter.

Commissioner Creasy moved to approve option 3 leaving the portion northeast of the power line in the Forest Zone and changing the portion southwest of the power line to Small Farm Woodlot 20, Commissioner Woodward seconded, passed with three aye votes.

The Commissioners signed the Amendments to the Comprehensive Plan Ordinance #32 and Land Use Ordinance #33.

Chairman Kinkade recessed the meeting at 1:55 p.m. and reconvened at 2:30 p.m.

ITEM NO. 15: PUBLIC HEARING: ZONE CHANGE REQUEST ZC-86-5: REQUEST FOR A PLANNED DEVELOPMENT OVERLAY FOR THE PROPOSED NEHALEM BAYSHORE ESTATES MOBILE HOME SUBDIVISION; AND
ZONE CHANGE REQUEST ZC-86-6: REQUEST TO CHANGE ZONING FROM R-2 (NM) (MEDIUM DENSITY RESIDENTIAL) TO R-3 (NM) (MEDIUM DENSITY RESIDENTIAL ON PROPERTY BETWEEN BAYSIDE GARDENS ROAD AND TOHL AVENUE. FRED BUCHER, APPLICANT: Those who signed the Speaker's List were: T. W. Springgay, Judith Springgay, Charles W. Isaacson, Ronald G. Larson, Fred Bucher, and Frank Balogh. Genie Killion signed the Guest List. Staff present were: Vic Affolter and Meg Gruwell, Community Development; Fred G. Young, County Counsel; Karen Richards, Treasurer.

Ms. Gruwell said the site (lots 200 and 300) sits on the bay between Bayside Gardens Road and Tohl Avenue. The applicant is proposing to develop an adult mobile home subdivision, aimed primarily at retired people. This would involve smaller lots for each person and common open space, owned by a neighborhood association.

The original package the applicant brought before the Planning Commission involved the two zone changes being considered today, a Conditional Use and a Preliminary Plat. The Conditional Use and Preliminary Plat have been approved.

Ms. Gruwell indicated the two subject parcels involved in the zone change requests on a map, which were included in the Nehalem Urban Growth Boundary in 1980.

She said the Zoning Ordinance of Nehalem describes the intent of the Planned Development zone as providing a desirable environment through different land development standards, as long as it is approved by the Planning Commission. She added that lot sizes in a planned development may be less than the minimums set, as long as the residential density, open space, and other requirements of the ordinance section are satisfied.

Ms. Gruwell showed the topography of the parcel in several photographs. There is no development on the lot currently except a sewer easement. The applicant proposes to change the zoning to

add a planned development zone going down to the line of vegetation. She added all utilities in the area will be provided.

Ms. Gruwell said access would come from Bayside Gardens Road, which has a 60' right of way, and will eventually come from Tohl Avenue, which has a 50' right of way. Both of these qualify as an arterial according to the Nehalem Street standards.

Ms. Gruwell reviewed the uses for each zone. She added the developer stated his intention of using modular homes rather than mobile homes in the R-2 and RL zones, if the zoning in those areas cannot be changed.

Ms. Gruwell went over the lot sizes and densities for each zone and said the developer averages his density to be 4.7 lots per acre. Roads will be 40 feet wide and built to City of Nehalem road standards.

In reference to public comment, Ms. Gruwell reviewed the letters. The City of Nehalem recommended approval; and County Public Works will not accept the interior roads, as they are not built to county standards. The utilities that responded said they would serve the parcel, but would need easements, and Oregon State Fish and Wildlife identified a pigeon watering area along the Bay. Two neighbors responded before the Planning Commission meeting and another nine letters were submitted after the Planning Commission meeting. Ms. Gruwell said she would address the neighbors concerns at a later point.

The staff concluded the Planned Development Overlay Zone retains the residential use of the land without changing the overall density, which is consistent with the Comprehensive Plan. She added that because of the significant natural features of the land, it is desirable to have the flexible standards so as to allow a denser development away from the bay. The staff recommended approval of the zone change request. The Planning Commission recommended approval, down to the line of vegetation.

The second zone change request involves changing the property from R-2 to R-3. The major difference is mobile home subdivisions are allowed as a conditional use in the R-3 zone, but not in the R-2 zone. The dimensions for minimum lot sizes in both zones are the same. The Comprehensive Plan is concerned with preservation of property values. With the number of restrictive covenants, it would be very difficult to allow an unsightly mobile home in this subdivision. She said the housing policy of the Comprehensive Plan is to allow mobile homes through their zoning ordinance.

Ms. Gruwell said the staff and Planning Commission recommend approval of Zone Change 86-6.

Ms. Gruwell addressed the concerns of the neighbors. Their main concern was mobile homes affecting the values of surrounding properties. She submitted a letter from the Assessor's Office stating he did not feel allowing mobile homes in the area would devalue the surrounding properties, based on the restrictive covenants this subdivision would have.

Next Ms. Gruwell addressed the concern of the roads being able to accommodate the traffic. The County Public Works Department said the 60 foot right of way on Bayside Gardens Road is adequate to handle the load, even with the existing pavement. Even without approving these zone changes, the density could be more intense.

Chairman Kinkade questioned the wording in the Assessor's letter. It states each house has to be recessed two feet into the ground. Chairman Kinkade said it must have two feet of crawl space.

Ms. Gruwell showed photographs of Bayside Gardens Road pointing out the shoulders.

Commissioner Woodward said the word "should" on the restrictive covenants should be replaced with "must."

Ron Larson introduced himself as the engineer of the project and Fred Bucher, applicant, and his partner, Bill Reed. Mr. Larson said the Planned Development Overlay Zone, ZC-86-5, is attractive from the point of a developer because it gives flexibility and design. He said just looking at the minimum lot size is misleading, if you do not take into consideration the open space. He pointed out the woods in the area would be preserved, in accordance with the Nehalem Comprehensive Plan.

Mr. Larson said Zone Change 86-6 addresses the mobile home issue. He pointed out the natural buffers on the map. If the zone change is not approved, the developer still intends to proceed with development with modular developments. All the criteria of the Nehalem and Tillamook County Ordinances have been met. They are requesting no variances.

Mr. Larson said the Planning Commission unanimously approved the two zone changes, along with the conditional use and preliminary plat for phase one. The developer plans to do the project in seven phases, based on market demand. There will not be a sudden influx of extra traffic.

In reference to the road situation, the restrictive covenants are very specific. The pavement widths are 20'. Normally that wouldn't be accurate for an arterial, but there is no on-street parking on either of the streets. Two off-street parking units will be required for each lot - one in the garage and one in the driveway.

Referring to the water table, Mr. Larson said there is an extensive storm drainage plan including underground storm sewer conduits and underground perforated pipe systems to collect the excess ground water.

Tom Springgay corrected a statement he was supposed to have said regarding mobile homes at the Planning Commission meeting. He said his statement at the Commission meeting was, "All mobile homes located in the Hayes Drive area at Nehalem have lost their roofs."

Mr. Springgay said this zone change involves everyone in the area. He said they already have excessive traffic in the area, and showed photographs of the traffic and how narrow the roads are. He showed pictures of the field during the rainy season, and photos of a swamp, which they called the wooded area. He doesn't see how the developer can dig two to three feet down to set the mobile units. He said the subdivision would create a fire hazard because the trucks wouldn't be able to get into the subdivision.

Mr. Springgay submitted 19 letters from people in the area who are against the development. He continued by making comments about the Office of Community Development.

Mr. Springgay submitted a copy of a portion of the Constitution of the United States and said he would like to see democracy in action.

Judith Springgay, Postmaster of Nehalem, said she will need to speak with the developer before they put in the mailboxes to make sure it is done properly. Mr. Bucher said they would follow the rules given to them.

Charles Isaacson said he wanted to go on record saying he is against the zone changes. He said the mobile homes would devalue his property and the roads will not be able to handle the traffic.

Mr. Bucher said the coastal areas are going to be developed, and he felt the best quality thing to put on this property to make it homogeneous with the surrounding community was the subdivision. It will be aimed at adult/retired people with a commonary building to be used for a game room and meetings. There will also be 10 plus acres shared among themselves.

Frank Balogh said they just built a home there and he had asked the Planning Department if mobile homes were allowed. They said "absolutely no." He said mobile home would decrease the value of his property.

Mr. Affolter asked what the average value of the mobile homes would be. Mr. Bucher said \$50,000-\$70,000. Mr. Affolter said there is a difference in conception of a mobile home park, with box-like structures, and a mobile home subdivision, that are residences, very much like site-built houses. Mr. Affolter said the average value of one of the mobile homes placed there would have a greater value than a site-built house.

Mr. Reed said Tillamook County is the only county that still labels them as mobile homes. Other counties and states refer to them as manufactured housing. They are made with wood studs, pitched roof, wood siding, drywall and look like a modular home. Mr. Springgay said the mobile home floors are made of chipboard. Mr. Reed said they are not.

Commissioner Woodward said the only issue here is mobile homes, because the density can be increased in the present zone. He said he viewed the area yesterday and with the restrictions required, he said it would not cause problems to have the subdivision.

Chairman Kinkade said the drains under the houses will eliminate some of the surface water problems there now.

Commissioner Creasy said it was a good project and moved to approve Zone Change Request ZC-86-5 requesting a Planned Development Overlay on property currently zoned R-3, R-2 and RL, Commissioner Woodward seconded, passed with three aye votes. By Board consensus the term "shall" will be in the restrictive covenant.

Commissioner Creasy moved to approve Zone Change Request ZC-86-6 changing the zoning from R-2 to R-3 allowing the development of a mobile home subdivision, Commissioner Woodward seconded, passed with three aye votes.

UNSCHEDULED: CONSIDERATION OF TAX DEED FOR CURTIS AND BARBARA GRAF: Mr. Young said this was the situation where Trans America Title Insurance was making payments on the wrong account. The Board waived the \$500 administrative fee.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve the tax deed, passed with three aye votes.

The Commissioners signed and Ms. Sheldon notarized the tax deed.

UNSCHEDULED: LETTER TO HALLIE KIRKINGBURG: Mr. Young read the letter he revised. Commissioner Creasy moved, Commissioner Woodward seconded, to approve and sign the letter, passed with three aye votes.

The Commissioners signed the letter.

ITEM NO. 5: CONSIDERATION OF REQUEST FOR REFUND OF TAXES AS PROVIDED BY ORS 311.806 (CONTINUED): Mr. Young checked with Mr. Wilson regarding the \$7,255.38 refund for John and Madelyne Memering for the 1984-85 tax year. Mr. Wilson said the higher value was shown on the tax roll, because it included the timber and golf course. The fall of that year the Memerings stopped using it as a golf course and logged the timber, and notice was not given to the Assessor. The Memerings did not go through the proper procedures with the Board of Equalization or the Tax Court.

Commissioner Creasy moved, Commissioner Woodward seconded, to approve the refund of the taxes, passed with three aye votes.

Commissioners Kinkade and Woodward signed the Petition for Refund of Taxes.

Chairman Kinkade adjourned the meeting at 4:00 p.m.

RESPECTFULLY SUBMITTED this 19th day of February, 1987.

Dorene Sheldon
Dorene Sheldon, Recording Secretary

APPROVED BY:

DJK
DJK

GJC
GJC

GAW
GAW