

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, December 8, 1999

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[Filed with County Clerk 1-18-00]

COMMISSIONERS PRESENT:

Sue Cameron, Chairperson
Tim Josi, Vice Chairperson
Gina Firman, Commissioner

STAFF PRESENT:

William K. Sargent, County Counsel; Paul Levesque, Management Analyst; Jon Oshel, Public Works Director; Tom Manning, Emergency Management Director; George Plummer, Senior Planner;

GUESTS: See attached guest list

CALL TO ORDER: By Chair Cameron at 6:30 p.m. at the Garibaldi City Hall.

ITEM NO. 1: WELCOME AND INTRODUCTIONS: Chair Cameron welcomed everyone to the meeting and introduced the County staff in attendance.

ITEM NO. 2: PUBLIC INPUT - NON-AGENDA ITEMS: There was none.

ITEM NO. 3: AUTHORIZATION FOR THE DIRECTOR OF PUBLIC WORKS TO SIGN A PERSONAL SERVICES AGREEMENT BETWEEN TILLAMOOK COUNTY AND EMCOM/OWT FOR THE TILLAMOOK TRANSFER STATIONS EXPANSION DESIGN, PHASE II: Commissioner Josi moved to authorize Mr. Oshel to sign the agreement, Commissioner Firman seconded.

Mr. Oshel described the proposed expansion of the transfer station and the role of the Solid Waste Advisory Committee.

Motion passed with three aye votes.

ITEM NO. 4: CONSIDERATION OF MEMORANDUM OF UNDERSTANDING WITH THE OREGON TRAIL CHAPTER OF THE AMERICAN RED CROSS ASSISTANCE DURING EMERGENCY SITUATIONS: Mr. Kile from the Red Cross gave a background and history of the former local Red Cross chapter and the proposed agreement.

Commissioner Josi moved to approve the agreement and authorize the Chair to sign, Commissioner Firman seconded.

Commissioner Firman said she was aware of Red Cross recruitment efforts in south County.

Motion passed with three aye votes.

The Chair signed the Agreement.

ITEM NO. 10: NON-AGENDA ITEMS: Mr. Manning gave an update on damage assistance and

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opportunities for river gauges on the Nestucca River. Commissioner Josi described the funding mechanism for the additional gauge. Chair Cameron explained Project Impact and its benefits to Tillamook County.

ITEM NO. 5: CONSIDERATION OF ASSISTANCE AGREEMENT AMENDMENT NO. CE-980127-01-1 WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO EXTEND THE PROJECT AND BUDGET PERIOD FOR THE PERFORMANCE PARTNERSHIP:

Commissioner Firman moved to sign the agreement amendment, Commissioner Josi seconded, passed with three aye votes.

Commissioner Firman signed the agreement, as her name was listed as the Chair.

ITEM NO. 6: OA-99-05: A LEGISLATIVE ACTION TO AMEND TILLAMOOK COUNTY LAND USE ORDINANCE 33. THE PROPOSED AMENDMENT WOULD AMEND ARTICLE III SECTION 3.332 (4)(h): PACIFIC CITY/WOODS LOW DENSITY RESIDENTIAL ZONE (PCW-R1) STANDARDS. THE PROPOSED AMENDMENT WOULD REDUCE THE MAXIMUM HEIGHT STANDARD IN PACIFIC CITY HEIGHTS SUBDIVISION AND PACIFIC CITY HEIGHTS FIRST, SECOND THIRD, FOURTH, FIFTH, SIXTH AND SEVENTH ADDITIONS. AN EMERGENCY IS ALSO BEING DECLARED TO PERMIT IMMEDIATE APPLICATION OF THESE PROVISIONS: Mr.

Plummer said this was an amendment to the periodic review work task and if there was an appeal, it would go to the Land Conservation & Development Commission (LCDC), rather than the Land Use Board of Appeals (LUBA). He described the nature of the request.

Counsel Sargent said that a "grandfather clause" was not recommended because it was probably not constitutional. He said the proposed order would reduce the maximum building height to 24 feet in Pacific City Heights and additions 1-5. The Board discussed directing questions to specific individuals.

Barbara Breunig, P. O. Box 712, Pacific City, said the CC&Rs in additions 1-5 limited building height to 1 ½ stories, but those who violated that had no business exceeding the 24 foot limitation.

Bob Martin said the rationale would be agreeable to everyone to avoid conflicts.

Karen Twedt, Addition #7, said it would be easier to enforce if it was applied also to Additions 6 and 7.

There was a discussion about variances and whether 6 and 7 should also have the 24 foot limitation.

Pete Schuler, 7th Addition, said the risk was too great, and he wanted to keep his 35 foot house. If no variances were available, he supported limiting the 24 foot height restriction to Additions 1-5.

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Jane Watkins, P. O. Box 57, Pacific City, talked about the history of the CC&Rs and the intent to impose the same height limitations on Additions 6 and 7. Charlotte Kirkham said if this never happened. Mr. Plummer explained "grandfathering."

Judy Holt, P. O. Box 787, Pacific City, talked about her experience with grandfathering in Lincoln County.

Venita Gilbert questioned the differences between Tillamook County and Lincoln County.

Commissioner Josi said there were two choices for the Board: they could obtain further legal advice or act today. He said he had heard enough to act today.

Commissioner Josi moved to approve the periodic review work task 6(b) and the "findings and decisions; the maximum building height shall be 35 feet, except that the maximum building height shall be 24 feet on ocean or bay frontage lots and in the subdivisions known as Pacific City Heights and Pacific City Heights First, Second, Third, Fourth and Fifth Additions; Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beach Bridge (Pacific Avenue).

Commissioner Firman seconded the motion, adding that it did not make sense that they could not grandfather but they had to follow legal advice. She discussed options, concluding she felt okay with voting for the motion.

Commissioner Josi said this was like King Solomon cutting the baby in half, but the Board had come a long way on this. He said this was the best solution.

Motion passed with two aye votes, Commissioners Josi and Firman voting aye, Chair Cameron voting nay.

Chair Cameron said it was important to support the Planning Commission. She empathizes with the people who brought the issue to the Board, but she felt it should have occurred during the periodic review. She was concerned about precedence.

Commissioner Firman said she voted aye because people in Addition 1-5 knew they could only build 1 ½ stories. She said no one in the audience asked her to vote no. Commissioner Josi said that when he was on the Bay City Planning commission, it never bothered him when the City Council overturned them.

ITEM NO. 7: PUBLIC HEARING AMENDMENT TO UNIFORM CITATION/CODE ENFORCEMENT ORDINANCE NO. 35: This item was postponed.

ITEM NO. 8: MISCELLANEOUS PUBLIC WORKS: Mr. Oshel reported on a proposed drainage project in Pacific City Heights and the easements needed for the project.

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Mr. Oshel said there was \$250,000 in damages at 13 sites on Federal highway routes. He discussed the issues regarding getting Federal funds. He also described projects on the Trask River and East Beaver Creek. He would prepare an issue paper for the Project Impact Summit trip to Washington, D. C.

ITEM NO. 9: MISCELLANEOUS SOLID WASTE SERVICE DISTRICT MATTERS: There was none.

ITEM NO. 10: NON-AGENDA ITEMS & BOARD CONCERNS: Chair Cameron reported on her Forest Practices Advisory Committee meeting that day. The Board discussed the request to the E-Board regarding funding for the feasibility study.

Chair Cameron adjourned the meeting at 7:30 p.m.

RESPECTFULLY submitted this ____ day of _____, 1999.

County Clerk: Josephine Veltri

Mary Wujcik, Recording Secretary
& Special Deputy

APPROVED BY:

Chairperson

Vice Chairperson

Commissioner