

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Wednesday, June 2, 2004

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FILED
3:45pm
JUL 14 2004
AOW
TASSI O'NEIL
COUNTY CLERK

1 **COMMISSIONERS PRESENT:** Paul A. Hanneman, Chairperson
2 Charles J. Hurliman, Vice Chairperson
3 Tim Josi, Commissioner

4
5 **STAFF PRESENT:** William K. Sargent, County Counsel
6 Mary Wujcik, Board Assistant
7

8 **STAFF PRESENT FOR PORTIONS OF MEETING:** John Robinson, Health Department
9 Director; Pat Oakes, Engineering Project Supervisor; Aaron Suko, Public Works Director; Lynne
10 Krueger, Senior Planner; Bill Campbell, Community Development Director
11

12 **GUESTS:** Troy Downing, 4-H & Extension; Gus Meyer; John Gettman
13

14 **CALL TO ORDER:** By Chair Hanneman at 9:02 a.m. in the Commissioners' Meeting Room.
15

16 **ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST:** The Chair welcomed
17 everyone to the meeting.
18

19 **ITEM NO. 2: PUBLIC COMMENTS - NON-AGENDA ITEMS:** There were no public
20 comments.
21

22 **ITEM NO. 3: CONSIDERATION OF AMENDMENTS #6 AND #7 TO LOCAL PUBLIC**
23 **HEALTH AUTHORITY AGREEMENT WITH OREGON DEPARTMENT OF HUMAN**
24 **SERVICES TO MODIFY THE FINANCIAL ASSISTANCE AWARD:** Mr. Robinson explained
25 the two amendments, which were moderate increases to several programs, including the Ryan White
26 HIV/AIDS fund and WIC. He said they were for the current fiscal year.
27

28 Commissioner Josi moved to approve the amendments and authorize the Chair to sign,
29 Commissioner Hurliman seconded, passed with three aye votes.
30

31 The Chair signed the amendments.
32

33 **ITEM NO. 4: CONSIDERATION OF ORDER SETTING FEES FOR ENVIRONMENTAL**
34 **HEALTH SERVICES AT THE TILLAMOOK COUNTY HEALTH DEPARTMENT:** Mr.
35 Robinson explained the increases. They were being set at what the State had recommended.
36

37 Commissioner Josi discussed the budget problems in the Department. He said they were making the
38 necessary changes to bring them back into balance. This fee increase helped the program pay for
39 itself. Ms. Pampush said the changes would bring in about \$10,000.

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1 Commissioner Hurliman said he was still having a hard time with the increase.

2
3 Commissioner Josi moved to sign the order, Chair Hanneman seconded.

4
5 Commissioner Hurliman said he would be more in favor if the services were also being increased.
6 He said this was a tough time in Tillamook County.

7
8 Chair Hanneman said he appreciated the Department's consideration toward some of the special
9 events in the County and their lowering fees as a public service.

10
11 Motion passed with two aye votes, with Commissioner Hurliman voting nay.

12
13 The Commissioners signed Order #04-58.

14
15 **ITEM NO. 5: CONSIDERATION OF CONTRACT WITH ALPINE CONSTRUCTION FOR**
16 **THE GIST ROAD/SMITH CREEK CULVERT REPLACEMENT PROJECT AND**
17 **DELEGATION OF AUTHORITY FOR THE DIRECTOR OF PUBLIC WORKS TO SIGN**
18 **THE CONTRACT:** Mr. Oakes noted that he would be requesting authorization for Mr. Suko to
19 sign the contract. He outlined the history of the contract. The project would only take about five
20 days to complete, but they could not start until July 1. He said this was the standard form with the
21 bid and bonds attached.

22
23 Commissioner Josi moved to approve the contract and authorized the Director to sign,
24 Commissioner Hurliman seconded, passed with three aye votes.

25
26 Chair Hanneman recessed the meeting at 9:15 a.m. and reconvened at 9:35 a.m.

27
28 **ITEM NO. 6: PUBLIC HEARING: IN THE MATTER OF ADOPTING THE BUDGET,**
29 **APPROPRIATING FUNDS. LEVYING AD VALORUM TAXES AND CATEGORIZING**
30 **THE LEVY FOR THE FISCAL YEAR 2004-2005 FOR THE 4-H & EXTENSION SERVICE**
31 **DISTRICT:** Mr. Downing reviewed the decision by the 4-H Budget Committee. He said the
32 budget was developed through their advisory committee, which approved it. They were now asking
33 the Commissioners to approve the order.

34
35 Mr. Downing said several increases in costs were in the budget. Technical costs went up, as well
36 as travel reimbursement rates. Staff costs had changed a bit.

37
38 Commissioner Hurliman asked him about the consolidation efforts up and down the coast. Mr.
39 Downing said the District had gone from five faculty positions to 2.5. He covered four counties as
40 the Dairy Agent. The shared positions were the Master Gardner, Forester and watershed agent.

41

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1 Commissioner Hurliman said he did not think most people realized what a broad area they covered.
2 Mr. Troy noted that the Marine Agent position was cut completely.

3
4 Commissioner Josi asked about he building reserve fund. Mr. Downing said that was for emergency
5 repairs of the building, such as a new roof. They were also considering purchasing the lot next door
6 for parking.

7
8 Chair Hanneman opened the public hearing and asked for comment from the public. Hearing none,
9 he closed the hearing.

10
11 Commissioner Hurliman moved to sign the order, Commissioner Josi seconded, passed with three
12 aye votes.

13
14 The Commissioners signed Order #04-59, 4-H & Ext. Order #04-3.

15
16 **ITEM NO. 7: CONSIDERATION OF ORDER APPOINTING MEMBERS TO THE**
17 **TILLAMOOK COUNTY TRAFFIC SAFETY COMMISSION:** The Chair asked Commissioner
18 Josi to read the names. Commissioner Josi read the names of the appointees and moved to sign the
19 order, Commissioner Hurliman seconded, passed with three aye votes.

20
21 The Commissioners signed Order #04-60.

22
23 Chair Hanneman recessed the meeting at 9:45 a.m. and reconvened at 10:00 a.m.

24
25 **ITEM NO. 8: PUBLIC HEARING: ORDINANCE AMENDMENT OA-04-01 (LAND USE**
26 **ORDINANCE): TO AMEND VARIOUS SECTIONS OF THE TILLAMOOK COUNTY**
27 **LAND USE ORDINANCE TO MODIFY USES ALLOWED, AND TO CLARIFY AND ADD**
28 **DEFINITIONS, STANDARDS AND PROCEDURES:** Chair Hanneman read what the action
29 would do. He read the legislative procedure and asked for the staff report.

30
31 Ms. Krueger reviewed the applicable criteria. Three uses would be amended, including the
32 manufactured dwelling zone in Netarts. Ordinance 5.160 was attached to the wrong use and should
33 be moved from the RV section to the manufactured dwelling section. There was also a change
34 regarding the cross-over ventilation (ducting) between sections of a manufactured dwelling and the
35 base flood elevation requirements. The term "manufactured home" was also to be added to the title
36 of Section 5.160.

37
38 Commissioner Hurliman asked about a court decision regarding the pitch of a roof. Ms. Krueger
39 said that issue was not part of the request but the County had addressed the issue in the past. Federal
40 standards now required inclusion within certain residential zones of manufactured dwellings. This
41 could include adopting architectural standards, which the County had done. She said architectural

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1 standards only applied to manufactured dwellings; they do not apply to stick-built homes.

2
3 Mr. Campbell addressed the issue. He said this amendment did not address that issue but placed the
4 description/standard in the correct part of the ordinance. They would be reviewing the standards
5 within six months to see if any changed were needed.

6
7 Ms. Krueger said the State's Manufactured Dwelling Section had no problems with this change.

8
9 Chair Hanneman noted that the applicant was the Department. He opened the matter for public
10 comment. There was no further comment from staff. Hearing no comment from the public, he
11 closed the hearing. He asked if there were any challenges to the Board hearing the matter or if the
12 Board had any bias on the matter. There were none.

13
14 Commissioner Josi moved to approve Ordinance Amendment OA-04-01 (land use ordinance): to
15 amend various sections of the Tillamook County land use ordinance to modify uses allowed, and to
16 clarify and add definitions, standards and procedures, Commissioner Hurliman seconded, passed
17 with three aye votes.

18
19 **ITEM NO. 9: PUBLIC HEARING: TRANSPORTATION SYSTEM PLAN - TO BE**
20 **CONTINUED TO A DATE TO BE NOTICED:** Mr. Campbell said the Transportation System
21 Plan was covered by three ordinance amendments: OA-04-02, 04-03 and 04-04. They had been
22 scheduled before the Planning Commission on May 13. The Commission requested a workshop on
23 the Plan for July. There would be no recommendation to the Board of Commissioners until after the
24 Planning Commission workshop was held.

25
26 Commissioner Hurliman moved to continue the hearing to a date that would be noticed,
27 Commissioner Josi seconded.

28
29 Commissioner Hurliman said Mr. Campbell had mentioned road standards. Mr. Campbell said
30 Public Works had not indicated making any changes to road standards. He discussed the matter
31 more fully and made suggestion as to how that could be added if needed in the future.

32
33 Motion passed with three aye votes.

34
35 **ITEM NO. 11: PUBLIC COMMENTS:** There were none.

36
37 **ITEM NO. 10: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:**
38 Chair Hanneman read the changes in the Board's schedule. There would not be a Board meeting on
39 June 9th and no Staff Meeting on June 14th due to State Forestry meetings and Federal forest issues.
40 June 16th was an evening Board meeting.

41

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1 Mr. Campbell noted that the Riparian Ordinance hearing was still scheduled for that June 16th
2 meeting. The Planning Commission had already heard it. Written comments would be accepted by
3 the Planning Commission until June 3rd at 5:00 p.m. He noted the Planning Commission had the
4 discretion to reopen the hearing at their June 10th meeting.

5
6 Chair Hanneman reiterated that the Planning Commission meeting on June 10th on Goal 5 would be
7 held in the Circuit Courtroom of the Courthouse at 7:00 p.m.

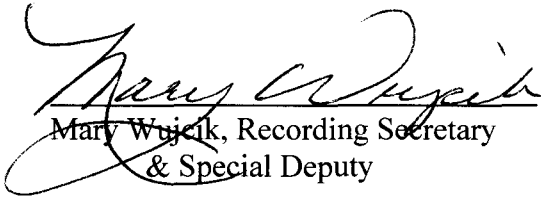
8
9 Commissioner Hurliman commented on a letter he had received from the Stouts regarding the Trask
10 River Road. Commissioner Josi said he had called the people and asked for their e-mail address.
11 He had received several e-mails from State Forestry on the subject and had forwarded them to the
12 Stouts.

13
14 Chair Hanneman said the Commissioners and Oregon Department of Forestry were making progress
15 towards finding additional resources for repairing forest access roads.

16
17 The Chair adjourned the meeting at 10:30 a.m.

18
19 **RESPECTFULLY** submitted this 14 day of July, 2004.

20
21 County Clerk: Tassi O'Neil

22
23 
24
25 Mary Wujcik, Recording Secretary
26 & Special Deputy

27
28 **APPROVED BY:**

29
30   
31 Paul A. Hanneman Charles J. Hurliman absent
32 Chairperson Vice Chairperson Commissioner

33
34



CALL TO ORDER: Wednesday, June 2, 2004

BOARD OF COMMISSIONERS

1. **9:00 a.m.** Welcome & Request to Sign Guest List
2. Public Comment - Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

3. Consideration of Amendments #6 & #7 to Local Public Health Authority Agreement with Oregon Department of Human Services to Modify the Financial Assistance Award/John Robinson
4. Consideration of Order Setting Fees for Environmental Health Services at the Tillamook County Health Department/John Robinson & Annette Pampush
5. Consideration of Contract with Alpine Construction for the Gist Road/Smith Creek Culvert Replacement Project and Delegation of Authority for the Director of Public Works to Sign the Contract/Pat Oakes
6. **9:30 a.m.** **Public Hearing:** In the Matter of Adopting the Budget, Appropriating Funds, Levying Ad Valorem Taxes and Categorizing the Levy for the Fiscal Year 2004-2005 for the 4-H & Extension Service District/Troy Downing
7. Consideration of Order Appointing Members to the Tillamook County Traffic Safety Commission/Norm Myers
8. **10:00 a.m.** **Public Hearing:** Ordinance Amendment OA-04-01 (Land Use Ordinance): To Amend Various sections of the Tillamook County Land Use Ordinance to Modify Uses Allowed, and to Clarify and Add Definitions, Standards, and Procedures/Lynne Krueger
9. **10:15 a.m.** **Public Hearing:** Transportation System Plan – to be Continued to a Date to be Noticed/ Bill Campbell
10. Board Concerns - Non-Agenda Items & Announcements
11. Public Comments

ADJOURNMENT

On **Wednesday, June 16**, the Commissioners will be holding their weekly Board Meeting at **6:30 p.m.** in the Commissioners' Meeting Room of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

There will be **NO** evening Board of Commissioners' Meetings in July and August. The evening schedule will begin in the fall.

Ordinance Amendment
OA 04-01
Proposed changes to the Land Use Ordinance

An Ordinance Amendment is a Legislative Land Use Decision. The Board of County Commissioners may adopt, adopt with modifications, or not adopt the proposed Amendment, considering the intent of applicable policies of the Comprehensive Plan and the recommendation of the Planning Commission. Staff prepares an analysis of the proposed Amendment, addressing such issues as the intent of the provisions being amended, the effect on land use patterns in the County, the effect on the productivity of resource lands in the County, administration and enforcement, and the benefits or costs to Departmental resources resulting from the proposed amendment. Staff's analysis is attached (see below).

As required by ordinance, notice of the Legislative Land Use Hearings regarding this Amendment was published. Notice of the proposed Ordinance Amendment was submitted to the Department of Land Conservation and Development on June 2, 2004 in conformance with applicable State regulations. A notice was printed within the "Headlight Herald" on May 5, 2004 giving the public notification of both the Planning Commission and the Board of Commissioner Public Hearing dates and times. In addition, written notice was sent to property owners as required by Measure 56 on April 23, 2004

The public hearings on this ordinance amendment will be held by the Tillamook County Planning Commission on May 13, 2004 and the County Board of Commissioners on June 2, 2004. This amendment, if approved, would amend portions in the following

1. Sections of the Land Use Ordinance and Comprehensive Plan

- I. Section 3.344 Netarts Manufactured Dwelling Zone;
- II. Section 3.060 Flood Hazard Overlay Zone,
- III. Section 5.160 Special Requirements for Mobile Homes

2. APPLICABLE CRITERIA:

The Tillamook County Land Use Ordinance, Section 9.030 Text Amendment Procedure, indicates that the following criteria be addressed in considering text amendments.

- The intent of the provisions being amended;
- The affect on land use patterns within the county;
- The affect on the productivity of resource lands in the county;
- Administration and enforcement; and
- The benefits or costs to Department resources resulting from the proposed text.

STAFF REPORT

I. Section 3.344(2)(b)(c) Netarts Residential Manufactured Dwelling Zone, EXHIBIT I, Green

Intent of Proposed Changes:

Moving the architectural requirements from recreational vehicles to manufactured dwelling.

Analysis: The proposed change is to clarify the architectural standards for placement of a manufactured dwelling in the NT-RMD zone. It also removes these same standards from recreational vehicles, as they are not able to meet these standards.

The standards are located in Section 5.160 of the Land Use Ordinance and include:
SECTION 5.160: SPECIAL REQUIREMENTS FOR MOBILE HOMES

...

- (1) Be multi-sectional, and not single wide.
- (2) Have a roof with at least a pitch of 3 in 12
- (3) Be roofed with composition shingles or other conventional house-type roofing.
- (4) Be sided with lap or other wood-like siding.
- (5) Be skirted with the same material as the siding.

II. Section 3.060 Flood Hazard Overlay, EXHIBIT III, Lilac

Intent of Proposed Changes: The overall intent is to modify the term “mechanical” used in the flood hazard overlay zone for manufactured dwellings. This change will enable a more proactive and cost-effective approach to floodplain management for manufactured dwellings.

Analysis: The proposed changes to this definition and use are not expected to substantially alter land use patterns in Tillamook County. The changes will clarify the standards that are permitted, but does not substantially increase or reduce existing restrictions. The changes should enable more efficient administration and enforcement of existing regulations. There should be no substantial impact

III. Section 5.160 Special Requirements for Mobile Homes, Exhibit III

Intent of Proposed Changes: The proposed change will add the term “manufactured Home” to the title to include this type of dwelling unit.

Analysis: The proposed change to the title includes additional types of manufactured housing and the language is not expected to substantially alter land use patterns in Tillamook County. The change will clarify the uses, but does not substantially increase or reduce existing restrictions. The changes should enable more efficient administration and enforcement of existing regulations. There should be no substantial impact (positive or negative) on departmental resources.

EXHIBITS

BOLD AND UNDERLINED-PROPOSED NEW LANGUAGE STRIKEOUT IS REMOVAL OF LANGUAGE

EXHIBIT I

SECTION 3.344: NETARTS RESIDENTIAL MANUFACTURED DWELLING ZONE (NT-RMD)

1. PURPOSE: The purpose of the NT-RMD zone is to designate areas for a mixture of legally established manufactured dwellings and single-family and duplex dwellings.
2. USES PERMITTED OUTRIGHT in the NT-RMD zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this ordinance.
 - (a) One or two dwelling units (attached or detached).
 - (b) Manufactured Home **provided the standards of Section 5.160 and all other applicable development standards are met.**
 - (c) The use of Recreation Vehicles is permitted outright in Wilson Beach, located in the Netarts NT-RMD zone. ~~provided that the standards of Section 5.160 and all other applicable development standards are met.~~

...

EXHIBIT II

BOLD AND UNDERLINED-PROPOSED NEW LANGUAGE STRIKEOUT IS REMOVAL OF LANGUAGE

- (3) DEFINITIONS: Unless specifically defined below or in Section 1.030 of this ordinance, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

FIRST FINISHED FLOOR: The first finished floor is when all mechanical equipment is above minimum required base flood elevation of county. This can include but is not limited to ducting, and wiring located within joists (See Mechanical). If no mechanicals

are located within floor joists, first finished floor shall be the subfloor above the required elevation above base flood.

...

MECHANICAL EQUIPMENT: Means Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities. **Mechanical does not include the crossover venting found under manufactured dwellings.**

...

EXHIBIT III

BOLD AND UNDERLINED-PROPOSED NEW LANGUAGE
STRIKEOUT IS REMOVAL OF LANGUAGE

SECTION 5.160: SPECIAL REQUIREMENTS FOR MOBILE HOMES **AND**
MANUFACTURED DWELLINGS