

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' STAFF MEETING**  
**Monday, November 8, 2004**  
**Page 1**

**FILED**  
*SDW*  
DEC 16 2004  
8:45 am  
TASSI O'NEIL  
COUNTY CLERK

- 1 **COMMISSIONERS PRESENT:** Paul A. Hanneman, Chairperson  
2 Charles J. Hurliman, Vice Chairperson  
3  
4 **COMMISSION ABSENT:** Tim Josi, Commissioner  
5 (On vacation)  
6  
7 **STAFF PRESENT:** Paul Levesque, Management Analyst  
8  
9 **STAFF PRESENT FOR PORTIONS OF MEETING:** Aaron Suko, Public Works Director; Bill  
10 Campbell, Community Development Director; Craig Schwinck, Human Resources & Information  
11 Services Director; Del Schleichert, Parks Director; Tom Manning, Emergency Management Director;  
12 Tim Lutz, Assessor/Tax Collector  
13  
14 **GUESTS:** Gus Meyer  
15  
16 **CALL TO ORDER:** By Chair Hanneman at 9:00 a.m. in the Commissioners' Meeting Room.  
17  
18 **ITEM NO. 1: PUBLIC COMMENTS - NON-AGENDA ITEMS:** There were no comments.  
19  
20 **ITEM NO. 2: PUBLIC WORKS UPDATE:** Mr. Suko referred to a letter from Manzanita  
21 requesting special signage for streets being extended within their Urban Growth Boundary. It was  
22 an attempt to cut down on through traffic. There was a consensus to put it on the agenda for  
23 discussion at the Board's Wednesday evening meeting in Manzanita.  
24  
25 Mr. Suko said the department had hauled 31 loads of rock for the Wilson River Loop levee project.  
26 The contractor hauled another 13 loads. Mr. Manning commended Public Works on a job well done.  
27  
28 Mr. Suko reported on upcoming meetings. He said he was having trouble getting members to attend  
29 the various advisory committee meetings.  
30  
31 Mr. Suko said the N.W. Area Commission on Transportation (ACT) voted on its charter and by-laws  
32 at the meeting he attended on November 4<sup>th</sup>. He hoped the Board would appoint a Commissioner  
33 liaison in January who could attend. He reviewed the political discussion of "earmarks" as an  
34 example of the type of issues that required an elected official. The next ACT meeting would be  
35 December 2 in Tillamook. After the Seaside ODOT project was completed, Tillamook County  
36 would become the focus of the next project.  
37  
38 Mr. Manning described the success of the levee project on the Wilson River Loop Road, between  
39 the Quilt Center and Shilo Inn.  
40  
41 **ITEM NO. 3: COMMUNITY DEVELOPMENT UPDATE:** Mr. Campbell distributed the weekly  
42 building report (attached). He discussed the stop-work order in Neskowin.

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' STAFF MEETING**

**Monday, November 8, 2004**

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1 Mr. Campbell referred to the Building Code Division policies where the County needed clarifications  
2 and guidance. With Board consensus, the Department would be prepared to implement the policies.  
3 They involved stop-works orders and confidentiality of public records. Commissioner Hurliman said  
4 he had read them over and said they involved items that tended to need clarification. Mr. Campbell  
5 was asked to run them by the Appeals Board, with a consensus to move forward after the review.  
6

7 Mr. Campbell referred to a memo (attached) regarding implementation of Ballot Measure 37, which  
8 was to take effect on December 2; he had also sent the Board a draft ordinance. These will be  
9 formalized through the Association of Oregon Counties (AOC).  
10

11 There was a discussion regarding a State process and what the Legislature might do. Mr. Campbell  
12 did not think Measure 37 altered the County's EECE analysis on the County's riparian work but it  
13 might have an effect on the standards (set back from streams). He did not think it affected the  
14 inventory process. It placed greater emphasis on cooperation and coordination, rather than the  
15 regulatory process.  
16

17 **ITEM NO. 5: QUARTERLY REPORT ON RETIREMENT FUND FOR CERTAIN COUNTY**  
18 **EMPLOYEES:** Mr. Schwinck said Mr. Upton (Item no. 5) would not be coming until November  
19 22<sup>nd</sup>. This matter was postponed until the November 22<sup>nd</sup> Staff Meeting.  
20

21 **ITEM NO. 4: HUMAN RESOURCES & INFORMATION SERVICES UPDATE:** Mr.  
22 Schwinck said that on Wednesday, November 10<sup>th</sup>, the AFSCME Union would be negotiating all  
23 day. He would be attending the LGPI/PERS breakfast on November 17<sup>th</sup> at the AOC Conference.  
24

25 **a. Discussion Concerning Permanent Staffing Proposal for County Parks Department:** Mr.  
26 Schleichert distributed copies of an agenda and his staffing proposal (attached). He said this could  
27 create a year-around revenue generation. The proposal would reconfigure staffing. He would have  
28 a surplus of \$7000 in the current budget year, but it would require an additional \$8749 in the next  
29 year, which he believed he could raise. The honor system only collected about 10%. The Parks  
30 Advisory Committee had approved the changes.  
31

32 Mr. Schwinck said Mr. Schleichert had worked with the Personnel Department, and he felt it looked  
33 good. The Treasurer had said it was workable.  
34

35 Commissioner Hurliman said it looked good on paper, but he asked what would happen if it did not  
36 work. Mr. Schleichert said they were committed to living within the Department's budget. Mr.  
37 Schwinck noted that it would have no budget consequence this winter, and they would find out if  
38 it worked.  
39

40 There was no objection from the Commissioners Hanneman and Hurliman. Commissioner Hurliman  
41 said Commissioner Josi should be involved. The Board recommended Mr. Schleichert proceed but

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' STAFF MEETING**

**Monday, November 8, 2004**

**Page 3**

1 subject to no objection from Commissioner Josi. Chair Hanneman recommended Mr. Schleichert  
2 also talk to Commissioner-Elect Labhart.

3  
4 Commissioner Hurliman recommended that the letter from the Nestucca High School student, which  
5 requested the establishment of a paint ball park, be forwarded to the Parks Advisory Committee, and  
6 that a letter be sent in response.

7  
8 **ITEM NO. 6: CONSIDERATION OF RESOLUTION AMENDING THE RETIREMENT**  
9 **PLAN FOR CERTAIN EMPLOYEES OF TILLAMOOK COUNTY:** Mr. Schwinck said this  
10 was housekeeping and defined "employees" and other terms.

11  
12 Commissioner Hurliman moved to sign the resolution, Chair Hanneman seconded.

13  
14 Mr. Schwinck noted that it had been written by the County's ERISA attorney. Mr. Lutz asked that  
15 all employees be copied with it. Mr. Schwinck would do so.

16  
17 The motion passed with two aye votes.

18  
19 The Commissioners signed Resolution #R-04-24.

20  
21 **ITEM NO. 7: MANAGEMENT ANALYST UPDATE:** Mr. Levesque reported on the status of  
22 the proposed dog control ordinance and suggested hearings at the end of November and early  
23 December. There was Board consensus to schedule those.

24  
25 **ITEM NO. 8: STAFF UPDATE/CALENDAR REVIEW & SCHEDULING/AGENDA**  
26 **REVIEW/SUGGESTION BOX/INTER-OFFICE MATTERS:** The Commissioners reviewed and  
27 approved the agenda for November 10<sup>th</sup>.

28  
29 Chair Hanneman suggested that the Economic Development Council report periodically to the Board  
30 on the status of the discretionary fund.

31  
32 Ms. Wujcik submitted a proposed series of Courthouse tours by fourth graders at East School on  
33 November 23<sup>rd</sup>. Mr. Levesque said he would be the contact person. The Board approved.

34  
35 Ms. Wujcik submitted drafts of three letters in response to the students at Nestucca High School  
36 regarding Blaine Road, Tierra del Mar beautification and the paint ball park.

37  
38 Commissioner Hurliman moved to sign the letters, Chair Hanneman seconded, passed with two aye  
39 votes.

40  
41 There was a consensus to reopen the applications for the Health Council as only three had been

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' STAFF MEETING  
Monday, November 8, 2004  
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1 received.

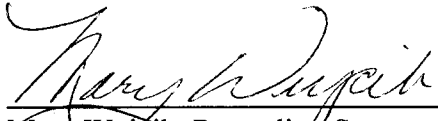
2  
3 **ITEM NO. 9: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:** There  
4 was none.

5  
6 **ITEM NO. 10: PUBLIC COMMENTS:** There was none.

7  
8 Chair Hanneman adjourned the meeting at 10:00 a.m.

9  
10 **RESPECTFULLY** submitted this 15 day of December, 2004.

11  
12 County Clerk: Tassi O'Neil

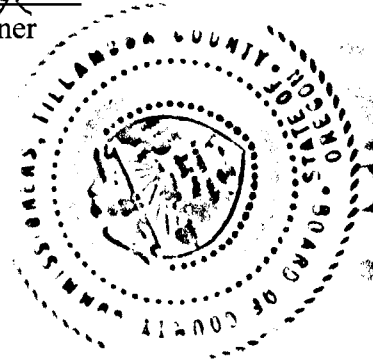
13  
14   
15 \_\_\_\_\_  
16 Mary Wujcik, Recording Secretary  
17 & Special Deputy

18  
19 **APPROVED BY:**

20  
21   
22 \_\_\_\_\_  
23 Chairperson

24   
25 \_\_\_\_\_  
Vice Chairperson

  
\_\_\_\_\_  
Commissioner



**CALL TO ORDER – November 8, 2004**

1. **9:00 a.m.** Public Comments – Non-Agenda Items – **REQUEST TO SIGN GUEST LIST**
2. Public Works Update/Aaron Suko
3. Community Development Update/Bill Campbell
4. Human Resources & Information Services Update/Craig Schwinck  
\* Discussion Concerning Permanent Staffing Proposal for County Parks Department/  
Del Schleichert
5. **10:00 a.m.** Quarterly Report on Retirement Fund for Certain County Employees/John Upton
6. Consideration of Resolution Amending the Retirement Plan for Certain Employees of  
Tillamook County/Craig Schwinck
7. Management Analyst Update/Paul Levesque
8. Staff Update/Calendar Review & Scheduling/Agenda Review/Suggestion Box/Inter-  
Office Matters
9. Board Concerns, Non Agenda Items & Announcements
10. Public Comment

**ADJOURNMENT**

At **6:30 p.m. on Wednesday, November 10, 2004** the Commissioners will hold their weekly meeting at the Pine Grove Community Center, Laneda Avenue in Manzanita. The Commissioners' meeting will follow an Oregon Department of Transportation Open House on the STIP Program, which begins at 4:30 p.m.

**Veterans Day** is an observed holiday for the County, as well as the Oregon State Circuit Court. All the offices in the Courthouse and the Administrative Section of the Justice Facility (Sheriff's Office and Parole & Probation offices) will be **CLOSED** on **Thursday, November 11, 2004**.

There will **NOT** be any Commissioners' meetings the **week of November 15-19, 2004**. The Commissioners will be attending the annual Association of Oregon Counties Conference in Portland.

The Tillamook County Courthouse and Administrative offices in the Jail & Justice Facility will be **CLOSED** on **Thanksgiving Day, Thursday, November 25, 2004**. In addition, the County's holiday schedule and the AFSCME Union Agreement designate the Friday after Thanksgiving as a holiday. Therefore the County offices in the Courthouse and Administrative offices in the Jail & Justice Facility will be **CLOSED** on **Friday, November 26, 2004**, to allow employees this time off. However, the State Circuit Court and the Tillamook County Library will be open on Friday.

**BOARD OF COMMISSIONERS'**  
**STAFF MEETING**  
**Monday, November 8, 2004**

PLEASE PRINT

Name

Address

Item of Interest

Gus Meyer		General
ARROW SUKID		#5
Bill Campbell		#3
Tom Manning		General
DEL SCHLEICHERT		#4
CRANE SCHWINCK		#4, 5, 6
Tim Lef		4

(Please use reverse if necessary)

# AGENDA

## TILLAMOOK COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

NOVEMBER 8, 2004

**Purpose:** To discuss with the Board of County Commissioners the proposal to reconfigure staffing positions within the Parks Department. As well as the reasoning and justification for the recommended changes.

**Background:** The Park Department has a long history of generating income from seasonal camping and fishing facilities. Therefore, when the Board of County Commissioners gave the Parks Department the directive, "to earn what you spend", or to make the parks operationally self-supporting, it was taken seriously.

In doing so staff has made year-round revenue generation and the thorough and professional collection and reporting of all revenues a top priority. In order to fully accomplish these goals and achieve the desired results it is necessary to implement certain staffing changes within the Parks Department.

1. **Existing Positions:** The present mix of positions prove to be either too narrow / limiting or too broad in scope. They do not provide or allow for the year-round continuity and presence as well as the technical expertise that is necessary in order to meet the goals of the Parks Department.

2. **Proposed Positions:** The new positions will give the Parks Department year-round presence and attention to, the camping and fishery fee collection program, park patron / customer services, reservations, financial reporting and record keeping, Webb site management and Marketing, planning and scheduling activities, as well as improved overall organizational and operational functioning.

3. **Budget Impacts:**

- The proposed staffing changes for the remaining seven months of this year can be covered within the existing budget allocation for 2004-05 and ends up with a surplus of \$6,924.00.
- The proposed staffing changes for a full year, in 2005-06 will cost the Parks Department an additional \$8,749.00 annually.
- The additional costs are planned to be more than made up through increased revenues due to the year-round presence and attention to revenue generation. Plus:
  - Shoulder season Volunteer Park Hosts,
  - Efficiencies in operations
  - Additional revenue opportunities

---

**RECOMMENDED ACTION:** That the BOCC accept the recommendation for the reorganizing of Park Department staffing. And

A. Authorize the Human Resources Director to proceed with the changes.

B. Direct Parks staff to work with the Human Resources Department to implement the staffing changes.



DEPARTMENT OF COMMUNITY DEVELOPMENT  
*BUILDING, PLANNING & ON-SITE SANITATION SECTIONS*

*Land of Cheese, Trees and Ocean Breeze*

201 Laurel Avenue  
Tillamook, Oregon 97141

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Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280

MEMORANDUM

To: Board of Commissioners

November 5, 2004

From: Bill Campbell, Director  
Department of Community Development

A handwritten signature in black ink, appearing to read 'Bill Campbell', is written over the 'From:' line of the memorandum.

Subject: Measure 37, Effective Date and Implementation Measures

The passage of Measure 37 by the Oregon Electorate has resulted in a great deal of activity and interest in the timeline and implementation of the approved measure. I have provided you with a copy of a summary and notes on the measure, before it was renumbered, which did not change the accuracy of the summary developed by Keith Cubic and the Douglas County Counsel. I have also provided you with a Draft Ordinance developed by Douglas County for implementation in anticipation of the measure.

There has been substantive discussion regarding the effective date of the measure, with any number of mixed signals being sent. The most recent information, derived from the Governor's Office is that the effective date will be December 2, 2004. It is in the best interest of the county to process an ordinance for implementation of the measure, preferably to have it in place either on or before the effective date.

The department has been receiving both calls and direct inquiries regarding the affects of Measure 37 on individual properties. In some instances we expect challenges for land use and code enforcement issues under the auspices of Measure 37, whether or not such claims are valid requires a clear and concise process to obtain such formal determination. It may be prudent to establish a timeline for presenting a draft ordinance and taking it through the public review, hearing and adoption process.





**TILLAMOOK COUNTY PARKS DEPARTMENT**

**PERMANENT STAFFING PROPOSAL**  
**NOVEMBER 2004**

# TILLAMOOK COUNTY PARKS DEPARTMENT

## PERMANENT STAFFING PROPOSAL (FULL YEAR COMPARISON)

- **Existing Staffing / Salaries & Benefits ( Full Year )**

	<u>Salaries</u>	<u>Benefits</u>	<u>Total</u>
• Parks 01701 Administrative/Clerical	\$ 24,500.	\$	\$
• Parks 01702 Administrative/Clerical	\$ 1,300.	\$	\$
Total	<u>\$ 25,800.</u>	<u>\$ 19,260.</u>	<u>\$ 45,060.</u>
• Parks 01701 Part-Time/Temporary (1200 Hrs x \$8.90 = \$10,680.) (Fee Collection Lead Position)	\$ 10,680.	\$ 887.	\$ 11,567.
Total	<u>\$ 10,680.</u>	<u>\$ 887.</u>	<u>\$ 11,567.</u>
• <b>Existing Staffing Expense</b>	<b><u>\$ 36,480.</u></b>	<b><u>\$ 27,060.</u></b>	<b><u>\$ 56,627.</u></b>

- **New Staffing / Salaries & Benefits ( Full Year )**

• Position: <b>Fee Collection</b> (1 FTE) (\$1,615. X 12 mos.)	\$ 19,380.	\$ 15,888.	\$ 35,268.
• Position: <b>Office Spec. 2</b> (.60 FTE) (\$2,630. @ 60% = \$1,578.X 12 mos.)	\$ 18,936.	\$ 11,172.	\$ 30,108.
• <b>New Proposed Staffing Expense</b>	<b><u>\$ 38,316.</u></b>	<b><u>\$ 27,060.</u></b>	<b><u>\$ 65,376.</u></b>

- **Difference In Salaries & Benefits Expenses (Full Year )**

• Additional Funding Required 2005/06	<u>\$ 1, 836.</u>	<u>\$ 6,913.</u>	<u>&lt;\$ 8,749.&gt;</u>
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Revised 10-28-04

# TILLAMOOK COUNTY PARKS DEPARTMENT

## PERMANENT STAFFING PROPOSAL ( 7 vs 12 MONTH COMPARISON)

- **Existing Staffing / Salaries & Benefits ( Full Year )**

	<u>Salaries</u>	<u>Benefits</u>	<u>Total</u>
• Parks 01701 Administrative/Clerical	\$ 24,500.	\$	\$
• Parks 01702 Administrative/Clerical	\$ 1,300.	\$	\$
Total	<u>\$ 25,800.</u>	<u>\$ 19,260.</u>	<u>\$ 45,060.</u>
• Parks 01701 Part-Time/Temporary (1200 Hrs x \$8.90 = \$10,680.) (Fee Collection Lead Position) *Salary & Benefits Spent 04-05	\$ 10,680. *	\$ 887. *	\$ 11,567. *
Total	<u>\$ 10,680.</u>	<u>\$ 887.</u>	<u>\$ 11,567.</u>
• <b>Existing Staffing Expense</b>	<b><u>\$ 36,480.</u></b>	<b><u>\$ 27,060.</u></b>	<b><u>\$ 56,627.</u></b>

- **New Staffing / Salaries & Benefits (7 Months Nov-May)**

• Position: <b>Registration / Fees</b> (\$1,615. X 7mos.)	\$ 11,305.	\$ 9,268.	\$ 20,573.
• Position: <b>Office Specialist 2</b> (\$2,630. @ 60% = \$1,578.X 7mos)	\$ 11,046.	\$ 6,517.	\$ 17,563.
• <b>New Proposed Staffing Expense</b>	<b><u>\$ 22,351.</u></b>	<b><u>\$ 15,785.</u></b>	<b><u>\$ 38,136.</u></b>

- **Difference In Salaries & Benefits Expenses**

• Savings On 7 Months	\$ 14,129.	\$ 4,362.	\$ 18,491.
• Actual Savings 2004-05 budget	<u>\$ 3,449.</u>	<u>\$ 3,475.</u>	<u>\$ 6,924.</u>

Revised 10-28-04

Tillamook County



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MEMORANDUM

To: Board of Commissioners

November 5, 2004

From: Bill Campbell, Director  
Department of Community Development

Subject: Building Division Policies

NOV 11 2004  
RECEIVED  
Tillamook County  
Board of  
Commissioners

Please find a series of Building Division proposed policies attached for your review and input. The proposed policies address Stop Work Orders and Warnings, Entry into Occupied Homes, Confidentiality of Public Records, Sprinkler and Alarm Plan Review and Permit Fees, Progress Inspections, Inspection Requests, Placing Concrete without Required Inspections, Unfinished Decks at Final, and Floodplain Elevation Surveys and Elevation Certificates. These are the first of several policies that Mr. Winstead is preparing for clarification and guidance in the uniform application of the Building Division program in Tillamook County.

Upon ratification by the Board we will reproduce and distribute the policies to our Permit Technicians, Building Inspectors and other department staff that interfaces with the Building Program. The policies will be included in the Building Division Operating Plan, which is currently being updated to reflect the recent changes in the Building Codes. Both the updated Operating Plan and Policies will be provided to the contracted cities and county fire protection districts.



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*Land of Cheese, Trees and Ocean Breeze*

## **BUILDING CODES DIVISION**

### **TILLAMOOK COUNTY POLICY AND PROCEDURE**

#### **POLICY NO. 04-9**

#### **TITLE: STOP WORK ORDERS AND WARNINGS**

In order to avoid confusion regarding when the red and white "Stop Work Order" is posted and when a "Warning" is left on the job site. Stop Work Orders are a serious matter. When one is issued it is supposed to stop any and all work occurring on that job site. Stop Work Orders do not just stop the particular specialty for which it has been issued. Therefore, the seriousness of asking workers to go home, delaying the construction of a project, costing the developer money is a decision that needs to be a considered action. A Stop Work Order is normally issued, after we have previously warned the contractor of a problem and he has failed to respond, or there is a serious life safety hazard which must be corrected immediately.

However, we will allow the posting of a Stop Work order for specific situations when it is made clear what we want stopped. This must be written on the Stop Work order and it should be verbally delivered to those performing the activity or the job superintendent. We will leave this to the discretion of the inspector. It is expected that this will be used judiciously.

Normally, we leave a warning in the form of an inspection report or standardized form on the job site asking that no further work be done until such time as the appropriate permits are purchased, plans are reviewed, or licenses are obtained.

The warning will state that the developer/contractor/owner has five days to come in and take care of the problem. The warning shall explain the problem, note the five days and be signed by the individual issuing the warning. In addition, a picture will be taken, if possible. When returned to the office the warning shall be given to the building official. If, after five days, no action has been taken then we will consider whether or not it is an appropriate time to issue a Stop Work Order

After five days, the violation will be turned over to the Code Enforcement Officer for processing as a public nuisance. This does not preclude returning to the site and posting a Stop Work Order sometime during this process.

If an inspector finds a serious life safety violation then immediate steps must be taken. First, post a Stop Work Order. Fill out an inspection form detailing the problem and ask them to call the office immediately. Try to locate someone on the site to deliver the inspection to personally. Explain to the individual the

problem and ask them to take corrective action. Call the office and explain the problem. The individual in the office receiving the call is expected to notify the building official. If possible, we must contact the owner or responsible party and notify them of the problem.

We are responsible for taking whatever action necessary to protect the public from the hazard; be it electrical, mechanical (including natural and LP gas) or structural. If possible before disconnecting power and/or fuel supply, we should contact County Counsel and advise them of our actions. Depending on the degree of problem, we may need to contact the fire district and/or Emergency Services, as well.

This applies to all inspectors across disciplines. Even if it is not your area of expertise, if you feel there is a serious situation, call the office.

RESPONSIBLE OFFICE:  
DISTRIBUTION:  
ISSUED BY:  
DATE:

BUILDING DEPARTMENT  
ALL PLANS EXAMINERS AND INSPECTORS  
STEPHEN WINSTEAD, BUILDING OFFICIAL  
26 OCT 04



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*Land of Cheese, Trees and Ocean Breeze*

**BUILDING CODES DIVISION**

**TILLAMOOK COUNTY POLICY AND PROCEDURE**

**POLICY NO. 04-1**

**TITLE: ENTRY INTO OCCUPIED HOMES**

It is the policy of the Building Codes Division not to enter any occupied\* home, garage or other structure without an adult member (over 18 years of age) of the household or an adult representative of the household present.

When an inspection is requested for an occupied space and there is no adult owner or adult owner's representative present, leave an inspection report stating our policy and ask the permit holder to reschedule the inspection.

\* For the purposes of this policy, occupied means a building or structure in which someone resides or in which personal property is stored or both.

RESPONSIBLE OFFICE:  
DISTRIBUTION:  
ISSUED BY:  
DATE:

BUILDING DEPARTMENT  
ALL PLANS EXAMINERS AND INSPECTORS  
STEPHEN WINSTEAD, BUILDING OFFICIAL  
26 OCT 04

*Pre  
11-4*





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*Land of Cheese, Trees and Ocean Breeze*

## BUILDING CODES DIVISION

### TILLAMOOK COUNTY POLICY AND PROCEDURE

#### POLICY NO. 04-2

#### TITLE: CONFIDENTIALITY OF PUBLIC RECORDS

It is the policy of the building codes division to keep the identity of the "complainant" confidential. This policy is based on ORS 192.500 (2)(c), which allows local governments to keep certain information confidential and helps prevent retaliation from occurring when one person files a complaint on another. Staff should be cognizant and in all cases comply with this policy by not divulging the name of a complainant to anyone.

RESPONSIBLE OFFICE:  
DISTRIBUTION:  
ISSUED BY:  
DATE:

BUILDING DEPARTMENT  
ALL PLANS EXAMINERS AND INSPECTORS  
STEPHEN WINSTEAD, BUILDING OFFICIAL  
26 OCT 04

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*Land of Cheese, Trees and Ocean Breeze*

## **BUILDING CODES DIVISION**

### **TILLAMOOK COUNTY POLICY AND PROCEDURE**

#### **POLICY NO. 04-3**

### **TITLE: SPRINKLER AND ALARM PLAN REVIEW AND PERMIT FEES**

It is the policy of the building codes division, when plans for a building because of its occupancy or size require a fire and life safety review, the fire extinguishing system and alarm system, if required, will also be reviewed.

#### **NEW BUILDINGS**

A. When sprinkler or alarm plans are submitted with the building plans, the system valuation shall be included in the building valuation. This will automatically generate the proper plan review and permit fee. In the computer system the appropriate place in the fee table is "plan review W/FLS", the permit fee is calculated automatically.

B. When plans are submitted separately from the structural plans, a FLS review of 40% of the permit fee will be charged based on a valuation of the system, currently based at \$1.20 per square foot of area covered or based on the valuation place on the application, whichever is greater. In the computer fee table the "FLS" only area is to be used.

#### **EXISTING BUILDINGS**

Systems installed in existing buildings is an alteration of that building. A permit fee and plan review fee will be calculated as in "B" above.

RESPONSIBLE OFFICE:

BUILDING DEPARTMENT

*Boe  
11-4*

DISTRIBUTION:  
ISSUED BY:  
DATE:

ALL PLANS EXAMINERS AND INSPECTORS  
STEPHEN WINSTEAD, BUILDING OFFICIAL  
26 OCT 04



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*Land of Cheese, Trees and Ocean Breeze*

## BUILDING CODES DIVISION

### TILLAMOOK COUNTY POLICY AND PROCEDURE

#### POLICY NO. 04-4

#### TITLE: PROGRESS INSPECTIONS

There is confusion regarding the expiration dates of permits and how the progress inspection keeps a permit(s) alive. Permits are valid for 180 days from the date of issuance. If a permit expires then to renew the permit within the first year the cost is one-half of the original permit fee. If the expiration is longer than one year then the full cost of the permit fee is collectable. If only a final is necessary, then the fee is \$40 per final inspection per specialty code. The code provides a process to keep permits valid by activity or progress being made on the structure. Progress is defined as moving from one stage of the construction process to the next. Roughly speaking we could align this with moving from one inspection stage to the next. For instance, footings and foundation constitute one stage. If this work is completed and approved within in the first 180 days, then another 180 days is allowed. During this period the permittee must move to the framing stage, which includes framing, sheathing and roofing. If the permittee installs the rough plumbing and has an approved inspection then another 180 days is allowed. With a rough electrical approval, another 180 days is allowed. After the rough plumbing and electrical the permittee must have an approved framing inspection. This process follows through to the completion of the project. Flatwork, driveways, sidewalks are not part of the normal stages. These can be part of the final. 180 days will not be allotted for these activities.

Raindrains, water service etc. are not part of the 180 days stages. Raindrains can be part of the underfloor inspection as would the water service. Gutters and down spouts are part of the final.

RESPONSIBLE OFFICE:  
DISTRIBUTION:

BUILDING DEPARTMENT  
ALL PLANS EXAMINERS AND INSPECTORS

*PC  
11-4*

ISSUED BY:  
DATE:

STEPHEN WINSTEAD, BUILDING OFFICIAL  
26 OCT 04



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*Land of Cheese, Trees and Ocean Breeze*

## BUILDING CODES DIVISION

### TILLAMOOK COUNTY POLICY AND PROCEDURE

#### POLICY NO. 04-5

#### TITLE: INSPECTION REQUESTS

It is the policy of the building codes division to receive inspection requests through voice mail, fax or other means 24 hours a day. Inspections requests received by 7:00 AM will be conducted on the same day unless otherwise approved. Inspections received after 7:00 AM shall be forwarded to the next business day. Inspection shall be made normally between 8:30 and 4:30 enabling the inspector to plan the travel time and destinations. Inspections outside of these hours will be permitted by request only if the inspector is available and it is approved by the building official.

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## BUILDING CODES DIVISION

### TILLAMOOK COUNTY POLICY AND PROCEDURE

#### POLICY NO. 04-6

### TITLE: PLACING CONCRETE WITHOUT REQUIRED INSPECTIONS

**The building inspector has found that your concrete has been poured without the required inspections!**

Section 109 of the State of Oregon Structural Specialty Code and Section R-109 of the IRC One and Two Family Dwelling Code requires that footing, foundation and/or concrete slab inspections be performed prior to placing any concrete. Since this has not been done, it will be necessary that either the concrete be removed and the forms inspected prior to replacing it or a State of Oregon licensed engineer or architect be secured to certify that the work has been done according to the approved plans. He should state specifically the amount, type and location of any reinforcement that has been installed; the dimensions of the concrete foundation and/or slab and the condition of the grade on which the concrete is placed. Any unusual circumstances which may have been encountered during excavation should also be stated.

The certification by an engineer or architect is not to be interpreted as an acceptable means of approval on a regular basis, but only as a onetime solution to a onetime misunderstanding. Consistent violations will be handled according to whatever means are necessary and permitted under Oregon Administrative Rules and Oregon Revised Statutes

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**BUILDING CODES DIVISION**

**TILLAMOOK COUNTY POLICY AND PROCEDURE**

**POLICY NO. 04-7**

**TITLE: UNFINISHED DECKS AT FINAL**

When you are doing a final inspection and the deck or landing and stair are not completed two things need to occur.

1. Inspection should indicate that a separate permit is required for the deck or landing and stair;
2. A permanent code complying guard rail or approved equal is to be provided at any and all doors leading from the building to the deck or landing and stair;

Note: Approved equal means a written request and or drawings are submitted to and approved by this office.

If the event that an owner or builder wants to substitute a stair or stair and landing for a deck shown on the approved plans, two sets of this revision should be submitted for approval. All such revisions shall meet current code requirements. (Nether OTFDSC or OSSC recognizes exceptions for "temporary" conditions of use.)

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**BUILDING CODES DIVISION**

**TILLAMOOK COUNTY POLICY AND PROCEDURE**

**POLICY NO. 04-8**

**TITLE: FLOODPLAIN ELEVATION SURVEYS AND  
ELEVATION CERTIFICATES**

The following procedures are to be followed by all staff members in order to improve our part of the administration of the federal flood insurance program.

1. Elevation surveys for buildings sites, etc., shall be submitted to the Planning Division and kept in the Floodplain Development Permit application file. If there is no application required by the Planning Division, the elevation survey shall be kept in the Research Request (history) file. The Planning Division shall forward a copy of the elevation survey along with the Floodplain Development Permit application form or research request application form to the Building Services Division. This copy shall be kept in the building construction file after a building permit is issued.
2. Elevation certificates shall be submitted to the Building Services Division with building permit applications within the Floodplain Management District. These elevation certificates, including certification of floodproofing methods, shall be completed and kept in the building construction file. A copy of the completed elevation certificate shall be forwarded to the Planning Division and kept in the Floodplain Development Permit file.
3. The Planning Division staff shall require Floodplain Development Permit applicants to place a marker identifying the first floor elevation of any proposed buildings. This marker shall be located within 10 feet of the site of the building foundation. This requirement shall be in the form of a condition of the Floodplain Development Permit approval.
4. The Planning Division staff shall require, as a condition of the Floodplain Development Permit approval, the completed elevation certificate be submitted to the Building Services Division before the framing inspection takes place.

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## ARTICLE 54

Procedures for Administering Claims of Compensation Filed Under ORS 197.\_\_\_\_\_

### **Section 3.54.000 Purpose**

The purpose of this Article is to create a process for administering claims for compensation for land use regulations that reduce property value as provided in ORS 197.\_\_\_\_\_ and to establish the alternative process to compensation to modify, remove or not apply the land use regulation to allow the owner of property to use the property as permitted at the time of acquisition of the property.

This Article establishes approval criteria and a review procedure for applications for compensation and a process for action in lieu of providing compensation. This process shall be termed a “value protection regulatory waiver” and may be applicable to locally administered land use regulations including: Comprehensive Plans, zoning and land division ordinances.

The “value protection regulatory waiver” may be granted where strict compliance with local regulations would demonstrably result in a reduction in property value as a direct result of the application of a land use regulation enacted after the owner acquired the property. Conditions may be applied to the “value protection regulatory waiver” to minimize adverse impacts and make more compatible the proposed use(s) with nearby uses.

### **Section 3.54.050 Applicability**

ORS 197.\_\_\_\_\_ applies to state and local land use programs. Local governments have duties and powers for land use administration as a delegation of authority from the State of Oregon. Claims for compensation or “value protection regulatory waivers” must be filed with the appropriate agency. Generally, Comprehensive Plans, zoning and land division standards are authorized by ORS and locally based, however the Statewide Planning Goals (SWPG) and Oregon Administrative Rules (OAR) are state regulations for which local government have no authority. The procedures for administering claims of compensation filed under ORS 197.\_\_\_\_\_ are applicable to statutory duties and local regulations. Claims based upon the

SWPG or a state agency OAR shall be filed with the responsible state entity and not Douglas County. Douglas County will forward any such claims received locally that are based upon the SWPG or OARs of LCDC or governing farming and forest practices to the State of Oregon.

Several land use programs are specifically exempt from claims of compensation and/or “value protection regulatory waivers” because they are for the protection of public health and safety, fire and building codes, health and sanitation regulations, solid or hazardous waste or pollution control regulations. These programs include but are not limited to:

1. Coastal Zone Management Act
2. Federal Floodplain/Flood Insurance Program
3. Wild and Scenic Rivers Act
4. Endangered Species Act
5. Clean Water Act and 4d Rule
6. OAR of the DEQ
7. Permitting programs of the Douglas County Health Department
8. Programs administered by the Douglas County Building Department
9. OAR 632 Division 5 Tsunami Inundation
10. Fire Siting and Road Improvement Standards in Resource Zones

Limitations on use of property that result from the application of nuisance laws (including enforcement), implementation of federal laws or regulations, and regulation of uses involving pornography, nude dancing, selling alcoholic beverages or other controlled substances, casinos and gaming parlors are also not eligible for an application under this Article.

ORS Chapter 92 Subdivision and Partition establishes surveying standards and review procedures for the division and transfer of property. ORS Chapter 92 enhances property, value and protects the public health and safety. ORS Chapter 92 does not restrict use of real property. The administration of the subdivision and partitioning process is not within the meaning of ORS 197.\_\_\_\_ limitation on land divisions and are not subject to claims under this Article of the Land Use and Development Ordinance. Subdivision and partitioning standards for purposes of this Article are not use limits.

### **Section 3.54.100 Who May Apply**

Claims may be initiated by a property owner or their representative. A claim must be submitted in writing and shall be made within two years of the enactment or application of a land use regulation to property which an applicant owned prior to the adoption of the regulation. Claims for compensation for regulations of the state (SWPG or OAR) shall be filed with the appropriate state agency. A regulation will not be deemed to restrict the use of private property and reduce the fair market value of property without supporting information.

### **Section 3.54.150 Qualifying Claims**

Applications for compensation based on reduced value by land use restrictions shall be filed with the appropriate and responsible entity. The applicant must prove, based upon technical and economic analysis, that a loss of value resulted from land use regulations. (Performance and development standards do not qualify as a land use restriction under this Article. A land use restriction is a prohibition of a use.) Any claim must also be documented with evidence of the differences between prior land use regulation and current regulation. The use proposed must have been permitted or not regulated under prior land use regulation (at the time of acquisition) or an application is not valid. To qualify for review under this Article the following criteria apply:

1. The owner must have owned the property continuously prior to the use limitation for which a claim for compensation or waiver is requested.
2. The applicant has documented there is a reduced property value.
3. Compensation has been requested from the appropriate regulatory agency.
4. There is a local certification that the use proposed was permitted under prior land use regulations.

If the appropriate entity (state or local government) chooses to compensate the property owner after an application fulfilling the requirements of 3.54.200 and 3.54.250 is received no further action will be required and the current land use regulations will fully apply to the owner's property. In making a compensation determination the County will consider all other local remedies (land use applications) available that could authorize the use (not including a Comprehensive Plan amendment) and impact the value of the property subject to the claim.

### **Section 3.54.175 State Claims or Waiver Actions**

If a state agency grants compensation no further action is required and the land use regulation will fully apply. If a state agency issues a “value protection regulatory waiver”, a variance or other relief from the SWPG or OAR no further action will be required at the local level. The state action on the land use regulation waiver shall bind the County to act unless the County chooses to compensate the property owner to preserve the applicability of the land use regulation. For state waivers or variances the County shall implement the action as a permitted use. Failure by the State of Oregon to act on a qualifying claim of compensation within 150 days shall be considered by Douglas County as an approved “value protection regulatory waiver” and a requested use authorization.

### **Section 3.54.200 County Claims or Waiver Procedure and Time Frame**

An application under this Article shall be a ministerial action of the Director. As a ministerial action the application shall be subject to the following:

1. A preapplication conference and fee shall be required. No application shall be deemed complete until fees are paid.
2. A request for compensation or waiver shall be acted upon within 150 days of receipt of a complete filing.
3. A notice of decision shall be mailed to the applicant, owners within 750 feet and the Department of Land Conservation and Development (DLCDD) for “value protection regulatory waivers”. No notice is required for a decision to compensate.
4. The ministerial action on a “value protection regulatory waiver” will become effective on the date of the decision of the Director.
5. If the application meets the provisions of this Article the Director may approve or approve with conditions the waiver to local land use regulations or the application may be processed for compensation.
6. The burden of proof is placed upon the applicant and includes a demonstration that:
  - a. the land use regulation restricts the use of property
  - b. there has been a reduction in fair market value
  - c. the property was owned prior to the land use regulation
7. Applications shall be on forms prescribed by the Director. Applications shall include the following:

- a. Name, address, phone of applicant and the same information for the owner if different from the applicant.
- b. Legal description of the property including site address, tax account number and reference or instrument number of the original purchase.
- c. Identification of the specific regulations(s) at issue and the date they become effective to the applicant's property.
- d. Description of the use that has been restricted by the regulations.
- e. A statement explaining how other available land use processes can or can not remedy the restriction and how the other remedies impact the reduction in real market value determination.
- f. A site plan showing the location of all existing and proposed uses on the owner's property subject to the application.
- g. A written appraisal by an appraiser qualified and licensed in the State of Oregon stating the current real market value of the land and comparative value if the proposed use(s) are allowed.

If the application does not meet the burden of this Article the Director shall deny the application.

### **Section 3.54.250 Appraisal Requirements**

A written appraisal is required for applications and shall provide information about the difference in the fair market value. The appraisal shall state the current market value of the land and the comparative value if the proposed uses are allowed. The appraisal shall also include the following:

1. Amount the affected property has been reduced in value based upon the restriction.
2. Existing infrastructure limitations and value of the property without an assumption that infrastructure will be provided.
3. If the claimed reduction in value is based on an alleged net cost to the landowner of protection or preservation of wildlife habitat; natural areas; wetlands; ecosystems; scenery; open space; historic, archaeological or cultural resources; or low income housing, the appraisal shall establish net cost.
4. A statement explaining how the regulations restrict the use of the property and why the regulation has the effect of reducing the

- value of the property upon which the restriction is imposed.
5. The impact of the availability of other real property under ORS 197. \_\_\_\_\_ for use and the effect the supply of such real property will have on the subject property.

### **Section 3.54.400 Conditions**

Conditions may be applied to “value protection regulatory waivers” to minimize adverse impacts and make the use more compatible with nearby uses including but not limited to the following:

1. Development approval standards of the current zoning classification;
2. Yards, spaces, fences and walls;
3. Parking and/or loading provisions;
4. Vehicular access points, ingress and egress and improvements;
5. Special provisions for signs;
6. Landscaping;
7. Size or intensity standards of the prior zoning;
8. Fire siting standards;
9. Resource management covenants and waivers of objection;
10. Siting and/or physical orientation of proposed structures;
11. Natural hazards (such as landslides or floods); and
12. The general public health, safety and welfare.

Conditions shall be applied so as to achieve the objectives of this section and Article and the general objectives of the Comprehensive Plan. Conditions shall not preclude or prohibit the use subject to the waiver review.

### **Section 3.54.500 Permits and Expiration**

Following approval of a waiver under this Article the approving authority is authorized to issue development permits providing all other applicable standards are met. An approval under this Article is valid for two years and may be renewed providing the law is not changed related to the application of ORS 197. \_\_\_\_\_

### **Section 3.54.550 Termination of Waiver**

Any “value protection regulatory waiver” granted under this Article of the Land

Use and Development Ordinance shall be applicable during the period the applicant property owner owns the property. The use shall become a non-conforming use and entitled to all benefits of a non-conforming use as provided in this Ordinance when one of the following occurs:

1. The property is sold to a new owner who will be subject to the original land use regulations.
2. The use ceases for a period of greater than one year and no application to extend that time is received.
3. The provisions of ORS 197.\_\_\_\_ are substantially revised or repealed by subsequent modification which prevents future waivers similar to those granted under this Article.