

MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Monday, July 21, 2008
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COMMISSIONERS PRESENT:

Charles J. Hurliman, Chair
Tim Josi, Vice-Chair
Mark Labhart, Commissioner

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SEP 04 2008
3:45a
TASSI O'NEIL
COUNTY CLERK

STAFF PRESENT:

Su Yaremchuk, Staff Assistant

STAFF PRESENT FOR PORTIONS OF THE MEETING: Susan Becraft, Board Assistant; Marlene Putman, Director, Commission on Children and Families; Curtis Hesse, Administrator, Health Department; Karen Dye, Treasurer; Jana McCandless, Sheriff's Office and Paul Levesque, Director, Facilities, Fleet and Contracts.

GUESTS: John Gettman and Gus Meyer.

CALL TO ORDER: By Chair Hurliman at 9:00 a.m. in Commissioners' Meeting Room B.

ITEM NO. 1: PUBLIC COMMENTS – NON-AGENDA ITEMS – REQUEST TO SIGN

GUEST LIST: Chair Hurliman welcomed everyone and reminded them to sign the guest list.

ITEM NO. 2: DISCUSSION AND CONSIDERATION FEDERAL EQUITABLE SHARING AGREEMENT WITH THE U.S. DEPARTMENT OF JUSTICE AND THE U.S. DEPARTMENT OF THE TREASURY FOR LAW ENFORCEMENT:

Jana McCandless said this is the Federal Equitable Sharing Agreement for the disposition of forfeiture goods and money laundering section. When the Drug Enforcement Administration (DEA) comes down it is a mutual task if there are items taken of value. If money is taken, the County gets a share and uses it to pay informants. Nothing has come up since 2002. Deputy McCandless said that she has updated all of her records and in May the DEA and the Sheriff's Office went on a search warrant in South County on Hwy 101 and retrieved drugs, drug paraphernalia, weapons and cash. The County's share of the funds go back to the Drug Task Force. This is not a line item in the budget as the funds are very unpredictable.

Chair Hurliman asked Deputy McCandless to make a paper trail for the auditors. Deputy McCandless said that would be in the reports and she will run the reports by the Treasurer to make sure it is sufficient.

Vice-Chair Josi made a motion to approve and sign the Federal Equitable Sharing Agreement with the US Department of Justice and the US Department of the Treasury for law enforcement. The motion was seconded by Commissioner Labhart. The motion carried with three (3) aye votes. Chair Hurliman signed the Agreement.

ITEM NO. 3: DISCUSSION CONCERNING TENTH AMENDMENT TO THE DEPARTMENT OF HUMAN SERVICES 2007-2008 INTERGOVERNMENTAL AGREEMENT FOR THE FINANCING OF PUBLIC HEALTH SERVICES: Curtis Hesse said this is the 10th Amendment to this agreement in the amount of Three Hundred Eighty-Seven (\$387) Dollars. One Hundred Ninety-Five (\$195) Dollars goes to the WIC program and One Hundred Ninety-Two (\$192) Dollars goes to the MCA Title 5 funding. This will be moved forward to Wednesday and carried by Vice-Chair Josi.

Commissioner Labhart said that the Department of Human Services of the Oregon Health Foundation is offering a grant. In September there will be Two Hundred Fifty Thousand (\$250,000) Dollars available for innovative access to families and children. He wanted to make sure that Marlene Putman and Dr. Hesse were aware of this. Ms. Putman said that she has already submitted some information on ways to distribute these funds. There is also a similar grant not targeting families and children in the amount of Three Hundred Seventy-Five Thousand (\$375,000) Dollars. The application is not due until October 15th but there will be heavy competition as it is a Nationwide offering.

Commissioner Labhart announced that he had been invited to a meeting last Friday in Astoria. The Oregon Community Foundation (OCF) invited four (4) people from Tillamook County to be appointed to the Leadership Council. They have One Million (\$1,000,000) Dollars to spend over the next three (3) years in Tillamook, Clatsop, Columbia and Lincoln Counties. The Leadership Council will determine how to spend the money. On August 7th, they will make that decision. Commissioner Labhart wanted to make both Dr. Hesse and Ms. Putman aware of these funds so that they can apply and possibly get some. Ms. Putman said she has already submitted documentation.

ITEM NO. 4: DISCUSSION CONCERNING REQUEST TO SUBMIT AN APPLICATION TO THE WAL-MART FOUNDATION FOR GRANT FUNDS FOR THE PURCHASE OF SCHOOL SUPPLIES FOR THE 6TH ANNUAL TOOLS FOR SCHOOL PROJECT: Ms. Putman said that this is a small grant that they apply for every year in the amount of Fifteen Hundred (\$1,500) Dollars. This will be moved forward to Wednesday and Vice-Chair Josi will carry the item.

Ms. Putman reported that the Meyer Memorial Trust is coming out to have discussions in our region to solicit feed back from people who received funds and for those who apply and are not successful. They are including the Tribes in this discussion. Ford Family Foundation is doing the same thing. The Commission on Children and Families is hosting the Meyer people.

ITEM NO. 5: HUMAN RESOURCES UPDATE: David Dickman was not present.

ITEM NO. 6: PUBLIC WORKS UPDATE: Liane Welch was also not present.

ITEM NO. 7: COMMUNITY DEVELOPMENT UPDATE: a) PERMIT REPORT and b) SANITATION REPORT: Butch Parker reported that building activity is keeping strong.

c) DISCUSSION CONCERNING PROFESSIONAL SERVICES AGREEMENT WITH COGAN OWENS COGAN LLC TO COMPLETE THE BUILDABLE LANDS INVENTORY:

Mr. Parker said that this extends the contract to the end of September to enable the Planning Commission to adopt the Buildable Lands Inventory, unless it is appealed. Tom Bender was at the last hearing and wants his property included in the inventory. At this point in time it would not be practical to do this because all of the boundaries have been set for the next twenty (20) years. His parcel is only twelve (12) acres. He wants to build affordable housing and town homes. Vice-Chair Josi asked Mr. Parker for some background information for Wednesday's meeting. This will be brought forward to Wednesday.

Mr. Parker reported that on Tuesday night Cloverdale is looking at forming a Citizens Planning Advisory Committee (CPAC).

ITEM NO. 8: FACILITIES, FLEET AND CONTRACTS DIRECTOR UPDATE: a) DISCUSSION CONCERNING PROFESSIONAL SERVICES AGREEMENT WITH WESTECH ENGINEERING, INC. FOR WATER SYSTEM IMPROVEMENTS TO THE HEBO JOINT WATER AND SANITARY AUTHORITY: Paul Levesque said there was a Request for Proposals issued to hire an engineering firm for the Hebo Water Project. The Board appointed the review committee who did a rating and ranking review and recommended Westech Engineering. A Notice of Intent to Award a Contract has been issued. These funds have been made available through a block grant. Written into the Contract is that the engineering firm will provide project management which will allow more control over the project. They will be responsible for inspections and weekly meetings. This will be brought forward to Wednesday.

b) DISCUSSION CONCERNING COUNTY APPLICATION TO RECEIVE OREGON DEPARTMENT OF VETERANS' AFFAIRS FUNDS (ODVA): Mr. Levesque said this is an annual application to Veterans Affairs to use Senate Bill 1100 monies. This will be brought forward to Wednesday.

c) DISCUSSION CONCERNING FY 2008-09 WORK PLAN AND PROPOSED BUDGET WITH USDA, APHIS, WILDLIFE SERVICES FOR THE WILDLIFE DAMAGE CONTROL PROGRAM: Mr. Levesque said this is a renewal of the Contract for the Wildlife Officer. We have a history of prepaying this. Most of the efforts are concentrated in South County. This will be brought forward to Wednesday.

MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Monday, July 21, 2008

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d) DISCUSSION CONCERNING MODIFICATION #2 TO PERSONAL SERVICES AGREEMENT #3817 WITH JANE SCOTT VIDEO PRODUCTIONS TO VIDEOGRAPH BOARD OF COUNTY COMMISSIONERS' WEDNESDAY MEETINGS: Mr. Levesque reported that this is Jane Scott's annual renewal for videography. This will be brought forward to Wednesday.

e) DISCUSSION CONCERNING MODIFICATION #5 TO AGREEMENT #3656 WITH MODERN BUILDING SYSTEMS FOR THE CEDAR CREEK CHILD CARE CENTER BUILDING: This is an extension of time for Modern Building Systems to construct the building for the Cedar Creek Child Care Center (C5). This has been ongoing for three (3) years. This will be brought forward to Wednesday.

UNSCHEDULED: Modification #6 and #7 for Modern Building Systems for the C5 project are adjustments in monies. Because this has been taking so long, the prices increased but John Sandusky negotiated them down again. These will be brought forward to Wednesday.

UNSCHEDULED: Karen Dye said that she received a call from Bill Yaremchuk from the Tillamook Animal Shelter (TAS). He is looking for authorization to spend money to complete the drain field at the Shelter. Ms. Dye said that originally there was Ten Thousand (\$10,000) Dollars allocated for improvements at the Transfer Station. It appears that about Eighty-Five Hundred (\$8,500) Dollars has been spent and she wants to know how much the materials will be to complete this project.

Paul Levesque, Commissioner Labhart and Ms. Dye discussed the County/City Contract for animal control and the County/TAS Agreement for management of the shelter. The question was raised if the drain field was the last of the improvements. Su Yaremchuk, speaking on behalf of TAS as a Board Member, said that there was a letter from Bill Campbell that was supposedly to have been given to Mr. Levesque that he has never seen stating conditions of approval for the shelter. These issues need to be addressed. Mr. Levesque, Commissioner Labhart and Mrs. Yaremchuk are to visit with Butch Parker on this matter. Bill Yaremchuk will be directed to provide an estimate of materials.

Ms. Dye said that a County person needs to be appointed to handle the shelter items since Sheriff Anderson is no longer doing it. Mr. Levesque was once again appointed for the County and Commissioner Labhart will assist.

ITEM NO. 9: STAFF UPDATE/CALENDAR REVIEW & SCHEDULING/AGENDA REVIEW/SUGGESTION BOX/INTER OFFICE MATTERS:

The Commissioners reviewed, changed and approved Wednesday's Agenda. There were no suggestions in the box. Sue Becraft asked about appointees for the Futures Council. The deadline for applications has passed but Shirley Kalkhoven has asked for some additional time to recruit. There was consensus to hold off on the interviews for a couple of weeks.

ITEM NO. 10: BOARD CONCERNS – NON-AGENDA ITEMS & ANNOUNCEMENTS:

There were none today.

ITEM NO. 11: PUBLIC COMMENTS: There were no comments today.

There being no further business Chair Hurliman adjourned the meeting at 9:54 a.m.

RESPECTFULLY SUBMITTED this 5th day of September, 2008.

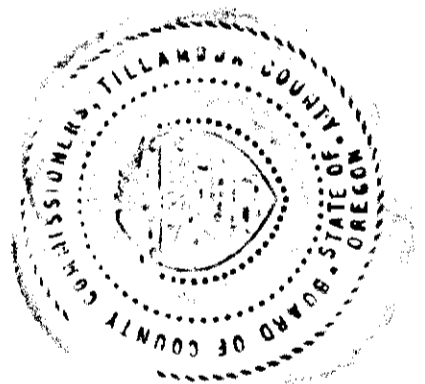
County Clerk: Tassi O'Neil

Susan L. Becraft
Susan Becraft, Recording Secretary
& Special Deputy

APPROVED BY:

Charles J. Hurliman Vanessa
Chair Vice-Chair

Mark Gallet
Commissioner



NOTICE OF MEETING AND AGENDA
of the
TILLAMOOK COUNTY BOARD OF COMMISSIONERS
Also sitting as the Board of the
SOLID WASTE SERVICE DISTRICT &
THE 4-H AND EXTENSION SERVICE DISTRICT
to be held

Monday, July 21, 2008, at 9:00 a.m.

Commissioners' Meeting Room B
County Courthouse, 201 Laurel Avenue
Tillamook, Oregon

BOARD OF COMMISSIONERS

Charles J. Hurliman, Chair
E-mail: churlima@co.tillamook.or.us

Tim Josi, Vice-Chair
E-mail: tjosi@co.tillamook.or.us

Mark Labhart, Commissioner
E-mail: mlabhart@co.tillamook.or.us

201 Laurel Avenue
Tillamook, Oregon 97141
Phone: (503) 842-3403 FAX: (503) 842-1384

ANY QUESTIONS? Contact
Paul Levesque (503) 842-1809
E-mail: plevesqu@co.tillamook.or.us

COUNTY WEBSITE: <http://www.co.tillamook.or.us>

WATCH THIS MEETING ON TV: TLCTV Channel 35

Monday – 1:00 p.m.
Thursday – 1:00 p.m.
Sunday – 1:00 p.m.

Tuesday – 8:00 p.m.
Friday – 8:00 p.m.

Wednesday – 9:00 a.m.
Saturday – 9:00 a.m.

NOTE: The Board of Commissioners reserves the right to recess to Executive Session as may be required at any time during this meeting, pursuant to ORS 192.660(1).

NOTE: The Tillamook County Courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual or manual impairments who wish to participate in the meeting, please contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

CALL TO ORDER: Monday, 21, 2008 9:00 a.m.

BOARD OF COMMISSIONERS

1. Public Comment – Non-Agenda Items – Request to Sign Guest List
2. Discussion and Consideration Federal Equitable Sharing Agreement with the U.S. Department of Justice and the U.S. Department of the Treasury for Law Enforcement/Jana McCandless
3. Discussion Concerning Tenth Amendment to the Department of Human Services 2007-2008 Intergovernmental Agreement for the Financing of Public Health Services/Curtis Hesse, M.D.
4. Discussion Concerning Request to Submit an Application to the Wal-Mart Foundation for Grant Funds for the Purchase of School Supplies for the 6th Annual Tools for School Project/Marlene Putman
5. Human Resources Update/David Dickman
6. Public Works Update/Liane Welch
7. Community Development Update/Butch Parker
 - a. Permit Report
 - b. Sanitation Report
 - c. Discussion Concerning Professional Services Agreement with Cogan Owens Cogan LLC to Complete the Buildable Lands Inventory
8. Facilities, Fleet and Contracts Director Update/Paul Levesque
 - a. Discussion Concerning Professional Services Agreement with Westech Engineering, Inc. for Water System Improvements to the Hebo Joint Water and Sanitary Authority
 - b. Discussion Concerning County Application to Receive Oregon Department of Veterans' Affairs Funds (ODVA)
 - c. Discussion Concerning FY 2008-09 Work Plan and Proposed Budget with USDA, APHIS, Wildlife Services for the Wildlife Damage Control Program
 - d. Discussion Concerning Modification #2 to Personal Services Agreement #3817 with Jane Scott Video Productions to Videograph Board of County Commissioners' Wednesday Meetings
 - e. Discussion Concerning Modification #5 to Agreement #3656 with Modern Building Systems for the Cedar Creek Child Care Center Building
9. Staff Update/Calendar Review & Scheduling/Agenda Review/Suggestion Box/Inter-Office Matters/Sue Becraft
10. Board Concerns – Non-Agenda Items & Announcements
11. Public Comments

ADJOURNMENT

BOARD MEETINGS AND ANNOUNCEMENTS

The Commissioners **will not hold a meeting** on **Wednesday, August 6, 2008** in order to participate in activities and events at the Tillamook County Fair.

The Commissioners will hold a Special Board meeting and tour with Lynn Peterson, Chair, Clackamas County Board of Commissioners, to discuss matters of mutual concern on **Monday, August 18, 2008** from **1:00 p.m. to 5:00 p.m.** The meeting will begin in the Commissioners Conference Room A at the Courthouse, 201 Laurel Avenue, Tillamook.

Commissioners' Staff Meetings are held on Monday except for the second week each month when it is held on Tuesday. The second Tuesday, Staff Meeting schedule for the remainder of 2008 is:

- August 12
- September 9
- October 14
- November 11 – No meeting (Veterans Day)
- December 9

Sanitation Permit Intake: May 29th, 2008- June 4th, 2008

Week	Permit #	Type	rec'd	field	approved	reason held	
07/10-07/16	08-2468-S	Tank Replacement	07/10	07/14	07/15		
	08-2472-S	Authorization Notice	07/10	07/14	07/14		
	08-2473-S	Tank Replacement	07/10	07/15	07/15		
	08-2528-S	Permit to Construct	07/15	07/15	07/15		
07/03-07/09	08-2402-S	Renewal	07/03	07/14	07/14		
	08-2422-S	Tank Replacement	07/07	07/15	07/15		
	08-2120-S	Final Inspection	07/07	06/20	07/15		
06/26-07/02	08-2317-S	Authorization Notice	06/26	07/01	07/02		
	08-0628-S	Final Inspection	06/27	06/30	07/01		
	08-2331-S	Tank Replacement	06/27	07/02	07/02		
	08-	Partial Inspection	06/30	07/01	07/01		
	08-2355-S	Major Repair	07/01	07/03			
	08-2360-S	Tank Replacement	07/01	07/03	07/08		
	07-4102-S	CSC	07/01	05/28	07/01		
	08-2361-S	Major Repair	07/01	07/03	07/08		
	08-2430-S	Tank Replacement	07/01	07/14	07/14		
	08-0812-S	Authorization Notice	03/07	07/02	07/03	*planning sign-off	
	08-0813-S	Major Repair	03/07	07/02	07/03	*planning sign-off	
	08-2372-S	Tank Replacement	07/02	07/03	07/08		
	06/19-06/25	08-2215-S	Tank Replacement	06/19	06/20	06/20	
		08-2213-S	Tank Replacement	06/19	06/20	06/20	
08-2265-S		Authorization Notice	06/23	06/30	07/01		
08-2175-S		Final Inspection	06/23	06/30	07/01		
08-1970-S		Final Inspection	06/23	06/30	07/01		
08-2290-S		Authorization Notice	06/25	07/02	07/02		
06/12-06/18	08-2132-S	Major Repair	06/12	06/13	06/13		
	08-2120-S	Tank Replacement	06/12	06/13	06/13		
	07-3302-S	Final Inspection	06/12	06/13		* need as/built & mat. list	
	08-2146-S	Site Evaluation	06/13	06/05		* denied pending stake-out	

	08-2152-S	Site Evaluation	06/13	
	08-0511-S	Final Inspection	06/16 06/17 06/18	
	08-1418-S	Final Inspection	06/16 06/17 06/17	
	07-4593-S	Final Inspection	06/16 06/17 06/17	
	08-2175-S	Tank Replacement	06/16 06/18 06/18	
	08-2168-S	Renewal	06/16 07/15 07/16	*planning sign-off
	08-2180-S	Authorization Notice	06/17 06/17 06/17	
	08-2191-S	Permit Renewal	06/17 07/02 07/02	
	07-2028-S	CSC	06/18 10/17 06/18	
06/05-06/11	08-2068-S	Site Evaluation	06/09 06/03 06/13	
	08-2067-S	Site Evaluation	06/09 06/19 06/20	
	08-2084-S	Authorization Notice	06/10 06/13 06/13	
	08-2109-S	Permit to Construct	06/11 06/16 06/16	
05/29-06/04	08-1339-S	Final Inspection	05/29 06/02 06/02	
	08-2090-S	Authorization Notice	05/29 06/02 06/10	
	08-1927-S	Site Evaluation	05/29 06/12 06/13	* minor partition
	08-1970-S	Permit to Construct	06/02 06/05 06/09	
	08-0627-S	Final Inspection	06/02 06/04 06/09	
	08-1990-S	Tank Replacement	06/03 06/05 06/05	
	08-1982-S	Site Evaluation	06/03	*waiting for test pits
	08-1983-S	Site Evaluation	06/03	*waiting for test pits
	08-1989-S	Tank Replacement	06/03 06/05 06/05	
	08-1977-S	Permit to Construct	06/03 06/11 06/11	
	08-2001-S	Site Evaluation	06/03 06/05 06/13	
	08-2006-S	Permit to Construct	06/03 06/12 06/12	
	08-1997-S	Permit to Construct	06/03 06/13 06/16	
	08-1912-S	Final Inspection	06/04 06/05 06/09	
	08-0794-S	Final Inspection	06/04 06/05 06/09	
	08-2029-S	Site Evaluation	06/04 06/12 06/16	



Land of Cheese, Trees and Ocean Breeze

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

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

October 30, 2007

Dear Property Owner:

The Tillamook County Department of Community Development has **APPROVED WITH CONDITIONS**, Administrative Review **AR-07-11** allowing a **Similar Use** to expand an interim dog impound in a Forest (F) zone. Staff found that the project meets the requirements of the Tillamook County Land Use Ordinance, Oregon Revised Statutes and Oregon Administrative Rules.

If you wish to appeal this decision to the Tillamook County Planning Commission you may do so by submitting the required form, written justification explanation in detail the reasons for the appeal, and fee, to this office by no later than 5:00 p.m. on November 15, 2007.

The application plans and staff report containing findings of fact and conclusions upon which this decision was based are on file in the office of the Department of Community Development and available upon request. Site details, Review Criteria and Conditions of Approval are described below:

I. GENERAL INFORMATION:

Land Use Review: Administrative Review for a Similar Use, Interim Dog Impoundment Facility, in a Forest (F) Zone in addition to the operation of the Tillamook Transfer & Recycling Center on County owned property in the interest of Public Health, Safety and Welfare.

Location: Designated as Tax Lot 1500 of Section 12 in Township 2 South, Range 10 West WM. The proposed interim impound facility is located in the south central portion of the site, above the closed landfill areas under DEQ Post Closure permit and Authority.

Zone: Forest (F) Zone

**Applicants/
Property Owners:** Tillamook County, 201 Laurel Ave, Tillamook, OR 97141

Parcel Size: Approximately 62.2 Acres

AN EQUAL OPPORTUNITY EMPLOYER

Description of Site and Vicinity: The parcel is approximately 62.20 acres in size located west of U.S. Route 101 on Eckloff Road. Existing structures on the property include; the Tillamook County Transfer Station and related structures and facilities, one interim dog kennel (capacity 3 animals). This application is to expand the present dog impound facilities under provisions of public health, safety and welfare. A copy of the Tillamook County Assessor's map showing the location of the parcel and zoning is attached to this report as Exhibit B.

II. REVIEW CRITERIA:

This request is evaluated for compliance with the applicable Oregon Administrative Rules, OAR 660-006-0025, 0035 and 0040, which substitutes for the criteria of the Tillamook County Land Use Ordinance. This OAR requires the County to apply the rules listed in this report to requests for activities conducted within the Forest Zone, effective March 1, 1994. Section 5.020: Authorization of Similar Uses, Tillamook County Land Use Ordinance.

III. CONDITIONS OF APPROVAL:

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

- A. The property owner/applicant shall obtain all applicable local, state, and federal permits prior to initiation of construction.
- B. The property owner shall site the structures as shown in the attached Site Plan Marked Exhibit A. The amount of forest lands used to site access roads and structures shall be minimized. The structures, while minimal structures, are classed as commercial structures and subject to Building program Plan Review and permitting, which shall be obtained through the Tillamook County Building Program.
- C. The property owner shall physically establish adequate primary and secondary fire fuel break areas around the subject structures, in accordance with the provisions within "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991.. A scaled drawing of the required fire fuel breaks shall be submitted to this department prior to Building Permit approval. These fire breaks shall be physically established prior to final Building Permit inspection and shall be maintained as long as the interim facilities are in place.
- D. The applicant/property owner shall provide adequate access roads to the property and to the dwelling location for emergency response purposes. Fire breaks, access and adequate turn around shall be consistent with Fire Defense Board Standards as recognized by Tillamook County and shall be fully implemented and maintained by Tillamook County and inspected for conformance by the Tillamook Fire District. These Conditions shall be met prior to final inspection unless stated otherwise.
- F. The property owner shall obtain an On-Site Sanitation Permit for the installation of an approved wastewater collection and disposal system in accordance with the

interim impoundment facilities; said permit shall be obtained through the Tillamook County On-Site Sanitation Program.

- G. In accepting this Approval the property owner understands that intensive farm or forest practices may be conducted upon adjacent or nearby lands zoned for farm or forest use. The owners hereby acknowledge practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a resource zone. The applicants and property owners acknowledge the interim use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the applicants and property owners understand preference will be given to farm and forest practices
- I. The owner shall revisit the interim impoundment use on an annual basis after two years up to the five year term of this Similar use determination

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

If you have any questions about this notice, please call Bill Campbell, Director at 842-3408.

Sincerely,
Tillamook County Department of Community Development

Bill Campbell
Director



Land of Cheese, Trees and Ocean Breeze

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

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Tillamook, Oregon 97141

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**ADMINISTRATIVE REVIEW AR-07-11
FOR A SIMILAR USE IN THE
FOREST (F) ZONE**

October 30, 2007

**DECISION: APPROVED WITH CONDITIONS
(This is not a Building Permit or Placement Permit)**

REPORT PREPARED BY: Bill Campbell, Director

I. GENERAL INFORMATION:

Land Use Review: Administrative Review for a Similar Use, Interim Dog Impoundment Facility, in a Forest (F) Zone in addition to the operation of the Tillamook Transfer & Recycling Center on County owned property in the interest of Public Health, Safety and Welfare.

Location: Designated as Tax Lot 1500 of Section 12 in Township 2 South, Range 10 West WM. The proposed interim impound facility is located in the south central portion of the site, above the closed landfill areas under DEQ Post Closure permit and Authority.

Zone: Forest (F) Zone

**Applicants/
Property Owners:** Tillamook County, 201 Laurel Ave, Tillamook, OR 97141

Parcel Size: Approximately 62.2 Acres

II. APPLICABLE LAND USE ORDINANCE, OREGON REVISED STATUES AND OREGON ADMINISTRATIVE RULES:

A. The purpose of Tillamook County Land Use Ordinance, Section 3.004 Forest (F) Zone is to retain forest land for forest use, and to encourage the management of forest land for the growing, harvesting and processing of forest crops consistent with the Oregon Forest Practices Act. It is also to protect

other forest uses from the encroachment of conflicting non-forest uses and influences, including watershed and soil protection; the maintenance of clean air and water; the preservation of fish and wildlife habitat; outdoor recreation; scenic preservation; and agricultural activities.

- B. Oregon Revised Statutes (ORS) Chapter 215 and Oregon Administrative Rules (OAR) Division 6 Forest Lands apply to this request through the provisions for Uses Authorized in Forest zones under OAR 660-006-0025. OAR 660-006-0025 (3) establishes allowed outright uses on forest lands.

III. ANALYSIS

This request is evaluated for compliance with the applicable OAR below, which substitute for the criteria of the Tillamook County Land Use Ordinance.

A. 660-006-025 (3) The following uses may be allowed outright on forest lands:

(o) *authorizes Disposal sites for solid waste that has been ordered established by the Oregon DEQ commission under ORS 450.049, together with the equipment, facilities or buildings necessary for its operation.*

1. **Findings:** The subject site was operated as a solid waste disposal site from the early 1970's. Tillamook County approved CU-78-48 for expansion of the site and continued landfill operations in conformance with OAR's in effect at the time. Site improvements and facilities were granted by Tillamook County for a variety of related activities and functions at the site from 1978 through 1996; the county basis for granting continued operations and facilities was in accordance with jurisdictional functions to protect the public health, safety and welfare. In the mid-1980's the site was converted from a landfill operation to a Solid Waste Transfer Station. Tillamook County processed and approved a Minor Non-Conforming Review, NCMN-00-01, in May of 2000 for further expansion of the facility. Tillamook County has continued to manage and operate solid waste facilities within the county, under franchise, and DEQ permit authority consistent with the Comprehensive Goal 6 requirements. The following provisions of ORS 215.130 Application of ordinances and comprehensive plan; alteration of nonconforming use are relevant to the consideration for the continued and expanding use of the facility and site in the interest of public health, safety and welfare. 215.130 (1) Any legislative ordinance relating to land use planning or zoning shall be a local law within the meaning of, and subject to, ORS 250.155 to 250.235. The provisions of 215.130 (4) County ordinances designed to implement a county comprehensive plan shall apply to publicly owned property.
 2. **Conclusion:** The site has been authorized and permitted for operation as a solid waste facility in accordance with the outright uses provisions of the administrative rule, with an emphasis on protection and preservation of public health, safety and welfare. The most recent land use review was conducted in 2000 and resulted in authorization to continue and expand the uses and activities consistent with plan and implementation policies of Tillamook County and state law. The proposed activity is consistent with the authorized use of the property under the auspices of public health, safety and welfare, and will not interdict nor disrupt commercial forest or farm activities or operations on adjacent or adjoining lands.
- B Solid Waste Disposal Site Closure Permit #148, 10/22/200.** As a permitted facility the site is required to observe and be operated under the provisions, schedules and Special Conditions of Permit Number 148.

1. **Findings:** DEQ Permit #148 requires specific monitoring and performance measures for continued operation and use of the site for public purposes: Schedule B, (10) restricts unauthorized discharges of leachate or landfill gas to the environment or which affects or threatens to affect the maintenance of the disposal site or any of its facilities. Schedule C, (5) Landfill performance assessment, b. investigate and determine the relative quantities of leachate contributions from groundwater intrusion, and rainfall and surface water infiltration; and Schedule D – Special Conditions (5) In the event that any occurrence causes a violation of any conditions of this permit or of the Department's rules, the permittee shall: a) Immediately take action to correct the unauthorized condition or operation; and b) Immediately notify the DEQ NW Regional Office so that an investigation can be made to evaluate the problem and the corrective actions taken and to determine if any additional action must be taken.

2. **Conclusion:** The site operations are under DEQ authority and permit and may be expanded as a function of that authority. Monitoring of the site and protection from groundwater intrusion and/or surface water infiltration are issues to be guarded against, immediately reported and remedied. The provisions of DEQ permit #148 require periodic reports to be provided to DEQ and ancillary uses of the site under the auspices of public health, safety and welfare should be periodically reported to Tillamook County and the Public Works Department to ensure full compliance with the site operating and Post Closure permit. The site operations and proposed interim use can be provided in full conformance with the provisions and requirements of DEQ permit #148, and the activity may be conditioned to ensure ongoing conformance to this authority.

C. **Findings:** Tillamook County Land Use Ordinance (TCLUO), Article V, Property Use Requirements and Exceptions, Section 5.020: Authorization of Similar Uses – The Director may permit a use not listed in a particular zone, provided that it is of the same general character, or has similar impacts on nearby properties, as do other uses permitted in the zone. Tillamook County has identified a need to provide for the secure and humane impoundment of at large dogs over an interim period to enable county citizens to provide for and develop an animal shelter in Tillamook County for abandoned, displaced and feral dogs. The county allowed a brief interim use at the facility for the impoundment of abandoned dogs or dogs running at large over the past three years. The County has limited the days that impounded dogs may be housed at the facility, the number of dogs to be housed and the operation of the facility by volunteers.

Staff has visited the site on various occasions over the past several months and has collaborated on the optimal location of facilities and features to eliminate concerns and issues regarding fecal waste and wash-down water from the site in a manner consistent with the provisions of DEQ permit #148. County staff has provided a site plan that provides an optimal location for the expansion of the present interim facility to allow for an expansion of facilities to meet impoundment needs. The allowable use area is outside the boundary of the closed waste fill area and the respective drainage basins A & B. It has been determined, subject to acquisition of an On-Site Sanitation Permit, that additional facilities to house not more than nine (9) dogs at one time in accordance with County Policy and Board Order may be accommodated on an interim basis. An 'interim' basis shall encompass not less than two (2) years nor more than five (5) years for the development and implementation of a long range solution by the volunteer organization requesting such accommodation.

Conclusion: The proposed interim use, dog impound area, location will have minimal impact on farm and forest operations adjacent and adjoining the subject site. The uses does not constitute a wildfire risk

or a deterrent to farm or forest use in the vicinity. The interim activity has operated on a limited basis, not more than 3 dogs impounded at any one time for longer than one week and has not created any issues with the ongoing operations of the solid waste transfer station, adjacent agricultural or forest uses and has provided a substantive deterrent to the abandonment Willamette valley and metro area dogs in the north coast area of Tillamook County. The expansion of the 'interim' use impoundment facilities are consistent with the intent and purpose of the underlying zone and land use authorities of the site for continuing operations in concert with the protection of the public health, safety and welfare.

C. 660-006-035 Fire Siting Standards for Dwellings and Structures:

- (1) The proposed structures, see Site Map Exhibit A, are located in the south central area of the site. They are outside the closed fill area and away from the operational area of the transfer facility. An on-site sanitation system, sized for the scale of the facility, will be required and the site will have direct access through the closed and operational facilities to Eckloff Road, a County Road. The site is within and protected by the Tillamook Fire District, there is fire prevention and protective equipment on-site. Water is provided to the site and may be used for limited fire fighting at the proposed facility expansion.

Findings: The subject property is located within the Tillamook Rural Fire District, the site has direct access to Eckloff Road, a County Road, and the use and activity does not constitute a threat for generating either a structural or wildfire.

Conclusions: These requirements are met.

- (2) *Road access to the dwelling shall meet road design standards described in OAR 660-006-0040.*

Findings: Compliance with the road design standards for fire safety, referenced-above, is discussed below within Section D of this staff report.

Conclusion: This criteria is met.

- (3) Tillamook County is the owner of the structures shall and shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry.

Findings: The applicant has stated that a primary firebreak around the dwelling will be maintained for a distance of at least 30 feet in all directions. The applicant has further stated that a secondary firebreak will be maintained around the primary firebreak for a distance of at least 100 feet in all directions. Compliance with the fire safety provisions in the above-referenced publication is required as a condition of approval and must be graphically shown on the site plan submitted with the building or placement permit for the dwelling.

Conclusions: This criterion can be met through compliance with the conditions of permit approval.

D. 660-06-040 Fire Safety Design Standards for Roads: This section requires the governing body to

establish road design standards which ensure that adequate access for fire fighting equipment is provided.

Findings: The area has been developed for ingress and egress of emergency vehicles and will be maintained by the county to ensure adequate ingress and egress for firefighting equipment that meets Tillamook County Fire Defense Board Standards.

Conclusion: These requirements can be met through adherence to the conditions of approval.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicants have satisfied the applicable OAR and ordinance standards and requirement. The proposed interim use is consistent with the underlying zone and standards for the protection and integrity of the zoning district. The proposed use is deemed consistent with the authorized solid waste transfer operations and Post Closure Permit #148 as issued by DEQ. Based upon the determinations made herein a Similar Use determination is **approved for this request for an interim impoundment facility in a Forest (F) zone subject to the provisions in Section V of this report.**

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such case, forms and fees must be filed in the office of this department before 5:00 PM on November 15, 2007.

V. CONDITIONS OF APPROVAL

Failure to comply with the Conditions of Approval and OAR and ordinance provisions could result in nullification of this approval or citations. This approval expires two years from the date of approval if a Complete Building Permit application has not been filed with this department or the approved Building Permit is allowed to expire without renewal after the expiration date.

- A. The property owner/applicant shall obtain all applicable local, state, and federal permits prior to initiation of construction.
- B. The property owner shall site the structures as shown in the attached Site Plan Marked Exhibit A. The amount of forest lands used to site access roads and structures shall be minimized. The structures, while minimal structures, are classed as commercial structures and subject to Building program Plan Review and permitting, which shall be obtained through the Tillamook County Building Program.
- C. The property owner shall physically establish adequate primary and secondary fire fuel break areas around the subject structures, in accordance with the provisions within "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991.. A scaled drawing of the required fire fuel breaks shall be submitted to this department prior to Building Permit approval. These fire breaks shall be physically established prior to final Building Permit inspection and shall be maintained as long as the interim facilities are in place.
- D. The applicant/property owner shall provide adequate access roads to the property and to the dwelling location for emergency response purposes. Fire breaks, access and adequate turn around shall be consistent with Fire Defense Board Standards as recognized by Tillamook County and shall be fully implemented and maintained by Tillamook County and inspected for conformance by the Tillamook

Fire District. These Conditions shall be met prior to final inspection unless stated otherwise.

- F. The property owner shall obtain an On-Site Sanitation Permit for the installation of an approved wastewater collection and disposal system in accordance with the interim impoundment facilities; said permit shall be obtained through the Tillamook County On-Site Sanitation Program.
- G. In accepting this Approval the property owner understands that intensive farm or forest practices may be conducted upon adjacent or nearby lands zoned for farm or forest use. The owners hereby acknowledge practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a resource zone. The applicants and property owners acknowledge the interim use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the applicants and property owners understand preference will be given to farm and forest practices
- I. The owner shall revisit the interim impoundment use on an annual basis after two years up to the five year term of this Similar use determination

VI. EXHIBITS:

Exhibit A: Site plan

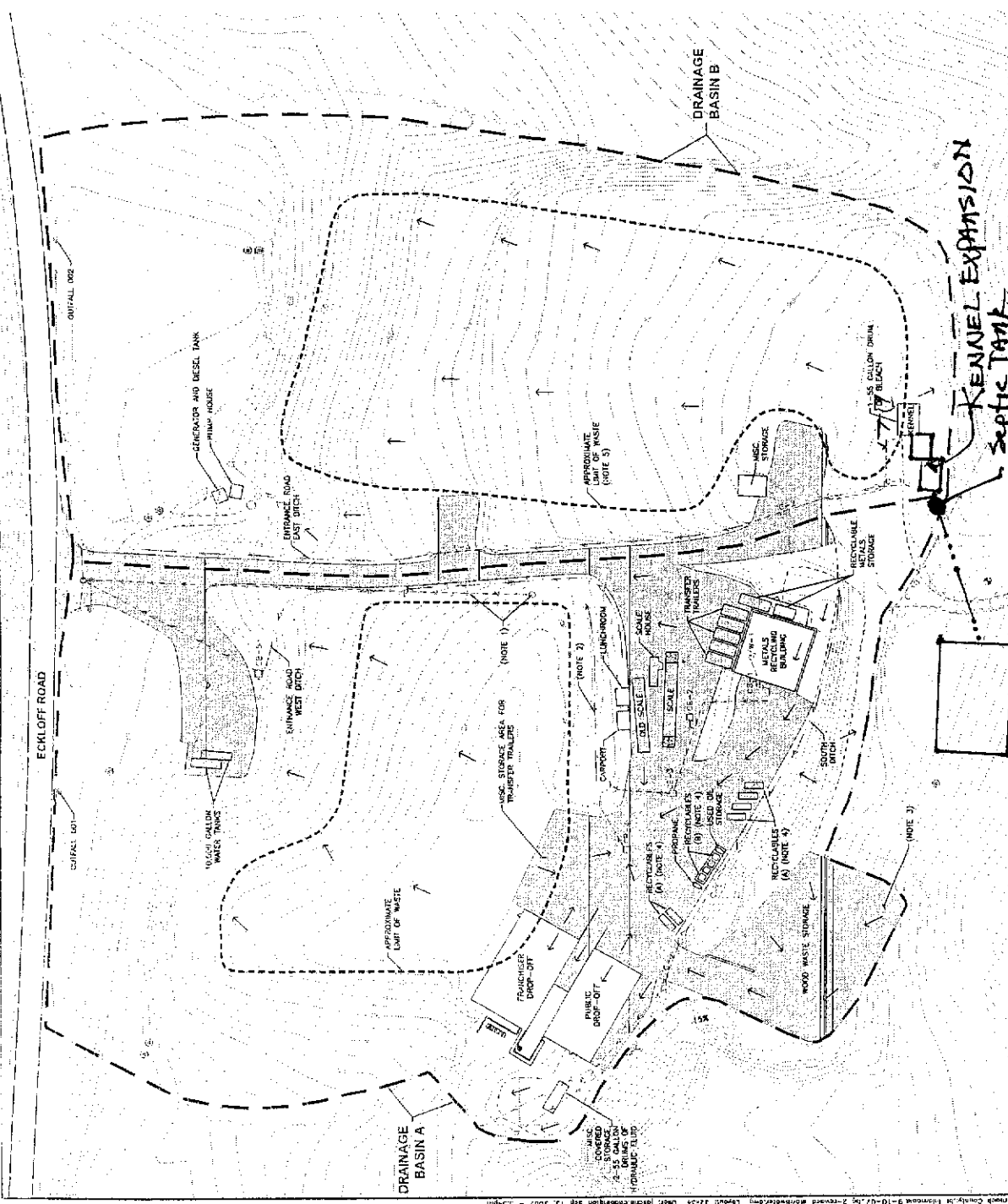
LEGEND

- APPROXIMATE LIMIT OF WASTE
- LIMIT OF DRAINAGE BASIN
- EXISTING 10 FOOT CONTOUR
- EXISTING 2 FOOT CONTOUR
- EXISTING PAVED ROAD
- EXISTING BITCH
- EXISTING BITCH
- EXISTING BUILDING
- UNDERGROUND STORM DRAIN PIPING
- UNDERGROUND STORM DRAIN PIPING
- EXISTING CATCH BASIN
- EXISTING STORM WATER OUTFALL
- EXISTING OIL/WATER SEPARATOR
- EXISTING PIZOMETER
- EXISTING WATER METER WELL
- EXISTING WATER METER
- EXISTING POWER POLE
- CATCH BASIN
- OIL/WATER SEPARATOR
- PROPOSED BITCH
- PROPOSED DIVERVERT
- PAVED AREA

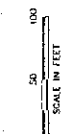
NOTES:

1. EXISTING CONCRETE MANHOLE USED FOR ACCESS TO UNDERGROUND DRAINAGE PIPES IN THIS AREA IS APPROXIMATELY 10 FT BELOW GRADE AND BEANS DIRECTLY INTO EXISTING STORM DRAIN AT FACILITY ENTRANCE.
2. THE CONTOURS SHOWN WITHIN THIS SWALE INDICATE THE PROPOSED SWALE FOR ACCURACY.
3. THERE WAS NO AS-BUILT INFORMATION AVAILABLE FOR THE WOOD PASTE STORAGE AREA. THE CONTOURS SHOWN IN THIS AREA ARE APPROXIMATED BASED ON SITE OBSERVATIONS AND SHOULD BE SURVEYED FOR ACCURACY.
4. RECYCLABLES (A) = GLASS
RECYCLABLES (B) = PAPER, CARDBOARD
5. LIMIT OF WASTE ESTIMATED FROM FIGURES 2 AND 3. THIS LIMIT IS BASED ON THE LOCATION OF THE WASTE STORAGE AREAS AND THE LOCATION OF THE WASTE STORAGE AREAS. THIS LIMIT IS APPROXIMATE AND SHOULD BE SURVEYED FOR ACCURACY. (DATE: MARCH 5, 1993)

SITE PLAN
AR.07.11



NO.	DESCRIPTION	DATE	BY



Shaw Environmental, Inc.
10000 SW 10th Street, Suite 101
Portland, Oregon 97224
Phone: 503-251-1600

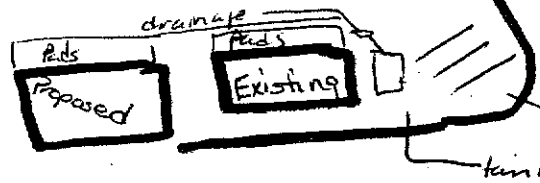
TILLAMOOK COUNTY PUBLIC WORKS
TILLAMOOK COUNTY TRANSFER STATION
TILLAMOOK, OREGON
EXISTING STORMWATER MANAGEMENT
SYSTEM MODIFICATIONS

• Pref. siting of buildings to leave room for holding tank or disposal system. Chris

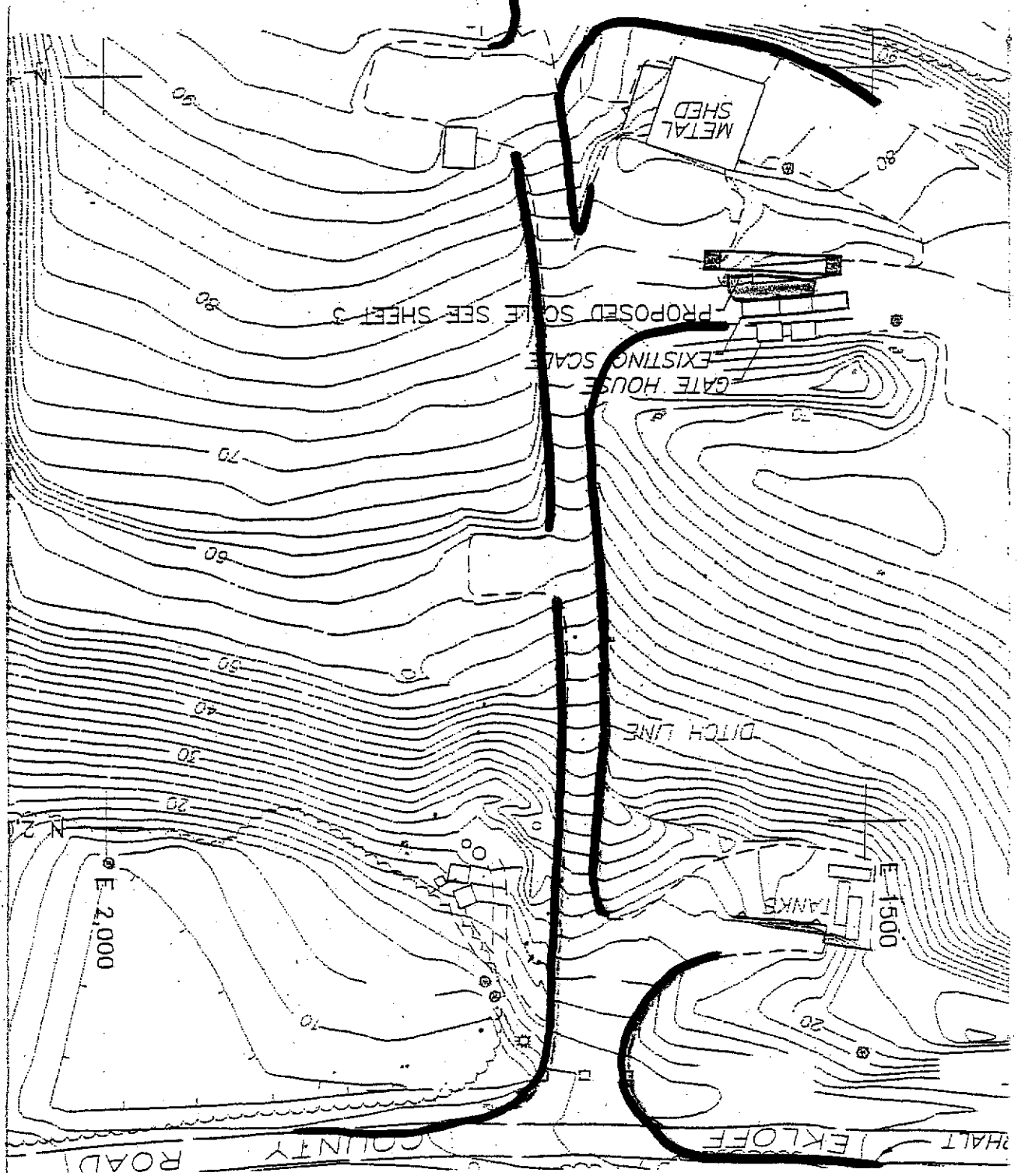
RECEIVED

OCT 01 2007

COMMUNITY DEVELOPMENT



ON-Site Preliminary Review
AR. 07.11



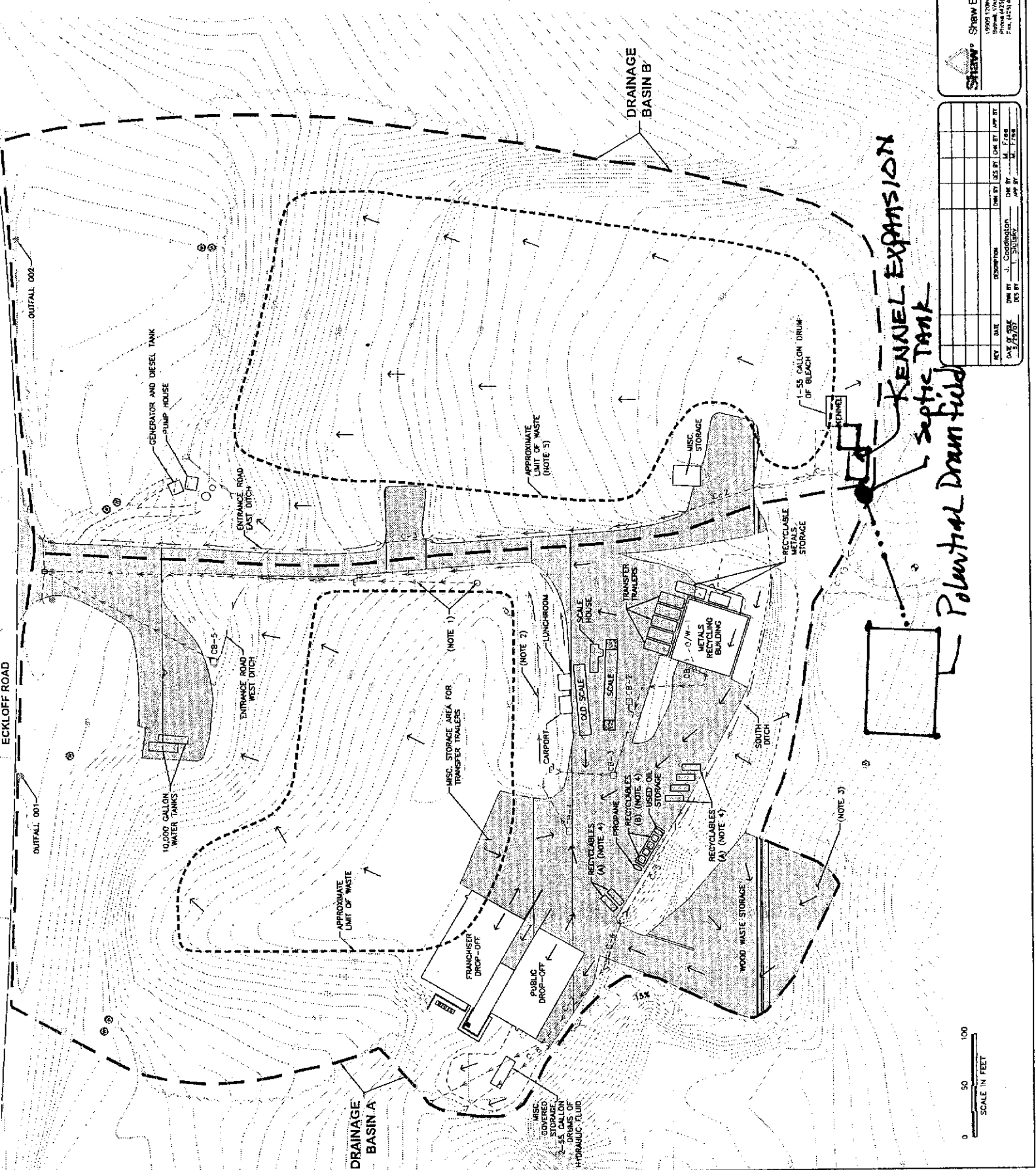
TILLAMOOK COUNTY PUBLIC WORKS
 TILLAMOOK COUNTY TRANSFER STATION
 TILLAMOOK, OREGON
 EXISTING STORMWATER MANAGEMENT
 SYSTEM MODIFICATIONS
 REVISED SWPCP-SITE SPECIFIC MAP

SHOW Environmental, Inc.
 19001 12th Avenue N.E. Suite 101
 Beaverton, Oregon 97001
 Phone: (503) 325-2277
 Fax: (503) 325-2278

REV	DATE	DESCRIPTION	CHK BY	DES BY	APP BY
1	8/17/07	REVISED SWPCP-SITE SPECIFIC MAP	J. Codrington	M. Fair	
			L. Sullivan	M. Fair	

SITE PLAN

AR.07.11



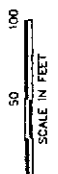
- LEGEND**
- APPROXIMATE LIMIT OF WASTE
 - - - - - LIMIT OF DRAINAGE CONTOUR
 - - - - - EXISTING 10 FOOT CONTOUR
 - - - - - EXISTING 5 FOOT CONTOUR
 - - - - - EXISTING PAVED ROAD
 - - - - - EXISTING GRAVEL/DIRT ROAD
 - - - - - EXISTING BUILDING
 - - - - - UNDERGROUND STORM DRAIN PIPING
 - - - - - EXISTING CULVERT
 - - - - - EXISTING CATCH BASIN
 - - - - - EXISTING STORM WATER OUTFALL
 - - - - - EXISTING OIL/WATER SEPARATOR
 - - - - - EXISTING PRECOMETER
 - - - - - EXISTING MONITORING WELL
 - - - - - EXISTING GATE AND GATE POSTS
 - - - - - EXISTING POWER POLE
 - - - - - CATCH BASIN
 - - - - - OIL/WATER SEPARATOR
 - - - - - CULVERT
 - - - - - PROPOSED CULVERT
 - - - - - PAVED AREA

- NOTES:**
1. EXISTING CONCRETE MANHOLE USED FOR ACCESS TO UNDERGROUND DIVERSION PIPES FOR SPRING BEING DIVERTED FROM LANDFILL TO STORMWATER MANAGEMENT SYSTEM. STORMWATER AND DRAINS DIRECTLY INTO EXISTING STORM DRAIN AT FACILITY ENTRANCE.
 2. THE CONTOURS SHOWN WITHIN THIS SWALE HAVE BEEN ESTIMATED. SURVEY OR OTHER MEASUREMENTS SHOULD BE SURVEYED FOR ACCURACY.
 3. THERE WAS NO AS-BUILT INFORMATION AVAILABLE FOR THE METALS STORAGE AREA. THE METALS STORAGE AREA IS APPROXIMATED BASED ON SITE OBSERVATIONS. AREA SHOULD BE SURVEYED FOR ACCURACY.
 4. RECYCLES (A) = CLASS B PAPER, CARDBOARD
 5. LIMIT OF WASTE ESTIMATED FROM FIGURES 2 AND 3. WATER QUALITY MONITORING PLAN FOR TILLAMOOK COUNTY LANDFILL TILLAMOOK, OREGON, USACE EARTH SERVICES, LTD., MARCH 5, 1993

KENNEL EXPANSION

septic tank

Potential Drain field



KEEP FILED: MADD Free Engineering Inc. 11/20/07 11/20/07
 File: M:\Local Drawings\Tillamook County of Tillamook 9-10-07 11-2-revised stormwater mgmt Layout: 22x34 User: joshua.codrington Sep 13, 2007 - 3:54pm