

1 **Clatsop County Board of Commissioners**
2 **Regular Meeting**
3 **July 14, 2010**
4

5 Vice-Chair John Raichl called the meeting to order at 10:00 a.m. in the Judge Guy Boyington
6 Building, 857 Commercial St., Astoria, Oregon. Also present were Commissioners Patricia
7 Roberts, Dirk Rohne and Dr. Robert Mushen. Chairperson, Jeff Hazen was excused.
8

9 Staff Present:

10 Duane Cole County Manager
11 Heather Reynolds County Counsel
12 Blair Henningsgaard County Counsel
13 Jennifer Bunch Planner, Transportation and Development
14 Mike Weston Planner, Transportation and Development
15

16 **AGENDA APPROVAL**

17 *Roberts made and Mushen seconded a motion to approve the agenda. Motion carried*
18 *unanimously.*
19

20 **BUSINESS FROM THE PUBLIC**
21

22 Bob Van Dyke, 1803 Main St., Forest Grove, Oregon, Forest Policy Manager for the Wild
23 Salmon Center addressed the Board with his organization's concerns regarding the management
24 of state forests. Referencing his editorial in the Daily Astorian, he said he wanted to speak
25 personally to the Board about his organization's concerns with the allowable level of clear
26 cutting trees, the effects on salmon and a lack of scientific review. He explained the process is to
27 determine the purpose of lands as described in his handout. Van Dyke said they are opposed to
28 the County's position that timber harvest be the primary purpose of the land and the proposed
29 deleting language that restores salmon habitat, protects wildlife, soil, air and water. He said the
30 Board has an important voice and hoped the Board would take a more temperate view. He said
31 he appreciated Commissioner Roberts' response.
32

33 Roberts responded that the Department of Forestry works under the Board of Forestry appointed
34 by the Governor. Roberts said the county commissioners in counties that are part of the forest
35 trust lands represent the people and they are taking the strongest position to ensure the funds are
36 there to provide the services in their district, no laws will be broken, salmon and wildlife will be
37 protected, and riparian setbacks will be kept. Roberts noted the timber harvest is millions of
38 board feet under the projections of the 2001 forest management plan and part of the process is an
39 independent scientific review and will be conducted after the policy is written. Van Dyke said a
40 more constructive approach would be one that articulates a balanced view. Roberts responded
41 the core values are to protect the jobs in the forest just as much as the salmon.
42

43 Ann Peitsch, 90214 Simonsen Rd., Svensen, distributed a letter regarding encroachment of
44 Simonsen Rd on the boundary of her family's property. She would like the Board's opinion on
45 their proposal to execute a deed to the property in exchange for a waiver of fees for their minor
46 partition.
47

1 **CONSENT CALENDAR**

2 Mushen asked to pull item d from the consent calendar and move it to other business item a.
3 *Roberts made and Mushen seconded a motion to approve the consent calendar as amended.*
4 *Motion carried unanimously.*

- 5
- 6 a. Board of Commissioners June 9, 2010 regular meeting minutes..... {Page 1}
- 7 b. Board of Commissioners June 23, 2010 regular meeting minutes..... {Page 5}
- 8 c. Cost of Living Adjustment for unrepresented, confidential and classified employees {Page 11}
- 9 ~~d. Appointment of Mental Health Director designees..... {Page 17}~~
- 10 e. Northwest Hydraulics Consultants contract for Flood Modeling Project Phase 2 {Page 19}
- 11 f. 2010-11 Public Health Services agreement..... {Page 33}

12

13 **PUBLIC HEARINGS**

- 14 a. Ord. 10-02 Miles Crossing/Jeffers Garden Refinement Plan and Clatsop County
- 15 Transportation System Plan and LWDUO text amendment (*second reading*)

16

17 There were no conflict of interests; Raichl reported he sat on the committee to review the
18 transportation plan; there were no objections to the jurisdiction of the Board to conduct a public
19 hearing on the matter.

20

21 Jennifer Bunch addressed the Board. She said the reason for the plan is the need for further
22 evaluation following the completion of the Clatsop County Transportation System Plan (TSP) in
23 2003 recommending upgrades to US 101 Business through the Miles Crossing Jeffers Gardens
24 Rural Community. Bunch said the objectives of the refinement plan include identifying
25 improvements such as sidewalks, bicycle facilities, access management, intersection safety,
26 design upgrades, bridge replacements, and turn lanes to support mobility, safety, and
27 transportation alternatives to the automobile. The plan was developed through the involvement
28 of a Project Management Team (PMT), Project Advisory Committee (PAC) and the Public.

29

30 Bunch explained based on public input the PMT and PAC came up with criteria for the
31 improvements proposed in the plan: connectivity, safety, mobility, construct-ability,
32 environmental impacts, quality of life and multi-modal solutions. Public concerns included
33 safety, bridge condition, and access control. Bunch said they looked ahead 20 years noting
34 safety will continue to be an issue. She said currently the Hwy 202 and Hwy 101 Business
35 intersection doesn't meet ODOT standards; with high growth projections the Hwy 101 Business
36 and Airport Rd does not meet ODOT standards; all intersections in the study failed to meet
37 ODOT standards under the expected growth projections.

38

39 Bunch listed the proposed recommendations:
40 South from Airport Rd: south left turn lane
41 Hwy 101 Business: right turn pocket to Airport Rd.
42 Across Lewis & Clark Bridge: access control development for ingress and egress
43 Miles Crossing intersection: signage to avoid confusion in the short term; long term solution
44 construct a round about
45 Hwy 202 and Hwy 101 Business intersection: proposing a round about
46 From bridge to bridge: three lanes with a turn lane, bike and pedestrian pathways

1 Replacement of the old Young's Bay and Lewis and Clark bridges are a major concern.
2 Bunch pointed out the text amendments on pages 201 - 207 of the agenda packet; she said staff
3 proposes approval with the provision requiring large developments to follow a pre-application
4 conference process.

5
6 Following commissioner's questions and discussion regarding common rules for community
7 development, Raichl opened the Public Hearing.

8
9 No testimony from Public Agencies

10
11 Public Testimony: A citizen commented on the difficulty driving on metal bridge grating.
12 County Manager Duane Cole explained the difficulty riding a bike on a metal bridge.

13
14 Ed Wegner, Transportation and Development Director, addressed the need for the pre-
15 application conference to coordinate all agencies to come up with a plan that meets city, county
16 and state criteria. He said it is very important to start coordination early in a project. Wegner
17 explained issues come up after the project has started and it would be more productive to have a
18 coordinating meeting prior to the start of the project.

19
20 Raichl closed the public hearing.

21
22 *Roberts moved and Rohne seconded a motion to adopt the staff recommendation with the*
23 *provision requiring large developments follow a pre-application conference process.* Raichl
24 called for the 2nd reading, Bunch gave the second reading: Ordinance 10-02 an ordinance
25 amending the Clatsop County Transportation System Plan and the text of the Land and Water
26 Development and Use Ordinance. *Motion passed unanimously.*

27
28 b. Tolan appeal of Planning Commission height/setback variance approval

29
30 Mike Weston addressed the Board. Weston said the issue before the Board is an appeal by Tim
31 and Linda Tolan of the Planning Commission's decision to approve a 2-part variance request
32 granting the applicant, Goutam Debnath, a 15' variance to the street side setback and a 7'
33 variance to the maximum height limit. Weston explained appellants Mr. & Mrs. Tolan claim
34 evidence in the record is not sufficient to support a favorable variance decision. The Planning
35 Commission considered the evidence presented by the Tolans and applicant, Mr. Debnath, and
36 determined the site to be considered a hardship for the applicant and granted the 7' height
37 variance to a maximum height of 33 feet above average grade and a 15 foot variance to the 20
38 foot street side setback. Weston said the reason for a limited review public hearing is to allow
39 testimony from the Cannon Beach Fire Department who had concerns prior to the Planning
40 Commission's public hearing.

41
42 Weston explained staff recommendations are different from the Planning Commission. He said
43 staff's recommended modification grants the applicant a 4' height variance and a 15' variance to
44 the street side setback. Weston further explained opposition to the variance has been addressed,
45 including the Cannon Beach Fire Department.

1 There were no commissioner conflicts or ex-parte contact. There were no objections to the
2 jurisdiction of the Board to hear the matter.

3
4 Vice-Chair Raichl opened the public hearing.

5
6 Fire Chief Roper addressed the Board with safety concerns regarding apparatus turn around and
7 access to the backside of the house. Roper said the fire code requires a 20-foot right away,
8 however, the applicant's driveway impinges on the right of way and reduces it to 15 feet. He
9 said a compromise would be to have the applicant widen the street for apparatus turn around and
10 off street parking. Roper said concerning the back side of house, he would like the height
11 constrained, however residential sprinklers throughout the home would remedy the concern of
12 access to the home. He said there are no fire hydrants on the street and the alternative would be
13 for the applicant to install a water main and hydrant that is very expensive. Roper explained the
14 codes are there to prevent catastrophic spreading of fire and road set backs are important for
15 apparatus access.

16
17 Mushen asked for the record that approving the road to its fullest width would eliminate the
18 problem with parking; Roper said yes it would.

19
20 Raichl called for the applicant to come forward. Mr. Debnath gave his presentation. He
21 explained where Vista Drive and his property are located in relation to the Tolan's property. He
22 explained the street would be 40 feet wide and there would be no issue with parking as he is
23 proposing to build a parking pad; he discussed this with the Fire Chief. He also pointed out the
24 turn around for the apparatus.

25
26 Debnath addressed Tolan's and the Fire Department's issues regarding fire safety. He addressed
27 the 30-40 foot slope in the geological report. He said the northeast corner of the property is the
28 building site and that this would be his second home. Debnath explained he is building a 3-car
29 garage with off-street parking and no on-street parking. He said he is committed to act as a
30 neighborly person and will build the house with a flat roof and the maximum height of the house
31 will not block the view. He continued explaining the maximum heights and moved on to quotes
32 from the geological report and building the home on the northeast corner. Debnath said if he is
33 not granted the variance he would have to carve into the land and build a retaining wall for his
34 driveway. He said he is not compromising the land by asking for the variance.

35
36 Raichl called for the opponent to come forward. Tim Tolan, Ocean View, Seaside, addressed the
37 Board and said his main purpose for appealing is for the Board to have additional information.
38 Tolan said the applicant's motive for the variance is to get the best view. Tolan said he designed
39 his home based on the Fire Chief's recommendations. Tolan referred to a letter written by Tom
40 Horning, his geologist, page 56 of the packet. Tolan explained the current road is more of a
41 driveway now for both properties. He said they are complying with set backs and heights and
42 feel the applicant should do so as well.

43
44 Raichl called for questions of staff. Rohne asked Weston if he maintains his recommendations
45 and Weston responded yes. Raichl asked about the driveway if the variance is not granted;
46 Weston said every cut into the slope runs the risk of a slide. Mushen asked for clarification of

1 upper and lower Vista Drive and widening lower Vista Drive. Weston explained the red on the
2 map on page 58 of the packet is where the fire apparatus turnaround was supposed to be for the
3 Tolan site. Raichl asked about the parking; Weston asked the Board to condition the variance to
4 include a parking pad; Roberts asked to condition the variance to have the road be 40 feet wide;
5 Weston said there could be problems with 40 feet to allow for drainage and suggested 30 feet.
6 Roberts asked who would bear the cost of the road; Weston said the applicants are responsible
7 for road development. Roberts asked if the staff's recommendation would hamper the fire
8 apparatus; Weston said he did not believe so. Discussion followed regarding road size.

9
10 Mr. Debnath addressed the Board in regards to the driveway saying we wishes to retain the
11 natural land. He said he did not receive his geological report until one day after closing on his
12 property and he is not requesting a variance just for the view.

13
14 Vice-Chair Raichl closed Public Hearing

15
16 *Rohne moved and Roberts seconded a motion to adopt staff's recommendation granting the*
17 *applicant a 4' height variance and a 15-foot variance to the street side setback with the*
18 *conditions the applicant add a pad for off street parking for 3 vehicles, widen the street to 30*
19 *feet, and include a residential sprinkler system in the structure. Motion passed unanimously.*

20 21 **Other Business**

22 **A. Appointment of Mental Health Director Designees**

23 Mushen said his intent for moving the item to other business is for public praise for Nancy
24 Winters. Mushen said Winters has proven to be an unflappable leader in the mental health field.
25 He said she did not hesitate to assimilate LifeWorks into Clatsop Behavioral Health (CBH) and
26 he wanted to have the opportunity to praise CBH and Winters in particular for her contribution to
27 medical care and supports her designees. *Mushen moved and Roberts seconded a motion to*
28 *adopt the appointment of the Mental Health Director Designees. Motion passed unanimously.*

29 30 **COMMISSIONERS' REPORTS**

31 Commissioner Rohne reported he attended the Fair Board meeting and the Fair employees are
32 working hard on maintaining the fairgrounds. He also attended the College Board meeting and
33 said they are looking at budget constraints.

34 Commissioner Mushen reported he as been serving on the drug task force and has joined as a
35 permanent member. He is considering writing letters to medical professionals to remind them of
36 proper prescription technique such as not prescribing narcotics to people with proven addictive
37 personalities and not prescribe beyond what is necessary. He said he would recommend that
38 quantities be kept low to avoid large quantities of drugs lying around. He said it needs to be
39 done and as part of his commitment to standing out against substance abuse he will periodically
40 under go a voluntary drug test and will ask his fellow commissioners to do so also.

41 Vice-Chair Raichl reported a sewer issue in Jeffers Gardens has been addressed with grants
42 thanks to County staff. Raichl said staff is working with the Corp on the Youngs River work.

43 Commissioner Roberts reported the dedication of 32 low-income housing units took place the
44 end of June thanks to funding NOHA received to purchase the apartments. Roberts said there
45 have been many low-income housing advancements made in Seaside. Roberts encouraged
46 people to view the apartments located on Broadway. Roberts reminded the Board the PSCC

1 would meet Friday, July 16 at the Juvenile Detention Center for the annual tour and inspection.
2 Roberts said she is busy with forestland issues and that the process with the Forestry Department
3 is extensive and does not alter fish protections.
4

5 **COUNTY MANAGER'S REPORT**

6 County Manager Duane Cole reminded the Board of the volunteer ice cream social on Thursday,
7 August 5, from 5:00 – 7:00 pm at the County Fair.
8

9 Cole reported a meeting with cities and districts within the County is set for August 11 at Clatsop
10 Community College from 1:30-3:30 to discuss the project list and set priorities. Cole reported
11 work on the cannon is almost complete. Cole also reported during last night's Port commission
12 meeting, Port commissioners made a request to form a team to review Port properties.
13

14 Raichl asked the Board to consider allowing commissioner elects Peter Huhtala and Debra
15 Birkby to attend the executive session following the regular meeting. *Roberts moved and Rohn*
16 *seconded a motion to include commissioner elects Huhtala and Birkby in the executive session*
17 *following the regular meeting. Motion carried unanimously.*
18

19 **ADJOURNMENT: Noon.**
20

21 Approved by,
22

23 
24 _____
John Raichl, Vice-Chairperson