

file
ENDORSED
Filed
June 22 1989
JOSEPHINE VELTRI
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

In The Matter Of Amending)
Ordinance No. 30, Relating)
To The Regulation Of) Amendment To
Agricultural Buildings And) Ordinance No. 30
Declaring An Emergency.)

WHEREAS:

- (1) ORS 456.917 requires a building permit for agricultural structures within the designated 100-year floodplain.
- (2) The County has responsibility for administering federal floodplain management regulations which affect development in the floodplain.
- (3) Failure to properly administer floodplain regulations can result in a number of adverse consequences, including preventing anyone in the county from purchasing flood insurance or obtaining federal loans, grants, or mortgage insurance for structures in identified flood hazard areas.
- (4) County Planning Staff met on June 5, 1989 with Federal Emergency Management Agency (FEMA) officials, U.S. Soil Conservation Service (SCS), state and local staff, and Tillamook SWCD Board members to determine the effects of floodplain regulations on the construction of animal waste management structures and to provide for coordinated, efficient regulation of these structures.
- (5) The county must assure that all structures, including agricultural buildings, meet required setbacks, geologic hazard requirements, and other applicable regulations.
- (6) The county must review all proposed new structures to assure that they qualify as agricultural buildings which do not require a building permit when located outside of the floodplain.
- (7) The county must be able to identify all new structures for assessment purposes.
- (8) The Board of County Commissioners held public hearings on this matter on June 7 and June 21, 1989.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF TILLAMOOK COUNTY, OREGON, ORDAINS AS FOLLOWS:

- (1) No agricultural building may be constructed, moved, substantially altered, renovated, or expanded, after July 1, 1989, unless application is made with the Tillamook County Department of Community Development, and a permit or other form of approval is issued.
- (2) The application shall include all information necessary to determine whether the structure;
 - (a) is an agricultural building as defined in ORS 456.917,
 - (b) is within a regulated floodplain, and if so conforms to all flood regulations;
 - (c) meets all setback requirements;
 - (d) conforms with all other applicable county regulations.
- (3) All requirements of the Land Use Ordinance and other county and state regulations shall be met.
- (4) Fees shall be imposed at the time of application:
 - (a) These fees shall be set by Board order.
 - (b) They shall approximate, but not exceed, the cost of processing the required applications.
 - (c) They shall be waived or reduced for animal manure containment facilities constructed under the Rural Clean Water Program to the extent that the Soil Conservation Service or Tillamook SWCD provides the requisite information to the department on behalf of the applicant.
- (5) An application shall not be accepted for review until all required information is provided and fees are paid.
- (6) Violation of this ordinance shall be subject to all lawful remedies, including penalties as prescribed by ORS 203.065.
- (7) All prior provisions of Ordinance 30 are hereby repealed.
- (8) This ordinance amendment, being necessary for the immediate preservation of the public health, safety and welfare of the residents of Tillamook County, an emergency is declared to exist and this ordinance amendment shall take effect immediately upon its adoption.

ADOPTED this 21st day of June, 1989.

APPROVED AS TO FORM

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON AYE NAY

Neal Lemery
Neal Lemery
County Counsel

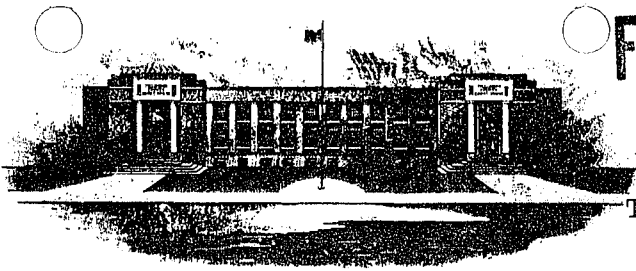
Ida A. Lane ✓ _____
Ida A. Lane
Chairperson

Robert B. Miles ✓ _____
Robert B. Miles
Vice-Chairperson

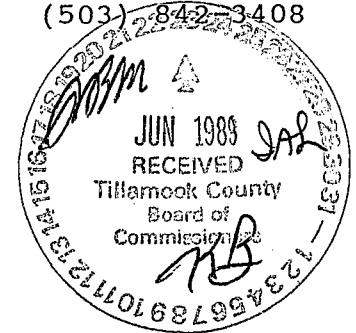
Mary Wujcik
Mary Wujcik
Recording Secretary

Kenneth M. Burdick ✓ _____
Kenneth M. Burdick
Commissioner

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Tillamook County
Land of Cheese, Trees and Ocean Breeze

DEPARTMENT OF
COMMUNITY DEVELOPMENT
Vic Affolter, Director

June 22, 1989

TO: Tillamook County Builders
FROM: Vic Affolter *Vic*
RE: Procedures For Review Of Agricultural Structures

The county has adopted new procedures for assuring that agricultural buildings meet existing federal, state, and local regulations. This review process (enclosed) should help avoid problems that we have encountered with illegally built structures.

Lynda Willard and Nancy Abrahamson will meet in our office with interested builders at 8:30 am on Wednesday, June 28th, to answer any questions. (I will be conveniently out of town.)

These new procedures take effect on July 1, 1989. We emphasize that these are not new regulations; rather they are procedures for assuring compliance with existing regulations. We will try to make the process as painless as possible.

VA:jj

~~cc:~~ Board of Commissioners

PROCEDURES FOR REVIEW OF AGRICULTURAL STRUCTURES

The following are required prior to construction of agricultural buildings:

- 1) Completion of the "Agricultural Building Authorization" form;
- 2) Payment of prescribed fees; and
- 3) Approval by the Department of Community Development.
- 4) A Road Approach Permit from Public Works.

Both state and federal law require the regulation of agricultural structures within FLOODPLAINS. County regulations also require that such structures meet sanitation, setback, and other land use requirements wherever they are located. All agricultural structures require a land use approval. Additionally, those within the FLOODPLAIN require a building permit.

Determination of whether the proposed structure is in fact an "agricultural building" is key to this review process. ORS 456.917 exempts certain "agricultural buildings" from the requirements of the State of Oregon Structural Specialty Code. These structures do not require a building permit. According to ORS 456.917(a) this exemption applies to

"a structure located on a farm and used in the operation of such farm for storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on such farm for man's use and animal use and disposal by marketing or otherwise."

This statute expressly states that this exemption does not apply to:

"(a) a dwelling; (b) a structure used for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week; (c) a structure regulated by the State Fire Marshall pursuant to ORS Chapter 476; (d) a structure used by the public; or (e) structure subject to Sections 4001 to 4127, Title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder."

The above non-exempted structures, along with most other nonagricultural structures, must have a building permit, as well as a planning review.

FEES for agricultural structures, other than dwellings, are as follows:

A) Within the FLOODWAY:

- 1) Larger than 5,000 square feet.....\$ 200.00
- 2) 5,000 square feet or less.....\$ 120.00

B) Within the FLOODPLAIN (but outside floodway):

- 1) Larger than 5,000 square feet.....\$ 100.00
- 2) 5,000 square feet or less.....\$ 60.00

C) Outside of the FLOODPLAIN:

- 1) Larger than 5,000 square feet.....\$ 50.00
- 2) 5,000 square feet or less.....\$ 30.00

Additional fees are required for the administration of other applicable ordinance requirements. These include: development permits within flood zones; geologic hazard reviews; septic permits; and electrical, plumbing, and mechanical permits.

Some or all of the above planning and building fees may be waived for animal manure containment facilities constructed under the Federal Rural Clean Water Program to the extent that the Soil Conservation Service or Tillamook SWCD provides the required information to the department on behalf of the applicant.

The placement of structures in the FLOODPLAIN requires certification by a surveyor or an engineer that all plumbing, electrical, and mechanical facilities are one foot above the 100-year flood elevation, unless the cost of the improvement is less than 50 percent of the value of the existing structure. Additionally, structures within the FLOODWAY, require a statement from a certified architect or engineer that the structure will not increase flood levels during periods of flooding.

The applicant is responsible for compliance with all SETBACK requirements. These include setbacks from property lines, septic tanks and drainfields, estuaries, lakes, reservoirs, rivers, and streams. Required setbacks from property lines and water courses vary depending upon zoning or the size of the river or stream. This information is available at the One-Stop Permit Counter.

A PLOT PLAN is required which shows the distance of the proposed structure from property lines, septic tanks and drainfields, and water courses. This requirement may be waived by the department if it is apparent that all setbacks are met and if such compliance is certified by the applicant.

NOTE: The FLOODWAY is contained within the FLOODPLAIN. The FLOODWAY is part of, and smaller than, the area within the FLOODPLAIN.

Commissioner Miles moved to approve the order, Chairperson Lane seconded, passed with three aye votes.

The Commissioners signed Order #89-133.

Chairperson Lane recessed the meeting at 1:55 p.m. and reconvened at 3:30 p.m. in the Justice Courtroom at the Courthouse.

ITEM NO. 15: PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO ORDINANCE NO. 30, IN THE MATTER OF UPDATING THE COUNTY'S PROCEDURE FOR ASSURING THAT AGRICULTURAL STRUCTURES CONFORM TO REGULATIONS, AND SETTING APPROPRIATE FEES: Mr. Affolter distributed copies of the ordinance amendment and reviewed it with the Commissioners. He said he preferred to establish fees in orders rather than ordinances, as this allowed for easier changes in the fee structure.

Mr. Affolter said the Soil Conservation Service and the Farm Bureau were receptive to this amendment, and they understood the need for it.

Commissioner Miles asked what would be happening to the buildings already in existence that were in violation of the new regulations. Mr. Affolter said this amendment would be going into effect on July 1, 1989, but they are not attempting to change anything, unless the owners of such buildings apply for a permit to add on or replace their existing structure.

Chairperson Lane suggested keeping a computer file of existing violations. Every time a County employee spotted a violation, the owner's name could be put on the file. When someone applied for a building permit, one of the first steps would be to check that file for the applicant's name. Mr. Affolter said encroachments were illegal, and this amendment does not change that.

Mr. Affolter said the reviews of animal waste containment facilities would not be charged for because the County has a real commitment to clean water, and he did not feel they should charge for this. The Soil Conservation Service would do the reviews and the County would only have to sign off on them.

Commissioner Miles moved to amend Ordinance No. 30 and declare an emergency, Commissioner Burdick seconded, passed with three aye votes.

The Commissioners signed the amendment to Ordinance No. 30.

ITEM NO. 16: CONSIDERATION OF ORDER SETTING FEES FOR REVIEW OF AGRICULTURAL BUILDINGS: Mr. Affolter reviewed the order with the Commissioners. He said the fees are his best estimate of what it will cost his staff to do the reviews.

Mr. Affolter distributed copies of a three page informational sheet that explained the procedures for review of agricultural structures. He said there would be additional fees if there are toilet facilities and fill or removal in the flood plain.

Commissioner Miles asked Mr. Affolter if he and his department had based their fee schedule on other counties' versions. Mr. Affolter said it was based on their own experience.

Commissioner Miles moved to approve the order, Commissioner Burdick seconded, passed with three aye votes.

The Commissioners signed Order #89-134.

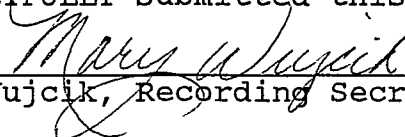
UNSCHEDULED: DISCUSSION CONCERNING CLOVERDALE "RED BARN FLEA MARKET": Chairperson Lane said she was concerned about the Flea Market. She asked if Ms. Cameron had the right to stop all progress on the matter and then leave town on her vacation. Mr. Affolter said if he had been in Ms. Cameron's position, he would delegate authority to Mr. LaRiviere. He felt Mr. LaRiviere had the ability to handle it.

Chairperson Lane said she understood that Ms. Cameron was under the direction of the Commissioners, and the ultimate authority rests with them. Mr. Affolter did not know if Ms. Cameron had any contracts with the State for enforcing State health regulations. He did not know where her authority stops. He suggested the Commissioners speak with Mr. LaRiviere, as he did not know the constraints of the public health law.

Mr. Affolter said he would be leaving on vacation, and advised the Commissioners to contact Ms. Willard, Ms. Abrahamson or Mr. Marshall if they had any questions regarding his department.

Chairperson Lane adjourned the meeting at 4:05 p.m.

RESPECTFULLY Submitted this 30th day of June, 1989.



Mary Wujcik, Recording Secretary

APPROVED BY:



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eliminated. Chairperson Lane said Ms. Hillis should inform the paper what happened because the Commissioners had not authorized the printing of that information.

Chairperson Lane asked Ms. Cherry to explain the limitations of the 19½ hour week. Ms. Cherry said the department could schedule the employee for any days or times during the week, as long as the total hours for the week did not exceed 19½ hours.

Ms. Hillis said she was told by her supervisor that she could not work different hours than her normal shift as the time sheets had already been turned in. She said that eliminated her full time days she had planned to work. Chairperson Lane said she should take that up directly with her former supervisors.

There was a consensus to deny the request for severance pay.

Discussion Concerning Health Department Work Schedule: Ms. Cherry said the Health Department wanted to work 4 10 hour days for their clinics. Commissioner Burdick said he had spoken with Ms. Cameron and she had explained her concept. She will write it out and send it to the Commissioners.

Chairperson Lane asked if they would cover all five days and keep the office open its normal times. Ms. Cherry said they are planning on doing that.

Discussion Concerning Courthouse/Library/Museum Safety Committee Terms: Ms. Cherry would like to have their terms be a minimum of one year, rather than 6 months.

There was a consensus to okay the request.

Ms. Cherry asked if they would consider amending the order to make the term one year. Chairperson Lane said they would have the order for the next Board meeting.

Commissioner Burdick asked Ms. Cherry about the Sheriff/Marine/Jail Safety Committee. She said they would be having another meeting when Chairman Dye called for one. Commissioner Burdick said he would attend the next meeting.

Chairperson Lane recessed the meeting at 11:55 a.m. and reconvened at 1:30 p.m.

ITEM NO. 17: PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO ORDINANCE #30, IN THE MATTER OF UPDATING THE COUNTY'S PROCEDURE FOR ASSURING THAT AGRICULTURAL STRUCTURES CONFORM TO REGULATIONS, AND SETTING APPROPRIATE FEES: Mr. Affolter said he did not have the completed ordinance amendment ready, as the hearing would be more informational. Permits will be required for agricultural build-

ings in a flood zone. He said his department has the amendments figured out technically, but they still have to deal with the public.

Mr. Affolter said they are looking for cooperation from SCS in dealing with the manure containment facilities. Mr. Peterson was committed to doing this at the local level. The State had thought the County's proposed amendments were going beyond what the Federal Emergency Management (FEMA) required.

Mr. Affolter said there had been a meeting the previous week with FEMA representatives, the State engineer and local SCS people. He said Mr. Steele affirmed that the County was not requiring more than FEMA was. The State might not be requiring all they should be. They now have an agreement with SCS that SCS will provide information needed on the manure containment facilities, and an engineer's stamp would not be required. A letter from SCS would do it.

Mr. Affolter felt they were at the point where the amendments could be administered without causing a lot of dissension among the public. The County must administer the regulations or no one in the County could get flood insurance. If they cannot get flood insurance, loans would not be obtainable. FEMA may be doing an audit of the County in the future, so it would be good to have the new regulations in place.

Mr. Affolter said he had sent copies of the proposed amendments to Mr. Buck of the Farm Bureau. He passed them on to the President of the Farm Bureau. Mr. Affolter had not had a chance to talk to the President, but would do so before the final hearing.

Mr. Affolter said the process would help the Assessor get these structures on the tax roles sooner. He would like it to go into effect by July 1, 1989.

Chairperson Lane asked if he would be setting fees. Mr. Affolter said yes, and they would probably be on the low side. He plans to reevaluate them in one year. The fees would be lower because less inspection was required for an agricultural building that was not in a flood way or flood zone.

Commissioner Burdick was concerned that a loafing shed and a shop building would have different fees set for each, when they were the same type of building. Mr. Affolter said there would be an enforcement process to make sure agricultural buildings remained in agricultural use.

Commissioner Miles moved to continue the hearing, Commissioner Burdick seconded, passed with three aye votes.

Chairperson Lane set the second hearing for June 21, 1989, at 1:30 p.m.

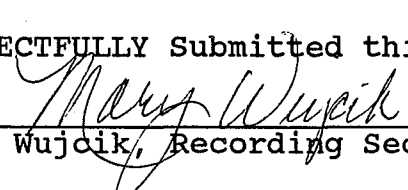
UNSCHEDULED: DISCUSSION CONCERNING MR. AVERILL'S ZONING VIOLATION: Commissioner Burdick asked what was being done with Mr. Averill's problem. Mr. Affolter said he would be sitting down with Mr. Averill to discuss the problem in the fall, after his department's busy season. He felt it could be worked out.

Commissioners Miles and Burdick expressed concern about the problems created by the large trucks driving in and out for Mr. Averill's business, and the lack of an adequate sight distance. Mr. Affolter said he was concerned about sewage there. He said it is unlikely there is an adequate septic system, and said he would like to see them hooked up the City's sewer system.

Mr. Affolter said he would like to talk about getting mileage for the Planning Commission members in the future.

Chairperson Lane adjourned the meeting at 2:00 p.m.

RESPECTFULLY Submitted this 14th day of June, 1989.



Mary Wujcik, Recording Secretary

APPROVED BY:



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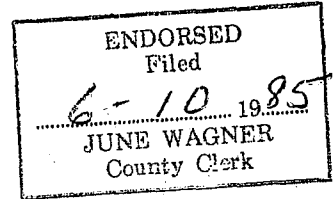
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BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON



Ordinance Relating to) Modification of
Assessment and) ORDINANCE NO. 30
Planning Control of)
Agricultural Buildings)

WHEREAS, ORS 456.917 exempts agricultural buildings from the requirements of the Tillamook County Building Code, except when located in a flood plain, and

WHEREAS, the Board of Commissioners of Tillamook County, having heard testimony in regular meeting on March 20, 1985, regarding the advisability of regulating the construction of agricultural buildings, in order to permit the expeditious enforcement of state and county law relating to assessment and planning, which must be enforced by the County; and

WHEREAS, after due consideration the Board of Commissioners finds that it would be in the public interest to impose the minimum regulation necessary to permit the enforcement of the state assessment laws by the County Assessor; enforcement of setback, flood plain and other land use regulations by the Planning Department; and

WHEREAS, such regulation would not impose an undue burden upon agricultural property owners;

NOW, THEREFORE, the Board of Commissioners of Tillamook County, Oregon, ordains as follows:

1. No agricultural building may be constructed, moved, or substantially altered, renovated or expanded, from and after

the effective date of this Ordinance, unless an application is filed in the Tillamook County Planning Department.

2. The application shall be on a form approved by the Board of Commissioners, shall be executed by the record owners of the property upon which the building is to be located, and shall contain the following:

a. a certification by affidavit of the property owner that the subject building will be used solely for agricultural purposes within the meaning of the Tillamook County Building Code.

b. a plot plan and other documentation as may be required by the Planning Department, showing that all requirements of the Tillamook County Land Use Ordinance applicable to the structure have been satisfied.

c. any relevant information regarding assessment for taxation as may be required by the Tillamook County Assessor.

d. an estimate of the total construction cost, including labor and materials.

e. an estimate of total square footage of the structure.

3. There shall be a fee imposed at the time of filing of the application in the following amounts:

a. Building Department fee for structures in the flood plain:

1) 5,000 square feet or less - \$25.00

2) Greater than 5,000 square feet - \$50.00

b. Planning Department fee:

1) Field visit required - \$25.00

2) Flood Plain Development permit - \$25.00

4. If the structure is found to be located in a flood hazard zone, all requirements of the Land Use Ordinance and Ordinance #14 shall be satisfied.

5. The application shall not be accepted for filing until all requirements of this Ordinance have been satisfied.

6. Violation of Section 1 of this Ordinance shall be subject to prosecution under Planning and Zoning Ordinance No. 35, ORS 203.065, or to any other lawful remedy available to the County. Any false statement on an application shall be a violation of this ordinance.

7. This ordinance shall take effect 90 days after adoption.

DATE OF FIRST READING: May 15, 1985

DATE OF SECOND READING AND APPROVAL: May 29, 1985

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

Gerald A. Woodward
Gerald A. Woodward, Chairman

Dean J. Kinkade
Dean J. Kinkade, Commissioner

APPROVED AS TO FORM:

Mark A. Wehrly
Mark A. Wehrly, County Counsel

Gerald J. Creasy
Gerald J. Creasy, Commissioner