

County Commissioners

January 30, 1980

The Columbia County Board of Commissioners met in scheduled session with Chairman Robert Hunt presiding, Commissioners Marion Sahagian and A. J. Ahlborn present.

At the request of the Board, Mrs. Wilbur Appel met with them regarding an offer he had submitted to purchase tax foreclosed property. It had been brought to the attention of the Board that a portion of the property is being used as access to other properties. Mr. Appel stated he was only interested in the portion of the tax lot adjacent to his property, not the roadway. Based upon this information, Commissioner Ahlborn moved and Commissioner Sahagian seconded to accept the offer of \$50.00 to purchase Tax Lot 4108-021-01000. Motion carried.

Mrs. Alice Simpson, of Yankton Paving, met with the Board to advise that to date, she has been unable to get a sanitarian to come to the property to perform a dye test. One of the people on the list given her by Mr. Eastwood, was to have come from Kelso the previous day, but had not come. Based upon this information, she was granted 30-day extension of the time allowed to have a dye test performed on the septic system.

Mr. Bob Haller, former building inspector, met with the Board to advise that the building official is responsible for all building and plumbing inspections throughout the county, and this cannot be a one-man office. He said that there are between 250 and 300 final inspections needing to be made, and only one in eleven had been finalized. He commented again there was need for more than one building inspector. Mr. Lee, who was still present, stated he has called for inspections, but when no one came after a period of time, he proceeded with the building construction without the inspections. Commissioner Sahagian questioned why, if the workload was this far behind, Mr. Haller had not brought this to the attention of the Board previous to his termination, rather than at this time. Mr. Haller said he had mentioned it on numerous occasions. Commissioner Sahagian suggested this matter be taken under advisement, and discuss it with the Planning Department. Commissioner Ahlborn stated that because of the budget, the question of hiring another building inspector would have to be brought before the budget committee.

Mr. Wally Gainer met with the Board, at their request, to discuss possible future purchase by the county, of the Bumble Bee property adjacent to the courthouse, on the north. Mr. Gainer was advised that the Board would like to purchase the property for the county, but do not have the money to do it, therefore they would like to at least have the first right of purchase. Commissioner Hunt stated that maybe if the Port buys the property, the county could get first right of purchase from the Port. Mr. Gainer stated he didn't know if they had enough money to buy it, because they don't know what the price is yet. The Port is having the property appraised, and it is also being appraised by a Longview appraiser. Mr. Gainer then stated the Port feels this property should be in county ownership, and if the county was unwilling, or unable to purchase the property, it should be in public ownership by the county or the Port. He felt sure the Port would work with the county on a cooperative basis in any way possible. Mr. Gainer stated at the present time, they are progressing toward acquisition of the building and grounds. It may be the Port would be priced out of the property. Mr. Gainer said he thought it consists of about 2 or 2½ acres. Commissioner Sahagian suggested there might be a possibility, although she did not know of the legality, of the joint purchase by the county and the Port. Mr. Gainer thought this might be a good way to go.

Mr. Hollinger, county Road Supervisor, then discussed the condition of the dog pound, and stated that because of the specifications prepared on the addition, the uprights were not fastened to the roof, and because of this, the building was starting to indicate problems. He wanted to know if the Board wished to have a contractor come in to fix it, or if they wished the Road Department crews to work on it, since they do have some extra time right now. After brief discussion,

Mr. Hollinger was requested to have the road crews work on it.

A letter was received from Darold Proehl, of the Vernonia School District, requesting guard rails be installed along McDonald and Pebble Creek Roads. This was referred to Mr. Hollinger.

At 1:30 p.m. a public hearing was held regarding an appeal filed by Dick Backlund of a decision rendered by the Planning Commission denying a variation to lot size in an area zoned R-R, 2 acre minimum lot size. Mr. Backlund was present, as was Mrs. Ilene Walborn, Mr. Henry Dickens, and another unidentified lady. Present for the planning department was Lori Manstrantonio-Meuser. Mrs. Meuser read the staff report which had been prepared, following which Commissioner Hunt read a portion of the minutes of December 3 of the Planning Commission, which indicated denial had been based on the fact that the request did not meet required criteria.

Mr. Backlund wished to split off a half-acre parcel, on which an old house is built, leaving 3½ acres from a total 4-acre parcel. Commissioner Hunt then asked those present how many were in favor, and how many were against, Mr. Backlund's proposal. There was one for, one against, and one no vote. Mr. Backlund was then requested to offer testimony in support of his request.

Mr. Backlund stated that Mrs. Meuser had read from the staff report that he wished to split a half-acre parcel off from the four-acre parcel. He said all he really wanted to do was to build a new house and he was told he could not have two houses on one tax lot number. He had not been aware of this. He has an old house he has lived in all his life, he wants to build a new one a little ways away. If the taxing bodies just labeled these House No. 1 and House No. 2, and taxed him, that would be fine, as that is all he wants to do. The Planning Department had told him he had to have two acres for a tax lot number. He was proposing one of 3½ acres more or less, for a tax lot number for the new house, and the existing house could be given a tax lot number in the corner of the property right where it sits, and leave it that way. His only reason for coming here was because the staff did not want to have it, through their interpretation of reading the law. He had a letter signed by numerous of his neighbors stating they had no objections to his dividing his property as he wants so he can build a new house for himself. He showed, on the blackboard, that the original house had been placed on the south-east corner of the property. Through the years there were other outbuilding built behind this. He wishes to go behind these and build a new house. He bought this property from his father, who had purchased it from his father, (Mr. Backlund's grandfather). It is not for sale. It has never been for sale, and he was not trying to build this house to sell it. He hoped to live there until he dies. His grandfather bought the property in 1904 and since then, a lot of things have changed. There are new zoning maps, which he has seen, and all he is asking for is that it be divided in a different way than two 2-acre parcels. He was not doing it because the law says two acres, or the zoning maps, but because of the way the building happened to get on the property since 1904 when his grandfather bought it. If he could do all of this today, there would be no problem, he would locate them differently than they are now, but this can't be done. These were his comments, and he offered to answer any questions anyone might have. Commissioner Hunt stated that from the planning commission minutes, Art Sambol had questioned if it couldn't be split into two 2-acre parcels, why Mr. Backlund was requesting a variance to lot six if he did not intend to sell it, why not go ahead and build the two houses on the four acres, with two acres per house. Mr. Backlund had said at that time that he had to have a different tax lot for the second house. Mrs. Meuser said there was a way he could divide it so he could have two acres for each, and not include the buildings, with the older house. Mr. Backlund said the way it is sitting there now, it would be better to divide it the way he proposed because Fisher Lane ends at the beginning of his property. From there, it is a public way, which is unimproved, going through to Achilles Road. It is not maintained by the county or anyone except the people living on it. It is fenced off, has cows running on it. There is an easement to the property he

lives on which comes up beside Rose Manor Trailer Courty. This is a 12-foot easement. There is another easement down the road which came in 1908 that has 12-feet, which goes to this property, and Fisher Lane, as it is known now, comes to it. The way his driveway is on there, he could draw some funny lines and say there were two acres here, and two acres there, but if this piece was cut off, the yard, trees, and septic system that goes with the old house. He would like to tear down the old house, but it has three bedrooms, it has a furnace and two fireplaces, so he thought he would be in the rental business, because he didn't know what to do with it. He was just going to insure it, and rent it, and let it be. If it were to burn down, he would clean it up, and that would be the end of it.

If that never happened, he guessed it would just stand there and help him pay the taxes.

Commissioner Hunt said Mr. Backlund had stated he did not plan to develop it, or to sell it, he only wanted to put a new house on it, and he believed the question Mrs. Meuser was asking, if the property is rectangular, why he couldn't cut it equally in half, and use the other two acres as his building site for the new house. Mr. Backlund stated this would require him to get involved with the roads, and easements, and ingress and egress to it, for one thing. He sketched on the blackboard the property, the lane that goes to Highway 30, Fisher Lane, the small gravel road through to Achilles Road. He showed the location of the driveway he commonly uses, and the approximate location of the outbuildings and the old house, as well as where he proposed to build the new house, and showed how he would like to divide the property. He showed how the renter would obtain access, as well as how he would have access to his house. Either way he split the property, there would be a requirement for easement and/or road construction. Any way he would divide the property into two-acre parcels would result in a problem because of the way the property and building now lie. Mrs. Meuser demonstrated how the property could be split. Mr. Backlund said if it were divided that way, it would still be less than two-acre parcel in the one piece. It would also divide the outbuildings. Mr. Backlund stated this was not a self-imposed hardship, but a hardship caused by zoning, planning, growth, and things that have happened. He did not impose this upon himself. The staff's opinion, and his opinion, differed.

Commissioner Hunt suggested another possible alternative, but Mr. Backlund said that wouldn't work either because there were about eight fir trees there that he could not move. If Mr. Backlund wished to limit the amount of property the renter could use, he could do that with no problem. If he were selling it, that would be a different matter. Mr. Backlund said that in the event that he were to sell the old house off, he would only sell the half-acre parcel anyway, regardless of where the lines might be drawn. He would not sell the two acres, but he did not wish to sell it anyway. A realtor would sell whatever Mr. Backlund wished to sell, should he wish to sell it. At that time, those who would concern themselves would be the bank or lending company, but he could say that was all he wished to sell.

Mrs. Meuser stated another problem with the half-acre parcel was that it might require a larger parcel for a septic rear area. Mr. Backlund, in response to a question raised, said the property was on McNulty Water. Mr. Backlund drew sketches of adjoining properties, noting that on one, the drainfield had failed and replaced, systems which were working well. Mr. Backlund was asked where the Wilson property was located with reference to the others shown. Mr. Dickens raised the question, and then asked Mr. Backlund if he used this lane. Mr. Backlund responded that he uses both of them. Mr. Backlund was asked if he had any further testimony to offer, and he said he did not at the present time.

Mrs. Ilene Walborn stated she lives behind him, and they do not care if he build; they have no objections.

Mr. Henry Dickens, of Rt. 4, Box 4017, St. Helens, stated part of his property adjoins Wilson Lane, and showed on the map where it is. He stated this was a private road. He also has 100 feet along Fisher Lane. He then said Wilson Lane is only wide enough for one car. He said that

cars and trucks go through there so fast that it is a traffic hazard. Mr. Backlund sketched on the blackboard a more definite map of the area, showing the road Mr. Dickens was discussing.

Commissioner Hunt asked Mr. Dickens how dividing the land as Mr. Backlund had proposed would affect him (Dickens) on the road. Mr. Dickens objected to the increased traffic there would be if Mr. Backlund either sold or rented the additional house, because it was only a one-way road, and is marked private. Commissioner Hunt asked if they wouldn't have Fisher Lane going to Millard Road, as access to Highway 30. Mr. Dickens was objecting to the use of Wilson Lane for access, and the trucks going in and out. Mr. Backlund objected to this, stating that the roadway in question was in face, a private roadway, and Mr. Backlund himself owns it, and Mr. Dickens did not have the right to use it. It was his trucks and his trailer, which were empty when they travel the road. The roadway easement had been purchased by his grandfather in 1908, and has remained in the family ever since.

Commissioner Hunt advised Mr. Dickens that there were other procedures involved in getting building permits, septic permits, and so on, but that the question here today was whether or not Mr. Backlund could divide his land as he proposed. At this point, he did not believe traffic or additional use of roads would enter into it. He asked if Mr. Dickens had any objections to Mr. Backlund's use of his land as he had proposed, without consideration of any other factor. Mr. Dickens stated he didn't think there would be. He then stated he had no objection to that. Commissioner Hunt then asked if anyone else had any testimony, or if the staff had anything they wished to add.

Lori Meuser said the planning staff felt the property could be divided so that Mr. Backlund could have two two-acre parcels, or at least closer to 2 acres than the half-acre proposal and the fact that if it were approved as a half-acre parcel, there might be problems with the septic system. Commissioner Hunt stated they did not wish to get into the septic issue, that was something to be considered, but not at this time. Commissioner Sahagian commented that even if he were allowed to do what he was asking, there was still the other hurdle for him to jump which would be separate from the division of land. Mr. Backlund stated he has paid for the permits, the septic permit has been approved, and everything is ready except for how the land is to be divided.

Commissioner Hunt then read from Section 1802, of the Zoning Ordinance, outlining the four criteria that must be met. He advised Mr. Backlund that all of these criteria had not been met. He thought what needed to be done, rather than setting a precedence with a lot size variance, was to ask for a zone change instead. Mr. Backlund stated the size he was asking, for the new tax lot number on the old house, was 120 feet by 82 feet. That included the house, its driveway, a couple of apple trees, and other various trees, shrubs, and lawn front, sides, and back. He asked why there couldn't be two houses on the one tax lot number, as long as he owns the entire parcel. Commissioner Sahagian stated the Ordinance does not allow this, and why she did not know, but that is the way it was written and adopted. Until such time as the ordinance were rewritten or amended, the best thing Mr. Backlund could do would be to request a zone change. General discussion ensued regarding lot sizes, and varying conditions in this particular area. Mr. Backlund then said that first of all, he was not planning to sell, but if he were, he would indicate to a purchaser what he was proposing to sell. He said that if he should sell the property, he would advise the purchaser of the location of the existing facilities, and also tell him that if the septic system were to fail, within a given period of time, he would put in a new drainfield in another location, and pump it from that house to the new drainfield, until such time as sewers came in. However, he would provide enough of an area for a repair system if it were required. He stated again he did not plan to sell, but hoped to rent it. If the existing system were to fail, he would put in a new system in, and the old one would not be used anymore.

Mr. Backlund said further that he could put another drainfield in behind the shops