MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, May 15, 1991
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COMMISSIONERS PRESENT: Kenneth M. Burdick, Chairperson
Jerry A. Dove, Vice-Chairperson
Ida A. Lane, Commissioner

STAFF PRESENT: William K. Sargent, County Counsel; Paul
Levesque, Executive Assistant; Leota Leake, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Vic Affolter, Community
Development; Lynda Willard, Community Development; Sue Cameron,
Health Department Administrator

GUESTS PRESENT: Mark Gibson, Headlight Herald; Barbara Trout,
KTIL-Radio; Wayne McGehee, Netarts-Oceanside Sanitary District;
see attached guest list.

CALL TO ORDER: By Chairperson Burdick at 10:00 a.m. in the
Justice Court room.

ITEM NO. 1: CONSIDERATION OF DECISION ON APPEAL OF PLANNING
COMMISSION DENIAL; REQUEST TO ESTABLISH A "GOLF COURSE" IN CON-
JUNCTION WITH A COMPANION REQUEST (CU-90-43) FOR A
PARK/PLAYGROUND IN THE F-1 (FARM OR EFU) ZONE ON APPROXIMATELY
21.5 ACRES ADJACENT AND SOUTHEAST OF THE JUNCTION OF HIGHWAY 101
AND LATIMER ROAD, ABOUT ½ MILE NORTH OF THE TILLAMOOK CITY LIM-
ITS; LOCATED ON PORTIONS OF THE FOLLOWING PARCELS: TAX LOT 2900
OF SECTION 13D, TOWNSHIP 1 SOUTH, RANGE 10 WEST; AND TAX LOTS 900
AND 1000 OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 9 WEST OF THE
WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON. Chairperson
Burdick said this matter had been closed to public testimony.
The Board of Commissioners were there to make a decision. He
asked if the Board would like a brief summary on the phases of
the conditional use appeal by staff.

Commissioner Lane said apparently there had been some changes.
She said she had read in the morning paper that there were cer-
tain concessions being made, and she requested being told what
those concessions were.

Mr. Affolter said he would outline some things which had
transpired over the past week or so. He distributed a proposal
he had written. Mr. Affolter said this proposal was based on
discussions he had had with the applicants and other concerned
parties. He said there was only so much which could be
accomplished in a week or two when one was trying to effect some
mediation and negotiations. One alternative to resolving the
issue was as follows: The conditional use request for the golf
course would be approved subject to reasonable conditions to
assure compliance with the federal regulations and minimization
of outside impacts. Those conditions would have to be developed over the next week. Part of the time frame we are working under was that the Board would make a decision today directing staff to prepare the necessary orders that would bring the decision into effect, and that would be done by next Wednesday.

Commissioner Lane said it appeared that an improper approach was being taken to this situation. She said her understanding was that there had been a withdrawal by the applicant of the go cart portion of that permit. That being the case, then this Board should have that proposal for the withdrawal of that in hand to enable the Board to make a decision on what they had already heard.

Counsel Sargent said the Commissioners had the appeal before them, and they should rule on the appeal upon the record of what was put before them today. If the applicant has withdrawn a portion of it, that is fine. If he has not, then the Board should rule on the appeal, the testimony and the documentation that they have seen today.

Mr. Affolter said it was unfortunate all this work had gone on without Counsel and himself having this kind of conversation because what he was presenting was the result of a lot of work with the applicant which he was outlining for the Commissioners, and indicating that the agreement was that a final board order would be drafted by next Wednesday. He said the Commissioners could approve all or some or none of what the applicant had brought before them.

Mr. Affolter said the full compromise proposal that was on the table was that the Commissioners approve all of the golf course request including pitch and putt, driving range and miniature golf. On the conditional request for a Park/Playground the Commissioners would approve the batting cages subject to conditions which would include not providing for the go carts. There would have to be other applicable conditions that would go with this.

Mr. Affolter said if the Commissioners approved those things, that is 4 of the 5 uses minus the go carts, there was an understanding that Greg Hathaway, counsel for the applicants, would develop the findings in support of that approval. The remainder of this agreement would involve a separate board order. The Board would adopt an order approving these four uses, excluding the fifth.

Mr. Affolter said the remainder of the agreement would involve a separate board order which would involve a commitment to appoint a committee of citizens to examine the overall issue of EFU Farm development including recreation/tourist facilities to occur in
Tillamook County consistent with the maintenance and growth of the dairy industry. He felt that was a very important part of the package because it shows a commitment to try to avoid the kind of conflict and controversy that has emerged over this issue. It would be beneficial to applicants, to the community and to decisions makers in the future.

Mr. Affolter said the Board could do whatever they wanted. They could approve all five uses. The Planning Department could forget what they had tried to do the last couple of weeks. He said he had been able to talk to a lot of people in the community. Some of the people who opposed this were willing to accept this compromise. There are other people who oppose it who are not happy with any compromise. He said there was no way that he could guarantee there would not be an appeal. He had been working as hard as he could over the past ten days to try to come to some kind of agreement in the Community that most people can live with. He felt that the committee, the commitment to that committee, and the ability to take into account what they might recommend was a very important part of the overall resolution of this issue. Other than that he felt it was appropriate for the applicant to say what they felt about the matter.

Mr. Gienger felt he should have been given this proposal to review before he appeared today, and he felt the Commissioners should have been given the same opportunity.

Commissioner Lane said the problem was that the Commissioners had received nothing from the applicants. The Planning Director had been handling this whole application and she felt manipulated. She reminded them that the Board of Commissioners is the decision making Board, not the Planning Department. She felt what was needed was a verbal or written withdrawal of a certain part of that application.

Mr. Gienger said he had understood from the Planning Director there was communication between the Commissioners and Mr. Affolter, and they, the applicants, had agreed to take a little longer in order to make everyone happy. He said they would take out the go carts if it would make the people happy and satisfy the Farm Bureau and the farmers. He said they would proceed without that.

Mr. Affolter said all the work that he had done in trying to negotiate something which had not been pleasant was at the encouragement of each of the three Board members. He said that discussion had been held last week. To say that he had been out free lancing on this thing was just simply not true. It was not something that he would do.
Commissioner Lane said the Commissioners appreciated all of the efforts of the Planning Director in trying to negotiate a withdrawal of a part of that appeal, but what she felt Mr. Affolter was doing was manipulating this Board into making a decision based on what he told them to do, not based on what they see needs to be done. She said she agreed with Mr. Affolter that if Mr. Gienger withdrew that portion of his application, the go cart track, the Commissioners could make a decision based on other criteria. She felt the time was coming when an appeal would be made and the Commissioners would go through a whole bunch of hoop jumping.

Mr. Affolter asked what manipulation she was talking about.

Chairperson Burdick said this was the wrong forum. He said the Board is here to make a decision as scheduled. He asked Mr. Gienger, for the record, to present his withdrawal officially.

Mr. Gienger stated we withdraw the go cart.

Mr. Lehman said Bud Gienger and co-applicant Mike Lehman would request to withdraw the go carts on the conditional use permit Parks/Playground part that has the batting cages, the go cart track and the #CU90-43.

Commissioner Dove said he did not feel manipulated at all, but he had been in close contact with everyone involved with this. The idea of putting this committee together to really take a look at Tillamook County, where the County is going, how much recreation area the County needs, how much farm land is needed. This is something that will be put together. This will be an advisory board. He said there was a feeling in the County that the Commissioners do not listen to their advisory boards, but as long as he remained Commissioner this advisory board would be heard. He felt the project was a fantastic idea for the area, and was needed by the County.

Commissioner Dove said he was undecided which way he would vote at this time. He said he wanted to see the project out there, but wanted it done in the proper manner. There had been talk of a zone change. He had discussed that with many people. There had been talk of extending the EFU out, and he had discussed that with many people also. He sympathized with the applicants wanting to get this project in operation, but he was undecided if this was the proper procedure. He did not feel this project should be rushed.

Commissioner Lane said she did not mean to sound ungrateful for the time spent on this project or the negotiations that had been going on, but she wanted to make the statement that this Board
makes the decisions. The Planning Commission and the planners do not make the decisions. We need to follow the law and protocol as closely as possible each time a decision is made on an appeal or any other matter. She felt that protocol had been ruptured. She said she was glad that withdrawal of the go cart track had been made because that was the one thing she felt was a problem. She said this appeal was her concern at this time, and the Commissioners should move forward on it.

Counsel Sargent said he agreed. The appeal had been made and was before the Commissioners at this time. He felt it was the job of the Commissioners to rule on it. He said it was time to make a decision and move on.

Commissioner Lane moved to allow the appeal, allow the use with the amendment of the withdrawal of the go cart track, for discussion, Commissioner Dove seconded. Chairperson Burdick said it was open for discussion.

Chairperson Lane said she felt the use without the go cart track is a permitted use and was something that needed to be done in Tillamook County. She said there was a need for recreational facilities. It does not impact the land to where it could not be converted back to farm use if necessary. She discussed the use of the land.

Commissioner Dove said he basically agreed with everything Commissioner Lane had said, but in looking at the six criteria the project was to be judged by, he was not comfortable with the procedure.

Chairperson Burdick said with respect to the work performed by the Planning Commission who had put in a lot of volunteer hours on projects, the applicants and the opponents, and all affected parties, he felt there was an identifiable need for this project. He also felt even though the property was questionable as far as productivity for agriculture, it was a good concept for Tillamook and all other recreational facilities that are in operation including the cheese plant. He also felt the applicant had met several points on each of the applicable criteria.

Commissioner Lane called for the question.

Chairperson Burdick requested all in favor to say aye.

Motion passed with two aye votes and one nay. Commissioner Dove voted nay.

Commissioner Dove said if the vote had gone the other way, he would have done everything he could to implement the needed changes to get the project in operation, but he just was not comfortable with the procedure.
Mr. Affolter said there was a second part to this, the commitment to the committee. The question was whether he was to assist County Counsel in drafting an order on that issue or wash his hands of it.

Chairperson Burdick said it would be appropriate if Mr. Affolter worked with County Counsel.

Counsel Sargent said he felt this was a great concept, but he did not see it as being a part of a particular issue.

Mr. Affolter said in terms of negotiating land use issues, it was a part of the overall picture, and it could be a very important part of avoiding appeal on this issue, but he would be happy to just wash his hands and walk away. He said it was very common in land use disputes to try to put something together that would be agreeable to people and get you outside the limits straight jacket which was had when looking at a limited set of criteria and limited things on the table. If other things could be brought in, there might be some benefits to other people.

A discussion followed regarding putting a project of this type together.

ITEM NO. 2: BID OPENING: FAIRGROUNDS ELECTRICAL PROJECT PHASE 1-3: Chairperson Burdick opened the bids.

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<thead>
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<tr>
<td>Wadsworth Electric</td>
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<tr>
<td>D &amp; E Electric</td>
<td>$11,305.00</td>
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<tr>
<td>Borland Coastal Electric</td>
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Chairperson Burdick gave the bids to Mr. Levesque and County Counsel for review.

ITEM NO. 3: CONSIDERATION OF AGREEMENT FOR SCHOOL NURSE SERVICES WITH BEAVER ELEMENTARY SCHOOL: Commissioner Lane asked how many hours were committed for the school nurse per week. Ms. Cameron said the nurse had a full time schedule comprised of the school nurse services and the home visit program. Commissioner Lane asked if any other school district could buy into this program now. Ms. Cameron said she would have to take a look at the time involved if another district proposed to buy into the program.

Commissioner Dove moved to sign the contract, Commissioner Lane seconded, passed with three aye votes.

The Commissioners signed the contract.
UNSCHEDULED: Discussion Concerning Blue Sky Restaurant License:
Ms. Cameron said she had received a check in the amount of the license fee for this year minus $7.50 which was a stop payment charge on a check. She asked for instructions from the Commissioners in the matter.

A discussion followed regarding accepting payments for licenses, late charges for late payments, allowable exceptions, if any, and the impact on future license purchases.

There was a consensus to allow Ms. Cameron to accept the check and write the Blue Sky Cafe owners stating that full payment would be required prior to the issuance of future restaurant licenses.

UNSCHEDULED: Consideration of the Traffic Safety Grant Application: Ms. Cameron presented the Traffic Safety Grant application for signature of the Chairperson for the Board of Commissioners.

Commissioner Lane moved to allow the Chairperson to sign the application for the Board of Commissioners, Commissioner Dove seconded, passed with three aye votes.

The Chairperson signed the application.

ITEM NO. 2: (CONT'D): Counsel Sargent said the low bidder was not in compliance with the specifications. He said it should be rejected.

Mr. Levesque said all work under this project was required to be done by one contractor. In the low bid, there was no amounts given on three items. The bid did not comply with the specifications.

Commissioner Dove moved to award the bid to Wadsworth Electric in the amount of $30,326. Commissioner Lane seconded, passed with three aye votes.

Mr. Levesque said the grant had been for $47,000 and this was refreshing.

Chairperson Burdick instructed Mr. Levesque that no individuals are to be allowed on tours for project bids other than himself and the contractors.

ITEM NO. 4: CONSIDERATION OF ORDER TRANSFERRING FUNDS BETWEEN BUDGETED LINE ITEMS FOR THE SURVEYOR'S OFFICE: Commissioner Lane moved to sign the order, Commissioner Dove seconded, passed with three aye votes.

The Commissioners signed Order #91-67.
ITEM NO. 5: CONSIDERATION OF APPROVAL OF BOARD OF COMMISSION MINUTES FOR 3/13/91; 3/27/91; 4/1/91; 4/8/91; 4/15/91; 4/17/91; 4/22/91; 4/24/91; 5/6/91; 5/8/91; 5/9/91: Commissioner Dove moved to approve and sign the minutes, Commissioner Lane seconded, passed with three aye votes.

The Commissioners signed the minutes later in the day.

ITEM NO. 6: CONSIDERATION OF APPROVAL OF COMMISSION PROCEEDINGS FOR APRIL, 1991: Commissioner Lane moved to approve and sign the Commission Proceedings, Commissioner Dove seconded, passed with three aye votes.

The Commissioners signed the Commission Proceedings.

ITEM NO. 7: EXECUTION OF A TAX DEED TO ROBERT LEE CISSNA ON TAX LOT 1N10 17CB 10300 AND 10400 IN FULLFILLMENT OF A TAX LAND INSTALLMENT CONTRACT: Commissioner Dove moved to sign the Tax Deed, Commissioner Lane seconded, passed with three aye votes.

The Commissioners signed the Tax Deed.

ITEM NO. 8: MISCELLANEOUS PUBLIC WORKS: Mr. Gitschlag said applications were being screened for the summer positions in the Road Department. These ten employees would be working from June 1st through August 31st doing flagging, brushing and other duties. He said the foremen were working on the paving schedules for the summer.

ITEM NO. 9: DISCUSSION CONCERNING BASKETBALL COURT ROAD ENCROACHMENTS: Mr. Gitschlag said recreational facilities built in the road encouraged children to play in the road, and the liability would be the County's for allowing the facility to exist.

A discussion followed regarding the basketball court encroachments in the County.

County Counsel said if an accident occurred because of a basketball court road encroachment, the County would be liable. The County is aware of the encroachment, and it has been discussed at this meeting. He said he could not condone this use.

A discussion followed regarding other types of encroachments allowed by the County.

Chairperson Burdick said the Woods Park would be an ideal place for a basketball court for the children of the area. Mr. Anderson, Parks Superintendent would have to be contacted regarding that use.
Mr. Gitschlag said the Road Department was charged with maintaining road rights-of-way, and all road encroachments would be dealt with.

Chairperson Burdick said an onsite investigation of the basketball courts would be done before Wednesday, May 22, 1991. He said Ms. Delaney would be notified of the decision which would be made after the onsite inspection.

SITTING AS THE BOARD OF THE
SOLID WASTE SERVICE DISTRICT

ITEM NO. 10: MISCELLANEOUS SERVICE DISTRICT MATTERS: Mr. Gitschlag said two solid waste violation sites were North Slab Creek and the North Fork rock pit. He said trash was being dumped at both places.

SITTING AS THE BOARD OF THE
HEBO SERVICE DISTRICT

ITEM NO. 11: MISCELLANEOUS SERVICE DISTRICT MATTERS: Mr. Gitschlag asked when the certified operator would be hired. He said the Department of Environmental Quality should be notified. Chairperson Burdick said by Monday, May 20th, he would have that information.

SITTING AS THE BOARD OF COMMISSIONERS

ITEM NO. 12: DISCUSSION OF ROLE OF FOREST LAND ADVISORY COMMITTEE INVOLVING LAND USE CHANGES: This item was cancelled.

ITEM NO. 13: DISCUSSION CONCERNING NETARTS-OCEANSIDE SANITARY DISTRICT LIEN ON PROPERTY PREVIOUSLY SOLD BY TILLAMOOK COUNTY: Mr. McGehee requested a payment for a lien on a piece of property known as tax lots 31 and 32, Block 21, Avalon Addition. Tillamook County had acquired title through delinquent property taxes. He said the Netarts-Oceanside Sanitary District would accept either dollars or property in payment. He suggested an acceptable payment would be the Dolash property. It could be used as a staging area for the district.

A discussion followed regarding the lien.

Counsel Sargent said it was his opinion that the County does not owe this money.

ITEM NO. 14: CONSIDERATION OF CHILDREN AND YOUTH SERVICES COMMISSION 1991-93 COMPREHENSIVE PLAN: Ms. Willard presented the comprehensive plan, and asked that a letter be written by the Board of Commissioners approving the 1991-93 comprehensive plan.
Commissioner Lane moved to approve the comprehensive plan. Commissioner Dove seconded, passed with three aye votes.

Ms. Willard said she would draft a letter for the Commissioners signature stating their approval.

UNSCHEDULED: Discussion Concerning Property Exchange with Bay City: Commissioner Dove said he had attended the Bay City Council meeting on May 14, 1991, and they had turned down the property exchange offered by Tillamook County.

A discussion followed regarding the Bay City property exchange proposal.

Commissioner Burdick adjourned the meeting at 12:00 noon.

RESPECTFULLY Submitted this 16th day of May, 1991.

Leota Leake, Recording Secretary

APPROVED BY:

Kenneth M. Burdick  Jerry A. Dove  Ida A. Lane

KENNETH M. BURDICK  JERRY A. DOVE  IDA A. LANE
<table>
<thead>
<tr>
<th>NAME</th>
<th>ITEM OF INTEREST</th>
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<tbody>
<tr>
<td>William Crocker</td>
<td>Portland General Electric</td>
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<tr>
<td></td>
<td>Sovereignway, St. Helens</td>
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<tr>
<td>Dow Bruck</td>
<td>26015 SW Stafford Rd, Tillamook</td>
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<tr>
<td>Cerise Erickson</td>
<td>2650 Fissure Rd., Tillamook</td>
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<tr>
<td>Evin Peterson</td>
<td>105 Rayburn Rd, Tillamook Half-Century Division</td>
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<tr>
<td>Roy Dorgan</td>
<td>11040 E. Pkwy, Portland</td>
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<tr>
<td>Mike Lehman</td>
<td>3300 Box But Rd., Tillamook</td>
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<tr>
<td>Peter Hoffman</td>
<td>Wadsworth Electric</td>
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<tr>
<td>Margaret Hart</td>
<td>1115 Exchange Ave., Astoria</td>
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<tr>
<td>Mark E. Kilian</td>
<td>KTH</td>
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<tr>
<td>Terry C. Danil</td>
<td>260 W. Main St., Westport</td>
</tr>
<tr>
<td>Debbie E. Delany</td>
<td>2015 Virgin St., Bandon</td>
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</tbody>
</table>

DATE: May 15, 1991
TO:        Board of County Commissioners
FROM:     Vic Affolter
RE:       Resolution of Gienger/Lehman Golf Course
          and Park/Playground
          Conditional Use Requests

One alternative to resolving the issue is as follows:

(1) Conditional Use Request CU-90-42 for a golf course in an
exclusive farm use zone shall be approved subject to
reasonable conditions to assure compliance with applicable
regulations and minimization of off-site impacts. This
approval includes an executive par three course, a driving
range, and miniature golf.

(2) Conditional Use Request CU-90-43 for a private park and
playground to include batting cages shall be approved
subject to reasonable conditions which include exclusion of
the proposed go-cart tracks and provision for compliance
with applicable regulations and minimization of off-site
impacts.

(3) The Board of Commissioner shall appoint a committee of
knowledgeable and concerned persons to examine the overall
issue of how needed nonfarm commercial development,
including recreational and tourist facilities, can occur in
Tillamook County consistent with the maintenance and growth
of our economically important dairy industry. The committee
shall also coordinate with the City of Tillamook in
evaluating the availability of land needed for commercial
development within the City's Urban Growth Boundary, and the
advisability of extending that boundary to include portions
of the Juno Hill area. The work of this committee shall
contribute to the development of a community consensus on
these issues which shall help avoid the polarization and
controversy that characterized the Gienger/Lehman
application. Such a consensus shall be reflected in a
clarification of rules and procedures that will benefit
future applicants, economic interests, concerned citizens,
and decision makers.

AN EQUAL OPPORTUNITY EMPLOYER
More specifically:

(a) The committee shall be composed of representatives of the dairy industry (TCCA, Farm Bureau, and SWCD), the wood products industry, the Overall Economic Development Committee, the County Planning Commission, the City of Tillamook, the Chamber of Commerce, and other interested citizens.

(b) The committee shall be staffed by the County Community Development and Economic Development Directors.

(c) The committee shall obtain information on the economic importance of both the dairy and recreation/tourism industries and assess the land use needs of each.

(d) The committee shall make recommendations on policies and ordinance amendments that shall be designed to assure that needed recreational and tourist development can occur in a manner that is compatible with the needs of the dairy industry.

(e) The needs of the wood products industry shall also be taken into account to the extent that it is determined that other types of development may interfere with it.

The commitment to establish this committee and to give careful consideration to its recommendations reflects the Board of Commissioner commitment to assure the protection of economically important farm and forest lands, while providing appropriately for other types of needed economic development.