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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, October 21, 1987
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COMMISSIONERS PRESENT: Gerald J. Creasy, Vice-Chairman
Gerald A. Woodward, Commissioner

COMMISSIONER ABSENT: Dean J. Kinkade, Chairman
(on vacation)

STAFF PRESENT: Karen Richards, Treasurer
Kathy Kelso, Personnel Director
Susan Becraft, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Meg Gruwell, Planner;
Paul Levesque, Research Consultant; Charles Anderson, Parks
Superintendent; Don Mason, Economic Development Director

GUESTS PRESENT: Fred Bucher, Mike Sims, Headlight Herald; LeRoy
Walker

ITEM NO. 1: CALL TO ORDER: By Vice-Chairman Creasy at 10:00
a.m. in the Justice Courtroom.

UNSCHEDULED: EXECUTION OF NEHALEM BAYSHORE ESTATES, UNIT 1 PLAT:
Meg Gruwell said this property belongs to F. E. Knight and re-
viewed the changes made to the agreement: 1) the common area
must remain with the plat and may not be subdivided without going
through a planned development review in accordance with Section
12 of the Nehalem Zoning Ordinance, 2) originally the agreement
said the county could enforce the restricted covenants of the
common area which was struck out, and 3) the North Tillamook
County Sanitary Authority wanted some stricter language which has
been added and approved by them.

Commissioner Woodward moved for approval of signing of the
Nehalem Bayshore Estates Plat, Unit 1, with the amendments, Vice-
Chairman Creasy seconded, approved with two aye votes.

The Commissioners signed two copies of the plat.

UNSCHEDULED: HALLOWEEN COSTUMES: It was the Board's consensus
that employees can dress up as long as it does not interfere with
their work. Commissioner Woodward moved for approval of the
letter, Vice-Chairman Creasy seconded, approved with two aye
votes.

The Commissioners signed a letter to the Elected Officials and
Department Heads stating their decision.

ITEM NO. 2: INTERIM APPOINTMENT OF COUNTY COUNSEL: Commissioner
Woodward said he was the only Commissioner in Tillamook County
when the need arose and he asked Neal Lemery to act as County
Counsel.

Vice-Chairman Creasy read portions of the proposed Order.

Commissioner Woodward moved to approve Order 87-125, Vice-Chairman Creasy seconded, approved with two aye votes.

The Commissioners signed Order 87-125.

ITEM NO. 3: COMMISSION PROCEEDINGS FOR SEPTEMBER, 1987: Commissioner Woodward moved for approval of the Commission Proceedings for September, Vice-Chairman seconded, approved with two aye votes.

The Commissioners signed the Commission Proceedings.

ITEM NO. 4: AGREEMENT WITH DEPARTMENT OF GENERAL SERVICES TO PURCHASE SURPLUS PROPERTY: Ms. Becraft explained this is an agreement which is renewed yearly with the State of Oregon. She had obtained signatures of the employees who would be authorized to make and pick up purchases.

Commissioner Woodward made a motion to approve the agreement with the Department of General Services and authorize the Vice-Chairman to sign it, Vice-Chairman Creasy seconded, approved with two aye votes.

Vice-Chairman Creasy signed two copies of the agreement.

Vice-Chairman Creasy recessed the meeting at 10:12 and reconvened the meeting at 10:25 a.m.

ITEM NO. 5: ORDER IN THE MATTER OF THE SALE OF COUNTY PROPERTY 2N 10 2BC 3900 TO THE CITY OF WHEELER: Mr. Levesque said at the last Board meeting it was decided to proceed with the transfer of properties.

Mr. Levesque said the proposed order sets forth the understandings between the City of Wheeler and the county. It directs the Public Works Director to carry out the transfer of jurisdiction on the two county roads involved (a legal process) and then directs the Board to execute the deed upon payment of taxes, interest and fees by the city.

Mr. Levesque said the order had been reviewed by Mr. Lemery and the legal description had been revised and then reviewed by Mr. Duncan.

Commissioner Woodward said the county had received several letters from the lady who has Power of Attorney for Mr. Castling. She says Mr. Castling is very disappointed that the county went back on their agreement which isn't the case. The city had responded in time and the letter was misplaced as far as we can tell.

Mr. Levesque said the order indicates that the City of Wheeler accepted terms on September 15th and the record reflects it was done in a timely manner.

Commissioner Woodward moved to approve Order 87-126 In the Matter of the Sale of County Property to the City of Wheeler, Commissioner Creasy seconded, approved with two aye votes.

The Commissioners signed Order 87-126.

ITEM NO. 6: STATE GRANT-IN-AID AGREEMENT FOR BARVIEW JETTY PARK ELECTRICAL PROJECT: Mr. Anderson recommended approval of the agreement. The project would probably be done next fiscal year. The deadline is May, 1989.

Commissioner Woodward moved to approve the agreement with the State of Oregon for Grant-In-Aid for Barview Jetty Park Electrical Project, Vice-Chairman Creasy seconded, approved with two aye votes.

Vice-Chairman Creasy asked Ms. Richards if she had any problem with the grant funding. She said, "No."

The Commissioners signed three copies of the agreement.

ITEM NO. 7: LETTER TO ECONOMIC DEVELOPMENT COMMISSION REQUESTING INCLUSION AS AN ECONOMICALLY LAGGING AREA: Mr. Mason said in 1985 the county was designated by the state as an economically lagging area. As a result, Tillamook County was able to apply for an Enterprise Zone. The designation as an economically lagging area is up at the end of this year. In order to maintain the enterprise zone the county must justify it is still a lagging area which the proposed letter does.

Vice-Chairman Creasy complimented Mr. Mason on an in-depth and well-done letter.

Commissioner Woodward made a motion to approve the letter to the Oregon Economic Development Commission, Vice-Chairman Creasy seconded, approved by two aye votes.

The Commissioners signed the letter.

ITEM NO. 8: URBAN SERVICE BOUNDARY AREA JOINT MANAGEMENT AGREEMENT WITH THE CITY OF MANZANITA: Ms. Gruwell was not present. Vice-Chairman said he had checked with Mr. Affolter who said the agreement was straight forward and recommended approval.

Commissioner Woodward moved for approval of the joint management agreement with the City of Manzanita, Vice-Chairman Creasy seconded, approved with two aye votes. Commissioner Woodward amended the motion to authorize the Vice-Chairman to sign on behalf of the Board of Commissioners.

Vice-Chairman Creasy signed three copies of the agreement.

SITTING AS THE BOARD OF THE
HEBO SERVICE DISTRICT:

ITEM NO. 9: AUTHORIZATION TO PAY INTERIM MANAGER FOR SERVICES
RENDERED: Vice-Chairman Creasy said Mr. Gardner is our new
manager.

Commissioner Woodward said Mr. Gardner was not paid his
\$200/month salary and this letter authorizes Bookkeeping to pay
him.

Commissioner Woodward moved for approval of the letter, Vice-
Chairman Creasy seconded, approved with two aye votes.

The Commissioners signed the letter.

Ms. Richards said Mr. Lemery would do the contracts for Messrs.
Adams and Gardner.

ITEM NO. 10: MISCELLANEOUS SERVICE DISTRICT MATTERS: Rothen-
bergers: Ms. Richards said Mr. Gardner had worked with Ms.
Wagner and they straightened out Rothenberger's billing.

Commissioner Woodward added that Mr. Adams had given Ms. Wagner a
list of the names and addresses of the people who bought the
cabins from Ray Bones and those bills will go out.

Commissioner Woodward said Mr. Gardner has been doing a real good
job and has been doing as much PR as anything else. He went
under the Rothenberger house and found a huge water leak. Com-
missioner Woodward instructed him to dig up and plug the line
which he did. The plumbing is all broken off underneath the
duplex which is uninhabited.

SITTING AS THE BOARD OF COMMISSIONERS:

UNSCHEDULED: Jack Creek: There was discussion about the low
water status. Commissioner Woodward said something would have to
be done about the PUD bill. Ms. Richards said the bill came the
day before and we are probably two months behind. The last time
we were five days from shut-off Mr. Young paid the bill
personally since we don't have any means to pay it.

Commissioner Woodward felt PUD should be contacted and requested
for leniency. Ms. Richards thought when Messrs. Lemery and
Kinkade get back they will work on it.

UNSCHEDULED: TILLAMOOK COUNTY'S AUDIT: Ms. Richards said the
audit is forthcoming and she expected the management letter the

next day. She said Mr. Savage would like to spend a half day at the county and meet with the Commissioners individually to go through the audit.

UNSCHEDULED: BUDGET OFFICER: Commissioner Woodward asked if there was any rush to appoint a Budget Officer. Ms. Richards said it should be done soon.

Commissioner Woodward said an Order should be prepared for next Wednesday to appoint a Budget Officer and hoped it would be Ms. Richards. Ms. Becraft said she would prepare the order appointing Ms. Richards.

UNSCHEDULED: AUDITOR'S CONTRACT: Ms. Richards said Mr. Savage would also discuss the firm's contract with the Commissioners because this is the last year.

Ms. Richards said the expense was more than contractually agreed to and when she received the last bill Mr. Young instructed her to pay it.

There was discussion concerning continuing the agreement or going out for bids. Commissioner Woodward felt it doesn't hurt to go out for bids and Commissioner Creasy agreed. Ms. Richards also agreed, but said from a selfish standpoint their experience made this audit go very smoothly. Commissioner Woodward said he was not dissatisfied with their service.

Vice-Chairman Creasy asked if they were reasonably priced. Ms. Richards felt the county had been getting a very good deal. Commissioner Woodward agreed and said he had asked the previous auditors each year for a management letter and didn't get one. Ms. Richards thought this year's management letter would be even more in-depth.

SITTING AS THE BOARD OF
THE SOLID WASTE SERVICE DISTRICT:

ITEM NO. 11: MISCELLANEOUS SERVICE DISTRICT MATTERS: Vice-Chairman asked Mr. Walker if he had anything to discuss. Mr. Walker said he had come to observe. There was no discussion.

SITTING AS THE
BOARD OF COMMISSIONERS:

ITEM NO. 12: MISCELLANEOUS PUBLIC WORKS: No discussion.

Vice-Chairman Creasy recessed the meeting at 10:55 for lunch and reconvened at 1:30 p.m. with Commissioners Creasy and Woodward, Meg Gruwell, Planner; and Susan Becraft, Recording Secretary present.

PUBLIC HEARING: ZONE CHANGE REQUEST ZC-87-4: A REQUEST TO CHANGE THE ZONING FROM RM (RECREATION MANAGEMENT) TO RR (RURAL RESIDENTIAL) AND FROM RM-SH TO RR-SH (SHORELAND OVERLAY) ON 88 ACRES SOUTH OF TIERRA DEL MAR AND NORTH OF THOUSAND TRAILS/DAVID R. BRINKER, APPLICANT: Dave Brinker and Cory Seibert signed the Guest List and Bill Meyers signed the Speakers' List.

Ms. Gruwell indicated on a map (taped to blackboard) where the property is located. The southern boundary abuts the Thousand Trails RV Campground.

Ms. Gruwell said there is a lake on the property which has marshy vegetation which is considered a wetland and is protected by Goal 17. South of the lake area there are more trees, but where the ocean winds come in they have not grown very big and are more deciduous. In the southeast portion there are some nice stands of big trees.

Ms. Gruwell said the applicant is proposing to change the Recreation Management portion (previously owned by Thousand Trails) to Rural Residential.

Ms. Gruwell said the Community Development Department has done a Goal 4 exception because the southeast portion was considered forest land under the Recreation Management designation.

Ms. Gruwell explained the reasons the Department feels it is appropriate to take exception to the forest lands designation. The climate and marsh lands make it unsuitable for forests and most of the surrounding areas are zoned Rural Residential (Tierra del Mar is pretty heavily developed). There is a corner which adjoins a farm-forest, rather large acreage, which is used as resource land. Thousand Trails is used as a campground and the ocean lies to the west.

Ms. Gruwell said the Community Development Department feels there are development pressures on all sides, so it is appropriate to have the property zoned for development rather than resources.

Ms. Gruwell said the area around the lake will still be protected by Goal 17. The current property owners are planning to create a lot which includes the Shoreland Boundary and lake for one residence so that area would not be developed, but remain a wetland.

Ms. Gruwell said the Community Development Department would recommend the Zone Change.

Vice-Chairman asked if anyone wanted to speak.

Mr. Brinker said he would be glad to answer any questions and that what Ms. Gruwell said was pretty much what they had in mind.

They plan to sell off the north end of the property in whatever size parcel it takes to get a suitable septic away from the marsh land.

Mr. Brinker said they will hold the southern end of the property for the future and he felt it should be zoned other than for campgrounds because Thousand Trails is right there. Mr. Brinker said he didn't have intentions or the financial capability to develop a campground and Meyers property to the north is zoned RR.

Mr. Brinker said he had discussed the idea of creating two to five acre parcels, if the property were to be developed, with the Community Development Department. Mr. Brinker said he is not a developer and has no intentions of developing the property. If the property is kept for any length of time, over the years they would put in a road and maybe partition 5 acre parcels on the front or whatever criteria is laid out by the Planning Department.

Mr. Brinker said the Public Works Director had contacted him. The ocean is eroding the road, the county is surveying that area, and Mr. Oshel wanted to know about access. Currently there are two old accesses directly across the road from the Thousand Trails Campground entrance. Whatever is the most desirable access for the county would be acceptable to Mr. Brinker. He doesn't have any major plans for access and has been using the access that is there. Mr. Brinker said the Road Department may have been concerned that he would put an access in up the west side.

Commissioner Woodward asked where the shoreland line would be. Ms. Gruwell pointed the area out on the map and said it runs along the highway for most of the area but, right around the lake the boundary runs about 500 feet from the lake.

Ms. Gruwell said the Planning Commission considered the zone change request on October 8 and their recommendation was to approve it.

Bill Meyers said he came as a representative of the property that this parcel wraps around. The 80 acres immediately north and east of the red hatched area on the map is zoned for residential development. It would make sense that the entire parcel be zoned the same even if they are developed separately. If, sometime in the future, anyone would want to exchange a piece of property (topography lines don't necessarily follow the property lines) the shape of the lots and the useability of the land would be enhanced and it would be far easier to make that kind of arrangement if the zoning is consistent.

Mr. Meyers said for practical purposes with one RV park it wouldn't make much sense to put another one next door to it. It would make sense to change the zoning and there really isn't any other use than residential development.

There was discussion about the weekenders who come in and are using Brinker's property as an RV park.

Commissioner Woodward said he had visited the area with the Director of Public Works who is concerned about the sloughing. The county has two choices; either slipping the road east or rip rapping on the ocean side. Mr. Brinker said Mr. Oshel promised about a month ago to send a map and contact him again.

Mr. Meyers said the geologist he had do a study on his property told him it would probably still take rip rap even if the road was moved inland because there is a fault (a sliding area). As long as the ocean eats away at the toe it's going to continue to move.

Commissioner Woodward said Mr. Meyers was present when the county went through the Comprehensive Plan process and knows how much of a fight the county had getting as much of the land zoned Rural Residential as it did. Commissioner Woodward said he was happy to see that piece of property used for something. The property is on the ocean side where even forestry agrees timber does not grow well.

Commissioner Creasy asked if the property could be developed as a campground. Ms. Gruwell said a conditional use could be obtained later if desired. Commissioner Creasy said he thought it would make a good RV park.

Commissioner Woodward made a motion to approve the zone change ZC-87-4, Vice-Chairman Creasy seconded, approved with two aye votes.

The Commissioners signed the amendment.

Vice-Chairman Creasy adjourned the meeting at 1:45 p.m.

RESPECTFULLY Submitted this 2 day of November, 1987.



Susan Becraft, Recording Secretary

APPROVED BY:



DJK



GJC



GAW