

**MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING  
Wednesday, March 31, 1999**

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**[Filed with County Clerk 4-21-99]**

**COMMISSIONERS PRESENT:**

Sue Cameron, Chairperson  
Tim Josi, Vice Chairperson  
Gina Firman, Commissioner

**STAFF PRESENT:**

William K. Sargent, County Counsel  
Paul Levesque, Management Analyst

**STAFF PRESENT FOR PORTIONS OF MEETING:** Dan Krein, Juvenile Department Director; Tom Manning, Emergency Management Director; Craig Schwinck, Human Resources & Information Services Director; Jon Oshel, Public Works Director; Vic Affolter, Community Development Director; Greg Verret, Planner

**GUESTS:** Stevie Burden, Wheeler City Mayor; See attached guest list.

**CALL TO ORDER:** By Chair Cameron at 9:00 a.m. in the Justice Courtroom.

**ITEM NO. 1: CITIZEN INPUT - NON-AGENDA ITEMS:** There was none

**ITEM NO. 2: EMPLOYEE OF THE MONTH FOR MARCH - DAN KREIN:** Commissioner Firman read the press release. The Commissioners congratulated Mr. Krein for being selected as Employee of the Month.

**ITEM NO. 3: CONSIDERATION OF A RESOLUTION PROCLAIMING THE WEEK OF APRIL 5, 1999 AS PUBLIC HEALTH WEEK:** Chair Cameron read the proclamation and said there was a schedule of activities for the week in the Headlight Herald.

Commissioner Josi moved to sign the resolution, Commissioner Firman seconded, passed with three aye votes.

The Commissioners signed Resolution #R-99-10.

**CONSIDERATION OF A RESOLUTION PROCLAIMING MAY 7-8, 1999 AS TILLAMOOK COUNTY FARM-FEST DAYS:** Chair Cameron read the proclamation. Commissioner Firman moved to sign the resolution, Commissioner Josi seconded, passed with three aye votes.

The Commissioners signed Resolution #R-99-11.

**ITEM NO. 4: CONSENT CALENDAR:**

**Personnel Action Form for Maintenance Director;  
Board of Commissioner Meeting Minutes for December 16, 1998; February 3, 10, 17, 22  
& 24, 1999;**

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**Order #99-48, Transferring Funds Between Budgeted Line Items for the Tillamook County Fair;**

**Quitclaim Deed to Richard Diller & Yevonne Kimmitt in Fulfillment of a Tax Land Sale Contract for Lot 8, Nehalem Bayshore Estates:** Commissioner Josi moved to sign the items in the consent calendar, Commissioner Josi seconded, passed with three aye votes.

The Commissioners signed the items later in the day.

**ITEM NO. 5: CONSIDERATION OF ORDER AMENDING THE TILLAMOOK COUNTY EMERGENCY OPERATIONS AND MANAGEMENT PLAN:** Mr. Manning said this item related to Annex J, concerning resources and donated goods.

Commissioner Firman moved to sign the order, Commissioner Josi seconded, passed with three aye votes.

The Commissioners signed Order #99-49.

**ITEM NO. 6: CONSIDERATION OF REQUEST BY NATIONAL ESTUARY PROJECT (NEP) FOR \$1500 FOR ENLARGING TIDE GATE PROJECT AT THE END OF GOODSPEED ROAD:** Mr. Manning said the funds would be used to improve drainage by enlarging the tide gate from 48 inches to 60 inches. He said Mr. Felley had hoped the County could raise the funds because it would otherwise affect his budget.

Commissioner Josi moved to approve the expenditure of \$1500 from the contingency fund, Commissioner Firman seconded, passed with three aye votes.

**ITEM NO. 3: (Continued): CONSIDERATION OF A RESOLUTION PROCLAIMING THE MONTH OF APRIL, 1999 AS ALCOHOL AWARENESS MONTH IN TILLAMOOK COUNTY:** Ms. Burden joined the meeting and Chair Cameron read the proclamation

Commissioner Josi moved to sign the resolution, Commissioner Cameron seconded.

Ms. Burden said the City of Wheeler has also signed a proclamation and letters had gone out to other councils in Tillamook and Clatsop counties.

Motion passed with three aye votes.

The Commissioners signed Resolution #R-99-09.

**NON-AGENDA ITEM:** Ms. Burden thanked the Board for scheduling a north County meeting in Wheeler. She talked about the new city recorder and the desire to improve communications. Wheeler has a new Park & Recreation Task Force. Ms. Burden invited the Board to Wheeler's April

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11 celebration of accomplishments over the past year and mentioned that the City was drafting ordinances on youth access to tobacco.

**ITEM NO. 7: CONSIDERATION OF BUDGET YEAR 1999-2000 RECOMMENDATIONS ON NON-REPRESENTED POSITIONS BY THE SALARY ADJUSTMENT PANEL:**

The Board reviewed with Mr. Schwinck the ten recommendations from the SAP. They discussed the difficulty in recruiting a Health Department Administrator and payment of travel expenses for qualified interviewees. Chair Cameron wanted the SAP to review that position.

Commissioner Josi moved to approve the recommendations, Commissioner Firman seconded, passed with three aye votes.

**ITEM NO. 8: CONSIDERATION OF RULES OF CONDUCT FOR BOARD MEETINGS:**

Commissioner Josi presented the proposed rules, which he said were pretty much standard as to other agencies and cities. Commissioner Firman felt this was an excellent start.

Commissioner Josi moved to approve the rules, Commissioner Firman seconded.

Commissioner Firman said Tillamook City Mayor McPheeters felt these rules were very good.

**ITEM NO. 10: MISCELLANEOUS PUBLIC WORKS: Consideration of Order Transferring Funds Between Budgeted Line Items for the Public Works Department:**

Mr. Oshel described the proposed line item transfers to cover the match on the Trask Road and Sandlake Slide projects.

Commissioner Firman moved to sign the order, Commissioner Josi seconded, passed with three aye votes.

The commissioners signed Order #99-50.

**Consideration of Irrevocable Limited Power of Attorney for Sandlake Road Repair Project:**

Mr. Oshel said this related to the Sandlake slide. Emergency funds were appropriated and were now available. He discussed some issues with an ODOT person on some of the projects.

Commissioner Firman moved to authorize the Chair to sign the limited power of attorney, Commissioner Josi seconded, passed with three aye votes.

The Chair signed the irrevocable limited power of attorney.

Commissioner Firman said that Mary Cramer, Chair of the Road Advisory Committee, wanted to schedule a field trip to look at some of the roads and Commissioner Firman wanted to go also. She asked if the other Commissioners were interested in going as well. Mr. Oshel would coordinate the trip.

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**ITEM NO. 11: DISCUSSION CONCERNING FOLLOW-UP TO CAPE MEARES PUBLIC MEETING:** Mr. Oshel referred to his memo, which he had written to the Board on his follow-up thoughts. The Board wanted to consider his memo before deciding how to proceed with further meetings.

**ITEM NO. 12: MISCELLANEOUS SOLID WASTE SERVICE DISTRICT MATTERS:** Mr. Oshel said the next Solid Waste Advisory Committee meeting on April 13 would be considering the budget, including capital improvement projects at the north and south transfer stations. A big issue was whether to subsidize recycling.

**ITEM NO. 13: NON-AGENDA ITEMS AND BOARD CONCERNS:** There was none.

Chair Cameron recessed the meeting at 9:42 a.m. and reconvened at 10:04 a.m.

**ITEM NO. 9: PUBLIC HEARING: PERIODIC REVIEW WORK TASK: ORDINANCE AMENDMENT OA-99-02; NESKOWIN COMMUNITY PLAN; AMENDING THE TILLAMOOK COUNTY LAND USE ORDINANCE AND COMPREHENSIVE PLAN TO COMPLY WITH OAR 660-22, UNINCORPORATED COMMUNITIES FOR THE UNINCORPORATED COMMUNITY OF NESKOWIN; AND DECLARING AN EMERGENCY:** Commissioner Cameron asked everyone to sign in and read the applicable procedures for the hearing. Mr. Verret summarized the 4½ year process in developing the community plan. It began with a community visioning process which shaped the community plan. The Planning Staff made some revisions followed by ordinance language to implement the plan. Big gains included significant wetland protections and large piece of County property rezoned as a recreation/natural area. Mr. Verret also discussed some of the issues that came up through the process.

Chair Cameron asked the public to limit their individual testimony to three minutes.

Ed Sullivan, 222 SW Columbia, Portland, represented the Neskowin North homeowners. They were supporters of the plan, which represented a balance between investments and nature. Neskowin wanted to be a rural community. The plan complied with the law, particularly the unincorporated communities rule. It adequately delineated wetlands. He described some of the issues that were still out there.

Theodore Schlichting, 48470 South Highway 101. His family owned a commercial zoned property. He distributed a copy of his written testimony and said he felt the plan imposed new restrictions on the commercial zoned property, limiting commercial use in Neskowin. He wanted the County staff to justify the new restrictions. He addressed the 8000 square foot limitations on such uses. Mr. Schlichting felt the existing ordinances adequately addressed the commercial uses. He wanted Neskowin to remain rural, but it needed to be self-sustaining. He felt the changes substantially

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restricted his ability to develop his property.

Charlie Walker, 48820 Breaker Avenue, Neskowin. He commended the report and wanted to reinforce the process over the last 4½ years. He read a statement about the importance of the planning process as presented. He said nearly 400 people had participated. Mr. Walker felt the Schlictings' concerns had been adequately addressed, but he hoped there would be continuing consideration about Schlictings' ability to develop their property. He said that, although it provided another hurdle to jump, there was a way for them to construct an 8000 square foot building.

Commissioner Firman described how their process compared to the Netarts plan.

Gale Ousele, 8105 Slab Creek Road, Neskowin, called attention to Appendix 13, record of meeting and mailings, that begin in 1993. She said the process represented a consensus and the community wanted to be involved in the future. She thanked the Commissioners for the process.

Andreas von Foerster, 4888 Highway 101, Neskowin, described his involvement in the vision and planning process, which he described. He said Mr. Schlicting raised this issue late in the process and described the difficulties with the unincorporated community rules that also came along late in the process. He felt the plan should be adopted.

Douglas McCourt, 46913 Highway 101 South, Neskowin, supported the plan as is and urged adoption. He, too, described the process, including the fact that earlier drafts were made more restrictive. The present document reflected concessions and provided a good balance. It was a product of consensus.

Chair Cameron closed the hearing to public comments and asked the staff to address Mr. Schlicting's concerns. Mr. Affolter said it was remarkable that this process would result in only one issue being contested before the Board. The plan was consistent with the law, a product of consensus and capable of staff administration. He addressed the unincorporated community rules as enabling this process.

Mr. Affolter described the issue regarding commercial uses; i.e. it was limited to 4000 square feet except under certain circumstances. He read from a letter to Mr. Schlicting from Mr. Verret and described the details of the review process for commercial uses. He said the law required such a process, rather than an outright use. The 8000 square foot limit was not prescribed by law, but would be easier to justify than having no upper limit for a conditional use.

In answer to a question from Commissioner Firman, Mr. Sullivan described how this factor worked. Mr. Affolter said the 8000 square feet did not limit total commercial development on the property, but rather applied to one particular use.

Mr. Affolter and Mr. Verret offered closing comments, with Mr. Verret reading into the record three

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typos to be corrected. The final order would be prepared the following week.

Chair Cameron opened Board discussion for deliberation. Commissioner Josi reflected on his involvement in Bay City's planning process and how much better the Neskowin process was. He congratulated the community and said he supported the plan. Commissioner Firman commended the staff. She felt comfortable about the conditional use process for commercial uses larger than 4000 square feet. Chair Cameron said this reflected community work at its best. She was grateful it contained a process to deal with Mr. Schlicting's concerns. She, too, commended the staff.

Commissioner Firman moved to direct staff to prepare an order adopting the Neskowin Community Plan, amending the Tillamook county land use ordinance and comprehensive plan to comply with OAR 660-22, unincorporated communities for the unincorporated community of Neskowin; and declaring an emergency, Commissioner Josi seconded, passed with three aye votes.

Chair Cameron adjourned the meeting at 11:03 a.m.

**RESPECTFULLY** submitted this \_\_\_\_ day of \_\_\_\_\_, 199\_\_ .

County Clerk: Josephine Veltri

\_\_\_\_\_  
Mary Wujcik, Recording Secretary  
& Special Deputy

**APPROVED BY:**

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Commissioner