

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, December 22, 1999

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[Filed with County Clerk 1-24-00]

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: George Plummer, Senior Planner; Lynne Krueger, Planner; Jon Oshel, Public Works Director; Pat Oakes, Engineering Projects Supervisor;

GUESTS: Don Ebel, North Coast Senior Services; Pat Ashby, Tillamook PUD Director; Shirley Kalkhoven, Futures Council Chair; See attached guest list

CALL TO ORDER: By Chair Cameron at 9:00 a.m. in Meeting Room A.

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

ITEM NO. 2: Employee of the Month - Craig Wakefield: This item was postponed.

Presentation of Award to Outstanding North Coast Senior Services Employee: Mr. Ebel was present to make an employee award to Barb Kamna for outstanding public service. He read a resolution honoring enacted by the NCSS Board. The Commissioners congratulated her.

ITEM NO. 3: CONSENT CALENDAR:

Board of Commissioner Meeting Minutes for November 10 & 15, 1999: Commissioner Josi moved to sign the minutes, Commissioner Firman seconded, passed with three aye votes.

The minutes were signed later in the day.

ITEM NO. 11: NON-AGENDA ITEMS: Telecommunications Update: Mr. Ashby was present to give a report on telecommunications and a 3-way partnership with Nehalem Tel & Tel, PUD and the Port of Tillamook Bay. Those entities had developed a plan calling for implementation of fiber optic cable by the third quarter of 2000. It was called "Tillamook Light Wave." He described the phases of construction. The Board discussed with Mr. Ashby the potential role for Tillamook County. Phase 1 would cost about \$1-2 million and Phase 2 would be another \$1 million. The market research was about \$4000. If additional funds were needed, Mr. Ashby would submit a budget request to the County. He would report to the Board on a monthly basis and be the point of contact.

ITEM NO. 4: FUTURES COUNCIL UPDATE: Ms. Kalkhoven said that, in addition to chairing the Futures Council, she was also a member of the NW Regional Partnership. The latter agency would soon have substantial funds to disperse. She said Scott Vogel was the new project manager

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for developing strategies for implementing the plan with the local agencies. She described facilitator training planned in January for a free workshop. These trained volunteers would be used to facilitate a series of public forums. They would also work on engaging the Hispanic community.

ITEM NO. 5: PUBLIC HEARING: ZC-99-02: A REQUEST FOR A ZONING MAP AND COMPREHENSIVE PLAN AMENDMENT, AMENDING ORDINANCE 32, FOR A 6.60 ACRE PARCEL FROM FOREST (F) TO FARM (F-1), ACCESSED FROM HIGHWAY 53, NEAR GOD'S VALLEY ROAD AND DESIGNATED AS TAX LOT 1202 OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 9 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON. PORTER DAIRY FARM, LLC, WALTER & PATRICIA PORTER, OWNERS AND APPLICANTS: Mr. Plummer presented the staff report. He displayed an aerial photo of the area and presented a tax lot map and proposed order to the Board. The parcel was a 6.6 acres, purchased by the Porters. It was zoned Forest but was being used largely for farm use. The Planning Commission unanimously recommended approval of the Zone Change.

Chair Cameron opened the public hearing. Hearing no testimony, she closed the public hearing.

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

The Commissioners signed ZC-99-02.

ITEM NO. 6: PUBLIC HEARING: OA-99-06: AMENDMENT TO THE UNIFORM CITATION/CODE ENFORCEMENT ORDINANCE NO. 35: Ms. Krueger summarized the changes that had been made. Counsel Sargent said Judge Gahagan was still reviewing the proposed amendments and would comment on or before the second hearing on January 12 at 9:45 a.m.

Chair Cameron opened the public hearing .

Ms. Krueger said the ordinance was cleaner and gave the County some "teeth."

Hearing no further comment, Chair Cameron closed the public hearing.

ITEM NO. 7: CONSIDERATION OF OREGON TRANSPORTATION INFRASTRUCTURE BANK LOAN APPLICATION FOR \$1,250,000 TO PROVIDE FUNDING FOR SANDLAKE FEDERAL FOREST HIGHWAY PROJECT RIGHT-OF-WAY ACQUISITIONS: Mr. Oshel said this was an application and the loan documents would be prepared later by ODOT.

Commissioner Firman moved to authorize the Chair to sign the application, Commissioner Josi seconded, passed with three aye votes.

The Chair signed the application.

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ITEM NO. 8: MISCELLANEOUS PUBLIC WORKS: Mr. Oshel reported on the most recent storms which caused only minor damage to shoulders, and described some particular problem spots. He discussed problems with the lack of Congressional approval of the emergency fund. The Board asked him to draft letters to Oregon Congressional delegation, and they asked to have a workshop scheduled for after the first of the year.

Mr. Oshel talked about how the repayment of the infrastructure loan would be accomplished.

ITEM NO. 9: MISCELLANEOUS SOLID WASTE SERVICE DISTRICT MATTERS: There was none.

Chair Cameron recessed the meeting at 9:52 a.m. and reconvened at 10:02 a.m.

ITEM NO. 10: PUBLIC HEARING: CONSIDERATION OF VACATION OF A PORTION OF JOHN HARTER COUNTY ROAD BETWEEN TILLAMOOK AVENUE & McCOY AVENUE WITHIN THE CITY LIMITS OF BAY CITY: Mr. Oakes summarized the nature of the request using a map and indicated that most of the right-of-way was underwater. There was a discussion regarding public access to the Bay. Mr. Oakes read a letter from Mr. Ascher, Coastal Resource Planner, which indicated that it should remain in public ownership.

There was further discussion regarding whether the property could be used if it was vacated. Mr. Oakes submitted the affidavit of notification. He said staff did not see the vacation as being in the public interest because of access issues. Mr. Oshel discussed the public access along the Bay at this location.

Chair Cameron opened the public hearing.

Gordon Smith, 18320 Highway 101, North Rockaway Beach, was the petitioner. He gave a history of his ownership, cleanup and use of the property. He said he had no intention of blocking public access. He distributed a copy of the proposed parking area he would construct at his own expense. He was also planning to construct seven townhouses on his adjoining parcels, as well as set aside additional wetland access for the public.

Thelma Mays, 9365 - 4th Street, Bay City, said she objected to closing any public access. She said the public had not been using it because of chains and signs. Even if the access was modified as proposed, she would still oppose it.

Mr. Smith provided details about the signs and gate.

Chair Cameron closed the public hearing and asked for input from staff. Mr. Oakes said vesting of title was unclear. Mr. Oshel said Mr. Smith's proposal resolves the public access issues. He

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described the proposed conditions.

Commissioner Josi moved to sign Order #99-125, subject to conditions detailed by Public Works and the placement of a sign indicating public parking and beach access, Commissioner Firman seconded.

There was a discussion regarding whether the parking lot should be paved. Mr. Oshel said this issue would be resolved in preparation by the time the order was prepared.

Motion passed with three aye votes.

The order would be placed back on the agenda for approval in two to three weeks.

ITEM NO. 11: NON-AGENDA ITEMS & BOARD CONCERNS: Executive Session, Pursuant to ORS 192.660(1)(h), Regarding Litigation: Counsel Sargent asked for an Executive Session. Chair Cameron recessed the regular meeting at 10:50 a.m. and convened the Executive Session. At 11:07 a.m., she adjourned the Executive Session and reconvened the regular meeting at 11:08 a.m.

Commissioner Josi moved to agree with the alternative language in the settlement agreement on the Guerra-Anderson lawsuit, Commissioner Firman seconded, passed with three aye votes.

Chair Cameron adjourned the meeting at 11:09 a.m.

RESPECTFULLY submitted this _____ day of _____, 2000.

County Clerk: Josephine Veltri

Mary Wujcik, Recording Secretary
& Special Deputy

APPROVED BY:

Chairperson

Vice Chairperson

Commissioner