

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Wednesday, May 26, 2004

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FILED

JUL 14 2004
3:45pm

TASSI O'NEIL
COUNTY CLERK

- 1 **COMMISSIONERS PRESENT:** Paul A. Hanneman, Chairperson
2 Charles J. Hurliman, Vice Chairperson
3
4 **COMMISSIONER ABSENT:** Tim Josi, Commissioner
5 (Attending WIR Conference)
6
7 **STAFF PRESENT:** William K. Sargent, County Counsel
8 Paul Levesque, Management Analyst
9
10 **STAFF PRESENT FOR PORTIONS OF MEETING:** Lisa Phipps, Coastal Resource Planner;
11 Aaron Suko, Public Works Director; John Robinson, Health Department Director; Laurie
12 Ammerman, Community Health Program Manager; Annette Pampush, Environmental Health
13 Program; Rose Harris, Accounting Technician
14
15 **GUESTS:** Gus Meyer; Bub Boquist; Rudy Fenk; John Gettman; Pam Zielinski; Susan Close; Bob
16 Pedersen, NRCS; John Sandusky, Health Council Chair; Fr. Ray Ferguson, Health Council Vice
17 Chair.
18
19 **CALL TO ORDER:** By Chair Hanneman at 9:10 a.m. in the Commissioners' Meeting Room.
20
21 **ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST:** The Chair welcomed
22 everyone to the meeting.
23
24 **ITEM NO. 2: PUBLIC COMMENTS - NON-AGENDA ITEMS:** There were no comments.
25
26 **ITEM NO. 3: DISCUSSION WITH SOIL & WATER CONSERVATION DISTRICT BOARD**
27 **MEMBERS RELATING TO TILLAMOOK BAY FLOOD CONTROL:** Chair Hanneman
28 reported on a memo from Mr. Campbell regarding the matter.
29
30 Ms. Phipps read Mr. Campbell's letter for the record (attached). She said the Department had the
31 permit application for 110 days and could have rendered a decision in April. However, they had
32 been working with the applicant to address Division of State Lands (DSL) comments and concerns.
33 Ms. Phipps said existing geomorphic work could address these questions. She believed the meeting
34 proposed by Mr. Campbell could be helpful.
35
36 Chair Hanneman described his discussions with Mr. Campbell regarding concern for completing the
37 work in the current year.
38
39 Mr. Pedersen said the proposal had merit. He said the process demonstrated the burdensome nature
40 of the permit process. The process at the moment was now going smother. They had hoped for more
41 assistance from the County earlier on. He felt the County should do more work on every application

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1 as to how the Comprehensive Plan assists an application.

2
3 Mr. Pedersen was critical of the State and Federal permit reviewers and their lack of reading
4 applications and the supporting documentation.

5
6 Commissioner Hurliman described why a combined meeting would be beneficial. Mr. Pedersen felt
7 permitting agencies should be held more accountable to identify jeopardy or harm in each proposal.

8
9 **ITEM NO. 4: Liquor License Applications For: Anchor Inn & Grill, Oceanside (New Owners)**
10 **and Cape Kiwanda Rv Park - D.B.A. Doryland Pizza, Pacific City (New Outlet):** Commissioner
11 Hurliman moved to approve the applications, Chair Hanneman seconded, passed with two aye votes.

12
13 Chair Hanneman signed the applications and Ms. Zielinski left with them.

14
15 **ITEM NO. 3: DISCUSSION WITH SOIL & WATER CONSERVATION DISTRICT BOARD**
16 **MEMBERS RELATING TO TILLAMOOK BAY FLOOD CONTROL (Continued):** Mr.

17 Boquist described the overwhelming nature of this permit process. He also said the performance
18 bond was not appropriate and felt they were ill-treated by the agencies. It would be impossible to
19 get a permit this season.

20
21 Commissioner Hurliman asked Mr. Boquist to document his efforts over the past six years.

22
23 Mr. Boquist discussed the conflict of FEMA paying flood damages with this permitting process.
24 Commissioner Hurliman described accretion that had occurred at the lower Kilchis, which could be
25 documented. He reinforced the importance of the proposed meeting.

26
27 Chair Hanneman discussed the timing of a meeting and said Mr. Campbell needed to be part of the
28 timing questions.

29
30 Ms. Phipps asked whether they should first make a decision or wait until the meeting.

31
32 There was consensus by those present that the Department should first make its decision.

33
34 Mr. Pedersen thanked the Commissioners and the Community Development Department. Mr.
35 Boquist concurred.

36
37 Chair Hanneman said this had been one of his most frustrating issues while serving as County
38 Commissioner.

39
40 Mr. Meyer said he was deeply disturbed that this application was not representative of DSL's
41 streamlining process. He felt DSL needed to be held accountable. Commissioner Hurliman agreed,

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1 stating he did not agree with the process.
2

3 **ITEM NO. 5: PRESENTATION OF AND CONSIDERATION OF APPROVAL OF PUBLIC**
4 **HEALTH ANNUAL PLAN:** Chair Hanneman said he had not had time to read the plan since
5 receiving it the day before.
6

7 Mr. Robinson first generally described the Plan contents, which would be submitted to the State.
8 Contracts would follow. The Plan contained no dollar amounts.
9

10 Ms. Ammerman provided an overview. The last two inches were references. This year's Plan
11 updated the prior year's two-year Plan. She described the importance of the communicable disease
12 section and the uncertainties for funding major outbreaks. She highlighted unmet needs.
13

14 Mr. Robinson described the fiscal challenges in the current year if outbreaks occurred, which would
15 require working closely with the Commissioners.
16

17 Chair Hanneman said the Commissioners could meet on short notice if it became necessary.
18

19 Mr. Robinson described how the Plan was used for grants. It would be reviewed by the Health
20 Council on June 10th. The Council's Chair, Mr. Sandusky, and Vice Chair, Fr. Ferguson were
21 present. Mr. Sandusky said the State required the plan, but the Council had not yet reviewed it. He
22 added that the recent enlargement of the Council was wise.
23

24 Commissioner Hurliman invited Mr. Sandusky to periodically visit with the Commissioners and
25 provide valuable input.
26

27 Commissioner Hurliman asked if approval by the Commissioners could wait until after the Health
28 Council had reviewed the Plan. Mr. Robinson said the State needed it in May. He added there was
29 very little change, but it could be sent in subject to review.
30

31 Chair Hanneman moved to approve the County Health Plan, subject to review and approval by the
32 Tillamook County Health Council, Commissioner Hurliman seconded, passed with two aye votes.
33

34 **ITEM NO. 6: CONSIDERATION OF ORDER SETTING FEES FOR SERVICES FOR THE**
35 **TILLAMOOK COUNTY HEALTH DEPARTMENT'S ENVIRONMENTAL HEALTH**
36 **PROGRAM:** Mr. Robinson said there had been prior discussion by the Board on the matter. There
37 was a review of that discussion by the Board and the recollection that there was no objection by
38 Board members. Ms. Pampush said the State's Restaurant Association had approved the State
39 increase. She reviewed the increased program costs in the ten years since the last increase had
40 occurred.
41

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1 Chair Hanneman wondered about deferral until all three Commissioners could be present.
2 Commissioner Hurliman agreed. The matter was postponed until the June 2nd Board meeting.

3
4 Chair Hanneman recessed the meeting at 10:08 a.m. and reconvened at 10:22 a.m.

5
6 **ITEM NO. 7: CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH**
7 **OBEC CONSULTING ENGINEERS FOR BRIDGE REPLACEMENT ENGINEERING**
8 **SERVICES AND DELEGATION OF AUTHORITY FOR THE DIRECTOR OF PUBLIC**
9 **WORKS TO SIGN THE CONTRACT:** Mr. Oakes said Item #8 was related. He reviewed the two
10 OTIA processes which led to the action being requested. He also described the funding flow.

11
12 Commissioner Hurliman commented on the indemnity provision.

13
14 Commissioner Hurliman moved to approve the contract with OBEC and authorize the Director of
15 Public Works to sign, Chair Hanneman seconded.

16
17 Commissioner Hurliman said the contract had the Board as the contracting officer, so he wanted to
18 ensure he had a copy of the executed contract.

19
20 Motion passed with two aye votes.

21
22 **ITEM NO. 8: CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH**
23 **CH2M HILL FOR BRIDGE REPLACEMENT ENGINEERING SERVICES AND**
24 **DELEGATION OF AUTHORITY FOR THE DIRECTOR OF PUBLIC WORKS TO SIGN**
25 **THE CONTRACT:** Commissioner Hurliman moved to approve the contract with CH2M Hill and
26 authorize the Director of Public Works to sign, Chair Hanneman seconded, passed with two aye
27 votes.

28
29 **ITEM NO. 9: CONSIDERATION OF ORDER ESTABLISHING A "NO PARKING" ZONE**
30 **ON A PORTION OF McMINNVILLE AVENUE IN THE COMMUNITY OF NESKOWIN:**
31 Mr. Oakes referred to a map showing McMinville and Breakers Avenue and the need to ensure an
32 emergency access to the beach. The Fire Department had concurred. He felt it was out-of-towners
33 parking there.

34
35 Commissioner Hurliman thought they should indicate where additional parking was available. Mr.
36 Oakes would work with State Parks and the County sign staff.

37
38 Commissioner Hurliman moved to sign the order, Chair Hanneman seconded.

39
40 Chair Hanneman noted there was parking nearby provided by the State, but the issue was not settled
41 regarding State Parks under their Management Plan.

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1 Motion passed with two aye votes.

2

3 The Commissioner signed Order #04-54.

4

5 **ITEM NO. 10: CONSIDERATION OF ORDER CANCELING CERTAIN**

6 **UNCOLLECTIBLE TAXES AS PER ORS 311.790 ON PROPERTY LOCATED AT T5S, 10**

7 **W, SECTION 11, TAX LOT 1200, CLOVERDALE:** Ms. Harris said the parcel has had

8 delinquent taxes since 1996, but the Health Division had declared it unfit for habitation. There was

9 a discussion regarding the County costs for cleanup if taxes were not canceled.

10

11 Commissioner Hurliman moved to sign the order, Chair Hanneman seconded, passed with two aye

12 votes.

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The Commissioners signed Order #04-55.

ITEM NO. 11: CONSIDERATION OF ORDER CANCELING PROPERTY TAXES OF

LESS THAN \$5, PURSUANT TO ORS 311.795(2) & (3): Ms. Harris said collection costs would

exceed the recovery on these accounts.

Commissioner Hurliman moved to sign the order, Chair Hanneman seconded, passed with two aye

votes.

The Commissioners signed Order #04-56.

ITEM NO. 12: CONSIDERATION OF ORDER APPOINTING MEMBERS TO THE FARM

& FOREST ADVISORY COMMITTEE (DALE BUCK, BILL GOODMAN, RICHARD

OBRIST, WALT PORTER, JACK SNELL & JACK THAYER, FARM REPS., BROWNLEE

BUSH, CITIZEN-AT-LARGE, AND MIKE McKIBBIN, PRIVATE FORESTRY): Chair

Hanneman described efforts to recruit members, but public forest members were still needed. It was

decided by the Commissioners to appoint the existing applicants.

Commissioner Hurliman moved to sign the order, Chair Hanneman seconded, passed with two aye

votes.

The Commissioners signed Order #04-57.

ITEM NO. 13: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:

Chair Hanneman announced upcoming meetings and closures.

ITEM NO. 14: PUBLIC COMMENTS: There were no comments.

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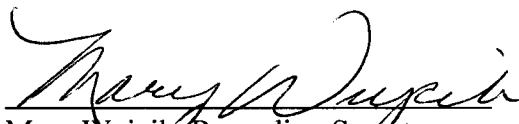
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The Chair adjourned the meeting at 10:40 a.m.

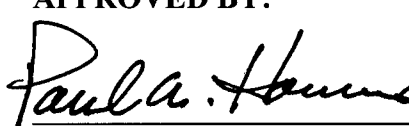
RESPECTFULLY submitted this 14 day of July, 2004.

County Clerk: Tassi O'Neil



Mary Wujcik, Recording Secretary
& Special Deputy

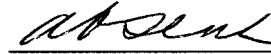
APPROVED BY:



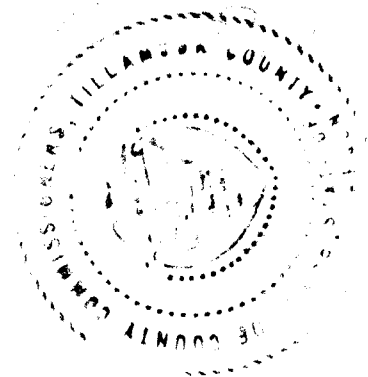
Chairperson



Vice Chairperson



Commissioner



CALL TO ORDER: Wednesday, May 26, 2004

BOARD OF COMMISSIONERS

1. 9:00 a.m. Welcome & Request to Sign Guest List
2. Public Comment - Non-Agenda Items
3. Discussion with Soil & Water Conservation District Board Members Relating to Tillamook Bay Flood Control

CONSENT CALENDAR

4. Liquor License Applications for: Anchor Inn & Grill, Oceanside (New Owners) and Cape Kiwanda RV Park – DBA Doryland Pizza, Pacific City (New Outlet)

Chair signs TWO

LEGISLATIVE – ADMINISTRATIVE

5. Presentation of and Consideration of Approval of Public Health Annual Plan/John Robinson, Ron Wallace, Laurie Ammerman
6. Consideration of Order Setting Fees for Services for the Tillamook County Health Department's Environmental Health Program/John Robinson, Annette Pampush #04-53
7. Consideration of Professional Services Agreement with OBEC Consulting Engineers for Bridge Replacement Engineering Services and Delegation of Authority for the Director of Public Works to Sign the Contract/Pat Oakes
8. Consideration of Professional Services Agreement with CH2M Hill for Bridge Replacement Engineering Services and Delegation of Authority for the Director of Public Works to Sign the Contract/Pat Oakes
9. Consideration of Order Establishing a "No Parking" Zone on a Portion of McMinnville Avenue in the Community of Neskowin/Pat Oakes #04-54
10. Consideration of Order Canceling Certain Uncollectible Taxes as Per ORS 311.790 on Property Located at T5S,10W, Section 11, Tax Lot 1200, Cloverdale/Tim Lutz or Rose Harris #04-55
11. Consideration of Order Canceling Property Taxes of Less than \$5, Pursuant to ORS 311.795(2)&(3)/Tim Lutz or Rose Harris #04-56
12. Consideration of Order Appointing Members to the Farm & Forest Advisory Committee (Dale Buck, Bill Goodman, Richard Obrist, Walt Porter, Jack Snell & Jack Thayer, Farm Reps., Brownlee Bush, Citizen-at-Large, and Mike McKibbin, Private Forestry) #04-57
13. Board Concerns - Non-Agenda Items & Announcements
14. Public Comments

ADJOURNMENT

MEMORIAL DAY is an observed holiday for Tillamook County, as well as the Circuit Court. All the offices in the Courthouse will be closed on **Monday, May 31, 2004**.

On **Wednesday, June 16**, the Commissioners will be holding their weekly Board Meeting at **6:30 p.m.** in the Commissioners' Meeting Room of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

TILLAMOOK COUNTY SOIL & WATER CONSERVATION DISTRICT



COMMUNITY-BASED ACTIVITIES

Governor's Watershed Enhancement Board (GWEB)



Watershed Council Coordinator

The District has been active in supporting the formation and activities of local watershed councils and continues to administer a GWEB/OWEB grant for a countywide Watershed Council Coordinator. The Watershed Council Coordinator is responsible for the development, coordination, and activities of 3 watershed councils in Tillamook County; Tillamook County Noxious Weed Control. As the designated noxious weed control agent for Tillamook County, the District provides information, equipment rentals, and enforcement of noxious weeds laws. The Tillamook County Soil & Water Conservation District Noxious Weed Control program focuses on four species of "state-designated" noxious weeds. These weeds include Tansy Ragwort, Canada Thistle, Bull Thistle and Purple Loosestrife. Other weeds that are constantly surveyed but not presently designated for control in this county include Japanese Knotweed, Scotch Broom, Smooth Cordgrass,

Hydrilla and Gorse.

The Tillamook County Soil & Water Conservation District employees, in conjunction with the OSU Extension Service District and the Oregon Department of Agriculture, can provide up-to-date technical information on recommendations and safe use of herbicides. This information is also available at retail outlets around the county that stock and distribute herbicides for agricultural use.

The SWCD continues to administer an aggressive program of bio-control in the county. Bio-control is the introduction of insect species that are capable of damaging the target weed to a degree that keeps it from successfully establishing in an area. Tansy is a prime example of a weed that has been successfully controlled using this method. The benefits of this approach include reduced use of herbicides, reduced cost of control over the long term and the potential to avert infestations before they actually occur.

A full-scale effort is actively underway to continue the control of noxious weeds in Tillamook County. We can feel lucky that we are a county that had the foresight to establish a noxious weed control district. Other counties that did not form weed control districts are suffering various degrees of unmanageable infestations and can only take a reactive (and expensive) approach to the problem rather than the proactive approach that Tillamook County utilizes.

Property owners whose land shows a high potential for problem weeds, will continue to be contacted to confirm that they have a plan to control the weed(s). If, after this measure, there remains no evidence of control, the SWCD will inform the landowner and the Tillamook County District Attorney's office of a potential problem area. Upon second notice to the landowner, there will be a 5 day option granted to the landowner to control the problem before legal action will be taken. All efforts will be taken to work with the landowner to achieve positive results.

In conclusion, the Directors and staff of your local SWCD wishes to remind you that we are here to offer assistance in weed control.

Tillamook Coastal Watershed Resource Center

Recognizing the need to update the technologies currently employed by District staff for monitoring, evaluating and tracking projects, the District has been able to partner with other natural resource agencies and educational providers to develop a Coastal Watershed Resource Center to house relevant land use data. Through this partnership multiple land use managers have the ability to utilize the available technology to more effectively identify and monitor resource changes and uses throughout the county. The center will also serve the community in providing information and educational opportunities about watershed health on a local level.

TECHNICAL ASSISTANCE

The District receives requests for technical assistance from numerous sources. Current activities include; field training for education groups, planning and design of riparian plantings, gravel bar surveys, land use planning, technical assistance for confined animal feeding operations, best management practices, and more. Due to the limited resources the District has available, requests outside of funded programs are put on a list to be addressed as time and program dollars allow.

Send questions and comments to tcswcd@oregoncoast.com



Land of Cheese, Trees and Ocean Breeze

Scheduled
for 5/26/04

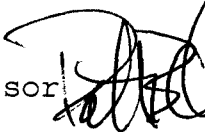
TILLAMOOK COUNTY
PUBLIC WORKS DEPARTMENT
503 Marolf Loop, Tillamook, OR 97141

(503) 842-3419
FAX: 842-6473

TDD-NONVOICE
Oregon Relay Service

April 30, 2004

TO: Board of Commissioners

FROM: Patrick B. Oakes, Engineering Project Supervisor 

RE: Staff Report Related to Establishing A No Parking Zone
Order for A Portion of McMinnville Ave in Neskowin

Public Works received a written request from Nestucca Rural Fire Protection District to post No Parking signs on McMinnville Avenue in Neskowin (see attached letter).

Staff reviewed the site and had further contact and coordination with the fire department to develop the attached drawing and respective order.

The attached order is provided for your consideration at a pending Board meeting.

The order has been approved as to form by County Counsel.

If you have any questions, please let me know.

Enclosures: Letter from Nestucca Rural Fire Protection District
Site Map
Order

cc: File



NESTUCCA RURAL FIRE PROTECTION DISTRICT

34325 Hwy. 101 South • P.O. Box 189
Cloverdale, Oregon 97112
(503) 392-3313 • Fax (503) 392-3733

April 9, 2004

Tillamook County Road Dept.
201 Laurel Ave.
Tillamook, OR 97141

Dear Sir/Madam:

I am writing with regards to the emergency beach access located at McMinnville and Breakers in Neskowin.

As you know, the access is on a corner and the roads are quite narrow. Parking on the road near that emergency access effectively eliminates the Fire District's ability to get onto the beach with our rescue vehicles. I'm sure everyone understands that this situation creates an unacceptable life threat to citizens and visitors in Neskowin.

We would like to request that the County post "No Parking" signs on both sides of the access providing a minimum of 5 foot of clearance on either side. We would like to further request that signs be placed across the street to deter parking within 5 feet of the corner across from the access.

We understand that there is opposition to posting no parking in that area and we empathize with the homeowners. If posting across the street from the access is not possible, we could possibly make do. However, we must emphasize the importance of posting both sides of the access itself.

Sincerely,

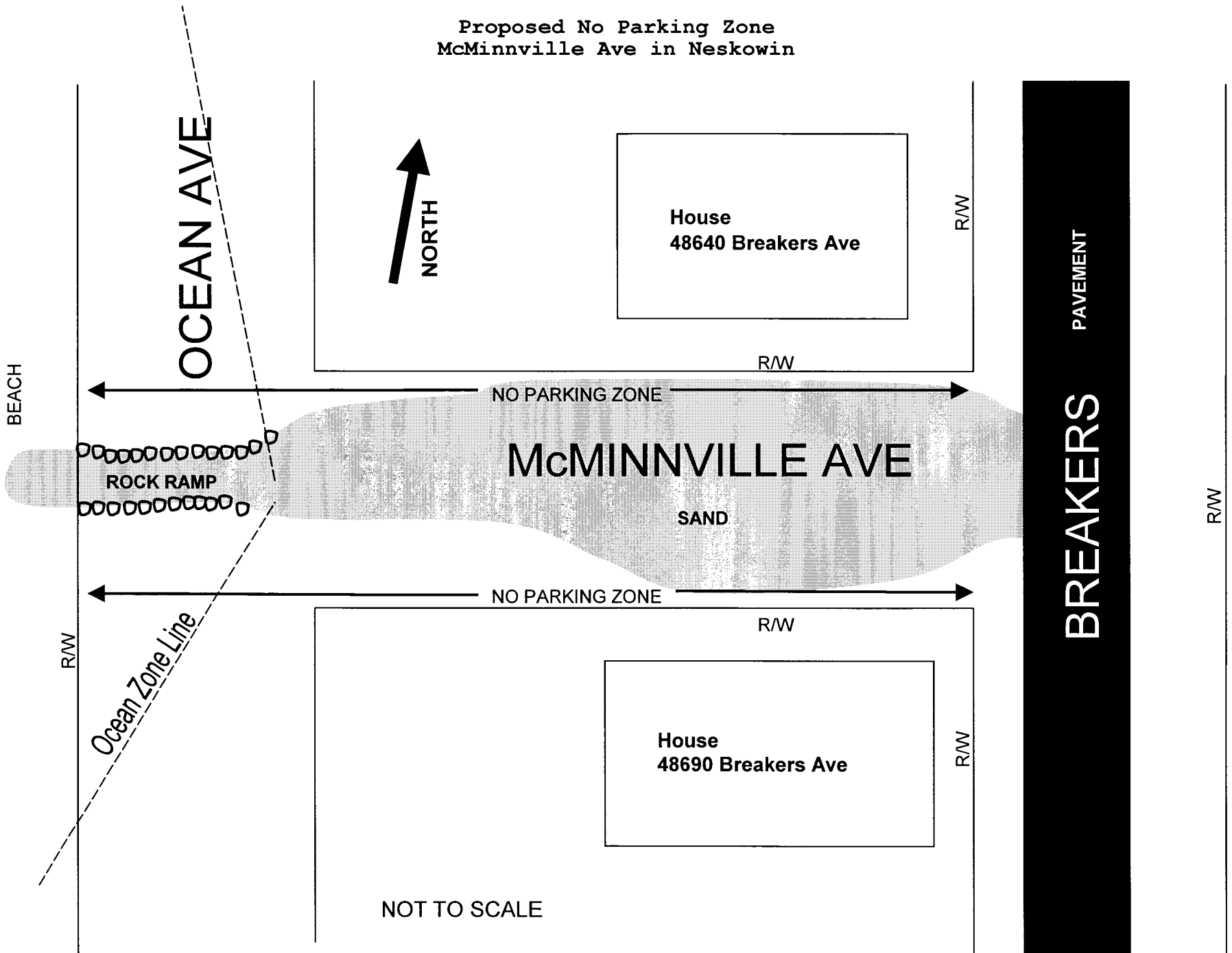
Royce B. Fletcher, Fire Chief
NESTUCCA FIRE RESCUE

RBF/gg



TILLAMOOK COUNTY ROAD DEPT

Proposed No Parking Zone
McMinnville Ave in Neskowin



NOT TO SCALE



Land of Cheese, Trees and Ocean Breeze


DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS

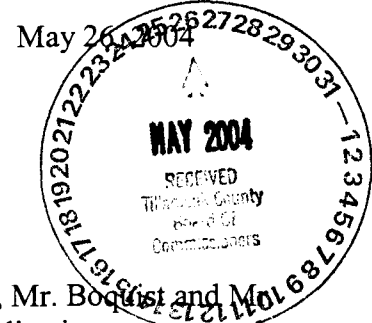
FILE COPY

201 Laurel Avenue
Tillamook, Oregon 97141

Building (503) 842-3407
Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
FAX (503) 842-1819
Toll Free 1 (800) 488-8280

MEMORANDUM

To: Board of Commissioners
From: Bill Campbell, Director 
Department of Community Development
Subject: Lower Kilchis River Project, DP-04-03



Department staff has had a number of meetings with the applicant, Mr. Boquist and Mr. Pederson, NRCS, who has been assisting Mr. Boquist with the application to remove the gravel shoaling that has accumulated in the mainstem Kilchis River between the Squeedunk and Hathaway Sloughs. Our past efforts have been to provide them with guidance in the use of the comprehensive plan provisions that are supportive of their request, up until now they have not readily availed themselves of this advice or counsel.

I have been concerned from the beginning in that I did not sense that they would make much headway with the request without building a case that was supported by the comprehensive plan elements. My concern is that they pretty much decided to go their own way, which led to the completion and filing of the joint DSL and USACE application at the same time they filed the request for a county permit. In that regard the dye is pretty well cast and the effort will be to make what progress can be made. They are presently whelmed by the questions posed to them from USACE, DSL, DLCD, and ODFW seeking clarification. In some instances the questions may be impossible to adequately answer.

The department does not conduct a coordinated review with the state and federal agencies, but we do provide them with notice of pending action and an opportunity to comment. We then conduct an independent review of the proposal in concert with the county zoning ordinance provisions and the comprehensive plan.

We have had the present application for approximately 110 days, a decision must be rendered by the department within 150 days of receiving the application. It is our intention to complete our staff review and decision process within the next two weeks. Ms Phipps will provide the review for consistency with the Land Use Ordinance and I will review the proposal in light of the Comprehensive Plan policies and provisions. Following the staff review and action, notice is sent to surrounding property owners and parties that had indicated an interest in the proceedings. The Board of Commissioners, may at its discretion review the matter on its own motion, conduct a formal hearing of the

application and render a decision to support, modify, or reverse the administrative action of the department.

I can see numerous areas where the county comprehensive plan is supportive of the request, although the request does not provide much of a connection to those provisions that are supportive. This can be attributed to a general lack of in-depth understanding of the construct and relevance of the comprehensive plan and implementing ordinances. However, several Goal 16 elements strongly support the restoration and enhancement of estuarine areas as follows:

- Restoration of shoal areas – priority shall be given to estuarine channel areas where excessive shoaling has resulted in the loss or decrease in navigability (the Lower Kilchis is deemed navigable);
- Restoration of eroded areas – priority shall be given to areas where erosion constitutes a hazard (Squeedunk is capturing the mainstem Kilchis River, as a result there is high volume erosion and loss of farm land);
- Restoration of river channels and mouth for purposes of flood control – priority shall be given to river channels and mouths where shoaling or concentration of debris have occurred. . .

These are a few of the supportive policies under Goal 16 of the plan, there are others, in the staff review these policies will be weighed against other review elements and facts to render a supported decision. I believe that the decision will be supportive of the relief being sought by the applicant, but I am not sure to what extent we can sway the two permit authorities, DSL and the corps of engineers, with our permit review and action. However, if the Board of Commissioners were to review the staff decision on its own motion the Board could request the presence of both DSL, the corps, and other state and federal agencies to be present and to provide input during that process.

Regardless of how the Board wishes to proceed at this point in time, the department is under an obligation to complete this review within the prescribed time frame. My apologies for not being able to attend the meeting today, but I had a prior engagement with the Industrial Lands Conversion Committee in Portland that conflicted with this time.