

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, December 29, 2004
Page 1

FILED
AW
JAN 20 2005
9:50am
TASSI O'NEIL
COUNTY CLERK

COMMISSIONERS PRESENT: Paul A. Hanneman, Chairperson
Charles J. Hurliman, Vice Chairperson
Tim Josi, Commissioner

STAFF PRESENT: William K. Sargent, County Counsel
Paul Levesque, Management Analyst

STAFF PRESENT FOR PORTIONS OF MEETING: John Robinson, Health Department Administrator; Ron Wallace, Assistant Health Department Administrator; Bill Campbell, Community Development Director; Tassi O'Neil, County Clerk; Barbie McMellon, County Counsel Legal Assistant; Tim Lutz, Assessor; Karen Dye, Treasurer; Aaron Suko, Public Works Director; Craig Schwinck, Human Resources & Information Services Director

GUESTS: Mark Labhart, County Commissioner-Elect; Ken O'Toole, Headlight Herald; Lois Albright, Attorney; Jerry Dove; John Gettman; Gus Meyer

CALL TO ORDER: By Chair Hanneman at 9:05 a.m. in the Commissioners' Meeting Room.

ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST: The Chair welcomed everyone to the meeting.

ITEM NO. 2: PUBLIC COMMENTS - NON-AGENDA ITEMS: The Chair talked about the importance of citizen involvement. He presented certificates of appreciation to Mr. Gettman and Mr. Meyer for their participation in County government.

ITEM NO. 3: CONSENT CALENDAR:

Board of Commissioners' Meeting Minutes for December 6, 13 & 15, 2004:
Commissioner Hurliman moved to approve the minutes, Commissioner Josi seconded, passed with three aye votes.

ITEM NO. 4: CONSIDERATION OF LOCAL LAW ENFORCEMENT BLOCK GRANT #03-501 AGREEMENT WITH THE OREGON OFFICE OF HOMELAND SECURITY, CRIMINAL JUSTICE SERVICES DIVISION, FOR LAW ENFORCEMENT SERVICES FOR TILLAMOOK COUNTY SHERIFF'S DEPARTMENT: Mr. Levesque said this continued the County's participation in the Homeland Security program.

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

The Chair signed the agreement.

ITEM NO. 5: CONSIDERATION OF AMENDMENT #5 TO SPECIAL PUBLIC WORKS FUND, TILLAMOOK BAY BASIN PREDESIGN & ENGINEERING PROJECT, L00010, TO EXTEND THE COMPLETION DATE TO JUNE 30, 2005: Mr. Levesque said this

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, December 29, 2004
Page 2

1 continuation enabled the spending of the remaining dollars on modeling efforts for the OWEB
2 project.

3
4 Commissioner Hurliman moved to authorize the Chair to sign, Commissioner Josi seconded, passed
5 with three aye votes.

6
7 The Chair signed Amendment #5.
8

9 **ITEM NO. 6: CONSIDERATION OF COMMUNITY HEALTH CENTER GRANT**
10 **APPLICATION TO DEPARTMENT OF HEALTH & HUMAN SERVICES, HEALTH**
11 **RESOURCES & SERVICES ADMINISTRATION (HRSA), FOR CONTINUATION OF**
12 **FUNDING FOR TILLAMOOK COUNTY HEALTH DEPARTMENT PRIMARY CARE**
13 **CLINICS:** Mr. Robinson said this agreement was a renewal of the five-year rural medical clinic
14 program. He described the five-year budget; for every federal dollar, his program had to find another
15 three dollars. No new positions were included. The Community Health Council had approved and
16 signed it.

17
18 Mr. Wallace said that, even though it was a five-year grant, it would be based on annual awards.
19

20 Mr. Robinson said it must be at the grantor's office by January 3.
21

22 Mr. Wallace described components of the match.
23

24 Commissioner Josi moved to approve the application and authorize the Chair to sign, Commissioner
25 Josi seconded, passed with three aye votes.
26

27 The Chair signed the application.
28

29 **ITEM NO. 8: BOARD CONCERNS:** Commissioner Hurliman presented an old fish liver
30 sandwich to the Chair. He told a story of 1948-1950 school bus episodes involving the sandwich.
31

32 The Chair recessed the meeting at 9:23 a.m. and reconvened at 9:38 a.m.
33

34 **ITEM NO. 7: PUBLIC HEARING: APPEAL AP-AP-CU-99-15, APPEAL TO TILLAMOOK**
35 **COUNTY COMMISSIONERS OF A PLANNING COMMISSION & DEPARTMENT OF**
36 **COMMUNITY DEVELOPMENT'S DECISION TO APPROVAL CONDITIONAL USE**
37 **REQUEST CU-99-15(a) FOR A NON-FARM DWELLING IN A FARM ZONE, LAND USE**
38 **BOARD OF APPEALS (LUBA) REMAND NO. 2002-027 FOR PROPERTY LOCATED ON**
39 **REDBERG ROAD, APPROXIMATELY 800 FEET WEST OF THE JUNCTION WITH**
40 **MEDA LOOP. THE PARCEL IS DESIGNATED AS TAX LOT 802 IN SECTION 8,**
41 **TOWNSHIP 5 SOUTH, RANGE 10 WEST, W.M., TILLAMOOK COUNTY:** The Chair read
42 the agenda item and asked the standard land use questions as to jurisdiction, ex parte contacts and/or
43 conflicts of interest. None were declared.
44

MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Wednesday, December 29, 2004

Page 3

1 Ms. Albright stated that the current owner, Mr. Dehert, was told by a Commissioner that all he had
2 to do was to submit the right paperwork and it would be approved. Each Commissioner stated that
3 they had no contact with Mr. Dehert.

4
5 Counsel Sargent said that the counsel for Mr. Ploeg had asked for a continuance. He added that the
6 attorney for the applicant had no objection to a continuance.

7
8 Ms. Albright suggested January 26, 2005 as the date of continuance. It was decided to schedule it
9 for 10:30 a.m. on that date.

10
11 The Chair closed the public hearing.

12
13 **ITEM NO. 8: BOARD CONCERNS - NON-AGENDA ITEMS & ANNOUNCEMENTS:** Mr.
14 Campbell distributed a copy of a letter from AOC, LOC and the State regarding coordination of
15 Ballot Measure 37 claims. He summarized other aspects of the letter of agreement (attached). He
16 said Tillamook County had received one claim and he would be sending a letter indicating the two
17 areas where he believee the claim was deficient.

18
19 **ITEM NO. 9: PUBLIC COMMENTS:** Mr. Dove thanked the Chair for his thirty years of public
20 service. He noted that the Chair had never lost an election. Mr. Dove recalled some of the highlights
21 of the career and efforts in the Legislature and County Commission.

22
23 The Chair said he looked forward to coming back and sitting in the audience. He thanked Mr.
24 Levesque for his counsel, advice and steadfast service to the Boards. He thanked Mr. Campbell and
25 other County department heads and elected officials. He commented on the national scene and noted
26 that he would remain as Chair of OCZMA until early next year. He announced a summit in the
27 summer on tsunamis.

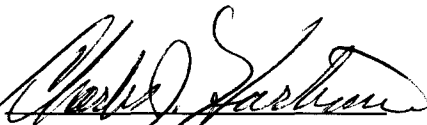
28
29 The Chair adjourned the meeting at 10:03 a.m.

30
31 **RESPECTFULLY** submitted this 19 day of January, 2005

32
33 County Clerk: Tassi O'Neil

34
35 
36 Mary Wujcik, Recording Secretary
37 & Special Deputy

38
39 **APPROVED BY:**

40
41 
42 Chairperson

43 
44 Vice Chairperson


Commissioner



MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, December 29, 2004
Page 4

1

CALL TO ORDER: Wednesday, December 29, 2004

BOARD OF COMMISSIONERS

1. **9:00 a.m.** Welcome & Request to Sign Guest List
2. Public Comment - Non-Agenda Items

CONSENT CALENDAR

3. Board of Commissioners' Meeting Minutes for December 6, 13 & 15 2004

LEGISLATIVE - ADMINISTRATIVE

4. Consideration of Local Law Enforcement Block Grant #03-501 Agreement with the Oregon Office of Homeland Security, Criminal Justice Services Division, for Law Enforcement Services for the Tillamook County Sheriff's Department
5. Consideration of Amendment #5 to Special Public Works Fund, Tillamook Bay Basin Predesign & Engineering Project, L00010, to Extend the Completion Date to June 30, 2005
6. Consideration of Community Health Center Grant Application to Department of Health & Human Services, Health Resources & Services Administration (HRSA) for Continuation of Funding for Tillamook County Health Department Primary Care Clinics/John Robinson
7. **9:30 a.m.** **Public Hearing:** Appeal AP-AP-CU-99-15, Appeal to Tillamook County Commissioners of a Planning Commission & Department of Community Development's Decision to Approve Conditional Use Request CU-99-15(a) for a Non-Farm Dwelling in a Farm Zone, Land Use Board of Appeals (LUBA) Remand No. 2002-027 for Property Located on Redberg Road, approximately 800 Feet West of the Junction with Meda Loop. The Parcel is Designated as Tax Lot 802 in Section 8, Township 5 South, Range 10 West, W.M. Tillamook County/Johan F. Ploeg, Appellant; Diana E. Watson, Applicant/Tim Franz
8. Board Concerns - Non-Agenda Items & Announcements.
9. Public Comments.

ADJOURNMENT

The Tillamook County Courthouse will be **closed** on **Friday, December 31**, for the New Year's Day holiday. Oregon State Circuit Courts will also be closed.

Inauguration of newly elected County officials will be held at **8:00 a.m. on Monday, January 3, 2005** in the Circuit Courtroom of the Tillamook County Courthouse. The ceremony is open to the public and the Courthouse is handicapped accessible (handicapped parking in the rear of the building).

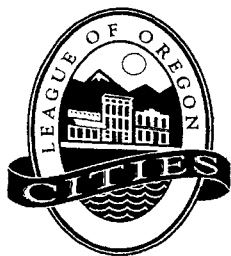
BOARD OF COMMISSIONERS' MEETING

Wednesday, December 29, 2004

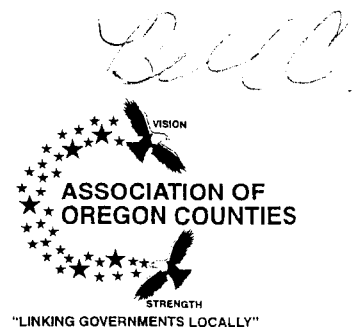
PLEASE PRINT CLEARLY

Name	Mailing Address	Item of Interest
Ron Warrick	TCHD	CHC Grant
John Paul	TCHD	CHC Grant
Bill Campbell	toed	# 7
Josai O'Neil	Clerk	general
Barkie McMellon	Bocc jr	general
Kenny Down		✓
Tim Leg	Assessor	✓
Karen Dye	Treasurer	✓
Aaron Suko	PW	✓
Gus Meyer		General
JOHN GETTMAN		all
TEN O'TOOLE	+/-++	
CRAIG SCHWICK		General
Mark Lobhont		all

(Please use reverse if necessary)



DEC 23 2004



FOR IMMEDIATE RELEASE
December 23, 2004

Contact: Mike McArthur, AOC
503-585-8351
Ken Strobeck, LOC
503-588-6550
Lane Shetterly, DLCD
503-373-0050 x280

State and Local Governments Partner in Implementing Measure 37
Claims relate to state and local land-use regulations – process and protocol are emphasis of talks

Salem, Ore. – State and local governments have outlined a new agreement for the facilitation and processing of Ballot Measure 37 claims. The agreement has three elements for improved communication and coordination:

1. Local governments should provide copies of claim information to the League of Oregon Cities or the Association of Oregon Counties on all Measure 37 claims.
2. Local governments should instruct claimants who file claims at the local level that they should also file a claim with the State of Oregon if the claim appears to involve a state land-use regulation.
3. The Department of Administrative Services is in the process of establishing an on-line claims registry, which will include all claims filed with the State. DAS intends to make it available to local governments to input their claims information.

Attached is a letter that outlines these three processes and describes in greater detail the need for consistent coordination.

Claims filed to date underscore the need for this partnership, as many have raised issues relating to both state and local land-use regulations. As a result, coordinated communication and information sharing is needed for consistency and better service to citizens.

Leaders from the State of Oregon, the Association of Oregon Counties (AOC) and the League of Oregon Cities (LOC) have been meeting since the passage of Ballot Measure 37 to discuss how state and local governments can partner in the implementation of the measure. These meetings will continue to ensure a fair and effective implementation of the measure.

###



December 23, 2004

Re: Ballot Measure 37 – State and Local Coordination

To All Interested Parties:

Shortly following the passage of Ballot Measure 37, leadership from the League of Oregon Cities, the Association of Oregon Counties and the state began meeting to discuss the measure and how to coordinate its implementation between the state and local governments. That effort is continuing, with an emphasis on process and protocol as we gain experience with the first claims filed under the measure.

The claims that have been filed so far underscore the need for all levels of government to work together and to keep open the lines of communication and information sharing. Given the state and local coordination in our land use planning program, it is apparent that many claims will raise issues relating to both state and local land use regulations. It will be important that the state and affected local governments be aware of those claims, to help ensure consistency and to better serve our constituents.

Coordinated communication will help the state and local governments identify issues of common interest or concern regarding the interpretation and application of the measure so that implementation does not vary widely from one jurisdiction to another. This should minimize conflicts that otherwise might arise between government entities involved in the same or similar claims.

With these principles in mind, we have agreed upon these basic processes to facilitate cooperation and communication between the state and local governments in implementing Ballot Measure 37:

Local governments should provide copies of claim information to the League of Oregon Cities or the Association of Oregon Counties on all Measure 37 claims. This does not need to include the full claim, but should be sufficient to provide essential information to identify it. The League and AOC will share that information with the state as to any claims that may involve a state land use regulation. Likewise, the state will provide local governments with copies of claim information on all claims filed on property within the local government jurisdiction.

December 23, 2004

Page 2

Local governments should instruct claimants who file claims at the local level that they should also file a claim with the state if the claim appears to involve a state land use regulation. State claim information and the state claim form are available on the Department of Administrative

Services (DAS) website. Local governments may refer claimants to the website or download the forms and make them available to claimants. The DAS website address is:


www.oregon.gov/DAS/Risk/M37.shtml.

DAS is in the process of establishing an on-line claims registry. The registry will include all claims filed with the state, and DAS intends to make it available to local governments to input their claims information as well. Further information will be available about this on-line registry shortly after the New Year. We encourage all local governments to take advantage of this central claims registry. This registry will help provide the most complete information available about the number and types of claims on a statewide basis, and will serve as a valuable resource for local governments, in particular. You will receive further information about this when the registry is ready for implementation.

We are pleased to be able to communicate with you jointly about this important matter. The League, AOC and the state will continue to meet on a regular basis to coordinate on the implementation of Ballot Measure 37. You may expect to hear further from us as we move forward with those efforts. If you have questions that you would like to address to our joint group, please contact your organization.

Thank you for your cooperation and support of our joint effort.

Yours very truly,



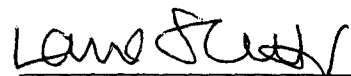
Mike McArthur
Executive Director
Association of Oregon Counties

PO Box 12729
Salem, OR 97309
Fax: (503) 373-7876
Ph: (503) 585-8351



Ken Strobeck
Executive Director
League of Oregon Cities

P.O. Box 928
Salem, OR 97308
Fax: (503) 399-4863
Ph: (503) 588-6550



Lane Shetterly
Measure 37 Coordinator
State of Oregon

635 Capitol St. NE, #150
Salem, OR 97301
Fax: (503) 378-5518
Ph: (503) 373-0050 x280