

MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

Wednesday, January 23, 2008

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COMMISSIONERS PRESENT:

Charles J. Hurliman, Chair
 Tim Josi, Vice-Chair
 Mark Labhart, Commissioner

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son
 FEB 28 2008
 9:50
 TASSI O'NEIL
 COUNTY CLERK

STAFF PRESENT:

Paul Levesque, Facilities, Fleet and
 Contracts Director
 William K. Sargent, County Counsel

STAFF PRESENT FOR PORTIONS OF THE MEETING: Bill Campbell, Director, Community Development; Liane Welch, Director, Public Works; Marlene Putman, Director, Commission on Children and Families and Lisa Phipps, Community Development.

GUESTS: John Gettman, Shirley Kalkhoven, Doug Montgomery, Bob Parker, Leslie Pitman, Jennifer Purcell, Brett Holt, Shawn Reiersgaard and Howard Goodman.

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

ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST: Chair Hurliman welcomed everyone and reminded them to sign the guest list.

ITEM NO. 2: PUBLIC COMMENT – NON-AGENDA ITEMS: There were no public comments at this time.

OTHER: Leslie Pitman presented a slate of candidates for the Trask River Advisory Committee (see attached). Chair Hurliman felt it was a well rounded list. She said all are interested in serving. Vice-Chair Josi felt it was an innovative idea for solving the navigability issues. He said they will be called together when there are issues. He suggested an Order be prepared for Monday. Chair Hurliman agreed. Commissioner Labhart read the members. After some discussion it was decided the terms would be staggered at one (1), two (2) and three (3) years.

ITEM NO. 3: PRESENTATION ON UPDATED TILLAMOOK COUNTY STRATEGIC PLAN VISION: Shirley Kalkhoven was present with Bob Parker and Brett Holt to present the work and findings. Mr. Parker said they used graduate students to do the work. He gave a history of the initial vision and the updates. He described demographic changes since 1997. He also talked about the outreach process, including the household survey, youth workshops and community forums.

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Mr. Holt talked about the community values, including those that have changed. Mr. Holt then discussed key issues and the Vision Plan. There was a discussion about the transportation results. Commissioner Labhart noted that eight (8) out of ten (10) County residents say that our roads are in bad shape. Mr. Parker and Mr. Holt reviewed the goals and strategies.

Shawn Reiersgaard, Vice-Chair, Futures Council, spoke about how the Vision Plan could be used and the importance of goals.

Vice-Chair Josi was called out of the room for jury duty.

Commissioner Labhart thanked those involved for their work. He described the value of the work and Plan. He asked for a complete copy of the Plan. Jennifer Purcell gave the website where the documents will be downloadable when finalized this week.

ITEM NO. 4: COUNTY COMMISSIONERS' MEETING MINUTES FOR DECEMBER 26, 2007 AND JANUARY 7 AND 9, 2008: Commissioner Labhart made a motion to approve the consent calendar. The motion was seconded by Chair Hurliman. The motion carried with two (2) aye votes. The Commissioners signed the minutes.

ITEM NO. 5: CONSIDERATION OF AN ORDER APPOINTING TROY DOWNING AS THE BUDGET OFFICER OF THE 4-H & EXTENSION SERVICE DISTRICT: A motion was made by Commissioner Labhart to approve and sign the Order appointing Troy Downing as the Budget Officer of the 4-H & Extension Service District. The motion was seconded by Chair Hurliman. The motion carried with two (2) aye votes. The Commissioners signed Order #08-011.

ITEM NO. 6: CONSIDERATION OF AN ORDER APPOINTING KAREN DYE AS THE BUDGET OFFICER OF THE SOLID WASTE SERVICE DISTRICT: Commissioner Labhart made a motion to approve and sign the Order appointing Karen Dye as the Budget Officer of the Solid Waste Service District. The motion was seconded by Chair Hurliman. The motion carried with two (2) aye votes. The Commissioners signed Order #08-012.

ITEM NO. 7: CONSIDERATION OF AN ORDER APPOINTING KEVIN GREENWOOD TO THE NORTHWEST OREGON HOUSING AUTHORITY (NOHA) BOARD: Commissioner Labhart said this is a good appointment.

A motion was made by Commissioner Labhart to approve and sign the Order appointing Kevin Greenwood to the Northwest Oregon Housing Authority (NOHA) Board. Chair Hurliman seconded the motion. The motion carried with two (2) aye votes. The Commissioners signed Order #08-013.

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UNSCHEDULED: Liane Welch gave a report on the County roads, including the December storm damage. On roads in the Federal Highway System we can get one hundred (100%) percent reimbursement for repairs done in the first one hundred eighty (180) days. She said it involves not just roads but culverts, ditches, signs and bridges. We had almost one thousand (1,000) signs damaged. Chair Hurliman said Ms. Welch is doing a great job.

ITEM NO. 8: CONSIDERATION OF NUNC PRO TUNC ORDER #08-003 APPOINTING TODD ANDERSON AND LEE COLEMAN AS EX-OFFICIO MEMBERS OF THE TILLAMOOK COUNTY COMMISSION ON CHILDREN & FAMILIES: Marlene Putman said this was to correct a typographical error in the expiration date.

Commissioner Labhart made a motion to approve Order #08-003 Nunc Pro Tunc appointing Todd Anderson and Lee Coleman as Ex-Officio Members to the Tillamook County Commission on Children & Families. Chair Hurliman seconded the motion. The motion carried with two (2) aye votes. The Commissioners signed Order #08-003 Nunc Pro Tunc.

ITEM NO. 9: CONSIDERATION OF REQUEST TO APPLY FOR GRANT FUNDS FROM TILLAMOOK SCHOOL DISTRICT #9 FOR PEER MEDIATION SERVICES: Ms. Putman said the School District has funds for mediation training that will augment our funding.

A motion was made by Commissioner Labhart to approve the request to apply for grant funds. The motion was seconded by Chair Hurliman.

Chair Hurliman felt that the Commission on Children and Families was well balanced. The motion carried with two (2) aye votes.

ITEM NO. 10: CONSIDERATION OF BOARD ORDER ZC 07-01 FINDINGS AND DECISION AMENDING THE TILLAMOOK COUNTY COMPREHENSIVE PLAN, ZONING MAPS TO ADOPT A ZONE CHANGE FOR THE SUBJECT PROPERTY TO CHANGE THE ZONING DESIGNATION FROM FARM (F-1) TO GENERAL INDUSTRIAL ON PROPERTY IDENTIFIED AS TAX LOT 1400 IN SECTION 13D, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON: Bill Campbell said the Commissioners heard this on December 13th, which he summarized.

Vice-Chair Josi returned to the meeting.

Mr. Campbell said the Order carries out the Commissioners' decision.

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Commissioner Labhart made a motion to approve and sign Order ZC 07-01 the findings and decision amending the Tillamook County Comprehensive Plan, zoning maps to adopt a zone change for the subject property to change the zoning designation from Farm (F-1) to General Industrial on property identified as Tax Lot 1400, Section 13D, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook. The motion was seconded by Vice-Chair Josi. The motion carried with three (3) aye votes. The Commissioners signed the Order ZC 07-01.

ITEM NO. 11: PUBLIC HEARING CONCERNING SALE OF PROPERTY AT FISHER

POINT: Paul Levesque described the Commissioners' efforts over the past year to acquire a community park in Cloverdale. One (1) parcel has been purchased and the other parcel is due to close by May 1st. The funds to acquire the first parcel were video lottery funds which the Commissioners had committed to replacing by the sale of certain property; the Fischer Point property. It consists of sixty-seven (67) acres that was logged over about fifteen (15) years ago. It consists of reproduction of fir, hemlock and a lot of Alder. The land and timber have been appraised at One Hundred Twenty Thousand (\$120,000) Dollars. Only one (1) public hearing is required. If the Commissioners decide to proceed with the sale it will be included in our annual auction in March.

Chair Hurliman opened the Public Hearing. There were no comments. Chair Hurliman closed the Public Hearing.

There was consensus to include it in the annual land sale.

ITEM NO. 12: CONTINUATION OF PUBLIC HEARING CONCERNING ZONE CHANGE REQUEST (ZC-07-02) TO APPLY THE PLANNED DEVELOPMENT OVERLAY ZONE TO A 4.56 ACRE PARCEL ZONED PACIFIC CITY/WOODS HIGH DENSITY RESIDENTIAL ZONE ACCESSED FROM CAPE KIWANDA DRIVE AND DESIGNATED AS TAX LOT 5900 IN SECTION 24AA, TOWNSHIP 4 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON. HOWARD GOODMAN, GOODMAN GROUP, LLC, APPLICANT AND SEWARD LEASING ACQUISITION, LLC, PROPERTY OWNER:

Lisa Phipps said on January 9th, the Commissioners continued this matter to today after hearing concerns raised by the adjoining property owner and that conditions should be imposed on the Applicant so as not to create a non-conforming condition. Ms. Phipps read the new condition that a non-conforming lot not be completed. It places the burden on the Applicant. Nothing else has changed.

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Chair Hurliman opened the Public Hearing. Howard Goodman was present. He said they have been working with the neighbor and staff and they are fine with the proposed solution and draft. Chair Hurliman closed the Public Hearing.

Vice-Chair Josi made a motion to approve the zone change 07-02 with the new condition the applicant property owner shall modify the Master Plan prior to the conditional use approval so as to not create a non-conforming situation in terms of lot size and/or set back in the order of Cape Kiwanda Drive and Street A for Lot Identification 6003, Section 24AA, Township 4 South, Range 11 West, Lot 7, Block 5 Webb's Subdivision, to conform with the Planning Commission's recommendation to modify the lot plan to have a five (5') foot setback around the exterior perimeter. The motion was seconded by Commissioner Labhart.

Vice-Chair Josi said this was a win/win for everybody. Commissioner Labhart and Chair Hurliman agreed.

The motion carried with three (3) aye votes.

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

Commissioner Labhart reported on the conference call with the Corps of Engineers to finalize the three (3) emergency measures. They will work with the National Guard to implement these.

He also thanked Ms. Welch and the South Fork crews for emergency repairs to the Shilo Levee.

Chair Hurliman presented a proposed letter to the Oregon Department of Forestry supporting reconstruction of Spaur Road.

A motion was made by Chair Hurliman to sign the letter to the Oregon Department of Forestry supporting reconstruction of Spaur Road. The motion was seconded by Commissioner Labhart. The motion carried with three (3) aye votes. The Commissioners signed the letter.

Chair Hurliman discussed the Oregon Consortium and a problem with a workforce group in Klamath County. There may be some financial responsibility for the remaining members so they are working to minimize that exposure.

Chair Hurliman asked how citizens could best express their feelings to the Governor about Marine Reserves. Vice-Chair Josi said they could contact him as Chair of the Oregon Coastal Zone Management Association (OCZMA). He applauded the Governor's staff, Chip Trehune, for his outreach in Tillamook County. Vice-Chair Josi

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said the Land Conservation & Development Commission (LCDC) will be looking at the Territorial Sea Plan and he will be actively involved with the Ocean Policy Advisory Committee (OPAC). Commissioner Labhart said he hoped the Governor would agree to slow the process down as a result of our letter. He said that citizens could also contact the Commissioners for communications to the Governor. Chair Hurliman suggested they also contact Senator Johnson and Representative Boone. Vice-Chair Josi read an excerpt from the Headlight Herald.

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

There being no further business Chair Hurliman adjourned the meeting at 10:55 a.m.

RESPECTFULLY SUBMITTED this 28 day of February, 2008.

County Clerk: Tassi O'Neil

Susan L. Becraft
Susan Becraft, Recording Secretary
& Special Deputy

APPROVED BY:

Charles J. Hurliman
Chair

V. Hurliman
Vice-Chair

Mark Zelt
Commissioner



**NOTICE OF MEETING AND AGENDA
of the
TILLAMOOK COUNTY BOARD OF COMMISSIONERS**
Also sitting as the Board of the
**SOLID WASTE SERVICE DISTRICT &
THE 4-H AND EXTENSION SERVICE DISTRICT**
to be held

Wednesday, January 23, 2008, at 9:00 a.m.

Commissioners' Meeting Room A
County Courthouse, 201 Laurel Avenue
Tillamook, Oregon

BOARD OF COMMISSIONERS

Charles J. Hurliman, Chair
E-mail: churlima@co.tillamook.or.us

Tim Josi, Vice-Chair
E-mail: tjosi@co.tillamook.or.us

Mark Labhart, Commissioner
E-mail: mlabhart@co.tillamook.or.us

201 Laurel Avenue
Tillamook, Oregon 97141
Phone: (503) 842-3403 FAX: (503) 842-1384

ANY QUESTIONS? Contact
Paul Levesque (503) 842-1809
E-mail: plevesqu@co.tillamook.or.us

COUNTY WEBSITE: <http://www.co.tillamook.or.us>

WATCH THIS MEETING ON TV: TLCTV Channel 35

Monday – 1:00 p.m.
Thursday – 1:00 p.m.
Sunday – 1:00 p.m.

Tuesday – 8:00 p.m.
Friday – 8:00 p.m.

Wednesday – 9:00 a.m.
Saturday – 9:00 a.m.

NOTE: The Board of Commissioners reserves the right to recess to Executive Session as may be required at any time during this meeting, pursuant to ORS 192.660(1).

NOTE: The Tillamook County Courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing, visual or manual impairments who wish to participate in the meeting, please contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

CALL TO ORDER: Wednesday, January 23, 2008 9:00 a.m.

BOARD OF COMMISSIONERS

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Presentation on Updated Tillamook County Strategic Plan Vision/Bob Parker, Brett Holt

CONSENT CALENDAR

4. County Commissioners' Meeting Minutes for December 26, 2007 and January 7 and 9, 2008

LEGISLATIVE – ADMINISTRATIVE

5. Consideration of an Order Appointing Troy Downing as the Budget Officer of the 4-H & Extension Service District/Paul Levesque
6. Consideration of an Order Appointing Karen Dye as the Budget Officer of the Solid Waste Service District/Paul Levesque
7. Consideration of an Order Appointing Kevin Greenwood to the Northwest Oregon Housing Authority (NOHA) Board/Tim Josi
8. Consideration of Nunc Pro Tunc Order #08-003 Appointing Todd Anderson and Lee Coleman as Ex-Officio Members of the Tillamook County Commission on Children & Families/Marlene Putman
9. Consideration of Request to Apply for Grant funds from Tillamook School District #9 for Peer Mediation Services/Marlene Putman
10. Consideration of Board Order ZC 07-01 Findings and Decision Amending the Tillamook County Comprehensive Plan, Zoning Maps to Adopt a Zone Change for the Subject Property to Change the Zoning Designation from Farm (F-1) to General Industrial on Property Identified as Tax Lot 1400 in Section 13D, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon/Bill Campbell

10:00 a.m.

11. **Public Hearing** Concerning Sale of Property at Fisher Point/Paul Levesque

10:30 a.m.

12. Continuation of **Public Hearing** Concerning Zone Change Request (ZC-07-02) to Apply the Planned Development Overlay Zone to a 4.56 Acre Parcel Zoned Pacific City/Woods High Density Residential Zone Accessed from Cape Kiwanda Drive and Designated as Tax Lot 5900 in Section 24AA, Township 4 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. Howard Goodman, Goodman Group, LLC, Applicant and Seward Leasing Acquisition, LLC, Property Owner/Lisa Phipps
13. Board Concerns – Non-Agenda Items & Announcements
14. Public Comments

ADJOURNMENT

BOARD MEETINGS AND ANNOUNCEMENTS

The Commissioners will meet with Congresswoman Darlene Hooley and her staff and representatives from the organizations and cities whose federal funding projects have been prioritized to present to our Congressional Delegation for the 2009 Federal Fiscal Year. Congresswoman Hooley has asked to hear about Tillamook County's requests and receive an update on the Oregon Solutions Flood Mitigation Projects. The Tillamook County Creamery Association (TCCA) is hosting the meeting on **Monday, January 21, 2008** from **11:00 a.m. to 12:00 noon** in the TCCA Board Room, 4185 Highway 101 North, Tillamook.

The Commissioners will meet with the Fairgrounds Director and members of the Fair Board on **Friday, February 8, 2008** at **11:30 a.m.** at the Rendezvous Restaurant for their regular quarterly luncheon meeting.

The Commissioners' evening meeting schedule is as follows:

February 20, 2008	Cape Kiwanda Community Center
March 19, 2008	County Courthouse
April 16, 2008	Manzanita City Hall
May 21, 2008	Cape Kiwanda Community Center

All evening meetings will begin at 6:30 p.m.

BOARD OF COMMISSIONERS'
MEETING

Wednesday, January 23, 2008

PLEASE PRINT

Name Address Item of Interest

JOHN GETTMAN		all
Shirley Kalkhoven	Nehalem	Futures Co.
DRUG MONTGOMERY	ROCKAWAY BEACH	FUTURES CO.
Bob Parker	U of O	Futures Co.
Brett Holt	U of O	Futures Council
Russ Campbell	toad	#12 #12

(Please use reverse if necessary)

Here is the list of interested persons to work on the Advisory Council for the Trask River.

<u>Name</u>	<u>Phone</u>	<u>Address</u>	<u>Interests</u>
Ron Byers	815-3820	1230 SW Cheltenham St. Portland. 97239	Kayaker, Angler
Ardath Stout	842-8443	21385 Trask River Rd. Tilla	Prof. Counselor
Leslie Pittman	842-6001	24744 Trask West, Tilla	Operation Rivers NW
Dale Buck	398-5191	25590 Chinook St. Beaver	Ag, Nestucca Anglers
Tim Juarez	842-2071	tsguide@hotmail.com	Fishing, Guides
Stephen Shaw	842-2297	9831 Kilchis River Rd.	Retired OSP
Dennis Callegari	842-6299	22675 Wilson River Hwy	Green Diamond
Rudy Fenk	842-6332	40 Fenk Rd., Tilla	Soil & Water
Brownlee Bush	842-2795	905 Trask River Rd., Tilla	Farmer
Brad Keller	815-2953	PO Box 781, Tilla	Kayaker BLM

Government/Agency:

Tillamook County Commissioner, Tim Josi
Senator Betsy Johnson
Representative Boone
TEP, Mark Trentholm
Dept. of Forestry
Dept. of Fish & Wildlife

GRANT WORKSHEET

FY 2007/2008 BUDGET

Please check here if no salaries are funded by this grant. If the grant is funding all or part of an employees salary:
COMPLETE PAGE 2 OF THIS WORKSHEET

Funding Source Code _____
For Accounting Department use only

County Fund & Dept Receiving Grant
 Commission on Children & Families

Award Period:
 Begin: 1/1/2008
 End: 6/30/2008

Common Name	Formal Name
TSD Peer Mediation <i>Everyday name used within your department</i>	Tillamook School District #9 - Peer Mediation <i>Complete formal name given to grant by funding source</i>

PLEASE ATTACH COPY OF GRANT AWARD

Source of Funds

Where did the funding come from?
 Did the funds come directly to the county from the federal government?
 Did the funds pass through the State of Oregon or another organization before arriving at the county?

Grant Number:
 If Federal Grant: CFDA Number
 If State Grant: Number assigned by state funding source

- Direct, federal government, dept of _____ CFDA: _____
- Indirect, federal government, dept of _____ CFDA: _____
 and State of Oregon, dept/division of _____
- Indirect, federal government, dept of _____ CFDA: _____
 and another entity or organization _____
- Direct, State of Oregon, dept/division of _____
- Indirect, State of Oregon, dept/division of _____
 via another entity or organization _____
- Other Tillamook School District #9 N/A

Total Amount of Award: \$ 900.00

Is this a new grant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Match Requirement Amount <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this a multiyear grant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Payment Method: <input checked="" type="checkbox"/> Advance <input type="checkbox"/> Reimbursement	How Much \$ <input type="checkbox"/> Hard Dollar Match <input type="checkbox"/> In-Kind (IDENTIFY below) Balance of proposal funds will be drawn from Oregon Office of Community Dispute Resolution funding resources	IF Yes: Amount Applicable to Current Budget Year: \$
Reporting Cycle <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input checked="" type="checkbox"/> Annual	Grant Administrator: _____ Accounting Contact: _____	TSD #9 TSD #9

**Project Proposal
Peer Mediation Training – Spring 2008**

Conflicts Solutions for Tillamook County proposes to provide Peer Mediation training, in Spring 2008, for current peer mediators in the District #9 participating schools.

The training will consist of the following:

- Review of Basic Mediation skills and facilitation of Advanced Basic Mediation skills
- Facilitation of small group discussions regarding the mediation process in the school and how to improve the mediation process.
- Brainstorming and relationship building sessions with other county school districts that also participate in mediation programs.

Project Budget/Narrative Peer Mediation Training – Spring 2008		
Line Item	Description	Fees
Services Provided	Peer Mediation Training <ul style="list-style-type: none"> • Three trainers will provide a 2-day peer mediation training for up to 50 middle and high school students. • Middle and High School students will be separated for most of the training to provide age-appropriate instruction. They will be brought together for community building exercises. • Training materials will be provided for student participants. 	\$1,125
Lodging	\$80/night for 2 nights (trainers)	\$160
Transportation	160 miles x 2 cars x \$.485/mile (trainers)	\$155
Per Diem	\$35/day x 3 trainers x 2 days	\$210
Facility	\$30/day x 2 days (Bay City Arts Center)	\$60
Refreshments	\$250/day x 2 days	\$500
	Total	\$2,210

PARCEL #

TAX LOT #: 2N10 4C 500 and 2N10 4D 500

KEY #: 317106 & 317115

SIZE: approx 67 acres of timber land

ZONING: SW 20

LEGAL ACCESS: Highway 101

OWNER: R.L. and Lois H. Bourke

MARKET VALUE: \$51,140

MINIMUM BID PRICE: \$120,000

ACQUISITION DATA: 1947 Land Exchange

GENERAL DESCRIPTION: An approximately 67 acre forested tract on Highway 101 approximately one (1) mile Southwest of the City of Wheeler at Fisher's Point

LEGAL DESCRIPTION:

All that portion of Government Lots 2 and 3, in Section 4, Township 2 North, Range 10 West, W.M., lying South of the Oregon Coast Highway 101. Subject to existing easements for roadway.

REVIEWER COMMENTS:

1. No investigations have been conducted as to the availability of any potable water supply for this parcel, nor is there any warranty, express or implied, as to the ability of this parcel to secure water for human consumption or otherwise.
2. There has been no investigation as to the type of soils or drainage characteristics of this parcel. There is no warranty, express or implied, as to the ability of this parcel to secure the necessary permits for subsurface disposal.
3. This parcel is located within a resource zone and development may be limited or conditioned by the underlying land use regulations and restrictions. Prospective buyers should inquire of the County Community Development Department for further information regarding possible limitations on development of this parcel.
4. No representations are made concerning the ability of this parcel to secure public services or any permits for development of any kind, including a building permit, septic tank, or other development permit.

After Recording Return To:
Simpson Timber Co.
2308 First Street P.O. Box 190
Tillamook, OR 97141

COPY

EASEMENT AND RIGHT-OF-WAY

THIS AGREEMENT, made and entered into this 22nd day of May, 2002, by and between SIMPSON TIMBER COMPANY, a Washington corporation, hereinafter called "GRANTEE"; and Tillamook County hereinafter called "GRANTOR":

WITNESSETH:

GRANTOR hereby grants and conveys to GRANTEE, its successors and assigns, a perpetual nonexclusive easement and right-of-way over and across the following described real estate situated in Tillamook County, State of Oregon, to wit:

A 30 foot easement and right of way centered on an existing road as marked in a dotted line on the accompanying 'Exhibit A' and located in the NW ¼ SE ¼ AND the NE ¼ SW ¼ of Section 4, T2N., R10W., W.M.

The parties hereto agree to the rights hereinabove granted, which rights shall be subject to the following terms and conditions:

- A All rights conveyed are subject to matters relating to all reservations, easements, and restrictions of record.

- B The EASEMENT AND RIGHT-OF-WAY is conveyed for the purpose of use and maintenance of a road for the purpose of providing access to and from lands now owned or hereafter acquired by the GRANTEE, for the use and enjoyment of such lands by the GRANTEE and by its successors and assigns.
- C GRANTOR hereto reserves for itself, its successors and assigns, the right at all times and for any purpose to go upon, across and recross at any place on grade or otherwise, said right-of-way, or roads thereon, on lands owned by it and use the same in a manner that will not unreasonably interfere with the rights granted to GRANTEE hereunder.
- D The cost of road maintenance shall be allocated on the basis of respective uses of said road. When any party uses the road, that party shall perform or cause to be performed, or contribute or cause to be contributed, that share of maintenance and resurfacing occasioned by such use as hereinafter provided. During periods when the road is being used solely by one party, such party shall maintain that portion of said road to the standards existing at the time use is commenced. During periods when more than one party is using the same road, or any portion hereof, the parties shall meet and establish necessary maintenance provisions and which provisions shall include, but not be limited to:
- 1) The appointment of a maintainer, which may be one of the parties hereto or any third party, who will perform or cause to be performed at a reasonable and agreed upon rate the maintenance and resurfacing of the road or portion thereof being used; and

- 2) A method of payment by which each party using said road, or a portion thereof, shall pay its pro rata share of the cost incurred by said maintainer in accomplishing the work specified to be performed.

For the purpose of the EASEMENT AND RIGHT-OF-WAY, maintenance is defined as the work normally necessary to preserve and keep the roadway, road structure and road facilities as nearly as possible to their present condition or as hereafter improved.

- E Each party using the road shall repair, or cause to be repaired, at its sole cost and expense, that damage to said road occasioned by it which is in excess of that which it would cause through the normal and prudent usage of said road. Should inordinate damage to the road occur which is not caused by an authorized user of said road, the parties hereto shall meet to agree upon the cost of replacement, and the course of action to be taken to restore the road to the standards existing prior to the damage.
- F Unless the parties hereto agree in writing to share the costs of improvements to the road in advance of such improvements being made, such improvements shall be solely for the amount of the improver.
- G The GRANTOR reserves to itself, its successors and assigns all vegetation growth, including timber now growing on, or hereafter growing on, the right-of-way where it crosses GRANTOR'S lands.
- H Each of the parties hereto assumes to itself all risk of injury to persons or damages to property in any manner resulting from or arising out of or connected with their respective operations on or relating to the road.

IN WITNESS WHEREOF, the parties hereto executed this instrument the day and year first above written.

DATED THIS 22 day of May, 2002.

TILLAMOOK COUNTY
BOARD OF COMMISSIONERS

SIMPSON TIMBER COMPANY
A Washington Corporation

By: *Charles J. Hurliman*
Charles J. Hurliman, Chair

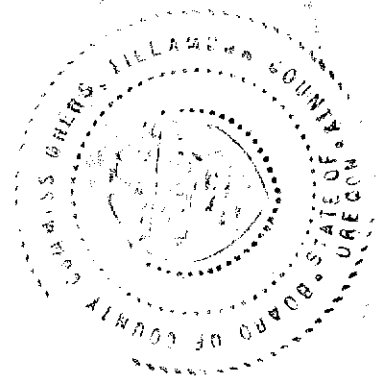
David A. Pelum Title

absent
By: Tim Josi, Vice-Chair
Paul A. Hanneman
By: Paul Hanneman, Commissioner

Area Manager - Oregon Operations

APPROVED BY COUNTY COUNSEL:

[Signature]

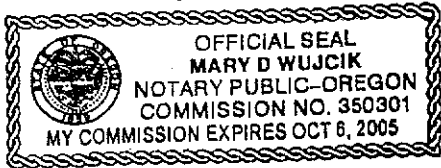


STATE OF OREGON)

COUNTY OF Tillamook) ss

BE IT REMEMBERED, that on this _____ day of _____, 2002, before me, the undersigned, a Notary public in and for the State of Oregon, personally appeared Charles J. Hurliman and Paul Hanneman Tillamook County Commissioners, personally known to me to be the person(s) described in and who executed the foregoing, and acknowledged to me that they _____ signed the same freely and voluntarily for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



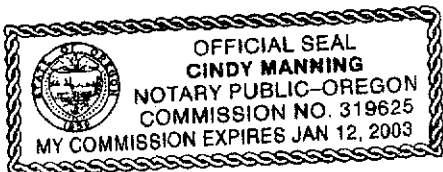
Mary D. Wujcik
Notary Public in and for the State of Oregon
Residing at Tillamook, OR

STATE OF ~~WASHINGTON~~ OREGON)

COUNTY OF Tillamook) ss

On this 24 day of May, 2002, before me, the undersigned, a Notary public in and for the State of Washington, duly commissioned and sworn, personally appeared Gerald G. Palmer Area Mgr - Oregon Operations; of SIMPSON TIMBER COMPANY, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that He was/were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.



Cindy Manning
Notary Public in and for the State of Washington
Residing at Tillamook


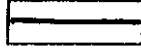


EXHIBIT A

UNIT NAME: _____ ACRES: _____

CONTRACTOR: _____ CONTRACT NO: _____

OPERATION: Road Use Agreement DATE: 7-2-93 BY: GAM

LEGAL: NW 1/4 SE 1/4, NE 1/4 SW 1/4, Section 4, T2N, R10W

LEGEND:  Simpson Property  Road Use Requested
 Tillamook Co. Property  _____

