

**MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD
MEETING - Wednesday, February 8, 2012
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FILED
11:40am
MAY 22 2012
TASSI O'NEIL
COUNTY CLERK

WORKSHOP

COMMISSIONERS PRESENT:

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

STAFF PRESENT:

Paul Levesque, Facilities, Fleet and
Contracts Director

STAFF PRESENT FOR PORTIONS OF THE MEETING: Sara Charlton, Librarian; Andy Long, Sheriff; Deb Clark, Treasurer; Dave Dickman, Director, Human Resources; Gordon McCraw, Director, Emergency Management and Denise Vandecoevering, Assessor and Sue Becraft, Board Assistant.

GUESTS: John Gettman and Gus Meyer.

CALL TO ORDER: By Chair Josi at 8:32 a.m. in Commissioners' Meeting Room B.

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

ITEM NO. 2: PUBLIC COMMENTS – NON-AGENDA ITEMS: Commissioner Hurliman raised a question about a subdivision issue at Bay Ocean where one lot was inadvertently zoned natural. He indicated that three prior Community Development directors have indicated this was a mapping error. Mr. Levesque was asked to work with Valerie Soilihi and Commissioner Hurliman to resolve this.

Commissioner Hurliman asked whether the ASFCME Collective Bargaining agreement was reviewed by legal counsel. Dave Dickman said no. Commissioner Hurliman pointed out a conflict on page 22 regarding 5-eight hour days or 4-ten hour days. Ms. Vandecoevering said this has been an issue for years. Mr. Dickman said there was no conflict; rather just two different ways to administer this. He said there will be management training. He gave a history of this issue.

Chair Josi said the contract has already been ratified. He didn't think Counsel Sargent should review it as he is not a labor attorney. Mr. Dickman said if he has a question he first goes to Counsel Sargent. He has already raised all the legal issues before negotiations. Commissioner Hurliman said the policy requires county counsel review. Andy Long and Mr. Dickman said collective bargaining agreements have never been reviewed by counsel. Commissioner Hurliman said we should review these in the future. The board agreed.

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Commissioner Hurliman said there is about \$30,000 in Search and Rescue (SAR) under Title III. He asked if we will ever spend it on SAR. Sheriff Long said if we had a very large case. Deb Clark said we have \$129,000. Commissioner Hurliman said it could also be spent on roadside brushing. Chair Josi said this should be rescheduled for the next meeting. Mr. Dickman wondered if we could pay workers' compensation for the Search and Rescue volunteers.

ITEM NO. 3: DISCUSSION CONCERNING GRANT AGREEMENT WITH THE OREGON MILITARY DEPARTMENT, OFFICE OF EMERGENCY MANAGEMENT, CITIZEN CORPS PROGRAM (CFDA #97.053) FOR THE COMMUNITY RESPONSE TEAM (CERT): Gordon McCraw said this grant awards \$4,500 to be spent before December. He added that a portable speaker system was also awarded in a contract he will bring to the board next week. The present grant will be used to buy Community Response Team (CERT) kits and for training. It will be spent throughout the county. This item will be moved forward to the 10:00 a.m. meeting for Paul Levesque to carry.

Mr. McCraw said the Federal Emergency Management Agency (FEMA) will be here to review recent damages.

OTHER: Chair Josi thanked the Sheriff for resolving a barking dog issue.

ITEM NO. 4: DISCUSSION CONCERNING AN ORDER DECLARING COUNTY-OWNED PROPERTY AS SURPLUS: A 2003 FORD E150 VAN, LICENSE PLATE #E225641, VIN# 1FTRE142X3HB23949: Sara Charlton said this van was used for courier services. They have a new van. This item will be moved forward to the 10:00 a.m. meeting.

ITEM NO. 5: DISCUSSION CONCERNING A RESOLUTION PROCLAIMING FEBRUARY 8, 2012 AS "ACT IN KINDNESS DAY" IN TILLAMOOK COUNTY, OREGON: Vice Chair Labhart will read this at 10:00 a.m. meeting.

ITEM NO. 6: DISCUSSION CONCERNING A LETTER TO THE CITY OF ROCKAWAY BEACH IN RESPONSE TO A REQUEST FOR FLOODPLAIN DETERMINATION BY THE TILLAMOOK COUNTY BUILDING OFFICIAL: Vice Chair Labhart said this letter follows up on the item discussed last week. He suggested a minor change in the last sentence and that the letter be copied to the mayor. Chair Josi thanked Valerie Soilihi for drafting the letter. He said Ms. Soilihi had a job offer from the Department of Land Conservation and Development (DLCD). He hoped she won't take the job. She is burning out.

ITEM NO. 7: FLEET, FACILITIES AND CONTRACTS REPORT: Mr. Levesque reported on the test scheduled on the courthouse alarm system this Friday. He said that

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he was also working on the Emergency Action Plan for the courthouse. He outlined how he would undertake reviews for the draft.

Mr. Dickman reported that the Occupational Safety and Health Administration (OSHA) accepted our proposed response to the recent incident.

Vice Chair Labhart said the court security fund is rapidly diminishing due to last year's legislative session that is hoped to be fixed in the next session. The board discussed this budget and its implication. Ms. Clark said we pay \$50,000 from the general fund for court security.

Mr. Levesque also stated that the meeting with the Short Term Rental Association members is scheduled for this Saturday at 2:00 p.m. The commissioners did not plan on attending.

ITEM NO. 8: STAFF REPORT: a) SUGGESTION BOX: Ms. Becraft reported there were no suggestions.

OTHER: There is no quorum on March 21, an evening meeting. The board discussed rescheduling and decided to move it to the March 7 evening meeting but have it in Manzanita.

ITEM NO. 9: BOARD CONCERNS – NON-AGENDA ITEMS: Mr. Dickman announced that we will have a Vista volunteer for employee wellness. Jim Becraft made this happen.

ITEM NO. 10: PUBLIC COMMENTS: There were none at this time.

There being no further business Chair Josi adjourned the meeting at 9:17 a.m.

MEETING

COMMISSIONERS PRESENT:

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

STAFF PRESENT:

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

STAFF PRESENT FOR PORTIONS OF THE MEETING: Sara Charlton, Librarian.

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GUESTS: John Gettman, Gus Meyer, Leisha Mizze-Riggert, Walter N. Kastner, Jr. and Daryl Maas.

CALL TO ORDER: By Chair Josi at 10:03 a.m. in Commissioners' Meeting Room A.

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

ITEM NO. 2: PUBLIC COMMENTS – NON-AGENDA ITEMS: There were none at this time.

ITEM NO 4 (TAKEN OUT OF ORDER): CONSIDERATION OF A RESOLUTION PROCLAIMING FEBRUARY 8, 2012 AS "ACT IN KINDNESS DAY" IN TILLAMOOK COUNTY, OREGON: Leisha Mizze-Riggert and Josi Riggert were present. Ms. Mizze-Riggert introduced Josi Riggert who read a speech about the loss of her Aunt Wendy Mizze and her daughter Shelby and the "Act of Kindness" initiative. Ms. Mizze-Riggert described this project and its goals. She said it has been an honor to see the response to this, including online.

Vice Chair Labhart said everyone should be proud of Josi Riggert. It is an honor for the board to do this today. Vice Chair Labhart read the resolution.

A motion was made by Vice Chair Labhart to approve the resolution proclaiming February 8, 2012 as "*Act in Kindness Day*" in Tillamook County, Oregon. The motion was seconded by Commissioner Hurliman. Commissioner Hurliman thanked everyone for establishing this legacy. Chair Josi said he knows the pain they are suffering. The motion carried with three aye votes. The board signed resolution #R-12-003.

Chair Josi recessed the meeting at 10:12 a.m. Chair Josi reconvened the meeting at 10:15 a.m.

ITEM NO. 3: PRESENTATION AND UPDATE ON THE FARM POWER TILLAMOOK PROJECT: Daryl Maas was present. Mr. Maas began by providing a history of his company. He described the function of an anaerobic digester. It takes three weeks from fresh manure to storage. The two facilities in Tillamook are their 4th and 5th ones. The farmer has no expense. They will be working on one at Hogan's later this year. The one on McCormick Loop should be online next month. They will run 98% of the time. Tillamook PUD will purchase this power. Pacific Power will purchase Hogan's since the PUD won't have the load growth. About 50-90% of the odor is removed.

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The board thanked Mr. Maas. Mr. Maas described the four permits he needed. He also described how the farmers benefit. The bedding comes out pathogen free. The company also makes payments to farmers. The processed manure is more spreadable and releases nutrients more readily. Vice Chair Labhart said they are a welcome addition to Tillamook County. An open house will be held later this summer. They are also experimenting with removal of additional nutrients.

ITEM NO. 5: CONSIDERATION OF AN ORDER DECLARING COUNTY-OWNED PROPERTY AS SURPLUS: A 2003 FORD E150 VAN, LICENSE PLATE #E225641, VIN# 1FTRE142X3HB23949: Sara Charlton said this van was used as a courier van. They now have a new one.

A motion was made by Commissioner Hurliman to approve the order declaring county-owned property as surplus: a 2003 Ford E150 Van, License Plate #E225641, VIN# 1FTRE142X3HB23949. The motion was seconded by Commissioner Labhart. The motion carried with three aye votes. The board signed order #12-004.

ITEM NO. 6: CONSIDERATION OF GRANT AGREEMENT WITH THE OREGON MILITARY DEPARTMENT, OFFICE OF EMERGENCY MANAGEMENT, CITIZEN CORPS PROGRAM (CFDA #97.053) FOR THE COMMUNITY RESPONSE TEAM (CERT): Mr. Levesque said this is a \$4,500 grant that Mr. McCraw applied for several months ago. It will provide \$3,000 for kits and \$1,500 for the Community Response Team (CERT) training throughout the county.

A motion was made by Commissioner Hurliman to approve the grant agreement with the Oregon Military Department, Office of Emergency Management, Citizen Corps Program (CFDA #97.053) for the Community Response Team (CERT). The motion was seconded by Vice Chair Labhart. The motion carried with three aye votes. The chair signed the agreement.

ITEM NO. 7: CONSIDERATION OF A LETTER TO THE CITY OF ROCKAWAY BEACH IN RESPONSE TO A REQUEST FOR FLOODPLAIN DETERMINATION BY THE TILLAMOOK COUNTY BUILDING OFFICIAL: Vice Chair Labhart gave a background on this matter. He read portions of this letter, declining the request since the city also has its own Certified Floodplain Manager. Chair Josi felt all three commissioners should sign.

A motion was made by Vice Chair Labhart to approve the letter to the City of Rockaway Beach in response to a request for floodplain determination by the Tillamook County Building Official. The motion was seconded by Commissioner Hurliman. The motion carried with three aye votes. The board signed the letter.

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ITEM NO. 8: BOARD CONCERNS – NON-AGENDA ITEMS & ANNOUNCEMENTS:

Chair Josi read the meeting announcements.

ITEM NO. 9: PUBLIC COMMENTS: There were none.

There being no further business Chair Josi adjourned the meeting at 10:43 a.m.

RESPECTFULLY SUBMITTED this 22nd day of May, 2012.

County Clerk: Tassi O'Neil

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

APPROVED BY:

[Signature]
Chair

[Signature]
Vice Chair

[Signature]
Commissioner



NOTICE OF BOARD WORKSHOP AND BOARD MEETING
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
AND COUNTY ROAD DISTRICT
to be held

Wednesday, February 8, 2012

Workshop at 8:30 a.m.

Commissioners' Meeting Room B

County Courthouse, 201 Laurel Avenue, Tillamook, Oregon

Board Meeting at 10:00 a.m.

Commissioners' Meeting Room A

County Courthouse, 201 Laurel Avenue, Tillamook, Oregon

BOARD OF COMMISSIONERS

Tim Josi, Chair

E-mail: tjosi@co.tillamook.or.us

Mark Labhart, Vice-Chair

E-mail: mlabhart@co.tillamook.or.us

Charles J. Hurliman, Commissioner

E-mail: churlima@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: TCTV Channel 4

Friday – 1:00 p.m.

Saturday – 3:30 a.m.

Sunday – 7:00 p.m.

Monday – 7:00 p.m.

Tuesday – 10:00 p.m.

Wednesday – 7:00 a.m.

Thursday – 9:30 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.

AGENDA

WORKSHOP

CALL TO ORDER: Wednesday, February 8, 2012 8:30 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Discussion Concerning Grant Agreement with the Oregon Military Department, Office of Emergency Management, Citizen Corps Program (CFDA #97.053) for the Community Response Team (CERT)/Gordon McCraw
4. Discussion Concerning an Order Declaring County-Owned Property as Surplus: a 2003 Ford E150 Van, License Plate #E225641, VIN# 1FTRE142X3HB23949/Sara Charlton
5. Discussion Concerning a Resolution Proclaiming February 8, 2012 as “*Act in Kindness Day*” in Tillamook County, Oregon/Mark Labhart
6. Discussion Concerning a Letter to the City of Rockaway Beach in Response to a Request for Floodplain Determination by the Tillamook County Building Official/Mark Labhart
7. Fleet, Facilities and Contracts Report/Paul Levesque
8. Staff Report/Sue Becraft
 - a. Suggestion Box
9. Board Concerns – Non-Agenda Items
10. Public Comments

ADJOURN

MEETING

CALL TO ORDER: Wednesday, February 8, 2012 10:00 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Presentation and Update on the Farm Power Tillamook Project/Daryl Maas

LEGISLATIVE – ADMINISTRATIVE

4. Consideration of a Resolution Proclaiming February 8, 2012 as “*Act in Kindness Day*” in Tillamook County, Oregon/Mark Labhart
5. Consideration of an Order Declaring County-Owned Property as Surplus: a 2003 Ford E150 Van, License Plate #E225641, VIN# 1FTRE142X3HB23949/Sara Charlton

6. Consideration of Grant Agreement with the Oregon Military Department, Office of Emergency Management, Citizen Corps Program (CFDA #97.053) for the Community Response Team (CERT)/Gordon McCraw
7. Consideration of a Letter to the City of Rockaway Beach in Response to a Request for Floodplain Determination by the Tillamook County Building Official/Mark Labhart
8. Board Concerns – Non-Agenda Items & Announcements
9. Public Comments

ADJOURN

BOARD MEETINGS AND ANNOUNCEMENTS

A Leadership Team Meeting of the County Board of Commissioners with the Tillamook County Elected Officials and Department Heads will be held on **Monday, February 13, 2012 at 8:00 a.m.** The meeting will be held in the commissioners' meeting room B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners will hold a workshop on **Monday, February 13, 2012 at 10:00 a.m.** with John Upton for a Quarterly Report on Tillamook County's Retirement Plan. This workshop was originally scheduled on January 30, 2012. The workshop will be held in the commissioners' meeting room B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners will hold a workshop on **Thursday, February 24, 2012 at 10:30 a.m.** with Health Department staff and the Community Health Council's Executive Team to discuss the 2011-2012 Health Department's Financial Plan. The workshop was originally scheduled on February 16, 2012. The workshop will be held in the commissioners' meeting room B of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The Tillamook County Library, Tillamook County Courthouse, state courts, administrative offices in the jail and justice facility, the public works department and the health department will be **closed** on **Monday, February 20, 2012** for Presidents' Day.

There will be **no** Commissioners' workshop or business meeting on **Wednesday, February 29, 2012** due to the lack of a quorum.

The commissioners' evening board meeting schedule is as follows:

February 15, 2012	County Courthouse
March 21, 2012	Manzanita City Hall
April 18, 2012	Kiawanda Community Center
May 16, 2012	County Courthouse

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

BOARD OF COMMISSIONERS' WORKSHOP

Wednesday, February 8, 2012

	Present	Absent		Present	Absent
Mark Labhart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Charles Hurliman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Josi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paul Levesque	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE PRINT

Name	Address	Item of Interest
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<i>JOHN GETTMAN</i>		<i>all</i>
<i>Gus Meyer</i>		<i>General</i>
<i>Sara Charlton</i>		<i>Library</i>
<i>Andy Long</i>		<i>all.</i>
<i>Deb Clark</i>		
<i>DAVE DICKMAN</i>		<i>HR</i>
<i>Gordon McLean</i>		<i>EM</i>
<i>Denise Vaneb</i>		<i>Assessor</i>

(Please use reverse if necessary)

BOARD OF COMMISSIONERS' MEETING

Wednesday, February 8, 2012

	Present	Absent		Present	Absent
Mark Labhart	<u>✓</u>	<u> </u>	Charles Hurliman	<u>✓</u>	<u> </u>
Tim Josi	<u>✓</u>	<u> </u>	Paul Levesque	<u>✓</u>	<u> </u>
Bill Sargent	<u>✓</u>	<u> </u>			

PLEASE PRINT

Name	Address	Item of Interest
<i>JOHN GETTMAN</i>		<i>Cell</i>
<i>Gus Meyer</i>		<i>General</i>
<i>Sarg Charlton</i>		<i>Library</i>
<i>Leisha Myra Reggent</i>		<i>Act in Kindness</i>
<i>Walter W. Kasten, Jr.</i>		<i>" " "</i>
<i>Daryl Maas</i>		<i>Farm Power Digestor</i>

(Please use reverse if necessary)



**Tillamook County
PUBLIC WORKS DEPARTMENT**

*Office of Solid Waste
Waste Prevention and Recycling*

503 Marolf Loop Road
Tillamook, Oregon 97141
PH (503) 815-3975
FAX (503) 842-6473

Email: recycle@co.tillamook.or.us
www.co.tillamook.or.us/gov/solidwaste

Land of Cheese, Trees and Ocean Breeze

Farm Power Tillamook Project Background:

Farm Power is a Skagit County, Washington-based small business founded by brothers Kevin and Daryl Maas in 2007. The Maases grew up with many young dairy farmers that wanted to continue working their parents' farms, but faced pressures from rising costs, urban encroachment, and increasing regulation. Kevin and Daryl developed a business model to install manure digesters to provide multiple economic and environment benefits to family dairy farms, without requiring farmers to pay for the project. This digester model became Farm Power, which operates two projects in Washington and has a third under construction. Farm Power is funded by approximately 60 small investors, mostly families and small businesses, from northwest Washington. The company is continually adding members and new projects, with Tillamook County being their main current area of expansion.

Farm Power chose Tillamook because their model works best where there are multiple dairies close together, and strong community support of the dairy industry. Tillamook has both of these.

The project will improve manure management on 3-5 participating dairies. Digesting manure significantly reduces manure odors, nearly eliminates risks to water quality from fecal coliform bacteria, destroys insect larvae and weed seeds, and reduces solids and breaks down nutrients in manure to reduce farmer's manure handling costs and improve manure's fertilizer value. The project will also reduce several thousand tons per year of greenhouse gas emissions, and produce enough clean, renewable energy to power about 600 homes. Finally, the project will make cash or in-kind payments to participating dairies, creating a new farm revenue stream that is not dependent on the price of milk.

The Farm Power Tillamook project, located on McCormick Loop, broke ground in August and is expected to be operational by March of 2012.

In addition to savings to partner dairy farms, Farm Power Tillamook estimates its operations will spend \$300,000 per year in the local economy in direct wages, services, utilities, trucking, payments to farmers, and property taxes. During construction, the project will spend about \$4,000,000. It is expected that approximately one third of total procurement will be spent locally, including gravel, paving, fill, hardware, lumber, concrete, electrical services, excavation, hauling, machinery, pumps, and various food, lodging, fuels, etc.

Digesters offer diversification to a farming economy, with benefits across the spectrum. Long term, Farm Power believes digesters are a way to bring well-paying jobs to a rural economy, and support local industries that typically rely on agriculture (farm equipment, trucking, etc). They also believe their projects will strengthen the dairy industry not only with direct payments, but also by lowering operating costs and regulatory costs on farms.

Tillamook County



Land of Cheese, Trees and Ocean Breeze

Board of Commissioners
Tim Josi, Mark Labhart, Charles J. Hurliman
201 Laurel Avenue
Tillamook, Oregon 97141
Phone 503-842-3403
Fax 503-842-1384
TTY Oregon Relay Service

February 8, 2012

Lars Gare
City Manager
City of Rockaway Beach
PO Box 5
Rockaway Beach OR 97136

RE: Request for Floodplain Determination by Tillamook County Building Official

Dear Mr. Gare:

The Tillamook County Board of Commissioners received your letter of January 25th requesting the assistance of the county's Building Official, who is also a FEMA-Certified Floodplain Manager, in making a floodplain determination on a property located within city of Rockaway Beach jurisdiction.

Based on a discussion with the county Building Official and Community Development Director, we do not believe it is appropriate for the county's Certified Floodplain Manager to make floodplain determinations in another jurisdiction. The Building Official and Community Development Director also have concerns that this would constitute a conflict of interest where a determination has already been made by the county Building Official that the improvements made on the property in question did not require a building permit pursuant to Section R105.2, Work Exempt from Permit, of the 2008 Oregon Residential Specialty Code.

As noted in your letter, the decision regarding review of the recent building improvements on the subject property in the context of the city's floodplain standards is the responsibility of the city. Furthermore, it is our understanding that the city has a FEMA-Certified Floodplain Manager on staff that is qualified and responsible for making floodplain determinations within the city, as well as the Mutual Area of Interest (Urban Growth Area) pursuant to the Urban Growth Management Agreement between Tillamook County and the City of Rockaway Beach.

Lars Gare
February 8, 2012
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You are always welcome to contact us, but we would encourage you to first contact Valerie Soilihi, Community Development Director, and/or Craig Wakefield, Building Official, at 503-842-3408 with any questions or concerns regarding the building inspection program.

Sincerely,

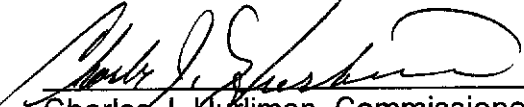
TILLAMOOK COUNTY
BOARD OF COMMISSIONERS



Tim Josi, Chairperson



Mark Labhart, Vice-Chairperson



Charles J. Hufflman, Commissioner

cc: Danell Boggs, Mayor, City of Rockaway Beach



City of Rockaway Beach

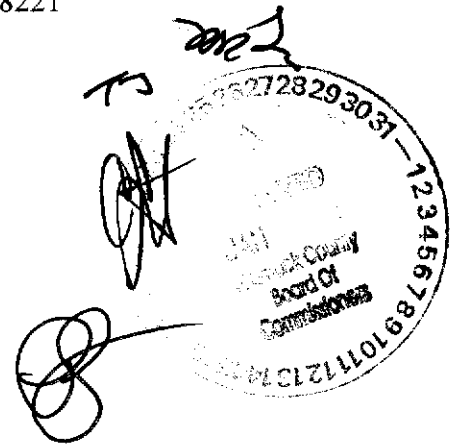
Office 503-355-2291 Fax 503-355-8221

276 Hwy 101 S.

PO BOX 5

Rockaway Beach, OR 97136

FILE COPY



January 25, 2012

Tillamook County Commissioners
Attn: Mark Labhart
201 Laurel Avenue
Tillamook, OR 97141

Subject: Request for Floodplain Determination by Tillamook County Building Official

Dear Commissioner Labhart:

Within the past several months, the City has become aware of development activity within its 100-year floodplain, as identified on the City's Flood Insurance Rate Map. More specifically, an existing building in the City has been rehabilitated (or repaired), and in our opinion is therefore subject to review to determine applicability of the Flood Hazard Overlay Zone Section 3.093(17) and Section 3.096 of the Rockaway Beach Zoning Ordinance. The Rockaway Beach City Planner, Jay Sennewald, contacted the Tillamook County Community Development Department regarding this matter and was informed that the recent improvements to the structure on the property did not require a building permit. Those improvements have been completed. In the opinion of the County Building Official, which was expressed verbally, there was no "trigger" for structural review or inspections because no structural work had been performed. Our interpretation of that decision is that any review of the recent building improvements in the context of floodplain standards is the responsibility of the City.

The Rockaway Beach Zoning Ordinance mirrors and implements FEMA regulations pertaining to substantial improvements, as defined. In many cases, development that does not require a building permit is still subject to compliance with floodplain regulations. Based on this consideration, the City is challenged with making a defensible decision as to whether or not the recently completed work constitutes a substantial improvement. A determination that the owner has made a substantial improvement would mean that the owner must elevate or retrofit the structure to meet current floodplain standards.

In this case, the owner is also a member of the Rockaway Beach Planning Commission. In light of the other Floodplain-related continuing matter that also involves a member of the Planning Commission, and the difficult situation posed by the City Planner having to potentially conduct enforcement actions against City officials, the City is seeking a qualified and independent third party to make the determination whether a substantial improvement has resulted from the work performed. The City's effort to enlist a FEMA-Certified Floodplain Manager (CFM) to make such a determination has been unsuccessful.

It is my understanding that Craig Wakefield is a FEMA CFM, and due to his knowledge of this project, is probably best qualified to make such a determination. Therefore, the City requests assistance from Tillamook County in this effort. Since no building permit was required for the work already performed, there should be no actual or perceived conflict of interest on the part of Mr. Wakefield or Tillamook County.

The City would be pleased to find that the recent improvements to the building do not constitute substantial improvement, but at this point, any determination made by City Staff is likely to draw objection from either FEMA or the property owner. Please contact me at your convenience and let me know if Tillamook County can assist the City of Rockaway Beach by offering your Building Official's expertise as a Certified Floodplain Manager to make a written determination on this matter.

We look forward to resolving this issue.

Thank you for considering the City's request.

Sincerely,

A handwritten signature in black ink, appearing to read "Lars Gare", written over a faint circular stamp or watermark.

Lars Gare,
City Manager

cc: Valerie Soilihi, Director of Tillamook County Community Development
Craig Wakefield, Tillamook County Building Official/CFM