

MINUTES – TILLAMOOK COUNTY BOARD OF COMMISSIONERS' BOARD
MEETING - Wednesday, February 5, 2014
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FILED
11:40
FEB 26 2014
TASSI O'NEIL
COUNTY CLERK

WORKSHOP

COMMISSIONERS PRESENT: Bill Baertlein, Chair
Tim Josi, Vice Chair
Mark Labhart, Commissioner

STAFF PRESENT: Paul Levesque, Chief of Staff

STAFF PRESENT FOR PORTIONS OF THE MEETING: Chris Loffelmacher, Public Works; Liane Welch, Director, Public Works; Gordon McCraw, Director, Emergency Management; Andy Long, Sheriff; Deb Clark, Treasurer; Denise Vandecoevering, Assessor; Bryan Pohl, Interim Director, Community Development; Tassi O'Neil, Clerk; Mona Hamblen, Director, Human Resources; and Sue Becraft, Board Assistant.

GUESTS: John Gettman, Scott Gilbert, Gus Meyer, Cara Sloman and Charles Wooldridge.

CALL TO ORDER: By Chair Baertlein at 8:30 a.m. in Commissioners' Meeting Room B.

ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST: Chair Baertlein 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. 3: PUBLIC WORKS REPORT: a) DISCUSSION CONCERNING AN ORDER DECLARING COUNTY-OWNED PROPERTY AS SURPLUS FOR THE PUBLIC WORKS DEPARTMENT: Chris Loffelmacher listed the equipment proposed for surplus that is no longer used by Public Works. Liane Welch said they will trade a dump truck to the fairground. This item will be carried forward to the 10:00 a.m. meeting.

b) DISCUSSION CONCERNING PURCHASING PAVING EQUIPMENT: Ms. Welch said they had not planned to replace the paver but it needs about \$30,000 worth of work. It is a 1968 vintage. Parts are no longer available. Occupational Safety and Health Administration (OSHA) has issues with noise and fumes. Mr. Loffelmacher described some used machines he has been looking at for about \$150,000. County Road Advisory Committee (CRAC) members had no objection. Ms. Welch budgeted \$203,000 for equipment this year. They purchased two backhoes and a utility trailer for \$66,000 from the City of Portland. Gus Meyer said his questions were answered. Ms. Welch said she will have to increase her equipment budget by \$100,000 to come from the bond. Commissioner Labhart said he has heard for years that the paver would not last much longer. Vice Chair Josi said if it breaks down in the summer, we will be in big trouble.

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OTHER: Ms. Welch said Oregon Department of Transportation (ODOT) is de-icing on county roads and city streets on a gratis basis. She will thank ODOT.

c) DISCUSSION CONCERNING AN ORDER FOR ROAD DRAINAGE MAINTENANCE OF ELDERBERRY LANE, HIGH ROAD AND TOPPING ROAD AT THE SIMMONS INTERSECTIONS WHICH ARE DESIGNATED LOCAL ACCESS ROADS:

Ms. Welch said this is for the Pacific City Heights project discussed in recent weeks. She is asking \$12,000 from the property owners. The order will be amended to so reflect. The reduced property owner share is because some of the work is on the county road. The board felt she needs to have the money in hand before starting work. This item will be carried forward to the 10:00 a.m. meeting.

d) DISCUSSION CONCERNING A MEMORANDUM OF UNDERSTANDING WITH TILLAMOOK BAY WATERSHED COUNCIL REGARDING A PARTNERSHIP TO REPLACE THE BEAR CREEK CULVERT:

Ms. Welch said this is a six foot culvert under Brickyard Road that is failing. Water is going under and around and has undermined the road fill. We are paying 25 percent of the \$250,000 cost. She will manage the project. Mr. Meyer said there is no expiration date on the agreement. Ms. Welch said it can be terminated by mutual agreement. Her goal is to complete the project this summer. Ms. Welch listed where the funding is coming from. Mr. Meyer said one grant will not be approved until October. This item will be carried forward to the 10:00 a.m. meeting.

e) DISCUSSION CONCERNING A PROFESSIONAL SERVICES AGREEMENT WITH RIVER DESIGN GROUP FOR DESIGN, ASSISTANCE WITH BID AND CONSTRUCTION MONITORING FOR THE BEAR CREEK CULVERT REPLACEMENT PROJECT:

Ms. Welch said the contractor has completed a 30 percent design. This contract is \$32,000 for final design and construction contract documents. Tassi O'Neil said her mother had an accident at this corner. It needs to be fixed.

f) DISCUSSION CONCERNING AN INTERGOVERNMENTAL AGREEMENT WITH THE NETARTS-OCEANSIDE SANITARY DISTRICT TO USE THEIR PIPELINE TELEVISION EQUIPMENT AND PERSONNEL FOR COUNTY PROJECTS:

Ms. Welch said that a local vendor who did this stopped performing the service. The district bought and updated the equipment. The County needs the Town Lake culvert upgraded and this service will be the first step in doing so. This item will be carried forward to the 10:00 a.m. meeting.

ITEM NO. 4: DISCUSSION CONCERNING A RESOLUTION PROCLAIMING MARCH 2014 TO BE "AMERICAN RED CROSS MONTH" IN TILLAMOOK COUNTY, OREGON:

Chair Baertlein confirmed that Cara Sloman would cover this at the 10:00 a.m. meeting.

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ITEM NO. 5: DISCUSSION CONCERNING A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN RED CROSS CASCADES REGION FOR COOPERATION AND SUPPORT IN ASSISTING INDIVIDUALS AND FAMILIES IMPACTED BY DISASTER: Gordon McCraw said the prior Memorandum of Understanding was outdated. This item will be carried forward to the 10:00 a.m. meeting.

ITEM NO. 6: DISCUSSION CONCERNING THE FIFTH AMENDMENT TO THE 2013-2015 INTERGOVERNMENTAL AGREEMENT #4437 (STATE #142027) WITH THE OREGON HEALTH AUTHORITY FOR THE FINANCING OF PUBLIC HEALTH SERVICES: Vice Chair Josi said the amendment moves \$1,068 from support to case management. This item will be carried forward to the 10:00 a.m. meeting.

ITEM NO. 7: HUMAN RESOURCES REPORT: Mona Hamblen did not have an update to report.

ITEM NO. 8: COMMUNITY DEVELOPMENT UPDATE: Bryan Pohl said three firms were solicited for proposals on the work needed for the Nehalem and Nestucca Rivers. The Federal Emergency Management Agency (FEMA) is seeking the original data on the Nestucca.

The Transient Lodging Tax (TLT) quarterly return form is being developed.

Yesterday Mr. Pohl met with the group in Neskowin on the coastal adaptation plan. He described the on-going land use process involved in adopting the plan. They do not anticipate any issues with the Department of Land Conservation and Development (DLCD). It will result in an overlay zone in Neskowin with some regulations attached to it. He feels it is a good plan.

The phone system at Community Development is being worked on.

Mr. Pohl distributed a copy of an administrative review letter for replacing a farm dwelling in a farm zone. It generates an 80 page report. DLCD said this is not necessary. It will be substituted with the attached letter. It will now take 2-3 hours instead of 16-18 hours. It will diminish the web of bureaucracy. They will continue to look at other efficiencies to provide community service. He hopes the board will be supportive of this. Vice Chair Josi felt that Mr. Pohl is doing a great job. His staff is very positive. Commissioner Labhart agreed. Chair Baertlein said it was a breath of fresh air.

ITEM NO. 9: DISCUSSION CONCERNING A LETTER TO THE OREGON PARKS AND RECREATION DEPARTMENT WITH COMMENTS ON THE "DRAFT NEHALEM SPIT/NEHALEM BAY STATE PARK WESTERN SNOWY PLOVER SITE MANAGEMENT PLAN: Commissioner Labhart said this summarizes board comments at the Oregon Parks and Recreation Department (OPRD) workshop. Commissioner

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Labhart read a letter of support from the Mayors' Consortium. This item will be carried forward to the 10:00 a.m. meeting.

ITEM NO. 10: CHIEF OF STAFF REPORT: a) DISCUSSION CONCERNING AN ORDER ADJUSTING PARKING FEES AT BOAT LAUNCHES FOR THE TILLAMOOK COUNTY PARKS DEPARTMENT: Paul Levesque stated the proposed order reflects the board's recent direction to reduce the cost of a seasonal pass from \$50 to \$40 and refund \$10 to the 380 persons who have already paid their \$50 fee for the year. This item will be carried forward to the 10:00 a.m. meeting.

b) DISCUSSION CONCERNING FEES FOR SCANNING DOCUMENTS AND FOR FAXES: Mr. Levesque stated that the County Clerk recently raised an issue about the need to revisit fees relative to scanning of documents for which there is presently no fee. There was a discussion about whether there should be a fee for documents that have previously been scanned and reside on a county computer drive. Ms. O'Neil stated that there are statutory implications for some of the related fees and that they also charge a fee for locating even if they are on the county computer system. After some discussion, Mr. Levesque was asked to work with Ms. O'Neil to come back with a recommendation for amending the current fee schedule.

c) DISCUSSION CONCERNING A LEASE OF REAL PROPERTY AND PURCHASE OF A STRUCTURE ON THE PROPERTY KNOWN AS THE CARLICH HOUSE BY BAY CITY ARTS CENTER: Mr. Levesque said there are two issues requiring resolution. The lease contemplated an 18-month period following execution of the agreement within which the house was required to be relocated. Chair Baertlein had suggested the lease be changed to 12 months, since more than six months has already passed. Charlie Wooldridge said he was fine with such an amendment since it was originally contemplated that the house would be relocated this summer.

Mr. Levesque said that the other issue related to a recent request by the City of Tillamook that a portion of the Carllich property under the proposed lease be made available for legal access to a remnant portion of the MarClair parcel that will remain following completion of the Highway 6 – U.S. 101 realignment. Mr. Wooldridge said the Carllich relocation contemplated that remaining lease area would remain as open space.

Commissioner Labhart stated that the City of Tillamook is working with Senator Johnson and ODOT to secure the unused portions of the MarClair property and will be seeking access through the Carllich property. After some discussion, it was agreed to postpone action on the lease to enable the Bay City Arts Center to talk with the Tillamook Urban Renewal Agency (TURA) and the City of Tillamook to see if moving the Carllich house was still a viable option. This matter will be postponed for at least two weeks.

d) DISCUSSION CONCERNING A GROUND LEASE AGREEMENT WITH THE PORT OF TILLAMOOK BAY FOR THE OPERATION OF AN ANIMAL SHELTER AND

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RELATED FACILITIES: Chair Baertlein said he would like to postpone this matter to resolve some final issues with the Port of Tillamook Bay.

ITEM NO. 12: (TAKEN OUT OF ORDER) BOARD CONCERNS – NON-AGENDA ITEMS: The board consensus was to remove the canvas covers on both skylights in the conference rooms.

ITEM NO. 11: STAFF REPORT: a) SUGGESTION BOX: Sue Becraft reported that there were no suggestions in the box.

ITEM NO. 13: PUBLIC COMMENTS: There were none.

There being no further business Chair Baertlein adjourned the meeting at 9:30 a.m.

MEETING

COMMISSIONERS PRESENT: Bill Baertlein, Chair
Mark Labhart, Commissioner

COMMISSIONER ABSENT: Tim Josi, Vice Chair (conference call)

STAFF PRESENT: Paul Levesque, Chief of Staff
William K. Sargent, County Counsel

STAFF PRESENT FOR PORTIONS OF THE MEETING: Gordon McCraw, Director, Emergency Management; and Liane Welch, Director, Public Works;

GUESTS: Larry L. Rouse, Ielean Rouse, Cara Sloman, Sharon Zeggert, Jane Spence, and LeeAnn Neal.

CALL TO ORDER: By Chair Baertlein at 10:00 a.m. in Commissioners' Meeting Room A.

ITEM NO. 1: WELCOME & REQUEST TO SIGN GUEST LIST: Chair Baertlein 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. 3: BOARD OF COUNTY COMMISSIONERS' MEETING MINUTES FOR JANUARY 15, JANUARY 15 SPECIAL BOARD MEETING, AND JANUARY 22, 2014:
A motion was made by Commissioner Labhart to approve Board of County

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Commissioners' Meeting Minutes for January 15 regular board meeting, January 15 special board meeting, and January 22, 2014. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed the minutes.

ITEM NO. 4: CONSIDERATION OF A RESOLUTION PROCLAIMING MARCH 2014 TO BE "AMERICAN RED CROSS MONTH" IN TILLAMOOK COUNTY, OREGON:

Cara Sloman said this has been a tradition since 1942. She described the services the Red Cross provides locally and nationally. Commissioner Labhart read the Resolution. Gordon McCraw reported on Red Cross preparedness efforts in Tillamook County. Chair Baertlein reflected on local Red Cross services in the past. Commissioner Labhart talked about local fire response, cardio-pulmonary resuscitation (CPR), and swimming classes.

A motion was made by Commissioner Labhart to approve Resolution #R-14-004 proclaiming March 2014 to be "American Red Cross Month" in Tillamook County, Oregon. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed Resolution #R-14-004.

ITEM NO. 5: CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN RED CROSS CASCADES REGION FOR COOPERATION AND SUPPORT IN ASSISTING INDIVIDUALS AND FAMILIES IMPACTED BY DISASTER:

Mr. McCraw said the last agreement was signed in 1999. It is now standardized.

A motion was made by Commissioner Labhart to approve a Memorandum of Understanding with the American Red Cross Cascades Region for cooperation and support in assisting individuals and families impacted by disaster. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The chair signed the memorandum of understanding.

OTHER: Mr. McCraw said there will be snow beginning Thursday night similar to the 2008 snow event.

ITEM NO. 6: CONSIDERATION OF AN ORDER DECLARING COUNTY-OWNED PROPERTY AS SURPLUS FOR THE PUBLIC WORKS DEPARTMENT:

Liane Welch said this is a lot of old equipment that has accumulated in the Public Works yard. It is beyond its useful life.

A motion was made by Commissioner Labhart to approve Order #14-008 declaring county-owned property as surplus for the Public Works Department. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed Order #14-008.

ITEM NO. 7: CONSIDERATION OF AN ORDER FOR ROAD DRAINAGE MAINTENANCE OF ELDERBERRY LANE, HIGH ROAD AND TOPPING ROAD AT

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THE SIMMONS INTERSECTIONS WHICH ARE DESIGNATED LOCAL ACCESS ROADS: Ms. Welch said most jurisdictions do not repair local access roads (LARs). She referred to the board order setting criteria applicable to this project. The County road portion is \$48,000. The community will provide \$12,000. Larry Rouse described the importance of this road and support by the community. Commissioner Labhart complimented Mr. Rouse on making this happen. Chair Baertlein agreed, also thanking Ms. Welch.

A motion was made by Commissioner Labhart to approve Order #14-009 for road drainage maintenance of Elderberry Lane, High Road and Topping Road at the Simmons intersections which are designated local access roads. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed Order #14-009.

ITEM NO. 8: CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING WITH TILLAMOOK BAY WATERSHED COUNCIL REGARDING A PARTNERSHIP TO REPLACE THE BEAR CREEK CULVERT: Ms. Welch said this culvert is on Brickyard Road on a 90 degree corner. It is failing and undermining the road fill. Ms. Welch will manage the project and fund \$25,000 of the \$200,000 project. Oregon Watershed Enhancement Board (OWEB) is funding most of the balance.

A motion was made by Commissioner Labhart to approve a Memorandum of Understanding with Tillamook Bay Watershed Council regarding a partnership to replace the Bear Creek Culvert. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The chair signed the memorandum of understanding.

ITEM NO. 9: CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH RIVER DESIGN GROUP FOR DESIGN, ASSISTANCE WITH BID AND CONSTRUCTION MONITORING FOR THE BEAR CREEK CULVERT REPLACEMENT PROJECT: Ms. Welch said this will finish the design work and complete the construction documents and inspections for \$32,000.

A motion was made by Commissioner Labhart to approve a Professional Services Agreement with River Design Group for design, assistance with bid and construction monitoring for the Bear Creek Culvert replacement project. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed the agreement.

ITEM NO. 10: CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE NETARTS-OCEANSIDE SANITARY DISTRICT TO USE THEIR PIPELINE TELEVISION EQUIPMENT AND PERSONNEL FOR COUNTY PROJECTS: Ms. Welch stated a local vendor used to do this but decided not to continue the service so Netarts-Oceanside Sanitary District (NOSD) purchased and upgraded the equipment. We need

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to have them inspect the Town Lake culvert for \$150 per hour. Commissioner Labhart said it is a good partnership.

A motion was made by Commissioner Labhart to approve an Intergovernmental Agreement with the Netarts-Oceanside Sanitary District to use their pipeline television equipment and personnel for county projects. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The chair signed the agreement.

ITEM NO. 11: CONSIDERATION OF THE FIFTH AMENDMENT TO THE 2013-2015 INTERGOVERNMENTAL AGREEMENT #4437 (STATE #142027) WITH THE OREGON HEALTH AUTHORITY FOR THE FINANCING OF PUBLIC HEALTH SERVICES: Mr. Levesque stated this moves about \$1,000 from one department to another in public health services.

A motion was made by Commissioner Labhart to approve the Fifth Amendment to the 2013-2015 Intergovernmental Agreement #4437 (State #142027) with the Oregon Health Authority for the financing of public health services. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The chair signed the amendment.

ITEM NO. 12: CONSIDERATION OF A LETTER TO THE OREGON PARKS AND RECREATION DEPARTMENT WITH COMMENTS ON THE "DRAFT NEHALEM SPIT/NEHALEM BAY STATE PARK WESTERN SNOWY PLOVER SITE MANAGEMENT PLAN: Commissioner Labhart described the Environmental Site Assessment (ESA) process of Habitat Conservation Plans (HCP) and the Snowy Plover at Nehalem Bay State park. He talked about the recent workshop and read the letter (see attached). He also read the letter from the local Mayors' Coalition.

A motion was made by Commissioner Labhart to approve a letter to the Oregon Parks and Recreation Department with comments on the "Draft Nehalem Spit/Nehalem Bay State Park Western Snowy Plover Site Management Plan". The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed the letter.

ITEM NO. 13: CONSIDERATION OF AN ORDER ADJUSTING PARKING FEES AT BOAT LAUNCHES FOR THE TILLAMOOK COUNTY PARKS DEPARTMENT: Mr. Levesque gave a background on funding maintenance on boat launches. He then said this order would reduce the cost of a seasonal pass from \$50 to \$40 and directs the refund of the \$10 difference to the 380 people who have paid the \$50 fee to date.

A motion was made by Commissioner Labhart to approve Order #14-010 adjusting parking fees at boat launches for the Tillamook County Parks Department. The motion was seconded by Chair Baertlein. The motion carried with two aye votes. The board signed Order #14-010.

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ITEM NO. 14: CONSIDERATION OF A LEASE OF REAL PROPERTY AND PURCHASE OF A STRUCTURE ON THE PROPERTY KNOWN AS THE CARLICH HOUSE BY BAY CITY ARTS CENTER: This item was postponed for two weeks.

ITEM NO. 15: CONSIDERATION OF A GROUND LEASE AGREEMENT WITH THE PORT OF TILLAMOOK BAY FOR THE OPERATION OF AN ANIMAL SHELTER AND RELATED FACILITIES: This item was postponed for two weeks.

ITEM NO. 16: BOARD CONCERNS – NON-AGENDA ITEMS & ANNOUNCEMENTS:
Chair Labhart reported on legislative hearings on the redistribution of recreational vehicle (RV) fees and another bill authorizing Oregon Department of Forestry (ODF) to create a trust fund for the Salmonberry rails and trails. Chair Baertlein thanked Commissioner Labhart.

ITEM NO. 17: PUBLIC COMMENTS: There were none.

Chair Baertlein read the announcements.

There being no further business Chair Baertlein adjourned the meeting at 10:40 a.m.

RESPECTFULLY SUBMITTED this 3rd day of March, 2014.

County Clerk: Tassi O'Neil

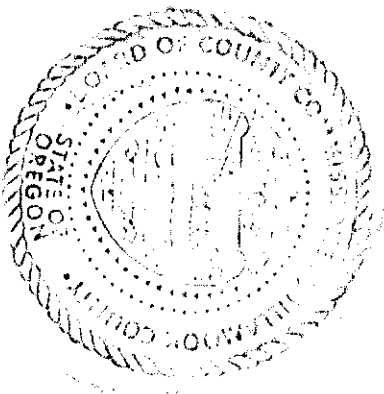

Susan Becraft, Recording Secretary
& Special Deputy

APPROVED BY:


Chair


Vice Chair


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 5, 2014
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

Bill Baertlein, Chair
E-mail: bbaertle@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
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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 ONLINE: tctvonline.com
OR ON TV: TCTV Channel 4

Friday – 1:00 p.m.
Monday – 7:00 p.m.
Thursday – 9:30 a.m.

Saturday – 3:30 a.m.
Tuesday – 10:00 p.m.

Sunday – 7:00 p.m.
Wednesday – 7:00 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.

AGENDA

WORKSHOP

CALL TO ORDER: Wednesday, February 5, 2014 8:30 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Public Works Report/Liane Welch
 - a. Discussion Concerning an Order Declaring County-Owned Property as Surplus for the Public Works Department
 - b. Discussion Concerning Purchasing Paving Equipment
 - c. Discussion Concerning an Order for Road Drainage Maintenance of Elderberry Lane, High Road and Topping Road at the Simmons Intersections which are Designated Local Access Roads
 - d. Discussion Concerning a Memorandum of Understanding with Tillamook Bay Watershed Council Regarding a Partnership to Replace the Bear Creek Culvert
 - e. Discussion Concerning a Professional Services Agreement with River Design Group for Design, Assistance with Bid and Construction Monitoring for the Bear Creek Culvert Replacement Project
 - f. Discussion Concerning an Intergovernmental Agreement with the Netarts-Oceanside Sanitary District to Use Their Pipeline Television Equipment and Personnel for County Projects
4. Discussion Concerning a Resolution Proclaiming March 2014 to be “*American Red Cross Month*” in Tillamook County, Oregon/Cara Sloman
5. Discussion Concerning a Memorandum of Understanding with the American Red Cross Cascades Region for Cooperation and Support in Assisting Individuals and Families Impacted by Disaster/Gordon McCraw, Cara Sloman
6. Discussion Concerning the Fifth Amendment to the 2013-2015 Intergovernmental Agreement #4437 (State #142027) with the Oregon Health Authority for the Financing of Public Health Services/Marlene Putman
7. Human Resources Report/Mona Hamblen
8. Community Development Update/Bryan Pohl
9. Discussion Concerning a Letter to the Oregon Parks and Recreation Department with Comments on the “Draft Nehalem Spit/Nehalem Bay State Park Western Snowy Plover Site Management Plan”/Mark Labhart
10. Chief of Staff Report/Paul Levesque
 - a. Discussion Concerning an Order Adjusting Parking Fees at Boat Launches for the Tillamook County Parks Department
 - b. Discussion Concerning Fees for Scanning Documents and for Faxes
 - c. Discussion Concerning a Lease of Real Property and Purchase of a Structure on the Property Known as the Carlich House by Bay City Arts Center
 - d. Discussion Concerning a Ground Lease Agreement with the Port of Tillamook Bay for the Operation of an Animal Shelter and Related Facilities

11. Staff Report/Sue Becraft
 - a. Suggestion Box
12. Board Concerns – Non-Agenda Items
13. Public Comments

ADJOURN

MEETING

CALL TO ORDER: Wednesday, February 5, 2014 10:00 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items

CONSENT CALENDAR

3. Board of County Commissioners' Meeting Minutes for January 15, January 15 Special Board Meeting, and January 22, 2014

LEGISLATIVE – ADMINISTRATIVE

4. Consideration of a Resolution Proclaiming March 2014 to be "*American Red Cross Month*" in Tillamook County, Oregon/Cara Sloman
5. Consideration of a Memorandum of Understanding with the American Red Cross Cascades Region for Cooperation and Support in Assisting Individuals and Families Impacted by Disaster/Gordon McCraw, Cara Sloman
6. Consideration of an Order Declaring County-Owned Property as Surplus for the Public Works Department/Liane Welch
7. Consideration of an Order for Road Drainage Maintenance of Elderberry Lane, High Road and Topping Road at the Simmons Intersections which are Designated Local Access Roads/Liane Welch
8. Consideration of a Memorandum of Understanding with Tillamook Bay Watershed Council Regarding a Partnership to Replace the Bear Creek Culvert/Liane Welch
9. Consideration of a Professional Services Agreement with River Design Group for Design, Assistance with Bid and Construction Monitoring for the Bear Creek Culvert Replacement Project/Liane Welch
10. Consideration of an Intergovernmental Agreement with the Netarts-Oceanside Sanitary District to Use Their Pipeline Television Equipment and Personnel for County Projects/Liane
11. Consideration of the Fifth Amendment to the 2013-2015 Intergovernmental Agreement #4437 (State #142027) with the Oregon Health Authority for the Financing of Public Health Services/Marlene Putman

12. Consideration of a Letter to the Oregon Parks and Recreation Department with Comments on the "Draft Nehalem Spit/Nehalem Bay State Park Western Snowy Plover Site Management Plan"/Mark Labhart
13. Consideration of an Order Adjusting Parking Fees at Boat Launches for the Tillamook County Parks Department/Paul Levesque
14. Consideration of a Lease of Real Property and Purchase of a Structure on the Property Known as the Carlich House by Bay City Arts Center/Paul Levesque
15. Consideration of a Ground Lease Agreement with the Port of Tillamook Bay for the Operation of an Animal Shelter and Related Facilities/Paul Levesque
16. Board Concerns – Non-Agenda Items & Announcements
17. Public Comments

ADJOURN

BOARD MEETINGS AND ANNOUNCEMENTS

The commissioners will meet with representatives of the Grand Ronde Tribes for their regular quarterly meeting on **Tuesday, February 11, 2014** at **11:00 a.m.** the commissioners' meeting Room B in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The Tillamook County Courthouse will be **closed** on **Monday, February 17, 2014** in observance of Presidents' Day. The State Circuit Courts, Tillamook Library, administrative offices in the jail and justice facility, Tillamook County Road Department, Tillamook County Community Development Department, Tillamook County Surveyor's office and health department and clinics will also be closed.

The commissioners will hold a workshop on **Tuesday, February 25, 2014** at **2:00 p.m.** with County Solid Waste Management staff and the Transfer Station Franchise Operators to discuss the Transfer Stations' operations. The workshop will be held in the commissioners' meeting room A in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners will hold a workshop on **Wednesday, February 26, 2014** at **1:30 p.m.** with the Health and Human Services Department Administrator and Chief Financial Officer to discuss the Health Department budget and finances. The workshop will be held in the commissioners' meeting room B in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners' evening board meeting schedule is as follows:

February 19, 2014	County Courthouse
March 19, 2014	Nehalem City Hall
April 16, 2014	Hebo Fire Hall
May 14, 2014	County Courthouse

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

BOARD OF COMMISSIONERS' WORKSHOP

Wednesday, February 5, 2014

	Present	Absent		Present	Absent
Mark Labhart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bill Baertlein	<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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JOHN GETTMAN		all
Scott Gilbert		Road & fees
Gus Meyer		General
Chris Loffelmacher		Equipment
Lance Welch		PW
Gordon McCraw		#5
Andy Long		all
Deb Clark		All
Denise Vandenberg		Assessor
Cara Suman		Red Cross
Bryan Boul		DCD
Jesse OrVier		Clerk / All
Mona Hambleen		HR

(Please use reverse if necessary)

BOARD OF COMMISSIONERS' MEETING

Wednesday, February 5, 2014

	Present	Absent		Present	Absent
Mark Labhart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bill Baertlein	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Josi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Paul Levesque	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Sargent	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

PLEASE PRINT

Name	Address	Item of Interest
Gordon McGraw	TCEM	#5
LARRY L. Rouse	Tae. CITY OK	3C 40a
Felicia Rouse	P.C	3c
Cara Stoman	Red Cross	4 \$5
Gaue Welch		PW
Sharon Zegert	Red Cross	
Jane Spence	" "	Proclamation
William Ned Marzok	All-	Tillamook County Pioneer

(Please use reverse if necessary)

January 27, 2014

Brian D. & Christine J. Arthur
9020 Bewley Creek Road
Tillamook, OR 97141

RE: Administrative Review for the Replacement of a Legally Established Dwelling in the Farm (F-1) Zone AR-13-03(a)

Dear Mr. and Mrs. Arthur:

Our department has completed an Administrative Review for replacement of a dwelling in the Farm (F-1) zone on a 9.28 acre parcel owned by you at 9020 Bewley Creek Road (Tax Lot 900 of Section 13, Township 2 South, Range 10 West, W.M. Tillamook County, Oregon). The property is also located in 'Zone C', areas of minimal flooding on the FEMA Flood Insurance Rate Map (FIRM) panel number 410196 0250 A.

Your application has been **APPROVED WITH CONDITIONS** based on the following findings:

- Replacement of a legally established dwelling in the F-1 zone is permitted per OAR 660-033-0120 provided that the requirements of OAR 660-033-0130(8) and (30) are met.
- The dwelling is a legally established dwelling as defined by OAR 660-033-0130(8)(a)(A) based on the submitted Affidavit, narrative and staff site visit on January 25, 2014. The dwelling has also been assessed as a dwelling for the previous five years as described by OAR 660-033-0130(8)(a)(B).
- The dwelling will be demolished within one year of completion of the replacement dwelling as required by OAR 660-033-0130(8)(b)(A) based on the submitted Affidavit and narrative. In accordance with TCLUO Section 3.002, the proposed replacement dwelling will be required to maintain 20 foot front and rear yard setbacks and 20 foot side setbacks since the adjacent parcels are not in the F-1 zone. Also, there is a small stream on this property with a width of less than 15 feet. A 15 foot setback is required from the stream per TCLUO Section 4.080.
- The dwelling does not qualify as an accessory farm dwelling per OAR 660-033-0130(24) as it is the primary dwelling on the property per County Tax Assessment records.
- Staff finds that a Declaratory Statement as required by OAR 660-033-0130(30) can be required to be submitted at the time of Planning Worksheet submittal (see Conditions of Approval # 7 and 8).

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing upon receipt of the appeal and applicable fees. In such case, forms and fees must be filed in the office of this Department before **4:00 PM on February 4, 2014.**

The **Conditions of Approval** are as follows. Failure to comply with the Conditions of Approval, OAR and ordinance provisions could result in nullification of this approval or citations. This approval expires four (4) years from the date of approval if a complete Building Permit application has not been filed with this Department or the approved Building Permit is allowed to expire without renewal after the expiration date.

1. The existing dwelling shall be removed, demolished or converted to an allowable use within one year after Final Occupancy is granted on the proposed replacement dwelling.
2. The property owners shall obtain a Demolition Permit from this Department prior to removal or demolition of the existing dwelling.
3. The property owners shall submit a site plan, drawn to scale, that meets all of the setback requirements of TCLUO Section 3.002: Farm (F-1) Zone and TCLUO Section 4.080: Requirements for Protection of Water Quality and Streambank Stabilization.
4. The property owners shall obtain all of the applicable permits for the proposed replacement dwelling from the Tillamook County Public Works Department for access, and submit any permits at the time of Planning Worksheet application.
5. The property owners shall obtain all of the applicable permits for the proposed replacement dwelling from the Tillamook County On-Site Sanitation Department for sanitation, prior to submitting a Planning Worksheet application.
6. The property owners shall submit documentation proving that the replacement dwelling will be served by a legal water source at the time of Planning Worksheet application.
7. In accepting this Approval the property owners understand intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use. The property owners hereby acknowledge that practices may involve but are not limited to the application of herbicides or fertilizers (including aerial spraying), road construction, changes in view, noise, dust, odor, traffic, and other impacts related to a farm zone. The property owners acknowledge the residential use of this property may be impacted by such activities and is accepting of that fact. In the event of conflict, the property owners understand preference will be given to farm and forest practices.
8. A covenant to the deed (Declaratory Statement) shall be required, informing that intensive farm or forest practices may be conducted upon adjacent or nearby land zoned for farm or forest use and limiting pursuance of a claim for relief or cause of action of alleging injury from farming or forest practices. The Declaratory Statement shall be filed with the Tillamook County Clerk prior to Planning Worksheet application. A copy of the recorded covenant shall be submitted to this Department at the time of Planning Worksheet application. The covenant shall be worded as the example included as "Exhibit C".

Please contact us at 503-842-3408 with any questions or concerns.

Sincerely,

TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

Timothy J. Murphy
Associate Planner

Enclosures: Declaratory Statement example

January 27, 2014

Robert J. and Charlotte L. Forster
22095 Foss Road
Nehalem, OR 97131

RE: Administrative Review for the Replacement of a Legally Established Dwelling in the Farm (F-1) Zone AR-14-01(a)

Dear Mr. and Mrs. Forster:

Our department has completed an Administrative Review for replacement of a dwelling in the Farm (F-1) zone on a 15.00 acre parcel owned by you at 22095 Foss Road (Tax Lot 401 of Section 33, Township 3 North, Range 9 West, W.M. Tillamook County, Oregon). The property is also located in multiple flood zones (Zones A, B and C) on the FEMA Flood Insurance Rate Map (FIRM) panel number 410196 0020 A.

Your application has been **APPROVED WITH CONDITIONS** based on the following findings:

- Replacement of a legally established dwelling in the F-1 zone is permitted per OAR 660-033-0120 provided that the requirements of OAR 660-033-0130(8) and (30) are met.
- The dwelling is a legally established dwelling as defined by OAR 660-033-0130(8)(a)(A) based on the submitted Affidavit, criteria responses and staff site visit on January 27, 2014. The dwelling has also been assessed as a dwelling for the previous five years as described by OAR 660-033-0130(8)(a)(B).
- OAR 660-033-0130(8)(b)(A) requires the existing dwelling to be removed, demolished or converted to an allowable non-residential use within one year of completion of the replacement dwelling. The applicant has signed an Affidavit stating they will comply with this requirement. Per the submitted criteria responses, the dwelling will be demolished prior to the construction of a replacement dwelling. In accordance with TCLUO Section 3.002, the proposed replacement dwelling will be required to maintain the following setbacks: 20 feet front, 20 feet on each side, 20 feet rear. Also, there is a small stream on this property with a width of less than 15 feet. A 15 foot setback is required from the stream per TCLUO Section 4.080.
- The dwelling does not qualify as an accessory farm dwelling per OAR 660-033-0130(24) as it is the primary dwelling on the property per County Tax Assessment records.
- Staff finds that a Declaratory Statement as required by OAR 660-033-0130(30) can be required to be submitted at the time of Planning Worksheet submittal (see Conditions of Approval # 7 and 8).

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing upon receipt of the appeal and applicable fees. In such case, forms and fees must be filed in the office of this Department before **4:00 PM on February 4, 2014.**

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Please contact us at 503-842-3408 with any questions or concerns.

Sincerely,

TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

Timothy J. Murphy
Associate Planner

Enclosures: Declaratory Statement example

Blue Hebron
Connie

Meeting Notes – 1/24/14 – FEMA and DCD

Present (DCD Downstairs conference room): FEMA- Karen Wood-McGuinness and George Currin TCDCD- Bryan Pohl, Leonard Brogden, Tim Murphy, Sarah Absher (second half of meeting)

- The meeting was a general discussion/update on progress of reviewing the Corrective Action Plan, submitted by John Boyd on October 25, 2013. Karen pointed out that she is still in the process of reviewing the CAP submitted by Tillamook County, but government sequester and shutdown had gotten them pretty backlogged.
- In short, some issues are not nearly as difficult to overcome as Mr. Boyd had made them out to be; but other things are. Generally, the public education and outreach piece was not something that we really needed to worry about and FEMA could come and provide surveyor trainings. The main deficiencies that needed to be corrected were in procedural and record keeping areas.
 - We need to develop standards for permit review, document retention, and inspections
 - All elevation certificates must be kept in perpetuity
- FEMA would like to see monthly progress reports from us on how the CAP is progressing.
 - This is not a problem. We should be in constant communication with them to fix this issue.
 - Intergovernmental Agreements are first
 - Wheeler has submitted. Rockaway meeting on Tuesday, January 28th.
- We are short 24-28 elevation certificates that will need to be redone or found (unlikely to be found).
 - We will likely need to employ the help of the County Surveyors in this project
 - It would be best if they could do a training (mentioned above) with them prior to getting this started
- MAJOR ISSUE – Lack of floodway analyses on the Nehalem and Nestucca rivers
 - Many structures have been built without no-rise analyses done
 - We MUST get a new flood study done in both areas before we can issue any new permits
 - Nestucca presents a problem
 - Original flood analysis data can not be found

- We absolutely have to have in place procedures that address both processes
 - These need to be reflected in IGAs, as well
 - Leonard – County should be doing this. I agree
- Reports and development permits
 - FEMA can not see a reason why any of our permits need to go for public notice, with appeal period.
 - Also, there is no need for a long narrative report
- Comments were handed back on flow sheets for planning and building

- Karen said the flood analysis data MUST be attainable; but we needed to send a formal request for that data (email sent 1/23/14 4:59pm).
 - She will follow up and see if that data exists.
 - Nehalem info is available, but needs to account for all of the development in the floodway.
 - This situation gets into money when we start discussing engineers/surveyors who can complete this work for us.
 - The gentleman that Leonard has been speaking to may not have understood the whole scope of the project, but might be able to get it done with the correct info
 - We need to speak to this surveyor again after that information issue is addressed
 - We currently have several permits on hold for this issue to be resolved.
 - There are no easy answers or courses of action for this. Issuing the permits risks our participation in the flood program and could further raise BFE for others. Not issuing them after citizens have completed studies is going to be difficult, as well. People will be understandably very upset.
 - We do have the authority to issue the permits, but we need to think long and hard about that before we even consider it.
 - Process –
 - get effective model
 - Add all additional changes
 - Account for rise
 - Go through LOMR process
 - Another potential problem – some new properties could end up paying flood insurance (somewhat doubtful)
 - Some properties MAY be noncompliant now, because of increased BFE
 - Mitigated by 3-foot freeboard
 - Impact likely not so significant as to cause this.
- Substantial improvement / Substantial damage evaluation

Tillamook County Mayor's Coalition

PO Box 143
Nehalem, OR 97131

Phone: 503-738-3333
Fax: 503-738-3334
www.tillamookcountymayorscoalition.org

February 5, 2014



City of Tillamook
Suzanne Weber, Mayor

133
KS
m.j.
[Signature]

Received

FEB 14 2014

Tillamook County
Board of Commissioners



City of Bay City
Spencer Parsons, Mayor

RE: Comments on the Draft Western Snowy Plover Site Management Plan in Tillamook County

City of Garibaldi

City of Garibaldi
Sue McCarthy, Mayor

The Tillamook County Mayor's Coalition whole heartedly supports the three recommendations brought forward to the Oregon Parks and Recreation Department from the Tillamook county board of Commissioners. These considerations are integral to the maintenance of economic viability in our fragile environment while still considering the importance of the health and safety of the Western Snowy Plover.



City of Rockaway Beach
Phil Riley, Mayor Pro-tem



City of Wheeler
Steve Burben, Mayor

Respectfully,

Suzanne Weber

Suzanne Weber
Chairperson, Tillamook County Mayor's Coalition



City of Nehalem
Suzanne Weber, Mayor



City of Manzanita
Bob B. ...



Land of Cheese, Trees and Ocean Breeze

February 5, 2014

Jim Morgan
Stewardship Manager
Parks and Recreation Department
725 Summer Street NE Suite C
Salem OR 97301-1266

RE: Comments on the Draft Western Snowy Plover Site Management Plan in Tillamook County

Dear Mr. Morgan:

On January 30, 2014, the Oregon Parks and Recreation Department (OPRD) presented information and discussed the Draft Western Snowy Plover Site Management Plan for the Nehalem Spit/Nehalem Bay State Park with the Tillamook County Board of Commissioners. This draft plan details management tasks to encourage long absent breeding by the Western Snowy Plover at the south portion of the Nehalem Spit. We understand a final draft will be submitted to the United States Fish and Wildlife Service (USF&W), and upon approval OPRD will begin implementing this plan at the park.

We appreciate you, Vanessa and John discussing the details of this draft plan with us. We know you did not have to do this. Thank you Jim, John and Vanessa for answering all our questions and addressing our concerns in a thoughtful and we believe a productive manner. We fully understand that OPRD has already made significant compromises with the US Fish & Wildlife Service leading up to this draft. We still do have some recommendations we would like OPRD and USF&W to consider as we discussed at our Tillamook meeting.

Recommendation 1

Allow the use of non-motorized vehicles in the Unoccupied Seasonal Restriction (March 15 – July 15) wet sand area. As Manzanita Mayor Garry Bullard stated, the use of non-motorized vehicles such as bicycles is a common use in the Nehalem Bay State Park and Nehalem Spit. We do not believe that allowing bicycles (no noise) in the voluntary wet sand area will in fact disturb any potential nest sites in the dry sand area whether occupied or unoccupied. We believe this is significant overreaching by the federal agencies to conclude that riding a bicycle on the wet sand will in fact disturb a bird from nesting on the dry sand area.

Recommendation 2

We ask that you work with the USF&W to consider moving the proposed management area's north boundary further to the south. The current north boundary line is directly adjacent to high traffic areas including the horse concession, day use parking and the campground itself. This is a high traffic area that hundreds, if not thousands, of people use during the summer months. It will be difficult to enforce area restrictions there because of the high traffic volume. We ask you to consider moving the north boundary further to the south. How far you ask? We would leave it up to you and the USF&W to negotiate the distance but we believe moving the boundary further to the south will not adversely impact the potential for nesting sites in the dry sand further to the south. We find it very difficult to believe that plovers would choose to nest this close to high human and animal traffic areas as currently identified with the north boundary line.

Recommendation 3

We believe that natural predator control would be critical were this area ever to be occupied by breeding snowy plovers. Therefore, we strongly support the predator control options you outline in the draft plan. Because this plan reduces and proposes to eliminate human activity in the dry sand portions of the Snowy Plover Management Area these areas will be more attractive to predators because humans will not be present to scare/harass them away from nest sites.

In summary, we understand that OPRD has a HCP and an Incidental Take Permit from USF&W and that you worked hard to limit the restrictions that will occur on our public beaches. We appreciate that. We also understand that OPRD has a responsibility to seek ways to encourage plover breeding on property you oversee.

We ask you to seriously consider our recommendations as you implement the Nehalem Spit/Nehalem Bay State Park Draft Western Snowy Plover Site Management Plan.

Most Sincerely,

TILLAMOOK COUNTY
BOARD OF COMMISSIONERS



Bill Baertlein, Chairperson



Tim Josi, Vice Chairperson



Mark Labhart, Commissioner