

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

FILED
437
JAN 27 2015
TASSI O'NEIL
COUNTY CLERK

Wednesday, December 10, 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
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 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.

WORKSHOP – AUDIO12-10-2014A.MP3

CALL TO ORDER: Wednesday, December 10, 2014 8:30 a.m.

1. Welcome & Request to Sign Guest List
2. 0:12 Public Comment – Non-Agenda Items
Secure Rural Schools (SRS) Not Being Funded – Vice Chair Josi
3. 10:44 Public Works Report/Liane Welch – Public Works Activities
4. 14:27 Discussion Concerning an Order Reappointing Betty Baumgart, Shirley Kalkhoven and Gene Tish to the Tillamook County Tourism Advisory Committee/Doug Olson
5. 30:30 Discussion Concerning an Order Reappointing Steve Neahring to the Tillamook County 4-H & Extension Service District Budget Committee/Emily Henry
6. 31:47 Discussion Concerning an Order Appointing the 4-H & Extension Service District Budget Officer for Fiscal Year 2015-2016/Emily Henry
7. 32:43 Discussion Concerning an Order Reappointing Doug Olson to the Tillamook County Budget Committee/Deb Clark
8. 33:17 Discussion Concerning an Order Appointing the Budget Officer for Tillamook County for Fiscal Year 2015-2016/Deb Clark
9. 33:47 Discussion Concerning an Order Appointing Kevin Stoecker to the Tillamook County Solid Waste Service District Budget Committee/Deb Clark
10. 34:25 Discussion Concerning an Order Appointing the County Treasurer as the Solid Waste Service District Budget Officer for Fiscal Year 2015-2016/Deb Clark
11. 35:00 Discussion Concerning an Order Appointing the Justices of the Peace Pro Tem for One Calendar Year, January 1, 2015 through December 31, 2015/Joel Stevens
12. 36:37 Discussion Concerning Minutes of Public Hearings on October 8 and 29, 2014 Concerning Ordinance Amendment Request (OA-14-01) to Amend the Tillamook County Comprehensive Plan Goal 18 Beaches and Dune Element and Section 4: Supplementary Regulations of the Tillamook County Land Use Ordinance in Accordance with Statewide Planning Goal #18: Beaches and Dunes, to Incorporate the Policies contained in the Neskowin Coastal Erosion Adaption Plan for Properties Located within the Unincorporated Community of Neskowin/Sarah Absher
13. 38:00 Human Resources Report/Mona Hamblen - None
14. Community Development Update/Bryan Pohl
 - 38:07 – e-Permitting Update
 - 39:06 – Nestucca River Floodway Study
 - 40:53 – National Oceanic and Atmospheric Administration (NOAA) v. Federal Emergency Management Agency (FEMA) Lawsuit
 - 46:50 – New Geographic Information System (GIS)

15. 48:25 Discussion Concerning a letter to Charter in Support of the Proposed Merger of Charter with Comcast/Mark Labhart
16. Chief of Staff Report/Paul Levesque
 - a. 50:00 Discussion Concerning an Order Appointing the Chairperson and Vice Chairperson to the Tillamook County Board of Commissioners for 2015
 - b. 50:45 Discussion Concerning an Order Designating Liaison Responsibilities for the Tillamook County Board of Commissioners for 2015
 - c. 53:14 OTHER: Disposition of Owner-Occupied Tax Foreclosed Property
17. Staff Report/Sue Becraft
 - a. 1:04:41 Suggestion Box – There were no suggestions in the box.
 - b. Committee Memberships
 - 1:04:52 Northwest Oregon Housing Authority (NOHA) Applicant
 - 1:05:30 Planning Commission Vacancy
18. 1:07:18 Board Concerns – Non-Agenda Items – There were none.
19. 1:07:26 Public Comments – There were none.

ADJOURN – 9:37 a.m.

MEETING – AUDIO12-10-2014B.MP3

CALL TO ORDER: Wednesday, December 10, 2014 10:03 a.m.

1. 0:32 Welcome & Request to Sign Guest List
2. 0:37 Public Comment – Non-Agenda Items – There were no public comments.
3. 0:44 New Video Entitled “Oregon Counties – Providing Vital Public Services Since 1843”/Mark Labhart

LEGISLATIVE – ADMINISTRATIVE

4. 16:47 Consideration of an Order Reappointing Betty Baumgart, Shirley Kalkhoven and Gene Tish to the Tillamook County Tourism Advisory Committee/Doug Olson
A motion was made by Commissioner Labhart and seconded by Vice Chair Josi. The motion carried with three aye votes.
5. 33:16 Consideration of an Order Reappointing Steve Neahring to the Tillamook County 4-H & Extension Service District Budget Committee/Emily Henry
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.

6. 34:30 Consideration of an Order Appointing the 4-H & Extension Service District Budget Officer for Fiscal Year 2015-2016/Emily Henry
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.

35:25 OTHER: 4-H/Extension Update/Emily Henry
7. 36:25 Consideration of an Order Reappointing Doug Olson to the Tillamook County Budget Committee/Deb Clark
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.
8. 39:00 Consideration of an Order Appointing the Budget Officer for Tillamook County for Fiscal Year 2015-2016/Deb Clark
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.
9. 40:25 Consideration of an Order Appointing Kevin Stoecker to the Tillamook County Solid Waste Service District Budget Committee/Deb Clark
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.
10. 41:59 Consideration of an Order Appointing the County Treasurer as the Solid Waste Service District Budget Officer for Fiscal Year 2015-2016/Deb Clark
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.
11. 42:54 Consideration of an Order Appointing the Justices of the Peace Pro Tem for One Calendar Year, January 1, 2015 through December 31, 2015/Joel Stevens
A motion was made by Vice Chair Josi and seconded by Commissioner Labhart. The motion carried with three aye votes.
12. 50:02 Consideration of a letter to Charter in Support of the Proposed Merger of Charter with Comcast/Mark Labhart
A motion was made by Commissioner Labhart and seconded by Vice Chair Josi. The motion carried with three aye votes.
13. 53:00 Consideration of Minutes of Public Hearings on October 8 and 29, 2014 Concerning Ordinance Amendment Request (OA-14-01) to Amend the Tillamook County Comprehensive Plan Goal 18 Beaches and Dune Element and Section 4: Supplementary Regulations of the Tillamook County Land Use Ordinance in Accordance with Statewide Planning Goal #18: Beaches and Dunes, to Incorporate the Policies contained in the Neskowin Coastal Erosion Adaption Plan for Properties Located within the Unincorporated Community of Neskowin/Sarah Absher
A motion was made by Commissioner Labhart and seconded by Vice Chair Josi. The motion carried with three aye votes.

54:28 Vice Chair Josi left the meeting at this time.
14. 54:40 Board Concerns – Non-Agenda Items & Announcements – Chair Baertlein read the Announcements.
15. 56:26 Public Comments – There were none.

ADJOURN – 10:59 a.m.

AGENDA

WORKSHOP

CALL TO ORDER: Wednesday, December 10, 2014 8:30 a.m.

1. Welcome & Request to Sign Guest List
2. Public Comment – Non-Agenda Items
3. Public Works Report/Liane Welch
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13. Human Resources Report/Mona Hamblen
14. Community Development Update/Bryan Pohl
15. Discussion Concerning a letter to Charter in Support of the Proposed Merger of Charter with Comcast/Mark Labhart
16. Chief of Staff Report/Paul Levesque
 - a. Discussion Concerning an Order Appointing the Chairperson and Vice Chairperson to the Tillamook County Board of Commissioners for 2015

- b. Discussion Concerning an Order Designating Liaison Responsibilities for the Tillamook County Board of Commissioners for 2015
- 17. Staff Report/Sue Becraft
 - a. Suggestion Box
 - b. Committee Memberships
- 18. Board Concerns – Non-Agenda Items
- 19. Public Comments

ADJOURN

MEETING

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

- 1. Welcome & Request to Sign Guest List
- 2. Public Comment – Non-Agenda Items
- 3. New Video Entitled “Oregon Counties – Providing Vital Public Services Since 1843”/Mark Labhart

LEGISLATIVE – ADMINISTRATIVE

- 4. Consideration of an Order Reappointing Betty Baumgart, Shirley Kalkhoven and Gene Tish to the Tillamook County Tourism Advisory Committee/Doug Olson
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14. Board Concerns – Non-Agenda Items & Announcements
15. Public Comments

ADJOURN

BOARD MEETINGS AND ANNOUNCEMENTS

The commissioners will hold an executive session on **Wednesday, December 10, 2014** at **3:00 p.m.** pursuant to ORS 192.660(2)(b) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing. The executive session will be in the commissioners' meeting room A of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook. The executive session is not open to the public.

The commissioners will hold a Special Board meeting on **Friday, December 12, 2014** at **10:00 a.m.** to consider receiving a Program Development Plan from McKinstry Essention LLC for the Tillamook County Courthouse boiler. The meeting will be held in the commissioners' meeting room B in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

A Leadership Team Meeting of the County Board of Commissioners with the Tillamook County Elected Officials and Department Heads will be held on **Monday, December 15, 2014** at **8:00 a.m.** to discuss the county's budget. The meeting will be held in the commissioners' meeting Rooms B in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners will hold a workshop on **Monday, December 15, 2014** at **10:00 a.m.** with John Upton for a quarterly report on Tillamook County's Retirement Plan. The workshop will be held in the commissioners' meeting Room B in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners will interview applicants for the Tillamook County Futures Council on **Monday, December 15, 2015** at **2:00 p.m.** The interviews will be in the Nestucca Room in the basement of the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The commissioners will hold a workshop on **Wednesday, December 17, 2014** at **3:00 p.m.** with Community Development Department and Information Services for a GIS update. The workshop will be held in the commissioners' meeting Room A in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook.

The county's holiday schedule and the AFSCME Union Agreement designate **Wednesday, December 24, 2014** as a holiday. Therefore, the Tillamook County administrative offices in the Courthouse, jail, and justice facility, the Road Department, Community Development, Surveyor's office, Tillamook Library and Health Department and clinics and will be **closed** on **Wednesday, December 24, 2014** to allow employees this time off. There will be **no** commissioners meeting on **Wednesday, December 24, 2014**. However, the State Circuit Court will be open on Wednesday.

The Tillamook County Courthouse, administrative offices in the jail and justice facility, Tillamook County Road Department, Tillamook County Community Development Department, Surveyor's office, Tillamook Library and health department and clinics will be **closed** on **Thursday, December 25, 2014** for the Christmas holiday and on **Thursday, January 1, 2015** for the New Year's holiday.

The commissioners' evening board meeting schedule is as follows:

December 17, 2014	Kiawanda Community Center
January 21, 2015	County Courthouse
February 18, 2015	New Nehalem City Hall
March 18, 2015	Kiawanda Community Center
April 15, 2015	County Courthouse
May 20, 2015	Manzanita City Hall

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

BOARD OF COMMISSIONERS' WORKSHOP

Wednesday, December 10, 2014

	Present	Absent		Present	Absent
Mark Labhart	<u>✓</u>	<u> </u>	Bill Baertlein	<u>✓</u>	<u> </u>
Tim Josi	<u>✓</u>	<u> </u>	Paul Levesque	<u>✓</u>	<u> </u>

PLEASE PRINT

Name	Address	Item of Interest
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<i>JOHN GETTMAN</i>		<i>all</i>
<i>Deane Welch</i>		
<i>Boyan Bar</i>		<i>DCD</i>
<i>Emily Henry</i>		
<i>Sarah Gibson</i>		<i>DCD</i>
<i>Deb Clark</i>		<i>Treas</i>
<i>John Omer</i>		<i>clerk/all</i>
<i>Meggie Vandeweyer</i>		<i>Assessor</i>
<i>J.W. St. Louis</i>		<i>All</i>
<i>Deeq Olson</i>		<i>1</i>
<i>BILL SARGENT</i>		<i>TAX DEEDS</i>

(Please use reverse if necessary)

BOARD OF COMMISSIONERS' MEETING

Wednesday, December 10, 2014

	Present	Absent		Present	Absent
Mark Labhart	<u>✓</u>	_____	Bill Baertlein	<u>✓</u>	_____
Tim Josi	<u>✓</u>	_____	Paul Levesque	<u>✓</u>	_____
Bill Sargent	<u>✓</u>	_____			

PLEASE PRINT

Name	Address	Item of Interest
Emily Henry	4301 Third St.	All Ext.
Chris STELLFUG	6920 Munson Cir	_____
Joel W. STEVENS	Courthouse	All
Patty + Doug Olson	Pacific City	All
Bill Clark		

(Please use reverse if necessary)


SHARED STATE-COUNTY SERVICES

SERVING THE CITIZENS OF OREGON

HEALTH & HUMAN SERVICES	PUBLIC SAFETY	NATURAL RESOURCES & RECREATION	TRANSPORTATION, LAND USE & ECONOMIC DEV.	OTHER COMMUNITY SERVICES
Child Protection  Housing Mental Health Hospital Aging/Senior Services Alcohol/Drug Treatment Alcohol/Drug Prevention Children & Families Svcs.  Dev. Disabled Services  Mental Health Services  Oregon Health Plan Svcs.  Veterans Services Public Health Services  Environmental Health  Housing Services Medical Examiner Emergency Planning and Response Solid Waste Management Recycling Programs	Appellate Court State Police  State Prison Attorney General Trial Courts District Attorney 911/Emerg. Communications Emergency Management Homeland Security Community Corrections Court Security Juvenile Services  Marine Patrol Drug Courts County Law Library  Sheriff Patrol  Animal Control Justice Courts Search and Rescue County Jail	State Parks State Lands  Water Regulation Wildlife Regulation County Forest Trust Lands/ State Forest Management  Habitat Restoration Wildlife/Predator Control Federal Land Policy  Noxious Weed Control Watermaster County Forest Management County Parks  Vector Control Soil & Water Conservation	State Highways  State Fair Land Use Planning & Coord. Land Use Permitting Highway & Road System  Senior & Disabled Transport. Energy Development Engineering Building Permits & Inspection Economic Development  County Fair Infrastructure Development Surveying County Transportation System 	Administrative Services Assessment & Taxation  PERS Employee/Labor Relations Elections  Extension Service  Telecommunications Administrative Services Procurement Recording Public Documents County Library  County Museums  County Service Districts

Green = State-Provided Services Red = State/County-Shared Services Blue = County-Provided Services



 Directly supports schools/education

Tillamook County



Land of Cheese, Trees and Ocean Breeze

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

December 10, 2014

Ms Marian Jackson
Director, Government Affairs
Charter
222 NE Park Plaza Drive Suite 231
Vancouver WA 98684

RE: Support for Charter's Merger with Comcast

Dear Ms. Jackson:

We would like to go on record in support of the proposed Comcast acquisition of the Charter communication parent Time Warner.

One aspect of the proposed acquisition would be a realignment of territories served, with Comcast taking over certain rural, less populated areas from Charter. Although Charter service has been generally good and has improved over the years, there have been programmatic holes in the service. One of these has been the availability of PAC-12 sports and regular Portland Trail Blazer coverage. Our economy depends on tourism especially in the summer and on weekends throughout the year. On the weekends people from the metro areas served by Comcast tend to forgo a trip to the beach if they cannot get an Oregon or Oregon State football or basketball game on cable TV. The availability or improvement of other cable services or options would also result from Comcast service as well.

For these reasons, the County of Tillamook supports the proposed allocations and extension of Comcast service to this area. We do so with the following conditions:

1. Sports and other programs: PAC-12 and Trail Blazer games should be part of the Comcast package, along with such sports and special programmatic coverage as is provided by Comcast in its current service area.

Ms Marian Jackson
December 10, 2014
Page 2

2. Service Personnel: Charter has had the benefit of excellent responsiveness to service trouble. Its service personnel have done an excellent job of diagnosing the problem and fixing it. In the early days of Charter's infrastructure development, the service people worked extra hard to maintain service and to keep subscribers more or less happy. The present charter service personnel know the system, its points of vulnerability, etc. They should be retained at or above the present total compensation package level as a condition of approval. This is essential to maintenance of good service in the sometimes challenging weather in this area.

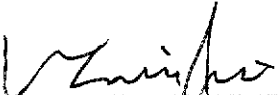
We believe this proposed change is in the best interest of Charter's subscribers and therefore in the public interest. We also believe it is not a time to pile on unreasonable demands such as have been reported as coming from entertainment or sports providers. It is time to look beyond politics and lobbyists to the interests of the legitimate stake holders – the individual subscribers who pay the bill.

Sincerely,

BOARD OF COMMISSIONERS FOR
TILLAMOOK COUNTY, OREGON



Bill Baertlein, Chairperson



Tim Josi, Vice Chairperson



Mark Labhart, Commissioner

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Tillamook County Mayor's Coalition

PO Box 143
Nehalem, OR 97131



City of Tillamook
Suzanne Weber, Mayor



City of Bay City
Shaena Peterson, Mayor

City of Garibaldi
Oregon's Authentic Fishing Village

City of Garibaldi
Sue McCarthy, Mayor



City of Rockaway Beach
Joanne Aagaard, Mayor



City of Wheeler
Stevie Burden, Mayor



City of Nehalem
Shirley Kalkhoven, Mayor



City of Manzanita
Garry Bullard, Mayor

November 19, 2014

Board of Commissioners

Tillamook County

201 Laurel

Tillamook, OR 97141

Gentlemen:

Enclosed is a copy of a support letter from the Tillamook County Mayor's Coalition to Charter Communications for their use in the upcoming hearings for the FTC to consider their merger with Comcast.

Manzanita Mayor Garry Bullard asked that you receive a copy as your commission had agreed to also provide Charter with a letter.

Sincerely yours,

Shirley Kalkhoven, Mayor

City of Nehalem

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File
Board of Commissioners

Tillamook County Mayor's Coalition

PO Box 143
Nehalem, OR 97131



City of Tillamook
Suzanne Weber, Mayor



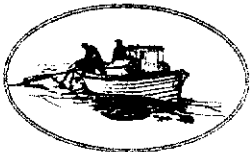
City of Bay City
Shaena Peterson, Mayor



City of Garibaldi
Sue McCarthy, Mayor



City of Rockaway Beach
Joanne Aagaard, Mayor



City of Wheeler
Stevie Burden, Mayor



City of Nehalem
Shirley Kalkhoven, Mayor



City of Manzanita
Garry Bullard, Mayor

November 7, 2014

Ms. Marian Jackson
Director, Government Affairs
Charter
222 N.E. Park Plaza Drive, Suite 231
Vancouver, WA 98684

Dear Ms. Jackson:

This letter is a follow up to a prior correspondence with your office and your recent telephone conversation with Manzanita Mayor Garry Bullard. Recent developments, as reported in the press concerning the proposed acquisition of the Charter communication parent Time Warner by Comcast prompt this letter.

One aspect of the proposed acquisition would be a realignment of territories served, with Comcast taking over certain rural, less populated areas from Charter. Although Charter service has been generally good and has improved over the years, there have been programmatic holes in the service. One of these has been the availability of PAC-12 sports and regular Portland Trail Blazer coverage. This has operated as a handicap to our area's tourism dependent economy, particularly on weekends. When there is a big game, for example, people from the metro areas served by Comcast tend to forgo a trip to the beach if they cannot get an Oregon or Oregon State football or basketball game on cable TV. The availability or improvement of other cable services or options would also result from Comcast service as well.

For these reasons, the Cities of this County support the proposed allocations and the extension of Comcast service to this area. We do so with the following conditions:

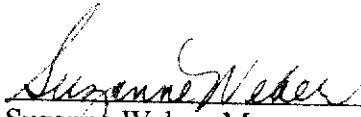
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Ms. Marian Jackson
November 7, 2014
Page two

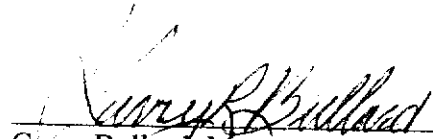
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We believe this proposed change is in the best interest of Charter's subscribers and therefore in the public interest. We also believe that it is not a time to pile on unreasonable demands such as have been reported as coming from entertainment or sports providers. It is time to look beyond politics and lobbyists to the interests of the legitimate stake holders - - the individual subscribers who pay the bill.


Yours very truly,



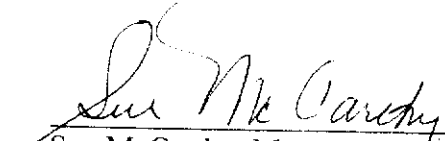
Suzanne Weber, Mayor
City of Tillamook



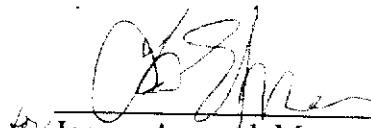
Garry Bullard, Mayor
City of Manzanita



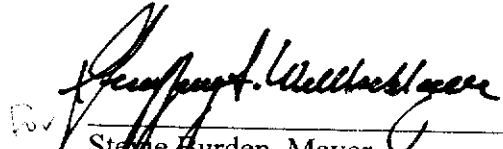
Shaena Peterson, Mayor
City of Bay City



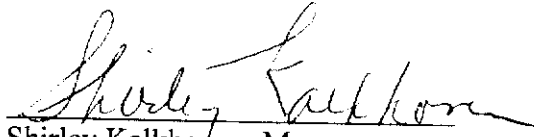
Sue McCarthy, Mayor
City of Garibaldi



Joanne Aagaard, Mayor
City of Rockaway Beach



Storie Burden, Mayor
City of Wheeler



Shirley Kalkhoven, Mayor
City of Nehalem

TILLAMOOK COUNTY BOARD OF COMMISSIONERS
Hearing Minutes October 8, 2014
Ordinance Amendment Request: OA-14-01

CALL TO ORDER: The meeting was called to order by County Commissioner Baertlein at 10:32a.m. County Commissioners Mark Labhart and Tim Josi were also present. Community Development staff present were Bryan Pohl, Director, Sarah Absher, Senior Planner & Joni Sauer-Folger, Accounting Clerk II- Tillamook County Department of Community Development.

I. William Sargent, County Counsel, explained the legal procedures. Commission Chair Baertlein stated the procedure for the hearing. Mr. Sargent called for a challenge to the jurisdiction to BOCC to hear the matter and if there were any conflicts of interest from the BOCC. Commissioner Labhart stated for the record that he was Chair of the Neskowin Coastal Hazards Committee for three years. Mr. Sargent then turned the hearing over to staff.

II. **Staff Report:**

Sarah Absher, Senior Planner, Tillamook County Department of Community Development gave the staff report regarding the series of proposed code amendments and amendments to the County Comprehensive Plan, specifically Goal the 14 and Goal 18 elements. Prior to beginning the presentation, Ms. Absher went over maps of the area and gave a brief background summary of the Neskowin Coastal Hazards Committee, the techniques used to alleviate coastal hazard areas, and a proposed plan.

Ms. Absher stated for the record that the purpose of the review and responses to the criteria located in Article 9 of the land use ordinance, are addressed in the staff report on pages 3 through 8. The applicable goal element sections that apply to this request are 7, 14, and 18. The Planning Commission heard this matter on July 10th and August 14th of this year. Copies of all previous reports and testimonies are also included in the packets. Ms. Absher then went through the proposal step by step, explaining the differences between existing and proposed changes and the concerns therein.

Ms. Absher explained the possible limitation of construction. Concerns of potential costs to property owners and possible insurance hikes were discussed in the committee, as well as impact on existing regulations and codes. The planning commission voted unanimously to recommend adoption of the proposal. They also felt the proposal could increase the cost for development to property owners and had suggestions to address concerns raised, which Ms. Absher explained.

Ms. Absher then moved on to explain the purpose and intent of the code. She reiterated that the intention of the code was not to prohibit development, though through previous testimony, there were those who felt that was not the case.

Commissioner Josi asked if there was any foundation in fact for the allegations, which Sarah addressed before moving on, stating that development could be limited as a result of this

proposal, but where it would be prohibited, it would not be as a result of the adoption of this code. She then explained the provisions already in place that could prohibit development of property. Ms. Absher went on to talk about exemptions and criteria for exemptions.

The next area Ms. Absher covered was the notification process. To stay consistent with other Type II permit reviews, all reviews would go out to agencies as well as property owners within 250-feet.

Ms. Absher pointed out that submittal requirements were outlined on page 4 and standards and criteria on page 5. She explained that for properties within the proposed overlay zone, the development standards and the report requirements of the Neskowin Coastal Hazard area permit would apply in lieu of a beach and dune hazard report or a geologic hazard report. However, these requirements would still apply for those properties outside of the overlay zone. She pointed out that page 6 specifically outlines the geologic report standards for investigation.

Commissioner Josi asked for clarification on where this language was listed, which Ms. Absher explained.

Ms. Absher went on to discuss site requirements and the modified language in the proposal regarding these requirements that also addressed residential density limitation. She read from the proposal in this section. Another addition to the proposal was a requirement of a letter upon construction completion from the engineering geologist certifying that construction has been completed according to requirements. Ms. Absher also indicated that currently a letter is required prior to submittal of construction plans from the project engineer or an engineering geologist certifying that plans conform to recommendations.

Ms. Absher addressed restoration and reconstruction of existing structures within the proposed overlay zone, as well as thresholds for compliance.

In conclusion, Ms. Absher spoke about suggestions to address stormwater and management for properties within Neskowin, as well as runoff and erosion.

There was a brief period where the Commissioners asked follow-up questions of staff.

Ms. Absher then stated that she spoke with several local insurance representatives in response to concerns raised regarding potential increased insurance costs for properties located within the proposed overlay zone. She shared her findings, stating that most agents concurred that adoption of these standards wouldn't directly impact insurance rates, however if replacement cost increased as a result of the new standard, there may be an insurance cost increase.

There were no additional questions or comments. Chair Baertlein opened the hearing to public comment.

CAC Presentation: Guy Seifert, Chair of the Neskowin CAC, spoke on behalf of the committee. He reiterated the significant community involvement in the process and went through the history of the area. He stated that the process has been very thorough and

extensive. He felt the direction the process was going was a great value to the community and the County. He also thanked Ms. Absher for her work and that of Community Development.

He then turned it over to David Kraybill, who spoke on the Neskowin area and the at-risk concerns. The engineering solutions provided in the study, such as strengthening the existing rip-rap, could extend the liability of the community in the hazard zone and were too expensive and not long term solutions. The hazard committee took the 25 recommendations and selected the most appropriate for the Neskowin community. These selections included using an overlay zone that correlates with the 100 year flood that correlates with the Department of Geologic and Mineral Industry (DOGAMI) maps. He mentioned that Newport and Lincoln City have already adopted the DOGAMI zones. The third recommendation is special building techniques that allow for the buildings to be moved off the lots or raised which. The fourth recommendation is a site standard. There are three land division standards: limiting creation of parcels that don't include a building site located outside the risk zone; limiting density; and limiting multifamily dwellings within the zone.

Commissioner Josi asked for clarification on what the Planning Commission had approved. Mr. Kraybill addressed that stating that Ms. Absher had outlined based on the Planning Commission recommendations. He added that the Neskowin CAC has adopted all of those recommendations with the exception of the recommended removal of density limitations.

Mr. Kraybill went on to state that the fifth recommendation is for bluff backed hazard areas where the CAC recommend a 50 times the annual erosion rate plus a 20 foot buffer zone. The sixth recommendation is for stormwater runoff and requires the Oregon Department of Environmental Quality (ODEQ) Best Management Practices (BMP) be put in to place for construction. He explained that these minimize cuts and fills and limit stripping of vegetation and grading so that the smallest area practicable is disturbed at any one time and that stormwater be directed away from the bluff faces and foredunes. The last recommendation is regarding substantial improvements. In conclusion, Mr. Kraybill stated the CAC didn't expect the impact to be extensive in the short-term.

Mr. Sievert then added that this was the process of a focused committee spending several years with numerous departments and agencies involved, as well as citizen involvement. Mr. Sievert felt the CAC spoke for the community.

Commissioner Josi apologized for leaving early, as he had another meeting, and stated that there would be no decision made today.

Gale Ousele: Ms. Ousele is a member of the hazard committee from its inception and is also a member of the Tillamook County Planning Commission. She stated that the proposal was not trying to prohibit development, but prudent management. She also said that property rights were important, but public safety was equally important.

Dan Trinci: A real estate developer and property owner in the area, Mr. Trinci stated that he'd never been invited to a meeting or been notified about meetings being held, nor had anyone he'd spoken with. He felt a bit mystified about how the process worked, and why there wasn't

the opportunity for oral testimony. He asked the BOCC to think for a minute about how nice it would be to be invited to a meeting if you owned property in the area. There had been much confusion caused by the proposal. He had suggestions on possible paths the follow with geotech reports, and basic report information, which he felt was extensive and sufficient. He read part of a report as example. He stated that he thought there was a very good plan in place and didn't see why there was a need for what he felt was a convoluted change. He also thought that the proposed change would definitely limit land use and property rights. He was confused over parts of the proposal such as 'movable'.

There was discussion between Mr. Trinci and Commissioner Josi over the importance of professional reports.

Vic Affolter: Mr. Affolter stated that he had strong connections to the Neskowin area. He said he had great respect for the community based effort with this issue, especially erosion. He spoke about history of The Capes and what went wrong there based on geologic reports. He also spoke about the process and that there had been no consideration of the financial impact. He called attention to two letters in the packet: one from a Neskowin resident that stated that she was impressed with the community involvement. The other letter was from Laren Wooley at DLCD stating his view of the process.

Bridget Intlekofer: As an existing property owner, Ms. Intlekofer addressed the difficulty in rebuilding after a tragedy under stricter measures. With a permit requirement, she felt that it would cause insurance rates to go up and financial hardship. She highlighted that the substantial improvement clause was too vague. She's worried about existing property owner's rights and the possible class action law suits that might result from the adoption of this ordinance.

Bill Bush: Mr. Bush stated that he lives on South Beach Road and in the overlay zone and is a former member of the Neskowin Coastal Hazards Committee and a member of the Neskowin CAC. He stated that he agreed with the amendment and felt that it didn't create the hazard – the hazard was already there and was mapped by DOGAMI 15 years ago. He described the difference between a geologist and a certified geologist. He also addressed coastal risk reduction and the definition of 'risk'. He discussed steps to mitigate damage from storm events. He stated that he was very sensitive to property rights, but in the situation along the coast, what one homeowner does on their property can have consequences to others.

Staff Rebuttal

Ms. Absher addressed the notification process concerns and the mailing that went out. She clarified what was included in the mailing. Commissioner Labhart asked approximately how many property owners were noticed. Ms. Absher stated that the notice was mailed to all property owners or interested parties, also posted in the Headlight Herald.

Ms. Absher spoke about the proposed revisions and that the language would need to be modified to reflect density limitations for properties within the Neskowin R-1 zone; and that residential uses listed conditionally in the Neskowin R-3 zone would remain unchanged. Commissioner Labhart asked what the staff's feeling on the density issue, and Ms. Absher felt

it would address density concerns by limiting the density in the area by allowing only a single family dwelling.

Ms. Absher responded to the overlay concern that Mr. Trinci had regarding why the overlay zone included the bluff backed hazards; explaining that the overlay zone included all identified hazards in the area. Ms. Absher explained that the reason Cannon Beach and Seaside were left out of the study due to no information being available at that time. Ms. Absher added that the overlay zone would require additional reporting for development on properties that don't currently require a geologic hazard report or a beach and dune hazard report.

Ms. Absher also talked about the affidavit that Mr. Affolter had touched on, which is required to be filed and recorded with the County Clerk.

Commissioner Labhart asked Counsel to give an opinion on if this was a 'takings' (Measure 49). Counsel stated that he worked with Ms. Absher extensively, and that the notice was done properly.

Commissioner Labhart addressed the complaint of no knowledge of the process. He stated that he felt it was the most publicized process in his career, and described the various meetings and the amount of people attending. Copies of the plan were made available.

The meeting was recessed until October 29th at 10:30am.

III. ADJOURNMENT OF HEARING: Chair Baertlein adjourned the meeting at 12:35 pm.

Bill Baertlein
Bill Baertlein, Chair

12/10/2014
Date

Joni Sauer-Folger
Joni Sauer-Folger, Accounting Clerk II

12/10/2014
Date

Cara Mico
Cara Mico, Associate Planner

12/10/2014
Date

Sarah Absher
Sarah Absher, Senior Planner

12-10-2014
Date