



# TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

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## BOARD OF COMMISSIONERS

**Erin D. Skaar**, Chair  
*eskaar@co.tillamook.or.us*

**Mary Faith Bell**, Vice-Chair  
*mfbell@co.tillamook.or.us*

**David Yamamoto**, Commissioner  
*dyamamoto@co.tillamook.or.us*

## CONTACT

Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, Oregon 97141  
503.842.3403  
[www.co.tillamook.or.us](http://www.co.tillamook.or.us)

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## COMMUNITY UPDATE MEETING

**Tuesday, April 25, 2023 at 8:00 a.m.**  
*Teleconference and KTIL-FM at 95.9*

## BOARD MEETING

**Wednesday, April 26, 2023 at 9:00 a.m.**  
**Board of Commissioners' Meeting Room 106**  
*County Courthouse, Teleconference, and Live Video at [tctvonline.com](http://tctvonline.com)*

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## AGENDAS

### COMMUNITY UPDATE – 2023-04-25 COMMUNITY UPDATE AUDIO.MP4

CALL TO ORDER: Tuesday, April 25, 2023 8:00 a.m.

1. 00:32 Welcome and Board of Commissioners' Roll Call
2. 01:17 Tillamook County Community Health Center
3. 04:42 Nehalem Bay Health Center & Pharmacy
4. 06:14 Tillamook Family Counseling Center
5. 07:38 Sheriff's Office
6. 09:48 Board of Commissioners
7. Cities
  - 19:26 Manzanita
  - 20:20 Rockaway Beach
  - 23:38 Tillamook

**ADJOURN – 8:28 a.m.**

## **MEETING – 2023-04-26 BOCC MEETING AUDIO.MP4**

CALL TO ORDER: Wednesday, April 26, 2023 9:07 a.m.

1. 02:05 Welcome & Request to Sign Guest List
2. 02:06 Pledge of Allegiance
3. 02:28 Public Comment: There were none.
4. 02:29 Non-Agenda Items: There were none.

### **LEGISLATIVE – ADMINISTRATIVE**

5. 02:33 Discussion and Consideration of a Professional Services Agreement with DLR Group Architecture & Engineering inc. for the District Attorney's Office Remodel Design/Rachel Hagerty, Chief of Staff; Aubrey Olson, District Attorney

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the agreement.

6. 21:51 Discussion and Consideration of a Professional Services Agreement with Waud's Funeral Home and Tillamook Crematory for the Removal and Transport of Deceased Subjects to Chief Medical Examiner Services/Aubrey Olson, District Attorney

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the agreement.

7. 25:12 Discussion and Consideration of a Non-Prevailing Wage Rate Contract for Construction with Glasco Glass Company for the Justice Facility Window Replacement Project/Lieutenant Fernando Silveira, Sheriff's Office

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the contract.

8. 35:38 Discussion and Consideration of a Resolution Proclaiming May 4, 2023 as a Day of Prayer in Tillamook County, Oregon/Linda Hanratty, President, Tillamook County Wide Prayer Team

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed Resolution #R23-007.

### **AGENDA ITEM TAKEN OUT OF ORDER**

9. 29:23 Discussion and Consideration of a Sixth Amendment to Oregon Health Authority 2022 Intergovernmental Agreement #173148 for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services/Frank Hanna Williams, Executive Director, Tillamook Family Counseling Center
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the amendment.
10. 32:19 Discussion and Consideration of a Seventh Amendment to Oregon Health Authority 2022 Intergovernmental Agreement #173148 for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services/Frank Hanna Williams, Executive Director, Tillamook Family Counseling Center
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the amendment.
11. 43:36 Discussion and Consideration of a Contract for Goods with Pape Machinery, Inc. for a 2019 Hamm Asphalt, 11T, 66" Drum, VV Roller/Chris Laity, Director, Public Works
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the contract.
12. 47:46 Discussion and Consideration of an Oregon Watershed Enhancement Grant Application/Chris Laity, Director, Public Works
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board approved the grant application.
13. 51:32 Discussion and Consideration of a Donation Temporary Easement with the State of Oregon, Department of Transportation for Stream Turbidity Monitoring on Property Located at Township 2 North, Range 9 West, Section 18 Tillamook County, Oregon/Chris Laity, Director, Public Works
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the temporary easement.
14. 55:23 Discussion and Consideration of a Temporary Construction Easement with Gary J. Cuppy and Leigh A. Cuppy for the Samson Creek Bridge Construction Project for Property Located at Township 1 South, Range 8 West, Section 27, Tax Lot 502, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the temporary easement.

15. 1:04:33 Discussion and Consideration of a Temporary Construction Easement with Susan E. Hollman, Trustee for the Susan Elizabeth Hollman Revocable Living Trust, for the Samson Creek Bridge Construction Project for Property Located at Township 1 South, Range 8 West, Section 27, Tax Lot 200, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the temporary easement.

16. 1:05:06 Discussion and Consideration of a Temporary Construction Easement and a Permanent Access Easement for the Samson Creek Bridge Construction Project with Jeffrey D. Farmer and Rhea J. Farmer for Property Located at Township 1 South, Range 8 West, Section 27, Tax Lot 500, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the temporary easement and the Board signed the permanent easement.

17. 1:05:36 Discussion and Consideration of a Temporary Construction Easement and a Permanent Right-of-Way Easement for the Samson Creek Bridge Construction Project with Douglas J. Kujak and Elizabeth Kujak for Property Located at Township 1 South, Range 8 West, Section 27, Tax Lot 507, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the temporary easement and the Board signed the permanent easement.

18. 1:06:07 Discussion and Consideration of a Temporary Construction Easement and a Permanent Right-of-Way Easement for the Samson Creek Bridge Construction Project with Mac James Erickson and Shawna Louise Dodge Erickson for Property Located at Township 1 South, Range 8 West, Section 27, Tax Lot 201, Tillamook County, Oregon/Jasper Lind, Engineering Technician, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the temporary easement and the Board signed the permanent easement.

19. 1:05:40 Discussion and Consideration of a Temporary Construction Easement and a Permanent Right-of-Way Easement for the Samson Creek Bridge Construction Project with Donald G. Stout and Ardath A. Stout, Trustees of the Donald G. and Ardath A. Stout Revocable Living Trust Dated November 18, 1999, and any Amendments, for Property Located at Township 1 South, Range 8 West, Section 26, Tax Lot 400, Tillamook County, Oregon/ Jasper Lind, Engineering Technician, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the temporary easement and the Board signed the permanent easement.

**Chair Skaar recessed the meeting at 10:14 a.m.**

**Chair Skaar reconvened the meeting at 10:21 a.m. – 2023-04-26 BOCC MEETING AUDIO.MP4 PART II**

20. 00:12 Discussion and Consideration of an Order in the Matter of Assessing Costs for the Abatement of the Solid Waste Violation at 22250 East Beaver Creek Road, Cloverdale, Tillamook County, Oregon, Township 3 South, Range 9 West, Section 16, Tax Lot 1200/David McCall, Solid Waste Program Manager, Public Works

The agenda item was continued to allow the property owner opportunity to provide evidence of missing personal items.

21. 39:09 Discussion and Consideration of an Order in the Matter of the Reappointment of a Member to the Tillamook County Tourism Advisory Committee/Rachel Hagerty, Chief of Staff

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed Order #23-018.

22. 40:51 Board Concerns:  
Sexual Assault Awareness Denim Day/Commissioner Erin Skaar

23. 42:30 Board Announcements

**ADJOURN – 11:05 a.m.**

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## JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
  - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
  - Radio: KTIL-FM at 95.9
  
- **Board Meetings: Wednesdays at 9:00 a.m.**
  - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
  - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
  - Live Video: [tctvonline.com](http://tctvonline.com)

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## MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The 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, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

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## **PUBLIC COMMENT**

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

### **In-Person Procedures**

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

### **Virtual Procedures**

- Register by sending an email to [publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us) by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
  - Full name, area of residence, and phone number.
  - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

### **Written Procedures**

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: [publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us).
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

## **AGENDAS**

### **COMMUNITY UPDATE**

CALL TO ORDER: Tuesday, April 25, 2023 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Board of Commissioners
10. Cities
  - a. Manzanita
  - b. Nehalem
  - c. Wheeler
  - d. Rockaway Beach
  - e. Garibaldi
  - f. Bay City
  - g. Tillamook
  - h. South County

### **ADJOURN**

## **MEETING**

CALL TO ORDER: Wednesday, April 26, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

## **LEGISLATIVE – ADMINISTRATIVE**

5. Discussion and Consideration of a Professional Services Agreement with DLR Group Architecture & Engineering inc. for the District Attorney's Office Remodel Design/Rachel Hagerty, Chief of Staff; Aubrey Olson, District Attorney
6. Discussion and Consideration of a Professional Services Agreement with Waud's Funeral Home and Tillamook Crematory for the Removal and Transport of Deceased Subjects to Chief Medical Examiner Services/Aubrey Olson, District Attorney
7. Discussion and Consideration of a Non-Prevailing Wage Rate Contract for Construction with Glasco Glass Company for the Justice Facility Window Replacement Project/Lieutenant Fernando Silveira, Sheriff's Office
8. Discussion and Consideration of an Order Proclaiming May 4, 2023 as a Day of Prayer in Tillamook County, Oregon/Linda Hanratty, President, Tillamook County Wide Prayer Team
9. Discussion and Consideration of a Sixth Amendment to Oregon Health Authority 2022 Intergovernmental Agreement #173148 for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services/Frank Hanna Williams, Executive Director, Tillamook Family Counseling Center
10. Discussion and Consideration of a Seventh Amendment to Oregon Health Authority 2022 Intergovernmental Agreement #173148 for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services/Frank Hanna Williams, Executive Director, Tillamook Family Counseling Center
11. Discussion and Consideration of a Contract for Goods with Pape Machinery, Inc. for a 2019 Hamm Asphalt, 11T, 66" Drum, VV Roller/Chris Laity, Director, Public Works
12. Discussion and Consideration of an Oregon Watershed Enhancement Grant Application/Chris Laity, Director, Public Works

13. Discussion and Consideration of a Donation Temporary Easement with the State of Oregon, Department of Transportation for Stream Turbidity Monitoring on Property Located at Township 2 North, Range 9 West, Section 18 Tillamook County, Oregon/Chris Laity, Director, Public Works
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20. Discussion and Consideration of an Order in the Matter of Assessing Costs for the Abatement of the Solid Waste Violation at 22250 East Beaver Creek Road, Cloverdale, Tillamook County, Oregon, Township 3 South, Range 9 West, Section 16, Tax Lot 1200/David McCall, Solid Waste Program Manager, Public Works
21. Discussion and Consideration of an Order in the Matter of the Reappointment of a Member to the Tillamook County Tourism Advisory Committee/Rachel Hagerty, Chief of Staff
22. Board Concerns
23. Board Announcements

**ADJOURN**

## OTHER MEETINGS AND ANNOUNCEMENTS

The Commissioners will hold an executive session on **Monday, April 24, 2023** at **3:30 p.m.** pursuant to ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member, or individual agent. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The executive session is not open to the public.

The Commissioners will attend a Tillamook Lightwave meeting on **Tuesday, April 25, 2023** at **9:30 a.m.** The teleconference number is 1-253-215-8782, conference ID: 899 5732 9678.

The Commissioners will hold a Board Briefing on **Wednesday, April 26, 2023** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

A budget committee meeting of the Solid Waste Service District will be held on **Tuesday, May 2, 2023** at **3:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#. Public comments can be submitted to [publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us). This is a meeting where deliberation of the Budget Committee will take place.

A budget committee meeting of the 4-H & Extension District will be held on **Thursday, May 4, 2023** at **12:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#. Public comments can be submitted to [publiccomments@co.tillamook.or.us](mailto:publiccomments@co.tillamook.or.us). This is a meeting where deliberation of the Budget Committee will take place.

**GRANT WORKSHEET**

FY 2024 BUDGET

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

Funding Source Code \_\_\_\_\_  
*For Accounting Department use only*

**County Fund & Dept Receiving Grant**  
 Road Department 160

**Award Period:**  
 Begin: 10/1/2023  
 End: 10/1/2025

**Common Name**  
 OWEB Restoration Grant  
*Everyday name used within your department*

**Formal Name**  
 Oregon Watershed Enhancement Board  
*Complete formal name given to grant by funding source*

**PLEASE ATTACH COPY OF GRANT AWARD**

**Source of Funds**

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

**Grant Number:**

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

- Direct, federal government, dept of \_\_\_\_\_ CFDA: \_\_\_\_\_
- Indirect, federal government, dept of \_\_\_\_\_ CFDA: \_\_\_\_\_  
 and State of Oregon, dept/division of \_\_\_\_\_
- Indirect, federal government, dept of \_\_\_\_\_ CFDA: \_\_\_\_\_  
 and another entity or organization \_\_\_\_\_
- Direct, State of Oregon, dept/division of \_\_\_\_\_
- Indirect, State of Oregon, dept/division of \_\_\_\_\_  
 via another entity or organization \_\_\_\_\_
- Other \_\_\_\_\_

**Total Amount of Award:** \$ 640,555.00

Is this a new grant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Match Requirement Amount <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No How Much: \$ _____ <input type="checkbox"/> Hard Dollar Match <input type="checkbox"/> In-Kind (IDENTIFY below)	Is this a multiyear grant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Payment Method: <input type="checkbox"/> Advance <input checked="" type="checkbox"/> Reimbursement		IF Yes: Amount Applicable to Current Budget Year: \$ _____
Reporting Cycle <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annual <input type="checkbox"/> Annual	Grant Administrator: _____ Accounting Contact: _____	Chris Laity Chris Laity







**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department 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](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

*Land of Cheese, Trees and Ocean Breeze*

March 14, 2023

Staff Report to the Tillamook County Board of Commissioners (BOCC)

RE: Costs incurred during Abatement of Solid Waste Violation at 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

In consultation with and on behalf of Chris Laity, P.E., Director of Public Works and Solid Waste Administrator, I hereby request that the Board of County Commissioners hold a hearing on April 26, 2023, during its regular Board meeting, and establish the costs to be paid, as well as a time frame, in accordance with Ordinance #4, Section IX.E.b.

According to County records, the owner of this property is Judith DEBREY, mailing address: 22250 East Beaver Creek Rd, Cloverdale, OR 97112.

As authorized by the Board, the Tillamook County Public Works Department mobilized staff and equipment to abate this violation on February 21, 2023. Work was delayed due to weather events, but the abatement was completed on March 2, 2023.



The project consisted of the removal of all tires that were visible on the property, as well as all materials from the unpermitted road access. Materials removed from the unpermitted road access included not only inert fill materials, but also tires and waste materials found in the fill. Removal was completed from the elevation of the edge of the original road shoulder to the elevation of the original slope bank adjacent to the right-of-way. Following removal, the area was seeded and covered with straw in the interests of erosion control.

An excavator and backhoe were used to remove tires and debris from the property. Two dump truck loads (2.86 tons) of trash, three drop boxes of tires, and 297 cubic yards of inert fill materials were removed from the site and disposed of at permitted facilities.

The costs incurred include:

Trash disposal costs	\$ 315.03
Tire disposal costs	\$ 3,427.00
Inert fill disposal costs	\$ 1,782.00
Time & Equipment costs	\$14,502.01
Postage, inspection, management costs	<i>Not calculated</i>
Total:	\$20,026.04

Section 9.04 of Tillamook County Ordinance #4, as amended July 15, 2015, Sections C-F, states:

- C. The Administrator may take any reasonable actions under Section 9.04 to abate the violation. The County and its officers, agents and employees are exempt from liability for any reasonable acts performed under this section, including, but not limited to, any reasonable trespass or conversion of personal property.
- D. If the Administrator performs any acts under Section 9.04 of this Ordinance, the Administrator shall file a written report with the Board. The report shall contain:
  - a. Copies of all correspondence to date concerning this abatement.
  - b. An explanation of the acts performed;
  - c. The reasons for performing the acts described;
  - d. The costs incurred in abating the violation. These costs shall include all costs necessary for the County to provide inspections and to prepare and serve notices and orders; and
  - e. Any other information required by the Board.
- E. Upon receipt of the written report, the Board shall hold a hearing to assess costs for acts performed under Section 9.04(C) of this Ordinance, and to determine persons liable for payment of those costs.
  - a. Notice of the time, place and date for the hearing shall be given by service under ORS 368.406 to:
    - i. The person determined under Section 9.04 (B)(b) of this Ordinance to be in violation; or
    - ii. If no determination of violation has been made under Section 9.04(B)(b) of this Ordinance, to the owner of the land.

- b. After consideration of matters presented at the hearing, the Board shall issue a Board Order:
    - i. Establishing the costs to be paid;
    - ii. Directing the person who the Board determines to be responsible for payment of the costs to pay the costs within the time established by the Board, which shall not be less than 60 days.
  - b. The owner of the property that is the location of the violation shall be responsible for payment unless the owner can establish that there was no reasonable method for the owner to control or abate the violation. The owner shall be considered responsible for the actions of any tenants or other persons lawfully using the owner's property.
  - d. The Board shall provide notice of the results of the hearing to persons ordered to pay costs by service under ORS 368.406.
- F. The Board may recover costs ordered under section 9.04(F) by:
- a. Bringing an action for recovery of the costs in any court of competent jurisdiction;  
or
  - b. If the person ordered to pay costs owns real property within the county, filing a copy of the order with the County Clerk to be entered as a lien upon the real property of that person within the county.
  - c. If a lien is filed under paragraph (b) of this section:
    - i. That lien, when docketed, is prior and superior to all other liens or charges on the property except taxes; and
    - ii. If the costs ordered to be paid are not paid within the time established by the Board in the Board Order, the Board shall cause the lien to be foreclosed as provided in ORS Chapter 87.
    - iii. The Board may increase the Solid Waste budget by the amount of costs recovered or to be recovered under this section.

Thank you,

David McCall  
Solid Waste Program Manager

Cc: Chris Laity, P.E., Director of Tillamook County Public Works  
County Counsel

Attached:

1. Disposal receipts for tires
2. Disposal receipts for Municipal Solid Waste (trash)
3. Disposal receipts for inert fill material
4. Time & Equipment Report
5. Letter of February 16, 2023
6. Letter of February 2, 2023
7. Sheriff's Return statement for Letter of February 2, 2023
8. Letter of January 25, 2023
9. Staff Report of January 24, 2023
10. Letter of December 22, 2022
11. Packet prepared for December 21, 2022 Board meeting



**DON G. AVERILL RECYCLING, INC.**  
 1315 ECKLOFF RD  
 TILLAMOOK, OR 97141-9576  
 (503) 842-4588

001823

Customer's Order No. East Beaver Creek Date 3-7 2023  
 Name Tillamook County Solid Waste  
 Address \_\_\_\_\_

Phone: \_\_\_\_\_

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	LAYAWAY
---------	------	--------	--------	----------	-------------	----------	---------

QUAN	DESCRIPTION	PRICE	AMOUNT
	4 Trips @ \$180 per trip		\$ 720.00
	147 tires @ \$9 per tire		\$1,143.00
	11.76 @ \$150 per ton		\$1,764.00
	Cash payment of 200.00 from Hunter		<del>\$</del> 200.00

All claims and returned goods MUST be accompanied by this bill.

TAX

Received

TOTAL 2127.00



**DON G. AVERILL RECYCLING, INC.**  
 1315 ECKLOFF ROAD  
 TILLAMOOK, OREGON 97141  
 503-842-2431

Customer's Order No. \_\_\_\_\_ Date 3-4-2023

Name Tillamook County

Address \_\_\_\_\_

@14:23:25 04/Mar/2023  
 Gross: 49680 lb  
 Total: 33500 lb PT  
 Net: 16180 lb

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Tires from east		
	Beaver Creek Hunter property		
		TAX	
		TOTAL	
25312	Rec'd by <u>MM</u>		



**DON G. AVERILL RECYCLING, INC.**  
 1315 ECKLOFF ROAD  
 TILLAMOOK, OREGON 97141  
 503-842-2431

Customer's Order No. \_\_\_\_\_ Date 3-4-2023

Name Tillamook County

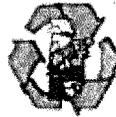
Address \_\_\_\_\_

16:13:30 04/Mar/2023  
 Gross: 42020 lb  
 Total: 34680 lb PT  
 Net: 7340 lb

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Tires from East		
	Beaver Creek - Hunter property		
		TAX	
		TOTAL	
25311	Rec'd by <u>MM</u>		



Tillamook County Transfer Station  
 Operated by Averill Recycling  
 THIS IS NOT AN INVOICE



Ticket: 553543  
 Date: 2/22/2023  
 Time: 12:08:33 - 12:14:44  
 Scale

Truck: 44  
 Customer: 44/SOLID WASTE ADMINISTRATION

Gross: 25540 LBS In Scale 1  
 Tare: 21300 LBS Out Scale 2  
 Net: 4240 LBS

Truck Type: Public and Charge Account Load

Comment: EAST BEAVER CREEK RD

Origin	Materials & Services	Quantity	Unit	Rate/Unit	Amount
TILL/Tillamook	100% of MSW/MSW	2.12	TON	\$0.00/TN	\$0.00
				\$108.75/ton =	\$230.55
				Surcharge =	2.00
					<u>\$ 232.55</u>
				Total Amount:	<del>\$0.00</del>

Driver:

Deputy Weighmaster: kristin

Tillamook County Transfer Station  
 Operated by Averill Recycling  
 THIS IS NOT AN INVOICE



Ticket: 553552  
 Date: 2/22/2023  
 Time: 13:02:10 - 13:05:24  
 Scale

Truck: 44  
 Customer: 44/SOLID WASTE ADMINISTRATION

Gross: 22720 LBS In Scale 1  
 Tare: 21240 LBS Out Scale 2  
 Net: 1480 LBS

Truck Type: Public and Charge Account Load

Comment: EAST BEAVER CREEK

Origin	Materials & Services	Quantity	Unit	Rate/Unit	Amount
TILL/Tillamook	100% of MSW/MSW	0.74	TON	\$0.00/TN	\$0.00
				\$108.75/ton =	\$80.48
				+ \$2.00 surcharge	2.00
					<u>82.48</u>
				Total Amount:	<del>\$0.00</del>

Driver:

Deputy Weighmaster: \_\_\_\_\_

Ryan Landolt

9600 Trask River Road  
Tillamook, OR 97141

# Invoice

Date	Invoice #
3/6/2023	45

<b>Bill To</b>
Tillamook County Road Department 503 Marolf Loop Road Tillamook, OR 97141

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
217	Yards of Fill Material Dumped, no date written down. Materials hauled in by the Kenworth and the 152 Peterbilt	6.00	1,302.00
10	Yards of Fill Material Dumped on 3-1-23	6.00	60.00
70	Yards of Fill Material Dumped on 3-1-23, Truck 153	6.00	420.00

**RECEIVED**  
MAR 09 2023  
TILLAMOOK COUNTY ROAD DEPT

*E. Beaver Creek  
410-41004-7835*

Finance charge of 1.5% will be added to any balances over 30 days past due.

**Total**

\$1,782.00

# Activity Transaction Cost Report

3/14/2023

CAS1006

Task Date	Description	Quantity	Units	Resource Rate	Total Cost
<b>Activity 1180 - Odd Jobs (ROW lines,sweeping, dead animals, etc.)</b>					
<b>Resource: Equipment</b>					
02/21/2023	152 - 12 Yard Dump	3.00	Hour	\$78.59	\$235.77
02/21/2023	212 - Pickup	2.50	Hour	\$19.87	\$49.68
02/21/2023	273-22 - Pickup	1.00	Hour	\$19.87	\$19.87
02/22/2023	273 - F250 Ext Cab PickUp	1.00	Hour	\$22.64	\$22.64
02/22/2023	154 - 12 -14 Yard Dump	8.00	Hour	\$78.59	\$628.72
02/22/2023	152 - 12 Yard Dump	8.00	Hour	\$78.59	\$628.72
02/22/2023	401 - Excavator (Volvo)	6.00	Hour	\$57.67	\$346.02
02/22/2023	273 - F250 Ext Cab PickUp	1.00	Hour	\$22.64	\$22.64
02/22/2023	212 - Pickup	1.00	Hour	\$19.87	\$19.87
02/22/2023	273-22 - Pickup	2.00	Hour	\$19.87	\$39.74
02/27/2023	364 - Backhoe	8.00	Hour	\$52.69	\$421.52
02/27/2023	152 - 12 Yard Dump	10.00	Hour	\$78.59	\$785.90
02/27/2023	155 - 12-14 Yard Dump	7.00	Hour	\$78.59	\$550.13
02/27/2023	273-22 - Pickup	2.00	Hour	\$19.87	\$39.74
02/28/2023	125 - 12-14 Yard Dump	4.00	Hour	\$78.59	\$314.36
02/28/2023	183 - 5 & 6 yd Dump Truck	1.00	Hour	\$26.24	\$26.24
02/28/2023	401 - Excavator (Volvo)	2.00	Hour	\$57.67	\$115.34
03/01/2023	125 - 12-14 Yard Dump	3.00	Hour	\$78.59	\$235.77
03/01/2023	153 - 12 Yard Dump	10.00	Hour	\$78.59	\$785.90
03/01/2023	212 - Pickup	1.00	Hour	\$19.87	\$19.87
03/01/2023	364 - Backhoe	8.00	Hour	\$52.69	\$421.52
03/01/2023	155 - 12-14 Yard Dump	8.00	Hour	\$78.59	\$628.72
03/02/2023	183 - 5 & 6 yd Dump Truck	3.00	Hour	\$26.24	\$78.72
03/02/2023	153 - 12 Yard Dump	2.00	Hour	\$78.59	\$157.18
03/02/2023	401 - Excavator (Volvo)	1.50	Hour	\$57.67	\$86.51
03/02/2023	183 - 5 & 6 yd Dump Truck	2.00	Hour	\$26.24	\$52.48
03/02/2023	152 - 12 Yard Dump	5.00	Hour	\$78.59	\$392.95
03/02/2023	288 - Tilt Trailer	1.00	Hour	\$16.99	\$16.99
03/02/2023	401 - Excavator (Volvo)	5.00	Hour	\$57.67	\$288.35
03/02/2023	273-22 - Pickup	2.00	Hour	\$19.87	\$39.74
<b>Resource: Labor</b>					
02/21/2023	55 - TW	3.00	Hour	\$24.45	\$73.35
02/21/2023	29 - SH	2.00	Hour	\$62.52	\$125.04
02/21/2023	49 - RT	3.00	Hour	\$24.45	\$73.35
02/22/2023	62 - RS	8.00	Hour	\$44.06	\$352.48
02/22/2023	61 - JW	8.00	Hour	\$35.50	\$284.00
02/22/2023	26 - JM	2.00	Hour	\$44.63	\$89.26
02/22/2023	43 - JG	8.00	Hour	\$52.41	\$419.28
02/22/2023	49 - RT	8.00	Hour	\$24.45	\$195.60
02/22/2023	55 - TW	8.00	Hour	\$24.45	\$195.60
02/22/2023	29 - SH	8.00	Hour	\$62.52	\$500.16
02/27/2023	61 - JW	10.00	Hour	\$35.50	\$355.00
02/27/2023	43 - JG	10.00	Hour	\$52.41	\$524.10
02/27/2023	55 - TW	10.00	Hour	\$24.45	\$244.50
02/27/2023	29 - SH	10.00	Hour	\$62.52	\$625.20
02/28/2023	62 - RS	4.00	Hour	\$44.06	\$176.24
02/28/2023	49 - RT	2.00	Hour	\$24.45	\$48.90
02/28/2023	55 - TW	1.50	Hour	\$24.45	\$36.68
02/28/2023	43 - JG	1.00	Hour	\$52.41	\$52.41
03/01/2023	43 - JG	10.00	Hour	\$52.41	\$524.10
03/01/2023	49 - RT	10.00	Hour	\$24.45	\$244.50
03/01/2023	55 - TW	10.00	Hour	\$24.45	\$244.50
03/01/2023	62 - RS	3.00	Hour	\$44.06	\$132.18
03/02/2023	49 - RT	1.00	Hour	\$24.45	\$24.45
03/02/2023	49 - RT	2.00	Hour	\$24.45	\$48.90
03/02/2023	55 - TW	2.00	Hour	\$24.45	\$48.90
03/02/2023	61 - JW	10.00	Hour	\$35.50	\$355.00
03/02/2023	29 - SH	8.00	Hour	\$62.52	\$500.16
03/02/2023	26 - JM	8.50	Hour	\$44.63	\$379.36
03/02/2023	43 - JG	3.00	Hour	\$52.41	\$157.23
<b>Report Totals</b>	<b>Total Labor</b>	<b>\$7,030.42</b>	<b>Grand Total</b>	<b>\$14,502.01</b>	
	<b>Total Equipment</b>	<b>\$7,471.59</b>			

Date Range BETWEEN 02/21/2023 AND 03/02/2023 AND (Activity = 1180 - Odd Jobs (ROW lines,sweeping, dead animals, etc.) AND Road = 000857-3 - EAST BEAVER CREEK RD)



## Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141

County Road Phone: 503-842-3419

Solid Waste Phone: 503-815-3975

Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)

TTY Oregon Relay Service

*Land of Trees, Cheese, and Ocean Breeze*

February 16, 2023

Judith DeBrey  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

Dear Ms. DeBrey,

As you are aware, the Board of County Commissioners determined that solid waste violations exist at 22250 East Beaver Creek Rd, in accordance with Ordinance #4, Section 9.04, including an unapproved road approach.

On Wednesday, February 2, 2023, I informed you of the schedule of requirements established by the Board as a condition of their extension deadline.

Until this time, two of the deadlines have passed, but neither of the conditions for those deadlines have been met.

Therefore, the Solid Waste Administrator is authorized to proceed with removal operations according to Section 9.04 C & D of Ordinance #4, the costs for which the property owner may be liable.

My department will be mobilizing to abate this violation. I recommend that any and all items of equipment or personal property be removed from the area. Tillamook County will not assume responsibility or liability for anything left in the area used during the abatement of this violation.

Sincerely,

Christoph Laity, P.E.  
Solid Waste Administrator  
Director, Public Works

cc: County Counsel



## Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141

County Road Phone: 503-842-3419

Solid Waste Phone: 503-815-3975

Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)

TTY Oregon Relay Service

*Land of Trees, Cheese, and Ocean Breeze*

February 2, 2023

Judith DeBrey  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

Dear Ms. DeBrey,

This letter is to ensure that you receive notification of the result of hearings held by the Board of County Commissioners regarding the violations at 22250 East Beaver Creek Rd, in accordance with Ordinance #4, Section 9.04.

On Wednesday, December 21, 2022, as the result of the discussion and deliberations at the Board meeting, the Board found that a violation exists at 22250 East Beaver Creek Rd. As the property owner, you were required within 30 (thirty) days to:

- Abate all materials in the unpermitted road approach;
- Remove from the entire property (both sides of the creek) and properly dispose of all exposed tires not associated with operating vehicles and trailers, specifically tires in the overbank and the right-of-way; and
- Dispose of all materials at a permitted facility, and present the receipts for disposal.

As you were informed via phone, the Board scheduled an update on this violation at their regular meeting on Wednesday, February 1, 2023.

On Wednesday, February 1, 2023, the Board decided to extend the final deadline for completion of the above by 30 days, with the requirement that you comply the weekly requirements during that time:

- By 4:00 pm on Tuesday, February 7, 2023, the drop box currently filled with tires must have been removed and disposed of at an authorized disposal facility, and a copy of the disposal receipt must be provided to David McCall, Solid Waste Program Manager, either through a hard copy or via email to [dmccall@co.tillamook.or.us](mailto:dmccall@co.tillamook.or.us)
- By 4:00 pm on Tuesday, February 14, 2023, a further drop box of tires must be fully loaded and ready for hauling.
- By 4:00 pm on Tuesday, February 21, 2023, that full drop box of tires must be removed and disposed of at an authorized disposal facility, and a copy of the disposal receipt must be provided to David McCall, Solid Waste Program Manager, either through a hard copy or via email to [dmccall@co.tillamook.or.us](mailto:dmccall@co.tillamook.or.us)
- By 4:00 pm on Thursday, March 2, 2023, all remaining tires must have been hauled away and disposed of at an authorized disposal facility, and a copy of the disposal receipt must be provided to David McCall, Solid Waste Program Manager, either through a hard copy or via email to [dmccall@co.tillamook.or.us](mailto:dmccall@co.tillamook.or.us)

AN EQUAL OPPORTUNITY EMPLOYER

Page 1 of 2

- By 4:00 pm on Thursday, March 2, 2023, all materials must have been removed from the unapproved road approach to native soil on the property, both within and adjacent to the right-of-way.

If any of the above deadlines are not met in their entirety, this extension is immediately null and void, and the Solid Waste Administrator is authorized to proceed with removal operations according to Section 9.04 C & D of Ordinance #4, the costs for which the property owner may be liable.

Sincerely,



Christoph Laity, P.E.  
Solid Waste Administrator  
Director, Public Works

cc: County Counsel



**TILLAMOOK COUNTY SHERIFF'S OFFICE**  
**CONSERVATORS OF THE PEACE**

**Sheriff Joshua Brown**

---

STATE OF OREGON )  
County of Tillamook )

Sheriff's Case No: 23000115

**Sheriff's Return**

I hereby certify that I served the within Letter to ensure you receive notification of the result of hearings held by the Board of County Commissioner regarding the Violations at 22250 East Beaver Creek Rd, in accordance with Ordinance # 4, Section 9.04 within the County and State, on the 3rd day of February, 2023 at 3:45 PM, on the within JUDITH DEBREY at 22250 EAST BEAVER CREEK RD Cloverdale, OR 97112, personally and in person, by delivering a true copy thereof.

**Note:**

I hereby declare the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

JOSHUA R. BROWN, Sheriff  
Tillamook County, Oregon

Dated the 7th day of February, 2023.

By: 

Corporal Chris Barnett 222

Fee: \$0.00



## Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141

County Road Phone: 503-842-3419

Solid Waste Phone: 503-815-3975

Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)

TTY Oregon Relay Service

*Land of Trees, Cheese, and Ocean Breeze*

January 25, 2023

Judith Joanne DeBrey  
22250 East Beaver Creek Road  
Cloverdale, OR 97112

RE: T03S R09W Sec. 16, Tax Lot #1200  
Road Approach Permit #6580  
East Beaver Creek Road; Tillamook County Road #857

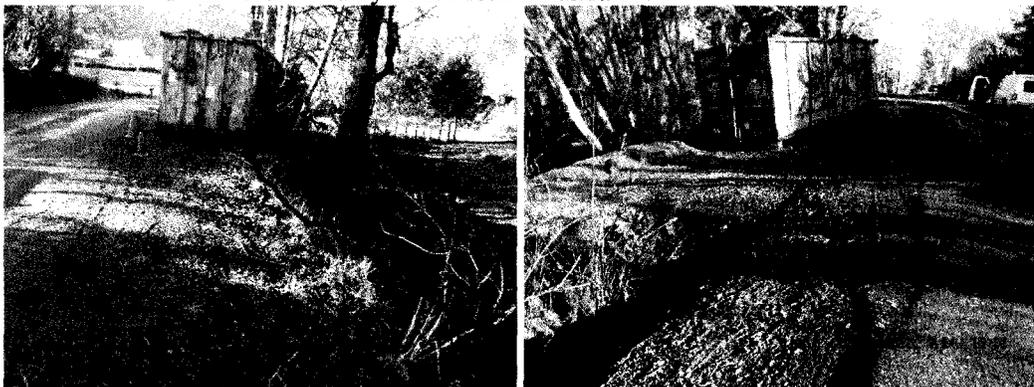
Dear Judith:

Tillamook County Engineering staff review of your Road Approach Permit Application and a field site evaluation is complete with the following conclusion.

Tillamook County Public Works cannot permit a road approach for this location at this time. Several requirements must be met before a permit can be approved.

The Permit Approval requirements a follow:

1. Submit an additional payment of \$583.00.
  - a. Ordinance #44, Section IV, A.7 as well as Page 1 of the application form, clearly state that "Double fees shall be assessed for applications received after road approach construction has already started."
  - b. This location has an unpermitted approach which appears to be constructed with inappropriate materials that do not meet County construction standards.



- c. This permit cannot be approved until the full fee amount has been received.
2. Remove all inappropriate materials (tires, scrap, trash, and debris) from the area of the proposed driveway, within and adjacent to the right-of-way.
  - a. Removal is to be from the elevation of the edge of existing (original) road shoulder to the elevation of the existing undisturbed ground (original slope bank) adjacent to the right-of-way. No damage is to occur to the original road slope bank that may compromise the road base.
  - b. After all inappropriate material is removed contact this office for a site inspection, before replacing with County standard materials.

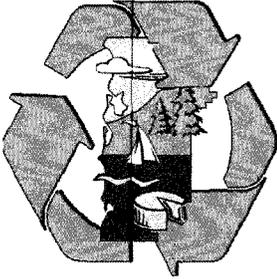
- c. After an inspection of the removed materials is approved, the County may provide applicant with approved construction material specifications and requirements for constructing a standard County road approach.

Sincerely,



Gregory A. Cickavage, *LSI*  
Engineering Technician II

Cc: File



**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department 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](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

*Land of Cheese, Trees and Ocean Breeze*

January 24, 2023

Staff Report to the Tillamook County Board of Commissioners (BOCC)

RE: Follow-up to Solid Waste Violation at 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

At your meeting on December 21, 2022, the Board required Ms. Judith DeBrey, the property owner of 22250 East Beaver Creek Rd, Cloverdale, to complete the following within thirty days:

- abate all materials in the unpermitted road approach;
- remove from the property and properly dispose of all exposed tires not associated with operating vehicles and trailers, specifically tires in the overbank and the right-of-way; and
- dispose of all materials at a permitted facility, and present the receipts for disposal.

A certified letter stating these requirements was sent to Ms. DeBrey on December 22, 2022. The letter was not claimed, but returned by USPS.

On Monday, January 23, 2023, Chris Laity and I, accompanied by Chris Loffelmacher, conducted a follow-up visit to the site. We found that a 40-yd drop box was positioned along East Beaver Creek Rd, and filled with tires. We observed that at least 60 further tires still remain on the property.



Remaining  
tires

On Monday, January 23, 2023, Mr. Warren Scott Hunter, on behalf of Ms. DeBrey, submitted a Road Approach Permit Application to the Public Works Department. This application is being reviewed by staff.

It is clear that the requirements set forth by the Board have not yet been fulfilled, but the property owner has made progress.

In light of the fact that considerable progress has been made on the cleanup, I recommend that the Board of County Commissioners extend the deadline for completion of the abatement of the property by a further thirty days.

Thank you,

David McCall  
Solid Waste Program Manager

Cc: Chris Laity, P.E., Director of Tillamook County Public Works



## Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141  
County Road Phone: 503-842-3419  
Solid Waste Phone: 503-815-3975  
Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

*Land of Trees, Cheese, and Ocean Breeze*

December 22, 2022

Judith DeBrey  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

Dear Ms. DeBrey,

This letter is to ensure that you receive notification of the result of the hearing held on Wednesday, December 21, 2022, regarding the violations at 22250 East Beaver Creek Rd, in accordance with Ordinance #4, Section 9.04.

As the result of the discussion and deliberations at the Board meeting, the Board finds that a violation exists at 22250 East Beaver Creek Rd. As the property owner, you are required within 30 (thirty) days to:

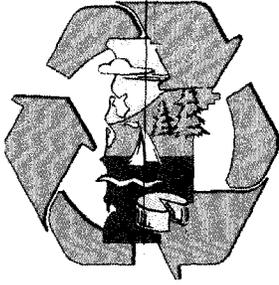
- abate all materials in the unpermitted road approach;
- remove from the property and properly dispose of all exposed tires not associated with operating vehicles and trailers, specifically tires in the overbank and the right-of-way; and
- dispose of all materials at a permitted facility, and present the receipts for disposal.

If the violation is not abated within thirty (30) days, the Solid Waste Administrator is authorized to proceed according to Section 9.04 C & D of Ordinance #4.

Sincerely,

Christoph Laity, P.E.  
Solid Waste Administrator  
Director, Public Works

cc: County Counsel



**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department 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](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

---

*Land of Cheese, Trees and Ocean Breeze*

November 14, 2022

Staff Report to the Tillamook County Board of Commissioners (BOCC)

RE: Solid Waste Violation at 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

In consultation with and on behalf of Chris Laity, P.E., Director of Public Works and Solid Waste Administrator, I hereby request that the Board of County Commissioners hold a hearing on December 14, 2022, during its regular Board meeting, and require that the property owner remove all waste tires from the property and remove the unpermitted road approach, all within a period of fourteen (14) days from the date of the hearing.

The Solid Waste Department received multiple complaints with regard to the improper disposal of solid waste materials at the above-mentioned address. This address has been the subject of multiple code enforcement complaints in previous years; the current issue includes materials from previous disposal activities, as well as recent disposal activities.

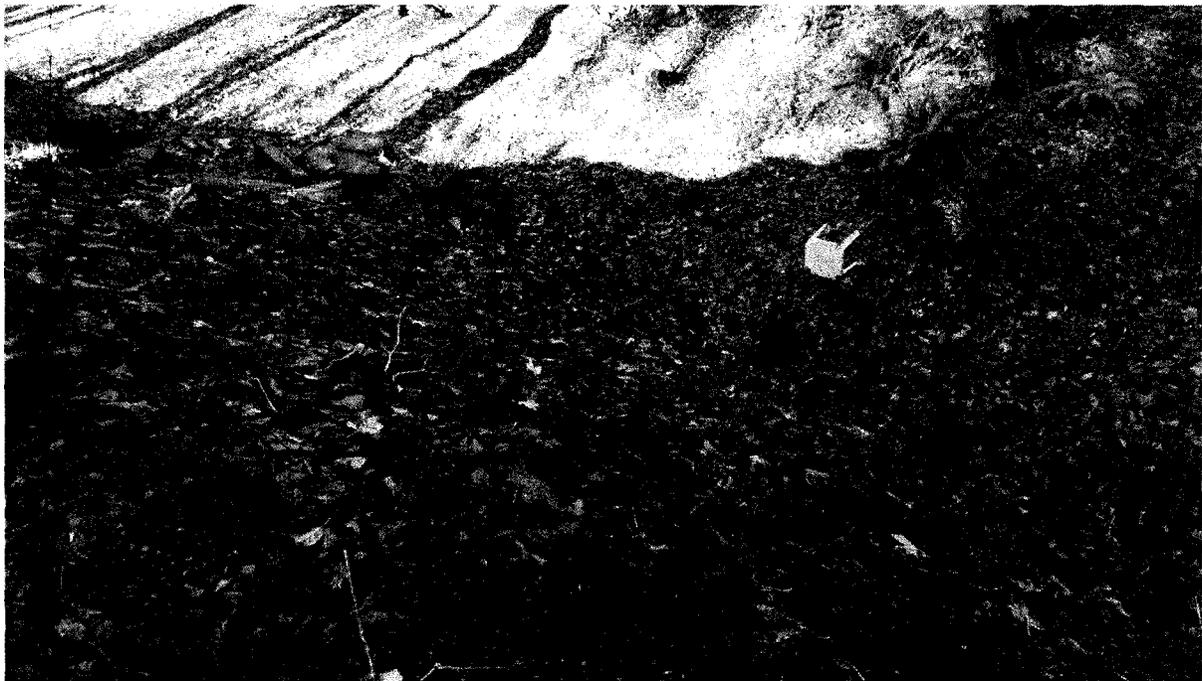
According to County records, the owner of this property is Judith DEBREY, mailing address: 22250 East Beaver Creek Rd, Cloverdale, OR 97112. Her son, Warren Scott Hunter, had represented Ms. Debrey on occasion during the proceedings.

When I initially investigated this property on May 12, 2022, I found a significant volume of trash in a pile, as well over one hundred tires that had been stacked and partially filled in what appeared to be an attempt to construct a road approach from East Beaver Creek Rd to this property.

The trash identified in the initial inspection has been removed.

During the course of this investigation, over 150 tires have been identified on this site. Nearly all of these tires are large truck tires. It is unknown how many additional tires are contained in the unpermitted road approach, under significant quantities of rock, asphalt, dirt, and wooden planks. While tires have been moved around on the site, including partial removal from the road approach and the construction of what appears to be a fence, we have not been provided with any documentation that would support a claim that tires were removed and disposed of legally. In fact, we are not sure whether any tires have been removed from the property at all.

An inspection of the site on November 9, 2022, showed that tires can still be seen from beneath the unpermitted road approach, and a line of tires along the western property line contains a number of tires in excess of that allowed without a permit. (The Department of Environmental Quality is the permitting authority for storage of over 100 tires.)



Waste tires pose a significant threat to the environment. If exposed to the sun for extended periods of time, tires can release methane into the air. When exposed to water, they can become breeding ground for mosquitoes. If tires catch on fire, clouds of toxic black smoke is released into the air, carrying with it many of the chemicals used in tire manufacturing. Tires that are set on the ground for extended periods of time can eradicate beneficial soil bacteria, resulting in lost habitat for plants and animals.

Over the past six months, Ms. Debrey and Mr. Hunter have been repeatedly informed of the need to remove the tires from this property to a permitted disposal site, and to submit an application to the Public Works office for a road approach permit. The latest extension of deadlines for this expired on October 22, 2022. The Oregon Department of Environmental Quality also required provision of a waste tire removal plan (by August 1, 2022), as well as the removal of all waste tires from the property (by October 1, 2022). None of these deadlines have been met, and the tires still remain on the property, including some buried in the non-permitted road approach off East Beaver Creek Rd.

The improper storage and disposal of (waste) tires is a threat to the public good and the environment.

Section 9.04 of Tillamook County Ordinance #4, as amended July 15, 2015, states:

Section 9.04. Abatement by County.

If, in the judgment of the Administrator, a solid waste nuisance violation can best be remedied by having Tillamook County, its employees or its agents remove or otherwise abate the violation, then the provisions of this section shall be implemented.

- A. The Administrator may order a person who is in violation of Section 8 of this ordinance to remove, discontinue or otherwise abate the violation.
  - a. An order issued under this section shall:
    - i. Describe the nature and location of the violation;
    - ii. Direct the person to abate the violation within a specified period of time.
    - iii. Explain that a hearing will be held if the violation is not abated.
    - iv. Explain remedies available to the County and the penalties that may be imposed if the person fails or refuses to comply with the order.
- B. If the violation is not abated within the time allowed by Administrator's order, the Board shall hold a hearing.
  - a. Notice of the hearing shall.
    - i. Establish a place, date and time for a hearing to be held if the violation is not abated before the date of the hearing.
    - ii. Include a copy of the Administrator's order.
    - iii. Be given by service under ORS 368.406 to the owner of the land.
  - b. At the hearing the Board shall determine the person responsible for the violation and what must be done to abate the violation.

- c. The owner of the property that is the location of the violation shall be responsible for the abatement unless the owner can establish at the hearing there was no reasonable method for the owner to control or abate the violation. The owner shall be considered responsible for the actions of any tenants or other persons lawfully using the owner's property.
  - d. The Board shall issue an Order for abatement ordering the owner to abate the violation within a time fixed by the Board, which time shall not be less than 10 days.
- B. *[sic]* The Administrator may abate a violation of Section 8 of this Ordinance at any time if any of the following occur:
  - a. The period of time established for abatement by the Board Order passes and the person ordered to abate the violation has not done so within that time.
  - b. If a reasonable attempt to provide service for the hearing has been made and no owner, or person believed responsible for the violation, has been located and served.
  - c. The Administrator determines that the violation creates a substantial risk of damage, injury, health hazard or other emergency condition that requires abatement without delay and without notice of hearing. The administrator is not required to comply with Sections 9.04 (A) and 9.04 (B) of this Ordinance when the Administrator abates a violation under this paragraph.
- C. The Administrator may take any reasonable actions under Section 9.04 to abate the violation. The County and its officers, agents and employees are exempt from liability for any reasonable acts performed under this section, including, but not limited to, any reasonable trespass or conversion of personal property.
- D. If the Administrator performs any acts under Section 9.04 of this Ordinance, the Administrator shall file a written report with the Board. The report shall contain:
  - a. Copies of all correspondence to date concerning this abatement.
  - b. An explanation of the acts performed;
  - c. The reasons for performing the acts described;
  - d. The costs incurred in abating the violation. These costs shall include all costs necessary for the County to provide inspections and to prepare and serve notices and orders; and
  - e. Any other information required by the Board.
- E. Upon receipt of the written report, the Board shall hold a hearing to assess costs for acts performed under Section 9.04(C) of this Ordinance, and to determine persons liable for payment of those costs.
  - a. Notice of the time, place and date for the hearing shall be given by service under ORS 368.406 to:
    - i. The person determined under Section 9.04 (B)(b) of this Ordinance to be in violation; or
    - ii. If no determination of violation has been made under Section 9.04(B)(b) of this Ordinance, to the owner of the land.
  - b. After consideration of matters presented at the hearing, the Board shall issue a Board Order:
    - i. Establishing the costs to be paid;

- ii. Directing the person who the Board determines to be responsible for payment of the costs to pay the costs within the time established by the Board, which shall not be less than 60 days.
  - b. The owner of the property that is the location of the violation shall be responsible for payment unless the owner can establish that there was no reasonable method for the owner to control or abate the violation. The owner shall be considered responsible for the actions of any tenants or other persons lawfully using the owner's property.
  - d. The Board shall provide notice of the results of the hearing to persons ordered to pay costs by service under ORS 368.406.
- F. The Board may recover costs ordered under section 9.04(F) by:
  - a. Bringing an action for recovery of the costs in any court of competent jurisdiction; or
  - b. If the person ordered to pay costs owns real property within the county, filing a copy of the order with the County Clerk to be entered as a lien upon the real property of that person within the county.
  - c. If a lien is filed under paragraph (b) of this section:
    - i. That lien, when docketed, is prior and superior to all other liens or charges on the property except taxes; and
    - ii. If the costs ordered to be paid are not paid within the time established by the Board in the Board Order, the Board shall cause the lien to be foreclosed as provided in ORS Chapter 87.
    - iii. The Board may increase the Solid Waste budget by the amount of costs recovered or to be recovered under this section.

Thank you,



David McCall  
Solid Waste Program Manager

Cc: Chris Laity, P.E., Director of Tillamook County Public Works

Attached:

1. Real Property Assessment Report
2. Letter of May 16, 2022
3. Letter of May 31, 2022
4. Letter from Ms. DeBrey of July 6, 2022
5. Letter from DEQ of July 1, 2022
6. Letter of August 16, 2022
7. Letter from Scott Hunter to DEQ, received September 26, 2022
8. Letter of September 13, 2022
9. Letter of October 6, 2022

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

### FOR ASSESSMENT YEAR 2021

May 12, 2022 5:14:10 pm

<b>Account #</b> 201793	<b>Tax Status</b> ASSESSABLE
<b>Map #</b> 3S09160001200	<b>Acct Status</b> ACTIVE
<b>Code - Tax #</b> 0802-201793	<b>Subtype</b> NORMAL
<b>Legal Descr</b> BEAVER Lot - TRACT 11	
<b>Mailing Name</b> DEBNEY, JUDITH J	<b>Deed Reference #</b> See Record
<b>Agent</b>	<b>Sales Date/Price</b> See Record
<b>In Care Of</b>	<b>Appraiser</b> EVA FLETCHER
<b>Mailing Address</b> 22250 E BEAVER CREEK RD CLOVERDALE, OR 97112	<b>Senior Deferral #</b> 00635311616-ACT
<b>Prop Class</b> 401 <b>MA</b> <b>SA</b> <b>NH</b> <b>Unit</b>	
<b>RMV Class</b> 401      06   WF   603   9254-1	

Situs Address(s)	Situs City
ID# 1 22250 E BEAVER CREEK RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0802	Land 119,680 Impr. 93,480			Land 0 Impr. 0	
<b>Code Area Total</b>	<b>213,160</b>	<b>123,210</b>	<b>123,210</b>	<b>0</b>	
<b>Grand Total</b>	<b>213,160</b>	<b>123,210</b>	<b>123,210</b>	<b>0</b>	

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0802					LANDSCAPE - FAIR	100				500
0802	1	<input checked="" type="checkbox"/>		RR-2	Market	100	A	5.00		106,680
0802					OSD - AVERAGE	100				12,500
<b>Grand Total</b>								<b>5.00</b>		<b>119,680</b>

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
0802	1	1996	121	One story	153	756		93,480	
<b>Grand Total</b>							<b>756</b>	<b>93,480</b>	

Exemptions / Special Assessments / Potential Liability						
Code Area						
0802	<b>SPECIAL ASSESSMENTS:</b>					
	■ SOLID WASTE	Amount	12.00	Acres	0	Year 2021
	<b>FIRE PATROL:</b>					
	■ FIRE PATROL SURCHARGE	Amount	47.50			Year 2021
	■ FIRE PATROL NORTHWEST	Amount	18.75	Acres	5	Year 2021

**Comments:** 10/17/08 INPUT INVENTORY. GB 4/5/10 Added to Sr Citizen's Tax Deferral Program. LJO  
 12/20/10 - Reappraisal, updated inventory - tabled values, KL.  
 10/22/15 Desk Review. Changing heat source from zonal to heat pump, per permit. Netted the minor exception. WH  
 12/21/16 Reappraised land; tabled values.ef



**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department 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](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

*Land of Cheese, Trees and Ocean Breeze*

May 16, 2022

Case #: 22-24

DeBrey, Judith  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

**NOTICE OF VIOLATION –**

RE: Solid Waste Investigation, Identified as: 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

Ms. DeBrey:

In response to multiple complaints, I conducted an investigation of this property at approx. 1:15 pm on Thursday, May 12, 2022. On your property I found a significant volume of trash in a pile, as well as well over one hundred tires that had been stacked and partially filled in what appears to be an attempt to construct a road approach from East Beaver Creek Rd to this property.

The accumulation of solid waste is hazardous to public health and safety and creates a condition of unsightliness, in violation of Tillamook County Solid Waste Ordinance #4, Section 8.01 A.a.

Tillamook County Ordinance #44 conditions by which a road approach must be requested.

Oregon Revised Statue (ORS) 459.715 specifically prohibits the storage of more than 100 waste tires without a waste tire storage site permit, as issued under ORS 459.745.

Therefore, you are required to **remove all tires and articles of solid waste within thirty (30) days** of the date of this letter. If more time is needed and satisfactory progress has been made, more time can be allotted. The failure to adhere to this requirement and remove said items may result in multiple citations, as multiple violations have been determined at this site.

**Legal authority**

The burying or disposal of solid waste in any manner other than through a disposal site approved by the Tillamook County Board of Commissioners may only be done in accordance with rules promulgated pursuant to ORS Chapter 459, the Oregon Department of Environmental Quality, and Tillamook County Ordinance #4 and rules and

regulations promulgated thereunder. Any other disposal of solid waste shall be considered to be a public nuisance.

The unauthorized disposal of solid waste through burning is hazardous to public and environmental health and safety and violates Tillamook County Solid Waste Ordinance #4, Section 8.02. Section 8.02.B states, "Private households, commercial or industrial businesses shall not burn any solid waste except for **clean wood products**, free from rubber, asphalt, asbestos, insulation or other products which would cause toxic air contamination. All burning shall be in accordance with local fire rules, regulations, and restrictions."

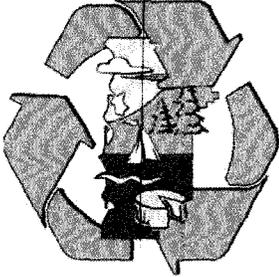
Furthermore, Oregon Administrative Rules (OAR 340-264-0060(3)) state, "No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors."

The only materials that are permitted to be burned in Oregon are untreated wood, paper and natural vegetative materials. The open burning of prohibited material, such as rubber and plastics, creates smoke and noxious odors, which are a nuisance and possible health hazard for the young, the elderly, and those with respiratory diseases. In some instances, toxic levels of chemical exposure can result from open burning of these materials. In addition to causing a localized nuisance, each illegal burn contributes to the cumulative amount of pollution in the atmosphere. Burning prohibited materials can result in serious fines.

All articles of solid waste must be disposed of at an appropriate disposal facility. Violations may result in the issuance of citations, with a potential fine of \$500 (minimum) and \$1,000 per day (maximum). Further violations will be deemed as continued disregard for the requirements set forth by Tillamook County Solid Waste Ordinance #4 and Oregon state law and will be enforced as such.

If you feel that you have received this notice in error, or if we may be of any further assistance please contact me at 503.815.3975, and leave a message if I am not available.

David McCall  
Solid Waste Program Manager



**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department 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](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

*Land of Cheese, Trees and Ocean Breeze*

May 31, 2022

Case #: 22-24

DeBrey, Judith  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

**NOTICE OF VIOLATION – CONTINUATION & EXTENSION**

RE: Solid Waste Investigation, Identified as: 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

Ms. DeBrey:

In response to multiple complaints, I conducted an investigation of this property at approx. 1:15 pm on Thursday, May 12, 2022. On your property I found a significant volume of trash in a pile, as well as well over one hundred tires that had been stacked and partially filled in what appears to be an attempt to construct a road approach from East Beaver Creek Rd to this property.

On May 31, 2022, I conducted a follow-up inspection of this property. I found that the debris on the property had been removed or covered up. Some of the tires forming a ramp or road approach had also been covered up with a tarp. Many of the other tires still remained, and were clearly visible.

The accumulation of solid waste is hazardous to public health and safety and creates a condition of unsightliness, in violation of Tillamook County Solid Waste Ordinance #4, Section 8.01 A.a.

Tillamook County Ordinance #44 conditions by which a road approach must be requested.

Oregon Revised Statue (ORS) 459.715 specifically prohibits the storage of more than 100 waste tires without a waste tire storage site permit, as issued under ORS 459.745.

This letter is to inform you that I appreciate the progress you have made, and in recognition of that, I am proactively extending the deadline to **thirty (30) days** of the date of this letter.

**Legal authority**

The burying or disposal of solid waste in any manner other than through a disposal site approved by the Tillamook County Board of Commissioners may only be done in accordance with rules promulgated pursuant to ORS Chapter 459, the Oregon Department of Environmental Quality, and Tillamook County Ordinance #4 and rules and regulations promulgated thereunder. Any other disposal of solid waste shall be considered to be a public nuisance.

The unauthorized disposal of solid waste through burning is hazardous to public and environmental health and safety and violates Tillamook County Solid Waste Ordinance #4, Section 8.02. Section 8.02.B states, "Private households, commercial or industrial businesses shall not burn any solid waste except for **clean wood products**, free from rubber, asphalt, asbestos, insulation or other products which would cause toxic air contamination. All burning shall be in accordance with local fire rules, regulations, and restrictions."

Furthermore, Oregon Administrative Rules (OAR 340-264-0060(3)) state, "No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors."

The only materials that are permitted to be burned in Oregon are untreated wood, paper and natural vegetative materials. The open burning of prohibited material, such as rubber and plastics, creates smoke and noxious odors, which are a nuisance and possible health hazard for the young, the elderly, and those with respiratory diseases. In some instances, toxic levels of chemical exposure can result from open burning of these materials. In addition to causing a localized nuisance, each illegal burn contributes to the cumulative amount of pollution in the atmosphere. Burning prohibited materials can result in serious fines.

All articles of solid waste must be disposed of at an appropriate disposal facility. Violations may result in the issuance of citations, with a potential fine of \$500 (minimum) and \$1,000 per day (maximum). Further violations will be deemed as continued disregard for the requirements set forth by Tillamook County Solid Waste Ordinance #4 and Oregon state law and will be enforced as such.

If you feel that you have received this notice in error, or if we may be of any further assistance please contact me at 503.815.3975, and leave a message if I am not available.

David McCall  
Solid Waste Program Manager



*Reduce* ♻️ *Reuse* ♻️ *Recycle*  
AN EQUAL OPPORTUNITY EMPLOYER

Delay due to illness:

July 6, 2022 re: prior correspondence, etc.  
David McCall - Solid Waste Program Manager

Enclosed is the copy of order of the court October 19, 2019. I don't have a computer / internet. So had to get this organized & was missing letters that you said you sent to Warren Scott Hunter?? You did note in a letter to me, you saw the improvement & granted an extension. Due to my physical & medical issues I've been unable to respond sooner. Let me start with the fact when I 1<sup>st</sup> spoke to you 5/24/22 on phone you were yelling!! at me in an judgemental tone of voice. Without knowing what all has been involved with this issue. Hope this letter from Judge w/answer some of questions & outcome of Judge's order!! (May I add this) "Spirit Guide" Let me not judge another until I have walked in his moccasins!! ...

That's what you have been doing to me without knowing all the particulars of this situation. I sincerely hope that we can come to an eventual agreement of sorts & consider all the factors in some of the delays.

Thank You,

Judie DeBrey & family

Due to weather delays of lots of mud & rain & other factors.

P.S. Re some of the times were dropped there without permission at least 3/4's of them twice!!

(See Paragraph 2. Second line) Judge's letter

RECEIVED

JUL 21 2022

TILLAMOOK COUNTY ROAD DEPT



Tillamook County Courthouse  
201 Laurel Avenue  
Tillamook, OR 97141  
(503)842-3416  
www.co.tillamook.or.us

October 29, 2019

Judith Debrey  
22250 E Beaver Creek Rd  
Cloverdale OR 97112

Dep. Jungling TCSO

RE: Docket Number: 19-E-3158 (Waste Violation Co Ord 4 Section 8.01(A)(a)).

This matter came before the court for a trial by affidavit. The court has reviewed the affidavits submitted by both parties and now makes the following findings:

The Defendant had roughly 100 tires on her property. The court shall not consider who or why the tires appeared at the location. The officer received a call on February 5, 2019. The citation was issued on August 6, 2019. The statute of limitations on violations is 6 months. ORS 131.125(8)(c). The court only considers the actions within that 6 month period. The question presented here is whether the act of having the tires violate Co Ord 4.

Co Ord 4, Section 8.01(A)(a) states "no person shall: Deposit, accumulate, store, collect, maintain, or display on private or public property, solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors, or a condition of unsightliness." In the current case, the question is whether the defendant stored, on private property, solid waste that creates a condition of unsightliness.

~~Store is not defined by Co Ord. 4. According to the Merriam-Webster dictionary, store, as a verb means 1) lay away, accumulate; 2) furnish, supply; 3) to place or leave in a location (such as a warehouse, library, or computer memory) for preservation or later use or disposal; 4) to provide storage room for, hold. In the present case, the tires were left in a location for later use or disposal. The location was on private property. It was unsightly. Solid waste is defined in Co Ord 4, Section 1.05 as, in part, "discarded or abandoned vehicles or parts thereof..." The list is illustrative, as opposed to exclusive, because it notes that the list is including but not limiting. Under the cannon of statutory interpretation *eiusdem generis* (of the same kinds, class, or nature), tires are parts of vehicles, without requiring that the county prove the vehicles are discarded or abandoned. Vehicle parts would be included with this definition of solid waste.~~

Therefore, the court enters a finding of guilty. Under the circumstances, the court will impose fine of \$750. This is now due and payable and a payment plan is available from the court clerk. Defendant must contact the court clerk within 30 days to make payment arrangements.

The defendant has a right to appeal this finding and judgment to the Circuit Court of the State of Oregon for Tillamook County, 201 Laurel Ave, Tillamook OR 97141, by filing a timely notice of appeal within 30 days with the Circuit Court and paying the Circuit Court filing fee of \$281 and \$9 fee to Justice Court for the transcript on appeal.

This letter shall constitute the Order of the Court.

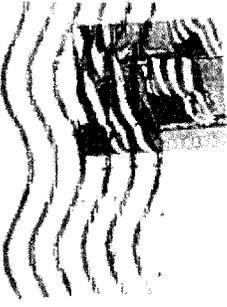
Sincerely,

A handwritten signature in cursive script, appearing to read "Ryan C. Connell".

Hon. Ryan C. Connell  
Justice of the Peace



Judith J. Debrey  
22250 E Beaver Creek  
Rd  
Cloverdale OR 97112



PORTLAND OR 972

SEP 20 1992

Mr. David McCall  
Caitlyn Peake (sw) Greg Lawson  
Dept's. of Solid Waste & Prevention  
& Recycling  
503 Snarolyn Prop Road  
Williamson, Oregon 97141

97141-320509





# Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

503-229-5263

Fax 503-229-6945

TTY 711

CERTIFIED MAIL #7017 0530 0000 7760 6551

July 1, 2022

Warren Scott Hunter  
Judith DeBrey  
22250 E. Beaver Creek Road  
Cloverdale, OR 97112

RE: Pre-Enforcement Notice (PEN) – 2022-PEN-7421  
Tillamook

Dear Warren Scott Hunter and Judith DeBrey,

On May 12, 2022, the Oregon Department of Environmental Quality conducted an unannounced inspection of your property located at 22250 E. Beaver Creek Road in Cloverdale, Oregon 97112. Our visit was in response to a verbal request from the Tillamook County Solid Waste Department citing waste tire accumulation and disposal. Previously, DEQ conducted an inspection of your property on March 4, 2019 and issued Warren Scott Hunter a Warning Letter with the Opportunity to Correct (2019-WLOTC-4314) on March 12, 2019.

In 2019, DEQ asked Warren Scott Hunter to stop accepting solid waste and waste tires on your property and to remove all waste tires from your property for proper disposal. During the site visit on May 12, 2022, DEQ observed stacks of waste tires (approximately 100-125) located on your property, adjacent to East Beaver Creek Road. The stacks of waste tires are being buried and covered with broken rubble and asphalt. Waste tires are considered solid waste according to Oregon Administrative Rule, Chapter 340, Division 64 and should be managed appropriately at a permitted facility, not buried. Only permitted facilities can accept waste tires for disposal.

The purpose of this letter is to inform you of violations and concerns found during the inspection so that you can correct them. Based on the results of this site visit, DEQ determined that you are responsible for the following violations of Oregon environmental law. Class I violations are considered to be the most serious violations; Class III violations are the least serious.

**Violations:**

- 1) OAR 340-064-0015(1): "Except as provided by section (2) of this rule, no person shall establish, operate, maintain or expand a waste tire storage site until the person owning or controlling the waste tire storage site obtains a permit or permit modification/addendum therefor from the Department." Establishing a waste tire disposal site without a permit is a Class I violation pursuant to OAR 340-012-0066(1)(a).

DEQ observed an accumulation of waste tires on your property and burial of waste tires which is illegal disposal of solid waste. Anyone who stores more than 100 waste tires is required to obtain a DEQ waste tire storage permit from DEQ and manage waste tires to prevent environmental or human health impacts. Waste tires that are not stored properly can attract vectors and lead to nuisance conditions. Waste tires can release chemicals into the air, ground, and water becoming a potential threat to human health and the environment.

In addition, DEQ observed a pile of solid waste on the property which is illegal disposal of solid waste

In order to correct or minimize the impacts of the violations cited above, please undertake the following actions:

- 1) **Effective immediately**, refrain from accepting any waste tires or any other solid waste at your property.
- 2) **By August 1, 2022**, provide DEQ a plan to remove all waste tires and all solid waste from your property and take the waste to a DEQ permitted facility authorized to receive waste tires and solid waste for disposal.
- 3) **By October 1, 2022**, remove all waste tires from your property and take them to a DEQ permitted facility. Provide DEQ photo documentation and disposal receipts to account for the disposed material.

Your timely and responsive action on these items will be taken into consideration in any civil penalty assessment issued by DEQ.

You failed to take the corrective action set forth in the Warning Letter with Opportunity to Correct (2019-WLOTC-4314) issued to you on March 12, 2019. DEQ is referring the matter cited in that Warning Letter and this Pre-Enforcement Notice to the DEQ's Office of Compliance and Enforcement for formal enforcement action, which may include assessment of civil penalties and/or issuance of a Department order. A formal enforcement action may include a civil penalty assessment for each day of violation.

If you believe any of the facts in this Pre-Enforcement Notice are in error, you may provide written information to me at the address shown at the top of the letter. The DEQ will consider new information you submit and take appropriate action.

DEQ endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, please feel free to contact me in writing or by phone at [caitlyn.peake@deq.oregon.gov](mailto:caitlyn.peake@deq.oregon.gov) or 503-229-5562.

Sincerely,

*Caitlyn Peake*

Caitlyn Peake  
Solid Waste Permit & Compliance Specialist  
Northwest Region – Portland Office

Enc: Oregon DEQ Northwest Region –Solid Waste Inspection Form

cc: Audrey O'Brien, Environmental Partnerships Section Manager, Northwest Region DEQ  
Inez Lawson, Solid Waste Permit & Compliance Specialist, Northwest Region DEQ  
David McCall, Program Manager, Tillamook County Solid Waste

# Oregon DEQ Northwest Region Solid Waste Inspection Form



State of Oregon  
Department of  
Environmental  
Quality

**Property name:** Judith DeBrey

**Property address:** 22250 E. Beaver Creek Road, Cloverdale, Oregon 97112

**Tax lot:** #1200

**County:** Tillamook

**Permit No.:** Unpermitted

**Inspector names:** Caitlyn Peake (SW), Inez Lawson (SW)

**Inspection date:** 05/12/2022

**Start Time:** 1:15 p.m. **End Time:** 2:00 p.m.

**Weather:** Rainy, Mid 50s

**Inspection Type:** Referral Complaint Response

---

DEQ Solid Waste Inspectors conducted an unannounced drive by site visit of Judith DeBrey's property located at 22250 E. Beaver Creek Road, Cloverdale, Oregon. The visit was in response to a verbal request from the Tillamook County Solid Waste Department.

On arrival at the property, DEQ Solid Waste Inspectors, Caitlyn Peake and Inez Lawson met with Tillamook County Solid Waste Program Manager, David McCall, Tillamook County Road Department Operations Supervisor, Chris Loffelmacher, Tillamook County Road Department Maintenance Equipment Operator II, Chase Dorsel, and Tillamook County Deputy, Jim Hill. David McCall explained the history of the site including a history of complaints from the neighbors. DEQ issued a Warning Letter with the Opportunity to Correct in 2019 to Judith DeBrey's son, Warren Scott Hunter who has been identified as the person accumulating solid waste on the property.

Standing on East Beaver Creek Road facing north, the group viewed the southern edge of Judith DeBrey's property. The property's elevation is approximately 15 to 20 feet lower than the road. There is what appears to be a driveway, partially constructed starting from the road and sloping down towards the property. It is approximately 10 feet wide and more than 20 feet long on the north side. The visible base is constructed from truck waste tires and covered with broken rubble including pieces of asphalt. DEQ inspectors counted approximately 100 to 125 visible waste tires along the edge. Given the width and depth of the construction, there is potential for additional waste tires to be buried under the rubble and asphalt. The Tillamook County Road Department explained their driveway permit process and confirmed that they have not received a permit application to construct a new driveway on the property at the time of the visit. Additionally, a pile of abandoned solid waste and a bulldozer were visible on the property from the road. DEQ inspectors documented what they found and debriefed with the Tillamook County staff to discuss next steps.

On return to the office, DEQ inspectors reviewed the Warning Letter (2019-WLOTC-4314) issued on March 12, 2019, to Warren Scott Hunter. On March 4, 2019, a pile of approximately 100-125 waste was observed on the property. In order to correct the violation, Mr. Hunter was informed to stop accepting any waste tires from disposal on the property and to remove all waste tires from the property by July 1, 2019. Mr. Hunter did not respond to or comply with DEQ's requested corrective action.

Property: Judith DeBrey  
Inspection date: 05/12/2022

Map of Judith DeBrey's property at 22250 E. Beaver Creek Road, Cloverdale, Oregon 97112 (tax lot #1200)



View of the partially built driveway and the base of stacked waste tires

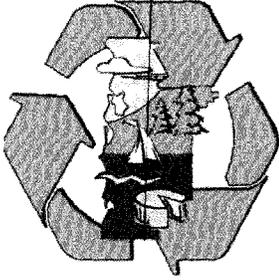


A pile of solid waste and a bulldozer on the property



Truck waste tires stacked on the property





**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department 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](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

*Land of Cheese, Trees and Ocean Breeze*

August 16, 2022

Case #: 22-24

DeBrey, Judith  
Warren Scott Hunter  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

**NOTICE OF VIOLATION – FINAL WARNING AND EXTENSION**

RE: Solid Waste Investigation, Identified as: 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

Ms. DeBrey & Mr. Hunter:

The accumulation of solid waste is hazardous to public health and safety and creates a condition of unsightliness, in violation of Tillamook County Solid Waste Ordinance #4, Section 8.01 A.a.

Tillamook County Ordinance #44 contains the conditions by which a road approach must be requested.

Oregon Revised Statue (ORS) 459.715 specifically prohibits the storage of more than 100 waste tires without a waste tire storage site permit, as issued under ORS 459.745.

In response to multiple complaints, I conducted an investigation of this property at approx. 1:15 pm on Thursday, May 12, 2022. On your property I found a significant volume of trash in a pile, as well as well over one hundred tires that had been stacked and partially filled in what appears to be an attempt to construct a road approach from East Beaver Creek Rd to this property.

On May 31, 2022, I conducted a follow-up inspection of this property. I found that the debris on the property had been removed or covered up. Some of the tires forming a ramp or road approach had also been covered up with a tarp. Many of the other tires still remained, and were clearly visible.

Mr. Hunter visited the Tillamook County Public Works office and obtained a Road Approach permit application, as well as information of the location of the Community Development office, at which building permits may be requested.

In a letter dated July 1, 2022, the Department of Environmental Quality (DEQ) determined that a violation existed on your property, required you to

- 1) immediately refrain from accepting any waste tires or other solid waste,
- 2) provide DEQ a plan by August 1, 2022, for the removal of all solid waste and tires from the property, and
- 3) remove all tires from the property by October 1, 2022, and dispose of them in a permitted facility.

With a letter dated July 6, 2022, you provided me with a copy of a Court Ruling 19-E-3158 dated October 29, 2019, in which the court found you guilty of violating Ordinance #4 through the storage of waste tires on this property. The court's decision does not give you permission to retain the waste tires on the property.

At approximately 1:35 pm on Tuesday, August 9, 2022, I conducted a follow-up investigation of the site. I determined that the articles of solid waste had been removed or covered, but there was no indication that any of the tires had been removed. Moreover, there is clear evidence showing a significant moving of dirt on the property, including covering tires already in place.

A review of submissions shows that to this date:

- no application for a road approach permit has been submitted to the Public Works office, and
- no application for a building permit has been submitted to Community Development, and
- DEQ has not yet received the plan you were required to submit by August 1, 2022.

Based on the above, I am extending the deadline by which **all solid waste and tires must be removed from this property by October 1, 2022**, so that you may come into compliance with both DEQ and Tillamook County requirements.

### **Legal authority**

The burying or disposal of solid waste in any manner other than through a disposal site approved by the Tillamook County Board of Commissioners may only be done in accordance with rules promulgated pursuant to ORS Chapter 459, the Oregon Department of Environmental Quality, and Tillamook County Ordinance #4 and rules and regulations promulgated thereunder. Any other disposal of solid waste shall be considered to be a public nuisance.

The unauthorized disposal of solid waste through burning is hazardous to public and environmental health and safety and violates Tillamook County Solid Waste Ordinance #4, Section 8.02. Section 8.02.B states, "Private households, commercial or industrial businesses shall not burn any solid waste except for **clean wood products**, free from rubber, asphalt, asbestos, insulation or other products which would cause toxic air contamination. All burning shall be in accordance with local fire rules, regulations, and restrictions."

Furthermore, Oregon Administrative Rules (OAR 340-264-0060(3)) state, "No person may cause or allow to be initiated or maintained any open burning of any wet garbage, plastic, asbestos, wire insulation, automobile part, asphalt, petroleum product, petroleum treated material, rubber product, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food or of any other material which normally emits dense smoke or noxious odors."

The only materials that are permitted to be burned in Oregon are untreated wood, paper and natural vegetative materials. The open burning of prohibited material, such as rubber and plastics, creates smoke and noxious odors, which are a nuisance and possible health hazard for the young, the elderly, and those with respiratory diseases. In some instances, toxic levels of chemical exposure can result from open burning of these materials. In addition to causing a localized nuisance, each illegal burn contributes to the cumulative amount of pollution in the atmosphere. Burning prohibited materials can result in serious fines.

All articles of solid waste must be disposed of at an appropriate disposal facility. Violations may result in the issuance of citations, with a potential fine of \$500 (minimum) and \$1,000 per day (maximum). Further violations will be deemed as continued disregard for the requirements set forth by Tillamook County Solid Waste Ordinance #4 and Oregon state law and will be enforced as such.

If you feel that you have received this notice in error, or if we may be of any further assistance please contact me at 503.815.3975, and leave a message if I am not available.

David McCall  
Solid Waste Program Manager





**Reduce** ♻️ **Reuse** ♻️ **Recycle**  
AN EQUAL OPPORTUNITY EMPLOYER

THAT'S WHERE YOU CUT A BEAF  
PATTERN ON THE SIDE WALL UP TO THE  
BAND THEN CUT IT OUT AND REMOVE  
THE BAND ON ONE SIDE AND REMOVE  
INSIDE OUT. IT MAKES A PLANTING POT  
THAT LOOKS LIKE A VASE AND IS  
STABLE AND LAST FOREVER. I'VE MADE  
THESE FOR A COUPLE MONTHS ALREADY.  
I WILL ALSO BE SENDING YOU PICTURES  
OF THE BANK AND THE NEW BERRY FORCE  
I BUILT WITH THE TIRES. I AM REALLY INTO  
FINDING NEW AND CREATIVE WAYS TO UTILIZE  
TIRES BECAUSE THEY ARE A GREAT SOURCE OF  
STABILITY WHEN PUT TOGETHER RIGHT! I'M  
NOT INTO MAKING DUMP SITES! I'VE MADE  
BERRY TREES OUT OF TIRES (WHERE YOU GO FROM  
BIG TO SMALL) ~~AND~~ THEY ARE EXCELLENT FOR POTATOES,  
YOU JUST STACK ONE AND WHEN YOU SEE IT  
GROW A LITTLE YOU STACK ANOTHER ON TOP —

AND FILL WITH DIRT, THEN WHEN EVER YOU WANT POTATOES YOU JUST PULL A ROW OFF. BEST I EVER GOT WAS 4 ROWS IN A SEASON. BUT LOTS OF POTATOES. THE TIRES SOAK UP THE HEAT OF THE SUN AND RADIATE THAT HEAT ALL NIGHT AND THE FRUIT AND VEGETABLES LOVE IT!!

NOW, I KNOW A LOT OF PEOPLE WHO HAVE USED TIRES AS A RETAINING WALL. AND LOTS OF PEOPLE USE THEM AS STEPS AROUND THEIR HOUSE AND ON TRAILS, ESPECIALLY WHEN THEY ARE STEEP. I PERSONALLY LIKE THE LOOK OF TIRES OVER RAILROAD TIES OR CONCRETE OR BIG ROCK CHECKS. YOU FILL THEM WITH GRAVEL AND THEY'RE AS STRONG AS CONCRETE. AS LONG AS THEY ARE USED TASTEFULLY AND PLACED WELL I SEE NO REASON THEY CAN'T BE UTILIZED AS A LAND SAVING TOOL.

IF YOU CAN GIVE ME A YEAR  
TO CLEAN UP AND UTILIZE MY RESOURCES  
I BELIEVE YOU WOULD LIKE AND APPROVE  
OF MY INNOVATIONS. I DON'T HAVE A  
TIRE WITHIN 150' OF THE CREEK. PLUS  
I HAVE GOTTEN RID OF ALL DEAD TREES  
THAT HAD WIRE OR BIG PATCHES OF  
TIRE MISSING. AND IF YOU CHOOSE NOT  
TO ACCEPT MY IDEAS THEN I GUESS I  
DO THE BEST I CAN TO COMPLY. BUT I'M  
A REAL MAN AND I HAVE NO BROTHERS OR  
SIBLINGS. I WAS RAISED TO WASTE NOT,  
AND NOT TO DO THE BEST WITH WHAT  
IS GIVEN TO. ARE YOU LIKE THE FENCE!!  
EVERYWHERE FULL OF STRAWBERRYS, RASBERRYS, LOGANS  
AND BLACKBERRYS.  
THANK YOU FOR YOUR CONSIDERATION  
ON THIS PROJECT  
Art Hunter







THATS WHERE YOU CUT A HEAT  
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I HAVE TO. HOPE YOU LIKE THE FENCE!!  
FULL OF STRAWBERRYS RASBERRYS, LOGANS  
AND BLACKBERRYS.  
THANK YOU FOR YOUR CONSIDERATION  
ON THIS PROJECT

Art Hunter









## PUBLIC WORKS DEPARTMENT

503 Marolf Loop Road  
Tillamook, Oregon 97141  
Roads (503) 842-3419  
Solid Waste (503) 815-3975  
FAX (503) 842-6473  
Email: [pubwks@co.tillamook.or.us](mailto:pubwks@co.tillamook.or.us)  
TTY Oregon Relay Service

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*Land of Cheese, Trees and Ocean Breeze*

September 13, 2022

Judith J. Debrey  
22250 East Beaver Creek Road  
Cloverdale, OR 97112

RE: Unpermitted Road Approach within County Right-of-Way  
East Beaver Creek Road, Tillamook County Road #857  
T03S R09W SEC. 16 Tax Lot #1200

Dear Judith,

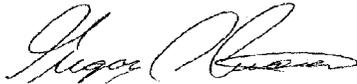
Tillamook County Engineering staff has been informed of construction activity of a road approach at the above-mentioned tax lot within the East Beaver Creek Road right-of-way. Our records show that no permit has been issued for the type of construction work being performed. Tillamook County Ordinances #28 (Utility and Non-Utility ordinance) or Ordinance #44 (Road Approach ordinance) require that a permit be issued for any work within a county right-of-way.



This letter is to inform you to STOP WORK at this location! The materials being used do not meet County standards for road approach construction and are considered solid waste material. The materials used to construct this "road approach" are required to be removed and the right-of-way to be restored to original condition.

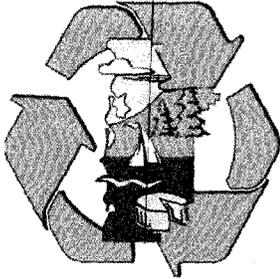
If you have any questions, please feel free to contact or leave a message for Tillamook County Public Works at the above number between the hours of 8:00 a.m. and 4:30 p.m. Monday thru Thursday.

Sincerely,



Gregory A. Cickavage, *LSI*  
Engineering Technician II

Cc: Sarah Absher, Department of Community Development, by email  
David McCall, Solid Waste Director, by email  
Deputy Jim Hill, Tillamook County Sheriff, by email  
File



**Tillamook County**  
**PUBLIC WORKS DEPARTMENT**  
*Department of Solid Waste*  
*Waste Prevention and Recycling*



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Email: [recycle@co.tillamook.or.us](mailto:recycle@co.tillamook.or.us)  
[www.co.tillamook.or.us/solid-waste](http://www.co.tillamook.or.us/solid-waste)

*Land of Cheese, Trees and Ocean Breeze*

October 6, 2022

Case #: 22-24

DeBrey, Judith  
Warren Scott Hunter  
22250 East Beaver Creek Rd  
Cloverdale, OR 97112

**NOTICE OF VIOLATION – FINAL WARNING AND EXTENSION**

RE: Solid Waste Investigation, Identified as: 22250 East Beaver Creek Rd, Cloverdale, Tillamook County, Oregon, 3S-9W-16-1200

Ms. DeBrey & Mr. Hunter:

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In response to multiple complaints, I conducted an investigation of this property at approx. 1:15 pm on Thursday, May 12, 2022. On your property I found a significant volume of trash in a pile, as well as well over one hundred tires that had been stacked and partially filled in what appears to be an attempt to construct a road approach from East Beaver Creek Rd to this property.

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At approximately 11:20 am on Thursday, October 6, 2022, I conducted a follow-up investigation of the site, and spoke with Mr. Hunter at the end of the property near East Beaver Creek Rd, where the unpermitted road approach is found. At this time, I confirmed with Mr. Hunter that

- putrescible waste had been removed from the site, and no new such waste was observed, and
- at least 134 truck tires were accumulated along the western side of the property, stack in piles of four, in the form of some type of fence, and
- tires could still be seen at the bottom of the pile.

I agreed to provide a 15-day extension for the deadline for completion of the following:

- **removal of waste tires from the property to a permitted disposal site**, including providing copies of disposal receipts, and
- submission of an application to the Public Works office for a **road approach permit**, including documentation that no tires are contained in the fill.

**If you have not complied with the above by October 22, 2022, I will be forced to refer this case to enforcement, including not only a citation under Section 9.02, but also abatement in accordance with Section 9.04 of Ordinance #4.**

### **Legal authority**

The burying or disposal of solid waste in any manner other than through a disposal site approved by the Tillamook County Board of Commissioners may only be done in accordance with rules promulgated pursuant to ORS Chapter 459, the Oregon Department of Environmental Quality, and Tillamook County Ordinance #4 and rules and regulations promulgated thereunder. Any other disposal of solid waste shall be considered to be a public nuisance.

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If you feel that you have received this notice in error, or if we may be of any further assistance please contact me at 503.815.3975, and leave a message if I am not available.

David McCall  
Solid Waste Program Manager

