

**TILLAMOOK COUNTY PLANNING COMMISSION
WORKSHOP
MINUTES**

January 10, 2002

I. CALL TO ORDER:

The meeting was called to order at 7:00p.m. by Chairperson Don LaFrance. Other members present were Kurt Heckerth, Gale Ousele, Anne Price, Joan Marti, Charlie Swan, and Scott Hill. Staff present were Nadine Smith, Lynne Krueger, and Lisa Phipps.

II. DISCUSSION ITEMS:

Since there was nothing under new business, the Planning Commission and Staff decided to take the opportunity to conduct a workshop.

Nadine suggested that they start by introducing themselves since there are two new members on the Planning Commission.

Nadine introduced herself, saying she has been Planning Manager since September and has been with Tillamook County since June. Nadine attended Lewis and Clark College. Nadine added that she has had 25 years experience in planning and was long range Planning Manager for the City of Tigard before coming to Tillamook.

Lynne introduced herself as having been here just over five years. Lynne is Senior Planner and a Certified Floodplain Manager. Lynne does primarily current planning; including conditional uses, subdivisions, and variances.

Scott said he became a member of the Planning Commission five years ago because he wanted to take a more active role in the community and because he is a property owner who is interested in observing what is happening with land use issues. Scott added that he has learned a great deal since he became a member five years ago.

Lisa came here approximately two years ago from Idaho. Lisa has a degree from Michigan State in Fisheries and a master's in environmental law from Vermont Law School. Lisa is the Coastal Resource Planner for Tillamook County, which means that she reviews reports for geological hazard areas and works on development permits for riparian, estuarine,

and coastal areas. Lisa also works with issues like fill in floodplains. In addition, she also has current planning issues like conditional uses. Lisa said she has enjoyed working with the Planning Commission.

More than twenty years ago, Don said he attended a city Planning Commission meeting to speak out against an issue. After the meeting, he was asked to become a member of the Citizen Advisory Committee and participate in the drafting of Tillamook County's Comprehensive Plan. At the time that the Comprehensive Plan was being adopted, there was an opening on the Tillamook County Planning Commission. Don has been Chair for about five years. He added that he is a graduate from Oregon State University and has been working for the Oregon Department of Forestry for over thirty years.

Kurt said he has lived here since 1968. Kurt is a "second generation" Planning Commission member. His father was once Chair of the Planning Commission. Kurt agreed with Scott, saying he also joined because as a property owner, he was also interested in land use issues. Kurt said he is employed by BLM and has been there over 18 years. Kurt added that he has recently started going back to school. He is going to become a botanist.

Anne retired from her position as Registrar from Lewis and Clark three years ago. She is also a graduate from Lewis and Clark. She said that she applied to become a member of the Planning Commission because of her interests in rules and regulations and because she views this as an opportunity to participate and give back to the community. Anne added that another reason she applied is because she too is a property owner in Tillamook County and is interested in the land use issues.

Gale became interested in land use processes after seeing the long-term effects of farmland in California being subdivided without any thought or planning. Gale moved to Tillamook County in 1984. Gale is a member of the Neskowin Vision Committee and participated in the drafting of the Neskowin Community Plan. Gale has been a member of the Planning Commission for over a year and a half.

Joan has been a dairy farmer in Nehalem since 1988. She has been on the Planning Commission for about a year and a half. Joan saw becoming a member of the Planning Commission as a way to give back to the community for all of their support during the floods of 1996 and because she is also interested in land use processes in Tillamook County.

Charlie was the owner of Nehalem Bay Trailer Park. He has been involved in real estate and in 1987, started developing property with his own money. Additionally, Charlie was a member of the Milwaukie City Council and participated in the drafting of their Comprehensive Plan.

Charlie said he has always felt that having a friend on the Planning Commission was a good thing. He added that although he didn't usually have a problem with Planning Commissioners, he has had problems with planners. He said he applied to become a member of Tillamook County's Planning Commission because he was "mad as Hell". He clarified that he is not mad at anybody in particular, but believes that while regulations should be followed before something is denied, there should be an effort to find a solution to approve it. Charlie feels that if one does not like a regulation, they should change it.

He went on to discuss a personal matter that was regarding a controversial land use issue and expressed his feelings of being dissatisfied with the process, noting that he went after the individuals knowing "they did not have anything" and still "took them to court for everything they had".

Charlie noted that he might be in Arizona for a couple of months but isn't sure.

Nadine thanked everyone for his or her introductions. She asked them if they had any questions or comments regarding the workshop packet she had sent them.

Charlie said that two of the three examples in the packet were horrible. Being on the City of Milwaukie's City Council at the time of *Baker vs. City of Milwaukie*, Charlie stated that the issue was never settled and that it was actually dropped through negotiations. Charlie also disagreed with the outcome of the example of *Fasano vs. Washington Co. Comm.* Charlie added that even though these were bad examples, they "definitely show that nothing is black and white in the game plan".

Nadine suggested discussing the mechanics of a meeting: how it runs, how to make a motion, what a motion is based on, and issues relating to interaction with the public in and outside of a hearing.

Nadine felt that the whole point of a land use process is to have a fair public process. She explained this meant that the Planning Commission needed to view issues without bias or exparte contact and that all information needed to be presented to all applicants and the Planning

Commission to prevent conspiring thoughts of information from a party being withheld.

Nadine added that she would like to create a model motion that entails all of the information necessary when making a quasi-judicial decision. She said the Planning Commission could then use this and fill in the appropriate blanks with the correct information.

When going through the motion for a denial, Nadine noted, it is very important to be clear on what the denial is being based upon.

Nadine asked them if they had any questions regarding contact outside of a hearing.

Charlie wanted to discuss contact outside of a hearing. He stated that there is no substitute for standing on the dirt. Charlie understood that he could talk to a property owner about the issue as long as he does not state whether he will vote for or against the application.

Nadine stated that all information needs to be declared because one would then be receiving information the county and public did not have. Nadine added that where a person can get into trouble is not remembering to state everything the property owner said and therefore it is best to avoid that type of situation.

Don agreed with Nadine, stating that was the same advice he has been given over the years by different planners and attorneys. He noted that driving by the property in question needs to also be declared. Additionally, Don said that the Planning Commission members could have contact with Staff about the issue in question, but that they should not have contact pertaining to the issue with each other outside of the hearing.

There was a discussion of different examples and situations of what can happen when making site visits.

Kurt said that when he is approached about a particular issue, he always refers them to Tillamook County Staff.

Regarding site visits, Kurt asked how they, as a group, could schedule site visits appropriately.

Nadine replied that any time they are together and there is a quorum, that is considered to be a public meeting which means it needs to be recorded and noticed.

Anne wanted to know that at what point do they disqualify themselves.

Nadine said that any time they feel they have something to gain from a decision, that they are related to someone who could gain from the decision, or if they felt a strong bias for an applicant are all reasons as to when they should not participate in a hearing.

There was a brief discussion about procedure. Gale said that people are not familiar with public procedure and that is what she is approached about more than anything else. She asked if there was any way to improve this.

In order to help the public better understand what is going on, Nadine thought that constantly referring back to the criteria would help resolve this problem. She added that the public needs to understand that the Planning Commission's decisions are based strictly on the criteria.

The Planning Commission and Staff discussed different options about how to implement the criteria into public testimony. Some of the suggestions were to: use an overhead projector so that everyone can see the criteria during the hearing, have Staff state criteria during their presentation of the Staff Report, or hand out copies of the criteria during the hearings.

Lynne noted that Staff does include a copy of the criteria in their notices that are mailed out.

Nadine asked if anyone had any questions about staff reports or information.

Don asked if an aerial photograph of the area could be included in the staff reports.

Gale felt that sometimes the plot plans are completely unreadable.

Don was also concerned about not being able to recycle the colored paper copies that were included in the staff reports.

Joan wanted to know how long they needed to keep information after a decision had been made before the files could be recycled.

Lynne stated that they needed to keep the information until a final decision had been made.

Anne wanted to know if a Planning Commissioner had ever been challenged by a member of the public to participate in a particular hearing.

Nadine said she has seen that in other areas.

Lynne replied that it does happen here occasionally.

Kurt brought up the applications from Faye Jensen that were presented at the last hearing. He said he found the process difficult because all three applications were tied together and that if one failed, they all failed. He asked if there was a way to separate the applications.

Lynne said she was not sure how the applications could be separated. She explained that Ms. Jensen's applications were all interrelated. She gave the example that if the Conditional Use failed, the Variance for the road would have failed because then there would not have been a reason for the road. Additionally, the Subdivision could not have been approved without the Variance and there would have been no reason for a Conditional Use if the Subdivision application had not been approved in the first place.

Lisa agreed that the applications were difficult. Lisa reiterated that is why it is so important to follow the criteria. If the criteria is followed, she explained, the application decisions should "piggyback" one another.

Anne wanted to know who sets the order.

Lynne said that Staff does. However, the Planning Commission can set the order on how the issues are voted on after they have been heard.

There was a brief discussion about the appeal process. Don noted that some people do object to the order of the appeal process with the appellant making their presentation first.

It was asked how much the fees were to make an appeal to an administrative application.

Lynne said the cost is \$250.

Charlie felt it was unfair for an applicant to pay up into the thousands for an application process and that someone can appeal the approval for \$250.

Lynne added that an appeal process that would go through the Board of Commissioners is \$750 or the cost of the application. The maximum an appellant would have to pay is \$1800.

Charlie asked what was going to be presented next.

Upcoming applications, Lynne said, will be the Neah-Kah-Nie Goal Exception and Nantucket Shores.

Nadine told the Planning Commission members that they were very close to hiring an associate planner and a planning assistant.

VII. ADJOURNMENT

There being no further business, Don adjourned the meeting at 8:15p.m.

Don LaFrance, Chair

Nadine Smith, Planning Manager

Sarah Absher, Recording Secretary

Date