

TILLAMOOK COUNTY PLANNING COMMISSION

MINUTES

JULY 11TH, 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 Lynne Krueger, and Lisa Phipps.

II. APPROVAL OF MINUTES:

Charlie made a motion to approve the minutes of June 20, 2002 as amended. Kurt seconded it. The motion was carried .

III. OLD BUSINESS:

There was nothing under old business to discuss.

IV. NEW BUSINESS:

Don read the oral statement regarding Quasi-Judicial public hearing procedures.

V-02-04: A request to allow the development of a parking structure within the required 20-foot setback for the purpose of access to the property. The property is located on Pearl Street in the community of Netarts and designated as Tax Lot 7200 of Section 6AA, Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Constance E. Lovejoy, 14315 N.E. 76th Avenue, Vancouver, WA 98662. (Lynne Krueger)

There was no challenge to the jurisdiction of the Tillamook County Planning Commission to hear this matter.

There were no conflicts of interest or personal biases declared by a Planning Commission member.

Don asked if any Planning Commission members had had any exparte contact.

Kurt declared he had done a site visit.

Don asked for Staff's presentation.

Lynne distributed additional letters that had been received that afternoon regarding the Variance.

Lynne explained that the Variance was a request to construct a parking deck to access a parcel off Pearl Street. The Variance had been applied for in October and was denied at that time by Staff. The applicant decided to wait the six months to reapply. The Variance was now being presented to the Planning Commission because it had been addressed by Community Development in the past.

Lynne pointed out the parcel on a tax lot map. She told the Planning Commission that the Variance was based on a particular parcel, not related to the ownership. And it would have a significant slope from Pearl Street to the property.

Lynne also said this parcel was located in a R-3 zone, meaning that there would be a required setback of 30 feet: 10 feet on each side for the Variance and the mandatory 20 foot setback because of the R-3 zone.

Lynne noted that this parcel has had access off Pearl Street since it was platted in 1908.

Lynne told the Planning Commission that Staff was recommending approval, but that one of the conditions of approval would be a Geological Hazard report due to the significant area of slope.

Anne confirmed that Staff had previously denied the Variance and questioned why there was a different decision now.

Lynne explained that in the last application two alternatives had been given. The first was to create a Major Partition to address the parcel. The basis of the Variance should not have included the other parcels. The second alternative was to do sheet piling and backfill, which could have been possible, but may have required the three other potential lot development sites to also develop the wall.

Anne clarified that they were addressing one lot, not the whole area.

Lynne said that was correct.

Don wanted to know why this would be a resubmission rather than an appeal.

Lynne explained that the applicant would have had to reapply within 12 days for the application to be appealed.

Don asked if the replat made the Variance any more necessary.

Lynne said that it did not. She referred to Exhibit 4, pointing out the original layout of the parcels. She stated that there has never been access off Netarts Boulevard (the street below Pearl Street on the other side of the parcels) because Netarts Boulevard is under water.

There were no further questions for Staff.

Don asked for the applicant's presentation.

Christopher Koback represented the Lovejoys.

He explained that the reason the Lovejoys had waited six months to resubmit their application was because they wanted to put together an application that was more detailed and further explained how they met the Variance criteria.

Mr. Kovack stated that the applicants did not want to use fill.

Referring to the criteria, Mr. Kovack stated that from an economic reasonableness and feasibility, there were really no alternative options.

Anne asked Mr. Kovack if he had figures of what the costs would be for the two alternatives.

Mr. Kovack replied that he did not, but referred to Mark Widmer, the contractor who was sitting in the audience, and stated that the material for the fill alone could possibly add an additional thirty thousand dollars to the total cost of construction. Mr. Kovack added that this was a modest figure.

There were no further questions for the applicant.

Don asked for a show of hands of those who wished to testify during public comment. He limited testimony to five minutes per person.

Therese L'Hommedieu, 2070 Pearl Street in Netarts, stated that she hadn't changed her mind from what she stated in the letter she previously submitted.

Anne asked her to point out on the tax lot map where her property was located.

Ms. L'Hommedieu wanted to know if the owner was responsible for hiring the consultant who would do the Geological Hazard survey. She was concerned that even though this Variance was for a specific lot, the decision here could effect the outcome of other potential lots in future development.

She asked if there was only one bid for the cost of the work for the alternatives.

Ms. L'Hommedieu stated that safety and slope stability were an ongoing concern. With the street being one lane width wide, she said she could not image a parking structure where four vehicles could back out onto the narrow road. She was worried about visibility.

Ray L'Hommedieu expressed his concerns about the condition of Pearl Street. He thought that the parking structure would increase danger.

Jim Wyss lives right above the development. He has lived off Pearl Street for forty years. Mr. Wyss felt that the road was dangerous, especially because drivers travel very fast on that road.

Mr. Wyss thought that a retaining wall and fill would stabilize the road.

Mr. Wyss concluded by saying that the County should establish standards before okaying something like this.

Maxine McDonald, 1920 Pearl Street, put in a driveway that cost approximately twenty-two thousand dollars. This included the cost of the retaining wall system, fill, pavement, and engineering. She said that it met all requirements from the County for safety.

Ms. McDonald's only concern was that if this structure was allowed to be built within the setbacks, it could put her structure in danger. Ms. McDonald concluded by saying that she was not opposed to the development of the land, she was just concerned about safety issues.

Anne clarified that Ms. McDonald's driveway came off of Pearl Street.

Carol and Sarah Shoemaker distributed various copies of photographs to the Planning Commission members.

Carol Shoemaker wanted to know why there was not access from Netarts Boulevard or why Summit Road could not be continued to the Lovejoy's property. She stated that the survey done in August of 2001 shows where a sewer line extension would be perfect along Summit Road.

In reference to a survey map from Bayside Surveying, Carol Shoemaker felt that the Lovejoys were being deliberately misleading when they stated that the buildings would have to be destroyed at cost to them. The structures were never shown on the survey map.

Regarding the stability of Pearl Street, she said that the road itself is unraveling. Carol Shoemaker read verbatim from a report written by Walt Gile from public works dated October of 2001 which stated his concern that the street could unravel.

Sarah Shoemaker stated that her understanding was that even during the construction of such a project, the driving of pilings could cause the bank to shake and shiver, and if the pilings were cored instead of driven, gaps could be created in the ground. If there must be access from Pearl Street, she continued, she felt that fill would be more appropriate.

Sarah Shoemaker referred to the letter her brother-in-law, Mike Portenhoff, submitted to Community Development regarding this Variance application. She briefly discussed his alternative option that would require one small change to the front of the property.

There was no one else who wanted to testify.

Don asked for the applicant's rebuttal.

Mr. Koback explained to the Planning Commission that the reason Staff had recommended a Geological Hazard report was because of the slope of Pearl Street and to make sure the pilings would not negatively impact the area of slope. Mr. Koback assured the Commission that a licensed professional would do the study.

Mr. Koback recognized that the parking structure could be built on fill without going through the Variance application process and that there was no practical difference. If the structure would obstruct vision, it would do so on a driveway constructed by fill. Additionally, the reconfiguration of the lot line adjustment did nothing to alter the height restriction or access.

In reference to Mr. Gile's letter from public works, Mr. Koback explained that this was always a 2nd tier lot, subject to the same height restriction, and that before the reconfiguration, the lot was actually narrower than it was presently.

To find an alternate access, Mr. Koback told the Planning Commission that access from Netarts Road was not practical because the road was underwater and was also located within the riparian setbacks.

Mr. Koback also said that the existing buildings would have to be removed at some point. This was not a misleading statement. Due to the lot line adjustment, the lots were reconfigured from nine small lots to five larger lots.

There were no further comments from the applicant.

Don asked for Staff's comments.

Lisa recognized Ms. McDonald's concerns about the visibility from her driveway, but stated that the issue would still exist. At least under this situation, Lisa said, the applicants would be required to submit a Geological Hazard report and could possibly make modifications to offset the safety issues. If they were to put in sheet piling, Lisa explained, the sheet piling, considered to be invasive, could potentially destabilize the toe of the slope and there would be no recourse. Furthermore the applicants would not be required to submit a Geological Hazard report because there would be no triggers for it.

Regarding the riparian issue, Lisa stated that it would be very difficult to put a road in at this juncture knowing that there are alternatives that are more feasible. Additionally, it would be difficult to get approval of a road in this area due to dune hazard issues.

Lisa added that if Netarts Boulevard was the sole access to the properties, and an event occurred that washed out the road, this would be considered an emergency situation and the applicants would be granted access off Pearl Street, and there may not be the opportunity to receive a Geological Hazard report.

Lisa went on to explain that Netarts Boulevard extends all of the way up to Pearl Street and by the argument given this evening, all residents off Pearl Street should use Netarts Boulevard. Lisa concluded however that this is not reasonable or feasible but were all things to keep in mind when

looking at this Variance and reiterated what Lynne had said previously, that the Variance is site specific.

Because of the access issues off of Netarts Boulevard, Don wanted to know if the other four lots were buildable.

Lisa said that Staff went out to the sites last October and measured to make sure there was room outside of the fifty-foot setbacks for a structure to be built. To determine if the lots were buildable, a dune hazard report would be necessary because the lots are on the bay front.

Anne addressed the issue of emergency vehicles having access. Being such a small road, she commented, all vehicle access should be a concern. She asked if they could assume that this issue was addressed, especially regarding the access of emergency vehicles.

Lynne explained that if there were an emergency, access could likely come off of Summit Avenue. Additionally, a parking deck is required to be two cars wide in case emergency vehicles must use them. Lynne noted that the Geological Hazard report would require a study to make sure that the deck could sustain the weight of at least two cars.

Don clarified that the parking structure would abut the right of way, thus really not having an effect on the right of way on Pearl Street.

Lynne stated that was correct but did recognize that Pearl Street was a narrow road. Additionally, public works and Netarts Water District had made clear that there is a water line that runs along the right of way.

Don then confirmed that the structure would not encroach on the County right of way at all.

Lynne again stated that was correct.

Don wanted to know if fill would be used on the county road to connect the approach.

Lynne explained that asphalt would be used, however there could be a small amount of fill. From her understanding of Mr. Widmer's plans, she said that it looked like it would be a typical asphalt road approach.

Charlie wanted to know the dimensions of the deck.

Mr. Widmer replied that the deck was 22 feet by 24.6 feet. It was noted that the house would be 20 feet from the front property line and would not encroach into the road right-of-way.

Don clarified that the drainage went towards the road based on the view of the proposed parking structure.

This was correct. Mr. Widmer explained that the parking structure was “torqued”, meaning that the north side of the structure slopes down to meet the Lovejoy residence and the south side of the structure slopes down to meet Pearl Street.

Since there was no further discussion, the hearing was closed to all testimony.

Kurt gave a description of Pearl Street making reference to the small hill on Pearl Street where the Variance would grant access to the Lovejoys if approved. He thought that the approach in this area, especially because of the hill, would make it very difficult for travelers to see, especially if someone was backing out of the parking structure with a vehicle or vehicle and boat in tow. He questioned whether the traveler would have enough reaction time to see the driver backing out, especially if they were traveling at a high speed.

Additionally, Kurt felt that a Major Partition of the lots would have been more appropriate than a Minor Partition because the Major Partition would allow for one road to access all lots instead of each lot, under the Minor Partition, having their own access off of Pearl Street.

Anne said that she was also concerned about the safety issue of the road and road access. She suggested putting up mirrors so people from different directions could see traffic coming.

Kurt added that he would rather see the applicants do a Geological Hazard report than none at all.

Referring to the seventh recommendation of approval, Charlie asked if 24 months without an extension was normal.

Lynne replied that it was.

Gale asked if the safety issues of the narrow road would be addressed by public works.

Lynne said the review process for public works would be the same for a Variance as it would be if the applicant chose to do sheet piling and backfill. She added that the parking structure would be an open railing system and 22 feet deep, which usually meant that the cars could park closer to the house, making visibility better. She said that public works would do the best they could to guarantee a safe approach.

Don stated that he didn't see a significant difference between the Variance process and the alternative of using fill. He felt that the ramp would have less of an impact. Don said he would prefer to see less earthwork done.

Charlie made the comment that, regarding real estate values, the value of these properties could easily escalate due to the fact that they were located on roads with difficult access. He used California and the West Hills of Portland as examples to support his statement.

Gale said she was glad to see the Geological Hazard report as one of the conditions.

There was no further discussion. Don said he was ready to entertain a motion.

Charlie made a motion to grant the Variance under the conditions listed in the report , based on the Staff report and testimony.

Scott seconded the motion.

The Planning Commission voted unanimously to approve V-02-04 based on the conditions listed in the report and based on testimony and the Staff report.

The Planning Commission decided to take a five-minute recess.

IV. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY.

Scott made a motion for authorization for Chair to sign the appropriate orders, if necessary.

Gale seconded the motion.

The motion passed unanimously.

VI. DISCUSSION ITEMS:

ADMINISTRATIVE DECISIONS:

CU-02-13(a), DP-02-04, DP-02-04 Correction, DP-02-05, DP-02-07, DP-02-08, GH-02-09, GH-02-10, NCMN-02-02 and V-02-04 Memo.

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

Lisa told the Planning Commission that the Board of Commissioners had voted unanimously in approval of the Whalen Island State Park and adopted the Ordinance Amendment. She said they would now go through a Conditional Use process to adopt the master plan.

Lisa also said there were nine viable candidates for the position of Community Development Director but she wasn't quite sure about the timeline for the interview process.

Lynne said the final draft for the Hathaway order had been received and that the signing of the order would be a public meeting and televised. The anticipated date would be July 29, 2002.

Anne clarified that the appeal period would start then.

Don confirmed that this would be a public hearing because the conditions of approval were not addressed at the last meeting.

Lynne said that was correct and added that they were going to be attaching conditions to this order. She did note that the decision the Commissioners made could not be changed.

Lisa said that sometime in September Community Development could be receiving an application for a golf course on Sandlake Spit. She stated that the property was known as the Develt's farm, located north of Tierra Del Mar.

Lisa added that she has received a lot of notification that there are several natural resource groups interested in this proposal.

Referring back to the nine candidates for the director position, Anne wanted to know if any of the candidates were internal.

Lisa replied that they were not.

Gale asked who would do the interviewing and hiring.

Lisa explained that the Commissioners would do the interviewing and hiring.

Anne wanted to know if there would be public involvement in this process.

Lynne stated there would not be public involvement.

Lisa added that the Commissioners have offered to have Staff from Community Development present, but that they would not be allowed to ask questions.

Anne felt that this should be more of a public process.

Lynne said there was not going to be a meeting in August because there were no existing applications. She added that Nantucket would not come before the Planning Commission before the first of the year.

The next Planning Commission meeting is scheduled for September 12, 2002 in the Circuit Court room of the Tillamook County Courthouse.

VIII. ADJOURNMENT

There being no further business, Don adjourned the meeting at 8:40p.m.

Don LaFrance, Chair

Sarah Absher, Recording Secretary

Date