

TILLAMOOK COUNTY PLANNING COMMISSION

MINUTES

NOVEMBER 14, 2002

I. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairperson Kurt Heckerth. Other members present were Gale Ousele, Anne Price, Joan Marti, and Charlie Swan, who arrived late. Staff present were Bill Campbell, Director, Lynne Krueger, Tim Franz, Bill Holmstrom and Lisa Phipps. Scott Hill was absent.

II. APPROVAL OF MINUTES: For October 10, 2002.

Reference was made to page 1, Article II, Approval of Minutes. Kurt noted that he had also abstained in approving the minutes of September 12, 2002, and therefore the motion carried should read "5 – 2 with Charlie and Kurt abstaining". Reference was made to page 4, paragraph 2, line 7. The word "the" before Tierra del Mar should be changed to "that".

Anne made a motion to approve the minutes of October 10, 2002 as amended. Gale seconded the motion and it was carried 5 – 0.

III. OLD BUSINESS:

There was no old business.

IV. NEW BUSINESS:

Kurt announced that there are 17 Ordinances to be discussed this evening. At this time Kurt read aloud the oral statement for the legislative proceedings which pertained to all Ordinance Amendments. Two of the Ordinance Amendments are also quasi judicial.

Bill Holmstrom gave copies of applicable criteria to the audience.

There was no challenge to the jurisdiction of the Planning Commission to hear these items. There were no conflicts of interest or personal biases declared by a Planning Commission member. There was no exparte contact declared by any Commission member.

Kurt read aloud the quasi-judicial proceedings.

Bill Holmstrom handed copies of applicable criteria to the audience.

There was no challenge to the jurisdiction of the Tillamook County Planning Commission to hear this matter. There was no conflict of interest of personal bias declared by any member of the Commission. There was no exparte contact declared by any member of the Commission.

Lynne reminded the members that this evening they had received a packet of corrections, which included typos and changes in the Exhibits. She noted that there was a second letter in this packet from Mr. Murray dealing with Rural Commercial zoning around Netarts. She said there is only one issue regarding Netarts to be discussed this evening and that deals with the dimension changes.

Lynne added that there seemed to be some confusion that zones would be changed in communities and said none of the five completed communities zones will be discussed this evening. Lynne explained that the only issue with Netarts is that currently the Netarts High Density Urban Residential (NT-R3) zone width and depth requirements exceed the minimum lot size by 750 feet.

Lynne said Mr. Murray's other issue deals with the Geologic Hazard Ordinance and that will be discussed later in the hearing when the GHZ Ordinance comes up on the agenda.

Charlie referred to Mr. Murray's letter of November 5 indicating the notices were not sent out in a timely manner. Lynne explained the notice was sent out on October 18 and was sent by Administrative Services in Salem. The law requires copies of the reports to be available 7 days in advance, and putting it on line is a courtesy. Lynne noted that copies were available 7 days before the hearing as required by law and notices were sent out 20 days before the hearing as required by law.

Lynne went on to say that staff had received two to three calls a day and Mr. Murray's letters were the only ones received. All questions had been answered by staff.

OA-02-05: (Periodic Review Task 1): Buildable Lands Inventory Adoption and update of Tillamook County Comprehensive Plan, Goal 2, and Goal 9 regarding population allocation and the buildable lands inventory.

Bill Campbell stated that this Ordinance Amendment pertained to the rural unincorporated areas of the county as well as incorporated cities. He

displayed a map of Neskowin in order to give an idea of an area that has been accepted for rural residential development outside the boundary of the rural un-incorporated community. He explained that the task is to complete an inventory of lots that would be available for development within the county.

Mr. Campbell stated that there are approximately 11,300 parcels within the rural residential and rural unincorporated communities that will be available for future development within the county. He said part of the Goal 9 segment is to tie the county population back to that number and see if there is an adequate inventory of lots and parcels in the county for future development.

Mr. Campbell said the other part of the task is to look at incorporated cities and based upon the county population, develop population projections for the incorporated communities based upon the buildable lands inventory. He added that surveys were conducted in all rural residential areas as well as incorporated cities and their urban growth areas and unincorporated communities. A summary of the City of Manzanita, inventory and population properties were provided in the member's packets.

Mr. Campbell outlined the summary which included the number of acres, lots, developed lots, potential parcels, parcels in the Commercial Zone, and the fact that each lot in Manzanita could be developed with a duplex. He added that the Commercial zone can also be used for residential use. Mr. Campbell also gave a summary of the Urban Growth Boundary potential parcel usage. He noted that Manzanita has a population of 564 full-time residents, which calculates to 1.6 people per acre with a second-home ownership of 63 percent and rising.

Mr. Campbell said the current concerns of the residents of Manzanita appear to be addressed as far as population and topographical constraints are concerned at this time.

Charlie asked how the lots were counted. Both Mr. Campbell and Lynne answered that it was done one at a time and they felt the count was reasonably accurate. Mr. Campbell added that all the incorporated cities along the coast have geophysical constraints to take in other urban growth areas without being constrained by wetlands, riparian areas, steep slopes, and the ocean and resource zoned land.

Charlie then asked if Manzanita is the largest "hotel" in the state. Mr. Campbell answered that it has one of the highest second home ownership ratios on the coast. He added that Manzanita is the only jurisdiction that

has a home rental clause where there is actually a permit fee, which generates some revenue.

Maxine Ryland, Netarts, asked Mr. Campbell to identify himself, which he did for the benefit of all present.

There were no more questions or comments from the audience

Mr. Campbell announced that the lands inventory is available on the disk that was provided to the members in their packets. Lynne added that it consisted of approximately 1000 pages and it will also be on the internet by next Monday.

There being no further comments or questions, Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval of OA-02-05, Periodic Review Task 1, to the Board of Commissioners based on the findings and the staff report.

The motion was seconded and carried 5 – 0.

OA-02-06: (Periodic Review Task 2): Urban Growth Management Agreements Confirmation and update of Urban Growth Management Agreements with Garibaldi, Rockaway Beach, Manzanita, Nehalem, Bay City and Wheeler.

Lynne stated that this is a matter of Department of Land Conservation and Development, which did not have the letter of approval from 1996, and it was again added to the Periodic Review tasks. She added that all agreements were enclosed in the member's packets and all had been signed by the Board and the cities. There have been no changes since that time. It was noted that the state will be paying for approximately two thirds of the paperwork it took to present this item to the Commission.

There was no public testimony or questions from the members. Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval of OA-02-06 (Periodic Review Task 2) to the Board of Commissioners based on findings and staff report.

The motion was seconded by Gale and carried 5 – 0.

OA-02-07: (Periodic Review Task 3): City of Tillamook Urban Services Agreement Adoption of combination Urban Growth Management Agreement and Urban Services Agreement.

Lynne stated that the Tillamook City Agreement is not part of the agreements mentioned earlier in the hearing. The City is now in the process of going through their third reading and the newly revised agreement was in the member's packets. Lynne added that the agreement would go before the Board after the City's 30-day appeal period. She said in essence, the agreement points out what are the responsibilities the city and county.

Mr. Campbell wanted to make it clear that this agreement deals with urban growth areas rather than areas within the City of Tillamook.

Charlie wanted to know what would happen if something changes during the appeal period and the Planning Commission has approved the agreement in the meantime. Lynne answered that the change would go to the Planning staff who would in turn, notify the Board and it would again be brought before the Planning Commission. It was noted that the only changes were edits and they were identified in the member's packets.

There were no more questions or testimony from the audience. Kurt closed this portion of the hearing to public testimony.

Gale made a motion to recommend approval of OA-02-07 (Periodic Review Task 3): to the Board of Commissioners based on findings and staff report.

The motion was seconded by Anne and carried 5 – 0.

OA-02-08: (Periodic Review Task 4): Special Districts Acknowledgement of Special District agreements.

Lynne said this agreement was similar to the ones previously discussed. They are part of the Tillamook County Comprehensive Plan and the Department of Land Conservation and Development (DLCD) wants a copy of all the special District Agreements the county has, such as water and sewer districts.

Anne noted that some of the Districts are different entities than when the agreements were first drawn up. She wondered if there should be a concern since some of the districts mentioned are no longer that particular name. Lynne answered that these agreements usually go

through the Board of Commissioner's office rather than Community Development. She added that staff had requested any updated agreements, but had received none as of this date. This again, is part of the Periodic Review process.

There were no more questions from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Gale made a motion to recommend approval of OA-02-08 (Periodic Review Task 4) to the Board of Commissioners based on findings and staff report. The motion was seconded and carried 5 – 0.

Charlie suggested the rest of the items be reviewed all at once and discussed as interest arose. After some discussion, it was determined that each Ordinance Amendment would be reviewed separately.

OA-02-09: (Periodic Review Task 6): Community Planning for Pacific City/Woods Ordinance Amendment OA-02-09 proposes to amend the current Tillamook County Land Use Ordinance, Sections 3.337 and 3.338, Pacific City/Woods Community Growth Boundary to 8000 square feet, or 10,000 square feet for regionally dependent uses identified as grocery stores and hardware stores.

Lynne said Pacific City/Woods' plan was completed in 1999. The section regarding commercial zone standards for both the Pacific City/Woods Neighborhood Commercial and Community Commercial was remanded back to the county by the state because it exceeded what was allowed for the size of the structures permitted within those zones for development.

Lynne said staff had been working with Department of Land Conservation and Development (DLCDD) and there was a consensus that commercial structures should be allowed to be built with more square footage. However, she said, the way the Ordinance reads now, the maximum size for commercial use is 8000 square feet, with the need of a Conditional Use to go larger, with no limits and no restrictions on types of commercial structures. The new Ordinance language states that grocery and hardware stores can now go to 10,000 square feet with Conditional Use approval. Lynne wanted to make it clear that this does not affect hotels, churches, multi-family houses or non profit uses, but only commercial development.

Lynne added that this Ordinance Amendment meets the intent of the Rural Lands Rule that limits the size of commercial structures to 8000 square feet in Pacific City/Woods.

Charlie asked where those numbers came from. Lynne said the Rural Lands Rule under OAR-660, has size restrictions for commercial uses within unincorporated communities such as Pacific City/Woods. In the case of Pacific City/Woods, this means commercial structures can have up to 8000 square feet, unless they are a grocery store or hardware store which can, through a Conditional Use go up to 10,000 square feet. She added that Neskowin and Oceanside were remanded back to the County and both were adjusted to meet the needs of the community.

Lynne went on to say the concern with the existing ordinance is that with a Conditional Use, any structure could go to a larger and the proposed ordinance allows this only for regionally justified uses such as a grocery store or hardware store.

A short discussion followed and Kurt asked what would happen if this was not approved by the Planning Commission. Lynne explained that it would probably be remanded back to the County from the Department of Land Development and Conservation. She added that the county has until December 31, 2002 to complete Periodic Review for the current issues.

Bill Campbell explained the process by saying the action of the Planning Commission is to make a recommendation to the Board of Commissioners. The Board would then either approve the action consistent with the Planning Commission's recommendation, or overturn the recommendation of the Commission. If the Board affirmed a decision of the members to NOT limit the building size in the C-1 and C-2 zones, that decision would go to DLCDC and action would be taken accordingly, which would result in a remand.

More discussion followed and Charlie asked if it was possible to send a letter to DLCDC and ask them to justify their decision to limit the square footage to 10,000.

Anne said she lived in that community and she felt the 10,000 square footage was appropriate for the size of the community. Lynne reminded everyone that this is before the Planning Commission because of a remand. She said it can be put on hold, but everything has to be done by the end of December.

At this time, Anne mentioned an error in the packet information regarding C-1 and C-2 zoning. Lynne agreed and said it will be corrected.

Charlie said that if Anne was not concerned about the square footage of commercial buildings in Pacific City, he would not worry about it either.

There were no questions of staff. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval of OA-02-09 (Periodic Review Task 6) to the Board of Commissioners based on the staff report, findings and corrections.

The motion was seconded by Joan and carried 5 – 0.

OA-02-10: (Periodic Review Task 8) Planning for Hebo Ordinance Amendment OA-02-10 proposed the Hebo Community Plan: to amend the current Tillamook County Comprehensive Plan to include: adoption of new community zones for uses within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/comprehensive plan designations and applicable goal exceptions.

Bill Holmstrom, Assistant Planner introduced himself. He said the purpose of this task is to adopt the plan document and that the County had previously adopted the unincorporated community growth boundary for Hebo. Bill added that Hebo is a little different than the other communities to be discussed this evening, in that there is an exception which is a quasi-judicial proceeding. The Exception is to bring 19 acres into the unincorporated boundary identified by Bill on a display map.

Bill reminded the members that two staff reports on this item were in their packets. One dealt with the plan and one for the exception itself. He then outlined the needs exception for the benefit of all present, and they included showing why there was a need for certain facilities in that part of the county; the fact the area is zoned mostly Farm (F-1) and will be taking exception to Goal 3; the fact there will be several non-profit public entities located on the 19 acres.

Bill said the Nestucca Family Foundation owns the property and is working toward the exception as well. He added that if the members recommend approval to the Board and it is passed, the Foundation would be preparing for the parcel's use. This will include a new zone, Community Public Use (CP).

Bill went on to say that of the seven communities to be discussed this evening, Hebo had the best turnout at the community meetings that were held in each community; approximately 40 people.

Bill referred to page 9 of the Hebo Community Plan and read aloud the preferences and concerns of the community's residents. These included:

keeping Hebo as an attractive small town; having parks for community gatherings; surrounded by natural resources; and have a thriving business district.

In conclusion Bill said that with the adoption of this Ordinance Amendment, the county will work toward completing these goals.

Anne referred to page 10, Goal 3, and pointed out that “forest” land should be included in the protective areas because it includes forestland on page 6, item (6) Findings of the staff report. Bill agreed and said it could be added.

There were no more comments or questions from the members. There was no testimony from the audience. Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval to the Board of Commissioners, the Exception to allow the 19 acres to be zoned community public use, with corrections and adopt OA-02-10 (Periodic Review Task 8) with a change in language to the Community Plan, Policy 3.1 so it will read: “...the county will continue to protect productive farmland/forest land surrounding Hebo from non-agricultural development...” based on findings and staff report.

The motion was seconded by Gale and carried 5 – 0.

OA-02-12: (Periodic Review Task 11): Rural Lands Zoning Ordinance Amendment OA-02-12 proposes to amend the current Tillamook County Land Use Ordinance zoning designations to distinguish unincorporated community zoning from unincorporated rural zoning and establishing uses and standards appropriate to the zone.

Lynne said this Amendment deals with what the state requires in the county’s renaming zones to reflect within the community boundary and within the rural exception area. She said staff has worked to use, but modify, the familiar zones to meet the Rural Lands Rule criteria. Lynne added that a new zone has been added: Community Single Family Residential (CSFR), allowing a 20,000 square foot minimum within the communities for residential land.

Lynne said the significant change is that the zoning will start with the word “rural” if it is outside an unincorporated boundary, and will begin with “community” if it is within one of the seven communities discussed this evening. She added that it does not affect any of the five already approved communities.

Lynne then noted that an addition to the Ordinance will be that the RR zoning will now be changed to RR-2 (Rural Residential-2 acre minimum) and RR-10 (Rural Residential-10 acre minimum). She stated that RR-2 is already in existence, but any zone change from resource land to residential will have a 10-acre minimum per parcel.

Lynne said an exception to the General Industrial (M-1) is also part of the Amendment and it involves several small parcels and 2 large areas within the county. The two large areas include the Creamery and the Port of Tillamook Bay. She explained that because of the proposed new standards to apply to industrial areas, the County is seeking an exception to Goal 14 and Goal 11, which will allow the Creamery and the Port to continue to operate as they have been. Lynne said there are two parts to the Amendment, the new zoning, and the M-1 Exceptions.

Gale asked if the M-1 zoning was contingent on the uses and ownerships of individual properties. Lynne answered that it involves the land or area itself and use, not the ownerships.

There was no public testimony. Kurt closed this portion of the hearing to public testimony.

At this time, Joan asked what other uses can occupy the M-1 zone. Lynne answered that the law requires that farm and forest uses can be activated in almost every zone. Therefore, farm uses can continue to exist on the properties.

Anne made a motion to recommend to the Board of Commissioners approval of Periodic Review Task 11, Exception to Goal 14 as a part of OA-02-12, and Exception to Goal 11, as a part of OA-02-12 involving the Creamery and the Port of Tillamook Bay, and recommend adoption of OA-02-12 based on findings and staff report.

The motion was seconded by Joan and carried 5 – 0.

OA-02-13: (Periodic Review Task 9): Barview/Twin Rocks/Watseco Community Plan Ordinance Amendment OA-02-13 proposes the Barview/Twin Rocks/Watseco Community Plan: to amend the current Tillamook County Comprehensive Plan to include: adoption of new community zones for use within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/comprehensive plan.

Lynne reminded everyone that boundaries were adopted last year for Barview/Watseco/Twin Rocks. Twin Rocks is included with Barview and Watseco because there is little area of Twin Rocks that is not within the Urban Growth Boundary (UGB) of Rockaway Beach. She identified the area on the display map.

Lynne identified the area as being a lumber, fishing, general resource community since the late 1800's and meets the criteria for an unincorporated urban community.

Lynne said a community meeting was held at Twin Rocks Friends Camp with 10 to 15 residents attending. Those at the meeting expressed some concern regarding Highway 101 as well as a safe environment, clean water, protection of natural resources and a thriving business district. Otherwise, they wanted to be left alone.

Regarding the zone changes, Lynne indicated they will be changed to Community Medium Density Urban Residential (CR-2), Community High Density Urban Residential (CR-3), Community Single Family Residential and Community Commercial (CC).

Anne again referred to her previous concern and suggested "farm" and "forest" land be included in the protective areas language. Lynne agreed and said "resource land" would cover it all. Kurt asked how the county can protect forestland. Lynne answered that the county can establish boundaries and covenants that would have to be signed by the property owner when there is potential development next to forestland.

Gale asked if the designation of "community" was defined in the community plan. Lynne said it was urban unincorporated and referred to her staff report on the first page of the Community Plan section for the definition.

There were no more questions or comments from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Gale made a motion to recommend approval of OA-02-13 to the Board of Commissioners based on findings, staff report and corrections regarding language pertaining to inclusion of resource land along with beaches.

The motion was seconded by Anne and carried 5 – 0.

OA-02-14: (Periodic Review Task 9): Mohler Community Plan Ordinance Amendment OA-02-14 proposes the Mohler Community Plan: To amend the current Tillamook County Comprehensive Plan to include: adoption of

a community plan and zones for use within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/comprehensive plan.

Tim Franz, Associate Planner introduced himself. He displayed a map of the Mohler area and said it is the smallest of the seven communities to be discussed this evening. Referring to the map, Tim said the community is surrounded by resource land.

Tim noted that there was no response to the surveys sent to property owners and there were three people who attended the meeting at the Nehalem Bay Winery. Tim added that the Mohler Co-Op and the Winery are the only commercial enterprises within the boundary. He also discussed the water and sanitary services.

As far as developable parcels are concerned, Tim said there is a potential for very little additional development because of forest and farm zoned property. He added that Mohler is a rural service center and is currently zoned Rural Residential (RR) and Community Commercial (C-2). Proposed zoning is Community Single Family Residential (CSFR) and Community Commercial (CC).

Anne questioned whether farm and forest protection should be added, as in the previous Amendments. Both Lynne and Lisa Phipps said this subject was not brought up at the meeting, it's not appropriate for Staff or the Planning Commission to impose their goals on the community. A discussion followed and it was decided not to add the language to the Amendment.

Joan asked how large the forest parcels are in the community. Tim referred to the display map and identified the forestland as being mostly south of the community.

Gale asked if the designation of the CGB automatically protects the forestland. Lynne answered that it does.

There were no more questions from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Anne stated she had a lot of respect for the process and acknowledged it was not appropriate to add to the Amendment language regarding concerns that were not discussed by property owners.

Joan made a motion to recommend approval to the Board of Commissioners OA-02-14 based on findings and staff report.

The motion was seconded by Anne and carried 5 – 0.

OA-02-15: (Periodic Review Task 9): Siskeyville Community Plan Ordinance Amendment OA-02-15 proposes to the Siskeyville Community Plan: To amend the current Tillamook County Comprehensive Plan to include: adoption of a community plan and zones for use within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/comprehensive plan.

Tim indicated the residents of the Siskeyville community really want to be left alone. He identified the area on a display map in relation to Highway 101 and the Wilson River, and added that the topography really restricts any further development.

The area is surrounded primarily by forest land with very few farm or residential parcels. Tim said there had been one request from a property owner to change his 1-acre property from Rural Residential to Community Commercial in order to establish an art gallery. He added that staff felt the zone change request was appropriate.

Tim said the community has no water lines and everyone has a septic system and well. He also discussed the name and the suggestion by property owners that the name should be changed back to “Shangri-la” as it once was. Other concerns were the fast and heavy traffic on Highway 6, high taxes for few services and the name of the community.

There were no questions or comments from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Gale made a motion to recommend approval to the Board of Commissioners OA-02-15 based on findings and staff report.

The motion was seconded by Anne and carried 5 – 0.

OA-02-16: (Periodic Review Task 9): Cloverdale Community Plan Ordinance Amendment OA-02-16 proposes the Cloverdale Community Plan: To amend the current Tillamook County Comprehensive Plan to include: adoption of a community plan and zones for use within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/ comprehensive plan.

Bill Holmstrom noted that this is one of the largest communities, along with Neskowin, in the county. He identified the area on the display map in relation to Highway 101 and the different zones. He added that the community has water and sewer.

Referring back to the zones, Bill said they include Rural Residential (RR), Low Density Urban Residential (R-1), Medium Density Urban Residential (R-2), General Industrial (M-1) and Community Commercial (C-2). Proposed zones include Community Single Family Residential (CSFR), Community Low Density Urban Residential (CR-1), Community Medium Density Urban Residential (CR-2), Small Farm Woodlot-10 (SFW-10), Community Commercial (CC) and Community Industrial (CI).

Bill said a meeting was held at Nestucca High School with approximately twenty-five property owners in attendance. Their goals included that Cloverdale will be attractive, safe and clean; have a thriving business district; and be surrounded by natural resources. Bill outlined each for the benefit of all present.

Anne again recommended Farm and Forest land be added to the Amendment language.

There was discussion about the High School and possible future uses when/if the bond passes to re-locate the High School.

There were no more comment or questions from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval to the Board of Commissioners OA-02-16, based on findings, staff report and including the words "protective farm land/forest land" to policy 3.1.

The motion was seconded by Joan and carried 5 – 0.

OA-02-17: (Periodic Review Task 9): Beaver Community Plan Ordinance Amendment OA-02-17 proposes the Beaver Community Plan: To amend the current Tillamook County Comprehensive Plan to include: adoption of a community plan and zones for use within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/comprehensive plan.

Bill said Beaver is one of the smaller communities with Rural Residential (RR), Community Commercial (C-1), General Industrial (M-1) and some Community Commercial (C-2) zoning. Proposed zoning will include Community Single Family Residential (CSFR), Community Commercial

(CC) and Community Industrial (CI). Bill added that the community is supplied by a community water system, but all occupied parcels have septic systems.

Bill said the community meeting was held at Nestucca Valley Middle School with approximately 25 to 30 property owners in attendance.

Bill then outlined the goals for the community and they included a safe and attractive town, public services, natural resources and a thriving business district.

There were no comments or questions from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Joan made a motion to recommend approval of OA-02-17 to the Board of Commissioners based on findings, staff report and adding language to Policy 3.1 to include “protective Farmland/ Forest land”.

The motion was seconded by Gale and carried 5 – 0.

OA-02-18: (Periodic Review Task 9): Idaville Community Plan Ordinance Amendment OA-02-18 proposes the Idaville Community Plan: To amend the current Tillamook County Comprehensive Plan to include: adoption of a community plan and zones for use within the Community Growth Boundary (CGB); changing the existing zoning/comprehensive plan designations to the proposed community zone/comprehensive plan.

Tim identified the area on the display map and pointed out the CGB boundary. He said the community is primarily surrounded by farmland with some recreational management, Small Farm Woodlot-20 (SFW-20), with Rural Residential (RR) in the core of the community. Still discussing the zoning, Tim said staff had a request from a property owner to change a piece of property to Community Commercial (CC) because it is a 3.68-acre mobile home park. The Idaville Store is zoned Rural Residential (RR), which will become Community Single Family Residential (CFSR).

Tim went on to say the community is supplied by the Kilchis River Water District, but all occupied parcels have septic systems. He added that a lot of the parcels are small so septic approval may be an issue in the future.

Regarding the community meeting, Tim said there was a good turn out and the primary concerns were speeding, stray cats and dogs, and a possible safer intersection with Highway 101 and Idaville Road. Tim said the goal of the residents is having a safe and clean community.

There were no questions or comments from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval of OA-02-18 to the Board of Commissioners based findings and staff report.

The motion was seconded by Gale and carried 5 – 0.

OA-02-19: (Land Use Ordinance): To amend various sections of the Tillamook County Land Use Ordinance to modify uses allowed, and to clarify and add definitions, standards, and procedures.

Lynne explained that corrections are being made in the Land Use Ordinance pertaining to zones that are not appropriate in certain areas. She said the Ordinance also includes changes in Definitions, partitions, Flood Hazard Overlay, zone name changes for Planned Development Overlay Zone, Signs, Setbacks and Estuary Development Standards.

Ray L’Hommedieu, Box 294, Netarts, expressed concern about how the R-3 zoning was applied to particular lots. Lynne explained that during the Netarts Community Plan process, the Netarts residents wanted smaller parcels of 3,000 square feet. When it was calculated out, it was discovered the width and depth was not changed in the NT-R3 zoning along with the minimum square footage, and Lynne said this is where the change comes in. More discussion followed.

Bill Campbell referred to page two of Thomas Murray’s letter dated November 14, 2002 regarding changes he suggested for the Geologic Hazard portion of the Amendment. He wanted to point out Mr. Murray’s suggestions since it had been mentioned earlier in the hearing. It was noted that Mr. Murray was only recommending staff wait before making any decisions pertaining to the Geologic Hazard Engineering Certification.

Theresa L’Hommedieu, Pearl Street, Netarts, said she was concerned that lots in Netarts had to have zone changes because the minimum lot sizes were changed. Lynne explained that the NT-R3 zoning allows 3,000 square feet minimum, but the width and depth requirement, as mentioned earlier, exceeds the 3,000 square feet.

Ms. L’Hommedieu expressed concern about the “squashing in” of lots if they can be 3,000 square feet. It was noted that this square footage

applies only to the Netarts High Density Urban Residential (NT-R3) zoning.

Ms. L'Hommedieu then asked about the notice indicating there would be discussion regarding clarification of residential structures. Lynne said that issue had been dropped and was not part of the current process evening. She added that all it would have done would be to clarify one, two and three-family dwellings.

Ms. L'Hommedieu and other members of the audience indicated they had come to the hearing for that issue only. Lynne apologized and said the notices had already gone to the printer when it was decided to remove this issue from the agenda and sending an addendum to 12,000 was out of the question.

Lori Blaser Carpenter, 1855 Bishop Ave. Netarts, said she was one of the people who had worked on the Periodic Review Plan for the community of Netarts in 1994. She also expressed her frustration at not knowing a noticed item would not be discussed this evening.

More discussion followed and it was noted that only NT-R3 is of concern and to be discussed this evening. Again Lynne explained how the minimum width and depth of lots did not correspond with the 3,000 square foot minimum so width and depth minimums had to be changed.

Discussion among the audience and the planners continued dealing with lot dimensions and sizes, lot line adjustments compared to parcel division, and who does geologic hazard reports.

Lisa said that if the Amendment were passed, all geologic hazard reports would need to be completed by both an Oregon Professional Registered Geologist and Oregon Registered Engineer or a Certified Engineering Geologist.

There was no more public testimony or comments.

Gale asked for more clarification regarding the process of requiring those who do geologic reports to be engineers. Lisa answered that these are the terms that are currently in use and there are qualifications that go with those terms. She added that the process will be fairly lengthy with a questionable outcome and what the county is doing is implementing the policy in the meantime.

Kurt closed this portion of the hearing to public testimony.

At this time, Gale thanked everyone in the audience for attending the hearing.

Anne made a motion to recommend approval of OA-02-19 to the Board of Commissioners based on findings and staff report.

The motion was seconded by Joan and carried 5 – 0.

Kurt recessed the hearing at 9:45 p.m. and reconvened at 9:50 p.m.

OA-02-20: (Land Use Division Ordinance): To amend the Tillamook County Land Division Ordinance to increase the time allowed for completion of a Major Partition, and to increase the time allowed to complete a tentative subdivision plat. To clarify and mend definition specific to this Ordinance.

Lynne explained that a timetable is currently in effect in which a subdivision or Major Partition has to be completed. This change will allow a two-year limit instead of one, with one time extension of a year. A Major Partition will have one-year time limit with a one-time one-year extension.

Lynne said this will be more economical for the developer and staff as well. She added that there are some changes in the Major Partition portion of the Ordinance that states a developer will have to be responsible for outside costs if the parcel has five or more divided lots.

Lynne said the definition for “access” is also added to the Ordinance. She added that the Board is aware of all the changes.

There were no questions from the members. There was no public testimony. Kurt closed this portion of the hearing to public testimony.

Gale made a motion to recommend approval of OA-02-20, Land Division Ordinance, to the Board of Commissioners based on findings and staff report.

The motion was seconded by Joan and carried 5 – 0.

OA-02-21: (Land Use Ordinance): To amend Article X of the Tillamook County Land Use Ordinance to reflect State change for appeal period time from 10 days to 12 days for appeals from the Director’s decision to the Planning Commission and the Planning Commission’s decision to the Board of Commissioners.

Lynne said this change in being proposed because the state changed its appeal period.

There were no questions from the members or public testimony. Kurt closed this portion of the hearing to public testimony.

Anne made a motion to recommend approval of OA-02-21 to the Board of Commissioners based on staff report.

The motion was seconded by Joan and carried 5 – 0.

OA-02-22: (Code Enforcement Ordinance No. 35): To amend the Tillamook County Code Enforcement Ordinance and include language required to the Department of Environmental Quality.

Lynne explained there are some changes in the Oregon Administrative Rules (OARs) and these changes should be reflected in the County's Code Enforcement Ordinance.

Gus Meyer, 1715 Skyline Drive, Tillamook asked what the DEQ rules are. Lynne said they are the rules under which the county sanitarian has to operate and allows staff to do enforcement for the on-site sanitarian on behalf of DEQ. Mr. Meyer wanted to make sure this dealt only with sanitation and Lynne confirmed that it did.

There were no questions from the members. There was no more testimony from the audience. Kurt closed this portion of the hearing to public testimony.

Joan made a motion to recommend approval of OA-02-22 based on staff report.

The motion was seconded by Anne and carried 5 – 0.

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

Joan made a motion for authorization for Chair to sign the appropriate orders, if necessary. Gale seconded the motion and it carried 5 – 0.

VI. DISCUSSION ITEMS:

ADMINISTRATIVE DECISIONS:

AR-02-13, AR-02-014, DP-02-13, DP-02-14 DP-02-15, ET-02-07, GH-02-15, GH-02-16, GH-02-17, GH-02-18, MP-02-01 and V-02-05(a).

Regarding AR-02-14, Charlie said it did not mention in the Conditions of Approval that the 1974 mobile home had to be brought up to code. He noted that any structure older than 1976 was unsafe.

Lynne answered that she has been trying for some time to make 1976 the "cut off date" for mobile homes, but has been unsuccessful. Charlie said that, according to the federal government, any mobile home older than 1976 cannot be occupied if it is moved and has not been brought up to code.

Lynne said if she could be given that information, she could use it for support. Charlie said he felt he could get the information for her.

Charlie then referred to GH-02-17 which stated driven piling could not be used, but drilling could and he asked Lisa to explain. She answered that when sand is involved, there can be a great deal of vibration when pilings are driven, but not as much when drilling is done.

Gale referred to DP-02-13 and asked Lisa to comment on the remarks from the Corps of Engineers. Lisa said that the Corps comments reflect their requirements for issuing a COE permit

Referring to GH-02-17, Gale said she was uncomfortable with the report. Lisa said the report has been appealed and the applicant and appellant are in discussion regarding the report.

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

Director's Report:

Bill Campbell said that following the meeting in Nehalem, the Commissioners asked for a recommendation on how the county might approach modifications or updates to the Utility Facilities Overlay Zone. This request was brought up at the meeting.

Bill said staff had received a notification from the Department of Geology and Mineral Industry with regard to Senate Bill 12. He went on to say that on or about the first of the year a final map will be provided to identify areas of possible rapid debris flow, meaning landslides. It will also include future review areas. Bill added that a great deal of Tillamook County, about 58 and 68 percent, would be affected with impacts on 6 of the 7 incorporated cities and at least 2 communities in the county.

Bill said these areas have to be zoned and he and Lisa found that there is a moratorium of 10 months meaning that if the Ordinance is not in place at the time of the moratorium, it would eradicate the building in the county. He said that when the map arrives, the first priority would be to modify the present codes and meet with the incorporated cities.

Bill announced that Bruce Lovelin of Netarts, engineer for PUD, and has been appointed as the new Planning Commission member.

Lynne said the members would be hearing a Zone Change Request for a Planned Development Overlay in Pacific City next month.

Bill complimented staff on a job well done for all the work they had done for this hearing.

There was a short discussion regarding hearing procedures. It was noted that the next Planning Commission meeting would be December 12, 2002 at 7:00 p.m.

VII. ADJOURNMENT

There being no further business, Kurt adjourned the meeting at 10:20 p.m.

Kurt Heckerth, Chair

Barbara Legoo, Acting Recording Secretary

Date