

TILLAMOOK COUNTY PLANNING COMMISSION

MINUTES

JANUARY 9, 2003

I. CALL TO ORDER:

The meeting was called to order at 6:55 p.m. by Chairperson Kurt Heckerth. Other members present were Charles Swan, Scott Hill, Bruce Lovelin and Merrienne Hoffman. Staff present were Bill Campbell, Director, Lynne Krueger, Tim Franz, Lisa Phipps and Bill Holmstrom.

II. APPROVAL OF MINUTES: December 12, 2002

Bruce made a motion to approve the minutes of December 12, 2002 and Scott seconded it. The motion was carried 5-0.

III. OLD BUSINESS:

No old business.

IV. NEW BUSINESS:

Bill C. stated that tonight was a workshop, addressing the last piece of the periodic review, to introduce the two newest Planning Commission members, and address the view, mission and role of the Planning Commission.

Lynne stated that the current view and mission of the Planning Commission is they hear some issues and applications, which come to the Planning Commission directly, and they also hear appeals and applications that are forwarded onto the Board for final decision. In prior years some workshops and discussions on policy were held but were not of a consistent nature. Right now there is a new Commission perhaps an expanded role for the Planning Commission. Currently the Planning Commission acts as a type of hearing board and occasionally give us feedback.

Bill C. commented that when you look at the County's Comprehensive Plan, he talked about the citizen involvement advisory committees that started the land use planning and addressed planning efforts and issues in the late 1960s and early 1970s. State law at this time gave cities the authority over land within 6 miles of the city limits. Early efforts of the Comprehensive Plan were done in 1974 and 1975 and that it was an eight-year period of work to be in compliance with the state goals and guidelines.

Bill C. gave some history to the process and the initial role of the Planning Commission. He also discussed how the Comprehensive Plan and the ordinances may have drifted apart and the importance of finding balance again. The Futures Council, who have an excellent history of gathering information, could become involved in the process of updating the Comp Plan. The Planning Commission members were also advised they could be directly involved in the information gathering process.

Kurt indicated he believed his father had been involved in the process in the early 1970s.

Bill C. handed out information about the Futures Council. He commented that there are various approaches to take regarding the Comp. Plan. We could take segments of the plan, rewrite them in draft form, develop data, craft policies, hold workshops to get public input and then bring to the Commission for a hearings process. He also indicated we could use the Futures Council to gather information and work with us to development information. The difference in the two processes is the Futures Council is not a confrontational process but rather an informative process and a way to gather information. After speaking with the chair of the Futures Council she had shown interest in this approach and that there was also interest from the Board of Commissioners. He stated that how the process is configured is if the Board of Commissioners, Planning Commission and Futures Council are all in agreement, then a more articulate work plan can be developed.

Kurt indicated it may be more accepted and better able to get more involvement from the communities. The more you can raise the awareness in the communities of how the system works, the better the process.

Discussion included demographics and their importance in the public process. How to include the most people in the process. This includes the out of County homeowners as a part of the community. Different methods of involving the public were discussed and the value and problems with the controversy of the issues.

Order, perspectives and the development of timelines was discussed. This will give us a list of priorities in the areas of the Comp Plan and how to find how many areas could be worked on at one time and carried through the completion process.

Merrienne asked if they should use the input from the Futures Council to prioritize the work on the Comprehensive Plan rather than starting at page one.

Bill C. stated that one thing that has to be addressed is revisions and rewriting the Comprehensive Plan and the status of new policies. He stated that the other question is if this is something that the Planning Commission is willing to take on. He told the Planning Commission members that the Comprehensive Plan review would be in addition to other issues they would be hearing over the next 2-5 years. He commented that with the help of the Futures Council or another body it would take less time. Merrienne then asked if the information used from the Futures Council would be a going forward basis or if we would be using information that they already collected.

Bill C. felt that some of the information already collected was applicable. He stated that some areas would have to be expanded and that the Futures Council only touched on four to five areas of the Comprehensive Plan and there are areas they haven't discussed at all. He said that the discussion around the Comprehensive Plan is that it is something that is going to have to be addressed in the next several years. He wanted to know if this is something this Planning Commission is comfortable working on. If we do proceed, we will then begin to flesh approaches out. He commented that they did not have to answer tonight, that the Board of Commissioners is considering it as well as the Futures Council. He said that tonight was to find out if the Commission had interest in this.

Scott asked what the alternative would be. Bill C. described the alternative as the Futures Council or another organization to go out and gather input around the plan and the topical areas. The staff would then refine the ideas and objectives from the public and bring it forward to the Planning Commission for review and then the Board of Commissioners.

Lynne commented that the Commission could be part of this process. Merrienne stated that it would be logical to have involvement from the Commission in this process because otherwise you are only presented with what someone feels needs to be changed and you don't know if it's right.

Bill C. stated that part of the citizen's involvement process is the geographical selection of Planning Commission members. He said that the same thing is happening with the Futures Council. He commented that the Planning Commission and Futures Council are organizations appointed by the Board of Commissioners.

Charles stated that he felt what was being talked about is an insurmountable task. His feeling is that we need to limit our scope. He asked that if there's a need for a new ordinance or re-organize the existing process

Lynne stated that it would essentially happen as it has in the past. She stated that the Planning Section does the research, and then does a staff report.

This is similar to the meeting before last with the periodic review ordinance amendments. She stated that staff had done the research and the staff report.

Bruce asked if there was a public involvement side. He wanted to know that if we develop a new ordinance if the public gets the proposal or if that happens at the time it comes before the Commission.

Lynne stated there was public involvement for all such processes.

Bruce asked about the comments received from the public. He wanted to know if they had been analyzed or a record of decision was made or if they'd done an evaluation of them.

Lynne stated that the Planning Section had looked at the comments and determined how they applied to the criteria.

Bruce asked Bill C. the reason he was suggesting using the Futures Council. Bill C. responded that the Futures Council or a like organization would function in the same capacity as the old Citizen Advisory Councils.

Bruce asked if the public input would be put into the leading edges of the process that Lynne described and if her process would follow that and then if staff would develop it into a proposal.

Lynne stated that it would be in compliance with state laws. She said that staff would use the maximum amount of information that fit within the statutes to develop the overriding goals and policies for the Comprehensive Plan and goals.

Bruce wanted to know what the shortcomings were of the existing process that caused us to need this additional first step.

Bill C. stated that the citizen's advisory committees no longer exist. He stated that there is a serious question of whether they could be fully re-appointed and raise a level of interest around the County. There would be a longer training curve and a much longer piece of work. He stated that the Futures Council work has focused in and around topic areas that are already in the Comprehensive Plan. He stated that much of this work has been done and can be broadened in places, but that a fair amount is completed and that they already have a refined process. He stated that another thing about the Futures Council is that they have been successful in obtaining other monies to fund the council and this would relieve a great burden on the Planning staff because they probably won't be growing.

Charles stated that this whole process depends on what the mission of this body is and what its goal is. He stated that he is interested in the best possible situation for Tillamook County. He commented on the riparian issue coming up and feels that if the Comprehensive Plan is pretty good then why are we fooling with it.

Bill C. stated that Charles put his finger right on the button. He stated that it is about the mission and that this is the conversation of this body and the work that has to be done, because it's planning and to update the Comprehensive Plan. He commented that when you have a separation from your plan policies, which are your guiding documents in a court of law, and there is disparity between these and your implementing ordinances, you have what constitutes as a Baker Conflict.

Bill C. gave the example that in court they state the policy of Tillamook County on Rural Residential Lands and your zoning ordinance provides something different, and you've approved on the zoning ordinance and you are challenged on the basis of your plan. If your plan policies do not provide for that implementation measure, then your plan is inconsistent. That's why the plan needs to be updated.

Lynne stated that we essentially have a 20-year-old Comprehensive Plan and that it is truly time that the Comprehensive Plan be brought into alignment with the goals of the County.

Charles asked Lynne if she thought this was the number one item that needs to be worked on or if the State of Oregon thought it needed to be worked on.

Lynne stated that the State of Oregon hadn't said anything. Charles then asked if this was Lynne's primary concern and she stated that this is a primary concern. Charles asked her if there was one higher than this and asked if there was a priority list to look at.

Bill C. stated that he wasn't trying to sell Charles on the Comprehensive Plan. He commented that part of the mission is that through a hearing process, in the past, the role of this body has been the formulation development and public hearing process in the development of the Comprehensive Plan. He felt that the County and the Commission have gravitated away from that. He mentioned that in talking with people they wonder if this is a policy body. He stated that the Commission has not been consulted on policy in a number of years. This task is about starting a dialogue and seeing if this is a mission that you, the Commission, would want to engage in and if so, then what calendar year.

Lynne stated that the Comprehensive Plan we know was designed to last 20 years. She commented that obviously things have changed between when the plan was developed and the where we are now.

Lynne stated that Tillamook County was the only County that actually sent it to vote. The people voted for the Land Use Ordinance, the Land Division Ordinance and the Comprehensive Plan. Charles commented that he was looking for a sense of priority on the task list. Lynne commented that the first task would be to review it and look at setting some priorities.

Lisa stated that she thought she understood what Charles was saying. She stated it is a priority, but it's also a long-term goal. There will be more pressing issues coming before the Commission that will require more immediate attention, however as the Commission goes through that process this will be an underlying project that we will be working on until it is completed. She went on to explain the situation with the riparian ordinance and it's deadline of December 31st for adoption by the County and submission to the Department of Land and Conservation Development (DLCD) for approval. She commented on the fact that whereas the riparian ordinance is a priority, the Comprehensive Plan is a priority that will always be there until we catch it up to where we are and beyond where we are.

Bill C. stated that as far as the Comprehensive Plan goes, it never goes away because of the dynamics, situations and circumstances within the County change.

Lisa stated that the problem right now is that it has been long enough that we are making the Comprehensive Plan fit our ordinances whereas maybe it should be the other way around. She stated that we'll get to that point and then we'll look into the future so those future prospects will then fall into the Comprehensive Plan.

Charles stated that he's back to fixing the Comprehensive Plan now. He felt that the next thing to happen should be to bring us two or three areas that need work and see if the Commission can't work those out. Bill C. stated that's what he had in mind and Lynne commented that to fully discuss the issues the entire Commission should be here.

Lisa stated that staff did not expect a decision tonight, just that it's something we're throwing out there.

Bill C. gave a concrete example. He stated that the Commission is the citizens advisory committee for Tillamook County. He commented that this was the last recommendation made with regard to enhancing citizen involvement. The Plan calls for 5 citizen advisory committees to review

information and advise the Commission. We don't currently operate the way the goal outlines.

Charles commented that you either use it or get rid of it. Lynne stated that this is correct, or you modify it. Bill C. stated that it's addressing mission and purpose. He asked if the Planning Commission would like to continue as a citizen's involvement advisory council and if yes then how do we define that role as part of the goals and policies and how do they fit in the scope of need for Tillamook County. He asked the Commission how they want to look.

Bruce commented that as a new person on the Commission, he doesn't want to be involved in a thumb up and thumbs down regulatory process. He doesn't want to have to hear reheated testimony and then we have to say yes or no. He felt it's more important to step back and understand the makeup of the Comprehensive Plan and to actually be involved in its development and understanding because you need to understand the laws and policies before you make a thumbs up or thumbs down decision. He commented that the option of using the Futures Council is a great one, but he is concerned. Since it will come back to the Commission for a decision, he doesn't want to have to hear the same discussion that the Futures Council has heard and then ultimately decide what the ordinance will be. He commented that he, as one Commission member, has the inability of saying yes or no. He stated that he is more proactive and would rather be involved in the development and understanding of the Comprehensive Plan.

Lynne stated that it could certainly happen with the Commission being members of different aspects of the plan. She commented that it doesn't matter if it's another body or the Planning Commission that conducts the meetings, however she did address the fact that the Futures Council is perceived as neutral, whereas the Planning Section is not. She stated that although the office may not be biased we are not perceived as being non biased.

Bruce felt that we, the Planning Commission, should be viewed as neutral. He felt that this was not the public's perception. He stated that he was not pointing fingers, but he felt that the Planning Commission represents the communities and people of Tillamook County.

Charles he feels the Planning Commission is viewed strictly as an extension of staff.

Scott felt that the Planning Commission has been very neutral. He stated that perception from some meetings such as riparian and such is that we, the Planning Commission, are part of the staff. Lynne stated that staff actually works for the Planning Commission and Scott commented that this isn't the

perception. Bill C. mentioned that we are in an area where sometimes-material fact doesn't carry and the perception is out there and announced publicly.

Bill C. stated one of the things that the Board of Commissioners has to determine is if the Futures Council is at a stopping point. The Board of Commissioners needs to decide if the Futures Council is going to continue or dissolve. He stated that in his opinion, the Comprehensive Plan needs to have livability into the future and be a dynamic document. There needs to be measures, and establish policies based on the vision of the County. He commented that if you don't measure what you are doing, and how you met that goal or objective, then how do you know when it's time to change. He stated that he has only looked at certain areas of the plan because it is located in three loose-leaf binders. He found that one of the tasks we have is to take a look at the Comprehensive Plan and identify, in our view, where the starting point is.

Charles asked if the Futures Council could go on, or could not. Bill C. commented that it is currently up to the Board of Commissioners what happens. Scott asked if they were funded through the Board and Bill C. stated that they are funded through the County and have been assisted with grant funds.

Bruce said that in browsing the Futures Council document he questioned how helpful this would be to the staff and Commission. He stated that you could shape public involvement processes for a certain purpose. He commented that the topics are so broad, referring to the Futures Council brochure and the four key areas, that you can drive a semi truck through them. He wondered if the Commission had that kind of guidance what they would do with it.

Bill C. stated that the brochure was based upon the mission statement set forth by the Board of Commissioners to the council for those four areas. He commented that you take the pulse and the vision and action items came out of the community. He stated that the structure for a land-use hearing would be different.

Bill C. stated that it would not come before the Planning Commission as a final product. That it would be an assemblage of a pretty intense effort to collect information on topical areas from the organizations, property owners, citizen groups and communities around the topic area. We would inherit into the plan what we need to address in guidance of planning law.

Scott asked when the Futures Council started. Lynne believed it to be four years ago and Bill C. stated he thought in 1996 or 1997. Bruce read aloud from the pamphlet that the Futures Council was formed in 1997 and Lynne remembered that their first meeting was in 1998. He stated that this would be an ongoing dialogue for the Planning Commission of how they see their mission and purpose. He commented that this is a body of work that will have to be taken on and addressed sometime in the near future.

Kurt asked Bill C. to clarify how one method would work over the other. Bill C. stated that it would be the Planning Commission and staff that would look at developing the outreach approach and deciding how to get the greatest return from the community through workshops and at the five sub-areas throughout the County. He stated that staff would be developing agenda items and discussion items and identifying areas of potential change. He stated that we need a focal point to bring the public in. This would be something that the Futures Council could take on.

Kurt asked if the Planning Commission would be given portions of the plan, review it and come up with the focal points. Bill C. stated that the workshop can gather input, staff can take the info and synthesize it into policy statements and draft narratives, then once the Commission and staff are comfortable with the draft, then we can take it into hearing process.

Kurt asked if this was the citizen's advisory approach. Bill C. commented that the communities would hear these areas after you, the Commission, have drafted an approach for outreach. The Futures Council would then go out and gather information again, and staff would then refine that into draft policies and then more citizen input would be collected with an active dialogue with the Futures Council, Staff and the Planning Commission.

Kurt stated that between the options of using the Futures Council and doing the work internally he wanted to know what Bill C. thought the public's accepted view of coming in and thinking that they will gain more from their input.

Charles stated that something that makes him mad, and he's seen the government do this a lot, is that this beautiful problem is laid out and they, the government or body needing information, ask people to be a committee and gather information on this and let us know about it. He commented that the committee then spends a lot of time on the issue and comes up with information and a consensus of the people and the people making the decision say thanks and don't use any of the input. It turns out to be a waste of time and nothing happens and people get worn out. He stated that he has been convinced that the Comprehensive Plan needs work, however I see it as a daunting task and we need to make this as easy on everyone involved

as possible and still do a good job. He stated that this should be done quick and easy and that the last thing that's needed is thousands of meetings. He mentioned his original proposal of bringing a few issues forward with problems and stating if we, the planning staff, have a solution or if we don't. He felt that this was a much better approach than starting off with public meetings and stated that we are stuck with the Comprehensive Plan and ordinances we have because they are what they are. He stated that he would like to see it revised and updated each piece at a time.

Merrienne stated that she has the opposite view. She would rather see the big picture view of what needs to be done and how it will impact our, the Planning Commission, ability to do our job as we perceive it.

Charles asked if we have had people complain about the Comprehensive Plan and ordinances not matching up. Lynne stated no that we haven't had anyone complain about it but that it is beginning to get pretty ragged. He stated that the staff knows the plan better than anyone else does because you work with it all the time. He felt that the staff should not turn it over to someone who doesn't have a clue and hasn't even read it.

Lynne stated that we do have a framework and Lynne felt that what she's hearing from Merrienne and Charles is that they are interested in knowing the issues before they decide how to handle them.

Bruce thought he heard a one-two punch in a way. He stated that the Planning Commission should understand what is in the Comprehensive Plan and simply get a copy of it or a briefing on it. Lynne stated that the plan is in three binders. Bill C. stated that this is a piece of it. He questioned the Commission members on how many of them have a copy of the Comprehensive Plan.

Bruce stated that it could start with simply giving the Commission members a copy or having us understand it. He stated then as they went through it staff could highlight areas of what it says and what they are doing or how they are treating it..

Bill C. stated that part of the reason he brought the mission of the Planning Commission and the Comprehensive Plan forward is because we aren't using the Comprehensive Plan as the guiding document that it is. He stated that more importantly we leave the individuals who are trusting upon us to assist them through this process vulnerable by rendering a decision that is not consistent with state goals and policies. If we do this then we've not done the proper job for them.

Charles asked if we had the Comprehensive Plan on disk and Lynne said that yes, the Comprehensive Plan could go on disk but that the maps aren't available with it yet. Charles understood the maps to be tax lot maps available online and Lynne explained that the maps she was speaking of are the maps that apply to the Comprehensive Plan. Bill Holmstrom (Bill) stated that goal five has not been put into the computer yet. Bill C. stated that there is some artistic work to be done and that if we, the staff, made you each a copy it would burn up the copier some more but that was fine and a good starting point. Bruce asked if there was an abbreviated version and Lynne said No. Meri then commented saying that we could rewrite it to make it that way.

Bill C. commented that it should be a compilation of concise narrative statements for the policies. Merrienne commented that if we are using a 30-year-old document as the framework to assist in the decision making it kind of drives you into revising. She questioned how you could represent the current community with a document that preceded most of the people on the Commission.

Bill C. asked how we should go about this. He wanted to know how the Commission sees their role in this process and stated that good feedback and information was coming out of the conversation and he appreciated it. He stated that the first objective is to assess the situation and get copies of the Comprehensive Plan to the Commission members. His hope is that we will have a substantially condensed version.

Lynne stated that Washington County's Comprehensive Plan is 1/3 the size of Tillamook County's and that Lincoln County's was 1/10 the size.

Merrienne commented that this was a good point and that it would be helpful to her to have the people who have dealt with this document before and know where the problems are to highlight them for her. She felt that it might take her several years to find them on her own.

Bill C. asked each planner if they had read the Comprehensive Plan. Lynne stated that she has read the plan several times and Lisa stated that she had read some of it. Tim commented that he had read parts of it and Bill's comment was that he had read all but number five. Lynne stated that Bill had been the one putting it into the computer and Bill stated that when he first started he was proofreading it.

Bill C. stated that staff would begin an assessment and get a copy to the Commission members. He stated that he felt concurrence and consensus that we need to be focused about how we address this issue and to articulate a game plan, then decide how to move forward.

Kurt felt that if the Planning Commission goes through that process then they will be more informed of their commitment. Merrienne disagreed and Bruce concurred with Kurt's comment. Charles stated that he doesn't have the time and would like to have the plan given to him in pieces Merrienne felt that we could work through this with subcommittees or a like process where people with interest in certain areas can do that work.

Bruce commented on what Charles said stating that once we looked at it broadly that there would be certain areas the Commission would want to tackle first. But also that we could find a way to do this so that the end product would not be disjointed. Bill C. stated that it would become a process of assembly.

Lynne said that she felt that it needed to be noted that the Comprehensive Plan in a whole was not out of step but that there are large chunks of it that are. She stated that some pieces have been kept up to date. She said that this is where we are and that the Comprehensive Plan needs to be mended and be able to go for the next 20 years. She stated that the state's overall goal with Comprehensive Plan is that it would not run forever, but once you owned it that you would do periodic reviews and we need to take a good thorough look.

Bruce liked the idea of gathering ideas from other Counties that have adopted more recent Comprehensive Plans that are more user friendly. Lynne again stated that Lincoln and Washington Counties have new plans online. Bill C. stated that he would be meeting with other County planning directors on the 17th in Salem along with Directors. from the Department of Land and Conservation Development (DLCD). He commented that he would ask which Counties had recently updated Comprehensive Plans in the areas that are applicable to ours. He mentioned another resource to be the Oregon Coastal Zone Management and that this could bring more information into play and recently updated plans.

Bill C. stated that Lincoln County's plan does not have provisions for dairy or agriculture. He commented that due to Lincoln County's forestlands being state and federal, that there is no logging. He commented that if they could find a plan that was written well and did good work around state goals then it could be used if it fit's in appropriately. His next comment was that ordinance updates are a quasi-judicial hearing and that Bruce had gone through his first one in the last meeting. He commented that staff would give a brief overview of the differences in these two processes.

He stated that quasi-judicial proceedings are site specific applications. This would be when an applicant on a particular piece of property makes an application of any kind or there is an appeal to an administrative decision. He stated that the reason these would be quasi-judicial proceedings is because the applications are site specific.

Lynne commented that some applications come directly to the Planning Commission due to the significance of the project. She stated that there would be a few coming before the Board.

Bill C. stated that a majority of the lesser types of decisions or decision making is typically a preponderance of approval. He stated that we, the staff, are trying to fit the application within the code, therefore creating an approval with conditions. So if we are able to fit the application within the code and it's approved, then you, the Planning Commission, would get the appeal if someone disagreed with the staff's decision. He explained that this is the quasi-judicial process because it is an individual application on a single piece of property. He then explained that legislative is a broader and more general category of application. He stated that typically this would be a plan amendment or a plan map amendment, therefore you are talking a broader action on a Countywide basis. He referenced the ordinance amendments, the periodic review that were just completed and stated that these were legislative proceedings because they were directly affecting the zoning ordinance.

Lisa explained that most legislative processes are brought forth by staff or by the County, not by an individual party requesting a new ordinance. She stated that these are generally prompted by a government body or one of its extensions. She then explained that a quasi-judicial process is purely an individual or entity coming forth with a single property.

Bill C. then commented that he sees a need to address and initiate an amendment process to the Comprehensive Plan. He stated that he was looking at the initiation of a legislative process that will have bearing throughout the County.

Lisa stated that the Hathaway project was the Planning Commissions decision. Lynne stated that it was quasi-judicial and that just because it is appealed doesn't change the type of decision. Bill C. explained that the Board of Commissioners is under the same rules as the Planning Commission. He commented that just because the Board of Commissioners hears it doesn't make it legislative. He then explained that rules of procedure are quasi-judicial and legislative.

Lynne explained the appeal process using the Hathaway project as an example. She stated that the staff made an administrative decision and denied the application. It was then appealed to the Planning Commission and you heard it all brand new and decided to uphold the denial of the application. It was then appealed to the Board of Commissioners and they heard it all brand new and decided to approve the application.

Bruce then asked if was being appealed again and Lynne and Lisa said yes that it was being appealed to the Land Use Board of Appeals (LUBA). Bill C. then stated that it is still a quasi-judicial proceeding in every step of the process and Lynne commented that this is due to the fact that it only effects one property.

Bruce then asked where it would go from LUBA and Bill C. stated that if there were deficiencies found in the Board of Commissioners decision that LUBA would send the documents back for the Board to address. He also commented that if LUBA found the same findings that the Board of Commissioners found that the decision would stand.

Bill C. asked if there were any further questions regarding quasi-judicial or legislative proceedings and there were none.

Charles had a question about exparte contact. He explained that he had looked exparte up in the dictionary and he had asked this question multiple times in the past. He stated that it is still fuzzy to him as to where the lines are. He asked if anyone had a good definition of where the lines are to help him understand. Lisa asked him where the fuzziness was. Charles gave the example of him having a drink with Joe Blow and asked that if Joe Blow mentions to him that he has an application coming up if this is exparte contact. Lisa stated that yes it was. Charles then gave the example of running into Joe Blow's neighbor at the grocery store and he comes up and asks about Joe's project. He wanted to know if this was exparte contact and Lisa stated that it was.

Lynne stated that the Planning Commission members need to indicate that they have had this contact at the hearing. She explained that they need to say whom it was with when it was and where it happened. She commented that just because a Commission member had exparte contact doesn't mean that they can't vote or participate.

Bill C. explained that if the Planning Commission is going to be making the decision on an application that has or is going to be coming before them and they are approached by a party involved that want's to discuss the issue or voice their opinion, that the best action is to state that they are sorry and that they can't discuss the issue with them. He stated that at the hearing the

Commission member would state that they were approached but did not engage in the discussion.

Charles asked if this would just be the applicant and Lynne and Bill C. commented that it is anyone involved. Bruce felt that there is a start date for exparte contact and that if he had a discussion about the golf course at this point that it wouldn't be exparte. Bill C. explained that we know the golf course is coming but there is no application yet therefore it is not exparte contact. Bruce stated that his point is that the Commission needs to be notified.

Merrienne asked about going to the golf course meetings. She explained that she had attended a meeting months ago and that there was another coming up in a few weeks. She asked if she would be allowed to go or not. Bill C. commented that she was not prevented from going and Lisa stated that she should mention that she went. Merrienne explained that her previous exparte contacts were dictated by open proceedings. Bill C. explained that staff could tell her when the application is filed and that the application for the golf course will go before the Planning Commission because it is too broad of an issue. He stated that when the application is filed staff would be sending a notice.

Bruce asked if this notice would come in the monthly packets they receive and Bill C. stated that a project of this magnitude would have a notice of hearing sent out and that staff would give the Planning Commission a heads up on this matter. Bruce then mentioned that when he served on the Northwest Parks Council that there was a set date that discouraged exparte contact, however if you did have exparte contact that you needed to make the other members aware of what you had discussed and heard. Lynne commented that it is the same situation here about declaring what you heard to the other members.

Lynne explained that this is a very small community and County and if you, Merrienne, have been to a meeting about the golf course and said you didn't want it and someone at that meeting heard you say that you did not want it. Lynne commented that if you came to Planning Commission and did not say anything about being there or talking with anyone, someone who was at that meeting could say they saw you there and heard what you said. They could state that they heard you say you didn't want the golf course and that you getting to vote on it wasn't fair. She simply stated that if you've been to a meeting or said something to simply say it.

Charles had a question about the start date and if he could talk about it before the date it was filed. Bill C. stated that the start date is the date the

application is filed due to the fact that administrative reviews have the chance of being appealed to the Planning Commission.

Kurt brought up the Cham application and explained his situation. He stated that he has not had contact with either party since the date of application. He commented that prior to the date he is a very good friend of both parties and that he knew this issue was coming up. He explained that he would not walk into a meeting and not declare these things. He stated that he is going to declare that he knows both parties and that he would like to clear up the fact that he has not had contact with either of them. He commented that he knew this was coming and he made sure that he did not have contact. He explained that they do come over to his house for dinner but he leaves the room and goes outside when they discuss the issue with his wife. He commented that even though we are trying to define a date that you should use common sense when you know something is coming up and be careful of what your interaction is.

Lisa stated that she agrees with Charles that the date is the date of application. She commented that you have to assume that every land-use decision made has the potential to come before the Commission whether it is on the agenda or not. You should explain your conversations and state that you were there. She commented that once you say it it's out there and that perception is 95%.

Kurt commented that there is nothing wrong with attending a meeting and just sitting and learning. Lisa said that there is nothing wrong with that and Bill C. commented that it's just gathering information. Lisa stated that you would need to state that you went. Bill C. commented that it is a matter of disclosure.

Scott commented on site visits and mentioned that in the past those had been generally declared. Lynne stated that the Commission couldn't do them as a group unless it was noticed. The Commission could not talk to the public and Lisa added that they couldn't talk amongst themselves and Bruce added that they couldn't talk to themselves.

Bill C. brought up the fact that we have three County Commissioners. He brought up the question of two of them going to a meeting, whether it's County business or not, and asked if this required public notice because they were attending that meeting. He stated that it is a technical question. Merrienne stated that it was a really good question and Bill C. commented that it is a real quandary for County Commissioners statewide. He added that they have been challenged on this kind of stuff before and it doesn't matter if someone had taken on a task innocently or not so innocently. He

stated that exparte contact is an area where everyone should be circumspect about where you and what you are doing.

Bruce mentioned, not saying that this Commission had to do this, that on another committee they had exparte files that anyone could view, even the public. Lynne stated that the Planning Commissions exparte contact is declared at the meetings.

Bill C. mentioned that the Planning Commission as well as staff had two issues headed their way that were moving along pretty fast. He commented that these would be controversial issues and that there is a lot of attention. He explained that part of the process is to maintain these things at a civil proceeding. Bill C. stated that they were the proposed golf course in Tierra Del Mar and the wind farm along the ridge from Garibaldi to Wheeler.

Bruce commented on Kurt's point about exparte and conflict of interest. He asked how far Kurt should take this and apologized for pointing the finger at him but wondered if this was something that Kurt should abstain from voting on because he knows both parties. Kurt replied absolutely not. He stated that from the very start he was never committed to being involved in any conversations or anything even though he knows both parties and talks to them almost every day.

Bruce asked if conflict of interest was more of a financial or personal gain. Bill C. mentioned that in the packet he had given them there was a piece on ethics laws for public officials. Kurt stated that he would like to answer Bruce's question. He stated that he would make the personal choice of abstaining from voting if he felt that he favored one party over the other. Lisa asked if this would be based on the preference for the individual not the case and Kurt stated exactly.

Lynne commented that there have been situations where members have abstained from voting. Bill C. mentioned that this is not a conflict of interest. Lynne and Lisa added that it would be a personal bias.

Kurt stated that if he felt that he was personally tainted to make a decision and he walked into the room knowing how he was going to vote because of the way he felt or how he felt about a person involved, he would not vote. He commented that he would still choose to interact in the meeting. He asked if he would still have the right to do this and Bill C. stated that yes he would.

Bill C. stated that the Commission's responsibility is to preserve and protect the right of a fair and impartial hearing for all applicants and appellants involved. He commented that the right of due process is the heart of this not the exparte contact and etceteras.

Bruce brought up the large sign located on Netarts Bay Rd in Netarts. Lynne stated that this has already gone to the Land Use Board of Appeals (LUBA). Bruce asked her to pretend that it hadn't and that since he has to drive by the sign all the time and thinks it gross would this be a personal feeling or ex parte contact. Lynne stated that you have to make sure it meets the criteria no matter what your personal feelings are

Bill C. explained that even though Bruce had formed a personal opinion about the sign based on the information received that was not provided by another party. Bill C. then asked Bruce if he could guarantee that the applicant would have a fair and impartial hearing before him if his mind was already made up.

Lynne stated that if he lived in the Neah-Kah-Nie area and had come to Netarts to see the sign that he should declare that at the meeting. Bruce declared that he's seen the sign 812 times. Kurt added that this also involved contact between Commission members. Lynne stated that the Commission members could talk to staff as much as they wanted to but they can't talk to each other.

Charles brought up the fact that he would like to see a 8 ½ x 11 location map added to the packets the Commission receives with applications to show where in the County the subject property is located. Lisa questioned if this was in addition to the tax lot map and Charles and Bruce stated yes, that they would like a tax lot map and a location map.

Bill C. began talking about conflict of interest. He stated that the Commission members had a sheet on Ethics Laws for Public Officials in their packets. He explained that this was a piece of work done by the Regional Strategies Rural Development Section with the Oregon Economic Community Development Department. He stated that when he worked there they had passed this out and it was prepared by the assistant attorney general. He stated that this applied to private citizens who serve as voluntary board members and that this explained conflict of interest very clearly and concisely. He commented that the only thing he could add would be if one of the Commission members had been around a situation where an allegation of conflict of interest had been made. He stated that typically and probably the most predominant characteristic of an allegation of conflict of interest is that they typically lack material evidence or substantiated facts to support the allegation.

Kurt called for a recess at 8:55 p.m. and the meeting was called back to order at 9:00 p.m.

Bruce had a question about defining the end of exparte contact. Lynne commented that this would be the last action made by the Planning Commission. She added that a Planning Commission member could testify if it was appealed to the Board of Commissioners. Scott mentioned that he had done that before.

Kurt added a good point about exparte contact. He stated that rather than just blowing off a person, who was trying to talk with you, you can direct them to the planning staff. Bill C. added that in legislative matters you can engage in the conversation and you don't have to testify that you did. If they ask if you're on the Planning Commission and ask what the issue is about, you can give them the basis of it. He then mentioned that in quasi-judicial matters if you are asked what it is about you should refer them to staff and he added that you could direct them to certain staff members and say that they would be happy to help you. Kurt stated that most people he runs into are frustrated from lack of information on the issue or topic and that they had a question that hadn't been answered. He commented that the sooner those people are directed to staff the sooner that everything is better off.

Bill C. explained the investigation into ship breaking at North Gunpoint. Charles had a question about what ship breaking was and Bill C. explained it to him. He also explained the different types of vessels that were stored here. Bill C. went on to say that the people who were working on the proposal didn't explain things to the public. He explained that the public starting presuming what was going to happen because information was withheld. He commented that by the time the group working on the project held their first public meeting they were bombarded because the public had built up what they felt was going to happen. He added that the public felt that these people hadn't told them the truth and they didn't care what they said because this was never going to happen. He then explained that four months later another group came down from Alaska and took the approach of starting with the Chamber of Commerce. They had the same proposal for the same location. He stated that they put the story and information out there and the public was supportive of the issue. He commented that within four months you had a group that withheld information from the community and that the community nailed them on it and then another group walked in and did a great Public Relations job and the community loved them. He stated that this is the key in land-use matters and matters before the public because if we don't provide them with information then they will develop their own thoughts on what is going on. Bruce stated that being pro-active rather than elusive is the common thread.

Bill C. stated that in both the issues that are on the horizon the parties involved have been very pro-active in getting information out into the community about their intentions and what their plan is. He then went back

into the conflict of interest issue and stated that whether there is a basis for conflict of interest or not, that typically the public allegation of conflict of interest is lost. He commented that usually it's an emotion that leads to the allegation and that in order to be found guilty you must have record that you gained something. He commented that the paper he was referring to goes into great detail and he also brought up the fact that Tillamook County has a rule for it's employees and managers that gifts received can not amount to more than 100 dollars. He then went on to explain a possible social situation that someone may encounter. His example was that you are at some kind of event that involves lunch, an overnight stay, and a round of golf and lunch the next day. He commented that a package like this might cost around 200 to 300 dollars. If the owners or managers say don't worry about it and that they'll pick up the tab and then they come before you on an issue, this could be exposed and considered a conflict of interest. He stated that we need to be cautious about things like this. He commented that this was one of the best explanation pieces that he had seen in a long time.

Bill C. then brought up the training on February 8th from 8:30 a.m. to 4:00 p.m. in Fairview off of I-84. He stated that this training is geared towards the Planning Commission members and staff members. He stated that it would be focusing on legal issues such as proper hearing procedures, adequate findings and deficiencies, conditions of approval as well as ethical issues. He spoke about the different people putting on the training and the different courses. He stated that it would include a summary of the Oregon Planning System and that in addition to training they would be providing the materials and a certificate of completion.

There were some questions about the cost of the course and Bill C. went over those with everyone. He stated that if any of the Planning Commission was interested in going that the County would pick up the cost and that it was a one-day course. Lisa added that the course was on a Saturday. Merriane, Kurt and Scott were interested in attending.

Bill C. stated that they didn't have to make a decision tonight but to let the office know as soon as possible. He stated that we could pick up the cost of the session but not the mileage. Kurt asked if they could take the staff car and Bill C. stated that it could be arranged if staff were to attend. Lynne and Lisa stated that they were interested in attending.

Bill C. then moved onto the update on the riparian ordinance and Charles pointed out that this was a hot button. He asked Lisa to explain what had happened and where it is headed. Lisa stated that the County was entering year number three of the riparian advisory committee. She stated that the committee would be reconvening on January 15th. She explained that comments had been received in early November from the Department of

Land and Conservation Development (DLCD) on the fourth rough draft what was submitted in August. She stated that Bill C. had talked to the Board and received feedback to be discussed with the advisory committee on whether they would like to continue as an advisory committee or not. She explained that if they do choose to continue that they will be further discussing some of the approaches that had been toyed with to try and achieve compliance with goal five while still maintaining a management plan that would include an ordinance that would be reflective of Tillamook County. She stated that another uphill issue still to face is the setback issue on the citizen's side as well as DLCD's side. Bill C. commented that it would be all sides.

Lisa commented that it is going to be an interesting balance to strike and that ultimately it is going to come before the Planning Commission sooner rather than later. She commented that it would be no later than this fall and it will go before the Planning Commission then the Board of Commissioners and onto DLCD. She envisioned that throughout the next nine months there will be numerous public meetings whether that is a result of the advisory committee or just for information workshops as the process progresses. She stated that the meetings are very peaceful and respectful and that quite a few of the issues that were raised in 1999 and 2000, when this first happened, staff had managed to address those through public process. She stated that she had noticed that people felt pushed and that they didn't have adequate time for comments and that they just wanted a chance to speak. She felt that they have had that opportunity now and will continue to have this opportunity through the rest of the process. She commented that she doesn't feel that so much of the surprise and frustration and certain lack of understanding will be seen as it was in the first round. She explained that she felt the arguments would be much more focused on the actual ordinances and criteria rather than a resounding NO. She was hopeful that in this process we would learn something and be able to utilize information and incorporate it into the various sections. She stated that this is not just an ordinance that it is education, incentives and technical assistance and that the ordinance acts as a backstop rather than the driving force. She commented that this would make a huge impact on how this is perceived. She stated that there would be people who don't like this, but explained that not liking it and not thinking it is a good idea are two different things. She commented that she thinks it will be successful but is unsure of what the end product is going to look like.

Scott asked if there was one area of the County that seemed more against the issue rather than supporting it. Lisa's comment was no, that she felt you could walk into any given group of people of any demographics and you would have a certain number of people who agreed and a certain number of people who didn't agree. Scott stated that the only reason he asked is because from his property in Beaver you can go upstream about two miles and quite a few property owners are involved in watershed enhancement

projects on their property. He explained that it seemed like they, the property owners were taking large pieces of their land and allowing things to happen and saying it was okay. He commented that this was 50 foot or more setbacks that were being taken out of their land.

Bruce felt that this is a question of doing this on a voluntary good neighbor basis to help part of the riparian area, rather than something that would be mandated. Scott mentioned that there are some very selfish reasons on the side of the property owners because we are giving away free land and that is part of our property. He commented that there are a lot of benefits but that most everyone is looking on the down side rather than the up side.

Bill C. mentioned that part of the key area here is Safe Harbor Commissions. He explained that Safe Harbor is a cookie-cutter approach propagated by the Department of Land Conservation and Development (DLCDD) to establish minimal setbacks. He explained that the minimal setbacks are between fifteen and seventy-five feet, based upon the size of the stream. He stated that this was developed to satisfy Goal 5 because it was difficult to reach a consensus on what was adequate to do an inventory, and how to do it. He commented that Safe Harbor helped get us out of the box for Goal 5 and established the setbacks, but he doesn't know how we will get the seventy-five foot setback. He explained that staff had conversations with Salem about exploratory options of what to do next. He commented on looking at the watershed council's work and the water quality and seeing if these are complete. He stated that the watershed council information combined with the information from the recent feasibility study would give us a wealth of information, which would constitute as a fair and complete riparian inventory. He stated that the question before us is if we can plan an inventory that is adequate enough to meet the requirements and that is also satisfactory and proficient with Department of Environmental Quality (DEQ) and Oregon Department of Fish & Wildlife (ODFW).

Bruce asked if this was site specific and Bill C. stated that this would be on a river basin piece. He explained that inventory is not required on state and national forestlands. He added that there are no limitations on how far we need to do this inventory. He commented that we could blend with Safe Harbor and that this would allow for the completion of the inventory in certain areas, but that within this there are a lot of other questions. He commented that in the answer from the state was that maybe this is an approach and he noticed that there seemed to be more flexibility toward this than there had been previously. He stated that having the inventory completed in the amount of time that we have is not something that can be reasonably accomplished. He mentioned that another option with the Board of Commissioners would be to leave it alone and fight it out. He spoke of an approach through legislation that would provide an open space deferral for wildlife habitat and

riparian conservation. He mentioned that the Board of Commissioners had opted out of this. He explained that a conservation plan needed to be developed and that it would need to be approved by the Oregon Department of Fish & Wildlife (ODFW). He explained that a segment of riparian habitat would fall under this deferral and that it only applied to forest and farmland by program and legislation. He felt that in the value context it should be extended into rural residential areas that are located around rivers, which he commented is a fairly large portion of Tillamook County and that this would require legislative action. He stated that another question is if there is an approach and support of this, if it is something that the Board would show interest in and seek sponsorship for legislation in this matter. He stated that those are some of the areas that they have had conversations on and had interest shown in.

Charles spoke of a program he watched on television about a dairy cattle farmer who solved his water issues by using a creek and a water-processing machine that only cost him 750 dollars. Bruce commented that ODFW wouldn't allow such a device on a fish-bearing creek. Charles commented that he sees the inventory issue as a waste of time.

Bill C. stated that the idea is to use information already collected and see if it is good enough to invest billions of dollars into habitat restoration. His sense was that we have a pretty good idea of what is out there for riparian habitat. He stated that if a tax incentive is pursued as part of this, he stated that this was in the early days before an income test was required, that the property owner would have to have a management plan. He explained that there were a number of areas in the state that worked through the Soil and Water Conservation District Office (SWCD) which was a conservation service at that time and is now an informational resource conservation service. This allowed a property owner to apply into a conservation co-operative's agreement back in the early 1980's and the SWCD would do a conservation management plan to qualify the land as a farm plan which allowed for the dwelling placement in a farm zone. He stated that taxation rules applied across the Board for this and that it was a straightforward and simple solution. He explained that there is some interest in pursuing a program of this nature and that it would certainly impress legislation. He commented that this program could be quite workable to qualify and that there is federal assistance so that the property owners could come forward and SWCD would have funding for assistance of staff to implement a program.

Charles asked if there was a ballpark figure of how many miles of streams and rivers there are in the County. Lisa stated that she should have anticipated this question and did not bring it with her and couldn't remember what the number was. She explained that it was a tremendous amount

because you count both sides. Charles asked if it was in the thousands and Lisa said that it could easily be.

Bruce brought up houses being built by creeks because they could not build on forestland. Kurt stated that this was only a riparian ordinance and it will only effect zoned land outside farm and forest. Lisa stated that it depends. Bill C. commented that he believed that the ordinance would only have an effect on private lands outside the state and national forest. Lisa stated that Safe Harbor does not apply to farm or forest. She stated that the current ordinance applies to all land when it's not a farm or forest practice. She explained that in the inventory approach there has been no delineation of what it applied to and no explanation of what to do with the inventory once it has been obtained.

Kurt wondered how it would inflict current forest practices and Lisa stated that it should not and Lynne added that the forest practice is more restrictive. Lisa stated that it is not intended to cause a conflict. Kurt asked about a private landowner that had timber in a riparian zone and explained that it is currently confined to the forest practice act. Lisa stated that this would depend on what the zone was. Kurt commented that it could be Rural Residential (RR).

Lisa stated that this is where the interesting points will be. Charles asked about the conservation group and if they would run the land or if it was something that the local or state government could change at any time if they felt like it. His reasoning was because of going to meetings and finding out that property was stolen from owners.

Bill C. commented that conservation agreements are specific to the property owner because of the tax deferral that would be involved. He added that the property would be subject to periodic inspections to see if the property was being maintained and kept consistent with the plan. Charles asked if the plan would produce a tax deferral. Bill C. explained that the plan would produce the hope of a stewardship of the riparian area, which would be an ongoing management that would produce a tax deferral. He added that the stewardship maintains the tax deferral and if not maintained then the taxes would be paid back.

Charles asked if this would work like the farm and forestland deferrals and Bill C. stated that this was correct. Charles then asked if the property owner would only have to pay five years back taxes like in the farm and forest land deferrals. Bill C. added that this only applied if you were disqualified. She stated that if you were disqualified you would pay everything back that you had deferred. Charles asked how many years this would be and Lynne replied that if you are disqualified or withdraw you are required to pay

everything back on that open space deferral. She explained that the County has recently had one come in and that it goes back to the date that the open space deferral started, not five years like farm or forest.

Bill C. added that the key area for this open space deferral to work would be for a legislative amendment to the statute to include Rural Residential (RR) lands. He commented that having an incentive of a tax deferral or a cash prize is more enticing to the property owner and addresses a principal whereas taking the property and posing restrictions and making the property almost non-useable. He added that this might or might not give us a balance. Lisa added that it is voluntary.

Charles stated that he felt the perception was to latch onto a compensation theory and made comments on one of the letters received from the Department of Land and Conservation Development (DLCD). Bruce asked what letter he was referring to and Lisa explained that this letter was one of five letters of comment that were received based on the draft that was sent. Charles asked how many months it had taken to receive these letters and Lisa stated that it was three months.

Bruce commented that he was impressed with the amount of work and public input that had been done on the riparian ordinance and the work that Lisa had done on it. He added that it seemed as though there was a lot of blood, sweat and tears that had gone into this effort and that he didn't want to see everyone get bogged down by something like this forever. Charles added that he hoped that a simple agreement could be reached and that it wouldn't require the use of more money. He agreed with the deferral or some type of award. He added that he did not like the cookie-cutter approach of Safe Harbor. Bill C. mentioned that they seem very well established and that we, the staff, would be to the best of our ability try to find a path through the minefield. Bruce hoped that all the staff effort wouldn't turn into a Salem vs. Tillamook issue and that hopefully some compromises could be reached. Bill C.'s comment to that was that by April there may be no Salem.

Bill C. asked Bill to bring the Planning Commission up to speed on the transportation plan. Bill introduced himself and explained that the transportation plan is a project funded by the Oregon Department of Transportation (ODOT) and was originally started in 2001 and that the first contractor failed to complete the project. He explained that the project was stalled and that this last fall work was started again. He commented that they had a new contractor working with them on this and that several meetings had been held and work was going well. He stated that the next meeting would be a Technical Advisory Committee (TAC) meeting for the project to start again and that this would be next week. He commented that it is a multi-level plan mostly focused on the County road network and conditions. He

commented that essentially everything has to do with transportation. He added that it is not just the roads that need to be addressed but rail, air, water and bike plans will also be addressed in this plan. He stated that the plan would be completed by June 30th of this year. He explained that in a few months there will be development into things that staff had discussed and that if the Commission would like to be involved that there could be an open house workshop. Bill C. commented that the workshop would be toward the end of the process and Bill added that this would be something on which TAC would advise us.

Charles asked what type of inventory was done on the roads and if there was a priority ranking. Bill stated that yes there was and that it would also identify projects that would fix the problems. He added that the contractor had come out in December and drove around for a few days looking at the roads and they looked for areas of concern and potential projects.

Bill C. added that one part of the plan that Bill had not touched on yet was that the four incorporated cities are included in this. He explained that the process for this was to address each city through the main highway and the main roads off the highway and develop projects to work with each of them. He added that there has been coordination between three transportation plans and that a main concern was to include the transportation plans that ODOT had done. He then went on to say that highways 6, 22, 53 and 101 will not be upgraded, widened or improved because they do not meet the State of Oregon's criteria. He commented that as transportation increases it grows into a larger concern and that the emphasis is now on rail transport. He stated that the railway could be upgraded to a class 2 and travel up to 25 mph and transport non-perishable goods. He commented that the highway transport needed to decline. He explained that the state has an industrial advisory transportation committee that is currently looking at this issue due to the prodigality of the highways. He commented that we need to deal with all the titles that have been given to the County and that the projects that have been identified in the transportation system plan need to be placed onto the state's transportation improvement plan. He added that the state's transportation improvement plan has federally funded dollars because they have realized the priority on a fair amount of projects like this.

Bruce asked what the Commission's role would be in this and brought up that Bill had mentioned an open house. He wanted to know if this would require a legislative or quasi-judicial process.

Bill C. explained that it is an element of the Comprehensive Plan and that he felt that some issues should be handled legislatively. He explained that policy elements need to be looked at and that all the details and technical jargon was not needed. He explained that he wanted the terms of broad policy

about transportation in the County and that there are pieces that needed to be taken through the process. Bill asked if there were any further questions and there were none.

Bill C. then asked Tim to explain what had been going on with the Utilities Facilities Overlay Zone (UFO). Tim explained that recent events had made the staff take a look at the ordinance and the Comprehensive Plan because they are finding that they are not consistent with one another. He stated that there has been talk lately of future power sources within the County, one example of this being the wind turbines standing on the ridge from Garibaldi to Wheeler. He explained that the company was looking at putting in between 50 and 80 of these wind turbines. He spoke of another company and their technology and interest in bio gas digesters. He explained that the ordinance's regulations and review criteria could be strengthened in a few places. He added that the land that these would be placed on would predominantly be farm or forest land and that the current ordinance does not talk or relate to state regulations that apply to these types of land-use. He explained that there is a need for a UFO advisory committee and that the Board of Commissioners has recognized the need for this committee. He explained that they were looking at creating a committee, of a limited number of individuals, who would provide a variety of interest and a broader concept throughout the County. He commented that this has the potential to be warm and full public meetings with lots of people. He added that this is something that needs to be looked at because the future of power is already here.

Bill C. added that the Board of Commissioners had been briefed on this issue the prior Monday with a draft of the outreach letter that would be sent out and put into the Commissioners report. He explained that there would be representation of the ports, incorporated cities, public utility district (PUD), private industries in the County, staff members and citizens at large while still keeping the committee at a workable number of eight to ten. He commented that there is a group that had already formed in the County and that there were fifty people on that committee.

Tim stated that the timeframe looked at would be three to six months. Bill C. added that Tim had done some research and that there seemed to be a substantial group that had been doing work on the wind turbine project and mentioned that as we got closer we could release a newsletter.

Lynne stated that a majority of the wind turbine projects had been done on farmland and that there were few on forestlands. Bill C. added that these are primarily located in the Eastern Oregon range and the Southeast Washington Range.

Bill C. turned the discussion back toward the construction of the new manure digester that the Port of Tillamook Bay and the Tillamook People's Utility District (PUD) have been working on that will produce electricity for the grid. He explained that the Department of Environmental Quality (DEQ) had informed him that there were at least fifteen applications in for onsite composite units throughout the County.

Tim stated that there was a private company that was talking about a hundred or more projects like the one that was approved on a farm site on Blaine Road. He explained that a generator runs off of methane gas and provides electricity for the farm and then sells to the grid. Bruce commented that this is a good way to get manure out of the air.

Bill C. mentioned that this is another piece of the puzzle to look at because of the projects on the horizon. He commented that technology has advanced substantially and that the current Comprehensive Plan needs to be updated because we are at a more futuristic point than the plan originally allowed for. He commented that provisions are needed that address these and further technological advances. He mentioned that in the ordinance there isn't any siting criteria and that perhaps there should be some included. He commented that there might be issues that arise due to the proposal of the wind turbines being located on forestlands and the opposing viewpoints that deem this area as a significant view shed. He stated that there is a certain amount of possession of ownership of the view shed on this commercial property by those that feel it is a view shed.

Charles commented that one of his first meetings was regarding the wind turbine that was to be placed in South County and he asked if the gentleman had ever built it. Lisa and Lynne stated that yes he did and Lynne added that Charles should go see it. Bruce commented that the PUD had integrated it into their system but yet every time he goes down to the area the blades are stationary. Merrienne added that they were roaring today.

Bruce added that he felt it was more for personal reasons than economic issue. He added that it is something the PUD is encouraging, but there is little cost benefit.

Charlie asked if this would be in effect for the methane gas systems as well because they run at a pretty steady speed. Bruce added that there are two different levels and that the one Charles referred to is one they have been negotiating and that it produces around 300 kilowatts and had a good load factor. He commented that the PUD's purchase rate is that of the Bonneville Power Administration's (BPA) and that they are looking to pay a little higher. Charlie asked why they should pay higher if there is no difference in the product. Bruce responded that there is some value in where it is located.

Bill C. commented that from a land-use standpoint a single wind turbine generator for the utilization for a single property is exempt and that it doesn't have to go through the Planning Commission. Lynne added that it does have to go through a Conditional Use. Bruce asked if there was one for the single wind turbine and Lynne stated yes because he sells to the grid. Lynne stated that it was appealed to the Planning Commission and that they upheld the staff's decision. Charles mentioned that it had been appealed by a neighbor that lived out of the County.

Bill C. mentioned that they do have to go through a Conditional Use request but that it is not a Utilities Facilities Overlay Zone (UFO) issue, that it is more of a commercial situation. Kurt asked if this influenced adjacent property owners because there would be criteria to adhere to. Lynne commented that something like this in a residential zone would require a Conditional Use, whether it was on the grid or strictly for the home. She stated that it was only in the resource zone that you would not need a Conditional Use if it was strictly for your home.

Kurt stated that he was talking about when the construction of a wind turbine tower would restrict other property owners. Lisa commented that this would only apply if it required a Conditional Use. Bill C. added that an adjacent or adjoining property could not construct or plant something that would fall into the wind shadow. Kurt added that he could see where an adjacent landowner would be concerned.

Bill C. was unsure if the County had provisions in the code regarding solar rights and Lynne stated that there was. Bruce commented that from the utility district's side they are anticipating quite a bit of interest. There was some discussion between Lynne and Bruce about a group that used to meet regarding alternative energy sources and Bruce commented that interest weighed back and forth as power rates rise and fall.

Bill C. mentioned that in a conversation with staff earlier that day it was mentioned that if Planning Commission members wanted to be on a committee that they are more than welcome to but the concern was what the public's perception would be. He wondered if this was a goal of the Commission and if they would be comfortable with this. He commented that his perception is that a Commission member could be on an advisory committee and still participate as a hearing member of the body but that they may not want to vote on the issue to avoid litigation and complications. He again asked the Commission how they felt on this and it again went back to the public's perception. He stated that it was important to have the opportunity to have the Commission involved in the process but yet make an

impartial decision based on merits and facts that are the basis of the decision. He asked if there were any further questions and there were none.

Bruce mentioned Bill C. had skipped the sign code issue and Bill C. stated that he was trying to get around that. Bruce commented that the reason was probably due to the fact that it generates a lot of heat just as the Utilities Facilities Overlay Zone will.

Bill C. mentioned that the sign code was on the agenda because the Board of Commissioners said it needed to be done. He commented on having been through a sign code revision previously in a scenic corridor and the complexity of doing so. He explained that this is a difficult task due to the contravening rules and requirements from the state and local provisions. He commented that the ordinances for signage have leveled out over the years but are still not in compliance. He explained that staff was not planning on addressing this issue until later in the year when other things had been completed. He stated that the same approach of broad based outreach would be used and asking the transportation committee about restrictions and designations.

Lynne commented that it won't effect the sign in Netarts and Bruce stated that he was sorry he asked. Bill C. commented that a lot of work would be done around on-premise, off-premise, in right-of-way and info signage. And that an opportunity to review the ordinances would arise and that some creative nature and ideas could be utilized on how to help local economies from a resource and tourist-visiting basis.

Charles stated that for the good of the order he would like to know when meetings would be held. He commented that staff never knows exactly if there will be or not but he would like a rough estimate.

Lynne commented that Article 2 had been forgotten in the Periodic Review and that this identifies all the zones and that it needed to be corrected. She added that so far this was the only agenda item for February. Bill C. asked what type of proceeding this would be and Lynne responded that it would be legislative. Charles asked why it could not wait until March and Bruce added that this would be a time to start on the briefing of the Comprehensive Plan. Bill C. commented that the Commission could hold the legislative proceeding and then have a reassessment of the pieces that need work and give them copies of those and proceed from there.

Lisa commented that there would be a gap because staff will start receiving applications that will most likely not allow for much discussion in the months to follow. Lynne added that between now and approximately two weeks is when staff would receive anything that would be going before the

Commission at the February meeting, and that there was the potential for one application.

Bill C. added that it would be better for the staff to come before the Commission with a summary and assessment of what the good areas are to start and then plan a more definitive process and decide on the approach that would be taken. He stated that the first hearing could be in March if everything works out.

Lynne added that the proposed golf course could be before them in March and that Article 2 is a very quick process of changing names and getting page numbers right. She stated that this is an article that needed to be addressed and had to be done with an Ordinance Amendment. She commented that if we were going to have the golf course in March there was no reason to save this small task. She explained that notice had been sent but that it could be done in March if no further applications came in that could be addressed in February.

Bill C. explained that the Planning Commission meeting was scheduled for February 13th. Lynne commented that the meetings are held the second Thursday of every month. Scott stated that he would be unable to attend. Charles commented that he would be able to attend.

Kurt asked if the staff saw the golf course issue being a long meeting and Lynne stated yes because the Commission would be making the decision on the golf course. Charles asked that people be asked to stick to the subject to speed up the meeting. Lisa replied to Charles's question and explained that when the Inn at Cape Kiwanda proposal came before the Commission, they had only gotten through half of the public testimony at 1 a.m. Lynne added that the public had been kept to a five minute time limit.

Bill C. stated that as much as the Commission stressed a time limit and asked the public to please stay within the time limit and not repeat testimony that if they showed up to testify it is their right. He commented that the public would repeat things over and over again if that were what they have to say. Lynne added that we do have a timer and that the issue will most likely be carried over into the next meeting due to the volume of testimony.

Bill C. commented that he thought the February meeting could be to get started on the Comprehensive Plan. Lynne stated that the legislative piece would only take fifteen minutes. Kurt asked if the Commission members could get a copy of the legislative plan and Lynne stated it would be on disk because a paper copy costs 450 dollars and requires quite a bit of time. Bruce asked if it was available at the library and Lynne commented that it was.

There was a question from Bruce about the minutes from December 12th being approved. It was found they had been moved and approved unanimously.

There was a discussion around the Land Use Ordinance books. Both Merrienne and Bruce stated that they had never received copies. Lynne noted that we would get books to them prior to the next meeting.

Merrienne had a question about the packets. Bill C. mentioned that the packets include the administrative reviews and the topics for the meeting and that the packets are mailed seven days prior to the meeting. He added that location maps would now be included for quasi-judicial meetings. He explained that due to the geographic distribution of Commission members that it is fair to have a Commission member who lives near the area of the property in question go and look at the property for you and then declare this at the hearing and ask for a report.

Merrienne commented at this point that the Commission members would need contact information and Lynne stated that the staff would provide that to each of them. Bill C. added that we would provide those, however it is private information and is not available to the public.

Bruce asked a question about someone sending a letter to the planning staff and wanting a copy sent to the Commission members. He wanted to know how the staff forwards copies of these to the Commission members. Lynne stated that it would be included in the monthly packet unless it was a general letter then it would be sent to you right away. She stated that letters related to agenda items that were received before the seven-day time frame would be included in the packet. She added that any letters received after that time would be given to them at the meeting. She explained that the public is told to have that information to the office no later than 5 p.m. on the day of the meeting.

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

Charles made a motion for authorization for Chair to sign the appropriate orders, if necessary. Scott seconded the motion and it was carried 5-0.

VI. DISCUSSION ITEMS:

ADMINISTRATIVE DECISIONS:

AR-02-15; ET-02-10 and V-02-06 (a)

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

This was the discussion, which took place during the meeting.

VIII. ADJOURNMENT

There being no further business, Kurt adjourned the meeting at 10:35 p.m.

Kurt Heckerath, Chair

Chenoa Descloux, Recording Secretary

Date