

TILLAMOOK COUNTY PLANNING COMMISSION

MINUTES

FEBRUARY 13, 2003

I. CALL TO ORDER:

The meeting was called to order at 7:02 p.m. by Chairperson Kurt Heckerth. Other members present were Gale Ousele, Merrienne Hoffman, Charlie Swan, Bruce Lovelin and Joan Marti, who showed up a few minutes late. Staff present were Bill Campbell, Lynne Krueger and Tim Franz.

II. APPROVAL OF MINUTES: January 9, 2003

Merrienne made a motion to postpone approval of the minutes from January 9th until the next Planning Commission Meeting and Gale seconded it. The motion was carried 5-0. (Joan was not present for this portion of the meeting.)

III. OLD BUSINESS:

There was no old business.

IV. NEW BUSINESS:

CU-02-21: A request to develop a Church in a RR-2 Zone. The proposed facility is to house 130 congregates with a maximum capacity of 250. The facility is to be used primarily on Sundays and Wednesday evenings, with various church activities throughout the week. The parcel is approximately 3.12 acres in size with access from South Prairie Rd. The parcel is designated as Township 2 South, Range 9 West, Section 21B and Tax Lot 1502. The applicant is Kevin Birdsong from the Ocean Breeze Baptist Church of Tillamook. The property owner is Badger Road Baptist Church Inc.

Kurt stated that this would be a Quasi-Judicial proceeding and that a sign up sheet was being circulated. Lynne handed out the applicable criteria and Kurt recited the Conditional Use Review Criteria and the Quasi-Judicial Public Hearing procedures. There were no challenges, no conflicts of interest, no personal biases and no exparte contact to be declared by any commission member.

The staff report was given by Tim Franz. He presented a tax lot map that showed the location, size and shape of the lot. He described the existing

conditions of the lot and that the zone, RR-2 surrounds the property. He explained that the applicant and the Ocean Breeze Baptist Church's current facility is too small and that they are requesting approval to build a larger facility at this location. He commented that a church is a Conditional Use in the RR-2 zone. He commented that residential lots surround the subject property and that there are multiple mix use properties in the vicinity. These mix use properties include a fire station, gunsmith shop and another church a few miles up the road. He explained that the property was approved for a Conditional Use in 1989 for another church, that had since expired. He added that staff had not received any phone calls or letters of interest from adjacent property owners. He commented that the only letter received was from the Tillamook County Public Works Dept. and that it had been received after the staff report had been submitted. He explained that Public Works had asked that some additional conditions of approval be added if the application was approved. He then handed out the letter submitted by Public Works. He added that there were no solar energy or wind conservation facilities and systems in the area. He explained that there is electrical power available to the site and that it has a paved road approach. He explained that in the plot plan the applicant has indicated parking for up to 50 vehicles with ADA spaces. He explained that the structure could not be higher than 35 feet in this zone. He added that there is water available to the site and that there is one possible issue with the existing septic system on the property. He explained that after the first Conditional Use approval a lot line adjustment was done. This lot line adjustment may have compromised the systems drain field. He explained that one of the conditions prior to building permit approval is that the applicant will have to have an Authorization Notice done by the county On-Site Sanitation Program. He added that staff recommends approval of this application. He asked the commission members if they had any questions.

Bruce asked Tim if the letter from Public Works had been amended into the staff report and Tim stated that he was asking that this be submitted as an extra exhibit and attached as a Condition of Approval. Tim added that if there was approval, he would add these to the conditions.

Kurt asked if the septic system issues were covered in the Conditions of Approval and Tim stated that there should have been a letter from Wes Greenwood stating that an Authorization Notice would be required. If any problems were found the applicant would be required to repair them prior to a building permit being issued.

Kurt asked if there were any further questions and Gale stated that she needed more clarification on the Public Works letter. She asked how the commission would add the conditions of the letter into the Conditions of

Approval. Lynne stated that if the commission chose to approve, then with Tim's assistance a condition would be crafted.

Merrienne had a question about off street parking and asked if the church had a bus and where were they intending to park it. Lynne commented that the applicant could answer that question.

Kurt again asked if there were any further questions and Charlie asked how wide the property was at the narrowest end. Tim and Lynne stated that it was 18 feet. There being no further questions Kurt asked for the applicants' presentation.

Kevin Birdsong, applicant, thanked the Planning Commission for hearing this matter as well as Tim and Lynne for helping him in this process. He stated that the members of Ocean Breeze Church of Tillamook are seeking approval of the application to build a church on the subject parcel. He commented that their current location at 2203 5th Street in Tillamook has become too small and that more space is needed. He commented that they have been looking for a larger facility for the last few years and have been unable to find one. He stated that the congregation felt that acquiring land and building a facility was in their best interest. He stated that he felt the subject property is their best option and they are asking that the application be approved. He also felt that the proposed use is consistent with the RR-2 Zone. He commented on the housing capacities of the proposed buildings and its proposed primary uses. He added that a minimal staff of 1-3 people would be present throughout the week. He explained that they do not plan on renting the facility to outside organizations. He commented on the lot's size, shape and location. He again stated that they felt this was the best location for a church given the lots shape, size and location. He explained that they intend to construct 50 parking spaces, 4 of these being ADA accessible. He added that they plan to provide adequate landscaping to maintain the character of the surrounding area. He addressed Merrienne's concern about the bus and explained that they do have a bus and plan to park it in the parking lot. He explained that Bethel Baptist; a church located a few miles up the road, seems to fit the character of the area and does not impair surrounding properties. He felt that this was timely, considering the adequacy of public facilities and services existing. He added that Tillamook PUD has issued a letter of power availability and that Pleasant Valley Water District had given their letter of water availability. He explained that the proposed road approach from South Prairie Rd. had been approved by Public Works and that Craig Dean from ODOT had assured them that there would be no drainage issues west of Hwy 101. He explained that they had spoken with Wes Greenwood and understood the septic system issues and agreed to make all updates to the system as needed. He commented that Wes Greenwood had commented

that this could be determined at a later date. He mentioned that in speaking with Tom Leonnig, the septic system installer, he felt that the lot line adjustment hadn't effected the system but that at that time he was still trying to determine it. He again stated that if the system had been compromised that they would be willing to make any and all changes. He again thanked the planning commission for hearing the request that evening.

Kurt asked if there were any questions and there were none. Kurt opened the hearing to public comment. There was no public comment. There was no further comment from staff so Kurt closed the hearing to public comment and opened it for discussion.

Gale made a recommendation about adding the conditions from Public Works. Kurt asked Gale that if a motion is made if she would like these conditions included and she said yes.

Kurt commented that he was not clear on the conditions listed in the staff report and read the first condition. He asked if condition number one would cover the septic issue. Tim stated that number five would cover the septic issue.

Merrienne asked if the letter would be covered by any of the other conditions listed or if it would need a new condition. Tim believed that it would require a new condition to be included.

Kurt asked if there were any further questions and Bruce commented that he was amazed at the quota of contributions. Kurt said that if there was no further discussion then the commission was ready to entertain a motion.

Joan made the motion to approve CU-02-21 with the Conditions of Approval in the staff report and to include the condition listed in the letter from the Tillamook County Public Works Department. Charlie seconded this motion and it was carried 6-0.

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

Joan made a motion and Gale seconded.
Motion was carried 6-0.

VI. DISCUSSION ITEMS:

ADMINISTRATIVE DECISIONS:

AR-03-01, DP-02-11, DP-02-17, DP-02-18, DP-02-19, EX-03-01,
GH-02-19, GH-02-20, GH-02-22, NCMN-02-04

Gale had a question regarding DP-02-17. She commented on the condition around the impermeable liner and if this was installed due to this being an after the fact permit. Lynne explained that the applicant had a two-year period to complete the project. She added that the after the fact comment is due to the project being started during the emergency. She also explained that Lisa Phipps has it on her timetable and she will be making sure that they have met their conditions.

Gale commented on EX-03-01 stating that she felt it would be a mistake to reduce the required resource setback from 100 feet to 30 feet.

Lynne explained that the setback would be from the required 100 feet to 70 feet and that this had been a typo and that a correct copy had been sent out. Gale stated that she had no further comments.

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

Bill gave each of the commission members a copy of the Comprehensive Plan policies on a disk. He explained that staff was reading through them and identifying which ones need to be worked on. He commented that in recent conversations with the Board of Commissioners it seems that they are ready to come on board with addressing the Comprehensive Plan. He explained the one-page item that grouped items for this years work plan. He explained that Group A is the most important. He commented that the Board of Commissioners would like to see an inventory approach to Goal 5. He gave an update on the Riparian Advisory Committee and explained that they had adjourned themselves permanently at their February 5th meeting. He talked about what was discussed at the meeting and the processes that were suggested and determined. He explained the process of how it would be determined if inventory areas were significant or non-significant and how to decide what uses would be allowed, limited or prohibited in the significant areas. He added that there was no firm determination on how to proceed and that he and Lisa will be meeting with DLCD representatives in March to go over the protocols that would be used. He spoke of putting together a small community or working group to assist with these determinations and that most of this can be done in house without additional events. He explained that this is one of the last items of periodic review and it is the top priority due to its deadline of December 31, 2003.

Bruce asked where Bill saw the planning commission's role in this process. Bill stated that the role of the commission would be to conduct the public hearing around the draft of the final product. He commented that inventory

information would be brought to the commission and that they would be kept up to speed every step of the way. He explained that he did not want to bring in a huge volume of information and then hold a public hearing. He commented that he felt we were in a position to provide the adequate inventory information and preliminary determinations of the four areas of significance. He hoped that the G.I.S. system would be up to speed by June or July and that staff would be able to rely on this for some of that inventory research. He felt that the information could be sifted through by early summer.

Bruce commented that his fear was that the commission would be in the same situation as the Riparian Advisory Committee. His concern was that the planning commission might be expected to make the decision that took three years of trying without success by the Riparian Advisory Committee.

Bill stated that he wasn't making any promises and that there was no appreciation for a cookie-cutter approach. He commented that all sides are looking for an inventory approach. He added that Tillamook County has a great record when it came to restoration of riparian habitat. He added that the Riparian Advisory Committee had decided at the January meeting to continue until their work was completed. At their February 5th meeting they felt that their work was completed and this was the reason for their adjournment. He commented that last April the committee had presented the Board with six recommendations on how to approach the issue. The Board decided to go with the last recommendation of tweaking the existing ordinance. So the final outcome is to translate the inventory and Goal Five processes into an ordinance that works for our county. He added that the difficult issue is going to be the setback standards. He explained that the intent is to provide optimal protection and make this as site-specific as possible based on the inventory. He added that the most likely recommendation under the present ordinance for minimum setback would be fifty feet. He explained that this would allow for the development of inventory over time and protect the riparian area during this process. He stated that the focus needed to be on what would be the best ordinance for Tillamook County.

Bruce asked if this process would be visible to the public and Bill commented that the public would be included. He added that part of the design is public information and this would include using Jane Scott's Video Productions.

Gale asked who would be doing the ESEE Analysis and Bill commented that it had not been decided. He explained the Department of Land and Conservation Development (DLCD) had developed a Matrix and that the county would be using or adapting it for utilization during the process. He

spoke of needing to define the reach of a river and how significant the research needed to be on this. He also commented that some common terminology would need to be crafted. He added that this may require the use of another small advisory committee and members of the Riparian Advisory Committee had indicated that they were willing to serve on this committee to keep a sense of continuity. He felt that these details would be ironed out by the end of March.

Bill then explained the dredging exception of Goal 16. He added that this was Task 13 on the Periodic Review program and explained the process of how it was added to the program. He stated that the project was to be completed by December 31, 2002 and that it had not been started by this date. He explained that in conversations with DLCD there is indication of support for a request to drop the issue from the work program with the understanding that it will be picked up in the Comprehensive Plan update. He explained that the Board of Commissioners would be addressing the issue at their evening meeting in Wheeler on February 19th. He explained that it would not be set aside; it is as an important piece to be worked on. He explained that the top two issues currently are the citizen involvement piece, which is Goal One, and the estuary issues particularly around dredging and the disposal of the dredge material.

Bill stated that the Transportation System Plan is moving along well and that the next Technical Advisory Meeting is scheduled for April or May. He added that four of the five northern incorporated cities have coordinated with the project and that the City of Tillamook is scheduled for completion in June. He explained that Bill Holmstrom is the lead on this project and that there will be a few public outreach and information meetings held in the North, Central and South portions of the county. He commented that one idea is to have the Planning Commission members from that area co-host the meetings with members from the Road Advisory Committee.

He spoke of the Geo Hazard Ordinance that is Senate Bill 12 and that it addresses rapidly moving landslides and debris flows. He felt that this would be back in legislation soon and that there will be additional requirements to update the ordinance. He added that there would most likely be ramifications if the ordinances were not updated. He explained that the update process would be a technical process with the ordinance and minor changes to the comprehensive plan.

He explained that the Comprehensive Plan review and revisions that were discussed in last month's meeting would most likely be done at a rate of two to three plan items each year for three to five years. He added that the commission members might want to look over the disk and find areas that need adjusting and look at areas that have been mentioned or have

ordinances in the process. He commented that this would be a process of adjusting, not re-creation. He suggested that they start to form some ideas and suggestions about how to begin this process. Bruce asked Bill which projects he anticipated to work on in the first year. Bill's comment was that he felt Goal One, Goal 16 and Population & Economy would be the first three major tasks to take on.

He spoke of the Periodic Review and the Ordinance Amendments that had recently been completed by staff. He added that there were 17 ordinance amendments and that they had gone through the Department of Land and Conservation & Development's (DCLD) office and had come back with no comments, remands or changes. He stated that the turn around time for approval letters was under 3 weeks. He explained that the reason for this was because of the good working relationship between DLCD and our staff.

Lynne stated that this was an incredible learning experience and that the entire staff was very pleased with the product that was turned out. She said "that a three-week turn around without comments or remands is unheard of". She stated that staff was very excited with the approvals and happy that it was completed. Lynne commented that Tillamook County is now an example to other counties that it can be done. Bill added that other counties had been going through Periodic Review work and are now under enforcement and being taken to task on Comprehensive Plan issues. He commented that in discussions with DLCD they are very pleased that our next step is to work on the Comprehensive Plan. He explained that by looking at the Comprehensive Plan piece by piece and addressing the important issues we would be providing the over arching legal coverage that the implemented ordinances need.

Bill addressed the remand from the Land Use Board of Appeals (LUBA) regarding the Hathaway variance in Netarts, LUBA 2002-104. Bruce asked if LUBA receives a full record of the presentations made and the information that was presented. Bill explained that in an appeal before LUBA the full record is sent. Lynne explained that there were 13 copies from the LUBA appeal and that it was about 500 pages. Lynne explained that LUBA had sent back the assignment of errors that the appellant noted in his brief and that's what LUBA has addressed. Bill explained that LUBA rendered their opinion and upheld each assignment of error and each was remanded back to the county. He explained that the current status is that Hathaway needs to determine how to proceed from this point. He added that county counsel, William Sargent, was going to be contacting both parties' attorneys. He added that there was the possibility that it could come back before the Planning Commission at some point in the future. Kurt asked if there was a time limit and Lynne commented that they have 90 days from January 29th to make a decision. Bill commented on what he would do in this situation and

what he felt the best plan of action was. Bruce asked if this could be appealed to LUBA and Bill replied that it was appeal-able to the courts. Lynne stated that the remand has to go to the board and then back to LUBA. She added that the person who would appeal it from there would be Janet Stahl, the appellant. Charlie added his thoughts and feelings on the matter.

Bill explained that the Board was still thinking about using the Futures Council as a citizen advisory body and to have them continue their work in terms of action plans, bench marks, measures and summary reports. He explained that the Canadian government had sent a contractor down to Oregon several years ago to look into the progress of the benchmark and measure system that had been utilized. He stated that the State of Oregon offices had indicated to them that a good model to look at would be the Futures Council in Tillamook County. He explained that the contractor came to Tillamook County and did an analysis of the work that had been done and that he was very pleased and appreciative of the work the Futures Council had done. He explained that the Futures Council is being modeled in British Columbia for rural areas that are suffering from similar economic downfalls. He explained that this process has now been picked up by the Canadian government and that a delegation from Ottawa will be coming down and meeting with the Futures Council and the Board of Commissioners on February 24th. He explained that the process could be modeled and extended into the rural areas of Canada as a way to measure progress towards healthy sustainable communities.

Kurt asked about the committee that was gathering information surrounding Bay Ocean Spit and he explained that he didn't understand what their mission was. Bill explained that he did not understand what their mission was either except that they were going to conduct a number of public information meetings to gather ideas and recommendations for potential uses on Bay Ocean Spit. He added that over the past few weeks a developer out of the metropolitan area had been calling the office requesting information, that he had contacted DLCD and had been in the office yesterday looking for more specific information. He commented that he felt the developer, as an individual, was looking at this from a development standpoint and would like to develop Bay Ocean similar to Salishan. Lynne added that these would be ½ acre lot developments. Bill explained that the broader public sentiment to date seemed to be that the spit should be maintained as a natural area open to camping, equestrian uses and hiking paths. He stated that the committee's mission is to listen, consolidate information and then pass on the recommendations to the Board. He explained that anything having to do with land-use planning would come back to the department and once a direction is determined that starts to be finalized then it would require public hearings and would come before the Commission.

Kurt explained that he was wondering why the Board asked this committee to do this research. Bill stated that he would be happy to ask that question of each Commissioner and then let the Planning Commission know what the answers were. Charlie asked where Bay Ocean Spit was and Bill explained the history to him and referred to the History of The Tillamook County book he had received at Christmas.

Bruce asked about the golf course and Bill explained that nothing has been submitted yet. He explained that the Board is beginning to recognize the stress that the department would be under if they currently took on Goal 16 with the major applications that will be coming in during the next few months. He added that it has been a tight budget year and that going into the next it is going to get even tighter. He stated that the Board understands that budget wise there is no room for additional staff and he added that he would rather contract for specific work, which might be a better return on the dollar depending on the nature of the project. He commented that there was a possibility of an additional \$30,000 to \$50,000 that might be added to the department's budget for some of the tasks.

Lynne and Kurt spoke of the conference that was attended on February 8th by Lynne, Scott, Kurt and Merrienne. It was decided that this information would be mailed with the January 9th minutes and would be discussed at the April Planning Commission Meeting when all members would hopefully be present.

VIII. ADJOURNMENT

There being no further business, Kurt adjourned the meeting at 8:45 p.m.

Kurt Heckerth, Chair

Chenoa Descloux, Recording Secretary

Date