

TILLAMOOK COUNTY PLANNING COMMISSION

MINUTES

MAY 8, 2003

I. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairperson Kurt Heckerth. Other members present were Joan Marti, Merianne Hoffman, and Bruce Lovelin. Members absent were Charlie Swan, Gale Ousele and Scott Hill. Staff present were Bill Campbell, Director of Community Development; Lynne Krueger, Senior Planner; and Tim Franz, Associate Planner.

II. APPROVAL OF MINUTES: April 10, 2003.

Joan made a motion to approve the minutes of April 10, 2003 as presented. Merianne seconded the motion and it carried unanimously.

III. OLD BUSINESS:

None.

III. NEW BUSINESS:

CU-03-11: A request to conduct Church and school activities within a Rural Residential (RR-2) zone in an existing building. The facility is to house church services and a private Christian school. The facility is known as the Tillamook Care Center and addressed as 2500 Nielsen Road. The parcel is approximately 4 acres in size with access from Nielsen Road. The parcel is designated as Township 1 South, Range 9 West, Section 31B, Tax Lot 1200. The applicant is Kevin Birdsong from the Ocean Breeze Baptist Church of Tillamook and the property owner is Danny Mar.

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

There was no challenge to the jurisdiction of the Tillamook County Planning Commission hearing this item. There was no personal bias or conflict of interest declared by any member of the Commission. There was no ex parte contact declared by any member of the Commission.

Lynne gave copies of applicable criteria to the audience.

Tim identified the site on a display map, with relation to Highway 101. He pointed out the surrounding zones which included Farm to the south, east and west of the estuary, and Rural Residential to the north. He then submitted an aerial photo and tax lot map of the subject site for the member's review.

Tim explained that the proposed use within a Rural Residential zone requires a conditional use. He added that the structure had been inspected and it was determined that it is in good enough condition to house the proposed activities. Tim then went on to describe the building structure and surrounding property on which the structure stands.

Regarding the activities corresponding to the facility, Tim said the school plans to use a medium size school bus for the children who will be attending. He outlined the schedule for church and school and said there will initially be three to five staff members present.

Because farm activities are in the close proximity, Tim said one of the Conditions of Approval is that the applicant will sign a covenant to the deed which will recognize that farm use is prevalent on the surrounding property.

Tim went on to say that the City of Tillamook Water and Sewer Districts have no problem with the proposed use of the structure.

Referring to his staff report, Tim noted that of the 29 notices sent to surrounding property owners and agencies, there were three responses. They were from Wes Greenwood, Environmental Program Manager regarding the sanitary sewer system; the Public Works Department regarding access; and Dave Wells, a nearby property owner regarding increased traffic, possible hazardous area for children, erosion of the Trask River bank, and excess speeds on Nielsen Road.

In answer to Mr. Wells' concern regarding speed, Lynne stated that one of the Conditions of Approval can require that Public Works review the area for mileage control when the school is established. Tim added that it's possible to ask the Sheriff's office to patrol the area more regularly.

Merrienne asked Tim to identify the area of nearby residences which he did on the display map. Kurt noted that he did not believe there would be enough parking area on Nielsen Road to warrant erosion concern on the riverbank. In answer to Merrienne's question regarding the number of children who would be attending school and the size of the congregation, Tim said approximately 50 children would be attending school and approximately 130 people in the congregation.

Tim said staff recommended approval of the Conditional Use application with Conditions of Approval listed in the staff report.

Regarding the Conditions of Approval, Bruce referred to number 6 pertaining to the clear vision area. Tim explained that the three accesses must be clear of obstacles which may impair vision onto Nielsen Road. Tim also explained the request from the Public Works Department regarding improvements to the three road approaches. Bruce then asked about Condition number 5 regarding the Environmental Program Manager's memo. Tim stated that this was the recommendation from Wes Greenwood that the facility maintain connection to the city sanitary sewer system.

Bruce asked if the Conditional Use application could be used for anything or anybody else. Lynne answered that this application is specifically for the church and school and if it is not acted upon, it will just expire.

There were no more questions or comments from the Commission.

Kevin Birdsong, 2685 Nielsen Road, Tillamook, introduced himself as the Pastor of Ocean Breeze Baptist Church. He explained that the present church facility is not large enough for the growing congregation and it is hoped that the application will be approved in order to have a larger church.

Referring to the letter from Dave Wells, Mr. Birdsong said he had just received a copy this evening. He said however, that the church would be willing to do whatever is necessary to make the site safe for all concerned.

Merrienne asked how many students are expected to attend in the future. Mr. Birdsong answered that they hope to eventually have as many as 100 to 150 K through 12 students. It was noted that the students will find their own way to school, but it's possible there could be bus service later if necessary. There will be 3 staff members the first year, and added staff as the school grows.

There were no more questions from the members. There was no more testimony from the audience.

Kurt referred to Dave Wells' concern regarding traffic on Nielsen Road. Lynne explained that Public Works will be doing an evaluation based on certain standards regarding traffic loads as to whether or not the road is up to standard. She added that it would be between the applicant and Public Works to comply with the standards set by Public Works to make the site safe.

Kurt closed the meeting to public testimony.

Merrienne said she thought the staff report was informative and thorough. Bruce added that he was glad the facility could be used for something of good use. Joan said she was concerned that the church will be affected by farm practices and it could be unpleasant. Lynne stated that a covenant to the deed had been mentioned earlier in the meeting that would prohibit the landowner from pursuing a claim for relief alleging injury from farming practices. She added that farm practices have precedence and the applicant is aware of this.

There was no more discussion.

Joan made a motion to approve Conditional Use Permit CU-03-11 based on the staff report and testimony with the addition of Condition of Approval number 9, which would be to require the applicant to work with the Public Works Department on a review of the area for signage and speed control for safety for the church and school.

The motion was seconded by Bruce and carried unanimously.

CU-03-10: A Conditional use Request to amend a Planned Development Overlay zone and to create a master plan identified as Village at Dory Pointe, located within the Pacific City Community Growth Boundary. This request is to establish the build-out density, to 49 lots for single family and commercial development.

AND

GEOLOGIC HAZARD REPORT 03-08 AND PRELIMINARY SUBDIVISION REQUEST VILLAGE AT DORY POINTE: Requesting approval of a tentative plat consisting of 45 single-family residences and 4 lots for commercial use over 10 acres proposed as "Village at Dory Pointe" Subdivision. The subject property is zoned Pacific City/Woods High Density Residential (PCW R-3) with a Planned Development Overlay and is accessed from Cape Kiwanda Drive and is designated as Tax Lot 100 of Section 24, Township 4 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. Property owner: Lavilla Spooner and applicant, Sumco, LTD.

Lynne gave a copy of "Section 20: Application and Filing Fees; Distribution of Tentative Plan; Notification and Hearing" to the audience and members.

Beginning with the Conditional Use Request, Lynne stated that it was the initial request. She added that the Geo Hazard Report is in support of the Planned Development. She went on to explain that the Conditional Use is for a Master Plan to develop 45 residential lots and 4 lots for commercial

purposes. Referring to a display map of the subject site, Lynne said two minor changes are road name changes, one being that Shorepine Drive will now be Centerpoint Drive, and she noted there will be Dory Pointe Drive and Dory Pointe Loop. She said the two areas of commercial and residential are separated by tracts of open space.

Bruce asked about the density of the area. Again referring to the display map, Lynne answered that directly west of the subject site is a Planned Development subdivision. She went on to say the subject site is in a Planned Development Overlay zone which means different tracts can be used and roads can be used in figuring out the density. It also means smaller parcels can be developed as well.

Regarding the Geologic Hazard Report, Lynne again said it was in support of the tentative subdivision even though there was no direct need for the report except the Land Division Ordinance requires one. She said Lisa Phipps, Coastal Resource Planner reviewed the report and found no need to recommend further geologic study of any of the parcels.

It was noted that there are some wells in the BLM land, and Tony Owen, Pacific City's Joint Authority Director, had no concerns because there are no septic systems involved.

There was a short discussion regarding the planned trails in the subdivision. Lynne noted that the open spaces were designated in green on the display map. Kurt mentioned concern about noxious weeds. Lynne advised that a Condition of Approval for the subdivision could be that noxious weeds be removed and only native plants allowed.

Going on to the Tentative Subdivision, the third phase of the request, Lynne said there are a couple changes. One was that the Fire Department said there must be two accesses to the subdivision because of the number of lots. Lynne explained that one way to provide an emergency access lane would be to widen the trail between the residential and commercial lots and hard surface it.

Another request of the Fire Department was to have limited parking on only one side of the street, and no parking in the 20-foot alleyway. Lynne clarified that each lot will have two parking spaces, including a garage, and this requirement is part of the development standards.

Lynne said smaller setbacks can be requested in a Planned Development than what the County's standards require. In this case, she said, the applicant requested a lesser setback although the front yard setback cannot be less than 10 feet.

There were no more questions of comments from the Commission.

John DeJong, Sumco Ltd., P.O. Box 1044, Hillsboro, OR, applicant, referred to the display map and identified the parking spaces as being on the inside of the "island" area because that is where the sidewalks will be. He thanked the Fire Department for its assistance and cooperation. Mr. DeJong pointed out that the lots on the interior of the island will have 10-foot front yard setbacks and 15-foot rear yard setbacks.

Mr. DeJong noted that the lot sizes will be 5000 square feet, which will be smaller than Webb's subdivision on the other side of Cape Kiwanda County Road. He added that the proposed lots are more consistent with Shorepine Village, which is just south of Webb's subdivision.

Regarding the street size, Mr. DeJong stated they will be 28 feet wide, and the alleyway will be 18 feet wide and concrete. He also discussed the access for the Fire Department and agreed there must be a secondary access.

Mr. DeJong referred to the display map and noted where trees will be planted. He also agreed that Shorepine Drive will be changed to Centerpointe Drive and mentioned that it is next to the Pacific City Sewer and Water Authority.

Bruce wanted to know what the developer thought the changes would be to the community if the development was approved. Mr. DeJong said he had met with residents in the area and it was determined that the number of commercial as well as residential parcels would be reduced. He added that the subject site was designated as either commercial or residential in the neighborhood plan. It was noted that electricity did not seem to be a concern since the Electrical Company did not respond to the notice sent.

There was a short discussion regarding the size of the homes to be built on the lots, and Mr. DeJong said he would not be the builder, but the developer and seller only.

There were no more questions to the applicant from the members.

Kurt asked Lynne if the subdivision was approved, would the homes have to be built within 24 months. Lynne answered that they would not, but the roads and utilities would. It was made clear that a building permit would have to be obtained for each home.

There were no more questions of comments from the members.

Bruce made a motion to approve Conditional Use Request CU-03-10, based on the testimony and findings of fact.

At this time, there was more discussion regarding a possible buffer of shorepine trees between Cape Kiwanda County Road and the commercial area, as well as excess speed on Cape Kiwanda County Road.

It was noted by Mr. DeJong that there will be room for a buffer of trees along Cape Kiwanda Road and shorepine will be planted for this purpose.

Regarding excess speed, it was determined that it would be between ODOT and Public Works to reduce the speed limit from 40 miles per hour. Lynne mentioned that Pat Oakes from Public Works had recommended a turning lane at the point of entrance to the development. There was discussion regarding how long it takes ODOT to make a decision on such issues and Bill Campbell said the Planning Commission would have to make a formal request to the Board through Public Works, that an investigation be done regarding speed reduction on Cape Kiwanda Road.

Bruce's motion died for lack of a second.

Joan made a motion to approve the Conditional Use Request CU-03-10 with the existing conditions, based on the staff report and criteria, testimony and add Condition of Approval to retain and maintain a minimum 15-foot buffer between the commercial area and Cape Kiwanda Road.

The motion was seconded by Bruce and it carried unanimously.

Joan made a motion to accept the Geologic Hazard Report 03-08 as presented by staff including Conditions of Approval.

The motion was seconded by Merrienne and it carried unanimously.

Bruce made a motion to approve the Preliminary Subdivision Request Village at Dory Pointe approving the tentative plat consisting of 45 single-family residences and 4 lots for commercial use over 10 acres based on staff report, findings of fact and including Conditions of Approval with the addition of Condition of Approval requiring the applicant/owner meet the requirement of the Nestucca Ridge Fire Department.

The motion was seconded by Joan and carried unanimously.

Lynne stated that the next step will be to develop some construction plans. She added that this request does NOT have to go before the Board and the only ones who could appeal the Planning Commission decision would be the Nestucca Fire Department or Jeff Shons.

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

Merrienne made a motion to authorize chair to sign appropriate orders, if necessary.

The motion was seconded by Joan and carried unanimously.

VI. DISCUSSION ITEMS:

ADMINISTRATIVE DECISIONS: AR-03-05, AR-03-07, CU-03-06(a), CU-03-07(a), CU-03-08(a), CU-03-09(a), DP-02-21, DP-03-06, DP-03-08, DP-03-09, ET-03-03, EX-03-03, GH-03-06, and GH-03-07.

Regarding DP-03-08, Bruce asked if the Oregon Department of Agriculture gave Tillamook County the lease for the oyster harvest land on Netarts Bay. Bill Campbell said it used to be the Division of State Lands that would issue the lease, but since it is an agricultural production, it was given to the Department of Agriculture.

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

1. Regarding the earlier concern dealing with the excess speed on Cape Kiwanda Road, Bill said this was a good time to discuss it because there is an outreach meeting planned for south county on May 13 at Cloverdale High School from 7:00 to 9:00 p.m. He added that this issue can be brought up at that time and he encouraged anyone to attend. Bill said he would also bring up the subject at the next Board meeting.

There was a lengthy discussion pertaining to the amount of time it takes ODOT to make decisions and complete projects; how to make people aware of the speed limit on Cape Kiwanda Road; whether asking for a speed reduction at this site would set a precedent for other approved subdivisions and show possible favoritism; where left hand turns may be

required; and the responsibility of the Planning Commission to make decisions regarding roadways and speed limits.

2. Regarding the Riparian Ordinance Inventory, Bill told the members that staff and focus groups are in the process of accumulating a great deal of information from various agencies. This information, together with the Focus teams and others, will allow staff to assess the adequacy of information to make informal decisions of significance regarding riparian areas. He said dairy farms and activities that are consistent with agricultural practices will not be immediately under the Riparian Ordinance. He added that there will probably be concerns about setbacks, and that will have to be dealt with. Bill said there will be a couple of work sessions during the summer which will be open to the public. He predicted that these work sessions will become emotional and he added that the Planning Commission will also hold an informational workshop.

3. Bill announced there had been a UFO meeting and there should be an additional five or six meetings. He added that David Stewart Smith, manager of the Energy Siting Program with the State of Oregon Department of Energy, will be attending the May 20 meeting.

4. Regarding the County Budget, Bill said it has been approved, and it meant an initial 10 percent cut in the Department, followed by an additional reduction of \$44,000. He said one way to reduce the impact is the proposal of a 10 percent increase for the building and planning permit fees. A rate increase hearing will be held by the Board on May 21. If the Board does not approve of the increase, the Department will have to obtain money from the general fund in order to keep operating at the current level without further cuts. More discussion followed pertaining to the current and proposed fees.

5. There was a short discussion regarding hearing procedures. It was determined that the chair did not have to repeat a lengthy motion, which may be summarized. Bill gave an example of possible wording.

6. Bill told the members that the Port of Tillamook Bay will be coming before the Commission with a very complex and challenging application for a Rural Service Center at the Port site. He said this will involve a zone change allowing up to 125 homes to be developed with the golf course, convention center, and hotel.

There was general discussion regarding hearing procedure.

VIII ADJOURNMENT

There being no further business, Don adjourned the meeting at 9:20 p.m.

Kurt Heckerth, Chair

Barbara Legoo, Acting Recording Secretary

Date