

TILLAMOOK COUNTY  
PLANNING COMMISSION MEETING  
JANUARY 8, 2004  
MINUTES

**I. CALL TO ORDER**

Chair Heckerorth called the meeting to order at 7:05p.m. Other Commission Members present were Gale Ousele, Bruce Lovelin, Joan Marti, Charlie Swan, Scott Hill and Merrienne Hoffman.

Staff present were Bill Campbell, Lynne Krueger and Chenoa Descloux.

**II. APPROVAL OF MINUTES**

Minutes from the October 9, 2003 minutes were approved as written. Commissioner Lovelin moved for approval, Commissioner Ousele seconded. Chair Heckerorth abstained from voting, as he was not in attendance of this meeting. Motion passed unanimously.

**III. OLD BUSINESS**

There was no old business.

**IV. NEW BUSINESS**

**CU-03-24:** To amend an approved Planned Development Overlay Zone. The proposed amendment would reduce the required 20 foot setback to 10 feet on lots designated as Tax Lots 11300, 11400, 11500, 11600 and 11800 of Section 31BA, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon and located along Promontory Lane. The Capes Development is located North of the unincorporated community of Netarts. The applicant and owner of the properties: The Capes Development Company.  
**WITHDRAWN 12/29/03.**

Lynne Krueger explained it was determined these properties already had the 10 foot setback which had been approved with the Geo-Hazard report in the Plan Development.

**CU-03-20:** A request to allow a three room expansion of a motel, located in the Commercial Oceanside Zone (COS), on property accessed from Pacific Avenue in Oceanside. This property is designated as tax Lot 6600 of Section 30BC, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook

County, Oregon. Oceanside Inn, LLC, Applicant, and Fidler-Aoyama, LLC, property owner.

Chair Heckerorth advised the sign up sheet was being circulated and that those which provided their name and address would be notified of any findings.

Chair Heckerorth read aloud the criteria for Quasi-judicial proceedings.

Chair Heckerorth asked if there were any challenges. There were none.

Chair Heckerorth asked if there were any conflicts of interest or personal bias. Commissioner Lovelin stated he has done business with the applicant and therefore will abstain from voting and participating in the discussion.

Chair Heckerorth asked for any Exparte contacts. There were none.

STAFF PRESENTATION BY LYNNE KRUEGER: Lynne apologized to the commission for not getting a larger map for them. She explained that the applicant is asking for two additional rooms and relocation of one room from the ground below. ODOT has no concerns regarding access. The motel is capable of developing the second story for the two rooms at less than the 24-foot restriction as it is oceanfront. Water and sewer is available to these units. The geologic hazard report was approved and supports the development of these units. The owners have been able to show this is an acceptable and reasonable expansion of this motel. The Department of Community Development recommends approval of this request. There were no questions of staff.

APPLICANTS PRESENTATION: Ron Cleman, PO Box 281, Rockaway Beach, OR, 97136, contractor for the applicant. They would like to add two rooms making a total from nine to eleven. They will be pulling one room out to make room for additional parking needed. They have checked with ODOT. This will have very little impact in terms of traffic. The additional rooms are required in anticipation of growing business. At this time the motel runs at 80% total occupancy. They have spoken to the people in the area and have not received any negative comments.

Commissioner Swan asked Mr. Cleman why the expansion was not for twenty rooms instead of two. Mr. Clemans explained this was researched by the previous owner about four different times and it was not geologically feasible.

Chair Heckerorth asked for public comments. There were none and no rebuttals. Chair Heckerorth asked for any further comments from staff. Lynne Krueger stated this motel has been in Oceanside for quite awhile.

Chair Heckerorth closed the hearing to public comments. He then asked for discussion between the commission. Commissioner Marti asked about the rooms. Commissioner Hoffman explained the removing of one room for additional parking. Chair Heckerorth went over the conditions for approval. He had a question regarding #6 of the Geo Hazard

Report conditions regarding an error. The word “inspector” needed to be added after the wording of “local Building” in the last sentence. There was a question regarding condition #7 requesting the property owner to replace any vegetation removed. It did not seem to specify what type of vegetation. Lynne explained this is a standard condition of approval. She further explained in this case it was asphalt and that little vegetation, if any, would be disturbed. There was discussion regarding the wording of the condition. Bill Campbell advised that the commission could re-word the condition. Lynne explained how the site slopes to the beach, but this would not be where they would be building. They are tearing down and rebuilding on the asphalt and there really is not any vegetation involved on the site. Bill Campbell explained how condition #7 could be re-written. Chair Heckerorth read aloud condition #10. He felt the second part of the condition was redundant. Lynne explained it addresses storm water in two parts. One is long term and one is short term. Both have to be identified on the construction plans. Commissioner Hoffman sees no reason to object. There were no further comments.

Chair Heckerorth asked for a motion. Commissioner Swan made a motion to approve based upon testimony and the conditions listed. Commissioner Hoffman seconded. Motion passed by 6 votes. Commissioner Lovelin abstained.

Motion Approved.

**ORDINANCE AMENDMENT OA-03-02:** Community Planning for the Port of Tillamook Bay and the identified parcels. Ordinance Amendment OA-03-02 proposes to adopt a Community Growth Boundary around the Port of Tillamook Bay and identified parcels as a Rural Service Center and to amend the current Tillamook County Comprehensive Plan to include: adoption of the community boundary, zones and uses; changing the existing zoning/comprehensive plan designations on parcels identified as Township 2 South, Range 9 West, Section 4, Tax Lots 600, 804, 805, 806, 807, 809 and 890, Township 2 South, Range 9 West, (Index) Tax Lots 5300, 5301 and 5302, 2 South, Range 9 West, Section 8C, Tax Lots 100, 401, 500, 501, 502, 503 and 700.

Chair Heckerorth advised that the sign up sheet was being circulated for those that wished to testify.

Chair Heckerorth read aloud the legislative proceedings for this ordinance amendment. Lynne Krueger and Bill Campbell passed out applicable criteria packets.

Chair Heckerorth asked if there were any challenges. There were none.

Chair Heckerorth asked if there were any conflicts of interest or bias. There were none.

STAFF REPORT BY LYNNE KRUEGER. Lynne stated the Port of Tillamook Bay (POTB) has over time proposed developments and obtained permits for conditional uses for recreational as well as industrial uses. The POTB has recognized a need for housing for some of these developments. The M-1 zone does not permit housing as an allowed or conditional use. The Department of Community Development has had discussions with

the POTB to determine how they could achieve their objectives. One suggestion was to put a community boundary around the POTB as well as adjoining residential areas as appropriate in the area. It was determined that the POTB identity as a community would fall into the rural service center. The POTB then proposed different types of zoning or uses. She advised the Commissioners of some changes made in the information packets and application materials provided. The initial name for the proposed Rural Service Center was the Port of Tillamook Bay Community; however, that was deemed to be confusing and with the consent of the applicant, the POTB, the proposed name was changed to the South Prairie Community, the historical name of the area. All documents were modified to reflect the change.

Lynne advised that the applicants held community meetings. They addressed the communities questions and they did try to find out how the community felt. In this process they also, as noticed in the application, identified some areas that met the criteria for inclusion into the Public Service Center. Any one of the sites identified has the right not to be a part of this project. Lynne showed the boundaries on the map and explained the zoning areas which included some rural residential, rural commercial, and primary industrial land in the port. Lynne explained one of the significant advantages is the POTB has developed a master plan. The master plan upon approval will establish new zones in the Rural Service Center. Lynne stated they also worked with DLCD. Overall no negative responses have been received from any of the state agencies.

There are two issues pending resolution. The first is the primary access into the South Prairie Community. A transportation impact analysis was provided by the POTB for the hotel, conference center and golf course over South Prairie Road. The POTB has also requested an access from ODOT directly from Highway 101 onto port property to directly serve the ports development of the hotel, conference center, golf course and residential housing. The second issue is the design and construction of water and sanitary sewer distribution and collection systems to serve the proposed port development. The ports wastewater facility plan indicates that the treatment facility has adequate capacity to serve the ports proposed development together with other development activities that may occur within the proposed rural service center boundary. The proposed South Prairie R-3 zone limits new residential lot size to 20,000 square feet, until such time as all utility infrastructure is in place to serve the higher densities that may be allowed in the rural service center. The 20,000 square foot overlay will be removed once the water, sanitary service, public access and utilities are constructed and in place to support the proposed 150 unit housing development. The City of Tillamook has indicated sufficient drinking water capacity to serve the rural service community.

An adjoining property owner within the SFW-10 zoning district has requested the inclusion of her property into the proposed boundary. Lynne identified the subject property on the map of the proposed boundary. The owner has requested that all, or a portion, of her 14.85 acre parcel be included in the boundary. The POTB has reviewed the request and has not made a formal determination if they can serve all of the property or only a portion of the additional area. The site adjoins the proposed boundary and would provide additional rural residential lands in the boundary, subject to the extension

of water and sewer services to the site. The property owner, not the POTB would be responsible for the design and construction of water, sanitary distribution and collection lines to serve the property.

Lynne stated that the Department of Community Development is recommending that the Planning Commission recommend approval of this application to the Tillamook Board of Commissioners. It does generate a master plan for the POTB which has not existed before and allows the POTB additional growth. She asked if there were any questions.

Commissioner Hoffman asked which development had already been approved. Lynne stated the golf course had been approved. An approval in 1995 allowed the convention center as an outright use for the POTB in the M-1 zone. One area being created is called South Prairie Recreation and Development (SPRD) zone. This zone will contain the area identified on the map as the resort area. The POTB and TCCA are the only two areas in the county that have zoning of M-1, which is designated heavy industry. Chair Heckerroth stated it sounded like there was the possibility of selling of parcels in the service center. Lynne stated that there was potential of the selling of lots in the subdivision. Chair Heckerroth asked how this would work. Bill Campbell explained that the POTB is a separate jurisdiction and a special district. That it is a unique entity and can conduct public business within the law for private and/or profit operations. There was discussion regarding the different areas and uses. Lynne explained the area would remain M-1 (industrial) and they had no specific plans at this time for development. The area on the shown in red is the only area that will RR (rural residential). Lynne showed, on the map, the areas of the two sub-parcels. Commissioner Swan asked how many acres were involved. Lynne stated there was a total of 600 acres for the resort and that 84 of these acres would be used for the residential area. Commissioner Ousele asked what the zoning would be for Sub areas 2 and 3. Lynne stated they will be zoned single family residential with a 20,000 sq ft minimum lot size overlay pending development of the utility infrastructure. There is parcel by the South Prairie store that is a nursery, now zoned R-2, that has requested a zone change to commercial. Lynne advised the Commissioners that the applicant would provide the county with a map, which showed all of the zoning.

Lynne was asked at what point would she recommend approval. Lynne stated they have all the basic information of where the zoning will be. Lynne was asked if there would be any additional parcels added after recommendation was given. Lynne stated she did not believe there would be any other parcels other than those shown. If someone else comes forward they may be accepted into the community at the next hearing. The notices and applications were sent out very early. The parcels, as listed, are currently the ones the POTB wants to include. The owners of these properties may choose not to be involved. Lynne advised the commission that the action recommended needed to be based upon the information currently presented to them. The Board of Commissioners will base their decision on the information presented plus anything new that may be submitted between this meeting and the Board of Commissioners meeting on January 28<sup>th</sup>.

Lynne was asked how this development would affect the county park and the state owned property. Lynne stated they are not affected. It was discussed if the proposal would

change any of the access areas for the county or state. Lynne explained their easements would be like any other and remain as they are and that she had not reviewed anything that would be a concern regarding access. Lynne stated any other concerns regarding these easements or access should be addressed to Mr. Crider.

Commissioner Lovelin asked if Lynne had received any letters of opposition. She stated she had not received any letters of opposition; however, she has had several phone calls of concerns and questions regarding how this proposal might affect the callers. Lynne was asked how the community outreach worked. She explained that the POTB got the list of property owners from Community Development and sent out questionnaires. They held public meetings, with advance notice. They contacted property owners by phone. They re-sent the questionnaire. The POTB received questions and concerns, but no direct opposition. County and state agencies were notified and ODOT was the only State agency that responded. Commissioner Ousele asked Lynne to explain the process if someone wanted their parcel included from this point on. Lynne explained they would need to go through the same process. They would have to notify the POTB, the Department of Community Development and the Board of Commissioners. It would come down to a determination by the POTB if the criteria could be met and if the existing facilities could serve the additional land area.

There were no further questions of staff.

Chair Heckerorth asked for the applicant's testimony setting a time limit of 30 minutes.

#### APPLICANT'S TESTIMONY:

Loten Hooley, Chair of the Port of Tillamook Bay Commission, P.O. box 394, Netarts, OR, 97143.

Mr. Hooley stated this project for the POTB is an economic stimulus. As mentioned earlier the POTB is a unique situation in that they are a public agency with profit ventures. The plan the POTB is trying to adopt preserves the industrial area while opening up different areas for zoning as discussed earlier. The long-term benefits of the plan are protected job growth and an increase in the county tax roll. Currently the property is not being taxed and all the residential area will go on county tax rolls. Mr. Hooley stated the project will create 110 full time jobs. He projected 25 or more of these jobs would be family wage jobs. They would like to see Tillamook become a destination area versus a pass through area. The POTB would like to see this area become a place where people want to be and stay.

Jack Crider, General Manager of the Port of Tillamook Bay was the next to speak. He explained originally this was a 10-year plan and currently the POTB is on year 12. He stated this has been a long haul and that this was the third time they have been before the Planning Commission. In the last 12 years they have had 3 different feasibility studies, market analysis, revenue studies, wetlands determination, wetland mitigation, topographies, industrial land studies, facility plans, airport layout plans, project studies,

traffic studies, and zoning studies. Mr. Crider stated developers would never go through this process. It was up to the POTB and they have spent a lot of resources, time and money. The state also has invested in this project seeing the economic needs of our county and the resources that the POTB has in their properties. The POTB has a lot of property, however not all of it is industrial. The military manipulated a lot of the property creating wetlands. There is also the airport clearance areas which can not be developed.

Mr. Crider explained it started with a golfer that was on the port commission and thought a golf course would be a good use of the property. As the POTB did more studies and more research it became more apparent this was a real good idea. He stated however, until recently the coast was not ready for golf. The POTB also realized a golf course standing alone will not make financially. There needs to be more. The next concept was the idea of the hotel with convention facilities. The plan just grew into a larger package including the residential lots. He stated it would require the whole package to make the plan financially feasible, as one element of the plan will not successfully stand alone. These are taxable lots the POTB will be selling. Mr. Crider stated this is over a 40 million dollar project and will be a tremendous asset to the community. It has taken them over 12 years to put this project together.

Commissioner Lovelin asked, in regards to economic development, if by creating good housing and a golf course would there be prospects for additional industries or would it enhance other parts of the port. Mr. Crider stated that the use of the proposed facilities would attract other users the industrial park which is right next to the airport. Mr. Crider stated there are about 150 lots in the residential area. He further explained the only asset the POTB would be contributing would be for the development of the residential lots. The POTB would not be the ones to develop the golf course or the hotel. He explained they could not sell surplus property.

Robert Price, Independent Consultant, 3935 NE 72<sup>nd</sup> Ave, Portland, Or, 97213 was the next to speak.

Mr. Price has done work a number of times for the POTB. His role is to talk about the unincorporated community, how they will establish boundaries, how they will handle the request by Olga Mery to be included, and any other requests. He will address the county criteria for this plan and the service and utilities. Mr. Price stated this would be the newest of the unincorporated communities in the county. He stated Tillamook County has more unincorporated communities than any other county in the state. At this point the community will be called The South Prairie Community. He explained they had extensive discussions with county staff and obtained a mailing list from county staff for properties around the Port Industrial Park which is about 1600 acres. They sent out more than 125 letter to identified properties letting them know the POTB was thinking about going through a process of developing an unincorporated community and that these property owners might be able to participate based upon whether their property is zoned rural residential, farm or forest, together with a number of other factors. The POTB did not receive much response to the initial notice. The POTB developed criteria to determine properties to include or not to include. It was determined that farm property was not

appropriate. It was determined not to include anyone on the opposite side of Highway 101 because of the difficulty of extending and providing services. They drew the boundary line along Long Prairie Road. They identified many properties on the East side of Brickyard Road for possible inclusion. Most of these properties are already developed and could have water and sanitary services provided to them if they don't have them already. However, the POTB did not receive any interest from any of the people off of Brickyard Road so they omitted was called sub area one. This doesn't mean if there is anyone in this area that wanted to be included they couldn't be. Mr. Price showed areas as discussed them on the map. He spoke regarding sub area 2 which is 8 properties totaling 16-18 acres. They are currently zoned rural residential and have already had the exception to the state wide planning rules taken. Input from some of the property owners in this area stated they would like to be included. They are contiguous and currently served by the Long Prairie Water District. Long Prairie Water also stated they could serve additional property owners. Sub area 2 has been included in the plan. Most of the properties on the South side of South Prairie is in Farm Deferral or SWF-10 or 20 zoning. It was determined to exclude properties that were SWF-10 or 20 because they are too large. Mr. Price discussed sub area 3 and stated they had a lot of interest in this area. The gas station/store and the nursery want to be included. The school wants to be included as they are currently under a conditional use. The POTB can include them and give them a public zoning. The zoning would be SPP (South Prairie Public) providing the school with out right use. The school is currently on a sub surface system and the POTB can provide them with sewer. Mr. Price explained that there would be an area (shown on the map) which would be zoned commercial, allowing future development of commercial businesses to service the area.

Mr. Price advised there would be 150 lots developed upon 83 acres. Each lot being 5,000 sq. ft in size. He explained these lots would not be developed until the POTB was ready to provide water and sewer services. Until the services are ready the area has a 20,000 sq ft overlay area. Ultimately the ports sewer system will allow for extension of service into residential , commercial and other areas. The services can be extended into sub area one, however, the port only received a response from one person so sub area one was dropped. The person that showed interest to the POTB is Olga Mery. She owns 14.85 acres. The POTB reviewed this and suggested to Ms. Mery to include 4.85 acres leaving 10 acres zoned SFW-10. This matches the previous zoning so the 4.85 could be included in the community allowing Ms. Mery some flexibility as to what she wants to do with the remaining parcel in the future. Mr. Price explained the ultimate boundary as shown in this meeting could change before the BOC meeting on the 28<sup>th</sup> as others could send letters wanting to be included or excluded in the community plan.

Mr. Price explained that through upgrades the POTB has done over the last few years on the utility and sewer system it has the capacity to serve other properties as well as properties currently on the system. Water service is provided by the City of Tillamook. Fire and police have said they can service this additional area. All of this community will have services provided. The POTB is supporting Ms. Mery's 4.85 acres to be included in the community. Mr. Price spoke about the economic benefits for the community and it's businesses. He spoke about the need for a convention center in this community and the

economic support it would have. There was a series of discussion between the Commissioners and Mr. Price regarding water and sewer services. Mr. Price explained that the City of Tillamook provided water service to the POTB, South Prairie and Long Prairie districts. The water district for the area would prioritize the water coming to the new development areas. There were no further questions.

Chair Heckerth reminded everyone of the 30 minute time limit and asked that information already received not be repeated.

Jim Sitzman, Independent Consultant, 45937 N. Hartman Rd., Banks, OR 97206, was the next to speak. He wanted to stress the importance that for over twenty years the state program was directed toward Urban Growth Boundaries and protecting farm and forest lands which left areas like this in limbo from being able to develop. The master plan of the POTB gives purpose to this development with adequate facilities and services. He explained they have worked very closely with the state and have had generous support. He stated they are looking very carefully at any potential conflicts and are confident these can be successfully addressed. He explained further that any commercial businesses would not be in competition with the City of Tillamook He wanted to stress this, as it is an important issue.

Mr. Sitzman asked if there were any questions. Chair Heckerth asked how many unincorporated areas Tillamook County had. Lynne answered this would number 13. Chair Heckerth then asked if the previous communities were communities that were already in existence and became unincorporated areas or were they planned as unincorporated areas. Lynne explained they had the historic boundaries from the comprehensive plan however, OARS allow for the creation of communities where they meet the standards. Lynne also explained that South Prairie has historically been recognized as a community but has never reached the size to allow it to have a boundary placed upon it. Lynne explained what determined an unincorporated area. Commissioner Ousele asked for clarification regarding the boundaries. She asked how the process for the boundaries of this community compared with any discussion that went in the establishment of some of the boundaries in other communities regarding time frames, public information and public input. Lynne explained that many of these communities already knew they were communities so the implications were already known. The process of meetings were similar to what the POTB has done. They sent out questionnaires, they received comments, they set up meetings, and went through the process in the newspaper.

Chair Heckerth adjourned for a 5-minute recess at 9:05 PM.

Chair Heckerth reconvened the meeting at 9:10 PM.

Chair Heckerth opened the meeting for public comment with a 5-minute limit. He further asked that information not be repeated.

Richard Stanfill, 4590 Hwy 101 S., Tillamook, OR 97141. He lives directly across from the airport. He stated that in the information sent to him he did not see a big highway plan that would compliment a big program as this. He didn't want the POTB to involve a highway burden on the county or the state. He had another concern, there is port area where the elk spend time. He doesn't see a wildlife plan that addresses the needs of the elk. He further stated they are all neighbors who support the POTB. He asks that the door not be closed to the boundary of who is included and who is not. He feels that this selection might be premature.

Leo Adams, 15250 Trask River Rd., Tillamook, OR 97141. He wanted to address the criteria as he believed it to be inconsistent with the comprehensive plan. He read from the comprehensive plan that portion which supported his position. He stated he believed that the people that did not respond to the POTB did not want to be part of the community and are not in support of the plan. He stated if the site is not suited for development as zoned it should be rezoned to the predominate uses around it which are agriculture or forest. He stated the water and service issues are based on the fact two thirds of the homes would be secondary homes. He was concerned that secondary homes would have property management allowing additional usage of the homes. He stated there should be CCR's and that this should be addressed in them. Mr. Adams was concerned about wildlife being attracted to additional yards and how this could affect the airport. He wanted to know who the private party was working with POTB.

Mr. Peter Kleeman, 6335 Long Prairie Rd., Tillamook, OR 97141. He stated he received very limited notice regarding this project. In the first notice it was difficult to understand what was taking place and was told it did not include him. In the last notice he received he found out he was included. He spoke with others within the perimeters that have not received any information and he was concerned. The last notice he actually got was from his neighbor. He stated there are four private properties at the entry of the POTB and he is one of them. (He showed this area on the map) He felt the advantage to this would be the sewer. Mr. Kleeman wanted to know, beside the availability of sewer, what were the advantages to him. He wanted to know what the cost would be, to him, for updating services. He stated if there are advantages for him and he doesn't have to pay for services then he thinks this is a good thing.

Olga Mery, 7500 South Prairie Rd., Tillamook, OR 97141. Ms. Mery is the one requesting to be added to the area. She wondered if there were any questions for her. She was asked what kind of advantages she saw if she became part of the community. She stated she has 14.85 acres and would like part or all of it to be added so she can develop it. It was discussed the POTB had suggested only taking 4.85 acres. Ms. Mery stated this was acceptable to her however, if it was up to her all of her property would be incorporated.

Jeff Hurliman, 3545 Northwood Way, Tillamook, OR 97141. He came from a community perspective. He is a property owner, a tax payer, and a business owner. He is in favor the development and thinks it is a very positive project for the community. He clarified he is not the insurance agent for the POTB. He is amazed at the perseverance of

the POTB and feels they deserve the fruits of their labors. He is in favor the development.

Lenora Lawrence, Ocean Shores Conservation Coalition, P.O. Box 233, Oceanside, OR 97134. She is testifying on behalf of the Tillamook Chapter of Ocean Shores Conservation Coalition and they are in opposition of the development. They are concerned the property is not compatible with the uses that are currently there. The residential density area is quite low. To make it higher density is incompatible with this area. They believe the purpose of the land use laws was to prevent this type of development. Ms. Lawrence stated this proposal created new zones and that the infrastructure was not available to support it. They are concerned this will create a reduction in industrial land as residential areas are resistant to industrial growth. They believe the land should be kept as an industrial area. She urged the Commission to reject the proposal and create an economic strategy by using the industrial lands. Commissioner Lovelin asked Ms. Lawrence who she represented and who were the Oregon Shores Conservation and Coalition. She stated their interest is state wide, however mostly focused on the coast. She explained she represents the Tillamook Chapter of this organization. Ms. Lawrence was asked if the Tillamook Chapter voted on this resolution. Ms. Lawrence stated yes, they had voted on this. Ms. Lawrence was then asked how many people were in this chapter. She stated she didn't know, that she did not keep copies of the email. She was then asked how many people directed this vote. She stated 8 people are on the steering committee. The commission was trying to determine if this was a personal opinion or the testimony of the Ocean Shores Conservation Coalition Group.

Mel Dean, 9750 5<sup>th</sup> St., Bay City, OR 97107. He wanted to mention some of the success the POTB has had in the pass. He thinks this will speak to the future. The POTB took over the railroad and as a result we now have three operating lumber mills. The Air Museum has been a big success. The jail has been put on the port and this has been a big success. He stated the POTB was doing one of the finest jobs of any port in the State of Oregon and their records show it.

Karen Viehoever, Exec. Director of the Economic Development Council of Tillamook County, 1906-A, Third St., Tillamook, OR 97141. She took a poll of the council members, except for Paul Hanneman who recused himself from this matter, it was the council's opinion this project would enhance the community of Tillamook County. It would provide housing for companies to. It addresses the issue of housing for those relocating. She used Bend as an example in that at one time it was a dying timber town. Her council does not feel that this development infringes on the wellbeing of farm or forest land. She feels this is a good thing for the county.

Larry Bush, 3850 Redwood Way, Tillamook, OR 97141. In April of 2003 he read in the Headlight Herald about the POTB's plan for this site. He has a dozen building sites within two miles of this area. He went to POTB and spoke with Lynne Krueger wondering how a taxing agency could sell home sites using tax dollars. He was told he would receive notice when this situation came up but he never did. He read it in Headlight Herald. His concern is that he has been paying taxes to the POTB for 27 years

and feels they are in direct competition with private citizens.

Chair Heckerath asked if there were any other public comments. There were none.

Chair Heckerath then asked for rebuttals.

Mr. Price explained there is a process to be included later, the boundary isn't fixed and they are not excluding anyone. Mr. Kleeman had asked about cost and advantage. Mr. Price stated the advantage to Mr. Kleeman may have additional development opportunities depending on the size of his property. Mr. Price stated the hookup to any sewer line will be at cost to Mr. Kleeman, the same as everyone else. He addressed the concern of Ms. Mery of including all of her 14.85 acres. If the Planning Commission sees fit to include her entire parcel then they will. He is most concerned about the comments made from the Oregon Shores Conservation and Coalition regarding industrial lands. This project does not use any industrial land. The golf course is being built around wetland and under the encroachment for the airport where you can't build industrial facilities. The residential area and the hotel convention center are being built on upland areas. You don't build industry facilities on upland areas. These are non-industrial lands. There will be plenty of industrial land left for development. The 1600 acres of the POTB industrial park is not all industrial land. It has been made clear the difference between the industrial land and the resort land. Mr. Price apologized to those that didn't get notice. He explained that for those that did get notice and didn't call them, it is hard to explain what this is all about. Two open houses were held and they did what they could to inform the public. This hearing is another means of informing people of the situation. They are very willing to talk to people after this hearing. He stated they have done what they feel is the best possible job to identify this particular community.

Commissioner Lovelin asked who sets the costs of services? Mr. Crider explained the costs for hookup is exactly what the cost is to the port to hook them up. Commissioner Swan stated he still had not heard about what a dollar amount would be. What would it cost to hookup a Single Family Dwelling up to the plant not including the lines. Mr. Crider explained this was a STEP (septic tank effluent pump) system and it would be approximately \$3,000-\$4,000. Mr. Crider stated they did not have a standard hookup fee. It would be whatever the cost is to the POTB. This would be determined by the cost of the pump, tank cost and how much line is involved. There are no set hookup costs.

Chair Heckerath asked for rebuttal from those that had given testimony.

Jeff Hurliman asked if there was a conflict with the POTB being a district and an unincorporated area and who is in charge? Lynne Krueger explained the reason it is not called the Port of Tillamook Bay Community is because of the potential of conflict. Calling it the South Prairie Community keeps it separate. Bill Campbell explained that the POTB will be operating the sewer system and has the authority to operate a waste water system. The POTB Commission has the authority to determine rates and is a rate making body. Within the Rural Service Center Boundary the POTB would have the

authority to provide those services within that boundary. It does not possess authorization outside of that district.

Commissioner Hill stated it didn't feel there was confirmation regarding fees. Bill Campbell explained the POTB indicated it did not have a sewer connection fee. It is in their right to this. The POTB testified they charge what the cost was to the Port. The POTB Commission could change this at any time through the public notice and service process. Bill further explained that the POTB policy appears to be that the cost of service connection to the closest point is born by the property owner.

Commissioner Lovelin wanted to re-address the issue of the public comments stating they did not have enough time or did not receive notice. He felt there needed to be some assurances the proper process was followed. Mr. Price explained they were advised by Lynne they needed to notify the property owners within 250 feet of the boundary. The county generated a mailing list for them and they mailed notices based on mailing list. Mr. Price stated that even though some said they didn't get notice they used the latest assessor records to create the mailing list. Of those sent out only 4 or 5 were returned undeliverable. They held two open houses giving people the opportunity to come and express their concerns and to ask questions. The first open house was held in August at the South Prairie School. The second open house was held in October at the POTB offices. In the letters that were sent out Janet's name, phone and the address was included encouraging people to contact them if they had questions. He had no further explanation as to why anyone within the 250-foot boundary could state they did not get notice. They gave people as much opportunity as they could to come to the POTB with concerns and questions. He stated they have done more then others have done in the application process. He does not know what else the POTB could have done.

Commissioner Ousele asked how the issue regarding water and birds was going to be addressed. Mr. Price answered the concern of birds comes from the FAA as they do not want birds flying around in the flight path. The recommendation was made to what would be the best items to plant so they would not attract a large number of birds or birds that would get into the flight path. Commissioner Ousele asked if there was a reservoir how will you keep the birds out. Mr. Price stated one thing in ponds that attracts birds is the stocking of fish.

Lynne stated the applicant referred to farm and forest deferral. She clarified this is not farm and forest deferral, this is farm and forest zoned. Lynne also stated the applicant included SFW-20 along with the SFW-10. She explained SFW-20 (small farm wood lot 20) is a resource zone comparable to farm or forest and would have not been permitted in the process. Lynne further explained there are three elements that have to be addressed before the POTB can develop the residential. They have to have a traffic study confirming the roads can handle what they want to do. They have to have the infrastructure for water and sewer services. They have to meet capacity and lines have to be in place to remove the 20000 sq ft minimum from the R-3 zoning. This is a very clear standard that has to be met, physically developed and ready. Roads will have to be brought up to appropriate public standards.

Lynne explained the extension of the boundary is an ordinance amendment. The POTB has to go through the same process. Lynne stated the comprehensive plan did identify that the POTB should have a master plan. The comprehensive plan also identified this area as the South Prairie Community but it didn't have a boundary. She explained the wastewater would have to be up and running and capable of handling the development of the entire projected area.

Lynne stated this is not the final time this would be heard. The Planning Commission will make a recommendation. It will then be heard by the Tillamook County Board of Commissioners on January 28, 2004.

Regarding the water and sewer capabilities, Commissioner Heckerath asked Lynne to explain her opinion on the 14.85 acres. She felt if the POTB could support the entire parcel then they could include it. The Department of Community Development wouldn't have a concern with this. Bill Campbell explained if the entire track was to be included there would need to be a determination if the POTB could support the sewer system for this additional development. He explained further they would also need to determine what the point of service would be and what would be the cost. He added that the service is in the South Prairie Water District, and whether there is an agreement between the Port and the District is between them. But again, it becomes a capacity issue and he felt, without looking at it in detail, that there appeared to be adequate capacity.

Bill Campbell went on to say that if it was taken within the boundary, it would create a reserve of acreage for future development. But, he wondered, would it make it more difficult in the future for other properties to come in if that property was undeveloped? This could create a question of need with regard to those properties. Again, Bill said he felt there should be adequate treatment capacity based upon the upgrade of the ports system. The main question would be the cost of collection by the owner for services to that particular property. He added that by going to that higher density it is really a function of having the services in place.

Lynne noted that, at 20,000 square feet, another alternative could be a well system if Olga Mery chooses not to hook up to the system because of the cost to develop on site. She may not have to hook up to the sewer system in order to benefit financially by being able to subdivide her property. Bill added that another premise of the Rural Service Center and the unincorporated community is that the proposed densities are based upon the availability of the sanitary sewer and water services. Lynne said they have the capacity, but in this case they do not have the lines constructed to the property because that is a separate function. However, the system has to have the capacity for every development that occurs on the property.

There was discussion regarding Ms. Mery's property size and that she should discuss it with the Port. Lynne said the Commission could make that part of its recommendation. There was also some discussion pertaining to unincorporated community boundaries.

Regarding establishing such boundaries, Bill explained that it lends greater emphasis to the protection to resource plans in zoned lands because it sets a boundary for areas of established uses and he gave examples.

Commissioner Marti asked who requests unincorporated boundaries. Lynne answered that the county looks at an area and makes a determination. Commissioner Marti asked if there has ever been another Port in Oregon that has done this, and perhaps the members could get a guideline. Bill answered that most of the Ports in Oregon are within incorporated cities. He mentioned the Port of Brookings Harbor and said they did not create a rural incorporated community although it is outside the city limits of Brookings and is within a rural community. He added that it has a sanitary authority for a sewage system and water from the city of Brookings. He also discussed other Ports in the state in regards to their boundaries in relation to the cities involved.

Commissioner Marti also expressed concern about the impact to nearby properties and how close they are to the subject site. Lynne said some concerns will be listed in the covenants to the deed.

Commissioner Lovelin asked staff for their personal recommendation. Lynne answered that staff is in support of the proposed ordinance change and added that she felt it was a good plan and should have been done years ago.

There were no further questions of staff. Chair Heckerath closed the hearing to further testimony and public comment and opened for Commissioner's comments.

Commissioner Hill said he had concerns because of conflicting information, discrepancies, and numbers and gave brief examples. He felt there are too many questions unanswered and a lot of contradictions. He felt the Port's consultants did a sloppy job or are unsure of what they are doing and he thought anything but denial of the request is premature.

Commissioner Lovelin referred to adequate water availability at the site. Lynne referred to a December 18, 2003 letter from the engineer regarding the water. Merrienne said she felt the evidence supports what they are doing. She would also like to see Ms. Mery's entire parcel be included rather than just a portion.

Commissioner Swan stated that he understood Chair Heckerath's concerns, but he felt the proposed project would be great for the community and agreed with Lynne that it should have been done a long time ago. He agreed with Commissioner Hoffman that the entire parcel should be included.

Commissioner Lovelin agreed with Commissioner Swan and said he felt it was a great project and was convinced it was a good idea.

Commissioner Ousele said her concern regarding public process has been satisfied as well as the density and water concerns have been addressed as well. There was

discussion regarding the size of the parcel to be considered, 4.85 acres or 14.85. Commissioner Ousele and Commissioner Marti agreed on the 4.85 acres.

Staff was asked to explain how the parcel would be separated if the Amendment was approved. Lynne said there would be a zone line through the parcel and eventually a minor partition would be needed to separate parcels from the parent parcel with an access to the roadway.

Since it was close to 11:00 PM., Commissioner Swan made a motion to finish this hearing at this meeting. The motion was seconded and carried unanimously

Commissioner Lovelin made a motion that the Planning Commission adopt Ordinance Amendment OA-03-02 to adopt a Community Growth Boundary around the Port of Tillamook Bay and identified parcels which shall be known as the Rural Service Center and to amend the current Tillamook County Comprehensive Plan to include: adoption of the new community boundary, zones and uses, changing the existing zone/comprehensive plan designations on parcels as indicated on the request, and including a minimum 4.85 contiguous acres of a 14.85 acres parcel with more than half abutting South Prairie Road which is Tax Lot 1600, 2 South 9 West, Section 4, and including the parcel along Highway 101 which is now being used as a Scaling Station.

The motion was seconded by Commissioner Swan and it carried 6 – 1 with Chair Heckerroth voting nay.

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

Commissioner Ousele made a motion to for Chair to sign appropriate orders. The motion was seconded by Commissioner Swan and carried unanimously.

**Administrative Decisions:** AR-03-13, AR-03-14, CU-03-13(a), DP-03-33 and GH-03-34. Mailed to the Planning Commission members in November and December included CU-03-21(a), DP-03-22, DP-03-24, DP-03-26, DP-03-27, DP-03-28, DP-03-29, EX-03-05, GH-03-27, GH-03-28, GH-03-29, GH-03-30, DP-03-31, EX-03-06, GH-03-31, MP-03-07 and V-03-08(a)

There was no discussion regarding the above Administrative Decisions.

#### **VI. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT:**

There was a question regarding the wind towers and Bill Campbell said the property owner of the Simpson Resource property indicated that the development of that land was not probable. There was a second request for additional towers on Boise Cascade property which was recently approved administratively.

Bill then gave a summary of Community Development issues which included a change in staff and position tasks. He said staff is going forward with riparian issues and a meeting has been scheduled with LCDC for the following week. Bill added that the Riparian Ordinance is not ready to go to the public at this time, but it is hoped it will be ready by June 1. The department is still going through the process of establishing the matrix which will go through an evaluation to prepare for the final work on it.

## **VII. ANNOUNCEMENTS:**

The county is going to be starting a public outreach of the Transportation System Plan in February that will consist of public meetings with the north, central and south county residents. Bill suggested the members sit in on any of those meetings and get a general feeling of support through public comment.

The next hearing will be probably be with the City of Wheeler in regards to a marina proposed in Wheeler. Bill elaborated on the details.

There was discussion regarding a 180 home subdivision development in Netarts. Lynne said staff has received a pre-application from the applicant, but no application as yet. Staff has been in contact regarding environmental requirements. Bill noted that the department had received approximately 500 more building permit application in 2003 than in 2002.

There was dialogue between Bill and Commissioner Swan regarding revenues and permit fee increases.

### **For The Good of the Order:**

1. Commissioner Swan said he would like to see the restrictiveness to native plants changed or cleared up.
2. Commissioner Swan wondered why should there be 20 foot for back yard setbacks.
3. Commissioner Swan said the notices of meetings sent to property owners should be made more clear because they are so misleading to the layman. Bill explained that much of the notice language is mandated by the state, but he said he would see about including an explanatory sentence.

There was a short discussion regarding the reappointment of two of the Commission members. Bill said the Board extended the terms until such time as they re-appoint or make new appointments.

## **VIII. ADJOURNMENT:**

The meeting adjourned at 11:40 PM.