

**TILLAMOOK COUNTY PLANNING COMMISSION
SEPTEMBER 9, 2004
MINUTES**

I. CALL TO ORDER

The meeting was called to order by Chair Heckerroth at 7:05 p.m.

Planning Commissioners present were Chair Kurt Heckerroth, Merrienne Hoffman, Bruce Lovelin, Charlie Swan, Joan Marti and Terry Jones. Gale Ousele was absent.

Staff present were Bill Campbell, Director, Lynne Krueger, Senior Planner and Bill Holmstrom, Associate Planner.

APPROVAL OF MINUTES: Commissioner Lovelin moved to approve the minutes as read. The motion was seconded by Commissioner Hoffman. The motion passed 5 in favor, one abstained.

II. OLD BUSINESS: None

III. NEW BUSINESS:

CU-04-06:A Conditional Use Request to amend a Planned Development Overlay Master Plan identified as Village at Dory Pointe, located within the Pacific City Unincorporated Community Boundary. This request is to remove the commercial component and seek approval for Phase II, Village at Dory Pointe, 28 lots for single family dwellings.

TENTATIVE SUBDIVISION REQUEST FOR VILLAGE AT DORY POINTE II

Requesting approval of a tentative plat consisting of 28 single-family over 3 acres proposed as "Village at Dory Pointe II" 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.

Chair Heckerroth read the procedure for a Quasi Judicial hearing.

Staff handed out the applicable criteria.

There were no challenges to the Planning Commission

There were no conflicts of interest.

When asked if there were any Exparte contacts Commissioner Hoffman stated she had visited the site but did not interact with anyone. She just wanted to see what the property looked like.

Staff Report: Bill Holmstrom, Associate Planner

Bill H. handed out location maps to the Commissioners. He explained the two different actions that were before them was amendment of the original plan for The Village at Dory Pointe removing the commercial component and approval of the tentative Plat for the Village at Dory Pointe II.

Bill informed the commissioners page 3 of the Conditional Use Staff Report was incorrect as there would not be a commercial component. Commissioner Lovelin asked if this was being taken in a two step process to amend the master plan to remove the commercial component and then take a look at the subdivision. Bill H. answered yes. Commissioner Lovelin asked if the Phase II development was consistent with Phase I in terms of density. Bill H. answered yes. Commissioner Heckerroth asked why they were changing the original plan. Bill H. explained that the applicant did not find the commercial component to be economically feasible. Lynne Krueger advised the original Phase I had sold out and that there was a demand for more lots. Bill H. also advised this was the final component of this development, that there was not any more land available.

Commissioner Lovelin advised Chair Heckerroth he was interested in knowing how the applicant could sell 48 lots in such a quick manner.

Applicant: John DeJong of Sumco, LTD.

Mr. DeJong handed out plat maps to the commission members and for public record. He explained that there has been a lot of new commercial development in this area. He explained that they are in the final stages of completing the improvements on the 45 lots of Phase I, that the streets are paved and the sidewalks and curbs are in. He stated they have ten buyers for every lot. He stated based on the demand and additional commercial development in the area they decided to have all lots be residential. He showed on the plat map the common areas, a pedestrian track and the location of BLM property. He explained there had been discussions with BLM from Pathways in Pacific City to establish a nature walk through the BLM property. He explained the layout of the development using the plat map as reference. Mr. DeJong also corrected that there are 28 lots, not 27.

Commissioner Hoffman asked if Centerpoint Drive went through to Phase I. Mr. DeJong showed the access on the plat map. Commissioner Hoffman commented that the houses appear to front on Cape Kiwanda Drive. Mr. DeJong explained that this was correct, that the houses would front Cape Kiwanda Drive however, they would access from the rear. Mr. DeJong also explained he planned to put a boardwalk along the front for pedestrian traffic. Commissioner Hoffman asked where visitors would park. Mr. DeJong stated they would have to park in the rear. There was discussion regarding the location of the walkway, visitor parking and parking in general on Cape Kiwanda Drive. Commissioner Hoffman had many questions regarding the front right of way and the access to these lots. There was discussion regarding pathways on BLM land as this is where the water system is located. Mr. DeJong stated he thought the water system could be fenced off. Mr. DeJong explained they have provided the access up to the BLM land and that it will be up to BLM if pathways are installed.

Commissioner Hoffman asked if there was a way the houses could not front Cape Kiwanda Drive. She stated she would rather have them front the access and have the back to Cape Kiwanda Drive. Mr. DeJong explained this could be done however, they would prefer to keep the front facing the streets leaving the backyards more private. He also stated this is more consistent with the neighborhood. Mr. DeJong stated he didn't think this was suppose to be an issue unless the commission was to make it a condition of approval. He explained they tried to create a nice streetscape, especially with the planned boardwalk. He stated he doesn't like to see the back of houses. He also stated that this is how new development is being done. Mr. DeJong explained that the front set back would be no less than 20' from the right of way of Cape Kiwanda Drive. Commissioner Hoffman asked if the buyer had to pick the housing plan from the developer. Mr. DeJong stated no however, there will be CCRs that will define what the buyer has to build. Commissioner Hoffman asked if the CCRs addressed fishing boats. Mr. DeJong answered the CCRs state that any RV's or boats have to be kept behind garage doors. There was discussion regarding native shorepine and native vegetation being restored in the buffer. Commissioner Jones asked if fences would be allowed. Mr. DeJong answered only very low decorative fences would be allowed. There was additional discussion regarding parking along Cape Kiwanda Drive. Mr. DeJong explained you couldn't stop people from parking there but it would in the CCRs that parking needed to be in the back for these lots.

Chair Heckerath asked for Public Comments. There were none.

Chair Heckerath asked for comments from staff. Bill Holmstrom wanted to clarify that Tillamook County Public Works will not allow any vehicular access to these lots from Cape Kiwanda Drive and that this is a conditional of approval. Commissioner Jones asked if it could be requested that Public Works post Cape Kiwanda Drive no parking. Lynne Krueger advised this would need to be a separate issue. Chair Heckerath asked if they could ask Public Works to assess the situation. Lynne stated this could be taken as a recommendation from the Planning Commission however, it could not be attached to this application.

Chair Heckerath asked if weed control would be maintained. Bill Holmstrom advised that that portion of the planned development is not being amended. Commissioner Jones asked if there had been any input from the public. Lynne stated the only response was from state agencies.

There were no additional questions of staff. Chair Heckerath closed the hearing to public comment.

Commissioner Hoffman suggested working on the Conditional Use request first. She recommended a motion.

Commissioner Hoffman made a motion stating "Based on the findings of fact in the staff report, I move that we approve of CU-04-06 including the conditions of approval in the report and the previous conditions of approval associated with the planned development."

The motion was seconded by Commissioner Lovelin.

The motion passed unanimously.

Chair Heckeroth asked for discussion on the Tentative Subdivision Request.

Commissioner Hoffman stated she was very concerned about adding additional frontage of homes on Cape Kiwanda Drive. She explained she was concerned cars will park in front of these houses on Cape Kiwanda Drive. She stated this concern was mostly for visitors to these homes, not the homeowner. She said she thought it would be better for this to be the backyards. Chair Heckeroth stated he did not think they could impose restrictions on which direction the house had to be. Commissioner Hoffman stated she wasn't trying to impose anything, that she was just concerned that there would be traffic problems on a 45 mph road and that there would be public safety issues. Chair Heckeroth asked Commissioner Hoffman what she suggested as a solution. Commissioner Hoffman stated this would not be a problem if the homes did not front on the busy street. Commissioner Swan stated he thought this would work well and that traffic is a separate issue. He stated he did not think the commission had the right to impose upon the developer which way the houses lay. Commissioner Jones stated he thought this concept worked well however, parking was a concern for him also. He further stated he would like to see Cape Kiwanda Drive be posted no parking. Chair Heckeroth asked the commission to please stick to the criteria as there was a lot to accomplish. Commissioner Lovelin wanted to confirm there were 28 lots, not 27. Commissioner Lovelin also advised any motion needed to include the ten recommended conditions of approval for the tentative plat.

Commissioner Jones stated on Page 7, recommended conditions of approval of the staff report, it stated there was 12 months for final approval of the plat. He asked for clarification as he thought the time limit was 24 months. Bill Holmstrom stated this had recently been changed and that is 24 months. He recommended that this be correction be included in any motion.

There was no additional discussion. Chair Heckeroth asked if there was a motion.

Commissioner Lovelin made a motion stating, "I move based on the findings of fact and on the staff report approval the Tentative Plat consisting of 28 signal family home sites over three acres proposed as Village at Dory Pointe II Subdivision with the ten conditions listed on page 7 of the staff report with the exception of under condition one that this Tentative Plat approval is limited to 24 months instead of 12 months".

Commissioner Swan seconded the motion.

The motion passed 5 in favor, one opposed.

Chair Heckeroth called a 5 minute recess at 8:15 p.m.

The meeting was reconvened at 8:20 p.m.

AP-V-04-03: An appeal of the Director's decision to approve a request to allow the reduction of the front setback from 20 feet to 10 feet and for an increase in the height to an average of 30 feet to construct a signal family dwelling. This property is located on High Street in the Community of Pacific City/Woods. This variance will maintain all other required setbacks. The property is zoned Pacific City/Woods Low Density Urban Residential (PCW R-1) and designated as Tax Lot 2200, of Section 30AC, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County,

Oregon. Appellant, George M. Kirkham, Applicant Douglas Kellow and property owner Oney Innes.

Chair Heckerth read the proceedings for a Quasi Judicial Hearing.

Staff handed out the applicable criteria.

There were no challenges of the Planning Commission.

There were no conflicts of interest.

When asked for exparte contact Commissioner Hoffman stated she had made a site visit but did not speak to anyone.

Staff Report: Lynne Krueger

Lynne explained this was an application for a variance to the front yard set back of 10 feet and a height variance to an average of 30 feet. Lynne showed the slope of the property on the plat map. She explained the applicant only has approx. 10 feet before the property begins sloping. Lynne explained he purchased the property prior to the ordinance change in Pacific City. She explained there is no one located behind this parcel. She explained the applicant would like to build approximately 16 feet above the road. Lynne stated there is secondary access off of River Rd. Lynne stated she and Mr. Campbell went out to view the site. She explained the fire department did not have any objection to access being off of High St. but he would be required to install a sprinkler system. Lynne advised the Director and staff did approve the 10 foot setback reduction so the house could be placed there and the average height limit of 30 feet. Commissioner Lovelin asked if it had been approved why was it on the agenda. Lynne advised because the decision of approval was being appealed.

Commissioner Lovelin stated the letter from Judith Tucker said their view would be obstructed if the height variance was granted and that it was his understanding Lynne had stated there would not be obstruction of anyone's view. Lynne explained there are parcels that have not yet been developed. There was discussion regarding how the height is measured. Lynne advised there was a diagram of how the structure would look in their packet. She explained the property would be hillside in the back and that it would not exceed 16' above the road. Commissioner Jones asked how off street parking requirements would be met. Lynne answered there would be a parking deck. Lynne advised that Public Works did not have any access concerns. Commissioner Swan stated he was confused regarding the height restriction. It was explained the additional height would bring the structure 16' above the road and that would not be higher than the house next door.

Commissioner Lovelin said there was a letter that suggested this lot had been back filled with considerable fill and asked Lynne if this was correct. Lynne answered this was correct. That one of the conditions of approval was they had to go natural grade to measure the height of the house. Mr. Campbell advised it was the lot next door that had the fill. Mr. Campbell explained how the slope and the height worked.

Commissioner Lovelin asked if there was concern that this undermined the county height restrictions. He stated it seemed we were moving away from the height restriction rules. Lynne explained all the criteria had been met and that if the lot had been flat a variance would never have been approved. Lynne further explained if the

lot had been purchased after the height restriction was done the outcome may have been different Commissioner Lovelin stated he wanted to make sure the rule was understood by everyone and that they are applicable to everyone. Lynne said it that it does make a difference if the rule is different before, that when the property was purchased in 1993 the ordinance did not exist. Commissioner Lovelin stated he was sure there were a lot of ordinances that aren't as restrictive as they are now. Commissioner Lovelin wanted to know if staff could be consistent is how they applied a variance request of a height ordinance. Lynne stated she felt the applicant was consistent in his application. She explained in this case there was a dimensional concern. She said there is a secondary access however, part of the purpose in Pacific City Heights is the view. Chair Heckerth asked if this was the only option to build on this lot. Lynne answered no, he could build on the lower level. Lynne explained what the applicant wants is the same right to enjoy his property as his neighbors.

APPELLANT: George Kirkham, 35555 High Road, Pacific City.

Mr. Kirkham explained his property is straight across from this property on High Road. He gave a packet of pictures to the commissioners and for the record. Mr. Kirkham stated he had no quarrel with the height variance. He said the profile allows for moving the structure 10 feet to the West. Mr. Kirkham said they didn't realize access to the structure would be from High Road. He explained there are 11 homes on High Road already built within the 20 foot setback. He stated there is a house being built right next to this one and their setback is 20 feet. Mr Kirkham showed on a map how the property would stick out in a 10 foot setback. He said it would be too tight. Commissioner Lovelin asked Mr. Kirkham if there was a 20 foot setback did he think the house could still be built. Mr. Kirkham answered yes, definitely. Mr. Kirkham stated there is a reasonable alternative, he could build within the 20 foot setback. Mr. Kirkham explained how the neighbors would not be able to see when pulling into and out of their driveways. Mr. Kirkham again stated it was not the height that was the concern, but the setback. Commissioner Jones asked if the house was built back 20 feet would he be willing to allow the additional height of three feet that would be lost. There was discussion regarding how the building height would vary if the setback was different. Mr. Kirkham was asked if this was an acceptable alternative. He answered yes. Commissioner Jones then asked Mr. Kirkham if parking was the only concern. Mr. Kirkham answered parking is the main concern however, there is also a concern regarding height. Commissioner Jones asked if there was access from River Rd. could the applicant keep the 10 foot setback, as there would not be a parking concern. Mr. Kirkham answered no, that they do not want this house sticking out 10 feet more than the others. Chair Heckerth asked Mr. Kirkham which of the criteria did he feel was not being met. Mr. Kirkham answered item 1 which states "that there are reasonable alternatives" and item 2 which asks "does this effectively not preclude enjoyment of a substantial property right by the majority of property owners".

APPLICANT: Oney Innes, PO Box 374, Pacific City

Mr. Innes submitted pictures to the commissioners of Mr. Kirkham's house and of the house across the street. He stated the vegetation along Mr. Kirkham's house is grown over and that if Mr. Kirkham was concerned about visibility coming out of his

driveway he should start by cleaning this up. He stated that Mr. Slone across the street did not have any objection to the 10 foot variance. He explained that as he gets older he does not want to have to climb a lot of stairs to the main story of his house and this is the main reason for the request his variance. He stated Lynne Krueger and Bill Holstrom came out and visited the site several times to help come up with the best solution on how to build this house and not obstruct the view to the property across the street. Mr. Innes stated Mr. Kirkham is not directly across the street from him as was stated, it is three houses to the South. Commissioner Hoffman asked what was directly across from him. Mr. Innes stated it was a vacant lot. Chair Heckerth asked if he had to move the house back to the 20 foot setback could he build the house. Mr. Innes answered it would cause the height to be approximately 33' as you have to dig down and this would cause the foundation to be at to be at least another 3 or 4 feet deeper. Commissioner Lovelin asked if they granted a 33' foot height variance but kept the setback at 20 feet would this work. Lynne answered part of it is accessing off of High street. She explained he would still have to have the variance because there would still be a structure at 10 feet that would go to the house at 20 feet. She stated this structure would be a parking deck. Commissioner Lovelin stated he thought it could be back filled. Lynne said it would add to the cost of the structure. Mr. Innes explained if he moves the house down another 10 feet that the retaining wall would be enormous and there probably would have to be pilings driven in. Commissioner Lovelin asked Mr. Innes if he would consider examining what the additional costs would be and coming back the Planning Commission. Mr. Innes answered it would probably add another \$30,000-\$40,000 to the cost of the structure. Mr. Innes stated he think didn't think the structure would be as safe with additional back fill behind it because of the amount of water that comes down the hillside during the raining season.

Mr. Innes talked about having a two car garage so there would be off street parking.

Commissioner Hoffman asked if he was planning to put in a garage. Mr. Innes answered yes, off of High Street there would be a two car garage. Commissioner Heckerth asked where the garage would be located. Mr. Innes answered it would be on the North end.

There were no public comments.

Rebuttal by the Appellant: Mr. Kirkham stated if you move the structure 10 feet further back there would still be the same earth load. He stated that backfill would be necessary to bring the parking deck up to the structure. Mr. Kirkham said the structure is very much like many of the houses in Oceanside. Mr. Kirkham acknowledged this was a very steep slope and that three stories would be necessary. He commented the neighbor next door conformed the foundation of their structure accordingly without any problems.

Lynne Krueger stated the neighbor next to Mr. Innes did not have the same deep slope and has less of a foundation required, as it is a single story structure. She asked the commission to look at exhibit 2 of the drawing submitted and to note the ground is approximately 30 feet before you get to the house from the pavement. She explained this is a 50-foot wide easement. The road is 20 feet from the property line.

There were no questions of staff.

Chair Heckerath closed the meeting to public comments.

Commissioner Swan stated he is always concerned about the view shed. He stated this property could obstruct the view and does believe it there is a concern. He further stated if it is an encroachment on the neighbors being ten feet off then this should be addressed. Commissioner Swan said that if it doesn't really matter there could be bridge or some additional fill. Commissioner Swan stated he could not tell if a 10 foot set back would be an encroachment of the neighbor unless he went and looked, that he couldn't tell by what he had heard this evening.

Commissioner Hoffman stated she had viewed the property. She said that there is a house under construction to the north and a vacant lot to the south. She stated these are very broad lots. She stated she did not see how the approach of one house would impact the next. She explained there is not a driveway across the street from this property. There was discussion between staff and the commission regarding the road approach from different lots on the road.

Commissioner Lovelin suggested going over the 4 points of the applicable criteria to see if they had been met by the applicant. He stated this is the criteria that needed to be addressed in order to make a determination. Commissioner Jones asked what were the commissioners trying to determine. Lynne advised they needed to either uphold the decision of staff and deny the appeal or overturn the decision of staff and approve the appeal. Commissioner Lovelin addressed item #1 of the applicable criteria. Lynne explained that "the right" meant the right to the view. Commissioner Lovelin read #2 of the applicable criteria. Lynne explained the applicant wants to put a house in the residential zone. Commissioner Lovelin read #3 of the applicable criteria. He stated that this does preserve the right of adjoining land owners. Commissioner Lovelin read #4 of the applicable criteria. Commissioner Lovelin said that this is the question to address and determine if there is a reasonable alternative. He stated if they don't allow the 10 foot setback and keep it at 20 feet, then they need to determine if this is a reasonable alternative. Commissioner Lovelin further stated he did not believe there was enough information to make this determination. Chair Heckerath stated he also thought item #4 was an issue and that moving the setback to 20 feet seemed to be more of an economic issue. Chair Heckerath questioned if "reasonable" was the cost to the applicant to build farther back. Commissioner Lovelin suggested two options for the commission. He suggested the first option was to uphold the decision of staff and uphold the variance request or stay the decision and ask the applicant to come back with cost estimates and a reasonable alternative. Lynne stated that in this case the variance is for a number of reasons regarding the original setback. She explained it is not a reasonable alternative to require the 20 foot setback. She further explained they needed to either require the 20 feet setback or determine that the 10 foot setback is reasonable. Commissioner Swan stated he can not decide at all what is reasonable and suggested to continue this issue until everyone can make a site visit. Lynne explained they could close to public testimony and come back to make a decision.

Commissioner Hoffman asked how many of the members were prepared to make a decision. Commissioner Jones suggested imposing the conditions that there be a two

car garage and one parallel parking area. Commissioner Jones stated this would solve the parking concerns. Chair Heckeroth stated he still had the question of how to assess “reasonable”. He stated they know that there are alternatives. Chair Heckeroth asked if anyone had a motion. Commissioner Hoffman made a motion to uphold the Director’s Decision of Variance request V-04-03(a)

with the conditions in the initial approval including the testimony in the staff report and condition on the fact it has a two car garage. Chair asked for a second. Commissioner Jones said he would second if the condition of one additional parking space could be added. There was not a second to the original motion.

Commissioner Lovelin made a motion they continue the discussion on AP-V-04-03(a) until the next meeting of the Planning Commission and hold the record open. Commissioner Swan seconded the motion. Motion passed 4 in favor and 2 opposed. Chair Heckeroth advised the hearing is continued and that the public comment period remains open through the next meeting. It was decided the commissioners would all do an individual site visit prior to the next meeting. The applicant and the appellant were invited to come back at the next meeting October 14th.

Chair Heckeroth adjourned to a ten minute recess at 9:40 p.m.

Chair Heckeroth reconvened the meeting at 9:48 p.m.

CU-04-09: A request to allow a ten room motel located in the Commercial Oceanside Zone (COS), on property accessed from Pacific Avenue in Oceanside. The proposed motel location is designated as Tax Lot 5200 of Section 30BC, Township 1 South, Range 10 West of the Willamette Meridian, AKA the Anchor. The proposed parking location for the project is designated as Tax Lot 3902 of Section 30BB, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Camden Inns, LLC, applicant and property owner.

Chair Heckeroth read the criteria for Quasi Judicial hearings.

There were no challenges of the Planning Commission.

When asked for conflicts of interest Chair Lovelin stated he is a resident of the Netarts area and considers Netarts and Oceanside to be similar communities. He explained he is in the resort or rental of property business however, did not believe that would create a conflict of interest for him. Commissioner Lovelin stated he could make a decision based on the merits and criteria without bias.

When asked for Exparte contacts Commissioner Jones stated he did a site visit to both sites but did not have any contact with anyone. Commissioner Hoffman stated she did a site visit. Commissioner Lovelin stated he had two phone calls. He explained one phone call was from a person of the public that wanted to know how best to comment at the hearing. Commissioner Lovelin said he advised this person that there was criteria that would be followed. Commissioner Lovelin stated the second phone call was from Mr. Camden and that Mr. Camden was very clear not to talk about the merits relating to this issue however, Mr. Camden did talk about his concerns with regards to the process of working with Community Development Planning. Commissioner Jones stated it had slipped his mind, but he had also had a phone call

from Camden. Commissioner Jones said he immediately told Mr. Camden he could not discuss the project. Commissioner Jones said they talked about how the hearing would be run but that they did not discuss the project at all. Chair Heckerth asked Commissioner Lovelin what his response was to Mr. Camdens' call. Commissioner Lovelin answered he appreciated that they did not talk about this application. Commissioner Lovelin said he was curious in asking the questions in relation to his concerns about the process. Commissioner Lovelin said they concluded that even this was appropriate discussion. Commissioner Lovelin said he told Mr. Camden if he had concerns about the process or working with Community Development he would need to take these concerns to Mr. Campbell or the County Commissioners.

Staff Report: Lynne Krueger

Lynne began by explaining this application has two sections to it. The first part is the parking and the second part is the hotel/motel. She explained at first the hotel/motel addition was for 12 rooms, then modified down to 10 rooms and that one of the issues that resulted was the necessity of having off street parking. Lynne further explained this was a new use and that the ordinance required one parking space for each room. She explained the applicant did explore other options for parking however, there was nothing available in the commercial zone on a permanent basis.

Lynne showed on the plat map the parcel Mr. Camden did find for use. She explained this parcel accesses from Hillcrest and is approximately 5000 square feet. Lynne stated there is an existing easement for access to the next parcel.

Ms. Krueger asked the Planning Commissioners if they would look at the parking issue first and the hotel/motel issue second. She explained the parking will be for ten units and the request is made because there is not available parking in the commercial zone. She further explained this parcel would not require excavation, that it is already flat. She stated this area is residential. Lynne said this parcel is appropriate in regards to size for the parking and that the parking is accessory, or subordinate, to the primary use of the Anchor. Lynne explained the ordinance does not state if the accessory use has to be zoned commercial but that it does state the use has to be compatible. She stated the parking lot would have some restrictions regarding landscaping. Lynne said Mr. Camden had stated the lot would have landscape level lighting which is 12-18 inches off the ground. She said the lot would be gravel with the appropriate landscaping and that there could be a gate so only the appropriate people could gain access.

Ms. Krueger explained the primary area of concern is that this is a commercial use within a residential zone. She explained this is an accessory use to a commercial business and that there is not any money being made from this parking lot. Lynne talk about the two site visits she made to the area and the difference in the parking situations on the narrow streets. She explained how this lot would be tied by deed to the Anchor parcel and that neither piece could be sold separately. Lynne explained the applicant does have some parking on the lot next door, however it has a lease with the fire department and can be cancelled at any time. She explained further the conditional use requires a permanent easement, something he can not lose. Lynne explained the first part is the issue of parking and that the second issue is the expansion of the Anchor going up another floor meeting the 35' height.

Commissioner Lovelin asked if this was expanding the footprint of the building. Lynne answered there is some moderate expansion in the back of the building to meet ADA requirements but the primary expansion will be up. Lynne explained one part of the request can not be approved without the other. She explained the parking has to be approved in order for the expansion to be approved.

Commissioner Lovelin asked if the applicant had applied for fewer than 5 rooms would that be acceptable as an existing use. Lynne answered no, that it would still require a Conditional Use with off-site parking. Commissioner Swan asked Lynne to explain the parking issue again. He asked for clarification of the parking being ok for commercial use even though the lot is in a residential zone. Lynne explained it was about capability. Mr. Campbell explained the use allows for accessory use without the primary structure. Mr. Campbell stated Mr. Camden had explored other options for parking and none was available. Commissioner Jones asked if they could make it a condition of approval that the overnight guests had to park in the parking lot and could not park on the street. Commissioner Lovelin stated that after reading the letters that came in it is apparent the level of opposition is extreme. He wanted to know how staff could make a decision of approval as the impact of this lot affects a lot of people. Lynne answered that there were a lot of individuals that had concerns however, she did not find very much supportive data to support those concerns. Commissioner Lovelin said one letter asked him how he would like this parking lot in his neighborhood. He stated he wouldn't like it one bit but didn't know how to address this question using the applicable criteria. There was discussion regarding the parking in Oceanside regarding congested streets and people parking wherever they want. Commissioner Hoffman asked if they could approve the addition to the tavern and waive the requirement for parking. Mr. Campbell answered he thought they could approve one and waive the other. He spoke about the challenge of parking, accessibility and the ability of emergency vehicles to get where they needed to be.

Commissioner Lovelin asked if staff thought this was consistent with the Oceanside Community Plan. Lynne answered yes she did think this was consistent with that plan.

There were no additional questions of staff.

Chair Heckerath advised the audience that there was a process that needed to be followed. He asked everyone to be polite and to wait to speak until it is their turn. He advised the applicant would have 15 minutes for his presentation and that public comment would be limited to 3 minutes each.

APPLICANT: Steve Camden, President of Camden Inns, LLC., P.O. Box 321, Oceanside, OR 97134.

Mr. Camden submitted pictures to the commission for public record. Mr. Camden explained originally had planned to use the upper floor of the tavern as a real estate office. He stated they went back to staff to see about using the upper floor for 4-5 units and addressing the issue of ADA requirements. He explained first they look North and South of the property to find parking. He said there is none to the South and that the property to the North would cost \$4500 annually to lease from the fire department. He explained that because the fire department can't predict

when this space would be needed there is a 90 day cancellation clause. Mr. Camden spoke about the search for parking and finding the current location. He spoke about some of the design elements they intend to use for the building and how they will address the ADA restrooms.

Mr. Camden talked about issues that were raised at the Oceanside meetings and stated he thought these could be mitigated by using low level landscape lighting and nature vegetation. He said they would have valet parking only and that there would be card key access only to the parking area. He spoke about how they would address car alarms that might go off by having call numbers. Mr. Camden said this parking solution is the best of the best.

Commissioner Jones asked where the gate to the parking lot would be located. Mr. Camden answered there were two options. He said they could give a key to the easement owner or they could be the gate on the property line. Chair Heckerth asked if they had approached the easement owner. Mr. Camden stated he had only seen this person at the association meetings. Commissioner Lovelin asked about property lines and the potential of parking south and north of the Anchor Tavern. There was discussion regarding ADA requirements for the motel. Commission Lovelin asked Mr. Camden if he was concerned about the amount of community opposition. Mr. Candem said he was very concerned however, this was the best reasonable solution that worked under the code. There was discussion regarding the second floor accessing from Tillamook.

Chair Heckerth stated since it was after 11 pm there needed to be a concensus to continue the meeting. All commissioners agreed to go forward and cut off at midnight. Chair Heckerth said that it was apparent a decision would not be made in this meeting and it would be continued. It was agreed the people that came from out of town would get to speak first.

PUBLIC COMMENT:

Dave Vanspeybroeck, 1652 Chinook, Oceanside. He said he believed Mr. Camden was trying to do all he could to make this attractive however, this is not an allowable use. He stated this would hurt property values. He talked about the ROS zone and the acceptable uses. He disagreed that this was allowable in the OCP and read pieces from that plan.

Thomas Gilstrap, 1615 Hillcrest, Oceanside. He gave a map to the commission for the record. He said he owns tax lot 5800 and is next door to Mr. Camden. He is opposed to the parking lot as it does not meet the criteria. He said he thought property values would decline. He said he had a lot for sale and that the buyer wanted to build a single family home. When the buyer was notified of this application the buyer said he would not buy the lot if the parking lot was approved and would want his money back. Mr. Gilstrap submitted a copy of the real estate addendum to the commission for the record.

Caara Gilstrap. She stated the road is not suitable for this kind of traffic. She spoke about the easement being only 20 feet wide. She stated whoever builds on house on their lot will be looking directly down on this parking lot. She spoke about the definition of structure and that she did not think a parking lot was a structure. She

said the applicant has failed to provide a market analysis. Chair Heckerroth asked how this did not meet the criteria. Ms. Gilstrap stated this use it is not suitable and that it will alter the character of the neighborhood.

Maryann Pulse, 1615 Alder, Oceanside. She went over the ordinance that was posted on the board. She said the lot does not conform to the zone. She stated the residential zone is a place for people to reside and a parking lot does not conform to that. She talked about the property being permanently tied to the commercial parcel and that she did not think this was an accessory use. She made reference of a letter from Mr. Camden dated August 8, 2004.

Jim Morgan, 1655 Hillcrest, Oceanside. Mr. Moran stated his house abuts the lot proposed for the parking lot. He said they are not opposed to expansion of the tavern but are opposed to the parking lot. Commissioner Jones asked Mr. Moran what he thought the solution would be. Mr. Moran stated he didn't know, but that this wasn't it.

Richard Balsiger, resident of Oceanside for 20 years. He stated there are only 2 weekend rentals on Hillcrest and that they know who is coming and going from these properties. He spoke about the proposed low level lighting for the parking lot and that this will not prevent vandalism. He said the properties around the area will be looking down on a lighted lot and that this destroys their view. He said a parking lot is not an accessory use to a motel that it is primary use.

Craig Swinford, P.O. Box 202, Oceanside, OR 97134. He read a letter he had previously submitted to the commission.

Joe Randall, 1350 Pacific Ave., Oceanside. He read from a letter he had previously sent. He suggested granting Mr. Camden the addition of 5 rooms and have him use the adjacent parking he has already arranged. He stated he thought the parking lot would do extreme damage to the neighborhood. He urged the commission to accept this compromise.

Nelson Corbett, 1555 Hillcrest, Oceanside. Mr. Corbett stated he liked the idea of the improvements for the Anchor. He said he was more concerned about the parking and that the parking lot did not meet the criteria. He submitted a letter from a local appraiser.

Ed Gorzynski, 1520 Alder, Oceanside. He spoke about the OCP and how it came together. He asked the Planning Commission to deny the parking in a residential area.

John Redmond, 1570 Hillcrest Ave., Oceanside. He recommended to the commissioners read the OCP and to see if a parking lot in a residential zone works.

Debra Corbett, 1555 Hillcrest, Oceanside. She talked about the letter from the appraiser. She talked about property values and the opinion the appraiser had. She talked about the extra dust additional traffic would cause and that she was concerned about the livability.

Joe Stephens, 5405 Birch, Oceanside. Mr. Stevens talked about his front deck looking directly down on the proposed parking lot. He addressed the statement Lynne made regarding lack of evidence submitted to support opinion. Mr. Stevens stated he

wonder how he could give evidence of his lack of enjoyment of his home that may result from the parking lot. He stated burden of proof should be on the applicant and that Mr. Camden should show them that their concerns are not well founded.

Chair Heckeroth stated it was after midnight and a determination needed to be made of when to continue. There was discussion regarding available dates.

Chair Heckeroth let Mr. Vanspeybroeck talk again as he had a point he wanted to make. He stated the solution to the parking problem in Oceanside was to enforce the existing rules not to create additional problems.

Chair Lovelin made a motion to continue the public hearing to the next regular meeting of the Planning Commission on October 14, 2004 at 7 p.m. Commissioner Swan Seconded.

Commissioner Lovelin asked Mr. Campbell to provide some additional information regarding accessory structures. Commissioner Jones asked if they could get the opinion of County Counsel. Commissioner Lovelin asked staff to explore additional options for parking.

Commissioner Swan made a motion for authorization for Chair Heckeroth to sign appropriate Orders, if necessary. Commission Hoffman seconded. Motion passed unanimously.

The meeting was adjourned at 12:25 p.m.

APPROVED AS CORRECTED.

KURT HECKEROTH-CHAIR

RECORDING SECRETARY:

Pat Affolter

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