

**PLANNING COMMISSION MEETING
OCTOBER 14, 2004
MINUTES**

I. CALL TO ORDER

The meeting was called to order by Vice-Chair Gale Ousele at 7:05 p.m. Planning Commission members present were Gale Ousele, Merrienne Hoffman, Bruce Lovelin, Terry Jones, and Charlie Swan. Commission members absent were Kurt Heckerth and Joan Marti. Department of Community Development Staff present were Bill Campbell, Director and Lynne Krueger, Senior Planner.

II. APPROVAL OF MINUTES: September 9, 2004.

Vice-Chair Ousele stated on Page 5, fourth line down under Staff Report, the word “one” needed to be changed to the word “ordinance”. On page 6, 14th line down under Appellant, the word “asked” needed to be changed to “house”. Commissioner Lovelin made a motion the minutes be approved as amended. Commissioner Hoffman seconded the motion. The motion carried unanimously.

III. OLD BUSINESS:

CONTINUATION FROM SEPTEMBER 9, 2004 OF 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 single-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 is 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.

Vice-Chair Ousele read the procedure for a Quasi Judicial hearing. There were no challenges of the Planning Commission. There were no conflicts of interest.

Vice-Chair Ousele and Commissioner Swan both stated they had made a site visit but did not have any Exparte Contacts. Commissioner Lovelin stated he did not do a site visit.

Bill Campbell stated there had not been any additional public comments received.

APPLICANT: Douglas Kellow, PO Box 335, Pacific City, OR 97135

Mr. Kellow stated that he is a professional licensed land surveyor working for Mr. Innes. Mr. Kellow handed out to the commission members larger maps of the

area. He explained that the original intent of the variance request was to be able to have direct access off of High Road. He stated the lot does have double frontage from High and Riverview roads. Mr. Kellow advised how this lot sits down in a basin and is a unique situation to Pacific City Heights. He stated the intent of the owner was to build a structure that accessed from High Road and to have some view. He explained the finish peak would be 16' feet above the road. He stated the reason they were asking for a 10 foot setback was to provide for a direct driveway leading into the garage for the structure. Mr. Kellow explained if the setback was at 20 feet that a bridge and a retaining wall would be required to access the garage at an additional cost of \$37,000.00 to the owner. Mr. Kellow stated the owner would retire here and needed the access from High Road so he wouldn't have to climb stairs to the main level.

Mr. Kellow went over the topography of the property stating the additional height was needed for the owner to enjoy the view. He explained the slope of the property using the maps submitted for public record. Commissioner Jones asked Mr. Kellow what the distant was from the house to the edge of the road. Mr. Kellow answered approximately 30 feet. Commissioner Jones asked if the setback was at ten feet where would the garage be. Mr. Kellow showed the location on the map. Mr. Kellow stated under Tillamook County's Land Use Ordinance Section 5.010 there is an exception automatically allowed to any lot that is 7500 square feet or less to reduce to a ten foot setback. Mr. Kellow explained that because of the topography and existing conditions this lot meets the criteria. Commissioner Jones advised Mr. Kellow that the big issue is parking. Mr. Kellow stated the owner would have an off street parking site on the lower level off of Riverview.

There was discussion regarding "reasonable alternatives". Commission Lovelin stated he didn't know if the additional cost of \$37,000.00 could be considered as a reasonable alternative. Commissioner Lovelin also talked about the additional height would not impact any neighbors. There was discussion regarding the statement from Mr. Kirkham at the last meeting that he did not have a concern with the height variance.

APPELLANT: George Kirkham, 35555 High Road, Pacific City, OR 97135

Mr. Kirkham submitted several photographs for the record showing different setbacks and how parking was on these lots. He spoke of the parking concerns and how parked cars at a ten foot setback would block the view of on coming traffic. Mr. Kirkham stated that he is opposed to the setback variance but does not have a concern with the height variance. Mr. Kirkham stated that he challenged there would have to be a bridge if the setback was at 20 feet, explaining that this access could be built on fill.

Commissioner Lovelin confirmed with Mr. Kirkham that his concern was with the setback and not with the height. Mr. Kirkham answered that this was correct.

There was no additional testimony.

Lynne Krueger commented that she had reviewed what Public Works had requested for access from High Road. She stated they need to receive the appropriate road approach application, complete, with a detailed plot plan and an explanation of how the drainage would be handled. Lynne commented further that this is standard process for all road approach permits and that Public Works did not request anything additional. Mr. Campbell stated that High Road is a 50 foot right of way and that the travel surface would be 18 feet total, leaving 17 feet on both sides of the road.

Mr. Innes showed the commission on the map where the two car garage and access would be. Mr. Kellow stated there was already a road approach in place for access from Riverview Road.

The meeting was closed to public testimony.

Commissioner Swan talked about his site visit to the property and stated there was tons of room and that there would be no problem with a ten foot setback. Commissioner Jones stated that there would still be 30 feet from the edge of the garage and he agreed with Commissioner Swan.

MOTION:

Commissioner Swan made a motion to support the staff findings, the facts and all the information they have, and the actual view from observation, and uphold the staff approval of for the ten foot setback and the height variance and deny the appeal for AP-V-04-03. Commission Hoffman seconded the motion. The motion was carried unanimously.

CONTINUATION FROM SEPTEMBER 9, 2004 OF 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 3901 of Section 30BB, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Camden Inns, LLC, applicant and property owner.

Vice-chair Ousele read the procedure for a Quasi Judicial Hearing. Staff handed out the applicable criteria.

Vice-chair Ousele advised that we were in the middle of the hearing and that at the end of the last meeting Mr. Campbell was asked to give an interpretation of the Oceanside Community Plan and an investigation of Oceanside parking issues and alternatives.

Commissioner Lovelin stated in regards to Exparte Contacts, (Vice-chair Ousele apologized that she had forgot to ask), he had been contacted by Ron Rosenberg asking about the Planning Commission process. Mr. Rosenberg told Commissioner Lovelin that the property which Mr. Camden leases from the fire dept. for parking had been donated to Tillamook County by Mr. Rosenbergs' family. Commissioner Lovelin said he suggested Mr. Rosenberg to come to the meeting and advised that Mr. Rosenberg was in the audience.

There were no challenges of the Planning Commission.

There were no conflicts of interest.

There were no other Exparte Contacts.

STAFF: Mr. Campbell handed out photos of parking in Oceanside and placed on the board a GIS map of Oceanside. He showed the different zoning areas on the GIS map explaining where the location of the commercial properties, parking areas and some of the streets which run through Oceanside. Mr. Campbell talked about the areas owned by State Parks and the different areas of off street parking. He spoke about encroachments in the public right way from retaining walls. Mr. Campbell pointed out that the Oceanside Zoning provisions state that parking for residential and commercial uses will be in the state parks. Mr. Campbell said that he spoke with state parks and that they stated they were not sure parking on state land could be sub-leased or if there could be signage restricting parking during certain hours or with time restrictions, however, they are investigating and are willing to help if they can.

Mr. Campbell spoke about public policies as provided in the Oceanside Community Plan (OCP). He stated that he did not see any specific limitations. Mr. Campbell stated the interpretation he makes regarding the parking issue is that without a primary residence it would be subject to a Conditional Use permit and a hearing determination by the Planning Commission.

Mr. Campbell then addressed the second issue regarding the alternatives for parking. Mr. Campbell asked ODOT if there could be signage posted on Hwy 131 limiting the hours of parking. He stated ODOT answered yes that this could be done upon application made by the county. Mr. Campbell spoke about time limitations allowing a greater turnover of available parking. He then talked about a meeting he had with Oregon State Parks and Recreation for determination if they are interested in partnering with the county, the Oceanside commercial business and ODOT to expand and enhance the wayside parking. Mr. Campbell stated State Parks is in the process of researching these options. Mr. Campbell then spoke about different locations and types of parking, stating what some of his recommended alternatives were. He also spoke about some of the different funding options.

Mr. Campbell spoke about the area Mr. Camden has licensed from the Fire Dept. He also stated that a parking structure possibly could be built on top of this building for 4-5 cars without impeding traffic. Mr. Campbell also addressed some of the congested parking issues of Oceanside. He commented that the OCP stated the state park would be designated for off street parking however, the plan can not designate state park land as the designated off street parking location without the consent of State Parks and Recreation. Mr. Campbell then addressed the question if the OCP is creating a standard that can not be met. He commented he is not certain the OCP can be met. Mr. Campbell talked about single family residences being used as rentals increasing the occupancy beyond the design for single family occupancy that increases the demand for additional parking. He stated this could be argued if this is a commercial use. He stated this is not a concern just in Oceanside but in the entire county. Mr. Campbell then spoke about the issue of parking in public right way. He stated that cars in the right of way block the access for emergency vehicles.

Mr. Campbell advised the Planning Commission that they could concur with his interpretation that by a conditional use you can allow commercial parking in a residential zone, or they can disagree and form their own interpretation, or they could defer and set the parking issue aside.

Mr. Campbell advised the Planning Commission that the first part to address is the expansion of the Anchor Tavern, not the parking issue. He stated under 6.06073, Article 6 of the Land Use Ordinance for Tillamook County authorizes and empowers the Planning Commission to modify or to waive standards, including off street parking requirements under a Conditional Use.

Commissioner Lovelin asked Mr. Campbell to speak more about the process of the ability for the Planning Commission to waive the parking requirement. He asked Mr. Campbell if overnight parking in the state parking area was prohibited. Mr. Campbell responded that there is no posting regarding overnight parking at this time. Mr. Campbell explained that it is not the commercial use creating the parking challenges in Oceanside, that is the residential use. Mr. Campbell stated the real problem was enforcement. Mr. Campbell talked about State Parks possibly issuing time limits. Commissioner Lovelin asked Mr. Campbell what some of the options were available for the commission and if it was timely for the commission to make a decision. ("Timely" being in reference to Number 6 of the Conditional Use Criteria.) Mr. Campbell explained the process the state would have to go through in regards to posting parking limits. There was discussion regarding the parking agreement between Mr. Camden and the Fire Dept. Mr. Campbell discussed future planning needs and different ways State Parks may be able to help. He advised the commission their recommendation could be presented to State Parks in written form.

There was discussion regarding the OCP limiting commercial activity to a certain area. Commissioner Jones asked Mr. Campbell if Mr. Camden improved the area

North of the tavern would he be able to have a formal agreement for parking. Mr. Campbell responded this would be between Mr. Camden and State Parks and that he could answer this question. Mr. Campbell spoke about the possibility of a public-private partnership between the commercial ventures in Oceanside and State Parks for parking.

Commissioner Lovelin confirmed that the one of the decisions the commission could make was that the expansion of the tavern be only for five units provided agreements are made with Rosenberg and the Fire Dept. for parking, or the other option could be ten units with allowance for parking in the State Park if agreed to by the state. Mr. Campbell stated the real question is about the expansion of the Anchor Tavern. Mr. Campbell also advised the commission that they can waive or modify the parking requirements.

Vice-chair Ousele called a 5 minute recess at 8:55 p.m.
The meeting was reconvened at 9:00 p.m.

MOTION:

Commissioner Lovelin, based upon testimony from Mr. Campbell, made a motion to table the discussion regarding the accessory use in the ROS area and focus the discussion on the expansion of the Anchor Tavern.

Commissioner Hoffman asked if they should have the applicant speak first. Commissioner Lovelin stated the applicant did not present testimony relative to the expansion to the Anchor Tavern, therefore he is suggesting the parking issue be tabled for the time being. Commissioner Swan stated he agreed with Commissioner Lovelin as they have heard approximately fifty people testify they don't want the parking in a ROS zone and that they needed to get back to the real issue of the motel itself. Commissioner Hoffman commented she thought, from what she had read, that the applicant is prepared to withdraw the request for parking in the ROS zone and she thought they should hear this from him. Commissioner Lovelin responded that if the motion is seconded and passed the applicant would give testimony regarding to the expansion and this issue could be addressed. Commissioner Hoffman stated she did not think the motion was necessary and was not sure it was appropriate. There was discussion between Commissioner Lovelin and Commissioner Hoffman as to the need of the motion. Vice-chair Ousele advised that procedurally they are in public testimony and in order to go back to an applicant's presentation she thought a motion was necessary. Commissioner Swan seconded the motion. Commissioner Jones clarified the motion was for the purpose of tabling the parking issue in the parking lot only, not all parking. The motion carried unanimously.

Vice-chair Ousele advised the hearing would now go back to the applicants' presentation for the expansion of the Anchor Tavern in the OCS.

Prior to the applicant's presentation Vice-chair Ousele stated in terms of Exparte Contact, most of the commissioners received a mailing from Perkins-Cole at their home mailing addresses. She stated this should have been mailed directly to the county and then forwarded to them.

APPLICANT'S TESTIMONY: Mark Whitlow, 1120 NW Couch St., 10th Floor, Portland, OR 97209. Mr. Whitlow is an attorney for the applicant. Mr. Whitlow made reference to a letter he sent dated October 7, 2004. He stated that in this letter was a request to table the parking Conditional Use request to avoid further controversy and that this had been done. He stated it was not the desire of the applicant to upset the community. He placed on the board a blow up of Zoning Codes, (Ordinances), 6.030 and 6.060. Mr. Whitlow discussed how these ordinances related to the necessary criteria. He stated in the letter they have asked to modify the requirement for 10 spaces be changed to zero as the standard if impossible to perform. He stated that in the October 7th letter they asked for a modification of the signage requirement and suggested that the applicant continue to license five spaces from the Fire Dept. Mr. Whitlow explained the applicant would continue good faith efforts to the keep the license in place as it can be revoked at anytime. Mr. Whitlow stated they also asked to address the community plan policies, which is another criterion of approval for the Conditional Use Application. He stated of the three that apply the one that is most applicable is the one that states they will meet with the community to find solutions for the parking in the commercial area to allow commercial development. Mr. Whitlow commented that the public did not seem to have a concern with the expansion of the tavern, that parking seemed to be the main issue. He talked about the positive contributions the expansion of the tavern brings to the community. He commended the staff for the alternative solutions to parking that were suggested.

Mr. Whitlow submitted a letter to the commission. He talked about the simple points of the letter. He talked about that if there are standards that can not be satisfied to allow development, it places the applicant in the position that is like a moratorium. Mr. Whitlow stated no one liked the idea of parking up on the hill, including the applicant, so they are now suggesting parking below through a license that will provide off street parking and to work with everyone to implement the plan policies that possibly could have been implemented a couple of years ago. Mr. Whitlow advised the Planning Commission that they must find a way to approve an application with conditions that are reasonable and achievable, that this is a state statute. Mr. Whitlow talked about the number of units and the economic investment of the applicant. He addressed the issue of the number of parking spaces that will actually be needed and the low impact they will have on the community.

Commissioner Lovelin asked Mr. Whitlow to confirm that his testimony is asking the commission to remove the parking requirement completely. Mr. Whitlow stated this would be subject to the good faith efforts of the applicant. There was additional discussion between Commissioner Lovelin and Mr. Whitlow regarding

the parking issue. Commissioner Swan interjected he was tired of going ring around the rosie about the parking issue. He stated he thinks the development would be great thing for Oceanside and that the parking issue is not all do to Mr. Camden parking needs. Commissioner Swan stated he thought they should continue this until a date certain when the applicant can come back with some parking solutions.

Lynne Krueger stated that she has not found any relevance to the issue of addressing the ten-room expansion. She advised this is suppose to be discussion of the expansion not the issues to support it. Lynne explained to the commission by addressing the parking first it gives the assumption there is approval of the expansion. She explained further that parking does not become issue unless there is approval of the expansion subject to conditions.

Mr. Camden, P.O. Box 321, Oceanside, OR.

Mr. Camden spoke about the occupancy rate in the motel industry. He addressed Commissioner Swan stating that if he couldn't approve based upon a modification of the parking, then he would ask he approve with a mandate that the parking be met on site. Mr. Camden spoke about the building. Mr. Camden stated his encouragement to the commission was to allow them to move forward and the parking issue will catch up.

Commissioner Jones asked Mr. Camden what kind of dollars he was willing to spend to solve the parking problem. Mr. Camden stated he was not sure he could do a dollar for dollar commitment of matching funds to State Parks for parking improvements. Mr. Camden spoke about the huge financial investment in meeting the ROS standards. Mr. Camden spoke about other commercial business that are not required to meet the parking code requirements. Commissioner Jones asked Mr. Camden what improvements he was going to do on the leased property from the fire dept. Mr. Camden answered it depended on if Mr. Rosenberg signed off, and that it was subject to Mr. Rosenberg and the Fire Dept. approving the license. Mr. Camden spoke about building a temporary parking deck until other parking solutions could be found. Commissioner Hoffman asked why it would be temporary. Mr. Camden stated they would potentially remove it upon request from the Fire Dept. and that it could be removed in less than four hours. Commission Jones stated he still had not heard a commitment from Mr. Camden. He asked Mr. Camden if he was unsuccessful in obtaining parking from the Fire Dept. or building a parking structure, was he willing to take those dollars and use them as matching funds with State Parks. Mr. Camden said he would make the same financial commitment anyone else made that was going to utilize the benefit of parking.

Commissioner Swan asked about the size of the units. Mr. Camden explained how they would build the second floor on the existing beam structure.

Vice-chair Ousele asked Ron Rosenberg if he would like to speak.

Ron Rosenberg, 13310 SW Gallop Ct., Beaverton, OR

Mr. Rosenberg explained how his grandfather platted the town of Oceanside. He explained that his grandparents gave this property, (the parking parcel), to Tillamook County for public use. He stated this brings up the question if the property can be used for public use. He explained the county has not enforced the area that is being used for private use. Mr. Rosenberg showed on the large plat map the area being discussed and the areas that were originally used for public parking. He gave some history of past commercial parking uses. Mr. Rosenberg explained that the deed given to Tillamook County removed his interest in the property however, the county vacated the property giving up ownership. He stated *then* Tillamook County leased the property to the Fire Dept and that the title now seems to be clouded. Mr. Rosenberg stated the ownership of the property and the enforcement of not allowing private uses needs to be dealt with. Mr. Rosenberg further stated that at least Mr. Camden is upfront and willing to pay for the use of the property. Commissioner Jones asked how State Parks acquired the property. Mr. Rosenberg answered State Parks offered \$70,000.00 for the property and stated they were going to take it anyway.

Vice-Chair Ousele opened the meeting to public comment reminding everyone that the issue of off street parking had been tabled. She further advised that testimony would be limited to three minutes and that those speaking give their name and *mailing* address for the record.

PUBLIC COMMENT:

Sue Butler, 11130 SE Yamhill St., Portland, OR 97216

Ms. Butler submitted a letter on behalf of Gary & Carol Apperson. Commissioner Swan asked her not to read the letter. Ms. Butler proceeded to read the letter from Mr. & Mrs. Apperson.

Jan Fortin, 1020 Hillsdale St. W., Tillamook, OR 97141

Ms. Fortin is opposed to the Conditional Use Request for the additional ten units. She cited criteria item #3 which states that the parcel is suitable for development regarding the size, shape and location. She stated she believed this could not be met as there was no available land for onsite or available parking.

Mary Auvil, P.O. Box 391, Oceanside, OR 97134

Ms. Auvil stated she did not feel the ten room expansion was a good idea because of the parking issue. She stated she would like to see Mr. Camden go back to his original idea of a five room expansion.

David Vanspeybroeck, 1562 Chinook, Tillamook, OR 97141

Mr. Vanspeybroeck stated he was an arson attorney. He stated he thought the Planning Commission needed to either deny the application or continuing. He did not see how they could approve it in this meeting. Mr. Vanspaybroek stated the applicant has not met the burden of the parking requirement. He stated a waiver of 6.030 was only applicable if it was to protect the surrounding area. Mr. Vanspaybroek there has been some negotiating among the community. He stated the thought a continuation was needed to let the community discuss the negotiating that had been going on. He commented there was more support for five rooms with a lease with the Fire Dept.

Pam Zielinski, 5450 South Ave. W., Tillamook, OR 97141

Ms. Zielinski stated she thought the application should be approved and that it should be approved in this meeting. She felt any further delay would cause additional cost to the applicant. Ms. Zielinski commented she did not think the impact on the community was not as bad a people were saying. She stated she thought the expansion fit the community very well and that it was an economic enhancement.

Deborah Corbett, PMB 3, 1000 Main Ave. N., #6, Tillamook, OR 97141

Ms. Corbett stated that this is a very emotional issue. She stated that maybe some people in Oceanside do not want as much tourism as others do. Ms. Corbett commented it was not their responsibility that Mr. Camden needed to make money.

Edward Gorzynski, P.O. Box 304, Oceanside, OR 97134.

Mr. Gorzynski stated the issue was not about the expansion, the issue was about ten parking spots.

Craig Swinford, P.O. Box 202, Oceanside, OR 97134

Mr. Swinford stated he had submitted a letter and would not read it. He commented financial hardship is not an excuse in this matter. He stated that parking is a major issue and that the number of actual spaces needed has continued to be a moving target. He stated he did not believe there was a solution to the parking. He spoke about signage. He recommended rejection of the application.

Kathryn Norris, P.O. Box 215, Oceanside, OR 97134

Ms. Norris stated she has owned property in Oceanside since 1986 and has been a full time resident since 1995. Ms. Norris commented the parking alternatives Mr. Campbell shared have some merit. She stated she thought one other alternative is

that there is one parcel of land located South of the tavern that could be purchased and used for parking within the commercial zone. She stated she supported Mr. Vanspeybroeck's recommendation of a continuance which allow the community to get together with Mr. Campbell to discuss the issues and arrive at a solution.
Thomas Gilstrap, 15640 SW Greenly Ct., Tigard, OR

Mr. Gilstrap stated he owns a lot on Hillcrest and currently has a sale pending. He stated if he can't tell his buyer within ten days there will not be a parking lot across the street the buyer is canceling the contract.

Richard Butler, 1130 SW Yamhill, Portland, OR

Mr. Butler stated he has been a homebuilder since 1996. He stated Mr. Camden is trying to over-develop a small piece of property. Mr. Butler commented that Mr. Camden is not in the box he states he's in and that there is property available for parking however, property is expensive. Mr. Butler stated Mr. Camden knew what he had when he bought the property and he knew what the income was it brought in. He stated he did not think Mr. Camden had been upfront and that the numbers were always changing. Mr. Butler said he thought the parking problem needed to be addressed first. He asked the commission if they would deny the request for the parking lot he would solve his problem.

Judson Randall, P.O. Box 232, Oceanside, OR 97134

Mr. Judson proposed the commission grant him five guestrooms and either waive or suspend the parking requirement. Mr. Judson said Mr. Camden told him he didn't need ten rooms, that five would do. He stated he thought this compromised solution would preserve both the residential neighborhood and the tavern.

Delbert Duren, P.O. Box 155, Oceanside, OR 97134

Mr. Duren stated he has lived in Oceanside for 30 years. He stated he thinks that it is important the county take responsibility for the community of Oceanside. He talked about all the roads in Oceanside being sub-standard. Mr. Duren said the county is responsible for the road system in Oceanside. He discussed explained that everyone has the right to park on a county or state road. Mr. Duren said the county says they can't fix the roads because of standards and that they won't do it because of budget. Mr. Duren stated that if parking in Oceanside is such a problem then let people park on the beach.

Scott Hill, 6005 Webber Rd., Tillamook, OR 97141

Mr. Hill commented there had been some great ideas. He stated he didn't understand why the county cared how the Anchor is developed and why ODOT and the taxpayers are subject to the cost of providing parking for a business venture. Mr. Hill stated the reviewed criteria say, "a Conditional Use shall be

granted if the applicant demonstrates that all of the following applicable criteria are satisfied”. He stated he did not see that items 3 and 4 of the criteria could be satisfied, unless parking is on site. Mr. Hill stated based upon this he did not see how the commission could approve the application.

REBUTTAL:

Mark Whitlow stated they are prepared to pull back from the accessory parking in exchange for the modification. He stated they are looking for the best solution and thinks that there validity in the Director’s interpretation. Mr. Whitlow commented they honor the policies that are precious to the residents which preserve the residential community. He commented further that the other issues have been left to dangle and no one seems to care. Mr. Whitlow sited 4.13 of the OCP which talks about Tillamook County assisting the Oceanside Community in developing a plan for the commercial property. Mr. Whitlow stated that you (the county) can not let the commercial property die on the vine.

Mr. Whitlow said that in regards to the request of a continuation that he concurred with Mr. Camden.

Commissioner Lovelin suggested some time for the commission members to discuss this.

Vice-chair Ousele called a 5 minute recess at 11:00 p.m.
The meeting was reconvened at 11:10 p.m.

Mr. Whitlow continued that they can not support the continuance. He stated they would rather see the commission approve five units without the parking lease with the Fire Dept. He advised further that they would pull the application for the parking lot and would continue to work with the community for a parking solution.

Vice-chair Ousele stated the next procedural detail was making the decision if the meeting was to continue as it was past 11:00 p.m. Commissioner Lovelin made a motion that the meeting be continued until 11:45 p.m. Commissioner Jones seconded the motion. The motion carried four in favor, one opposed.

Lynne Krueger commented that she heard very little discussion about the motel and how it met the criteria other than the parking issue. She advised the commission they would need to do findings on any approval or denials that they would make. Commission Lovelin asked for clarification that staff did recommend approval of the expansion with four conditions and that one of those conditions was parking. Commission Lovelin then read the four conditions of approval. Lynne stated she needed to make a correction regarding signage and that it should read “all signage shall conform to the COS zone” and that zoning should be section 3.312, section 5.

Commission Lovelin asked Lynne how condition two could be revised. He stated condition two is tied to part two of the application, putting parking in a ROS zone.

Commissioner Lovelin asked what their decision was and how do they arrive at the position of approving only 5 units. Lynne advised that this was the modifying clause. Commissioners Swan & Hoffman stated the applicant offered this solution. There was discussion regarding the five units and the parking requirements. Commissioner Lovelin asked what was the testimony that stated the commission could limit the decision to only five units. Lynne answered they would need to look at compatibility. She advised there are five parking spaces available therefore 5 units are compatible to the parking availability.

Bill Campbell advised the commission that they may want to look at the OCP 4.12 which is the framework for limiting commercial development in the existing commercial core area. Mr. Campbell further recommended that they look at 1.2 which addresses community form. He advised the commission how they might find compatibility with 5 units. He advised they have the ability to modify the parking based upon this reduction. Mr. Campbell explained to the commission some of the options they had.

Commissioner Lovelin talked about the commercial zone and the parking problems Oceanside has. He stated he didn't think going to five units would make this problem any worse. Commissioner Lovelin recommended the commission approve the five units and waive the off street parking requirement.

Vice-chair Ousele asked staff what the parking requirements were for the other restaurant. Lynne answered it doesn't have any parking requirements because it is an existing use. She further explained it is the change of use that has created a parking requirement. Commissioner Jones asked if the county could go to the Fire Dept. to negotiate that the five parking spaces be made public parking. Mr. Campbell responded this would be a determination to be made by the BOC.

MOTION:

Commissioner Lovelin made a motion based on the findings of fact and other relevant information in the record, together with the applicant amending their proposal to five units, has satisfied the review criteria, and all applicable ordinance requirements for the proposed five unit motel above the Anchor Tavern, therefore moved approval of CU-04-09(1) subject to the following conditions of approval:

- (1) The applicant/owner shall obtain all Federal, State and local permits applicable prior to construction of development.
- (2) All setback and height requirements shall be met.
- (3) All signs shall conform to COS Zone Section 3.312, further that the commission shall waive off street parking requirements in accordance with Section 6.060.

Commissioner Swan seconded the motion.
There was some discussion among the commission regarding the motion.
Motion carried unanimously.

There was discussion regarding the need for another motion for CU-04-09(2).

Mr. Campbell stated they had to take this issue off the table and ask for public testimony. Commissioner Lovelin made motion to re-open CU-04-09(2).
Commissioner Jones seconded the motion. The motion carried unanimously.

Commissioner Lovelin then made a motion to continue the meeting no later 12:15 a.m. Commissioner Jones seconded the motion. The motion carried unanimously.

Vice-chair Ousele asked for public comment regarding the off site parking.

Public Comment:

Kathy Norris: Ms. Norris asked for denial of this application since the modification for 5 units was approved.

Rebuttal:

Mark Whitlow referred to a letter he submitted to Mr. Campbell dated October 8, 2004 in support of Mr. Campbell's code interpretation that accessory parking is allowed in the ROS Zone. He stated the letter shall stand as argument for rebuttal.

Vice chair Ousele closed the meeting to all testimony.

Commissioner Swan stated he thought they should deny it. There was discussion among the commission regarding denial of the application. Lynne advised the commission that they would be denying this request because they established the parking requirement in CU-04-09(1).

MOTION:

Commissioner Hoffman made a motion to deny CU-04-09(2) for the additional ten rooms to the existing Anchor Tavern within the COS Zone 1 with parking provided on a lot within the ROS Zone 2 because based upon the prior decision approving 5 units with parking waived it is no longer necessary.

Commissioner Lovelin seconded. Motion carried unanimously.

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

Commissioner Lovelin made a motion to authorize Chair to sign Appropriate Orders, if necessary. Commissioner Swan seconded the motion. Administrative

Decisions were CU-04-08(a), DP-0403, DP-04-12, GH 04-20, GH-04-21, GH-04-23, NCMJ-04-04 and NCMN-04-01. Motion carried unanimously.

V. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT

Mr. Campbell advised the commission the Building Official is on Medical Leave and that the department is contracting for an interim building official and making adjustments. He talked about Code Enforcement. Mr. Campbell advised they were going to LCDC on November 4 in Portland regarding the Riparian Ordinance. He advised further that the BOC had hired an attorney to review the Citizens Ordinance. He talked about the GIS process and the ESEE Analysis.

There was no further business or discussion. The meeting was adjourned at 12:05 a.m.

APPROVED WITH CORRECTIONS:

Vice-Chair Gale Ousele

Date

RECORDING SECRETARY:

Pat Affolter