

# TILLAMOOK COUNTY PLANNING COMMISSION

## MINUTES

January 13, 2005

### I. CALL TO ORDER

Chairperson Kurt Heckerth called the meeting to order at 7:00 p.m. Other members present were Merrienne Hoffman, Gale Ousele, Joan Marti, Terry Jones and Bruce Lovelin. Staff present were Bill Campbell, Bill Holmstrom, Lisa Phipps, Lynne Krueger and Tim Franz.

### II. APPROVAL OF MINUTES

Gale Ousele made a motion to approve the minutes of November 18, 2004 with corrections to be made to page 18 where Merrienne Hoffman's last name had been spelled incorrectly and Merrienne Hoffman seconded it. The motion was carried unanimously.

Merrienne Hoffman made a motion to approve the minutes of December 9, 2004 and Gale Ousele seconded it. The motion was carried unanimously.

### III. OLD BUSINESS

There was no old business to discuss.

### IV. ELECTION OF OFFICERS

Election of Chair was opened to the floor and there were nominations made for Kurt Heckerth and Gale Ousele. A discrete ballot procedure was used and Kurt Heckerth was elected Chair for 2005. Election of First Vice Chair was opened to the floor and there was a nomination made for Gale Ousele. A show of hands procedure was used and Gale Ousele was elected First Vice Chair for 2005. Election of Second Vice Chair was opened to the floor and there was a nomination made for Bruce Lovelin. A show of hands procedure was used and Bruce Lovelin was elected Second Vice Chair for 2005.

### V. OTHER BUSINESS

The chair opened the meeting to the public for comments and matters not on the agenda. Sue & Dick Butler at 11130 SE Yamhill St Portland, OR 97216 own a second home on Tillamook Ave in Oceanside and are

concerned about the Anchor Tavern & Inn plans that were submitted. Sue Butler wanted to address her concerns about the plans.

She mentioned that she had looked at the plans and noticed 8 guests' room and not the 5 that were approved. She expressed concerned about the access from the second story onto Tillamook Ave. She explained that her understanding was that the access would be from within the building with no access from Tillamook Ave.

She noted that the ADA access would be directly from Tillamook Ave into the second story. She explained that parking & traveling the roads are difficult throughout Oceanside and the ADA parking & access will be very difficult on Tillamook Ave. Mr. Campbell responded to Sue's concern. He addressed her first concern regarding the 8 rooms. He mentioned the plans actually showed 7 rooms and a kitchen.

He added that following the expiration of the appeal period Mr. Camden had called and asked if he could retain a private residence on a separate floor. Staff then discussed this and asked Mr. Camden if he intended to add a third floor. Going back through the record he had not indicated that he intended to retain a residence. There was no clarification or detail as to what the expansion of the Anchor Tavern was in the hearing, and it was not presented in a comprehensive manner to the commission. The approval was for 5 commercial lodging rooms, with offsite parking waived.

The drawings presented at the first hearing showed three floors. There were meetings with Mr. Camden regarding building codes and mixed occupancies. The plans were approved for two occupancies, one of which is for a residence. Mr. Camden indicated that he intended to exercise the residential rights of other properties in Oceanside and this became a serious sticking point. It was resolved by Mr. Camden signing a statement that acknowledged the limitation of 5 commercial lodging rooms and that the private residence could not be used in any commercial manner.

Mr. Campbell stated that the building plans have met all the building code requirements. Mr. Campbell mentioned that zoning does not restrict the use of Tillamook Ave. He also mentioned that the approval is consistent with all land use codes, and that parking was not an issue as it had been waived.

Bruce Lovelin mentioned that he felt good about the decision the night they made it, but he does not feel comfortable with it now. He felt that this was not a good process. He felt that this would only be a two-story unit with five lodging spaces. Mr. Campbell mentioned that it is staff's fault for the parking issue being put before the commission when the issue at hand was the expansion of the Anchor Tavern.

Mr. Campbell indicated that he had sent an email to the Commission to poll them on this matter in December. He indicated that he had assigned the plan review to Mr. Winstead, the Building Official, for his review of the Camden project. He felt Mr. Camden manipulated the process. This does not change the outcome of the hearing or the process. The road encroachment issues were discussed and ODOT authorized an "eave only encroachment" over the right of way line. The eave encroachment was 1.31 inches.

Mr. Campbell mentioned that the encroachment and Tillamook Ave. parking issues should be in writing to the Board of County Commissioners, requesting that Tillamook Ave. be posted "No Parking". Sue Butler mentioned the letter she'd sent to Mr. Campbell and he acknowledged that he had received this letter. Sue Butler asked how the county would regulate Mr. Camden's use of the residential unit as commercial. Mr. Campbell assured her that the department would regulate that.

There was discussion about the Multi-Family / Multi-Use properties throughout Oceanside regarding regulation, enforcement, etc... Mr. Campbell mentioned that notification being given to the department was necessary in order for us to take sufficient action. He mentioned that many people have brought up this issue and then refused to provide owner names, addresses, etc ... to begin an enforcement process. Mr. Campbell explained the possible violations that Mr. Camden could encounter and the process that could happen.

Craig & Ann Swinford at P.O. Box 202 Oceanside, OR 97134. Craig mentioned he felt that when he left the meeting it was 5 rooms, 2 stories and no off street parking. He discussed the fire department access, loading zones and blamed the Planning Department as well as Mr. Camden. He said that he wished he had appealed.

Ann Swinford said that all the people at the meeting felt that it was a two story, 5-room structure. She discussed truth, trust, manipulation and how the process on this has not gone well. Bruce Lovelin mentioned that it was two long nights working on this. Merrienne Hoffman mentioned the conclusion between the community and the Camden project. There was discussion around the approval, the reviews of the minutes and tapes after the meetings and the issues brought before Mr. Camden and the warnings about renting the residential unit.

Mr. Campbell mentioned the difficulty of regulating Multi-Family homes along the Oregon Coast being made from Single Family Dwelling. He said that there is a social responsibility in reporting these violations and issues.

Dick Butler stated that the residential unit, as defined in the land use code, required two parking spaces for that unit. Craig Swinford said the building is unsafe due to no firebreak between the two floors during demolition. He simply wanted this on the record.

Kurt Heckerth thanked the public for coming and for their comments.

There was a break from the meeting at 8:05 p.m.

Kurt Heckerth reconvened the meeting at 8:15 p.m. Kurt Heckerth closed the public comment.

## **VI. NEW BUSINESS**

The first item was discussion around the Planning Commission's role as the Citizen Involvement Advisory Committee throughout the Rural Communities of Tillamook County. Mr. Campbell mentioned that re-establishment of these groups is a great idea. Bruce Lovelin asked about the process to make this happen. Mr. Campbell mentioned that laying out the protocols, procedures, and how to conduct business is a big piece of what the Planning Commission's role will be to ensure that there will be a standardized process in accord with the Planning Commission meetings.

He explained that there is an obligation of protecting the public's right to due process. He explained there has been interest from Neskowin, Pacific-City Woods and Neah-Kah-Nie. There could be five local Citizen Advisory Committees. Bruce Lovelin said that this is a good idea because this committee can help the commission make its decisions by making a recommendation.

The BOCC would make the appointments of members with recommendations from the Planning Commission. The CPAC's would have anywhere from 5 – 9 members. Lots of discussion and comment around process, community involvement, commissioner's feelings and staff's feelings regarding the committees and processes.

There was mention of a need to amend Goal One in the Comprehensive Plan. Mr. Campbell asked the Planning Commission if they were willing to serve as liaisons to these community groups. Kurt Heckerth, Merrienne Hoffman and Gale Ousele agreed to work with staff on starting this project.

The second item of discussion was on public hearing processes. Mr. Campbell specifically wanted to discuss evidentiary processes. One idea was summarizing the criteria in the commission's discourse. He mentioned that there have been hearings where the commission and chair did a good job in bringing people back into relevant testimony. He did mention that The Camden Project was the most difficult hearing.

He commented that when receiving written documentation it is easier to read and address which criteria it applies to but with oral testimony that becomes more difficult. He added that their testimony has to be relevant to the criteria. In terms of summarizing he suggested that the chair contact the commissioner closest to the site area and ask them to go out and investigate and then bring back a report. He noted that the department would work on getting improved maps and photos of the areas to the commission members prior to meetings.

Merrienne Hoffman commented that it would be nice to have a site evaluation checklist to use when they do site visits. Mr. Campbell discussed how the evidence has to be relevant, accurate, address and identify the criteria. There was discussion around relevant testimony, meeting all criteria, and the commission's role in decision making. It was mentioned that this is a difficult process to go through. Mr. Campbell added that the commission does a great job. Bruce Lovelin agreed.

Lynne Krueger mentioned that a good way to start the meeting off would be for the commission to read the applicable criteria aloud at the beginning of the meeting. Terry Jones added that when staff gives the commission the applicable criteria on paper, and discusses it during the staff report, it is an advantage because they have this to reference throughout all testimony.

Gale Ousele suggested that it would also be valuable for the public to hear the applicable criteria aloud. Merrienne Hoffman suggested a large posted board with the applicable criteria so that the commission could ask the person presenting or testifying to point out which criteria they are addressing.

There was discussion on making the public comfortable during presentations to help them articulate their issues and concerns. There was discussion on the staff report and presentation of criteria. Bruce Lovelin thanked the staff for their suggestions on how to word motions and their help developing conditions. Gale Ousele commented on having more articulation and specifics during motions by the commission.

Merrienne Hoffman mentioned the need to keep the center aisle clear in meetings and there was a suggestion of possibly having a sergeant of arms during meetings, but it was decided that the chairperson could manage the task.

The third item of discussion was regarding improvements to staff reports and site visits by commission members. Mr. Campbell discussed that there would be enhanced visual presentations during meetings. He

mentioned the roundtable meeting on January 21<sup>st</sup> with management. There was discussion around developing a checklist for the planning commission members to use during site visits, which would be for them to use during the meeting to report their findings.

Lisa Phipps commented on the issue Merrienne Hoffman brought up about feeling threatened. She stated that the commission could implement a short and clear set of ground rules for the audience that would be read at the beginning of each issue. She mentioned one rule could be keeping the aisle clear due to fire safety. She added that this would be for the commission's safety as well as comfort level.

The fourth item of discussion was possible changes and/or modifications to the hearing procedures and steps. Mr. Campbell began discussing public hearing format and current sequence. He made a suggestion that on the green sheets that we add a pro/con selection at the top of the sheet so that public testimony could be sorted.

He added that some jurisdictions allow a question period for clarifications after the applicant / appellants for the commission members or public. He added that it is truly up to the commission how they would like the information to come before them. He added that the staff recommendation could come at the end of the process before the commission closes the public hearing. He added that the staff would evaluate the issues, pro and con, and support their recommendation based on the applicable criteria. There was discussion around the conditions of approval and staff suggesting changes after testimony is finished.

It was added that the commission has the ultimate say in what the conditions of approval are and how they read. There was discussion about the staff only reporting on how the applicant addressed the criteria and then making a recommendation at the end of the hearing. Another discussion was around the staff not suggesting any conditions of approval. Bruce Lovelin commented that he appreciates hearing as much information from the staff as possible before the applicant presentation and public testimony because it helps him focus on the criteria at hand.

Gale Ousele felt that the staff does a good job of responding to testimony, the commission's questions and she does appreciate having all the information from staff up front. Gale Ousele and Merrienne Hoffman liked the idea of sorting the testimony from public, but are uncomfortable with taking questions from the public. Lynne Krueger felt that it is better to separate the pro and con testimonies.

Discussion around procedure, where to involve staff information, how the commission can interact with staff during meeting and having staff

summarize at the end of the hearing. A discussion took place about the option of having the public testimony split up and placement during the meetings. Mr. Campbell mentioned that these are suggestions and asked them to think about the suggestions and be aware of them as the commission goes through the next meeting.

The fifth item of discussion was the Tentative Department of Community Development Work Program, Land Use Planning and related activities. Mr. Campbell noted that at the end of November 2004 activity is twenty percent greater than we were one year ago. He referenced the list of the tasks that are underway.

He added that the Transportation System plan goes before the BOCC on February 2<sup>nd</sup> and that the Hebo Refinement plan will come before the commission in the spring. He mentioned the Tillamook Transportation District refinement plan. He commented on the good coordination between all parties involved for the Netarts – Oceanside Transportation refinement plan. He discussed an ODOT grant with the Board of County Commissioners on pullout areas between Hebo and Beaver through a Scenic Byways Grant.

He discussed the 20/20 Hazard Mitigation plan work being done by Lynne Krueger, Lisa Phipps with GIS coordination. He added that when he arrived he was told it was almost completed by Mr. Manning and found a year later it had not yet been started. He elaborated on the FEMA project and 2 million dollars being at stake. He added that Lynne Krueger has the lead on this.

He commented that this is not standard land use planning but there are issues that have to be dealt with. He mentioned meeting with Lynne Krueger and Linda Ryan on the FEMA Community Rating System. He added that this is a critical element. Gale Ousele added that the 20% reduction in flood insurance premiums, as a result of our CRS ratings works when you are in a rated area. Mr. Campbell mentioned that staff would look into this issue. He discussed the Goal 16 issue and how it needs to be completed by June 2005. He discussed state and federal processes regarding the topic.

He mentioned the riparian ordinance and the work to be done on the ESEE analysis. He talked about using the GIS system to do the inventory. He added that there would not be an ordinance brought forth in April and felt that there is merit in taking only the Comprehensive Plan piece forward in April. He discussed the uniqueness of Tillamook County along the West Coast. He gave an update on the UFO zoning and mentioned that it had been tabled at the citizen level and has since been reviewed and no findings have been found to justify changes.

Mr. Campbell mentioned that the board gave him the task of LUO review and revisions. He mentioned that there is a fair amount of work to be done on this and pull stakeholders from different areas of the community to get involved in the change to be made. He felt this would not be possible in the next year. Another issue he brought up was the sign ordinance and referenced Netarts, and how community involvement needs to be brought back into play. He mentioned the second home rentals and transient rentals throughout Tillamook County becoming an issue. He discussed this issue and the demand it creates for the water districts, sewer districts, emergency services, parking, road usage, and land use / building code enforcement.

He discussed state funds and a grant applying to areas with high primary residence counts and Tillamook County has a high count of second residences. He discussed the armoring of the beach in Neskowin has resulted in limited emergency access. He added that these are serious issues that face Tillamook County.

The commission and staff discussed the issues around second homes, single family dwellings being converted into Multi-Family dwellings, and retirement homes. Terry Jones added his discussion with a contractor from Oceanside that is building a residence for a gentleman who will use it strictly for a vacation rental.

There was discussion around Measure 37, non-conforming uses, and claims. There was more discussion around rental properties and the costs and impacts to rural communities. It would be necessary to quantify the problem and get to a point of establishing a registration process and room tax to maintain and establish the occupancy levels. Terry Jones mentioned vacation rental services and self-regulation. Mr. Campbell added that these are issues that staff deals with as well as pending applications, so there are a lot of things going on all at once.

Mr. Campbell mentioned Tim Franz's meeting with ODOT and their intent to initiate Ordinance Amendments for various quarries in the county. He discussed the issues around this proposal. He added that the level of activity and resources are vital. He mentioned that these are major requests that will be coming before the commission in the next six to nine months.

Lynne Krueger commented on the two major subdivisions that would be coming before the board. The first was the Centex development in Netarts and the second was another Nestucca Ridge Development project. Mr. Campbell mentioned the Scovell application and it's status. He discussed the annexation issue and process with Rockaway Beach.

Bruce Lovelin asked about the Golf-Links status. Lisa Phipps mentioned that they filed another extension through May 1<sup>st</sup>. She added that they should be making a decision within the next two weeks as to whether they will withdraw or move forward. Mr. Campbell had asked Lisa Phipps to contact their representative to let him know that staff had deemed their application complete but lacking some sufficient information. He commented that staff did not understand why they were going through the time extension. He explained that the applicant and the public have a right to due process. He added that the department is still involved in the mediation work on removing sand & gravel from the bays and rivers. He discussed the Lower Kilchis dredging project.

He elaborated on the GIS program and the goals for 2005. He added that budget review is starting for 2005. He discussed with the commission the jump in growth of building within Tillamook County and the stress it has caused to the department due to being understaffed and the issue of not being able to add more staff. Lynne Krueger added that Tillamook is the fastest growing county along the Oregon Coast.

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

Merrienne Hoffman motioned for chair to sign appropriate orders and Bruce Lovelin seconded. Motion approved unanimously.

**Administrative Decisions:** GH-00-23, GH-04-24, GH-04-26, GH-04-27, GH-04-28, GH-04-29, GH-04-35 and GH-04-37.

Kurt Heckerth asked for any comments on the administrative decisions and there were none.

#### **VIII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT**

There was no department report this evening but Joan Marti had a comment about the email that Campbell sent. She felt that it did not read that the Anchor Tavern proposal could possibly go before the commission again. There were questions around what the Planning Commission could do to remedy the situation. Bruce Lovelin had presumed it would be two floors. The commission and staff reviewed the Commercial Oceanside Zoning and had a discussion around what is allowed outright and conditionally within the zone. The commission and staff discussed the issues around the Camden Project approval and what was approved.

There was a question asked by Merrienne Hoffman about asking the county legal counsel regarding this issue and Mr. Campbell said he would

discuss the issue with county counsel the following week. Terry Jones and Mr. Campbell mentioned that there had been no appeals to the approval. There was general concern from the commission regarding the issues staff was being faced with. Lynne Krueger and Mr. Campbell mentioned that they were aware that there might possibly be some people that would be coming to discuss concerns. Mr. Campbell stated that Mr. Camden had faxed in his own statement and then read aloud the statement he had mailed to The Mr. Camden Project. Mr. Campbell added that if Mr. Camden does not follow the conditions of approval then he would be brought back before the commission. He added that he accepted the rewritten statement from Mr. Camden.

Bruce Lovelin asked about Measure 37 claims. Mr. Campbell mentioned that only one Measure 37 claim had been received and that a letter of deficiency would be prepared and mailed.

**IX. ANNOUNCEMENTS**

Mr. Campbell mentioned that his second granddaughter, Zora Rose, was born on January 7, 2005. Terry Jones mentioned that his grandson, Seth, was born on December 18, 2004. Lynne Krueger mentioned that Tim Franz and his wife are expecting a baby, due to arrive early June 2005.

**X. ADJOURNMENT**

There being no further business, adjourned the meeting at 10:45 p.m.

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Kurt Heckerth, Chair

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Chenoa Descloux, Recording Secretary

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Date