

**TILLAMOOK COUNTY PLANNING COMMISSION
MEETING
March 10, 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, Bruce Lovelin, and Charlie Swan. Terry Jones arrived late. Staff present were Bill Campbell, Lynne Krueger, Lisa Phipps and Bill Holmstrom.

Chairperson Heckerth briefly turned the meeting over to Bill Campbell, Director of Community Development.

Mr. Campbell explained that the Department had been made aware that 19 property owners within the notification area in Netarts had not been noticed of the meeting regarding the Ocean Highlands Subdivision scheduled on this evening's agenda.

Mr. Campbell said the Commission had the option of setting aside the hearing and directing staff to make proper and complete re-notification and schedule the matter for the next available hearing date, which would be April 14. He added that another option would be to open the hearing at the appropriate time on the agenda and, without testimony, continue the matter to a date certain. Mr. Campbell again said staff would send re-notice to all affected property owners in the notification area. He said a third option for consideration would be to open the hearing and take testimony from the applicant and the public. He added that he felt that could further result in an appeal because of improper notice. Mr. Campbell explained that at a future time, or at the point of continuation, the Commission would be in a position of going back and having the applicant restate their case once again. This would give the parties who were not notified an opportunity to have that information.

Mr. Campbell apologized for the inconvenience. He stated that he felt the first option he suggested would be the proper and appropriate choice for the Commission to consider.

Chairperson Heckerth asked if the members could address the options after Mr. Campbell's second announcement.

Mr. Campbell agreed.

Regarding the Anchor Tavern in Oceanside, Mr. Campbell announced that staff has accepted an appeal of a Letter Decision. He said the appeal is being scheduled for the Planning Commissions review at the April 14 meeting. He added that

comments to the Planning Commission regarding that matter would not be appropriate this evening. Mr. Campbell said he understood from Commission members that there had been direct mailing from that party's attorneys to the Planning Commission. He said he had talked with County Counsel about it, and stated that this could be considered as exparte contact and was inappropriate.

Regarding the options given the Commission regarding Ocean Highlands, Chairperson Heckerroth asked for a motion.

Commissioner Swan made a motion to not open the public hearing due to the notice problem regarding the Ocean Highlands Subdivision this evening and reschedule it for April 14, 2005. Commissioner Ousele seconded the motion but wanted to include that staff would re-notice all affected property owners.

It was noted that there were two other items scheduled for April 14.

The motion carried unanimously.

For the benefit of all present, Chairperson Heckerroth again explained the reason for rescheduling the Ocean Highlands Subdivision application. He also explained the Anchor Tavern appeal and the reason it could not be addressed this evening.

II. **APPROVAL OF MINUTES for** January 13, 2005 Workshop

Page 9, paragraph 3, line 4, eliminate the extra 'e' on "note". Page 10, lines 8 and 10, eliminate the words "the" and "Project". Page 5, paragraph 6, change the wording to "...the need to keep the center aisle clear in meetings" after the word "mentioned". Also add the words "but it was decided that the chairperson could manage the task" Page 6, paragraph 2 to be added the previous paragraph.

Commissioner Ousele made a motion to approve the minutes of January 13, 2005 as corrected. The motion was seconded by Commissioner Hoffman and carried 5 -1 with one abstaining.

III. **OLD BUSINESS:**

AP-GH-04-19: An appeal of the Planning Director's decision to approve with conditions a Geologic Hazard Report Review for the construction of a single-family residence in Neahkahnie. The subject property is located at the junction of Twana Trace Road and Sunset Drive on the parcel designated as Tax Lot 1500 of Section 20BB in Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Lyn H. Messenger, property owner and David and Carol Hall, appellants.

Chairperson Heckerroth read the statement for quasi judicial hearing.

Staff handed out applicable criteria to all in attendance.

There was no challenge for the Tillamook County Planning Commission to hear this matter. There was no conflict of interest or personal biases declared by any member of the Commission. There no exparte contact declared by any member of the Commission.

Lisa Phipps, Coastal Resource Planner, gave the members criteria for the Geo Hazard Report. She also submitted a letter she had received from an adjoining property owner the day before.

Lisa then displayed an aerial map of the subject property and identified the site on the map. She also identified the property of the appellants as well as the properties of other concerned property owners.

Lisa went on to say that staff approved the Geo Hazard Report with several conditions, and noted that it was consistent with the County Ordinance, Section 4.070. She added that at first, she had had some concerns because of a number of issues associated with the subject area in general. This concern resulted in site visits with the engineer and geologist with the approval of the applicant.

Lisa described the site visit and the issues they addressed including the storm water problem, which is still a major concern of the appellants. She added that it is a challenging site and noted a nearby sinkhole and ravine. She noted on the display map that the structure will be pulled back from the water bodies. Lisa said the staff report stated that an excavated foundation was acceptable. However, it was decided to utilize a foundation design that would not require excavation, so there would be minimal impact to the site by the construction techniques to be used.

Lisa then said there would be testimony from the appellant and applicant as well as public comment from Mr. Degnan who was concerned about tree removal and storm water. A letter of support for the applicant from Amy Wood Cline Gage, Sunset Drive, stated she could understand the concern about cutting the trees for controlling stability of the properties in the area. Ms. Cline Gage also stated that she felt the applicant had studied the impact of eliminating a select few of the trees, even though it would mean cutting spruce trees. Lisa indicated on the display map the location of Ms. Cline Gage's property.

Commissioner Jones arrived at 7:30 p.m.

Commissioner Lovelin asked if there had been any slide activity near the subject site. Lisa answered that there had been none on the site, but there has been rock falls. Chairperson Heckerth asked where the drainage would go. Lisa referred to the display map and indicated where the water would follow the ditch. Chair Heckerth also expressed concern about the cutting of trees. Lisa said a few of the

trees to be removed were in the building site, but by using micro piles there would be some room to maneuver, and the purpose would be to leave the root structure in place. This would help the soil stability.

APPELLANTS PRESENTATION

Rich Gitschlag, LDC Design, 805A Ivy Avenue, Tillamook said he was representing Mr. & Mrs. Hall. He referred to the display map and indicated the location of the Hall's residence. He said the main concern of the Halls is the storm water runoff, and indicated a drainage swell and a low spot on Twana Trace on the display map. Mr. Gitschlag had some photos that were also present in the member's packets.

At this time there was a short discussion as to who should present first, the applicant or the appellant. It was the consensus that since this was an appeal, the appellant should go first.

Mr. Gitschlag continued by reviewing the photos and identifying the Messenger property as well as the slope of the site.

Commissioner Lovelin asked Mr. Gitschlag his professional opinion regarding the steepness and or slippage of the slope. He asked if he would consider the area a hazard. Mr. Gitschlag answered that the storm water in the hill is part of the concern, and they want to make sure the concerns are addressed adequately in the reports.

Mr. Gitschlag went on to say that this is an example of one of the slope failures that has happened in years past and indicated the slope on the display map. He then said the appellants wanted to make sure that all issues are addressed and they felt that staff could have made the requirements a little stronger. They also felt that the engineer's recommendations should be made requirements.

Commissioner Lovelin asked Mr. Gitschlag what his expertise was and how long he had been in this service. Mr. Gitschlag answered that he had been in the county for 15 years and had previously worked for the County Public Works Department. He said he has worked with Mr. Orem on Geo Hazard Reports before.

Chairperson Heckerth asked the relationship of one of the houses in the area to the slope. Mr. Gitschlag referred to the display map and said the slopes were gentler in that particular area than what are directly above the Hall's house. He pointed out the steepest area on the map.

Commissioner Hoffman wanted Mr. Gitschlag to make it clear that the appellant is not opposed to the building of a house, but to make sure there are conditions of approval that will help protect the area. Mr. Gitschlag reiterated that Mr. Hall is not opposed to the construction of the house.

Commissioner Lovelin asked what the added conditions are. Mr. Gitschlag answered that the original report addressed the safety to the structure on the hillside, and they thought it was inadequate that safety to adjoining properties was not addressed. He added that many of the recommendations that the engineer suggested are added to recommendations that the county said the applicant shall follow the requirements instead of making the recommendations become the requirements. He thought the county was just leaving them as recommendations.

Dave L. Hall, Box 142, Nehalem, OR., said he was not concerned about the applicant building a residence in the area, but he was concerned about the slippage, and instability of the cliff face and the gully for development. Another concern Mr. Hall mentioned was the impact of water runoff affecting properties below the subject site. He added that he has had many years of observation of the slope and the area. Mr. Hall referred to the display map and identified the creek bed and showed where it ran into a culvert and eventually ended into the ocean. He stated that boulders rolled down the slope, hitting his garage and some ending in his driveway blocking access into the garage. He went on to describe other incidents dealing with the cliff fall-off.

At this time, Chairperson Heckerth asked Mr. Hall not to repeat what was presented before and to please stick to, and address the applicable criteria.

Mr. Hall continued to express his concerns regarding water flow, storm water drainage, run-off, and slope failure that has been a hazard to the area.

Mr. Hall had a three-minute video which he wanted to show the members. He was told that it would be made a part of the record. Mr. Hall agreed.

Before showing the video, Commissioner Swan said he was very disappointed in the quality of the pictures/photos in the staff report. He added that he felt there should be color photos given to the members so they can make accurate decisions.

Chairperson Heckerth invited the applicant to view the video along with the members and Mr. Hall. Mr. Hall narrated the video explaining what they were seeing. The video showed the impact of the runoff and slides ranging from 1995 through 2003.

Mr. Hall concluded by saying he wanted Mr. Messenger for a neighbor, but he wanted everything done in the approval process and the conditions set so that they don't have things halfway done. Again, he said the main concern is the water and they would like to see it go across Sunset and down the other side of Sunset.

Chairperson Heckerth asked Mr. Hall to indicate on the display map the exact area of concern. Mr. Hall complied.

APPLICANT

Before the applicant began testimony, Chairperson Heckerth announced that the applicant would have 20 minutes for a presentation.

Lyn Messenger, 4412 North 43rd., Tacoma, Washington, 88407, offered to answer any questions that may arise. Mr. Messenger referred to a topo map and identified his property in relation to surrounding lots. The topo map was made a part of the record.

Mr. Messenger gave a brief summary of his purchase of the subject site. He added that he has also approached HLB Engineers to update the Geo Hazard Report that had been filed at an earlier date. Mr. Messenger wanted to reiterate that all trees possible will be maintained. He acknowledged that staff had been very helpful with important advice regarding requirements.

Mr. Messenger then addressed the fact that the access to his lot will not be off Sunset, but will be off Circle Drive. He identified the trees on the lot that are more than 40 inches, as well as the trees that will be removed. Mr. Messenger said that by rearranging the plan, he was able to save most of the trees.

Commissioner Lovelin asked Mr. Messenger if he knew the cost of the impact and there was a short discussion pertaining to this issue. He showed on the map angles and limits of setbacks.

Tom Horning, 808 26th Avenue, Seaside, said he was a local Engineering Geologist. He began his testimony by saying the water from the gutters on the roof and runoff from the driveway will be channeled over to Sunset Road and will not enter the drainage way. He felt that the concerns of the appellants have been met. Mr. Horning mentioned the video and said the debris flow hazards noted were accurate and agreed that the cliffs in the area are old landslide escarpments. He added that the whole of Neahkahnie Mountain is highly hazardous with respect to ancient landslides. Mr. Horning noted that the dwelling will be placed well back in order to prevent any sort of impact and there will be no water on the slope. He went on to say that sooner or later there will be a debris flow off the cliffs and it will probably divert the stream. Nothing can be done about stabilizing the cliffs.

Commissioner Lovelin asked if the surface water situation will be improved by the diversion. Mr. Horning answered that it will be in a limited way and he explained and spoke more of the landslide. He added that for the purposes of this presentation, he was only dealing with debris flows on the steep cliffs that are vegetated in general.

Commissioner Ousele asked what provisions would be made for the water that would be collected and flow from Sunset. Mr. Horning answered that Ron Larson could better answer that question.

Ron Larson, HLB & Associates in Manzanita, Oregon said he has been practicing engineering in Tillamook County since 1976. He went on to say that his firm has created and written for the engineering portion of Geo. Hazard Reports in excess of 700 in Tillamook County alone. Mr. Larson said he had discussed with Mr. Gitschlag his report and it seemed that Mr. Gitschlag thought the word “shall” should be used in every instance in the HLB Report. He referred to the HLB Report and noted where the word “shall” was used, and he stated he would change the word “should” to “shall” in order to please everyone.

Mr. Larson said it was unfortunate that there wasn't a better mechanism other than an appeal to make sure everything was done as written. He felt this was the appellant's concern. He referred to Mr. Gitschlag's report and his statement regarding development that could allow water to go over the bank and into the ravine. Mr. Larson referred to the aerial map on display and showed at length and in detail where the water would be diverted. He also discussed briefly the location of the dwelling on the lot. Mr. Larson said the water is going to be less than what goes into the drainage way now.

Speaking further on of storm water drainage, Mr. Larson said that at some time in the future, Neahkahnie residents will be dealing with storm drainage. As long as there is going to be development, there needs to be more attention paid to drainage. Referring to Mr. Horning's comment that there will be very little reduction of water going into the drainage, Mr. Larson agreed and said it was because of the really large drainage area. Mr. Messenger's development will definitely not increase water flow.

A short discussion followed regarding what the cost would be to divert the water flow. Mr. Larson stated that it would be very little because it will be a gravity pipe. A permit will be obtained from Public Works in order to put the pipe under Sunset Drive.

Mr. Gitschlag said he had no rebuttal, but he wanted to thank those connected with the applicant for changing the word “should” to “shall” in the report. He went on to say that he felt all concerns of the appellant had been met.

Lisa said all the conditions are “shall”. She explained that there were two options in the report regarding the drainage. One was to go across Sunset, and the other was to create an infiltration system, which is what is outlined here as being done.. If the Commission wants to satisfy their needs, there will have to be an amendment to the condition to address those concerns. They would have to amend the approval which would be fine.

Lynne Krueger, Senior Planner, said the three options that the members could vote to continue or to uphold the Planning Director's decision, or deny the appeal with the amended condition.

Lisa recommended wording for a motion.

At this time Lisa said that on behalf of the audience that has never been involved in a land use decision, they often are not aware of everything that needs to be done. She felt that Mr. Hall should not be held responsible for not presenting colored photos, when he was not instructed to do so by staff.

Lynne again explained that the members could uphold the Director's decision, or deny the appeal and to include the change in Condition number 14.

Chairperson Heckerroth closed the hearing to all public testimony.

MOTION:

Commissioner Lovelin made a motion, based on the staff report, findings and testimony, to uphold the Planning Director's decision to approve with conditions and deny AP-GH-04-19 with the inclusion of an alteration of condition 14. The words "...the alternative of routing the drainage to an infiltration system" shall be changed to "...that all roof drainage shall be collected with eve gutters and downspouts and piped and discharged the roadside ditch on the northeast side of Sunset Drive near the east end of the property." in the second sentence.

The motion was seconded by Commissioner Swan and carried 6 – 1 with Commissioner Jones abstaining because he was not here for the beginning of the presentation.

Chair called at ten minute recess at 8:35 p.m.

Chair reconvened the meeting at 8:47 p.m.

IV. NEW BUSINESS: "SEAWATCH" SUBDIVISION

ZC-05-01: A request for a Zone Change to rezone **30 acres** currently zoned Pacific City/Woods High Density Urban Residential (PCW R-3) and Pacific City/Woods Medium Density Residential (PCW R-2) to Pacific City/Woods High Density Urban Residential (PCW R-3) and Pacific City Woods Medium Density Residential (PCW R-2 with a Planned Development Overlay (PCW R-3/PD and PCW R-2/PD). The request area is designated as Tax Lots 500, 504, 505, 15000, Section 30, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Property owners Jeff Schons and Mary Jones, Jim and Shiri Fields and applicant, Nestucca Ridge Development, Inc.

Chair Heckerroth read proceedings for a Legislative Land Use Hearing.

Staff handed the applicable criteria.

There was no challenge to the Commission.

There were no conflicts of interest declared.
There was no Exparte Contact disclosed.

STAFF REPORT:

Lynne Krueger explained that there were four parts to this application and that the Commission would only be hearing the Zone Change this evening. Lynne placed on the board pictures of the site and explained the different angles of the property as shown. Lynne talked about the conceptual plan. She talked about and showed on the maps where the access would be and that there was a proposal to widen the turn at Fisher Rd. Lynne showed on the map where the primary roads would be located. The Conditional Use application will be continued to a later date and Lynne stated the Shons would like this meeting to be on March 31. Lynne talked about the criteria that needed to met. She explained that the Conditional Use would set the Master Plan.

Commissioner Hoffman asked if Circle West was part of this subdivision. Lynne stated this street was part of Pacific City Heights. Commissioner Lovelin asked if the Staff recommendation was approval. Commissioner Hoffman clarified this zone change was for the overlay. Commissioner Jones asked if anything had been submitted that showed what the use would be for tract “B”. Lynne answered not at this time.

APPLICANT:

Mary Jones stated she and Jeff Shons own Nestucca Ridge Development. Ms. Jones talked about the developments they had previously done and their understanding of the Pacific City area. She explained that the reason the request was made for the overlay zone changes to provide flexibility to group the homes in locations that are less steep and to leave the steeper areas for open space. Ms. Jones stated that they plan the development to be for a mix of traditional single family lots, townhome lots and three areas where multi family might be contemplated. She explained Seawatch would be developed in three phases over several years.

Commissioner Jones asked if they knew what they would do with tract “B” and what road they would access it from. Ms. Jones stated they did not know at this time and that it would require a geological study. Commissioner Hoffman asked if they would be selling lots or homes. Ms. Jones stated they would probably do both.

PUBLIC COMMENT:

Ann Price, PO Box 662, Pacific City, OR 97135. Ms. Price stated she speaks for 15 of the 19 people on her street. She stated she supports the change and compliments Nestucca Ridge Development on the changes they have made to the community. She explained the concerns are for public and traffic safety. Ms. Price urged approval with conditions for traffic. One concern is for the intersection of Brooten Road and Fisher Road and that it is a hairpin turn. She would like to see a

condition imposed that this street be indicated as local access only with no trucks and that appropriate signage be placed. They also request that an alternate public access be made for the development itself, that a single access is not adequate. They also have a concern for access for emergency vehicles. Commissioner Jones asked if there was a problem with trucks now. Ms. Price answered yes and they are concerned for safety on the street.

Mark Dustin, 8210 SW 62nd Ave., Portland, OR 97219. Mr. Dustin owns a home at 7475 E. Summit Rd. in Pacific City Heights. He showed the location of his home on the map. Mr. Dustin stated he was not opposed to the development of this property but was concerned his view would be obstructed and that he would be the only one. He asked if the multi family residents would be subject to the 24 foot height restriction and that Fisher Road was not up to the weight standards. Mr. Dustin spoke about the concerns of the sharp turn on Fisher Road and the hazards at this intersection. Mr. Dustin stated that there would be a reduction in the value of his property if his view was obstructed.

Annette Dunn, 836 NE Cows St., McMinnville, OR The Dunns own property located at 7300 Circle West, Pacific City. Ms. Dunn referenced three letters from Jeb Bladine. She submitted for the record a letter from Mr. Dunn. Ms. Dunn talked about the traffic concerns at Fisher Road and Brooten Road. Ms. Dunn suggested a continuance of the Planned Development Overlay until some of the concerns presented have been addressed. Lynne clarified the overlay does not establish the structures, that this is conceptual only. Lynne further explained the master plan would disclose how the development would be laid out. Commissioner Lovelin asked Ms. Dunn if based upon the information given by staff, did she still want to request a continuance. Ms. Dunn stated she thought that she was as she felt more information was needed. Ms. Dunn was advised a continuance would not disclose any additional information to her. Lynne explained approval of the zone change does not give approval to the development, that the Conditional Use would disclose the lay out. Lynne further explained again that this was a concept only. Commissioner Marti explained that until this portion was approved they couldn't move forward enough to even get to this information. Based upon the additional information given by staff, Ms. Dunn removed her request for a continuance.

Jennie Mason, PO Box 656, Pacific City, OR 97135. Ms. Mason resides at 7320 Circle West, Pacific City. She submitted written testimony from Karen & Patricia Peterson, Deb Blooding and Mike and Donna Aires. Ms. Mason stated her property is being heavily impacted and subject to landslides. She showed on the map the location of these potential slides. She submitted some information from the internet regarding landslides. Ms. Mason stated she was putting in a new foundation.

Larry Rouse, PO Box 1094, Pacific City, OR 97135. Mr. Rouse resides at 35535 Riverview Dr and is president of the Pacific City Heights Neighborhood Association. Mr. Rouse stated the Board of Directors voted and agreed that this is

exactly the type of subdivision they want in this area and strongly support it. Mr. Rouse suggested the word “proposed” be changed to “mandatory” regarding the improvement of the Fisher-Brooten Road intersection. Mr. Rouse further suggested a second access road off of Brooten Road to this subdivision. Commissioner Jones explained that it would be the Conditional Use request that would determine access requirements.

Robert Martyn, PO Box 778, Pacific City, OR 97135. Mr. Martyn resides at 7350 Summit Road. Mr. Martyn stated he was not in opposition of the development however, he had the same concerns regarding the intersection of Fisher-Brooten Road and the additional traffic on Fisher Road. He requested the requirement of secondary access for the development.

Roy Hansen, 1348 S. Cedar Dr., Canby, OR 97013. Mr. Hansen is currently building a house on Summit Road and when completed will be a full time resident of Pacific City. Mr. Hansen stated he is not opposition of the overlay however, his main concern is the traffic and the underlying zoning. He stated he did not think R-3 zoning met the criteria. His main concern was with tract “C” for multi family dwellings. Commissioner Jones stated that most of this site, as shown on the contour map, is in a 10-15% slope max. Commissioner Jones stated most of this site is fairly level and suggested to Mr. Hansen that he get permission to go in and walk it.

Peter Schuller, PO Box 577, Pacific City, OR 97135. Mr. Schuller resides at 35445 Toppin Rd. Mr. Schuller was concerned who would be responsible for repair to this road. He stated he thought this should be the responsibility of the developers to sustain the road to its current state and that it remains open continually during construction.

Chair Heckerth called a recess at 9:53 p.m. The meeting was reconvened at 10:00 p.m.

APPLICANTS REBUTTAL:

Mary Jones and Jeff Shons stated they wanted to address the items that addressed the zone change only. Mr. Shons spoke about alternate access and that there is no practical way at all to access this property except from Fisher Road. Ms. Shons spoke about maximum density. Ms. Shons stated that road work would be addressed in the Conditional Use process. Mr. Shons addressed the ten ton limit on Fisher Road. Commissioner Lovelin brought up the concern of the Brooten-Fisher Road intersection asking how the developers could use their influence to get this intersection improved. Mr. Shons stated that before this improvement could be completed is that the County needs to acquire additional land for a right of way.

COMMENTS OF STAFF:

Lynne Krueger addressed some of the road issue concerns. She advised the Commissioners could look at restrictive view issues when the development plans

were submitted. She stated that there would be three phases and that people would be noticed at each phase. Commissioner Lovelin asked when a transportation study would be a requirement. Lynne answered this would be the requirement of public works. Lynne indicated what the requirements of Public Works were, Commissioner Lovelin stated he was concerned that Public Works took such a casual attitude about the intersection of Brooten-Fisher Road. Lynne explained to the Commissioners that Public Works couldn't do anything with this intersection at this time as they have not acquired additional land for the right of way.

Jeff Shons talked about the requirements already imposed on them by Public Works.

Commissioner Jones addressed the letter from the water and sewer district asking if the terms "first come, first served basis" was standard. Lynne stated not until these services are paid for are they guaranteed.

Lisa Phipps suggested letting the public comment on the road issues, asking that they not repeat what had already been discussed.

Chair Heckerorth asked if there were additional comments.

Ilene Cox Rouse, 35535 Riverview Dr., Pacific City. Ms. Rouse said that she didn't think most people understood what the process was. She did not think the overlay met the criteria.

Ann Price stated she thought they were raising a very serious concern regarding access. Commissioner Lovelin asked her if she thought they should continue or go forward. Ms. Price stated she believed if it wasn't addressed now that it would be harder to get it addressed at a later date.

Bob Martyn spoke again about the concerns for a secondary road off of Brooten Road.

Jim Fields, 37295 Jenck Rd., Cloverdale, OR 97112. Mr. Fields brought forth the issue that the zone change had to be approved in order to get to the next process. He stated that is when these roads issues will be addressed.

Mr. Shons addressed Mr. Martyn's suggestion of secondary access. Ms. Jones stated there will be more answers later, that road conditions are placed in the Conditional Use, not the Zone Change. Commissioner Lovelin stated that access was part of the criteria.

Jenny Mason stated she was not opposed to the project however, she opposed to the high density because of the geological issues involved. She commented there had not been any discussion regarding the landslide issues she had brought up.

Commissioner Hoffman advised the Geo Hazard report would be discussed at the next meeting.

Donna Schuller stated she didn't understand how they could move forward until the road issues are addressed.

Chair Heckerorth closed the meeting to public comment.

Lynne explained what the requirements were of public works were. She explained that Public Works did not have the right of way to fix the intersection of Fisher-Brooten Road. Commissioner Swan stated he was not ready to make a decision and that he needed to make a site visit. He stated he would like to continue their decision to the next meeting and ask for input from Public works. Commissioner Marti asked for clarification of the zone change. There was discussion between the commission members regarding the issue of access.

Commissioner Swan made a motion to continue until the next meeting at which time testimony would be taken from Pat Oakes of Public Works. Chair Heckerorth stated he thought more discussion was needed before a motion was made.

Mr. Campbell advised the chair that it was 11:00 p.m. and the commission needed to decide to continue the meeting.

MOTION:

Commissioner Ousele moved to continue until they were done. Commissioner Hoffman seconded the motion. Motion passed 6-1.

There was discussion among the commission as to whether the criteria had been met.

Commissioner Swan made a motion they continue the decision portion of this process to the next regularly scheduled meeting and limit input to Pat Oakes from Public Works.

There was discussion if there should be a special meeting.

The motion was amended to say on the 31st of March. Commissioner Ousele seconded the motion. Motion passed unanimously.

There was discussion of what to have on the agenda. Commissioner Swan clarified his motion was for the zone change only. The date of the next meeting was further discussed. Commissioner Jones stated he would like to see if they couldn't hear all three items regarding Seawatch at the next meeting.

After additional discussion it was decided the **next meeting** for Seawatch would be **April 7th**.

GEOLOGIC HAZARD REPORT GH-05-08, TENTATIVE SUBDIVISION PLAT “SEAWATCH” AND CONDITIONAL USE CU-05-02: To be continued to the April 7th Special Planning Commission Meeting.

“OCEAN HIGHLANDS” SUBDIVISION

CU-04-17: A Conditional Use Request to amend a Planned Development Overlay Master Plan identified as Ocean Highlands, located within the Netarts Unincorporated Community Boundary. This request is to seek approval for 156 single-family residential lots. The subject property is zoned as Netarts Medium Density Urban Residential with a Planned Residential Development Overlay Zone (NT-PRD/R2) and is designated as Tax Lot 200 of Section 5AB, Tax Lot 100 of Section 100 of Section 5AC, and Tax Lot 100 of Section 5, Township 2 South, Range 10 West of the Willamette Meridian, and Tax Lot 900, Section 5AB, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Property owners: Robert J. and Carolyn Olsen, Todd and Holly Bates c/o Elite Realty Group-, and Dennis and Beverly Van Eman. Applicant: Centex Homes.

AND

TENTATIVE SUBDIVISION REQUEST FOR OCEAN HIGHLANDS:

Requesting approval of a tentative plat consisting of 156 single-family lots proposed as “Ocean Highlands” Subdivision. The subject property is zoned as Netarts Medium Density Urban Residential with a Planned Residential Development Overlay Zone (NT-PDR/R2) and is designated as Tax Lot 200 of Section 5AB, Tax Lot 100 of Section 5AC, and Tax Lot 100 of Section 5, Township 2 South, Range 10 West of the Willamette Meridian, and Tax Lot 900, Section 5AB, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Property owners: Robert J. and Carolyn Olsen, Todd and Holly Bates c/o Elite Realty Group, and Dennis and Beverly Van Eman, Applicant: Centex Homes.

AND

GH-05-02: A request for a Geologic Hazard Report Review for the proposed Ocean Highlands Subdivision in Netarts. The subject property is zoned as Netarts Medium Density Urban Residential with a Planned Residential Development Overlay Zone (NT-PRD/R2) and is designated as Tax Lot 200 of Section 5AB, Tax Lot 100 of Section 5AC, and Tax Lot 100 of Section 5, Township 2 South, Range 10 West of the Willamette Meridian, and Tax Lot 900, Section 5AB, Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Property owners: Robert J. & Carolyn Olsen, Todd & Holly Bates c/o Elite Realty Group, and Dennis and Beverly Van Eman. Applicant: Centex Homes.

The above are were moved to the next Planning Commission Meeting April 14th.

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

Administrative Decisions: CU-04-10(a), CU-04-13(a), ET-05-01, GH-04-34, GH-04-38, GH-04-39, GH-04-40, GH-04-41, GH-04-42, GH-05-01, MP-99-03, and V-05-02(a).

Commissioner Swan motioned approval for the Chair to sign appropriate orders. Commissioner Marti seconded. Motion passed unanimously.

VI. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT: LUBA intent to appeal Building Permit 04-4053C.

Mr. Campbell talked about the L’Hommedieu appeal of the Geo-hazard report on Chams property. He talked this being heard by the Board of Appeals and what the actual challenge was. Mr. Campbell stated that the Board of Appeals had overturned the decision of the Building Official and that this is being appealed with the State Building Code Division.

Mr. Campbell talked about the appeal from Mr. Norr. He advised that the Anchor Tavern had submitted a modification or change. He stated he thought there would be others as ODOT had denied an encroachment into the right of way. He said work was being allowed on the first floor only pending a decision from LUBA. Mr. Campbell stated he had asked County Council to advise Mr. Norr his direct contact behavior was inappropriate. Commissioner Lovelin asked if they needed a legal interpretation of what the Anchor Tavern would be submitting. Commissioner Jones asked if on these larger projects if they could do a site visit.

Lisa Phipps talked about the frame work for the citizens advisory committee. She advised they would review this at the May Planning Meeting. Mr. Campbell stated they would have an outline in the April package.

The Commissioners said they didn’t like the new timer. Lynne suggested putting time limits in the notices.

VII. ADJOURNMENT:

There was no additional business or discussion. The meeting was adjourned at 11:40 p.m.

REVIEWED AND APPROVED:

Kurt Heckerth – Chair

Pat Affolter – Recorder

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