

**TILLAMOOK COUNTY PLANNING COMMISSION
MINUTES
February 28, 2008**

I. CALL TO ORDER: Meeting was called to order by Chair Heckeroth at 7:00 Pm

II. ROLL CALL: Merrienne Hoffman, Gale Ousele, Kurt Heckeroth, Terry Jones, Ray McFarlane. Kurt Mizee came in late. Staff present; Lisa Phipps Planning Manager.

III. APPROVAL OF MINUTES: None

IV. OLD BUSINESS: None

V. NEW BUSINESS:

OA-08-01: Correcting a mapping error of the Community Boundary of Oceanside on the parcel designated as Tax Lot 15100 in Section 30BC of Township 1 South, Range 10 West, Willamette Meridian, and Tillamook County, Oregon. The parcel is currently zoned both Residential Oceanside (ROS) and Forest (F) with the Forest portion lying outside of the Community Boundary. Prior to the rezoning of Oceanside, the entire parcel was included in the Community Boundary. Tillamook County, applicant.

This is a legislative hearing, Chair Heckeroth read the Legislative Hearing Form.

There were no challenges

There were no Conflicts

Lisa Phipps Planning Manager Department of Community Development gave the presentation. She state that this Ordinance Amendment request is similar to the one completed when Wheeler and the County had two separate maps that identified a parcel that had been erroneously mapped. Ms. Phipps said that staff feels that this Ordinance Amendment falls along the same lines as the earlier map amendments. She said that the request is not to rezone the property but to reestablish the Community Boundary and

associated zoning that was implemented in the late 1990's. Ms. Phipps went on to describe the property and showed the Commission the boundary lines on the maps in their packets. She said staff is amending an error that was made in the 1990's and brought to the department's attention within the last two years and the Department is requesting that Exhibit D reflect the accurate zoning residential Oceanside for this piece of property. Ms. Phipps went on to describe, in detail, the criteria needed to return the property to its correct zoning. It is surrounded to the north, south and east side by the community of Oceanside & the Residential Oceanside zoning. The "thumb" portion of the site is surrounded by Forest zoning. Ms. Phipps indicated that she has had a few calls about how this fits in relation to the Camelot Subdivision and about the property owner wanting to get access through the Camelot Subdivision. She said access will come off of Cape Meares Loop. She said there were concerns on how densely this site could be developed. The current allowable lot size is 7500 square feet per lot and goes up according to the slope of the property; the maximum lot size that could be required is 20,000 square feet. How this lot is developed is not relevant to this situation. Staff believes this to be a Scribner's error as there is no documentation supporting a modification to the Community Boundary or having it zoned differently. Staff has spoken with the Department of Land Conservation and Development and they agreed with staff that this is an acceptable process to follow. Ms. Phipps then asked for questions.

Commissioner Ousele asked about Exhibits C and D, and it was clarified that the land that is colored green on the maps, is Forest Land, and the pink is Residential Oceanside. Commissioner Ousele then asked about not having "Fade Down" property between the Forest zone and the Residential zones. "Fade Down" property was explained as the SFW-10 Zone. Ms. Phipps then went on to say that the property owner will still be subject to setbacks from resource zones.

Commissioner Jones then asked that if in 1996 the property went from R-3 to Forest or if it is still zoned R-3. Ms. Phipps said that when they modified the map it became Forest due to not being included in the Community Boundary. There appears to be no justification for this modification and staff was unable to find out why it was changed.

Commissioner Hoffman asked if it was common to have dual zoning. Ms. Phipps said there are a few area's in the County where this has occurred, especially in Neskowin. Commissioner Hoffman then asked if the Oceanside CPAC was aware of the issue and if they discussed it. Ms. Phipps indicated that it was brought before them at their February 2nd meeting and was discussed with no concerns.

Commissioner McFarlane asked about Exhibit C, Lot 500, and if we have correspondence from the other property owners. Ms. Phipps said no.

Commissioner Heckerth asked if the new boundary was created with the new Oceanside Community Plan and asked if there was any language to leave the boundaries as they originally were. Ms. Phipps said there is nothing in the Community Plan or the Staff report to explain why this change occurred. Commissioner Heckerth then asked if there was a request from the owner for the change. Ms. Phipps said there was nothing in the file. Ms. Phipps indicated that the property is still being taxed as Residential.

Commissioner Hoffman was concerned about the record being clear and that the Planning Commission has taken the appropriate steps in case it was appealed. Ms. Phipps said that staff is not proposing a new zone but to amend and reflect what the situation really is. The County feels that it was never appropriately zoned Forest.

Commissioner Heckerth clarified that to make this a resource land they would have had to do a zone change. Ms. Phipps said not necessarily. When the County first went through the zoning process in the 80's, zones were applied throughout the County with public input and property owners requesting certain zones. This issue could have taken place during the re-mapping. Ms. Phipps said that most property owners do not want dual zoned property because of the extra regulations.

Commissioner McFarlane said that it is pretty obvious that it was a mapping error.

Commissioner Heckerth said the County Taxing Department did not recognize it as a change.

Ms. Phipps said the County initiated this process after the current owners brought it to the Department's attention. She said that staff feels that the County made an error when the property was mapped.

Commissioner Jones asked for direction on how to word the motion. Ms. Phipps clarified that this is a recommendation not a motion.

Ms. Phipps said there is proposed amendment language in the staff report.

Chair Heckerorth closed the hearing to all testimony and opened it to discussion among Commission members.

Commissioner Ousele and Hoffman both agree that it was a mapping error.

Commissioner Heckerorth did not feel it was a decrease in resource lands, and the way it has been taxed and zoned before, it is not clear that it is a resource land issue.

Commissioner Mizee said that the chance that correcting the Community Boundary could change the way it looks now is slim due to the 100 foot set back from resource land.

Commissioner Ousele moved that the Commission recommend to the Board of County Commissioners that they amend the zoning map to restore the Community Boundary in Oceanside to include the entire parcel identified as tax lot 15100 in Section 30BC of Township 1 South Range 10 West Willamette Meridian, Tillamook County, Oregon, within the Community Boundary of Oceanside and to zone the entire parcel as Residential Oceanside.

Commissioner Hoffman seconded.

Commissioner Jones wanted to add wording “to correct Scribner’s error and restore the Community Boundary”. Commissioner Ousele amended the motion to include “correcting the Scribner’s error and restoring the Community Boundary”. Commissioner Hoffman seconded the motion. The motion passed 6-0.

VI. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY: No appropriate orders to sign.

VII. Administrative Decisions: GH-07-41, GH-07-42, GH-07-43, GH-07-44, GH-07-45, GH-07-46, GH-07-47, AR-07-12, V-07-04(a) No Comments or discussion.

VIII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT:

Ms. Phipps gave the department report. Ms. Phipps said that the Department has a couple of questions for the Commission. On April 10th, the agenda will include the third phase Nantucket an appeal of a Conditional Use approval for a cell tower in the Sandlake area and the Buildable Lands Inventory. Instead of a third hearing in the Month of April, staff

wondered if the meeting could start at 6pm. Ms. Phipps asked the Commission if this would be agreeable. The Commission responded with a yes.

There is nothing scheduled for first hearing in March. The second meeting in March will be the Whiskey Creek Estates Subdivision. She then gave an update on the Anchor Tavern. She said LUBA remanded one item back to the County to make a Non-Conforming determination on the expansion of the Restaurant and the Tavern. Staff will meet with County Counsel for advice on the best way to do handle the remand. Commissioner Heckerroth asked if it was a remand back to the Board of County Commissioners. Ms. Phipps answered that that was what staff needed to determine as it could be remanded back to the Planning Commission.

She said interviews were held for one of the General Planner positions; there were four applicants and the Department will be inviting three of them back for a second interview. The County has closed the posting for the Department Director. The interviews will be held mid to late March. The County has received quite a few applicants. It is unlikely the new Director will be working before Mr. Campbell retires. She also said that staff will be bringing the Transportation Refinement Plan for Cloverdale and HWY 131 in front of the Planning Commission later in the spring.

She reminded the Commission that Mr. Campbell has two months left until he retires.

Commissioner Jones requested that Tom Bender be re-invited for another presentation on exclusionary zoning. The Commission asked that staff contact Mr. Bender for his schedule. Once staff informs the Commissioner of Mr. Benders schedule, then they could decide on a date for the workshop, the Commissioner would also like to have other speakers attend the workshop. Ms. Phipps will collect and mail NEACASA documentation to the Planning Commission as a starting point towards the workshop.

There was some discussion on the differences between a Planned Development and a Planned Community. Ms. Phipps said there was none.

- V. **ADJOURNMENT:** There being no further issues Chair Heckerroth adjourned the meeting at 8:00 pm.

Kurt Heckerroth, Chair

Kara Graves, Recording Secretary

Date