

TILLAMOOK COUNTY PLANNING COMMISSION
July 10, 2008
MINUTES

I. CALL TO ORDER: Chair called the meeting to order at 6:05pm

II. ROLL CALL: Merrienne Hoffman, Gale Ousele, Kurt Heckerth, Ray McFarlane and Kurt Mizze. 6:10 pm Terry Jones and Bruce Lovelin. Staff present Butch Parker, Director Department of Community Development, Sarah Absher-Metcalf, and Assistant Planner.

III. APPROVAL OF MINUTES: None

IV. OLD BUSINESS: None

V. NEW BUSINESS:

SUB-08-02: The Applicant is requesting approval of a tentative plat consisting of six proposed single-family dwelling residential lots. The subject property is approximately 1.13 acres and is located within the City of Nehalem Urban Growth Boundary (UGB). The subject property is accessed from Evergreen Way and is zoned Nehalem Medium Density (Nm-R2). The subject property is identified as Parcel 1 of Partition Plat 2000-22 and is designated as Tax Lot 7000 of Section 28CD, Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Applicant and Property Owner, Prestige Development, Inc. Sarah Absher-Metcalf Assistant Planner.

Chair Heckerth announced that a signup list is being circulated for those who wished to testify and those who wished to provide their name and address so we may formally notify them of the results of the hearing. Staff handed out copies of the applicable criteria. He read aloud the Quasi-Judicial statement for the public hearing according to ORS 197.763.

There was no challenge to the Tillamook County Planning Commission hearing this matter.

There was no conflict of interest or personal bias declared by any member of the Commission

There was not exparte contact declared by any member of the Commission.

Ms. Absher-Metcalf, Assistant Planner gave the presentation. Ms. Absher-Metcalf started her presentation with a color-coded map of the area and stated that the Sub-Division request, Evergreen Place, is for six single-family dwelling lots on approximately 1.13 acres located in the Nehalem R-2 zone, within the Nehalem Urban Growth Boundary. The parcel is relatively flat with a 30-foot corridor along the westerly boundary of the property with slopes from 20-50%; there are no plans for the development of this area. There are wetlands that have been identified on the lot and the Department of State Lands is reviewing a wetland delineation report. Ms. Absher-Metcalf indicated that there are conditions of approval in the staff report addressing the wetlands. There is one single family dwelling on the property with no plans to remove it. She said that the applicants plan to construct a 30-foot private roadway, to be comprised of 20 feet of paved road with 5-foot shoulders. The road will be designed to slope towards the center then runoff will be directed downward to the hammerhead and into an 8-inch storm drain. There is a 20-foot radius for emergency vehicles to turn around which meets the requirements of both Tillamook County Public Works and the City of Nehalem. Public Works had some concerns about storm water drainage; the recommendations for storm water and drainage have been included in the recommended conditions of approval. Ms. Absher-Metcalf said there is a recommended 25-foot buffer from the wetlands and any conditions from the wetland delineation report review will be incorporated into the conditions of approval prior to final plat approval.

Commissioner Heckerth asked if there was a setback from the drainage area. Ms. Absher-Metcalf said no, there are no required setbacks and it would be up to Public Works to approve the drainage plan.

Commissioner Lovelin asked about the comment made by the Department of State Lands (DSL) about the wetlands delineation report, the comment was "Unable to determine potential impacts until report is approved." Ms. Absher-Metcalf explained that this area is not on the Flood Insurance Rate Maps (FIRM) for the area and that DSL must review the report before they can declare the area as having wetlands.

Richard Gitschlag
Northwest Engineering
808-A Ivy Ave
Tillamook, OR 97141

Mr. Gitschlag said he is the applicant's representative and that the wetland delineation report was produced by Nancy Roerich. He then went on to explain the topography of the site and that the applicant does not want to undermine any of the neighbors along the promenade.

Commissioner Ousele asked if Mr. Gitschlag was ok with condition 5a, the change in the crown of the road. Mr. Gitschlag said that he would be talking to Public Works about using an inverted crown instead. He said most of the other developments in the Bay Side Garden area have used inverted crowns. He will talk to Public Works about how he can make his proposal acceptable.

Ms. Absher-Metcalf talked about the letter received by the Department this afternoon. The letters main concern was the size of the lots. She assured the Planning Commission that the lots are the minimum size required for the Nehalem R2 zone.

Commissioner Hoffman said there was an issue with there not being enough density to meet Nehalem's requirements. Ms. Absher-Metcalf said the application was originally filed as an Expedited Land Division Application with the City of Nehalem, which has a different set of requirements, but did not meet all the requirements. Ms. Absher-Metcalf said that an Expedited Land Division application has a minimum density requirement of 80% and because of the steep topography and drainage way, they were limited to six lots, which did not meet the 80% density requirement. She said that because of this, the applicants were required to have a full review for a Subdivision.

Commissioner Jones asked about that thirty-foot corridor on the west side of the site, he wanted to know if this would be part of the three lots. Ms. Absher-Metcalf said yes and that there is a restriction on the lots so they cannot be divided further. The Declaration says that they cannot be divided into smaller lots and will be considered open space. Commissioner Jones asked if dedicating it to open space instead of individual ownership would be a better idea. In his experience, 10-15 years down the road, the owner's will slowly creep into the open space. Ms. Absher-Metcalf said it would be a better question for the applicant. Commissioner Jones then asked about condition #5a of the staff report. He wanted to know if the Planning Commission made #5a one of the conditions of approval, would the applicant need to come back before the Commission if Public Works lets him use the inverted crown design. Ms. Absher-Metcalf said yes. These conditions were recommended by Public Works so it will be up to Public Works to modify them.

Rich Gitschlag
Northwest Engineering
808-A Ivy Ave
Tillamook, OR 97141

Mr. Gitschlag asked if he could have the opportunity to negotiate the road crown with Public Works.

Commissioner Jones asked Mr. Gitschlag if he had read the conditions of approval in the staff report Mr. Gitschlag said no, he only read the letter from Public Works.

Mr. Gitschlag then spoke about the infiltration of water during periods of heavy rainfall and that there could be some overflow.

Commissioner Lovelin made a comment about Mr. Gitschlag not seeing the staff report and the fact that he is representing the Applicants but has not read the staff report.

Commissioner Jones asked if it would be feasible to extend the infiltration trench. Mr. Gitschlag no, they have to put in a pipe anyway.

Commissioner Ousele was having trouble with approving the subdivision knowing that Applicant's representative did not agree with one of the conditions from Public Works. Mr. Gitschlag said that he is ok to an extent. Commissioner Ousele said that the Planning Commission relies on the recommendations submitted by other agencies in making their decision. Mr. Gitschlag said he had a problem with condition #5a and would like time to discuss it with Public Works in the hope of changing it mind.

Commissioner Heckerroth asked what the process would be to change a condition that has already been approved. Director Parker said it would be ok to postpone their decision until after Mr. Gitschlag has spoken with Public Works. He explained that if the conditions are changed, then it must come back before the Planning Commission. There was a suggestion to leave it blank. Director Parker said that it would not be a good idea to leave it blank, the more specific you are the better.

Mr. Gitschlag said they could write the condition as a recommendation instead of a requirement.

Commissioner Jones asked if the road could be extended south to tax lot 6900. Ms. Absher-Metcalf replied that there is a single-family dwelling with an accessory structure on the lot and she does not think that this can be done.

Commissioner Heckerroth closed the meeting to public comments and opened it up to discussion among commission members.

Commissioner Lovelin suggested the Commission do one of three options. 1.) Amend condition #5a or amend section five. 2.) Leave it alone. 3.) Continue it. He is still troubled that the Applicants representative has not seen the conditions of approval.

Commissioner Ousele is not comfortable approving condition #5a because the Applicant representative does not approve of it.

Commissioner Jones made the comment that the only way to control water is with an inverted crown. Commissioner Ousele said she would have liked it better if the

negotiations between Public Works and the applicant's representative would have been done prior to this meeting. Commissioner McFarlane said that no matter what, the conditions say the applicant will have to have a letter of approval from Public Works to start the project. Commissioner Jones said that if the applicant does anything other than what is stated in the conditions of approval, they would need to come back before this Commission for approval.

Commissioner Mizee stated that he was in favor of modifying #5a.

Commissioner Heckerath felt there was some resistance from staff. Ms. Absher-Metcalf said that there is no resistance just the need to make sure the road is constructed according to Public Works conditions of approval. Commissioner Hoffman asked if they could put language that reads, "Unless the requirement is removed or modified by Public Works prior to final approval" at the end of #5a? Ms. Absher-Metcalf asked that written documentation be submitted to the department so that it is clear that the modifications were approved by Public Works. This would need to be done prior to final plat approval.

Commissioner Mizee suggested language reading "can be modified by a letter from Public Works prior to final plat approval."

Commissioner Ousele spoke on the recommendations of the agencies in the staff report and what the agencies recommend is what the Planning Commission is approving. Commissioner Ousele does not want to set precedent of changing the meaning of what is spelled out in the staff report. Commissioner Lovelin felt that it is important for the Planning Commission to include the recommendations from the outside agencies.

Commissioner Heckerath asked how the wording in #5a could be changed to accommodate the time needed for a meeting between Public Works and Mr. Gitschlag. Commissioner Ousele suggested specific road crown/drainage plan should be approved by Public Works. Commissioner Lovelin thought there would be a problem with the preamble to five. He suggested "a" as an option, and continue with the sentence to read "or as amended by Public Works prior to Subdivision final plat approval. Commissioner Jones suggested adding "in a letter from Public Works". Or as amended by public works through a letter (in writing) to the Department of Community Development.

Commissioner Lovelin made a motion in the matter of SUB-08-02 based upon the findings fact, the staff report and public testimony. He moves the Planning Commission approve the Evergreen Place tentative Subdivision Plat. Subject to the 18 conditions of approval with condition 5a amended to read "The use of the inverted crown on the proposed 30-foot easement for a drainage system is changed to either a crown and ditch or side slope and direct drainage to one side or as amended in a letter from public works".

Commissioner Hoffman seconded the motion. The motion carried 7:0.

Chair Heckerth called for a Five-minute break. 7:05-7:10pm

OA-07-01: North County Buildable Lands Inventory, Housing Needs and Economic Opportunities Analyses, and Public Services and Facilities Assessment. A request for approval of legislative amendments to the Tillamook County Comprehensive Plan Ordinance No. 32 to incorporate strategies intended to implement housing and economic goals and policies, and to acknowledge adoption of the buildable lands inventories, housing needs analyses, and economic opportunities analyses by the cities of Manzanita, Nehalem, and Wheeler. Initiated by the Department of Community Development/Valerie Soilihi, AICP, Lead Staff.

Chair Heckerth announced that a signup sheet was being circulated for those who wished to testify and those who wished to provide their name and address so they may formally notified of the results of this hearing. Staff handed out copies of the applicable criteria. He then read aloud the Legislative proceedings statement.

There was no challenge to the Tillamook County Planning Commission hearing this matter.

There was no conflict of interest or personal bias declared by any member of the Commission

There was not exparte contact declared by any member of the Commission.

Valerie Soilihi introduced Matt Hastie, AICP, from Angelo Planning Group. She said that there are four requests that staff is asking of the Planning Commission:

- Text amendments that will modify existing Goals & Policies, and incorporate new strategies into Goal 10 (housing) of the Tillamook County Comprehensive Plan.
- That the Planning Commission acknowledges the Ordinances that have been adopted by the Cities of Manzanita, Nehalem, and Wheeler.
- The Planning Commission acknowledges the need for similar amendments for the unincorporated Communities.
- Modify the Urban Growth Management Agreements between the Tillamook County and the affected Cities.

Ms. Soilihi then asked the Planning Commission to recommend to the Board of Tillamook County Commissioners approval of OR-07-01.

Applicant

Matt Hastie AICP
Angelo Planning Group
921 SE Washington Suite 468
Portland, OR 97205

Mr. Hastie talked about the study results that included the Counties Policy and his recommendations, Joint management agreement recommendations, and Regional Recommendations.

Commissioner Lovelin asked that Mr. Hastie explain what the public involvement was during this process.

Mr. Hastie said that they started with two different committees. One was a Project Management Team, comprised of staff from each of the Cities, the County, Nehalem Bay Waste Water Treatment District and The State Department of Land Conservation and Development. There was also a Citizens Advisory Committee with representatives from the communities and City Planning Commission & Council Members, City and special district staff, Cart M' Recycling Center, forest industries, affordable housing representatives and local business owners. Both groups met several times to go over draft work and to look at the assumptions and methodology being used for the Housing Needs Analyses, the Economic Opportunity Analyses and the Assessment of Public Facilities. The two groups recommended a number of changes made to the draft documents. An open house was held for all three communities to give other members of the public a chance to share their thoughts on the draft reports. Each City went through its own review and adoption process with multiple work sessions and hearings.

Mr. Hastie then went through his handout with the Planning Commission. It outlined the Housing and Economic Opportunity Needs Analysis, Buildable Land Inventory and the Assessment of Public Facilities. He explained that the study looked into the future twenty years and identified the expected growth in population and housing and the amount of land that will be needed. There was another analysis done for employment and what types of industries and the amount of land needed for this growth. The report compared the future need (acres of land) with the supply evaluated in the Buildable Lands Inventory. The result in each community was that there is adequate land to meet the 20-year need for housing and employment. Some minor deficiencies were identified in a couple of Zoning designations and will need to be looked at for the types of housing needed, and the appropriate zoning needed to accommodate those types of housing. Mr. Hastie said the study also looked at seasonal occupancy rates and the percentage of land needed. It was determined that there is adequate land for this also. It was recognized that in Manzanita there could be a potential shortfall of buildable land. This could occur with continued development at year fifteen. One of the issues looked at was whether a regional approach should be considered to the Urban Growth Boundary (UGB) for these communities. With a regional UGB, a lack of buildable land in one community could be made up in another community having a surplus. It was found that there was not

a need for a Regional Urban Growth Boundary at this time. Overall, there is an adequate supply of land for housing, but a housing affordability issue related to the income of the local full-time residents. When looking at the State guidelines, there is enough land to accommodate growth over the next 20 years. Mr. Hastie said that many of the policies and strategies were identified for potential inclusion in local jurisdictions' Comprehensive Plans, are aimed at supporting and increasing opportunities for production of affordable housing. All of the Cities incorporated the results of this work, by reference, in their Comprehensive Plans as supporting documents and adopted a basic set of the recommended policies and strategies.

Mr. Hastie reiterated what was being asked of the Planning Commission. To recommend to the Tillamook County Board of Commissioners the amendment of the Tillamook County Comprehensive Plan by adding specific strategies to Goal 10, housing; and future modification of joint management agreements between Tillamook County and the Cities; and amendments to the Unincorporated Community Plans based on recommendations provided for the Unincorporated Community of Neahkahnie. Mr. Hastie recommended that Tillamook County do the following:

1. Work with the cities to update the Buildable Lands Inventory regularly.
2. Update the population projections and allocations as needed.
3. Allow for a broader array of housing types and densities.
4. Support efforts of non-profits and others who address affordable housing needs.
5. Allow for non-single family dwellings in planned developments.

In the future, Mr. Hastie also recommended updating the joint management agreements to include maps, responsibilities, standards for sewer and water services and provisions related to notification of UGB amendments. Mr. Hastie also recommended supporting the County's economic development needs by having business groups within the County co-operate in obtaining grants, marketing and attracting new businesses and customers.

Commissioner Hoffman asked Mr. Hastie to state what policies and procedures the Cities were unwilling to adopt due to cost effectiveness or what they considered onerous. Mr. Hastie's said there were concerns about the public purchase of land, waving system development fees, economic development and marketing support for local business groups, with providing materials etc. (the Cities said they do not have the resources to do this) and supporting proposed state legislation regarding affordable housing.

Public Comment

Tom Bender
38755 Reed Rd
Nehalem, OR 97131

Mr. Bender said it was a very interesting process and compared to other jurisdiction studies, it was heart breaking. There has been no support for North County to take action. He stated that 70% of the Community could not afford to own a home in Tillamook County. Mr. Bender stated the main reason was the cost of land. He said

he had a discussion with John VanLandingham, the Chair of the Land Conservation and Development Commission, and that he said the State of Oregon has never considered the cost of land. Mr. Bender suggested that Tillamook County be a pilot program with the Department of Land Conservation and Development (DLCD) on how to bring land into the UGB for affordable housing. He went on to talk about what other Counties have done to provide and maintain affordable housing. He feels that Tillamook County can work with the Cities for some substantive actions. He felt that this study had not provided any significant results and asked the Planning Commission to take some initiative and get something going.

Commissioner Lovelin stated that he felt it was up to the Cities to take the initiative on affordable housing policies and strategies. Mr. Hastie said that there is higher density zoning in some communities along the coast, but condominiums are being built in these areas rather than affordable housing. He said you can increase the higher density areas, but condos will still go up and that it does not solve the affordable housing problem.

Applicant Rebuttal

Matt Hastie AICP
Angelo Planning Group
921 SE Washington Suite 468
Portland, OR 97205

Matt said that the Cities were willing to adopt into their Comprehensive Plan some of the recommended policies and strategies but not things that would compel them to spend more money because they do not have the money to spend. The land supply / UGB amendment process is regulated so that the Cities need to justify the need for more land before they can bring it into the Urban Growth Boundary. Just because a landowner would like to provide affordable housing on their property is not a reason to bring it into the UGB. Mr. Hastie agrees that there is a need for affordable housing in the County. He said that the Cities do have control over zoning and the types of housing they will allow within their Communities.

Commissioner Heckerth made the comment that it seems this is about adding language to create these possibilities. Mr. Hastie said that this is the way he presented some of the policies and strategies. He said that once there is language in the Comprehensive Plan, then it opens the door for the public to say "You have the language so what are you doing about it".

Valerie Soilihi said that after reading through all the reports it seems that the focus of the proposed Comprehensive Plan amendment is on addressing affordable housing and providing public awareness.

Commissioner Heckerth made the comment that it seems not to be a community development issue but more an issue of outsiders taking advantage of the land that is here. The affordable housing part seems that it is asking people to accept less

money for their property than what it is worth. It appears that we are not servicing the people from the community but servicing people who do not live here.

Commissioner Hoffman said that in the Southern part of the County there is a lot of property that is not oceanfront and that those Communities are also struggling to provide affordable housing. She also felt that this is a starting point to take some action to fix this problem. Commissioner Hoffman suggested that the Planning Commission look at the things they can do, not the things they cannot.

Commissioner Lovelin was concerned about there not being language in the staff recommendations asking the County to adopt the policies and strategies. Ms. Soilihi and Mr. Hastie pointed out that it was in another part of the report. Commissioner Lovelin was ok with that.

At 8:15pm, Commissioner Heckerth closed the meeting to public comment and opened it up for discussion among Commission members.

Commissioner Lovelin said that what the Planning Commission is looking at is the acknowledgement of the ordinances adopted by the Cities of Manzanita, Nehalem, and Wheeler. He feels that this is consistent with the presentation.

Commissioner Heckerth said that he is not clear on how the Planning Commission can promote affordable housing. He understands the need, but is not clear on the recommendation. Commissioner Lovelin said that property is bought for a certain price and then the owner can do what the zoning allows. He also said that by promoting zoning density, one by-product is condominiums. He feels that we are in a desirable area which results in the high cost of land. Commissioner Lovelin felt that the only thing the Planning Commission can do is to promote higher density or zone changes. Commissioner Hoffman said that as a result of this study and by recommending the amendment to Goal 10, housing, of Tillamook County's Comprehensive Plan, the Planning Commission is identifying and creating opportunities for affordable housing. She said that it would set the stage for staff on future amendments. Commissioner McFarlane felt that only the incorporated Cities would be affected.

MOTION:

Commissioner Hoffman said in the matter of OA-07-01 based on the findings of fact, testimony, and staff report. I move that we recommend to the Board of County Commissioners approval of this Ordinance Amendment there by incorporating proposed text amendments into the chapter on housing goal 10 of the comprehensive plan. I further recommend that we acknowledge the ordinances adopted by the cities of Manzanita, Nehalem and Wheeler incorporating goals, policies and strategies recommended in the updated Buildable Lands Inventory, Housing and Economic Analyses reports related to housing, economic development, public facilities and regional coordination. I further recommend that the county consider future adoption of related amendments proposed to unincorporated

community plans to achieve consistency throughout the county. I further recommend that the county and affected cities pursue recommended updates to the Urban Growth Management Agreements between the county and the cities of Manzanita, Nehalem and Wheeler related to issues identified during this project.

Commissioner Ousele seconded the motion. The motion carried 7:0.

AP-CU-08(a) An appeal of the Director's decision to approve with conditions a Conditional Use request to allow the placement of a recreational vehicle in a Community Commercial (CC) zone on property accessed from Oregon State Highway 22. This property is designated as Tax Lot 3700 of Section 13BB, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. The Appellant is Douglas S. Olson. The Applicants and Property Owners are Darrel P. and Debra K. Oleman, 4256 Great Plans Drive N.E., Salem, OR. 97305.

Commissioner Heckerth announced that a signup sheet was being circulated for those who wished to testify and those who wished to provide their name and address so we may formally notify them of the results of the hearing. Staff handed out copies of the applicable criteria. He read aloud the Quasi-Judicial statement for the public hearing according to ORS 197.763.

There was no challenge to the Tillamook County Planning Commission hearing this matter.

There was no conflict of interest or personal bias declared by any member of the Commission

There was no ex parte contact declared by any member of the Commission. Commissioner Jones declared that he had done a flood analysis a year and a half ago on this property

Ms. Absher-Metcalf started the presentation by explaining about the original Conditional Use. It was requested that the applicant be allowed to place a recreational vehicle to be used as a single-family dwelling in the Community Commercial (CC) Zone of Hebo. She explained that the Tillamook County Ordinance does not differentiate between different types of Single Family Dwellings, but that the development standards apply for any residential development proposals. She explained that a Recreational Vehicle is allowed conditionally in the CC Zone unless it is used in conjunction with a business then it is permitted outright. Ms. Absher-Metcalf then proceeded to read what is permitted outright and what is permitted conditionally in the CC Zone. She also explained the criteria for placing a recreational vehicle in a flood zone. Ms. Absher-Metcalf said that the subdivision name is "Three Rivers"; it is an irregular shaped lot of approximately 6969 square

feet. She then said that the following also applies to this lot, the Community High Density Urban Residential Zone (CR-3), it states in the CC Zone "Residential uses shall follow the development standards of the CR-3 Zone, the Recreation Management Zone (RM), the Flood Hazard Overlay Zone, Clear-Vision Areas and the Conditional Use criteria. Ms. Absher-Metcalf said that the Community Commercial zone provides for Recreational Vehicles as a Conditional Use, if the requirements of the section are met. The proposed use is consistent with the uses permitted conditionally in the CC Zone. The Comprehensive Plan did not distinguish different development standards for different types of dwellings. She said that a recreational vehicle could be placed on the lot and it would still meet all of the setback and parking requirements. There is also room for an accessory structure to be placed on the lot. This lot is located in the A3 flood zone which states "Recreational vehicles may occupy a site in a Special Flood Hazard Area for periods of 180 consecutive days or greater providing they are fully licensed and highway ready." Highway ready means that the recreational vehicle is on wheels or a jacking system that is attached to the site only by quick disconnect type utilities and security devices. In addition, has no permanently attached additions. The reason is to be able to remove the unit to safety prior to the next flood event. Ms. Absher-Metcalf said that the Hebo Community Plan acknowledges that there are residential uses within the CC zone and that the residence must be consistent with the established residential uses in the area and not alter the area around it.

Commissioner Hoffman asked about parking space #2. She said that it looks to her like one of the parking spaces is outside of the property line. Ms. Absher-Metcalf said that when it was scaled, both parking spots and the accessory structure are within the property lines.

Appellant

Doug Olson
PO Box 1000
Pacific City, OR 97135

He spoke about the written material he submitted. Mr. Olson stated that he and his wife live in Pacific City and that the home they own in the subdivision is a rental. He felt that what staff wrote in their report was contradictory to the Hebo Community Plan. His position is that the introduction of a travel trailer would go against where the citizens of Hebo wanted their community to go. He would like to see housing compatible with what is already there. He believes that the five houses that are there now were part of the Air Force facility at Mount Hebo during WWII. A travel trailer does not jibe with preserving the historical nature of the homes. He said that the parking might encroach into the ingress and egress of the subdivision. He is also concerned about transferability of the Conditional Use and what type of travel trailer the new owners would site on the lot. He asks that the Planning Commission do one of three things #1 deny the request and #2 limits the time the lot can be occupied to a certain time during the year and #3 deny the transfer of the Conditional Use. He

asked staff how a travel trailer that is road ready could be construed as a permanent dwelling. It sounds like a temporary dwelling in a permanent housing subdivision to him.

Commissioner Hoffman asked how he would respond if a bank, which is permitted outright, were to move into the area. Mr. Olson said that if it were anything other than a permanent house, he would come before the Planning Commission and say that it is a mixed use and incompatible with the general sense and philosophy of the Hebo Community.

Commissioner Ousele asked about when the Hebo community coalition was working on the Hebo Community Plan, were the implications of this zoning discussed along with what was and was not permitted. Mr. Olson answered that he did not recall the specifics of those meetings.

Commissioner Jones mentioned that he thought this was a temporary situation, which would leave the lot open for a commercial building in the future. Mr. Olson indicated that he owns a few businesses and feels that any business owner would be reluctant to put in a commercial building among residential dwellings on a private access. He also said that his understanding of the Conditional use was that it was indefinite not temporary. Commissioner Jones then asked how many of the 5-cabins have two off street parking spaces. Mr. Olson said all, but that some would be closer to the houses than others.

Commissioner Heckerth asked about a comment, Mr. Olson had made and if his point had to do with the wording, "The County will work with Community groups and organizations, business and property owners, and agencies to improve the general appearance of Hebo". Mr. Olson said that yes, it is one of the points he is trying to get across.

APPLICANT

Darrell Oleman
4256 Great Plains Dr.
Salem, OR 97305

Mr. Oleman told the Commission that he purchased a newer trailer that is longer than the one mentioned in the application.

Commissioner Hoffman asked Mr. Oleman what the difference was in length between the two trailers. Mr. Oleman said that the original trailer was 23 feet in length and that the new one is 27 feet in length. Mr. Oleman indicated that neither he nor his wife would do anything to harm the community; they just want to help improve it. He said he will do what the Commission suggests and that he has met all the criteria and completed all the paper work required.

PUBLIC COMMENT

Brenda Smith
PO Box 3500-125
Sisters, OR 97759

Ms. Smith said that her biggest concern is what will happen to the property once the applicant no longer owns it. Ms. Smith said that she and her brother are concerned with the other types of recreational vehicles that could be placed on the site in the future. She asked that the Planning Commission limit the Conditional Use to the applicant's lifetime. Ms. Smith would also like for the Conditional Use to revert back to the 180-day limit once the applicant is deceased. Ms. Smith said that she is directly affected by the amount of parking spots along the road.

Commissioner Heckerroth asked Ms. Smith how the applicant would affect her if he hooked up to the sewer. Ms. Smith asked for Doug Olson to answer the question. Mr. Olson said that the subdivision is hooked up to a step system, which is part of the Hebo joint Water Sanitary Authority and that there is a large community septic system for the homes in the subdivision. He indicated that it did not discharge into the ground but went to the treatment, once a year it is pumped out and cleaned. Mr. Olson said that it has backed up a few times within the last four or five years. Commissioner Heckerroth asked if the original lot set-up was to be supported by this system. Mr. Olson believed it was.

Diane Boisa
31015 HWY 101
PO Box 151
Hebo, OR 97112

Ms. Boisa said that the people in this subdivision are trying to make the town look better and a travel trailer is not what they envisioned. She does not have a problem with the applicant's trailer but could have a problem with the next RV. She said that a trailer park is already established up the road and that is enough. She does not want another one.

APPLICANT REBUTTAL

Darrel Oleman
4256 Great Plains Drive N.E.
Salem, OR 97305

Mr. Oleman said that anyone who acquires the property in the future would have to comply with the conditions of approval just like he does and if they wanted to change something they would have to go through the Conditional Use process again.

Commissioner Jones asked about putting a sunset date on this permit. Mr. Oleman said that he has no plans to transfer the permit at this time. Commissioner Jones asked Mr. Oleman if he would have a problem with the Planning Commission putting a condition that when he passes away the conditional use would be invalid. Mr. Olman thinks that if there were a change then it would have to come back before the Commission.

Doug Olson
PO Box 1000
Pacific City, OR 97135

Mr. Olson, speaking for Three Rivers Lodging, does not disagree with anything that has been said. He said that he would like two things done to take care of this issue. 1. A sunset agreement. 2. Screen the various utilities for quick disconnect.

Staff

Ms. Absher-Metcalf indicated that there seemed to be some confusion between the Flood Hazard Overlay zone requirements and the Conditional Use permit. The 180-day requirement pertains to development within flood hazard overlay zones. The 180-day requirement does not apply because the application is for the placement of a recreational vehicle as a permanent single-family dwelling. It would be at the Directors discretion how long the RV could be off the property in the event of a flood. The recreational vehicle is supposed to stay on the property because it is being permitted as a permanent dwelling. If it were removed due to anything other than an act of God, the Conditional Use would no longer be valid. The Conditional Use permit can be transferred with the property but the RV would also have to stay.

Commissioner Lovelin stated that if the RV was to be removed and an exact copy of the RV was returned in its place, it would be OK.

Ms. Absher-Metcalf said that it is her understanding that this Conditional Use permit is for this recreational vehicle only. Ms. Absher-Metcalf went on to talk about sunset dates for a Conditional Use permit. To her knowledge, the only type of permit that would be time sensitive is for a health hardship permit. Ms. Absher-Metcalf then spoke about the parking and how the subdivision is very small and that the road terminates at the southerly end of the development. She said that there may be an extra parking space or an easement to the south but it is not connected to this subdivision. Ms. Absher-Metcalf then spoke about the goals and policies for the Hebo Community plan and that the Ordinance does not differentiate between

residential structures as far as development requirements are concerned. It just has to meet the parking, setbacks and height requirements. This application is consistent with all of the requirements.

Commissioner Heckerth asked about incorporating the various Community Plans into the Tillamook County Land Use Ordinance and Tillamook County goals. Ms. Absher-Metcalf told the Commission that Lisa Phipps, Tillamook County Long Term Senior Planner would be the one to talk to about this. Commissioner Heckerth then asked Ms. Phipps to come forward so that the Commission could question her about this. Ms. Phipps wanted to clarify the issue of whether or not; a new Conditional Use application would need to be submitted to replace the RV. Her answer was no, it did not require a new Conditional Use application to replace the Recreational Vehicle. She also said that anyone could use this Conditional Use permit once it has been established. Commissioner Mizee asked if the RV is gone for a year or more does the Conditional Use lapse. Ms. Phipps said yes, but it does not lapse if they pull it off site and then bring it back. Commissioner McFarlane made the comment that if one of the cabins were to burn to the ground and it was not replaced within one year then they would have to come into compliance with all the standards for that zone. Ms. Phipps agreed.

Commissioner Jones asked if Mr. Oleman could raise the RV off the ground instead of having it road ready. Ms. Phipps indicated that Mr. Oleman did have this option, but chose not to raise the trailer but to have it road ready. Commissioner Lovelin asked if the applicant would need to have a RV placement permit and if he does, would he need to have tie downs. Ms. Phipps said yes he will need an RV placement permit, but only needs to be attached to the site by quick disconnect utilities and security devices.

Commissioner McFarlane asked if the zoning changed, it would not affect the people there but the future owners. Ms. Phipps answer was that as long as the use was not discontinued, it would be allowed to remain, but if the use were to lapse then they would have to comply with the current standards.

Commissioner Hoffman asked if there could be a sunset clause so that the Conditional Use would stop once the applicant was done with the use. Ms. Phipps said there are no provisions in the Ordinance for that. It would be up to the Planning Commission to make that decision.

Chair Heckerth closed the meeting to public comment and opened it to discussion among Planning Commission members.

The Commission then went on to discuss how the Community Plan did not go far enough to prevent a Recreational Vehicle from being placed in this area. They also discussed the Tillamook County Land Use Ordinance allowing a permanent RV to be

used as a Single Family Dwelling then the Flood Hazard Overlay saying an RV must be road ready and be moved within an hour of a flood event.

Commissioner Hoffman had trouble with a Recreational Vehicle being a permanent dwelling and then on the next page they are supposed to disconnect and leave if the water gets too high. She felt that the Community was very clear, in how they wanted their appearance. She agreed that the RV was inconsistent with that appearance. Commissioner Heckeroth said that unfortunately that was not followed through with. However, in the Tillamook County Land Use Ordinance it states that an RV can be placed as a permanent residence. Ms. Hoffman said that being able to drive off with the RV at any time is temporary not permanent. Commissioner Mizee said that the applicants offered to skirt the trailer and use tie downs, but the Flood Overlay Zone requires it to be road ready. Commissioner Hoffman said that if the Commission wants to deny this then they would have to find one of the criteria that it does not meet and explain why.

Commissioner Macfarlane felt it did meet all of the criteria. Commissioner Ousele agreed and said what it did not meet was the aesthetic description of the Hebo Community Plan. Commission McFarlane said that the Community Plan has no legal binding.

Commissioner Ousele believed that the issue is policy and strategy, which are the zoning ordinances and how to clarify this for the next time. She asked that the Commission look at this with the Communities eye to clarify these issues for the future. Commissioner Lovelin held that the Communities went through a lot of effort to develop a Community Vision or Plan but for some reason did not get to the final step of changing the zoning. The CPAC's in his community are changing the ordinances relative to the transportation refinement plan. Commissioner Heckeroth thought it difficult to say what improving the general appearance of Hebo is. With general statements like "Village Like", they need to be more specific.

Commissioner Hoffman stated that she wanted to discuss the testimony on page two and three of the appeal. She started with Criteria #2 "The use is consistent with the applicable goals and policies of the Comprehensive Plan." Policy 1.2 of the same document reads "The County will work with community groups and organizations, business and property owners and agencies to improve the general appearance of Hebo." The property owner then states, "To introduce a temporary housing unit into a subdivision of permanent structures materially alters the character of the subdivision and the community of Hebo. It changes the appearance of the housing subdivision and makes the entire cluster less attractive, both aesthetically and financially. "She feels that this is "spot on" the trailer is significantly different from the other structures in the subdivision. Commissioner McFarlane said that an RV is a conditional use no matter what some ones opinion is of what is attractive. Commissioner Hoffman replied that as long as it is consistent with the ordinance. Commissioner Mizee informed them that the ordinance makes no difference between what a single-family dwelling is whether it is an RV or a stick build or manufactured home. Commissioner

Hoffman made the point that no one informed the group to make sure their zones are appropriate to how you want your community to develop. Commissioner Ousele said that what the Commission ends up weighting is the rights of the property owner who did some research into what is and isn't allowed on his property and the rights of the community that was not informed about what zonings are permitted outright. The Commission agreed that this is a tough decision. Commissioner Heckeroth said that all the people disagreed that the trailer is aesthetically pleasing or disrupts the continuity of their subdivision. Mr. Oleman owns the lot and legally under a conditional use has the right to place a dwelling on the site. In addition, if the Commission is going to say No they will need good justification as to why the Commission is not accepting it. Commissioner Hoffman said that the justification would be the placement of a temporary dwelling instead of a permanent dwelling. Because it is not physically, connected to the land.

Commission Ousele made a motion in the matter of AP-CU-08-02(a) to move that the Planning Commission uphold director's decision to approve with conditions the Conditional Use to allow the placement of a Recreational Vehicle in the Community Commercial zone. On the bases of findings of fact and testimony and the ordinances presented.

Commissioner Lovelin seconded the motion. The motion passed 6:1 with Commissioner Hoffman opposed.

VI. AUTHORIZATION FOR CHAIR TO SIGN APPROPRIATE ORDERS, IF NECESSARY:

Commissioner Ousele moved to authorize chair to sign appropriate orders. Commissioner Hoffman seconded the motion. The motion passed 7:0

Administrative Decisions: CU-08-03(a), CU-08-01(a), GH-08-08(a), GH-08-09(a), GH-08-07(a), GH-08-10(a), GH-08-01(a), GH-07-62(GH-07-10(a), MP-08-01(a), GH-08-02(a), GH-08-06(a), GH-08-04(a), MP-08-02(a), GH-07-63(a), and GH-08-03(a).

MP-08-01(a) states tentative **plan** instead of tentative **plat**.

VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT:

Director of the Department of Community Development Butch Parker. Mr. Parker made the decision to no longer copy the administrative decision for the Planning Commission packets. He then went on to talk about the changes in the duties of the planning department. Mr. Parker will now manage the planning department and Ms. Phipps will update the Tillamook County Land Use Ordinance. Her new title is "Long Range Senior Planner."

VIII. ADJOURNMENT: There being no further business meeting was adjourned at 10:30pm

Kurt Heckerth-Chair

Kara Graves, Recording Secretary

Date