

# TILLAMOOK COUNTY PLANNING COMMISSION

August 14, 2008 - Beginning at 7:00 p. m.

I. **CALL TO ORDER:** August 14, 2008 7:00pm

II. **ROLE CALL:** Merrienne Hoffman, Kurt Mizee, Gale Ousele, Terry Jones (late), and Ray McFarlane.

III. **APPROVAL OF MINUTES: October 25, 2005**

Correction: Kurt Mizee indicated he is listed as present but he was not present. Kurt Mizee Moved to approve the minutes of October 25, 2005 as amended. Commissioner Hoffman seconded the motion. The motion passed 4:0.

IV. **OLD BUSINESS:**

**CONSIDERATION OF PLANNING COMMISSION ORDER FOR AP-LUV-07-06: An Appeal of the Director's decision in a Land Use Verification on Items #1, #3, #4, #6, and #8 within the request regarding activities and land divisions within the Rural Residential 2-Acre Zone (RR-2). This property is located in the Rural Residential-2 Acre (RR-2) Zone. The property is designated as Tax Lot 300 in Section 27BD of Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Appellant and applicant: Tom Bender/ Lisa Phipps, Lead Staff**

Lisa Phipps, Long Range Senior Planner, Tillamook County. Ms. Phipps said that staff felt they had captured the Planning Commission's conditions and motion accurately and asked for approval and the Chair's signature. The Commission approved the motion for AP-LUV-07-06 and it will be put under Authorization for Chair to Sign Appropriate Orders. Ms. Phipps said that staff would take the Planning Commission's request to the Board of County Commissioners.

V. **NEW BUSINESS:**

**OA-08-03: Correcting a mapping error on the parcels designated as Tax Lots 2400 and 2500 in Section 33BA of Township 3 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. Tax Lot 2400 is currently zoned R3-Nm (Nehalem Urban Growth Boundary) and Tax Lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved, both parcels will be zoned R-2 M in the Manzanita Urban Growth Boundary. County, applicant.**

Chair Ousele 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 they maybe formally

notified of the results of the hearing. Staff handed out copies of the applicable criteria. She 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 or declaratory contact declared by any member of the Commission.

Ms. Phipps, Senior Long Range Planner, Tillamook County, gave the presentation. She said this application was brought forward by Tillamook County to correct a mapping error. She indicated that in speaking with the City of Manzanita and the City of Nehalem it is unclear where the mapping error occurred. There are two lots; lot 2400 is zoned High Density Nehalem Residential and part Tillamook County Recreation Management zoning and tax lot 2500 is zoned Manzanita Medium Density and partially Tillamook County Recreational Management zone. Ms. Phipps said that when this was first brought to staff's attention it was thought tax lot 2400 would be brought into the Urban Growth Boundary of Nehalem and tax lot 2500 would be brought into Manzanita's Urban Growth Boundary. However, as staff did research and talked with the cities of Manzanita and Nehalem it was found that both lots were suppose to be included in the UGB of Manzanita. Ms. Phipps said that the City of Nehalem's map, which has not been modified, is very clear that both tax lots were to be included in the Manzanita UGB. Ms. Phipps said that the break down seems to have happened during the city of Manzanita's process (per the city of Manzanita) and they concurred that these properties should have been considered part of Manzanita's UGB. Ms. Phipps said that this is before the Commission because it is a map change and the Planning Commission will be modifying the boundary lines. She said that if the Planning Commission agrees with staff then the City of Manzanita will make the corrections to their maps as well. She said that tax lot 2400 is about 2.5 acres and tax lot 2500 is about 2.4 acres. The portions zoned as Recreational Management are mostly wetlands and Staff believes that what happened was an interest in maintaining the wetlands and with some control over the density of development that could happen. Ms. Phipps then spoke about the comment letter staff received. The comment letter was from Diane Unruh who owns property that borders tax lot 2400. Ms. Unruh expressed concern about her understanding of the zoning at the time. Ms. Unruh understood the wetland portion of the property would not be developed and that each of the lots were limited by the amount of land taken out of the potential for development because of the wetlands. Ms. Phipps spoke with Ms. Unruh and explained that the lots are actually in the UGB of Manzanita based on all records. In addition, even though the zoning is changing it is really just correcting the maps to reflect what the actual zoning is. Ms. Phipps encouraged the Planning Commission to make a request to the City of Manzanita to consider the wetlands when future development proposals are brought before the city. It seems the mapping error occurred due to someone's wanting to protect the wetlands on the lower portions of the properties.

Commissioner Jones asked who owned tax lot 2400 and who owned tax lot 2500. Ms. Phipps answer was that Leola Stigleman owns tax lot 2400 and that Mr. & Mrs. Welch own tax lot 2500. She also said that there currently is a structure on tax lot 2400.

Commissioner Ousele asked what happens to the Recreational Management overlay if this change is effective. Ms. Phipps said that it is not an overlay but an actual zone and that it will be adjusted to below the Urban Growth Boundaries. The two tax lots will not have the Recreation Management zoning on them.

**Public comment**

Bill Welch  
2705 NW Pettygrove Street  
Portland Or 97210

Mr. Welch said that he purchased lot 2500 in 1992 and the south boundary is part of Nehalem State park. He asked that the Planning Commission approve OA-08-03.

Leola Stigleman  
PO Box 758  
Banks, OR 97106

In 1977, she inherited tax lot 2400 and she asks the Planning commission to approve OA-08-03.

Ms. Phipps said she noticed an error in the staff report and would like it corrected in the proposed amendment. The correction is to the language in the staff report. Staff will add that both lots are also partially zoned Recreation Management under "Proposed Amendment".

Commissioner Ousele closed the hearing to public testimony and opened it for discussion among Planning Commission members 7:26pm

Commissioner Hoffman moved in the matter of OA-08-03 that the Planning Commission recommend to the Board of Tillamook County Commissioners approval of the proposed amendment correcting a mapping error on the parcel designated as tax lots 2400 & 2500 in Section 33BA of Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. Tax lot 2400 is currently zoned R-3Nm (Nehalem Urban Growth Boundary) and tax lot 2500 is zoned R-2M (Manzanita Urban Growth Boundary). If the request is approved both parcels will be zoned R-2M (Manzanita Urban Growth Boundary). In addition, the southern portion of both lots are zoned Recreation Management. Commissioner Hoffman amended the motion to include the Planning Commissions support for staff's recommendation to request the city of Manzanita to consider the value of the wetlands on the lower portions of these sites in future development requests.

Commissioner Mizze seconded the amended motion. Motion passed 5:0.

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

Commissioner Hoffman moved to authorize the Chair to sign appropriate orders.  
Commissioner Jones seconded the motion. The motion passed 5:0.

**Administrative Decisions: GH-08-11, GH-08-16, GH-08-20, GH-08-21, GH-08-22, GH-08-23, GH-08-24, GH-08-25, GH-08-29, DP-07-17, DP-08-02, DP-08-07, MP-07-05, AP-LUV-07-06**

**VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT:**

Gerald Parker, Director of Community Development, Tillamook County. Mr. Parker said that next Wednesday night, August 20, 2008, there would be an open house for developers, electricians, plumbers, contractors and any interested parties to talk about the new School excise tax and raising building and planning fees. Rich Morse, the current Building Official will be retiring October 1. At that time, the Department will post for a new Building Official. Mr. Parker spoke about the excise tax for the schools and that it will be for capital improvements only, Agricultural buildings, Churches, HUD homes, hospitals and some affordable housing may be exempt from the tax. Mr. Parker also said that there is a measure on the November ballot that would make it \$35,000 limit before you needed a building permit. Ms. Phipps mentioned the Cloverdale CPAC meeting will also be on August 20, 2008. There was discussion on the new way the Planning Commission is receiving Administrative Decisions. It was agreed that staff would continue in the way that they are currently sending the Administrative Decisions to the Planning Commission. Staff will look into posting the Administrative Decisions on the Departments Web Site.

**VIII. ADJOURNMENT:**

There being no further business meeting was adjourned at 7:41pm.

\_\_\_\_\_  
Gale Ousele-Chair

\_\_\_\_\_  
Kara Graves, Recording Secretary

\_\_\_\_\_  
Date