

## **TILLAMOOK COUNTY PLANNING COMMISSION**

**August 28, 2008- beginning at 7:00 pm.**

**I. CALL TO ORDER:** Chair Heckerorth called the meeting to order at 7:05pm

**II. ROLE CALL:** Merrienne Hoffman, Ray McFarlane, Gale Ousele, Kurt Heckerorth, Terry Jones, and Bruce Lovelin.

**III. APPROVAL OF MINUTES:** August 14, 2008

Commissioner Ousele moved to move the approval of the August 14, 2008 minutes to the September 11, 2008 Planning Commission meeting. Motion seconded by Commissioner Hoffman. The motion passed 6:0.

**IV. NEW BUSINESS:**

**A. ZC-08-01:** A request for a Zone Change to apply the Planned Development Overlay Zone to an approximately 36-acre parcel zoned Neskowin Low Density Rural Residential Zone (NeskR-1). The property is accessed off Highway 101 South and Summit Road and is designated as Tax Lot 812 in Section 25, Township 5 South, Range 11 West of the Willamette Meridian, Tillamook County, Oregon. Hawk Creek Land, LLC, applicant and property owner.

Chair Heckerorth announced that a signup list was being circulated for those who wished to testify and those who wished to provide their name and address so they may be formally notified 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 to hear 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.

Commissioner Ousele declared that she was involved in creating the Neskowin Community Plan and has been personally involved in Neskowin Land Use.

Lisa Phipps, Long Range Senior Planner for Tillamook County, Department of Community Development.

Ms. Phipps gave the presentation on the application for a Planned Development Overlay over a parcel in Neskowin that is currently zoned Neskowin Low Density Rural Residential (NeskR-1). She started by thanking the CPAC, Applicant and Citizens for their testimony and the way they addressed the criteria. Ms. Phipps then went through the map amendment procedure and criteria. She stated that on August 1, 2008 the announcement was mailed to 68 property owners and agencies. She met with the CPAC a week later. Ms. Phipps stated that the parcel is approximately 35.14 acres; the westernmost portion of the property is identified as being in an A5 zone and B zone adjacent to Hawk Creek per the Flood Insurance Rate Map (FIRM #410196 0380A) and that the rest of the property is outside of the regulatory flood plan. Ms. Phipps said that the Planning Commission might run into comments stating that the area is in a flood plain, however it is not in the mapped regulated plain, and the 100-year flood plain. She went on to say that the Neskowin Community Plan (NCP) discusses population and growth. The NCP projected that at a 2.5 percent growth rate the projected build-out of 2077 possible additional dwellings will occur over the next 56 years; this includes the parcel being discussed. She pointed out that the Applicant plans on using Summit Road as the primary access with Schoolhouse Road as a gated emergency access. Ms. Phipps then spoke about the comment she received from Oregon Department of Transportation (ODOT). She said that ODOT made some conditions for improvement of HWY 101 in order to make the road approach acceptable. She stated that another issue is not only the Interface of Summit Road and HWY 101 but also Summit Road itself, which is a very narrow road. The property has been zoned Residential (R) since 1980; in 1999, it was rezoned to a low-density designation. Residential properties are in the general area. West of the lot, there is a small Neskowin Commercial zone, to the east there is recreation management and small farm wood lot 20.

Commissioner Heckerath asked if the parcel has ever been zoned farm. Ms Phipps response was that it may have been early on, but it has been zoned Residential since the 1980's. She also stated that it could be farmed as residential zoned property.

The esthetics need to be considered. On paper, there could be 134 building lots. In going through the planned development process, they have reduced the number of building lots to 120. She said that comments staff has received state that even though the number of lots are allowed it would be less green space and an urban feel. She said a large wetland area is not being developed along with a 25-foot riparian corridor on both sides of Hawk Creek. She stated that ODFW has asked that all open space have a conservation easement placed over it. The Applicant has set aside a lot of the resource land in this development.

Ms. Phipps said that public facilities are available on a first come first served basis in Neskowin. The final criteria are the land use objectives of both the applicable and proposed zoning. She then read the following.

“The objectives of the plan development zone allows for greater flexibility in designing the proposed subdivision”. The purpose for this statement is that there is some confusion on what the planned development overlay is, and if it is allowed in this zone. Ms. Phipps clarified that Planned Development Overlay is allowed in the Neskowin Residential zone. To bring one forward after the planned development overlay has been applied to the property they must first go through a conditional use process. Ms. Phipps went on to say that under the Map Amendment Criteria, there was some discussion stating that the proposed new zone must be consistent with the planned Policies. She then went on to explain some of those policies. One of the purposes of the Planned Development Overlay Zone is to encourage development designs that preserve natural features and amenities. The site does have some Geologic Hazard areas. She also said that there is intent for a community center as part of the development. A Subdivision is allowed on the property but what the Planning Commission needs to look at is whether the level of development under the Planned Development Overlay Zone has a greater impact under the normal Subdivision process.

Ms. Phipps then spoke about the issues raised during the comment period. She made it clear to the Planning Commission that there are no conditions attached to this PDOZ. Staff feels that the applicant has provided the information needed for the approval of the Zone change. The application is not for a Conditional Use or Subdivision and was not the intent at this time.

Commissioner Jones asked about the existing zoning. In addition, it allows up to 134 lots on paper and if the request is approved what would be the number of lots available on paper through the conceptual plan. Ms. Phipps answered that the applicant has asked for 120 lots. Commissioner Jones clarified by asking how many lots with the Planned Development Overlay zone. Ms. Phipps said that it would never be more than 134 lots because the Planned Development Overlay does not allow for greater density than allowed in the underlying zone.

Commissioner Hoffman asked if the request is approved if the number of building sites would be set in stone or if the Planning Commission would be handling that in a future meeting. Ms. Phipps said that the Planning Commission is not approving the number of building sites at this time.

Commissioner Jones asked for clarification in the process and if the Planning Commission would be able to condition this project more than if, they left it solely within the R1 Zone. Ms. Phipps said that the regular Subdivision process is very clear and that the Conditional Use process has more latitude to apply conditions.

Commissioner Ousele asked what the number of lots would be if this were to come through as a regular Subdivision application. Ms. Phipps said if someone were to come in and want to fill the wetlands with mitigation then that would modify the number of lots available. Assuming that the wetlands were set aside and there was still the 25-foot setback it would be less than 134 lots based on the criteria that the Neskowin Zoning has.

Commissioner Heckeroth asked if the 25-foot setback was because it was a fish-bearing stream. Ms. Phipps explained that where the channel width is greater than 15' there is a 25' riparian setback. She then said that there are some places along the creek where a 15-foot setback might apply but the applicant chose to go with the higher number. Commissioner Heckeroth then stated that it could be reduced to 15. Ms. Phipps agreed that could occur in some areas. .

Commissioner McFarlane said that with the PDO, there may be more buildings but there would also be more green space because of the size of the lots. Ms. Phipps agreed and said that these were some of the comments brought up in the public testimony.

Ms Phipps went on to say that, it was necessary to reconcile the standard lot size with those lots considered to be small lots. She explained the provision that Tillamook County has about lots less than 3000 square feet and how it was an effort not create a large number of unbuildable lots. She pointed out that even on the smaller lots there are still setbacks and lot coverage requirements.

Commissioner Hoffman asked to discuss the difference between the Planned Development Overlay Zone and the Cluster Subdivision. Ms. Phipps said that the applicant felt that the Planned Development Overlay Zone was more suited to what they have in mind for their design. The Cluster Subdivision allows for smaller lots with different setbacks. Commissioner Hoffman then asked if the Cluster Subdivision would have required a zone change. Ms. Phipps said no, it would have been a simple subdivision process with no Conditional Use.

Commissioner Lovelin asked Ms. Phipps to talk about the Neskowin Community Plan. Ms. Phipps said that the Neskowin Community Plan was adopted by Tillamook County and is part of the Tillamook County Comprehensive Plan. Commissioner Lovelin then asked if the findings were consistent with the Neskowin Community Plan. Ms. Phipps said that there are grading and erosion controls in the Neskowin Community Plan that are not addressed by Tillamook County. Ms. Phipps said that there was nothing that was unacceptable but a lot that will need to be discussed. There is concern about keeping the rural character in the natural setting of the Community. It has been brought up in testimony that this may be difficult. Commissioner Lovelin then made the comment that there is a lot of public opposition to the Zone Change. He then asked if it was a difference in interpretation between staff and the public. Ms. Phipps said that a lot of the comment is suited for the Conditional Use process. However, in this process, the applicant presents a conceptual plan and the Planning Commission will evaluate this against the criteria. Ms. Phipps felt that most of the comments are directed toward a Conditional Use. Commissioner Lovelin then asked why there were no letters from Public Facilities and Services. Ms. Phipps answer was that the Public Facilities and Services generally do not comment at this stage, although staff contacted them. Commissioner Hoffman asked about the design standards and if the Planning Commission is considering this tonight. Ms. Phipps said that the Conceptual Plan

comes as part of the Planned Development Overlay. It is not an approval of the Conditional Use.

**APPLICANTS PRESENTATION:**

Matt Sprague  
FSA Design Group  
9020 SW Washington Square Rd.  
Suite 350  
Portland, OR 97223

John Schmidt  
Hawk Creek Land LLC  
1400 NW Irving St. #317  
Portland, OR 97209

Mr. Sprague started by explaining how other jurisdiction's process Planned Development Overlays.

Mr. Schmidt gave a brief history of the property. He said the property started out as a Dairy Farm then a Golf Course. Hawk Creek Land LLC bought the land a year ago and started drawing up plans for the property. He then listed the agencies they asked input from. They gave their first presentation to the Neskowin CPAC in December 2007. Hawk Creek Land LLC looked into a standard Subdivision, a Cluster Subdivision and the PDO (Planned Development Overlay). In addition, HCL (Hawk Creek Land LLC) felt that the PDO was the best choice for them. This was mainly because of the Geographical features of the site. Mr. Schmidt went on to describe the site. HCL felt that the flexibility of the PDO would create a layout that left some of the area untouched. HCL was looking for a Community feel.

Mr. Sprague showed the Planning Commission an Aerial Photo of the site. He went on to explain how the wetlands were degraded and how their goal was to enhance them. He then showed the Planning Commission a large drawing of the conceptual plan and went on to explain how the lots will be arranged and what type of homes they plan to build. The homes will be cottage-like in a village feel. Mr. Sprague spoke about the access off Summit Rd. and how they will maintain adequate and safe access for existing neighbors. Mr. Sprague then showed the Planning Commission a large copy of what the finished Community will look like. He said there would be a substantial amount of land that will be preserved for open spaces. He indicated there is an application for a clubhouse and pool that is not being considered this evening.

Commissioner Heckerth asked if the primary access is off Summit Drive and the other access is for emergency only. Mr. Sprague said that Summit Drive would be the primary access to the project. He spoke about the benefits the County will get out of this project creek and wetland preservation, enhancement of the wetland areas, preservation of open space with pathway circulations, on site recreation facilities, a variety of housing designs, cost effective utilization of public facilities, green building, which limits

environmental impact, and private street system. He stated this could be achieved by concentrating the housing in the least sensitive areas the natural resources are protected in a way that would not be possible without the flexibility of a PDO. Mr. Sprague then stated that when he does a PDO he is thinking of the preservation of the natural resources, and this land is perfect with the amount of natural resources it has. One of the benefits to the applicant is because they are giving back to the community they have more flexible standards. He then went on to talk about larger lot sizes vs. less common open space area.

Commissioner Lovelin asked about Mr. Sprague's statement about this being the optimal spot for a PDO as compared to Portland. Mr. Sprague's response was that he was comparing this site to others in Pacific City, Portland, and Salem area. Commissioner Lovelin stated that PDO's are good for Tillamook County. However, this looks like a dense development that is being proposed. Mr. Sprague responded by saying there are areas that are dense in the southern section but there is a great deal of open space also. He said if you were to take the buildable lots, the area would only be 1/3 of the total lot that will be developed. Commissioner Lovelin then asked about the CPAC vote of 32-2 with the two being the applicants. Commissioner Lovelin felt that with all the meetings with the CPAC he was concerned that this was the best they could come up. He felt the groundwork with the public was not done properly and more should be done. Mr. Schmidt responded by saying that the CPAC never came up with any input on how or what they wanted to see done.

Commissioner Hoffman asked what they would be selling, homes or building sites, if the Zone Change were approved. He went on to state that with the smaller parcel size, the actual home would cover less lot area than that of a larger sized parcel. This creates more open space with less roof area.

Jeb Koerner  
Hawkcreek Land LLC  
1420 NW Lovejoy St #716  
Portland, OR 97209

Mr. Koerner answered that they will be selling community homes in a village type atmosphere.

Commissioner Hoffman asked about the copy of the map in the packet and if the homes would face the river. Mr. Koerner answered yes, they will be stair stepped with alleys between the homes to hide the vehicles. Commissioner Hoffman then asked about the two off street parking spaces on a 1400 square foot lot. Mr. Koerner said that they will start with the garage and two stories, but there is provision for parking along the alleys.

Commissioner Jones asked who would own the trails, open space and amenities of this project and if there would be public parking and access to the Hawk Creek Hills. Mr. Koerner stated that by default the open spaces are usually owned by the Homeowners

Association. As far as the creek and wetlands they are hoping a non-profit organization will step in and take care of these.

Chair Heckerth opened the floor to public comment with a time limit of six minutes and asked that comments be addressed to the criteria and not be redundant with other testimony.

### **PUBLIC TESTIMONY:**

Guy Sievert, Chair Neskowin CPAC  
PO Box 1031  
Neskowin, OR 97149

Mr. Sievert stated that the Neskowin CPAC has taken an official position on the PDO. He went on to say that the CPAC has been discussing this issue for the past six months and thanked the Applicants for their time in working with the community. Mr. Sievert then went on to explain the discussions the CPAC has had on this project. He made it clear that the CPAC was not anti-development of the site but about this PDO. Mr. Sievert then stated that three of the four criteria are a concern to the CPAC regarding the Neskowin Community Plan. He then said the CPAC feels that this project does comply with the Neskowin Community Plan. He concluded by saying that fewer homes and large lots would have less of an impact. The CPAC and the Community are concerned about the impact this kind of density will have on the Hawk Creek Valley.

Commissioner Heckerth asked if the CPAC has an alternative access other than Summit Road. Mr. Sievert answered that School House Road would be the most obvious. He went on to explain how dangerous Summit Road is.

Commissioner Jones asked if the CPAC did not want the Planning Commission to approve the PDO and that a standard Subdivision would be better. Mr. Sievert said the CPAC voted to not support the PDO. They did not discuss a better way to develop the site. Commissioner Heckerth asked if the CPAC was against a Planned Development Overlay. Mr. Sievert said that the question has never come up.

Commissioner McFarlane explained that the Planning Commission was not here to approve the "Subdivision" but to decide if a Planned Development Overlay was appropriate for this site. He said the Planning Commission is not looking at the plan but the concept of a PDO on the property. Mr. Sievert said that the CPAC does not support this PDO plan.

Chair Heckerth called for a ten-minute break at 9:00pm-9:10pm

Matt Sprague said that due to the number of comments received during the meeting that he would like to officially request that the meeting be left open and postponed until September 11, 2008. This will give them time to review comments received this evening

and to work with the Neskowin CPAC to resolve some of the issues they have with this project. Mr. Sprague read Section 3.080 Planned Development Overlay Zone, item 4c of the Tillamook County Land Use Ordinance and stated that he felt the biggest fear of the neighborhood was that if this conceptual plan is approved then they are stuck with it. He said the applicant would need to apply for Conditional Use approval and between the approval of the PDO and the Conditional Use this will give the applicant time to work with the Neskowin Neighborhood on an agreeable plan.

Commissioner Heckerroth asked the public if they would like to continue to comment on the PDO.

Vic Affolter  
300 Marvin Rd  
Tillamook, OR 97141

Mr. Affolter said that he has spent 40 hours researching this and provided five pages of comments. Mr. Affolter wanted the Planning Commission to know that if they heard all the testimony tonight their impression would be different from what they have already heard.

Stacia Sue Gabriel  
47405 HWY 101 S  
Po Box 773  
Neskowin, OR 97149

Ms. Gabriel she asked if she could submit written testimony. Commissioner Heckerroth said that the meeting will be left open so that public comment can be submitted until the next meeting.

Doug Mac Court  
46915 HWY 101 S  
Neskowin, OR 97149

2338 NE 17<sup>th</sup> Ave.  
Portland, OR 97212

Mr. Mac Court stated that he is the Secretary of the Neskowin CPAC. He would like to ask the Planning Commission to deny the application. He then went on to clarify what it is that the CPAC is asking of the Planning Commission, which is to DENY the Zone Change. He said that it is the Zone Change and not the conceptual plan that the CPAC opposes.

Dave Falk  
48905 Summit Rd.  
PO Box 766  
Neskowin, OR 97149

Mr. Falk said he lives right above the subject property and that every winter, for two weeks at a time, the majority of the subject property is underwater.

Commissioner Lovelin moved in the matter of Zone Change request ZC-08-01 that the action be continued until the September 11, 2008 Planning Commission meeting and the record remain open.

Commissioner Ousele seconded the motion. The motion passed 6:0.

**B. A-08-02:** Request is for a Post Acknowledgement Plan Amendment (PAPA) to the Tillamook County Comprehensive Plan, Ordinance No. 32; to identify a corridor for construction of a new primary access road to serve a 53-acre tract of land, located within the Pacific City-Woods Unincorporated Community Growth Boundary, that is zoned Pacific City/Woods Medium Density Residential (PCW-R2). The majority of the proposed road corridor would cross property zoned Small Farm and Woodlot (SFW-20), identified on the Tillamook County Assessor's map as Tax Lots 200 & 700 in Township 4S, R 10W, Section 32, and Tax Lots 801 and 1200, in Township 4S, R 10W, Section 29. The SFW-20 zone is currently subject to the provisions of Division 6, Goal 4 Forest Lands, of the Oregon Administrative Rules (OAR 660-006-0000). The applicant is requesting a Goal 4 exception pursuant to OAR 660 Division 12, Transportation Planning to allow a road corridor and future transportation improvements to be located on designated resource land. The proposed road corridor is generally located north of Brooten Mountain Road and southwest of Resort Drive within Tillamook County. The applicant/property owner is Aspen Pacific City, LLC, c/o Kerr Contractors.

Chair Heckerth announced that a signup list 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 Legislative Proceedings.

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, Tillamook County Coastal Resource Planner gave the presentation. The reason for this request is that the lot is zoned Small Farm Woodlot 20 (SFW-20) which is considered resource land. State statutes and administrative rules for forestlands apply. An access road to serve urban residential land is not a permitted use on resource land; therefore, the goal exception is needed to cross the SFW-20 property. The provisions of the OAR applicable to the Goal Exception are 660 Division 12 Transportation Planning. Ms. Soilihi clarified that this is a multi-part process: first, the Comprehensive Plan amendment with the Goal Exception to allow the road to cross

resource land; second, would be a Major Partition that creates the road corridor. Third, a Tentative Subdivision Plat approval. This means there is several land use approvals required before the access road can be built. Approval of the Comprehensive Plan Amendment to allow the Goal Exception will not change the zoning of the subject property. She then went on to explain the application material that was received by the Planning Commission. Ms. Soilihi then went through the staff report and staffs conclusions along with the comments received. Staff concluded that the applicant has provided adequate analysis of several alternatives, and that the requested Comprehensive Plan Amendment and Goal 4 Exception meet the minimum requirements of OAR 660 Division 12, Tillamook County Land Use Ordinance and Comprehensive Plan. Staff recommends approval of OA-08-02.

Commissioner Heckerorth made the comment that he thought the Planning Commission had in a past meeting left a lot open for access to this property. Ms. Soilihi said there was discussion about this during the proceedings on the Pacific SeaWatch Subdivision and concerns were raised about whether this was a taking. The conditions of approval for Pacific SeaWatch specified that lot #5 would be left for access to adjoining property with a three year time limit. Commissioner Jones recalled that it was left as a legal size lot so that the owner could sell it after the three years if the subject parcel owner did not purchase it.

**PUBLIC COMMENT:**

Ron Larson  
HLB Otak  
PO Box 219  
Manzanita, OR 97130

Tim Kerr  
PO Box 1060  
Woodburn, OR 97071

Ron Larson, Engineer. Tim Kerr, Project Manager. Mr. Larson said that he would make his presentation short as everything he would like to say has all ready been presented to the Planning Commission in writing and that he would like to do his rebuttal in a written format. Mr. Larson indicated that they have looked at many access options none of them being easy. This access option meets one of the primary policies in the local PC/Woods Comprehensive Plan number 3.20 and policy 20 of the transportation plan. Mr. Larson then showed and explained the different accesses that were looked at on a large map of the subject property. He went on to say that out of the 5500 feet of road, 3000 of it is already on an existing logging road and the impact of enlarging an already existing logging road is minimal. Mr. Larson asked the Planning Commission to approve OA-08-02.

John Shonkwiler  
Attorney for the Applicant  
13425 SW 72<sup>nd</sup> Ave  
Tigard, OR 97223

Mr. Shonkwiler spoke about legal issues regarding easements, and if the applicant can cross the Caine property. He said the Caine property easement has specific limitations and is for the sole benefit of the Pacific City Joint Water Sanitary Authority (PCJWSA). Mr. Shonkwiler then addressed going through Pacific City Heights that is a pre-existing traffic problem and under the US Supreme Court case of Dolan vs. City of Tigard, they cannot be required to fix existing problems. There is one road frontage on the property and that is Resort Drive. Mr. Shonkwiler said that this is a chance to fix a 20-year-old problem of finding access to the property. He feels this is the solution to the problem.

Commissioner Jones asked if the language in the PCJWSA easement would prohibit the applicant from getting a different easement. Mr. Shonkwiler said, correct the applicant does not have an option here.

Commissioner Jones asked Mr. Larson if there was any way to make the Brooten Rd. /Fisher Rd. intersection safe. Mr. Larson responded by saying that that easement has numerous problems. It would require an expansion and renegotiation of an easement and going through that neighborhood which he feels are significant adverse impacts. He feels that having direct access to Resort Dr., which does not have a road right next to someone's garage, is the best option. He went on to say that, he is aware of the need to protect Forest Lands. Mr. Larson said that the corridor is 200 feet wide and they anticipate an area to be disturbed of less than 7 acres, if you take out the fact that there is a 20-foot wide road already, you are down to less than 5 acres of disturbance.

### **PUBLIC COMMENTS:**

Gary Hanson  
PO Box 776  
Pacific City, OR 97135

Mr. Hanson said that the applicants appear to have not told the truth on issues related to the criteria. They have not negotiated in good faith with the Caine residence. He felt staff has not done a good analysis of the criteria. Mr. Hanson said that some of the other testimony the Planning Commission will hear tonight would show that information has been omitted by the applicant or stated incorrectly. He asked the Planning Commission to pay close attention to this. He then went on to explain what he meant by staff not doing a good analysis of the criteria.

Wes Hill  
Martinis & Hill  
110 Madrona SE  
Salem, OR 97302

Mr. Hill is representing Steve & Kim Killiam. He stated that the Killiam's are property owners directly affected by the proposed corridor that will be adjacent to their property that is just north of the applicant's property at the access point on Resort Dr. Mr. Hill disagrees with the testimony that by being outside the exception area the Planning

Commission does not have to consider it. He brought up some of the safety issues he felt were pertinent. He then talked about the testimony that stated a road way is available as a matter of right on this property, but if you look at the Rural Residential (RR) zone, it says a road way is not an outright permitted use. Mr. Hill said that because of these two reasons the Planning Commission must consider this issue carefully. He also feels that the applicant's application is incomplete. Mr. Hill stated that the Killiam's feel that this proposal will create a hazardous intersection five feet from the edge of their driveway. This will create a safety issue for Mr. and Mrs. Killiam ingressing and egressing from their property. Mr. Hill said that the Killiam's are concerned about the storm water and drainage, since the roadway will be above their home. They feel it has not been adequately addressed. Mr. Hill also disagrees that goal 12 has been met. Mr. Hill asked that the record be left open for additional written material.

Commissioner Jones asked if the applicant were to put in a driveway up from Resort Dr. for the Killiam's would that alleviate some of their concerns. Mr. Hill said yes, as long as the details are agreeable to both parties.

Connor Sutton  
6405 NW Lynch Lane  
Redmond, OR 97756

Mr. Sutton spoke about Sutton Way being used as the primary access road. He said that Sutton Way is a private Road to serve the lots accessed by Sutton Road. The easement is owned by Aspen PC has an easement over Sutton Way that is intended for logging purposes only. Mr. Sutton indicated there is a portion of the logging road not accessible by vehicle.

Roy Royster  
PO Box 697  
Pacific City, OR 97135

Mr. Royster said that 2/3's of the CPAC is against the Goal Exception.

Commissioner Jones told Mr. Royster that the information he provided helps the Planning Commission know how the Community feels.

Commissioner Lovelin moved to continue the meeting until 11:30pm.  
Commissioner Ousele seconded the motion. The motion passed 6:0

Commissioner Hoffman stated for the record that she attended at the Pacific City/Woods CPAC meeting when this issue was discussed.

Commissioner Lovelin moved to continue the meeting until 11:30pm. Commissioner Ousele seconded the motion. The motion passed 6:0.

Robert Miller

PO Box 964  
Pacific City, OR 97135

Mr. Miller said that there is approximately 400,000 acres of timber forest in Tillamook County. The 3-5 acres of impact from this project would be minimal. He told the Planning Commission that he supports this request.

Grace Mick  
36450 Resort Dr.  
Cloverdale, OR 97112

Ms. Mick said that she is concerned about a paved road being put across a wild area. She said that both she and her husband have seen elk, bobcat, red leg frogs and giant salamander on the property. Ms. Mick is also concerned about how this development will affect her well and is concerned about safety and the increased traffic.

Larry Rouse  
PO Box 683  
Pacific City, OR 97135

Mr. Rouse feels that there should be no more traffic directed through Pacific City Heights. He feels that going through the Caine property, then through the Heights is a bad idea.

Edward Rudy  
37382 Resort Dr.  
PO Box 244  
Cloverdale, OR 97112

Mr. Rudy said that he is opposed to the Goal Exception. He then read a letter his wife had written since she was unable to attend the meeting. He also has seen deer, elk, raccoon and signs of bear and bobcat. Mr. Rudy said that the cat work the applicant did to survey the property has affected the pond on his property. It use to be sixteen feet deep and now it is 9 feet at the deepest part.

Anne Price  
35900 Nestucca Manor Drive  
PO Box 662  
Pacific City, OR 97135

Ms. Price stated that she is not opposed to the development of the property. She feels there are other reasonable accesses to the property and that the proposed use of the resource land is not compatible with adjacent uses. Ms. Price believes that easements can be renegotiated and does not know why they have not pursued this. She also believes that the applicant has ignored alternative routes through the PC Heights Neighborhood. Ms. Price then spoke about Carol McVicker chart that was handed out to

the Planning Commission. She also felt that the staff report was inadequate and would like to see more analysis by staff. Ms. Price feels that the applicant should have more thoroughly investigated the access issues before buying the property. She also said that reasonable access may be limited but not eliminated by the challenges presented in the alternatives. Ms. Price feels that this project would do permanent damage to resource land and make it easier to rezone these lands for future develop and that the case for the exception has not been made by the applicant.

Carolyn McVicker  
PO Box 776  
Pacific City, OR 97135

Ms. McVicker is the one who created the chart handed out to the Planning Commission. She went on to explain this chart to the Planning Commission. Ms. McVicker asked to Commission to deny the Ordinance Amendment. She feels there has not been equal analysis of all options for access. She believes the applicant has misrepresented some of the facts. Ms. McVicker is disappointed with the staff report for a complex case was not more analytical.

Commissioner Ousele moved to continue until midnight.  
Commissioner Jones seconded the motion. The motions passed 5:1 Commissioner Lovelin opposed.

Jess Swan  
PO Box 312  
Pacific City, OR 97135

Mr. Swan's concern is the Statewide Planning Goal 12. He is concerned about the safety and the impact on Resort Drive by additional traffic that the road is not able to accommodate. He feels that Goal 12 has not been met.

John Tenny  
36975 Sutton Way  
PO Box 460  
Pacific City, OR 97135

Mr. Tenny said that building the proposed road on Sutton Way would come within five feet of his carport & well and twelve feet from the side of his house.

Mary Jones  
PO Box 189  
Pacific City, OR 97135

Ms. Jones and her husband are the owners of the Caine property and are neutral in this matter. She clarified that she and her husband have asked the applicant if they wanted

to discuss the purchase of the Caine property but the applicant informed them that they already had the access figured out.

Chair Heckerth closed the meeting to Public Comment and opened for discussion among Commission members.

Commissioner Lovelin moved in the matter of OA-08-02 that the Planning Commission continue this Ordinance Amendment request until October 9, 2008 Planning Commission meeting, and that the Commission will continue written public comment through September 4, 2008, and the deadline for Applicant rebuttal is September 11, 2008.

Commissioner Hoffman seconded the motion. The motion passed 6:0.

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

Commissioner Ousele moved to authorize the chair to sign appropriate orders.

Commissioner Jones seconded the motion. The motion passed 6:0.

**VI. Administrative Decisions: GH-08-26, GH-08-28, DP-08-01, DP-08-06, and DP-08-08.**

**VII. DEPARTMENT OF COMMUNITY DEVELOPMENT REPORT: None**

**VIII. ADJOURNMENT:**

There being no further business Chair Heckerth adjourned the meeting at 12:00pm.

\_\_\_\_\_  
Kurt Heckerth Chair

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

\_\_\_\_\_  
Date