

TILLAMOOK COUNTY PLANNING COMMISSION

November 13, 2008
Beginning at 7:00 pm

I. CALL TO ORDER: Chair Heckerroth opened the meeting at 7:05 pm.

ROLL CALL: Terry Jones, Merrienne Hoffman, Gale Ousele, Kurt Heckerroth, and Ray McFarlane. Staff present, Lisa Phipps, Long Range Senior Planner.

Chair Heckerroth decided to hear a Public Presentation by Tom Bender on Affordable Housing.

Tom Bender
Neahcasa
38755 Reed Rd
Nehalem, Or 97131

Tom Bender gave a brief presentation on affordable housing. Mr. Bender then entered into the record an email dated 11/8/08 that was sent to the Department. He then gave the Planning Commission his two proposed ordinance amendment options, one was to create a new definition for Community Land Trust Housing the other is to amend the Rural Residential zone. Mr. Bender indicated that he had spoken with the Director of Community Development on two possibilities to move forward with this. One would be to go through an Ordinance Amendment process and the other would be a Policy Provision. He then went on to explain that the Tillamook County Land Use Ordinance (TCLUO) provides for Accessory Dwellings as an outright use in all areas of the County but Neahkahnie where it is listed as a Conditional Use.

Mr. Bender indicated that PUD would be willing to collaborate with Neahcasa on a zero energy home. He went on to explain what a Zero Energy home was.

Commissioner McFarlane said that he understood what he was trying to do. He felt that Mr. Bender was on a fishing expedition and that there needs to be an application submitted prior to the Planning Commission making a decision. Mr.

Bender said that he asked for a Land Use Verification on this property and during the hearing, Mr. Bender thought that the Planning Commission was interested in doing some “Tweaking” to the ordinance. Mr. Bender felt there would be a better response from the BOCC if the Planning Commission were to initiate the process instead of a landowner.

Commissioner Heckerth felt that Mr. Bender was trying to open the door by adding some language to the existing Land Use Ordinance to provide opportunities. Mr. Bender concurred.

Commissioner McFarlane said that there are procedures to follow and that the Planning Commission must abide by certain protocol and rules. Ms. Phipps said that at the Planning Commission hearing this summer when this was heard the Planning Commission asked that affordable housing options be worked on and brought back to the Planning Commission. She said that Mr. Bender was here with some of those options. There will still need to be an application that goes through the proper process including public notice and hearings in front of the Planning Commission and the Board of County Commissioners (BOCC). Mr. Bender agreed that this is a fishing expedition to see what makes sense and what will work. Ms. Phipps said that any legislative changes would be applied consistently in instances where it is applicable.

Commissioner Ousele asked Ms. Phipps if there needed to be an application submitted at some point and for a legislative change where does it begin. Ms. Phipps said the County or a private party could be the applicant.

Commissioner Jones asked about the definitions on the last page. He said it sounded like you could have a second dwelling if it is attached to a Single Family Dwelling but it couldn't be attached to a duplex. Ms. Phipps said that is correct and that an Accessory Dwelling is allowed in almost all zones as long as long as it does not have a kitchen. Mr. Bender asked if that would be allowed on his piece of property. Commissioner Heckerth said that would be something to be hashed out in the application process. Commissioner Jones said that the Planning Commission could get a determination from the Director.

Commissioner Heckerth asked what the process from this point on would be. Ms. Phipps replied that the Planning Commission could hold as many workshops as it chose. The Planning Commission may elect to address the issue through legislative changes requiring ordinance amendments. Alternatively, the Planning Commission could do a policy directive which is easier to modify, but may not have the consistency that the Planning Commission wants. She said that the Planning Commission can direct staff to begin working on this but suggested bringing it before the BOCC to ensure there was support for moving forward and looking at options. Commissioner Ousele asked at what point it would be good to involve the CPAC's. Ms. Phipps said the first workshop would be a good idea.

She also said she would mention it at the All-Chair CPAC meeting. Affordable housing is an issue all of the CPAC's have raised.

II. APPROVAL OF MINUTES: July 10, 2008; August 28, 2008; September 11, 2008; September 25, 2008; October 9, 2008.

Commissioner Hoffman moved to approve all minutes, with amended corrections.

Commissioner Jones seconded the motion. Motion passed 5:0

III. NEW BUSINESS:

- A. OA-08-04:** A request to amend the Tillamook County Comprehensive Plan to acknowledge the actions of the City of Rockaway Beach amending its comprehensive plan, updating urban growth management policies and the buildable lands inventory. Lisa Phipps Long Range Senior Planner.

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 they may formally notified 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 a conflict of interest or personal bias declared by one of member of the Commission. Commissioner McFarlane said he is on the Rockaway Beach City Council and was on the council when the Buildable Lands Inventory was approved by the City of Rockaway Beach in Feb. 2008. He has no bias but has concerns about looking biased. Commissioner McFarlane said he would abstain from voting.

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

Lisa Phipps, Long Range Senior Planner for the Department of Community Development gave the staff presentation. Ms. Phipps stated for the record that she is the Mayor of Rockaway Beach. She said she did not vote on the matter but was present during the discussion. She stated that she did not write the Staff report and that it was written by Valerie Soilihi who was unable to attend the meeting due to the closure of HWY 6. Ms Phipps said that this is an Ordinance Amendment request acknowledging the actions of the City of Rockaway Beach and the amendments it made to it comprehensive plan updating it's Urban Growth

Management Policies and the Buildable Lands Inventory. She indicated that the City of Rockaway Beach adopted the Buildable Lands Inventory and the Policies on February 13, 2008. As part of the process, Tillamook County must acknowledge in their Comprehensive Plan that the Cities have made amendments to their plan. Since these impacts, the Urban Growth areas of the County there will need to be modifications made to policies and agreements that both the County and the City are a party to.

Ms. Phipps then went on to go over the four criteria in the staff report. Staff concluded that the findings regarding the Rockaway Beach Urbanization study are consistent with the applicable status, comprehensive plan policies, and land use ordinance provisions.

Staff recommended approval of OA-08-04 to acknowledge the actions of the City of Rockaway Beach as set forth in the city ordinance 08-01 that was adopted on February 13, 2008. Staff also asked as part of the recommendation to the Board of County Commissioners that updates to the urban growth area management agreements be recommended as part of this approval.

Commissioner Heckerth wanted to ask some questions regarding the deficit of Commercial zoned property in Rockaway Beach. He said that what he read mentioned the City should consider rezoning or changing Land Use Ordinance (LUO) to reflect the type of buildings that are allowed. He wondered how this process worked with unincorporated communities. Ms. Phipps said that a similar example would be the creation of the zones in the different communities. She said creating the new zoning was a long process. There were many meetings with the communities about the uses that would be allowed and application of the zones to the properties, looking at the current zoning within the community boundary, and what was needed in the community. She also said there should be property owner buy-in. She said the community identified the areas better suited for high density, commercial, mixed uses etc. She said this same process would apply in the cities. Any process that a Government Agency goes through would require a lot of public involvement.

Commissioner Hoffman was concerned that the Buildable Lands Survey did not address the practical needs of the County. Specifically it did not identify enough individual lots where you can economically build affordable housing. Commissioner Hoffman then asked if we go through the Buildable Lands Inventory process because it is required by the State and if so what is the process. Ms. Phipps said there are a couple of reasons to complete a Buildable Lands Inventory. It gives a jurisdiction a broad picture of what is happening in the community and allows that community to have the conversation about whether the way the community is currently zoned addresses the needs of the community including lands for affordable housing.

Commissioner McFarlane said there were several examples of ways of addressing affordable housing.

1. Using existing structures i.e. hotel conversion to apartments.
2. County and Cities looking at their foreclosed lands for suitable sites for higher density housing.

Commissioner Heckerth asked about safe harbor and the language on page 6-18 on the riparian zones. He wanted to know where that was in the big picture and if safe harbor is something that can surface in the future. Ms. Phipps asked if his question was specific to Rockaway Beach; other wise she asked that the current issue be wrapped up before this issue is brought up.

Commissioner Jones asked if the City of Rockaway Beach has any plans to extend the infrastructure into the Manhattan Beach area. Ms. Phipps said that it would need to be annexed and is not currently being considered.

Chair Heckerth closed the meeting to public testimony and opened the floor to discussion among Commission members.

Commissioner Ousele moved in the matter of OA-08-04 based on findings of fact and other relevant information in the staff report that the Planning Commission recommend to the Board of County Commissioners approval of the Ordinance Amendment request and acknowledge the actions of the City of Rockaway Beach as set forth in their Ordinance 08-01 adopted February 13, 2008 and further recommend that the County co-ordinate with the City to pursue recommended updates to the Urban Growth management agreement between the County and the City of Rockaway Beach to reflect the City's revised growth management policies.

Commissioner Hoffman seconded the motion. Motion passed 4/0/1 with Commissioner McFarlane abstaining.

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

V. ADMINISTRATIVE DECISIONS: AR-08-08(a); AR-08-09 (a); CU-08-12(a); CU-08-13 (a); DP-08-13; GH-07-50(a); GH-08-05(a); GH-08-32(a); MP-06-02; V-08-01(a).

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

Commissioner Jones seconded the motion

The motion passed 5:0.

Commissioner Hoffman stated that at the CPAC meeting after the October 9, 2008 Planning Commission meeting a letter was received expressing disappointment that the Planning Commission failed to take into consideration the recommendation of the CPAC on the issue being heard by the Planning Commission. She made a commitment to bring this issue before the Planning Commission members so that they would be cognizant when making a decision that counters what the recommendation of the CPAC is so that they explain why they differ. Commissioner Hoffman did explain to the CPAC that the Planning Commission treasures their input but that there are rules that need to be followed and that the Planning Commission may not always be able to follow the CPAC's recommendations. She said that most of the people she had spoken with understood that the Planning Commission might not always be able to do what the CPAC's have recommended. Commissioner Hoffman's point was that the Planning Commission recognizes what the CPAC's recommendations are. She suggested that on the rare occasion that the Planning Commission does not agree with the CPAC's recommendations that the Planning Commission in their deliberations speak to the recommendations and issues raised by the CPAC's. Ms. Phipps said that one of the point's staff has continued to reiterate to the CPAC's is that providing input requires the review body to explain how they came to their decision. The input from the CPAC's gives the reviewing body the feedback from the communities needed to reach a strong solid decision. Ms. Phipps has spoken with the CPAC's on this issue and explained that the reviewing body has to review all public testimony and explain how they reached their conclusion. Just because there are times when the review body will not move forward with the CPAC's recommendation it will not be because it was a bad recommendation but rather in reviewing the entire record and other factors they may need to take into consideration will reach a different conclusion. Commissioner McFarlane said that a lot of the CPAC input is emotional or sentimentally driven and there is not a lot you can do. Commissioner Heckerroth felt that the idea of the CPAC's was to flush some of the emotional and sentimental responses out. Ms. Phipps said that the CPAC's should do flush out many of the emotional and sentimental responses before the recommendations come to the Planning Commission. Commissioner Ousele felt that the Planning Commission does go through all the concerns but it might be helpful to say the word "CPAC" to acknowledge them.

Ms. Phipps then went on to talk about Commissioner Heckerroth's question on Safe Harbor. She said that Tillamook County is still under periodic review. She said the Department of Land Conservation and Development (DLCD) eased off the County when Measure 37 came into effect and it was unclear at the time what implications moving forward would have had. It is with the passage of Measure 49; Ms. Phipps expects that DLCD will eventually require the County to wrap it up and come into compliance. Commissioner Heckerroth asked what Ms. Phipps meant by "come into compliance". Ms. Phipps said that Tillamook County's riparian ordinance does not comply with State law

Commissioner Jones would like to see a point system for people planning to build so that before they start building they can add to the riparian zone by planting trees and build up some points so they may put their house where they want. He said that way we do not get into “well if I don’t plant any trees then they can’t tell me when and how to prune them” by leaving the land the way it is.

Ms. Phipps mentioned that on Nov. 21st the All-Chair CPAC meeting will be held at 3:00pm and that the Commissioners are invited. She asked that a quorum of Planning Commission could not attend, as it was not noticed for a Planning Commission meeting. At the December Planning Commission meeting, the HWY 131 Transportation Refinement Plan will come back in front of the Commission. She then said that the Cloverdale CPAC is wrapping up their bylaws and will begin the process of planning how to bring them to the community. Ms. Phipps said that the Steering Committee would go back to the community in January 2009 and if the community decides to move forward then the CPAC will be up and running. The Cloverdale Transportation Refinement Plan should come before the Planning Commission some time next winter. Ms. Phipps is working on Goal One and was hoping to have it before the Planning Commission by the end of this year but it may not be until January/February of next year. Ms. Phipps is also working on the Land Division Ordinance and the Land Use Ordinance. She would like to use the Planning Commission to help prioritize revisions to these Ordinances. She hoped that the Planning Commission will hold a workshop with staff to provide guidance on the prioritization.

Commissioner Heckerth asked what was happening with the Hawk Creek Subdivision. Ms. Phipps said that it has gone back to the drawing board and they are looking at both the Cluster Subdivision and the Planned Development Overlay processes to see which best fits their needs.

VI. ADJOURNMENT: There being no further business Chair Heckerth adjourned the meeting at 9:12 pm.

Kurt Heckerth, Chair

Kara Graves, Recording Secretary

Date

