

## TILLAMOOK COUNTY PLANNING COMMISSION

January 8, 2009- Beginning at 7:00 pm

- I. **Call to Order:** Chair Ousele called the meeting to order at 7:08 pm.
- II. **Roll Call:** Merrienne Hoffman, Terry Jones, Gale Ousele, Kurt Heckerth, and Kurt Mizee.
- III. **Approval of Minutes:** None
- IV. **New Business:** None
- V. **Old Business:**
  - a. **Continuation Exception for Conditional Use CU-08-10:** A request for an Exception to Statewide Planning Goal 4 ( Forest Lands) and Comprehensive Plan Text Amendment by the Netarts-Oceanside Sanitary District to allow for a use – a wastewater treatment plan, accessory structures, and access road – that would otherwise not be allowed on a property zoned Forest (F). Bradford Sheets, Associate Planner.

Commissioner Ousele decided not to read the entire Quasi-Judicial statement but asked the following:

Where there any challenges to the Tillamook County Planning Commission hearing this matter. None.

Was there any conflict of interest or personal bias declared by any member of the Commission? Commissioner Mizee said he will be excusing himself from this portion of the meeting.

Was there any exparte contact declared by any member of the Commission. Commissioner Jones said he made a site visit this afternoon to the Mizee property and the Green Crow property.

### **STAFF**

Bradford Sheets, Associate Planner, Tillamook County gave a brief update on the original staff report heard in front of the Planning Commission on December 11, 2008. He reiterated that this is a continuation of a previous hearing held on December 11, 2008. He told the Commission that this item had been re-mailed to all property owners and that staff received three public comments (two from the applicant, one from a property owner) to the re-mailing. He made it clear that this was a Goal Exception to allow a use not permitted in a forest zone and is not an application to site structures.

### **APPLICANTS PRESENTATION:**

Craig Wakefield  
Board Chair of Netarts/Oceanside Sanitary District  
1605 Oceanside Lane  
Oceanside, OR 97143

Mr. Wakefield gave a brief summary of their presentation given on December 11, 2008 for the purpose of informing Commissioner Heckerath so that he may participate in the discussion and decision on this issue.

He went over the following:

- DEQ's concerns over the failing current Waste Water Treatment Plant (WWTP)
- The old WWTP cannot handle the current capacity
- The proposed plan started 5-years ago.
- The proposed plan takes into consideration the next 20-years of the district and its needs.
- That the NOSD board looked at both relocating and upgrading the current facility and decided to relocate as the current site is not big enough.
- Where the other sites where that NOSD looked at.
- The proposed site was found to have the least impact on residential development.
- The proposed site has enough room for future expansion and a buffer around the plant.
- Explained what the facility would entail and how it would work.
- Explained how often the sludge ponds would need to be dredged. (5-10 years)
- Access off an existing forest road.
- Odor

Commissioner Heckerath asked what the applicant meant by buffering. Mr. Wakefield said that the plant would not abut the forest. He also said that Green Crow put into the purchase agreement that the applicant must landscape the area around the plant.

Commissioner Jones asked if there was room to double the size in the future. Mr. Wakefield said yes and that none of the board of directors wants to make a wrong decision.

Vic Affolter  
300 Marvin Rd.  
Tillamook, OR 97141

Mr. Affolter said that there is buffering within the site as well as the 100-foot setback on residential property that abuts a resource (Forest) zone. He also spoke about his Addendum to NOSD Application for Goal 4 Exception (CU-08-10) comments dated December 22, 2008. This document spoke about how close single-family dwellings were located on the alternative properties.

### **PUBLIC COMMENT**

Kurt Mizee  
5190 Netarts HWY W  
Netarts, OR 97143

Mr. Mizee went through Vic Affolters letter dated January 8, 2009.

- Application incomplete- Was not submitted in the form of the application or on file and available for the public to look at.
- Plant design- Does not feel it can have less of an impact on neighboring homes. Whether it is fifty houses, one home, either it has an impact, or it does not have an impact.
- Distance from property line- His property just went through a partition and the new home will be 400-feet from property line and within the line of site of the proposed plant
- Netarts Plant alternative- Why pay to pump things that far and have potential problems. With the amount of growth in the Netarts area, he feels it is a viable alternative.
- Conditions if recommended for approval- Odor and noise should not be detected more than 300-feet from the boundary of the facility. Notify all neighboring properties when the facultative ponds are to be cleaned

Commissioner Heckerth asked Mr. Mizee to describe what an “Air Scrubbing Measure” is. Mr. Mizee said it is a way of bringing down the particles in the air that cause odor. Commissioner Heckerth then asked about the 300-foot buffer and where that would be and if trees exist now. Mr. Mizee pointed it out on the map and said that the trees between his property and the proposed WWTP site have been logged. Commissioner Heckerth then asked if where the trees have been logged is part of the proposed WWTP site is. Mr. Mizee said no, the WWTP would site in a clear cut.

Commissioner Heckerth then said that if the Planning Commission were to condition some type of vegetative buffer would it go on the proposed site? Mr. Mizee said that Green Crow would need to agree with it or NOSD would have to purchase additional property. Commissioner Jones asked what the purpose of the buffer. Mr. Mizee answered that there were two reasons. He said that first they naturally scrub the air and secondly they would catch runoff and be a filter strip.

Commissioner Hoffman asked if the 300-foot buffer would be in addition to what is in NOSD’s agreement with Green Crow. Mr. Mizee said yes, landscaping does not have the height of trees to block the proposed plant from his view. Commissioner Hoffman then asked if it was forested on Mr. Mizee’s side. Mr. Mizee said that they had recently logged the back section of his property. Commissioner Jones asked where Mr. Mizee’s parents planned to build their home. Mr. Mizee indicated the site on the map. Commissioner Ousele asked that Mr. Mizee elaborate more on the buffer. She said that in his letter he acknowledges the cutting of trees in a Forest Zone and seems to be in conflict with the requirement for the buffer. Mr. Mizee said he does not have a problem with Forest management as long as it is retained as forest but when the use changes then the management needs to change. Commissioner Hoffman asked what the zoning was on Mr. Mizee’s property. Mr. Mizee said it was Rural Residential 2 (RR-2) with a 100-foot setback from the Forest zone.

Commissioner Jones asked if NOSD were to plant trees around their site by the time it is logged again they should be mature enough to block the view of the WWTP. He asked if

the trees were planted to block his view of the plant would this be acceptable. Mr. Mizee said that as long as there are measure in place to catch the runoff and the odor issue is negligible as long as there is a visual screen then the buffer is not necessary.

Commissioner Hoffman asked if she can see the proposed site from where his home is currently located. Mr. Mizee said no, it is up the hill about 150-feet before it crests.

Commissioner Heckerth asked if Mr. Mizee's property was the only property that would be affected visually. Mr. Mizee said to the left of the property it is zoned Residential Oceanside (ROS) but as far as any developed property his property would be it.

**APPLICANTS REBUTTAL:**

Vic Affolter  
300 Marvin Rd.  
Tillamook, OR 97141

Mr. Affolter said that the application was a challenge and that he felt there was a lot of information in the application without being overwhelming. Mr. Affolter then spoke about the criteria addressing impact on adjacent sites and compatibility criteria, which says, "Compatibility is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses." He went on to say that, there are no ideal WWTP there are better or worse sites. Mr. Affolter feels that the proposed site is the best available and that it will have very little impact on neighboring residences. He then went on to address the Netarts site that Mr. Mizee brought up. He said that this site had more than 36 dwellings within 250-feet of its boundary.

Mr. Affolter then spoke about the condition of the 300-foot buffer. He said that it would double the impact on forestland by taking that 300-foot buffer out of forest production. He does not see the need for the buffer being that pervasive and would be a taking of the forestland from Green Crow by taking it out of production uses allowed by Goal 4. He told the Planning Commission that he felt it was important to be careful of the kind of conditions attached, if they are necessary and what their consequences could be. He then asked that John Yarnall address the second site in Netarts and any other pertinent information he feel necessary.

John Yarnall  
Westech Engineering  
3841 Fairview Ind. Dr. SE  
Suite 100  
Salem, OR 97302

Mr. Yarnall said that by sitting a second WWTP would result in a bifurcation of the existing facilities into one sewage system to serve the community of Oceanside and one to serve the community of Netarts. It is his belief, from an engineering standpoint, would not be a wise decision and could pose a problem with the Department of Environmental Quality. He then went to the map to show that the proposed site is in the center of the service area and if the service area were to be split into two it would require

the reworking of the piping system. He went on to say if they were to build a second WWTP where would the sewage go after it was treated. NOSD would have either to build a new pipeline to the existing plant or to try to go into Netarts Bay or build a second ocean out fall. Mr. Yarnall said that all of these options face very rigorous regulatory problems. He then said that NOSD would only be getting rid of one pumping station but would need to operate another WWTP, which would not be cost effective. He said it would be bad engineering, very expensive and he believes not permitted from a regulatory standpoint. Mr. Yarnall then said that in terms of visual impact from Mr. Mizee's property the entire site will not be equipped with buildings. He said that the office will be approximately 1000-feet from the edge of Mr. Mizee's property and that the facultative sludge ponds will be built underground. He also said that the concrete tanks would be largely built into the ground and poke out only about 3-feet. Mr. Yarnall said there is about 100-feet of buffer within the existing site between the facility and the Mizee property, which would serve to mitigate a view shed or run-off. He then spoke about spills and that at other WWTP the sewage flows by gravity to the treatment plant, the proposed plant would pump the sewage uphill and if there were to be a failure in the system the water would not come to the top of the hill.

Commissioner Heckerroth said that it sounds like NOSD is willing to vegetate the southeast portion of the proposed property with trees. Mr. Yarnall said yes, this is not a public utility where they have a lot of money and personnel to spend on landscaping. The landscaping will be of the native variety with no irrigation and he does not feel that planting trees would cause any sort of restriction. Commissioner Heckerroth then asked if it would create a problem for the treatment process. Mr. Yarnall said that the only problem would be if NOSD were required to plant trees between the gravel drive and the sludge lagoons. Planting trees and such on the exterior slopes would not cause a problem for the treatment process.

Commissioner Jones asked how tall the landscaping would need to be to block the view from the Mizee property. Craig Wakefield answered that in the purchase agreement it talks about a visual shielding of the plant. He said that NOSD would be amenable to do what ever needs to be done to execute the purchase agreement and anything reasonable as far as buffering goes.

Commissioner Hoffman asked what the proposed heights of the office building and shop would be. Mr. Yarnall said they would be single story structures with a loft in the shop. Mr. Wakefield interjected that the square footage of the office building may be scaled down. Commissioner Hoffman then asked when they decided that the proposed site was the one for them. Mr. Yarnall answered about a year and a half ago. Commissioner Hoffman asked if NOSD was aware of the Mizee property when they were looking at this piece. Mr. Yarnall said he was aware of Mr. Mizee's driveway. Mr. Wakefield interjected that very few people are aware of Mr. Mizee's property and that it sits a ways away from the highway. Commissioner Hoffman said that there seems to have been a communication error as Mr. Mizee is next to the proposed property but outside NOSD's service/notification area. Mr. Wakefield said he did not feel NOSD was remiss in their doing their homework. He said that this has been going on for three years and has been a

heated topic in the community with numerous editorials and letters to the editor. Mr. Affolter said that compared to the alternative sites the Mizee home is further away than most.

### **STAFF**

In response to some of the issues raised Mr. Sheets indicated that notification concerns were addressed through the continuation of this hearing and the notification/re-notification of the property owners within 750-feet of the subject property. He said the subject property is within the Oregon Department of Forestry's coverage area for fire protection, however, if the applicant can get an intergovernmental agreement with the Netarts/Oceanside Fire District, then that is good too. The Exception Requirement's, Factor "D" of the four factors for a Reason's Exception states the compatibility is not intended as an absolute term meaning no interference. Mr. Sheets went on to say that there is a 100-foot buffer for dwellings to be sited in the Rural Residential zone when abutting the Forest (F) zone. He said there is no height limit for structures located in the Tillamook County Land Use Ordinance's Forest (F) zone. He said as with most zones the Department would likely have a 35-foot height limit for structures due to aviation/FFA regulations integrated into the Building Codes outlined in the OARs/ORSs.

Mr. Sheets said that this Exception, if approved, is the first step in potentially several land use processes. He said a Geological Hazard report would likely be the next step as it would be required for the Major Partition process. He said a site-specific Geological Hazard Report review is contingent upon the slopes located on-site.

Mr. Sheets said that if the slopes are 29% or greater where they want to site the structures will require a GEO Hazard report first due to the fact that in a Conditional Use you have to site the structures. Commissioner Heckerroth asked if one of the other land use application will come back before the Planning Commission. Mr. Sheets said that both a Geo Hazard and Condition Use to site in a Forest zone can be done administratively.

Commissioner Heckerroth then asked if now was the time for the Planning Commission to address the buffering. Mr. Sheets said they could but they should be cautious because firebreaks for structures and the planting of trees for a visual barrier may contradict each other. The OARs for siting structures in the Forest zone are criteria based. He said the Fire Breaks are based on the slopes surrounding the proposed structures and Firebreaks would take precedence over the vegetation used for a visual barrier/buffer. Commissioner Hoffman said that if it is handled administratively and the Planning Commission does not agree with the conditions they can ask for additional conditions.

Commissioner Heckerroth did not agree. Commissioner Hoffman then asked staff. Butch Parker, Director of the Department of Community Development, Tillamook County, and Mr. Parker said that he can bring it before the Commission if they would like. Anyone who received a notice has the right to appeal the decision. Commissioner Heckerroth felt that the best time to address the buffering would be during the Conditional Use process.

Commissioner Ousele asked if the Planning Commission could place a condition, if approved, on this that the Conditional Use needs to be conducted as a public hearing and not as an administrative review. Mr. Parker said that after listening to the Planning Commission's concerns he could make the decision to bring it before the Commission administratively. Commissioner Jones asked if they could instruct staff to address the buffer when they prepare the conditional use. Mr. Parker said yes, the Planning

Commission can instruct staff to do that at this time. Mr. Sheets suggested that if the Planning Commission is going to instruct staff on the buffer to outline what they would like to see as a buffer and it must be within the proposed Exception area, not on Green Crow's property.

Commissioner Jones asked if NOSD is sure, they can plant native trees and shrubs' around the property and have them thrive to maturity. Mr. Yarnall said absolutely but will not guarantee that during a high windstorm no trees will be blown down.

Commissioner Ousele is NOSD making a commitment to maintain those trees. Mr. Wakefield said repeated that it is part of their purchase agreement with Green Crow.

Commissioner Jones felt that NOSD could notify adjacent property owners every 7-10 years when the pond will be emptied. Dan Mello, Netarts/Oceanside Sanitary District (NOSD), said that now that he is aware of Mr. Mizee he will give Mr. Mizee his card and put him on the NOSD call list to notify neighbors of any disturbance that will be happening.

Chair Ousele closed the hearing to public comment and opened it up for discussion among Commission members.

Commissioner Jones said that he did a site visit today and walked around the property. He said he was in the middle of nowhere and could see no one. His first impression was that this was neat, all other sewer treatment plants in Tillamook County you can see it from a major highway or public roads. He was very impressed with NOSD's choice of proposed site. He said there is an exterior road that goes around the infrastructure and that there is enough room between the road and the property line to plant trees for a buffer.

Commissioner Hoffman said that this decision is difficult because the public comment is coming from one of their fellow Commissioners and would like to think that any other property owner in this situation would get the same consideration as Mr. Mizee is getting. She felt knowing the height of the structures was helpful and any planting of a buffer. She also felt that the 100-foot set back on the residential property is something the property owner can manage and take some of the responsibility in planting a buffer. Commissioner Hoffman said that this is the best location, it is allowed in this zone and that the applicants have satisfied the requirements. She would also like to take steps to make sure the final approved project will have the appropriate buffers.

Commissioner Heckerroth said that he agrees with Mr. Mizee's concerns but that the process NOSD went through gave the public plenty of opportunity to find out about this project. He felt that it was the property owner's responsibility, when purchasing a piece of property, to find out what the zone is and what is allowed on adjacent properties. Commissioner Heckerroth said that by providing an Exception to allow a wastewater treatment plant in the Forest zone the Planning Commission should mitigate anything that could alter adjacent property uses. He feels that the buffering is significant and would like to see direction given to staff to consider it when preparing the Conditional Use. He said he is for this project.

Commissioner Jones said that the Planning Commission could make a separate motion on the buffer. Commissioner Ousele agreed. She also said that she is sympathetic to the impact of living next door to something that was not looked at when reviewing the zoning of the adjacent property. She feels that between impact and absolute compatibility the proposed site is the best. She would like for the Mizee's to be included in NOSD's good neighbor program and provide instruction to staff for this to be included in the Conditional Use so that the Mizee's will be notified of any disruptive work done on the proposed site.

Commissioner Jones moved to recommend approval of reasons exception for CU-08-10 to the Board of County Commissioners based on the staff report, findings of fact and public testimony and written testimony at this meeting and the December 11, 2008 meeting. Subject to the following conditions that are listed in the staff report subsections A-D

Commissioner Hoffman seconded the motion. The motion passed 4:0

### **DISCUSSION ON SECOND MOTION**

Commissioner Heckerth said that if NOSD is going to create a successful buffer they need to use specific species such as spruce and hemlock. He recommended to staff that the applicant be directed to use the correct species when planting the buffer. He feels that this should be included in the second motion.

Commissioner Jones said that an arborist should give NOSD advice on what to plant. Commissioner Heckerth felt that if NOSD is going to plant conifers that it should be spruce and hemlock.

Commissioner Hoffman asked if there should be something regarding notification to the neighbors in this second motion. Commissioner Ousele said yes, specifically regarding the periodic cleaning of the sledge ponds.

Commissioner Heckerth said typically that when the Planning Commission looks at issues they build their recommendation/approval/denials based on the footprint of the project site and that Mr. Sheets is correct that the Planning Commission has no jurisdiction to ask Green Crow for any part of the buffer.

Mr. Parker said that since this is Green Crow property, they may want some input into what is planted. Commissioner Jones said that the Planning Commission is not trying to inhibit Green Crow property after NOSD purchases the 9.7 acres from them. Mr. Parker clarifies by saying that Green Crow would still own the surrounding property and may have input on what types of trees to plant. Commissioner Hoffman said that the motion could read, "Fast growing conifers such as spruce and hemlock. Commissioner Jones said that with the purchase agreement, Green Crow will have some input anyway. Mr. Sheets said that in considering the buffer, the firebreak surrounding the structures would be the first priority with the buffer being secondary. Commissioner Jones said it would be the

Southern and Western property lines with the structures being approximately 300-feet away. Mr. Sheets said he wanted it on the table that when considering the structures that the fire breaks is a priority.

Commissioner Hoffman moved that the Planning Commission direct staff that in any subsequent Conditional Use requests relative to this property that in their recommendation they include conditions of approval that require the applicant to provide a buffer to the neighboring properties using fast growing conifers such as spruce and hemlock and the applicant assure that all neighboring properties are included in any notification program that NOSD has relative to activities that will be going on at the facility that could impact those neighbors.

Commissioner Heckerth seconded the motion.

Commissioner Ousele asked for a discussion as the motion left out the firebreak being a requirement on land sited in a Forest zone. Commissioner Jones does not feel it would be a problem. Commissioner Heckerth said that the Planning Commission cannot require trees be planted in an area that requires a firebreak.

The motion passed 4:0

Chair Ousele called for a short break

- b. Continuation OA-07-06:** The proposed Ordinance Amendment will adopt the Highway 131 Transportation Refinement Plan (TRP), which will make it easier for the county to obtain funding for transportation improvements for Highway 131 and the Rural Urban Unincorporated Communities (RUUC) of Netarts and Oceanside, meet state transportation requirements, and improve the capacity, safety, and connectivity of the county's transportation systems. Lisa Phipps, Long Range Senior Planner resumed the presentation from December 11, 1008

Lisa Phipps, Long Range Senior Planner, Tillamook County. Ms. Phipps said that at the last meeting, the Planning Commission directed staff to put everything into a single document for the Commission's review. She said that at the hearing, back in 2007 there was some public testimony about the conceptual plan and policies that were identified in the HWY 131 Transportation Refinement Plan (TRP). She said at that time discussion on Appendix F began. She said that Appendix F included proposed ordinances and in response to the public's comments about not having reviewed Appendix F, the Planning Commission decided to request public input. As a result, staff sent Appendix F out to the public and received comments. She said that at the time public input was requested, Staff and the Commission were unclear of the intent of Appendix F. Subsequently the wordsmithing might be a little premature. She said that the Planning Commission could adopt this document independent of what the proposed ordinances say because they still need to go through the process established to bring forth new ordinances. She said that, in this case, many of the proposed changes fall within the requirements for a Measure 56

notice, which means staff has to notice everyone in the affected communities. She said that has not happened. She does not feel that the public comments were in vain but have laid a good foundation for when the time comes to bring them forward. She asked that when the Planning Commission reviews the draft changes this evening that they understand that proposed ordinance amendments might look the same when the time comes or they may be significantly modified through the additional public process. She said that both of these communities are looking at their ordinances and vision statements. Her hope is that the communities will incorporate this information into what they are working on. She said that if the Planning Commission chooses to adopt this, she wants to make sure that they are comfortable with the concepts brought forward.

Ms. Phipps said that both CPAC's have received the memo outlining the public process for proposed ordinance amendments and that it was posted on the Oceanside Neighborhood Association (ONA) website. She feels that this will help with the Cloverdale Transportation Refinement Plan as well.

Mr. Phipps said that she highlighted every change and then went over the draft of the HWY 131 Transportation Refinement Plan (TRP), Appendix F, Plan and Code Amendments, with the Planning Commission. The following are a list of the items she went over.

Page 2- Under "J" Transportation Policies

- General transportation policies applicable to all of Tillamook County.
- Addition of "and traditional".

Page 2- Under "M"

- Emphasis on Community Support

Page 2- Under "N"

- Recommended Addition.

Page 3-Under "E"

- Bicycle pathways between communities must be developed.

Recommended deletion of "G"

Next paragraph added the language:

- In addition considering the reductions to the posted speed limit and relocating the speed limit sign to the east side of the crest of the hill may result in more immediate positive impacts.

Page 4- In regards to the wording "substantially changed, substantially improved, majorly remodeled", Ms. Phipps said that there is a definition for majorly remodeled in the TRD for parking purposes. Once she reviewed comments from both Netarts and Oceanside Citizens Planning Advisory Committee's (CPAC's), it was agreed that the definition was not sufficient. Ms. Phipps said that the term "major remodel" was used throughout the rest of the document. She then said that it would be beneficial in a motion to ask staff to define Majorly Remodeled vs. Substantial Improvement when the proposed ordinance amendments were brought forward in the future.

Number 5, needs to address the County's responsibility to comply with their own transportation system complied. In addition, a developer is an independent entity that is responsible for complying with the Transportation Refinement Plan/ Transportation Systems Plan as well.

- In the event that private developers will be constructing new roads, the developer will be responsible for addressing this standard.

Page 5

- The Netarts community requested that the entire length of the community be required to have bicycle and pedestrian safety shoulders.
- Community design standards may be established to guide the location and type of lighting. (Ms. Phipps added this in response to comments from the community that said, “Should comply with community design standards” which they currently do not have.)

#10 and #11 were additions by Oceanside.

Page 6, 2X

- Local streets shall be kept narrow unless it is determined to be necessary for public safety.
- The county supports pedestrian pathways that meander through the community.

Page 7, 4.18

- Bicycles access and parking are very important to the community.

Commissioner Jones asked about the bicycle infrastructure being complete. He felt that it would never be complete. Ms. Phipps said that complete may be defined by what is feasible.

- The Netarts CPAC recommends that references to maximum building setbacks, and parking should be deleted.

Ms. Phipps felt that there was some confusion. The statement in front of it is stating that the various definitions and proposed ordinance changes address some of these items. When she was reading some of the comments there was reference to setbacks being Land Use issues. She recommends that it be left the way it is currently written. Mr. Phipps said that the Netarts CPAC wanted the entire section to be deleted because they thought that it was outside of the purview of this ordinance. Ms. Phipps assured the Planning Commission that it was not. She also made it clear that the Planning Commission was not voting on these proposed ordinance amendments tonight.

Page 8 Section 3.348, 4J

- Major Remodeling.

Ms. Phipps stated that when the time comes, there should be a broader discussion on this subject. She will be having them with the community.

Page 8 Section 3.348, 4K

- Deleted.

Page 8 Section 3.348, 4M

- Deleted.

Ms. Phipps said that Oceanside recommended the deletion of all changes to Section 3.312 Commercial Oceanside (COS) Zone, except L and M.

Page 9

- Recommended that anything related to New Uses be deleted.
- Recommended that an overlay zone be created for each community.

Ms. Phipps said that the ONA recommended that the standard for bicycle parking be eliminated and that a 10-bike rack be installed.

Page 11

- Proposed lighting ordinance be removed from the TRP.
- Eliminated all graphs.
- Staff recommends the following: Outdoor lighting standards should be considered on a countywide basis.

Page 14

- Netarts-Oceanside Rural Fire Protection District Code.

Page 15, 3Ai

- Duplication of “Along a State Highway”.

Ms. Phipps said that the Angelo Planning Group did a review of both areas, met with the public, and set up community groups. She said that through these processes, they developed the conceptual plan. She said that the wayside and the parking of RV’s on the upper level of the terminus of HWY 131 prompted a good deal of the conversation. Ms. Phipps said that there is a business nearby where people parked their RV’s that would be negatively impacted; the hillside has been used as a dumping ground for waste according to members of the community. She said that there is little management of the area. She said that the community wanted to see more green space and natural landscaping in the wayside area.

Ms. Phipps said TRP’s are required by the State. There is a formula and methodologies are used. Some of the criterion applies and some does not and that is why a lot of it is put into Appendixes. She said that these ordinances and policies are not adopted through this process. However, by completing and adopting a TRP the county can move projects forward and hopefully to bring some of the proposed ordinance amendments forward.

Commissioner Heckerth asked about page six and the increasing regulation at the parking of the bay. He said that at the public meetings he attended this issue was raised and that the CPAC was not comfortable with increasing the regulation. Ms. Phipps stated that this plan was not being adopted but were options. Commissioner Heckerth was concerned about opening the door for this type of regulation. Ms. Phipps said that taking it out would not close that door. She said that County Parks can implement fee based parking. Commissioner Heckerth felt that by removing this it would be more compatible to the public discussion. Commissioner Ousele and Commissioner Jones said that they would not have a problem removing it from the TRP. Ms. Phipps said she would remove “increasing regulation of parking at the bay”.

Commissioner Heckerth then asked what “increasing regulations along the bay road” means. He wanted to know what it meant to regulate parking along the edge of the road. He said that the county has put up signs stating that there is no parking along the road after 11:30 pm. He said that this is regulating and denying people access to the bay for night harvest (crabbing, clamming etc). Ms. Phipps said that it is to prevent people from parking their RV’s and sleeping there overnight. Commissioner Heckerth said that a sign reading “No Overnight Parking” might be better. Ms. Phipps said that this would not change with any action the Commission does tonight. She said the best way to pursue this would be through Public Works. Commissioner Jones made the comment that fee parking would diminish the village atmosphere that is out there. Ms. Phipps said that this might

be solved through a motion by saying “With consideration to a variety of alternatives that go beyond fee parking and time limits.”

Commissioner Hoffman asked where the Planning Commission was procedurally. Ms. Phipps said that it is up to the Planning Commission to recommend adoption or denial of the Highway 131 Transportation Refinement Plan.

Commissioner Ousele wanted it on the record that this is a legislative proceeding.

Ms. Phipps went on to discuss the body of the HWY 131 TRP that talks about the wayside. She said that Netarts/Oceanside recommended removal of the RV spaces in the HWY 131 TRP specific to the four RV-spots up on the top, not the RV spots at the wayside. Commissioner Hoffman asked if the motion would have the modifications that the Planning Commission would recommend to the Board of County Commissioners. Ms. Phipps said that a second motion could be made for the other things discussed to make sure staff considers them when the ordinance amendments come forward.

Commissioner Mizee recommended to the Board of County Commissioners, to adopt OA-07-06 HWY 131 Transportation Refinement Plan with a modification to the conceptual plan to eliminate the four RV spots that are on the Pacific Ave. extension above the wayside parking lot, eliminate the bullet on page six under the Netarts Community Plan (Increasing regulation of parking at the bay), and to support a pedestrian/bike pathway the entire length of the community of Netarts, if possible and recommend adoption of all of the associated Appendixes with the comments and changes provided by the different CPAC’s.

Commissioner Hoffman seconded the motion. The motion passed 5:0.

Commissioner Hoffman directed staff that, when the time comes for these Ordinance Amendments to be brought forward, staff consider consistency with the rest of the Land Use Ordinance, that they look at Major Remodel and its definition vs. Substantial Improvement, and that they address parking issues in both of the communities when addressing the different Ordinance Amendments.

Commissioner Mizee seconded the motion. The motion passed 5:0

Commissioner Hoffman directed staff to review the minutes of the hearings, reviews/comments of the CPAC’s, and to incorporate the Planning Commissions concerns into the public process in relation to the draft ordinances.

Commissioner Mizee seconded the motion. The motion passed 5:0.

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

Commissioner Jones made a motion to authorize chair to sign any and all appropriate orders.

Commissioner Hoffman seconded the motion. Motion passed 5:0.

**Administrative decisions:** None

**VI. DEPARTMENT REPORT:**

Lisa Phipps gave the Department report. She stated that by the end of January, the Department will be losing their Code Enforcement Officer and there is the possibility that there will be three other positions cut from the Department.

There is a workshop scheduled for January 22, 2009 about providing instructions to staff in regards to the Land Use Ordinances and priorities.

There was one applicant for the vacant Planning Commission seat.

**VII. ADJOURNMENT:**

There being no other business Chair Ousele adjourned the meeting at 10:45 pm.

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Gale Ousele, Chair

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Kara Graves, Recording Secretary

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Date