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MINUTES - TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING
Wednesday, July 22, 1987
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COMMISSIONERS PRESENT: Dean J. Kinkade, Chairman
Gerald J. Creasy, Vice-Chairman
Gerald A. Woodward, Commissioner

STAFF PRESENT: Fred G. Young, County Counsel
Karen Richards, Treasurer
Dorene Sheldon, Recording Secretary

STAFF PRESENT FOR PORTIONS OF MEETING: Kathy Kelso, Personnel Director; Jon Oshel, Public Works Director; Paul Levesque, Researcher

GUESTS PRESENT: Mike Sims, Headlight Herald; Glen Higgins, Community Action Team; Barbara Rice, Tillamook Bay Community College; Fred May, Norma Rankin, and Lee Walker

ITEM NO. 1: CALL TO ORDER: By Chairman Kinkade at 10:03 a.m. in the Justice Courtroom.

UNSCHEDULED: DISCUSSION CONCERNING OPENING COURTHOUSE FULLTIME: Ms. Kelso has received several inquiries concerning the Courthouse opening fulltime. She said the Board should make a decision and announce it, so the rumors and questions will stop.

Mr. Young felt it should be open fulltime. The only reason it could not remain open fulltime would be loss of a revenue source.

After further discussion, there was consensus to discuss this at the staff meeting on Friday. A memo will be sent to department heads and elected officials asking them to attend if they have input.

Chairman Kinkade said a decision could be made on Friday.

UNSCHEDULED: DISCUSSION CONCERNING "NO SMOKING" POLICY: Ms. Kelso said she received a copy of a good survey from the American Lung Association on smoking in the work area. She asked permission to modify it slightly and enclose it with the paychecks to see how the employees feel about smoking in the Courthouse.

There was consensus to allow Ms. Kelso to enclose the survey with the paychecks.

ITEM NO. 2: CONSIDERATION OF CLOSE-OUT OF THE NESKOWIN TECHNICAL ASSISTANT GRANT: Chairman Kinkade said the work has been completed, and the grant needs to be signed off.

Commissioner Creasy moved, Commissioner Woodward seconded to close-out the Neskowin Technical Assistant Grant on the Neskowin Sewer Study, passed with three aye votes.

Chairman Kinkade signed the Completion Report.

ITEM NO. 3: CONSIDERATION OF AGREEMENT WITH PAUL LEVESQUE TO PERFORM RESEARCH AND REVIEW WORK FOR THE COUNTY: Chairman Kinkade felt it wasn't good to specify which days Mr. Levesque would work and didn't like the wording for out-of-pocket expenses. Mr. Young said the specific days could be deleted from the contract. The out-of-pocket expenses phrase could be changed to "COUNTY agrees to pay all reasonable out-of-pocket expenses incurred by CONTRACTOR at the direction of the Board."

Commissioner Creasy moved, Commissioner Woodward seconded to approve the agreement with the two modifications, passed with three aye votes.

The Commissioners signed the Agreement later in the day.

ITEM NO. NO. 4: PUBLIC HEARING: CONSIDERATION OF LIQUOR LICENSE APPLICATION FOR THE GUIDE SHOP: Chairman Kinkade said Ms. Cameron was unable to attend the meeting but she recommended not approving the application, as there are problems with the septic system. Mr. Peterson has the option of withdrawing his application or he has the right to a public hearing.

Commissioner Creasy felt the Board should support the application, as selling beer has nothing to do with a septic system. Chairman Kinkade said the Ordinance requires meeting sanitation standards.

Mr. Young said as the Health Administrator recommended denial, the Board had to go through the public hearing process; and the decision would be made at that time. OLCC is not bound by the decision of the Board. Commissioner Woodward said all this process does is notify the state that the county has objections.

Commissioner Creasy moved, Commissioner Woodward seconded to have a public hearing pursuant to the Ordinance and on the recommendation of the Health Administrator, passed with three aye votes.

ITEM NO. 5: CONSIDERATION OF TAX LAND INSTALLMENT CONTRACT WITH EVERETT PRUEITT: This item was postponed.

ITEM NO. 6: CONSIDERATION OF APPLICATION TO PUBLIC TRANSIT DIVISION FOR 1987-88 SPECIAL TRANSPORTATION GRANT FUNDS: Mr. May said the Special Transportation Committee choose the following applications to recommend to the Board: 1) \$300 a month to Senior Citizens Social Services, Inc. (SCSSI) to be used toward the purchase of a new vehicle; 2) \$3,854 to Clatsop-Tillamook Intergovernmental Council (CTIC) for bus service; 3) \$9,754 to CTIC for access demand service involving four station wagons in the county; 4) \$2,400 to CTIC for escort service. This is a

pass through to Volunteer Services and is used when people go out-of-town and require someone to go with them.

Commissioner Creasy asked how the applications were chosen. Ms. Rankin said a point system was developed. The number of people served by the program was also part of the criteria.

Commissioner Creasy said the applications recommended were good, but the public may be critical that SCSSI and CTIC are the only recipients, and both have representatives on the Committee. Mr. May understood, but said the Committee has never advocated one organization more than another.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the applications as recommended by the Special Transportation Committee, passed with three aye votes.

The Commissioners signed the Application and Letter to the Public Transportation Division.

Ms. Rankin said the Committee felt the CBT application was a good one, but would only serve a small portion of the county.

ITEM NO. 7: CONSIDERATION OF LETTER TO STATE DEPARTMENT OF VETERANS' AFFAIRS TO HAVE TILLAMOOK BAY COMMUNITY COLLEGE COORDINATE VETERANS SERVICE OFFICER PROGRAM: Ms. Rice submitted copies of the college's proposal and budget. She asked Mr. Young if the \$12,500 reimbursement was for one salary or if it could be spread over two people. Mr. Young said they will pay up to 3/4 of the expense or \$12,500, whichever is less.

Mr. Young asked what the county's portion is expected to be. Ms. Rice said the college will incur the additional expenses. The county will act as a conduit for the \$12,500, and the college will act in the county's behalf.

Ms. Rice felt the college would have to negotiate with Veterans Services in addition to submitting the application.

After further discussion Commissioner Creasy moved, Commissioner Woodward seconded to sign the application and send a cover letter with the college's proposal and application, passed with three aye votes.

Mr. Young said the county will have a separate contract with the college, similar to TCI's.

Commissioner Woodward asked if this service was an appropriate use of college tax dollars. Ms. Rice felt it was as the college is currently providing educational and counseling benefits for veterans. She will pass the question on to Mr. Mason.

The motion carried with three aye votes.

Chairman Kinkade signed the application, and the letter will be signed at a later date.

Mr. Young said a request should be made that the VA's response be sent to the college and the county.

ITEM NO. 2: CONSIDERATION OF CLOSE-OUT OF THE NESKOWIN TECHNICAL ASSISTANT GRANT (CONTINUED): Mr. Higgins said the county will need to send a copy of the 1987-88 audit to the State Economic Development Department as part of the close-out of the grant.

Mr. Higgins recommended the Board consider the Neskowin Sanitary Authority for the county's one Community Development Block Grant.

ITEM NO. 8: CONSIDERATION OF AMENDMENT TO AGREEMENT WITH KENNETH HILL TO REVIEW COUNTY COMMUNICATIONS SYSTEM: Mr. Young said Mr. Hill is continuing work on the court security system and jail system. The amendment extends his contract on a month-by-month basis.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the agreement amendment, passed with three aye votes.

The Commissioners signed the Amendment to the Agreement.

ITEM NO. 9: CONSIDERATION OF CONTRACT WITH OREGON STATE MARINE BOARD FOR 1987-88 BOATING SAFETY AND LAW ENFORCEMENT SERVICES: Commissioner Creasy talked to the Sheriff and State Marine Board, and he felt there was an overlapping of agencies on the checking of boats. He would like part of the funds to be used for night security at boat moorages, but was told the funds could not be used for that purpose.

Commissioner Creasy moved, Commissioner Woodward seconded to approve the contract, passed with three aye votes.

The Commissioners signed three copies of the contract.

ITEM NO. 10: DISCUSSION CONCERNING DUES BUDGETED FOR FISCAL YEAR 1987-88: Commissioner Creasy said the amount budgeted will not cover the full dues for each organization. The Board should determine how much each organization will receive.

After discussion there was consensus to drop the Chamber dues, as it has been changed to the Tillamook City Chamber of Commerce. If the Board paid dues to that Chamber it would have to pay to the smaller Chambers also.

Mr. Young suggested paying half the requested dues now, and bring the issue before the Board again in January.

There was consensus to pay half the dues now, with the exception of AOC, and review the situation again in January.

ITEM NO. 11: CONSIDERATION OF OREGON WILDLIFE HERITAGE FOUNDATION MEMBERSHIP: As funds are not available in the dues fund, Commissioner Creasy moved, Commissioner Woodward seconded to pay \$50 out of the Public Relations account, passed with two aye votes. Chairman Kinkade voted nay.

ITEM NO. 12: CONSIDERATION OF ORDER REGARDING "NO PARKING" ON THIRD STREET DURING FAIR WEEK: Commissioner Creasy moved, Commissioner Woodward seconded to approve the order, passed with three aye votes.

The Commissioners signed Order #87-92.

UNSCHEDULED: CONSIDERATION OF DEED FOR WILLIAM E. AND M. A. BAKER: Mr. Young said the deed transfers the two parcels back to the Bakers, subject to the Ronald E. and Pamela H. Rand contract.

Commissioner Woodward moved, Commissioner Creasy seconded to approve the deed, passed with three aye votes.

The Commissioners signed the Deed.

SITTING AS THE BOARD
OF THE HEBO SERVICE DISTRICT:

ITEM NO. 13: MISCELLANEOUS SERVICE DISTRICT MATTERS: Commissioner Woodward asked if Mr. Young had the information to negotiate the HGE bill. Mr. Young said he was working on it.

SITTING AS THE BOARD OF THE
SOLID WASTE SERVICE DISTRICT:

ITEM NO. 14: MISCELLANEOUS SERVICE DISTRICT MATTERS: Mr. Oshel was disappointed with the turnout at the public meetings last week to discuss solid waste alternatives. There was fairly consistent opposition to burners and a fairly consistent spread of generic discussion on going to recycling and/or composting.

Mr. Oshel wrote Riedel asking them to lower their proposal and gave them suggestions.

Commissioner Creasy asked if a spreadsheet could be made on the presentations, including what it would cost if the county went with a straight recycling concept, landfill or hauling. Mr. Oshel said he would.

Commissioners Creasy asked Mr. Oshel to investigate if the pellet system in Skamania County could be used in Tillamook. He would like to know if the pellets could be used in fireplaces. Mr. Oshel hasn't been able to determine that yet, but felt the environmentalists would sooner or later not allow it.

SITTING AS THE
BOARD OF COMMISSIONERS:

ITEM NO. 15: MISCELLANEOUS PUBLIC WORKS: Contract with Brennan-Nelson Oil, Inc. The Commissioners signed two copies of the contract for diesel fuel for 1987-88.

Application for Extension of Federal Forest Highway Program: Mr. Oshel said the project is scheduled for 1990-1991 for Blaine Road from Clearance Creek to the BLM. He will have to work with the Forest Service, and they both must agree on the project. One project the Forest Service is interested in is continuing work on Blaine Road toward Blaine down to the Fire Hall.

Mr. Oshel said the Forest Service is trying to have Galloway Road be a federal forest highway and have work done on it. He said it has the volume, but not the truck traffic.

There was consensus to pursue the work done on Blaine Road towards the west.

Hood-to-Coast Relay Signs: Commissioner Woodward asked if an order had been done for the August 15th relay to post "No Parking" signs. Mr. Oshel will prepare it.

Work on Bixby Road: Chairman Kinkade asked if work had been done on Bixby Road. Mr. Oshel is planning to do work on it.

Happy Camp Road: Chairman Kinkade asked if the signs had been put up on Happy Camp Road. Mr. Oshel said "No Parking After 10PM" signs should have been put up yesterday.

Weed Sprayers: Chairman Kinkade asked for the status of the weed sprayers. Mr. Oshel said most have been delivered to Soil and Water, and the remainder will be soon.

Mr. Young asked if the Board would like a Bill of Sale done.

There was consensus to have Mr. Young prepare a Bill of Sale charging \$1 each. Mr. Oshel will give Mr. Young the serial numbers.

Chairman Kinkade recessed the meeting at 11:50 a.m. and reconvened at 1:30 p.m. with all three Commissioners, Vic Affolter,

Community Development; Fred Young, County Counsel; and Dorene Sheldon, Recording Secretary present.

GUESTS PRESENT: Those who signed the Guest List were: Mike Sims, Bill and Pauline Compton, Charline Lewelling, Julie Larkens, Fred Pfeifer, Doris Bork, James and Myrtle Phillips, Nancy and Harold Johnson, Delbert Hayes, A. B. Lewelling, David Darge, Ray Luthy, and C. E. Winkelman. Those who signed the Speaker's List were: Harold Johnson, David Large, and A. B. Lewelling.

ITEM NO. 16: OA-87-6(32): A REQUEST TO AMEND ORDINANCE NO. 32, THE TILLAMOOK COUNTY COMPREHENSIVE PLAN, TO UPDATE THE EXCEPTION TO GOAL 18 THAT CURRENTLY PERMITS DEVELOPMENT ON THE FOREDUNE FOR CERTAIN OCEANFRONT LOTS IN PACIFIC CITY. THE PROPOSED AMENDMENT WOULD ALSO ADD TO THE EXCEPTION AREA TAX LOT 7900, SECTION 24DD, TOWNSHIP 4 SOUTH, RANGE 11 WEST OF THE WILLAMETTE MERIDIAN. DAVE LARGE, APPLICANT: Mr. Affolter said there are concerns about the proposal, and he explained how his Department is proceeding.

Mr. Affolter said the ultimate proposed development includes a portion of the foredune on property immediately north of the Turn-around in Pacific City. The preliminary proposal is for a motel/restaurant complex.

Mr. Affolter displayed a blown-up version of the area on an Assessor's map.

Mr. Affolter said there were actually two issues before the Board. One involves the entire developed oceanfront strip in Pacific City, and the other is the 3 to 5 acre residual parcel of Tax Lot 7900, including a 130' strip of ocean frontage.

Mr. Affolter explained the first step is a Goal 18 exception that permits development on the foredune. The initial presumption of Goal 18 is there shall be no development on the foredune, which is an extremely restrictive provision. One way to justify the exception is the area is already sufficiently developed. A reason's exception would show a definite need for a particular development in that area.

Mr. Affolter said when the Comprehensive Plan was submitted an exception was taken for most of the 7,200 feet of oceanfrontage, extending from the parking lot at Cape Kiwanda to the end of the developed area south of Pacific City. The only two areas an exception was not taken for was a < mile area south of the Cape Kiwanda parking lot and the 130 feet of Tax Lot 7900. The exception was for a total of 106 beachfront lots; 40 were not developed as of May, 1987. Exceptions were taken for undeveloped lots and lots without specific development proposals associated with them.

Mr. Affolter wasn't sure why the 130' in Tax Lot 7900 was left out of the exception. The owner/developer possibly didn't represent an interest at that time to have it included in the exception.

Mr. Affolter said two things will occur with the revision of the Goal 18 exception. It will revise the overall exception for the entire area to bring it into conformance with recent changes in the state exception rule and will include Tax Lot 7900 within the exception area.

Mr. Affolter said there will be a public hearing at a later date when the specific development proposal for the parcel will be discussed. Initially his department felt it wasn't necessary to discuss the development proposal, because the threshold question was first of all whether or not there could be development on the foredune. The follow-up question would be what specific development would be appropriate.

Mr. Affolter said in order for the developer to develop proposed plans involving the exception area, he needs some sense of whether that area could be used. People pointed out that when an exception is taken the Oregon Administrative Rule (OAR) talks about the proposed development. He was then convinced that at least some discussion of the proposed development be done. He added the exception process is notorious for being complicated and hard to understand. There has not been an appeal through the Oregon Court system on a Goal 18 exception.

Mr. Affolter stressed the issue before the Board is the Goal 18 exception to allow development on the foredune.

Mr. Affolter said the first action taken with the parcel was a development permit for dune grading in April which resulted in substantial grading of the property. In retrospect, he said the Department may have erred in not requiring a specific development proposal prior to permitting dune grading as site preparation. There are two justifications for dune grading, sand inundation by an existing structure or as site preparation for a proposed development. The policy will now be changed to require a specific development proposal for dune grading for site preparation. After the grading, remedial action was required including rebuilding the dune to more than 4' above the 100 year flood level and stabilizing the area with beachgrass. The owner has been very cooperative in these efforts. Mr. Affolter said there was confusion over the area to be graded, which included a couple parcels that were not formally included in the permit. This was not a deliberate effort to violate regulations. He said these issues are not germane to the issue, but have drawn concerns.

Mr. Affolter said zoning on the parcel is R2-PD which would require going through the Conditional Use process. Within the subdivision designation of Kiwanda Shores, most of the area is designated commercial. At least one of the parcels is zoned residential and would have to be redesignated through the Planning Commission process.

Mr. Affolter said the Planning Commission voted unanimously to approve OA-87-6(32). He did not prepare a formal Board order, as he wanted to benefit from the testimony from today's hearing. The Board order would take approximately three weeks.

Chairman Kinkade said there was no obvious reason why that portion was not previously included in the exception. Mr. Affolter said he couldn't honestly answer that question. His department is handling it as a reasons exception, not a built and committed exception. Technically someone could build on the parcel without building on the foredune area. The reasons exception deals with the particular advantages of building the development as far west as possible for an ocean view.

Commissioner Creasy asked Mr. Young if someone could legally change the rules without a proposal. Mr. Affolter spoke to Gail McEwen of DLCD. She and Ms. Brooker felt only a general proposal was necessary. The letters from people felt the OAR required a proposed development. Mr. Affolter felt the proposed development is being discussed, along with the future precautions and procedures that would have to occur before a development approval. Before the developer invests a lot of resources in specific plans, he would like to have some sense of where he can actually develop. If the development proposal was considered before the Goal 18 exception, it would be "putting the cart before the horse." If the two were considered simultaneously, and for some other reason development on the foredune was inappropriate, all the work on the Goal 18 exception would be for naught.

Commissioner Creasy asked if this would involve an encroachment situation from neighboring residents. Mr. Affolter said the oceanfront setback line will assure the development will not be further forward than what is already existing.

Mr. Affolter showed aerial photos illustrating the area.

Mr. Large said he represented the Lewelling Corporation and Northwest Pacific Builders, proposed developers of the project.

Mr. Large showed the position of his house and Mr. Johnson's on the Assessor's map. He ran a transit from his house to Mr. Johnson's and established that as the design maximum criteria.

Mr. Large said the proposed development consists of 101 motel units. He showed designs of the three types of units. It also includes a restaurant and lounge, small shops, covered recreation area, and parking area. He stressed these were all preliminary plans and subject to change. European beach grass will be planted heavily to stabilize the banks, and light landscaping will be done where the sand is.

Mr. Large said he met with Mr. Johnson to discuss his concerns. Mr. Johnson suggested realigning the north wing so the rooms did not look onto his property, and preliminary sketches are now being done. There would be a proposed realignment to move the cul-de-sac back so as not to have any access through the subdivision. There would be a 10' beach access strip which would include construction of a block wall to stop people trespassing on adjacent property.

Mr. Large said the property has one lot zoned residential. They may be able to design without construction on that property, but it would be kept within the scope of the project.

Mr. Large said the elevation after the grading was certified by the County Surveyor, and discovered the property was lower than allowable for construction 4' about the 100 year level. The property was regraded to comply. There were some areas of difficulty where the grass was planted, so existing mature beachgrass from the back of the property was transplanted to stabilize the area.

Mr. Johnson said the plat for the Kiwanda Shores Fourth Additions show 2 > lots as residential. He emphasized he was not against land development or economic development, but was concerned how the proposal would effect his residence. Mr. Johnson said Mr. and Mrs. James McPhillips, Delbert Hayes, Tom Shipler are all neighboring residents and have authorized Mr. Johnson to incorporate their feelings in his remarks.

Mr. Johnson felt the OAR clearly requires a specific development proposal with a proposed use before an exception is granted. He submitted a copy of the Amended Declarations to the Kiwanda Shores Third and Fourth Additions which contain restrictions on how platted lots can or cannot be used. Those covenants on the neighboring title reports were put there by the applicant and restrict the three lots, about half of the use of the building, from commercial use. He felt it appropriate to conserve the administrative resources of Tillamook County and not go through the exception process until the applicant can show probable success in finishing the project in the first place.

Mr. Johnson said the fact that a motel of any kind was going to be built was not a part of any public record until the day before

the Planning Commission hearing. There is a staff report that reaches conclusions, but it doesn't explain how it reached those conclusions. The OAR requires findings and conclusions and clearly puts the burden of establishing the application on the applicant.

Mr. Johnson said there is no record why the portion of Tax Lot 7900 was excluded from the exception. He felt it may be because it is exposed below the 100 year high water mark on three sides.

Mr. Johnson said the developer may not want to spend more than he has to until he knows he can go ahead with the project, but every developer knows he has to spend something to reach his goal.

Mr. Johnson concluded by saying because the OAR requires a specific development proposal so an analysis can be made and because there are covenants that restrict the use of the three lots from anything but residential use, the request should not be allowed.

Mr. Lewelling said he didn't applied for a Goal 18 exception because he was never notified. He said Mr. Johnson was correct in reference to the three lots, but he plans to vacate them. He added the project is an opportunity to make a significant improvement to the Pacific City area.

Mr. Lewelling said Mr. Johnson purchased an additional lot next to his home as a buffer lot, because he knew some commercial development would be done in the future. Mr. Johnson said he knew there were two more lots between himself and any commercial development. He would not have bought the property if he thought there would be any commercial development. Vacating of Lots is a zoning matter, but Mr. Lewelling has a private contract with the homeowner's in which the county is not interested.

Mr. Large submitted a copy which he thinks is the last approved map from the Planning Department showing up to the end of the cul-de-sac which is zoned commercial with the 10' beach access strip. It was the developers' intent to not take over anything that was planned residential.

The Lewellings, as members of the Homeowner's Association have a right to vote on matters of amendments to the CCNR. Mr. Johnson said amendments require a 90% vote of the owners of the lots. Mr. Large stressed there is an administrative process.

Mr. Large was told initially he did not have to submit a proposed plan, as there are other meeting processes to deal with the project. He did go through a pre-review process by submitting plans for staff review and comment. He added the Goal 18 exception only includes the foremost 120' of the property.

Mr. Lewelling said Mr. Johnson mentioned the flood plain. Mr. Johnson said that property is clearly exempted from flood plain property. Mr. Johnson said he referred to the 100 year high water mark that the county uses as a reference.

Mr. Winkleman said he was concerned that the whole issue was in reference to Tax Lot 7900, which extends farther north of what the map indicates. Mr. Affolter agreed but said because of the size and configuration of the tax lot he used a copy of the Assessor's map.

Mr. Affolter said the Kiwanda Shores Subdivision went through seven or eight additions, and the file is not in good order. To the best of his knowledge one of the problems was several of the latter revisions or proposals were not approved by the Planning Commission. At the final hearing there were proposals to make revisions, including the vacation of the sewage treatment plant and the proposed relocation of Cape Drive. Because some of the parties didn't attend the hearing and there wasn't response to some of the Commission's questions, they did not proceed on the matter. Although it is vague on how the three established lots (9200, 9300 and 9400) were designated, Ms. Willard determined 9300 and 9400 were commercial and 9200 was residential. There is a recreation beach access between 9200 and 9300. Mr. Affolter would like to do more research on this issue with Legal Counsel.

Mr. Affolter said he had not been involved with the deed restriction question, because that is a private matter.

Mr. Affolter referred to why the parcel was not included in the original Goal 18 exception, but would not respond to Mr. Lewelling's comment. To obtain a built and committed exception one must show development cannot occur on the existing parcel without building on the foredune. The smaller parcels could show that, but as Tax Lot 7900 had enough area, it wasn't necessary to build on the foredune. The process now is a reasons exception, which would meet the requirements of the OAR.

Mr. Johnson said the map Mr. Affolter distributed had two pages. One shows the three lots as shown on the Tax Lot map. The Kiwanda Shores development plan map, which was given to him when he bought the lot, shows them as residential. He urged the Board not to accord much weight to an undated document that is inconsistent with everything presented so far. Mr. Large said the map was taken from the Planning Department files and was dated and stamped approved. Mr. Affolter said he would like the map and gave Mr. Johnson the opportunity to explore the file.

Commissioner Woodward said the developer said he never intended to develop north of the cul-de-sac but the map shows it wrapping around it. Mr. Large said after listening to Mr. Johnson's feelings, he is drafting a new design proposal.

Commissioner Creasy had no problem with building on the foredune, but felt the issues of the zoning and the covenant restrictions should be resolved.

Mr. Affolter said he would like an opportunity for staff, Mr. Large and Mr. Johnson to review the file and come to an agreement on several issues on which they are at odds. He felt it important to proceed on facts.

Mr. Large said it should be a matter of county resolution that would indicate the zoning. He agreed the files were vague, but the last he understood was the properties were commercial, except the one residential lot. The only map that was different was the Tax Assessor's Parcel Map, which is not a zoning map.

Mr. Affolter indicated again he would like the opportunity for the concerned parties to work with his staff in determining the current status. Mr. Affolter was also concerned about the deed restriction matter.

Mr. Large said if the Homeowner's Association does not allow development on what is indicated as residential, Mr. Lewelling would still like to build houses and have that part exempted. He would like to use the remaining property for the project and have that part exempt also.

Mr. Affolter said the three parcels already have the Goal 18 exception. Only Tax Lot 7900 needs the Goal 18 exception. Mr. Large said then the construction or non-construction of those lots has no bearing on the Goal 18 exception. The merits of considering the adjacent lots as criteria for the consideration of the exception does not seem justified.

Mr. Young said the development needs an exception for the 130' of Tax Lot 7900. The Board is not ruling on the zoning or deed restrictions. He disagreed with Mr. Johnson's perception that a completed plan was necessary to address the OAR. Mr. Young felt a proposed use addresses the OAR. Mr. Johnson said it is still important to know the proposed use. The county should know the scope of the proposed use before it gives up control of the foredune. Mr. Young felt that could be done when the Findings of Fact are done, as it will only be dealing with the 130' portion.

Mr. Large said he proposed the maximum intensity of the development. The decision can be made on the maximum use, and he is subject to the knowledge there may be a somewhat diminished allowance of the area that can be used for construction.

Commissioner Creasy asked if Mr. Affolter could resolve the issues in three weeks. Mr. Affolter said he agreed with Mr.

Young's conclusion. There is still some confusion on the designation. If something could be determined before a final decision is made that may make the opposing party feel more comfortable without imposing undue restriction on Mr. Large and his client, he would like to see things worked out as much as possible. Chairman Kinkade agreed.

Mr. Large said there are no discrepancies within the area of the application. He said this piece of property, by exception, can be constructed on, whether it is residential or commercial.

Mr. Affolter said as this is a two-step process, he would like the first step to be as solid as possible. How people respond to the next step may be determined on how this step is taken. He said traditionally the Board takes the matter under advisement on a complex issue where there has been a significant amount of testimony, and then makes their decision at a later date. He recommended the Board take the matter under advisement for three weeks.

Commissioner Creasy felt the exception should be approved. Commissioner Woodward said the exception only deals with the 130' portion of Tax Lot 7900.

Commissioner Creasy moved, Commissioner Woodward seconded to uphold the Planning Commission's decision and approve OA-87-6(32), amending the Tillamook County Comprehensive Plan to update the exception to Goal 18 to include a 130' portion of Tax Lot 7900, passed with three aye votes.

Chairman Kinkade adjourned the meeting at 3:00 p.m.

RESPECTFULLY Submitted this 28th day of July, 1987.

Dorene Sheldon
Dorene Sheldon, Recording Secretary

APPROVED BY:

DJK KPC GAW
DJK GPC GAW

NOTE: Amendment to Comprehensive Plan Ordinance No. 22, and Findings of Fact, Conclusions of Law and Decision was signed August 8, 1987.