

Vice Chairperson Brian Pogue called the November 10, 2009 Clatsop County Planning Commission meeting to order at 10:05 a.m. Planning Commissioners (PC) present: Mike Autio, Christine Bridgens, Marcia Harper-Vellutini, Brian Pogue and Clarke W. Powers. Excused: Cary Johnson.

Staff present: Blair Henningsgaard, County Counsel; Will Caplinger, Development and Services Manager; and Jennifer Bunch and Michael J. Weston II, Planners, Transportation and Development Services.

Business from the Public

Ron Zilli, Assistant District Forester, Oregon Department of Forestry, who deals with property management for the department in Clatsop County, asked to provide additional information on Neal Uskoski's request for a variance to the 50-foot setback a lot at his Harmony Hills subdivision, which is adjacent to state forestry lands.

PC Autio asked if this was appropriate, and Vice Chairperson Pogue requested County Counsel Blair Henningsgaard's opinion. Development Services Manager Will Caplinger noted the public hearing on the matter was closed on October 13, 2009, and the minutes reflect the planning commission wanted staff to work in consultation with the Department of Forestry to create revised findings that would be approved at a subsequent meeting. Mr. Uskoski was not present at today's meeting, Mr. Caplinger said, and Mr. Zilli was present to provide an update on the department's perspective. Mr. Henningsgaard thought it would be cause to appeal to hear the testimony outside of a public hearing and without the applicant either being present or waiving his right to be present.

Vice Chairperson Pogue asked for the information Mr. Zilli wished to present to be provided in written format to staff. Mr. Henningsgaard clarified for those present the variance was approved, subject to the adoption of findings.

Minutes

PC Bridgens moved and PC Autio and PC Powers seconded to approve the minutes of September 8, 2009. Motion approved unanimously.

PC Harper-Vellutini moved and PC Autio seconded to approve the minutes of October 13, 2009. Motion approved unanimously.

Public Hearings

Shoop Variance Request

Vice Chairperson Pogue introduced the request by Elyse Shoop for a 19-foot variance to the 20-foot street side setback in Cove Beach.

1 Planner Mike Weston provided the staff report, distributing copies of an email from Viviane
2 Simon-Brown, Exhibit S-1, opposing the request, and photos of the home Ms. Shoop is
3 requesting to have moved into the setback, Exhibit S-2.
4

5 Ms. Shoop clarified the photos, from 1996, are from the bluff failure that undermined the house;
6 the original bluff failure was in 1981, which did not affect the house, but which took out the trees,
7 stairs and deck.
8

9 Mr. Weston summarized Ms. Simon-Brown's comments, for the commissioners, saying she
10 opposed the variance because the geologic hazard report stated the bluff under all the houses
11 west of Tide Avenue would eventually fail. Commissioners took a minute to read the comments.
12

13 Mr. Weston explained Ms. Shoop's 50-foot by 100-foot lot is located on the west side of Tide
14 Avenue in Cove Beach, an area well know for geologic activity. The photos show part of the
15 house hanging over the edge of the bluff. Ms. Shoop wishes to move the house 30 feet, which
16 likely will preserve it another 30 to 40 years. Other homeowners have placed riprap on the
17 beach below their properties, but Ms. Shoop does not wish to follow this process. Mr. Weston
18 explained how riprap undermines neighboring beachfronts.
19

20 Mr. Weston said he did not believe it was a detriment to move the house within the street set
21 back, saying it's unlikely Tide Avenue will get any larger. He added the lot is a lot of record,
22 there are no violations on the property, and the owner doesn't own any adjacent property. He
23 noted losing the house constituted a real hardship and doubted anyone could have anticipated
24 the situation. Mr. Weston said this situation, in his opinion, constituted a true example of what a
25 variance is designed to do. He recommended approval with conditions.
26

27 PC Harper-Vellutini, commenting riprap would be expensive, stated it would still be a good idea.
28 Mr. Weston said at least part of the beach erosion problem under Ms. Shoop's property has
29 been caused by the placement of riprap on the neighboring property's beach. It's usually
30 banned, he said, because of its negative impact on neighboring properties.
31

32 In response to a question from Vice Chairperson Pogue, Ms. Shoop said her neighbor, Ms.
33 Quint, who placed the riprap on her beachfront, had said she was "fine" with the variance.
34

35 In response to a question from PC Powers, Mr. Weston explained the purpose of setbacks
36 mainly is to preserve health and safety: they buffer home from swerving cars, provide for the
37 expansion of roads, and create a uniform setting.
38

39 In response to questions from Vice Chairperson Pogue, Mr. Weston said he thought Tide
40 Avenue was an A-14 road, with a 14-foot width. He said this variance would not put the house
41 in the right-of-way and said there would still be room to widen the road a little bit if necessary.
42

43 Vice Chairperson Pogue opened the public hearing. No public agency representatives
44 requested to speak.
45

46 Ms. Shoop, the applicant, 01544 SW Radcliff Court, Portland, displayed photos taken in 1980,
47 before the bluff slumped. She said the home was condemned in 1996. Her plan, she
48 explained, was to put in a holding tank and no longer use the drain field, keeping the weight off
49 the land. Ms. Quint would be the only one affected by the placement of the tank, and her view
50 would be considered improved, Ms. Shoop said, because it would lower vegetation in front of
51 Ms. Quint's home.

1 There were no other speakers.

2
3 In response to a question from PC Bridgens, Mr. Weston said road grading would not be
4 affected. Tide Avenue is private. Mr. Henningsgaard explained Cove Beach is a very old
5 subdivision. The neighborhood is bowl-shaped, built against and in to a sandstone cliff and will
6 continue to erode, he said.

7
8 Planning commissioners discussed the matter. PC Autio wondered if the ordinance re-draft
9 would be of assistance, and Mr. Caplinger stated it likely would be ready in January or
10 February. PC Autio noted at that time the concept of “hardship” will cease to be an issue of
11 concern.

12
13 In response to a question from PC Harper-Vellutini, Mr. Weston explained the conditions he
14 recommended were the basic “best practices” conditions that would apply to any development
15 and the time limit that would go along with the variance.

16
17 In response to a question from Vice Chairperson Pogue, Ms. Shoop said she planned to build
18 within the next year.

19
20 There being no further public testimony, Vice Chairperson Pogue closed public testimony.

21
22 **PC Harper-Vellutini moved and PC Powers seconded to “accept the**
23 **application for a variance as given to us and with any conditions as**
24 **proposed by staff” [Restated by PC Powers as “adopt the findings as**
25 **presented and adopt the motion to approve”]. Motion approved**
26 **unanimously.**

27
28 Vice Chairperson Pogue recessed the meeting at 10:43 a.m. and reconvened at 10:45 a.m.

29
30 **Waters Conditional Use Permit Request – Primitive Campground, continued**

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32 Mr. Weston provided a brief recap of the Water’ request for a conditional use permit to develop
33 a primitive campground, which was continued from the October hearing.

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35 Mr. Weston explained Mr. Waters had stated at the October hearing he wanted to have as many
36 as 100 units, which was a great many more than the four or five units he discussed with Mr.
37 Weston previously. Mr. Weston noted the planning commission had requested Mr. Waters
38 provide additional information, including a detailed site plan, given the expansion of his plans.
39 Mr. Waters is working on the additional information now, Mr. Weston said, but doesn’t have
40 anything to submit at this time. Mr. Weston anticipated the planning commission would see the
41 item again at the December 8 planning commission hearing.

42
43 In response to a question from PC Powers regarding the 150-day rule, Mr. Weston said time
44 wouldn’t be up until sometime in February, and if the Waters requested a continuance, the time
45 wouldn’t be counted against the county.

46
47 Vice Chairperson Pogue requested a disk of the audio of the previous hearing, so he could
48 participate in the hearing in December, as he had not attended the October hearing.

49
50 Mr. Weston said there aren’t many criteria for primitive campgrounds and the proposal being
51 described meets them, but a site plan is necessary. After that, Mr. Weston said, the major

1 outstanding issue would be Health and Human Services' recommendations for health and
2 sanitary matters.

3
4 PC Bridgens proposed a site visit, and Mr. Weston encouraged it. PC Harper-Vellutini asked
5 about the effect of the open violation on the application. Mr. Weston explained the county could
6 not issue a development permit on a property with an open violation. He reviewed the alleged
7 violation under review: Two dwellings on one parcel. He said the department is awaiting
8 response from DEQ on the allegation regarding raw sewage, and he provided a detailed review
9 of the tract rule.

10
11 After brief discussion with Mr. Henningsgaard, planning commissioners settled on a site visit for
12 November 24, meeting at 10 a.m. at the site. Mr. Weston will provide public notice and
13 directions to the site. Planning staff will contact Chairperson Cary Johnson to inform him of the
14 visit.

15
16 **PC Powers moved and PC Autio seconded to convene at the site of the**
17 **conditional use request for Sam and Donna Waters at 10 a.m., on**
18 **November 24, for orientation and education. Motion approved**
19 **unanimously.**
20

21 Vice Chairperson Pogue asked for the record if there were any *ex parte* contacts, conflicts of
22 interest, or objections to the jurisdiction of the planning commission to hear the Shoop variance
23 request, noting this was something normally asked before the hearing but that it had been
24 missed in the proceedings. There were no contacts, conflicts or objections.

25
26 Vice Chairperson recessed the meeting for five minutes at 11:03 a.m. and reconvened at 11:08
27 a.m.

28 Other Business

29 **Miles Crossing/Jeffers Garden Transportation Plan**

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33 Planner Jennifer Bunch introduced Ingrid Weisenbach, ODOT Planner. Ms. Bunch explained
34 the commission had received a copy of the Miles Crossing/Jeffers Garden Transportation Plan
35 without the appendices and proposed text amendment, which she distributed now on disk, along
36 with a copy of the PowerPoint presentation she would use today. (A copy is attached to the
37 original minutes.) She provided background about the plan, saying in 2003 the county adopted
38 a transportation system plan, and the Miles Crossing/Jeffers Garden refinement plan was
39 identified as a preferred alternative.

40
41 Ms. Bunch and Ms. Weisenbach reviewed the plan, which included existing condition and
42 deficiencies, the planning process, community involvement, the planning framework, safety and
43 design improvements and development and evaluation of alternatives.

44
45 After reviewing recommended alternatives and procedures, Ms. Bunch explained the review and
46 adoption process included the planning commission and amending the Clatsop County
47 Transportation System (TSP) and amendments to the Clatsop County Land and Water
48 Development and Use Ordinance. The planning commission would hear the matter in a
49 legislative hearing and would be asked to make a recommendation to the Board of Clatsop
50 County Commissioners.

1 Ms. Bunch requested the commission review the materials, and Ms. Weisenbach said ODOT
2 would be requesting the commission's support. They anticipated it would come sometime after
3 the first of the year. They also stated a similar request and plan would be coming to the
4 commission soon regarding the City of Seaside.

5
6 As there was no further business, Vice Chairperson Pogue adjourned the meeting at 12:07 p.m.

7
8 Respectfully submitted,

9
10 **SIGNED ORIGINAL ON FILE**

11 Cary T. Johnson

12 Chairperson, Clatsop County Planning Commission

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