

Chairperson Cary Johnson called the September 8, 2009, Clatsop County Planning Commission meeting to order at 10:00 a.m. Planning Commissioners (PC) present: Mike Autio, Christine Bridgens, Marcia Harper-Vellutini, Cary T. Johnson, Brian Pogue, and Clarke W. Powers.

Staff present: Will Caplinger, Development Services Manager; and Mike Weston, Planner, Transportation and Development Services.

### **Business from the Public**

No one asked to speak.

### **Minutes**

**PC Harper-Vellutini moved and PC Powers seconded to approve the minutes (of July 14 and August 25, 2009) as presented. Motion approved, one abstaining (Pogue).**

### **Public Hearings**

#### **Ordinance Amending the Land & Water Development & Use Ordinance**

Chairperson Johnson reviewed the purpose of Amendment 1 to the Land and Water Development and Use Ordinance: Correcting certain typographical errors, updating citations of local and state statutes, making various definitions and provisions more consistent with Oregon Revised Statutes, particularly concerning conditional uses, variances, non-conforming structures and uses, and exceptions to lot size standards in residential zones.

No commissioners reported conflicts of interest or *ex parte* contacts.

Development Services Manager Will Caplinger reported on DLCD representatives' responses to the draft amendments to the Land and Water Development and Use Ordinance. Laren Woolley and Doug White had concerns about some proposed sections that were more permissive than the state on director's decisions, primarily due to potential conflict with state Goals 11 and 14. Based on their recommendations, Mr. Caplinger said, he struck those sections. Mr. Woolley and Mr. White had no problems with the proposals regarding the planning commission's authority to hear Type III applications, he said.

Mr. Caplinger drew attention to Section 5.060, and said Mr. Woolley and Mr. White wanted more connectivity between that section and the proposed ones. He said there are a few more details to resolve in that process. He also drew attention to the section on site orientation, where he refined the lot-of-record definition for residential zones and dropped the language regarding the tract rule.

In a related matter, Mr. Caplinger reported the Department of Military has commenced a Joint Land Use Study, for which he attended a meeting at Camp Rilea, where he found military land

1 use planning staff concerns regarding relaxation of development standards in the residentially  
2 zoned areas in the buffer around Camp Rilea. The 200-foot buffer is variable, and although a  
3 buffer generally requires that activities not occur within it, to shield the activity it surrounds, Mr.  
4 Caplinger said Camp Rilea's buffer extends into the development area, some of which is tightly  
5 against the boundaries of the camp. Mr. Caplinger suggested relaxing the development  
6 standards for the lot-of-record determinations in residential areas could affect the density of the  
7 residential pockets around the base. Camp Rilea and Military Department personnel are  
8 concerned about compatible use and the study may recommend a larger buffer.

9  
10 Mr. Caplinger believed the connectivity between Section 5.060 and Type III procedures and the  
11 Camp Rilea buffer were important enough to request more time for study before making a final  
12 recommendation on the amendment. He requested additional time and asked to continue the  
13 item to the October 13, 2009 meeting, offering to examine any additional issues the commission  
14 may have identified since the last meeting.

15  
16 Planning commissioners discussed aspects of the proposed amendment's language. In  
17 response to questions from PC Autio, Mr. Caplinger confirmed the county's variance criterion  
18 regarding hardship was stricter than state requirements and only vaguely defined, and removing  
19 it would make evaluation of variance requests much simpler and more objective. PC Pogue,  
20 speaking to Planner Mike Weston, asked about the hardship issue in the variance criteria. Mr.  
21 Weston agreed it was very difficult to overcome the hardship criterion sometimes and removing  
22 it would assist people when it was impossible to apply the ordinance in its full language.

23  
24 No one requested to speak on the matter.

25  
26 **PC Pogue moved and PC Bridgens seconded to continue the item to**  
27 **October 13, 2009, at 10 a.m., at the Judge Guy Boyington Building. Motion**  
28 **approved unanimously.**

29  
30 **Ordinance Amending the Comprehensive Plan/Zoning Map & Text, involving a density**  
31 **transfer and subdivision**

32  
33 Chairperson Johnson stated this items has two parts: The first, Ordinance 09-XX, is an  
34 ordinance amending the Comprehensive Plan and Zoning Map and Text, involving a density  
35 transfer of 11 RA-5 (Residential-Agriculture, five-acre minimum) sites and four RA-1  
36 (Residential-Agriculture, two-acre minimum) sites for a total of 15 density credits; and, a text  
37 amendment to the Clatsop Plains Community Plan. The second part is an eight-lot subdivision  
38 off Stellar Lane, platted within the previously platted Pinehurst subdivision, and an amendment  
39 to the Clatsop Plains Community Plan.

40  
41 Two planning commissioners declared *ex parte* contacts: PC Powers stated he lives in Surf  
42 Pines, and PC Bridgens stated she is very familiar with the area. Both stated they did not  
43 believe the contacts presented conflicts of interest; there were no other *ex parte* contacts, no  
44 conflicts of interest and no objections to the jurisdiction of the planning commission to hear the  
45 matter at this time.

46  
47 Mr. Weston explained the request, which involved a transfer of 15 density credits on the Clatsop  
48 Plains and a text amendment to the Clatsop Plains Community Plan. He said he would be  
49 recommending approval with conditions and outlined the applicants' request:

- 1 • Downzone of the sending site, approximately 68 acres located in the Sunset  
2 Beach area, which would be rezoned to OPR (Open Space, Parks and  
3 Recreation);
- 4 • Transfer of development rights from the sending site to the two receiving sites,  
5 one of a little more than 100 acres, referred to as the proposed West Lake  
6 Ranch Subdivision; and a second a site of approximately 22 acres, referred to  
7 as the proposed Manion Pines Subdivision site;
- 8 • A comprehensive plan text amendment illustrating the density transfers from the  
9 sending site to the receiving sites; and
- 10 • Creation of a seven-lot subdivision located within the previously platted  
11 Pinehurst subdivision.

12  
13 Under the proposal, Mr. Weston continued, seven density credits would be transferred to the  
14 Manion Pines receiving site; eight credits would be transferred to the West Lake Ranch  
15 receiving site; and a table would be appended to the Clatsop Plains Community Plan, detailing  
16 the sending and receiving sites and their newly approved zoning. The table would serve as the  
17 text amendment component of the density transfer. Mr. Weston emphasized the West Lake  
18 Ranch subdivision request was not before the planning commission today.

19  
20 The new Manion Pines Subdivision would be located in an area of the formerly platted Pinehurst  
21 Subdivision, previously zoned OPR and located within Surf Pines, which Mr. Weston suspected  
22 had been a protective measure to preserve the Oregon silverspot butterfly. He noted the  
23 proposal would meet the 30% open space requirement and pointed out how the maps would  
24 track the transfer. He drew attention to a letter from the US Fish and Wildlife Service, stating  
25 there are no violets on the site and the Department of Interior would prefer the Sunset Beach  
26 area be preserved, where butterfly habitat actually is found.

27  
28 Mr. Weston said Surf Pines is a Goal 14 (Urbanization) exception site, which allows lots less  
29 than two acres in size, and Clatsop Plains has a “total density provision,” meaning taking an  
30 exception and revisiting Goal 14 should not be necessary for future proposals. If DLCDC has  
31 acknowledged a total density provision, the provision should allow lots of one half- to one-acre  
32 throughout the Clatsop Plains. In addition, he continued the proposal would not generate over  
33 300 average daily motor vehicle trips, one of the standards.

34  
35 Mr. Weston commented he thought the road standards needed to be addressed and a change  
36 on the plat should be made to correct a simple identification error. After pointing out his  
37 recommendations for conditions, he added most of his findings recommend adopting the  
38 applicants’ findings. He recommended approval with conditions, most notably the use of A-22  
39 road standards, which is required by county ordinance, though he thought A-20 would be  
40 appropriate. He suggested exploring the A-20 standard.

41  
42 In response to a questions from PC Bridgens, PC Autio and Chairperson Johnson, Mr. Weston  
43 explained the hammerhead would be expanded and the A-22 road standards would provide an  
44 extra two feet of road width over the A-20. Four households use the road now, and there  
45 currently is a road maintenance agreement.

46  
47 Planning commissioners discussed the road standards. Mr. Weston suggested using Standard  
48 6.005 (2) to do a proportionality test with the county engineer and described the various options  
49 available to the planning commission. In response to a question from PC Bridgens, Mr. Weston  
50 pointed to Stellar Lane on the plat and explained where the additional property would come from  
51 for the larger road size. He said he would provide language if the commission wanted to  
52 recommend the A-20 standard.

1 In response to a question from PC Powers, Mr. Weston explained the procedure used to  
2 incorporate the fire chief's recommendations.

3 Chairperson Johnson opened the public hearing.  
4

5 Applicant Mark Barnes, P.O. Box 569, Astoria, representing clients Richard Schroeder and  
6 Richard Charlton, provided background for the project and described the sites and the transfer  
7 of density credits. He said the street vacation is pending before the board of commissioners,  
8 which would hear the matter the next day.  
9

10 Mr. Barnes said moving the density and down zoning the park property accomplishes several  
11 things: it benefits his clients; it provide funds to the state parks department; and it removes the  
12 possibility some other owner will someday expect to be able to develop the down-zoned  
13 property.  
14

15 Mr. Barnes explained his intended procedures for the upcoming subdivision application, though  
16 that application was not on the table today. He commented he thought many of the letters  
17 regarding today's hearing were actually about the site not before the commission today.  
18

19 He described the Manion Pines Subdivision that was part of today's application, located at the  
20 northern end of Pinehurst Estates, a small lobe of which is located within Surf Pines. There are  
21 four developed lots, served by Stellar Lane, he said. He boiled the issue down to a few major  
22 points:

- 23 • Is there enough existing land to re-plat part of the existing subdivision? Mr.  
24 Barnes said the answer is yes, and both meet the density requirements.
- 25 • Butterfly habitat is located on the east side of the property. The Nature  
26 Conservancy has agreed to manage this part of the site and the property will be  
27 transferred to the organization.
- 28 • The road standards will be met, regardless of which recommendation the  
29 planning commission makes. Fire Chief Bill Eddy has requested plans for the  
30 hammerhead, which will be provided to him, and the applicants will meet  
31 whatever requirements he imposes.  
32

33 Planning commissioners, staff and Mr. Barnes discussed differences between hammerheads  
34 and cul-de-sacs, road standards, and road maintenance agreements. Mr. Barnes said his  
35 clients intend to bring the road to standards and turn it over to the Surf Pines Homeowners  
36 Association, if the association is agreeable, so the homeowners pay only one fee. If the  
37 association does not agree, there will be a separate agreement for the four existing and seven  
38 new homeowners. The lots have access via Stellar Lane only. He added his clients also intend  
39 to maintain uniformity with the Surf Pines Homeowners Association CC&Rs and don't plan to  
40 impose their own.  
41

42 No public agency representative requested to speak. No other proponents requested to speak.  
43

44 Carol Gearin, 90686 Lewis Road, Warrenton, spoke on traffic issues and requested a traffic  
45 light, possibly a seasonal light. She was concerned about additional traffic on Sunset Beach  
46 Road, particularly since the opening of Home Depot. She said it has become very difficult to  
47 make a left turn from Sunset Beach Road on to Highway 101. She suggested a light should be  
48 among the planning commissioners' recommendations. She also expressed concern about  
49 additional septic systems near Sunset and Neacoxie lakes. Ms. Gearin said she was more  
50 concerned at this time about the potential West Lake Subdivision not before the commission  
51 today, but she wanted the issues on the record. She also asked if West Lake would be a gated  
52 community, stating gated communities slow traffic on Hwy 101. She suggested part of the

1 approval recommendations include a stipulation that the road be opened in the event of an  
2 accident on Highway 101. She requested a traffic impact study as well.

3  
4 Mr. Barnes responded to several of Ms. Gearin's concerns. He called the septic and water  
5 quality concerns legitimate; he noted, however, these would be new homes with modern  
6 systems that should have far less impact than 40-year-old homes with antiquated systems.  
7 Also, he continued, the eight density units are coming from a more fragile area, where the  
8 aquifers are closer to the surface. Mr. Barnes thought it possible this was actually an  
9 improvement over the existing development potential.

10  
11 Mr. Barnes noted the Cullaby Lake sewer project arrangement, a project coming before the  
12 commission at a later date, does not include this project.

13  
14 Finally, he said, access for the West Lake project likely would be near Reed and Hertig, not Surf  
15 Pines, which he acknowledged did not mean Sunset Beach Road wouldn't be a secondary or  
16 emergency access.

17  
18 Mr. Weston provided a brief summary and offered to re-write condition 5, to incorporate the  
19 commission's wishes.

20  
21 Chairperson Johnson closed the public hearing.

22  
23 **PC Pogue moved and PC Bridges seconded to accept the findings and the**  
24 **applicant and staff and recommend (the application) to the Board of**  
25 **Clatsop County Commissioners. Approved unanimously.**

26  
27 **PC Powers moved and PC Bridges seconded to adjourn. Motion approved**  
28 **unanimously.**

29  
30 **Adjournment**

31  
32 Chairperson Johnson adjourned the meeting at 11:26 a.m.

33  
34 Respectfully submitted,

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36  
37  
38 \_\_\_\_\_  
39 Cary T. Johnson  
Chairperson, Planning Commission