

**MINUTES OF THE
LINCOLN COUNTY PLANNING COMMISSION
MEETING OF MARCH 7, 2016**

Vice Chair Bobbitt called the meeting to order at 7:29pm and asked for roll call.

OTHER COMMISSIONERS PRESENT

MARK MCMAHON
DICK JOHNSON
JUDITH PELLETIER
PHIL SPULNIK
MARK ESTES
BOB PORCH

COMMISSIONERS ABSENT

SAM GALASSO

Staff Present: Senior Planner Joshua Shaklee, Associate Planner Hui Rodomsky, Office Manager Lilli Glasgow, Permit Specialist Kristine Castillo and Permit Specialist Josh Bacher.

QUORUM STATUS

With Commissioners present a Quorum has been reached for the March 7, 2016 Planning Commission Meeting.

ITEMS FROM THE AUDIENCE

There were no items from the audience.

PLANNING COMMISSION CONCERNS

ELECTIONS

1. Planning Commission Chair

Commissioner Spulnik moved to nominate Commissioner Johnson for Chairperson of the Lincoln County Planning Commission.

Commissioner Pelletier seconded the motion. The vote was taken with all in favor.

The motion is passed.

2. Planning Commission Vice Chair

Commissioner Pelletier moved to nominate Commissioner Bobbitt for Vice Chairperson of the Lincoln County Planning Commission.

Commissioner Porch seconded the motion. The vote was taken with all in favor.

The motion is passed.

ACTION ITEMS

1. DELIBERATION

Case File #10-C-PC-15: The applicant is requesting a conditional use permit to establish a new quarry for aggregate production on Tax Lots 200 and 800 on County Assessor's Map 09-10, which are owned by Plum Creek Timberlands, L.P (in the process of selling to Weyerhaeuser). The quarry, which will be developed in stages, will encompass a total of 146 acres. Activities related to the mining process will include blasting, drilling, crushing, stockpiling, and hauling. The proposed quarry will be open to commercial, public, and private customers during hours of operation.

The subject property is located on a private road approximately 2.7 road miles northeast of Hwy 229 at approximately Mile 19.

Commissioner Bobbitt asked everybody's thoughts about the proposed quarry. Commissioner McMahon states that the Tribe's concerns should be recognized though this was an ideal location for a quarry. He states it would have been good for the applicant to talk with the Tribe and discuss their concerns. He states he doesn't want it to be a conflict later and doesn't think the quarry operator wants to be shut down during the fishing season. The Planning Commission should apply some kind of conditions. He asked the rest of the Planning Commission to help him with the wording for a condition. He states he feels that it would be best to address the Tribe's concern as part of this land use decision rather than assuming that state agencies are going to address the concerns.

Commissioner McMahon asks the Planning Commission if someone should word the motion to at least accommodate the Tribe during fishing season, such as hours of operation or no blasting during that time period.

Commissioner Estes states the Tribe didn't propose anything in their letter.

Commissioner Spulnik commented they don't have to place any additional conditions; these are just the preliminary steps, if Tribe wants restrictions they will show up at state agency hearings.

Commissioner Johnson recommended the Planning Commission provide as a condition a maintenance plan for the road, and they could word the motion to include the recommended additional conditions by the staff report. This could fall on another agency to set up restrictions.

Commission McMahon states the other agencies are not concerned about land use, that's this Planning Commission's job.

Commissioner Spulnik states the quarry is not on the fishing grounds only near it.

Commissioner McMahon states the quarry has a right to be very close by. Considering existing uses, the quarry is close by the fishing grounds; he has been there. The quarry is a good location, but we should acknowledge rights of the Tribe to use that road. The road now is passable; anything they do will be an improvement. He states he has a willingness to consider road improvements so the Tribe's concerns are addressed.

Commissioner Spulnik states that we should make a motion with specifics. It would not work to put something in that was vague. He asked Commissioner McMahon if he had anything specific in mind.

Commissioner McMahon remarked the Planning Commission would not be doing their job in protecting surrounding land use, if they don't do something.

Commissioner Estes asked if he wanted them to impose altering the quarry's hours.

A discussion ensued about the traffic.

Commissioner McMahon states that he feels as though the Planning Commission can't assume the quarry operators are going to be good neighbors. He states the Planning Commission can't depend on the applicant and the Tribe getting along on their own.

A discussion ensued about the motion.

A discussion ensued about the primary rights and responsibilities of the road.

A discussion ensued regarding the recommended maintenance plan of the road and the current speed limits.

Commissioner Johnson motioned to accept and approve the conditional use including the three conditions of the staff report including: the applicant provide a maintenance plan for the access road, Notification of Operation from Oregon Department of Forestry, written statement recorded with the deed or written contract with the County is obtained which recognizes the rights with adjacent and nearby landowners, making a total of nine conditions, with the applicant to provide the Finding of Facts.

Commissioner Estes seconded the motion. The vote was taken with all in favor. The motion is passed.

Council Belmont asked if the Planning Commission could ask the applicant to submit the proposed finding of fact.

PUBLIC HEARING:

Case File #04-V-PC-15: The applicant is requesting variances from Section 1.1375(8): Timber Conservation Zone, Fire Safety Design Standards for Roads (a) Width and (e) Turnouts as related to Case File #10-C-PC-15.

Vice Chair Bobbitt reads applicable criteria and goes over testimony procedures.

She asks the Planning Commission if there are any ex parte contacts or conflicts of interest. There were none.

Vice Chair Bobbitt asks for the staff summary or report.

STAFF REPORT

Associate Planner Rodomsky states this is a variance case, related to the conditional use that was just approved. The applicant is asking for a variance for horizontal clearances at two spots along the logging road leading to the quarry not located on the subject parcels. Planner Rodomsky refers to maps. With

regards to Standard E (number of turnouts), the access road has turnouts at regular intervals, but the intervals exceed the requirement of four hundred feet per turnout.

APPLICANT

Agent: KURT CARSTENS, LAND USE PLANNER

Applicant: Bob Wienert, Cedar Creek Quarries Inc.

Mr. Carstens introduces himself to the Planning Commission and states that he represents the applicant which is Cedar Creek Quarries, Inc. He wants to make sure the Planning Commission has this on the record that this road is neither owned nor controlled by the applicant. The applicant is going to get to use it. Clearly the timber company wants the quarry to use the road, and hopefully there is going to be some cooperative effort. There was a cooperative effort as Cedar Creek quarry was improved because the timber company is involved with that road as well. But, the improvement generally evolves over time. The applicant didn't have any particular permission with Plum Creek (in the process of selling to Weyerhaeuser) and haven't dealt at all with Weyerhaeuser's method of operation. Using the road is a part of the lease and not something the applicant has any control over. The staff report does a really good job of explaining that. Mr. Carstens emphasizes that the Tribe, the timber companies, and the public all use this road, and unless the variances are approved, Cedar Creek Quarries Inc. wouldn't be able to use the road in the same manner as the other users.

The proposed quarry using the access road approaching Hwy 229 requires a new permit from ODOT (Oregon Department of Transportation). Modification of this approach will be covered by the required permit by ODOT. As Mr. Carstens mentioned at the last hearing, he met with ODOT on site and discussed the necessary modifications to improve safety and sight distance at the intersection of the access road and Hwy 229.

Mr. Carstens states the one variance has to do with the historical gates that are present. These gates are horizontal, they swing open and close and can be locked. They have been in use all these years. The applicant is asking for a variance where they are located to allow them to continue to exist.

The other variance is for the turnouts. It is a narrow road, and it does have turnouts but not every four hundred feet. The applicant is asking to continue to use that road with its existing turnouts.

Mr. Carstens states that everything in the staff report he reviewed and he doesn't disagree with anything. The only thing he would question is the third condition on page five of the report about a road certification. The applicant has already submitted one, and he hasn't worked with staff enough to know if that is going to be adequate or if we are going to need another one.

Mr. Carstens states that he sees some people from the Tribe here, and he doesn't recall anything on the variance portion of the hearing where there was anything submitted in opposition as it pertains to the variance.

Commissioner McMahan asks if the turnouts are adequate for their operation in comparison to the logging company. Mr. Wienert replied the turnouts are more than adequate.

A discussion ensued about who owns the gates, procedures for the gates and property accessibility.

DELIBERATIONS

A discussion ensued regarding the turnouts and how they need to be a separate condition in the motion and specifically stated.

Commissioner Johnson moved to approve the variance with the three conditions at the end of the staff report as written, and another condition provided and maintained existing short turnout areas at the gates, to allow trucks to be able to pass each other and allow current configuration of the turnouts. The applicant is to prepare the Finding of Fact.

Commissioner McMahon seconded the motion. The vote was taken with all in favor.

The motion is passed.

A discussion ensued when to expect the Findings of Fact, and the next meeting which shall be March 17, 2016 in the afternoon. That meeting will be held telephonically.

ADJOURNMENT

The meeting adjourned at 8:26pm.

Respectfully submitted,

Kristine M. Castillo
Lincoln County Permit Specialist