

**MINUTES OF THE  
LINCOLN COUNTY PLANNING COMMISSION**

MEETING OF AUGUST 8, 2016

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

**OTHER COMMISSIONERS PRESENT**

BOB PORCH  
ANDRA BOBBITT  
JUDITH PELLETIER  
PHIL SPULNIK  
MARK ESTES  
RICHARD JOHNSON

**COMMISSIONERS ABSENT**

SAM GALASSO  
MARK MCMAHON

**STAFF PRESENT:** Senior Planner Joshua Shaklee, Permit Specialist Josh Bacher.

**1. CALL TO ORDER**

With Commissioners present a Quorum has been reached for the August 8, 2016 Planning Commission Meeting.

**2. APPROVAL OF MINUTES**

**Commissioner Bobbitt** motioned to approve minutes from May 23, 2016.

**Commissioner Porch** seconded.

**Chair Johnson** asked for a vote on the motion and the Planning Commission voted unanimously to approve the minutes for May 23.

**Commissioner Bobbitt** motioned to approve minutes from May 31, 2016.

**Commissioner Pelletier** seconded.

**Chair Johnson** asked for a vote on the motion and the Planning Commission voted unanimously to approve the minutes for May 31.

**3. ITEMS FROM THE AUDIENCE**

There were none.

**4. PAST ACTIONS REVIEW FOR PLANNING COMMISSION**

There were none.

**5. UNFINISHED BUSINESS**

There was none.

**6. ACTION ITEMS**

There were none.

## **7. PUBLIC HEARING**

**7.1 Case File #10-LUPC-ZC-16: The applicant is requesting an urban growth boundary (UGB) amendment, a comprehensive plan map amendment, a zone change and a property line adjustment (concurrent with other applications) on two properties in order to facilitate the development of single family dwellings on each property. One property is owned by Terrance Lettenmaier and Laurie Weitkamp and the other by Fox N Bush LLC. The City of Newport UGB will be amended to align with the reconfigured properties in order to facilitate the other actions.**

**An equal land exchange is proposed between the two subject properties, with 6 acres from each property transferred to the other. The properties are presently 71.39 and 70.62 acres in size and will maintain this same acreage following the proposed actions. The Lettenmaier/Weitkamp parcel is currently zoned Rural Residential 10 (RR-10) and the Fox N Bush LLC property is zoned Timber Conservation (T-C). The 6 acres transferred to Lettenmaier/Weitkamp will be rezoned RR-10 and reclassified to a Suburban Residential comprehensive plan designation. The 6 acres transferred to Fox N Bush LLC will be rezoned to T-C and reclassified to a Forest Land comprehensive plan designation.**

**The subject properties are located identified on Lincoln County Assessor's map 12-11-05 as tax lots 801 and 100.**

**Chair Johnson** described the request made by applicant.

He then read the applicable criteria and recited testimony procedures.

**Chair Johnson** asked the Commissioners if they have had any ex parte contact or conflicts of interest. No ex parte contacts or conflicts of interest were disclosed.

**Commissioner Bobbitt** stated that she had crossed the properties previously to access a neighboring property but it will not affect her opinion.

**Chair Johnson** requested that the staff report be provided.

### **STAFF REPORT**

**Senior Planner Shaklee** presented the staff report, and stated that his role is to set the table for the Applicant to make their case. The Applicant had previously come before the Planning Commission in 2014 to assign a zoning and comprehensive plan designation to the Lettenmaier/Weitkamp property, which had been de-annexed by the City of Newport. The amendment of the City of Newport UGB is necessary in order to execute the zone change. The purpose is to better facilitate the development of two single family dwellings. He stated that the properties will retain the same acreage and zoning after the actions.

**Chair Johnson** asked if the UGB will pick up the new area.

**Senior Planner Shaklee** replied that new land will be included in the UGB, but an equal amount of land area will be removed. The new UGB will follow the proposed property line. This had to go through the City of Newport first, approved under City of Newport Ordinance #2101. Despite the T-C zoning, there are a number of scattered residences throughout the area. Shaklee referred to Exhibit G Hillshade Map to depict the topography of the property and stated that a portion of the property adjacent to Thiel Creek is subject to a FEMA flood zone and is included in State and Federal wetland inventories, which

should not impact or be impacted by the proposed development. No response was received to requests for agency comment and no public comment was received prior to the hearing. The applicant is prepared to provide a more detailed background on the project and will address criteria from applicable Statewide Planning Goals and Lincoln County Code standards for a quasi-judicial amendment to the County comprehensive plan.

**Mr. Shaklee** concluded his staff report by noting several corrections from hearing materials.

**Chair Johnson** asked Senior Planner Shaklee whether either of the two proposed single family dwellings would be located on either 6 acre area involved in the land exchange.

**Senior Planner Shaklee** replied that neither dwelling will be located on the 12 acres involved in the exchange, and the Applicant will address the reasons behind the land exchange. The desired homesite on Lettenmaier's property cannot be developed under current zoning requirements.

A short question and answer period ensued regarding minor details about the properties and future dwelling sites.

### **APPLICANT**

**Terry Lettenmaier**  
**PO Box 550**  
**South Beach, OR 97366**

**Mr. Lettenmaier** stated that he will describe the motivation behind the request and what they hope to accomplish. His attorney, Chris Minor, was present and was prepared to address Lincoln County Code and Statewide Planning Goal criteria for the proposed actions.

He explained that some months earlier they had initiated a minor urban growth boundary amendment with the City of Newport to enable an equal land exchange between his property and a neighboring property. This process with the City concluded with a July 18<sup>th</sup> City Council hearing to approve the UGB amendment (City of Newport Ordinance #2101).

The reason for the land exchange is better facilitate the development of the most desirable location on the subject property to site a home. Without the exchange, the home site has a number of distinct disadvantages that can only be remedied through the proposed land use actions. In order to execute a property line adjustment with the County, the UGB amendment and zone change and other actions were necessary.

Once the land exchange is accomplished, the plan is to bore the utilities down the hill from the home site to SE 98<sup>TH</sup> street. The area was logged in 2002 and 2007, and the proposed land exchange will provide a buffer between the desired home site and future logging activity. A temporary easement provided access to the Fox N Bush property in the past, but has since expired. This means that Fox N Bush no longer enjoys an easement to access the area designated to be developed with a home site on their property. The land exchange would thus eliminate the need for an easement across the Lettenmaier/Weitkamp property.

**Mr. Lettenmaier** offered to answer questions, and there were none.

### **APPLICANT AGENT**

**John Christopher Minor, Attorney at Law**  
**Minor, Bandonis, and Haggerty P.C.**  
**PO Box 10**  
**Newport, OR 97365**

**Mr. Minor** addressed the Planning Commission and stated that he did not represent Fox N Bush, he represents Terry Lettenmaier and Laurie Weitkamp, and that he composed the application narrative. He provided a brief history of the property and stated that Mr. Lettenmaier de-annexed his property from the City of Newport several years ago on his own accord.

There are lots of reasons to build in the desired home site location. Among these reasons are that it will enable a proper turnaround for fire and other emergency equipment. Mr. Minor emphasized that Mr. Lettenmaier is not a developer, he just wants to build a home and he is prepared to walk the Planning Commission through the application. The application very carefully addresses the local and State goals and guidelines.

**Mr. Minor** then requested that the submitted application materials be entered into the hearing record by reference as the bulk of their testimony.

**Chair Johnson** asked the Planning Commission for any objections to this request. Commissioners indicated that they had read application materials and had no objection to the materials being incorporated into the hearing record in support of applicant testimony.

A short question and answer period ensued regarding easements and the Oregon Department of Land Conservation and Development.

**Chair Johnson** asked for any additional testimony in favor of the application. He then asked for any testimony in opposition to the application. There was none.

**OPPOSITION**

**NONE**

**APPLICANT REBUTTAL**

**NOT APPLICABLE**

**Chair Johnson** asked for any requests for the record to remain open.

Audience member, identifying herself as neighbor **Judith Selich**, stated that her husband is ill and couldn't be there, but other than that, she has nothing to add.

**Chair Johnson** said that they are closing the hearing so that they can make a vote, and decide tonight.

**DELIBERATIONS**

**Chair Johnson** closed the hearing at 8:17 pm and asked for comments from the Planning Commission.

A very short comment period ensued regarding the content of the application.

**Commissioner Estes** motioned to recommend that case file #01-LUPC-ZC-16 be approved by the Lincoln County Board of Commissioners and directed the Applicants or their agent to prepare findings for adoption at the next Planning Commission meeting.

**Chair Johnson** seconded the motion.

The vote was taken and the motion passed with all in favor.

**MOTION TO APPROVE FOR RECOMMENDATION TO THE BOARD OF COMMISSIONERS CASE FILE #01-LUPC-ZC-16. APPLICANTS: TERRANCE LETTENMAIER AND LAURIE WEITKAMP; CHRISTOPHER MINOR AND DAWN PAVITT, AGENTS; APPLICANTS' AGENT TO DRAFT FINDINGS, CONCLUSIONS AND FINAL ORDER REFLECTING THE DECISION OF THE COMMISSION.**

#### **8. PLANNING COMMISSION CONCERNS**

**Commissioner Spulnik** queried staff as to whether there is anything in County code restricting the use of shipping containers in the County and requested that staff consider regulating their use.

**Senior Planner Shaklee** responded that Lincoln County Code does not currently restrict the use of these structures as accessory structures, however, a building permit would be required and all zoning requirements, including setback standards, would still need to be met.

A short discussion of the merits of shipping containers ensued.

**Commissioner Porch** inquired whether the County currently regulates homeless encampments or has had any discussions along those lines.

**Senior Planner Shaklee** responded that camping of this kind is not permitted in any zone in the County and staff has been approached with a number of potential solutions to the County-wide homelessness problem.

A short discussion ensued on specific encampments and efforts in the County to assist the homeless population.

#### **9. ADJOURNMENT**

**Chair Johnson** adjourned the meeting at 8:21 pm.

Respectfully Submitted,

Joshua B. Bacher  
Lincoln County Permit Specialist