

**MINUTES OF THE  
LINCOLN COUNTY PLANNING COMMISSION**

MEETING OF JUNE 12, 2017

**Chair Johnson** called the meeting to order at 7:30 pm and asked for roll call.

**OTHER COMMISSIONERS PRESENT**

BOB PORCH  
MARK ESTES  
TERRY BUGGENHAGEN  
PHIL SPULNIK  
JUDITH PELLETIER  
RICHARD CUTLER  
ANDRA BOBBITT

**COMMISSIONERS ABSENT**

**STAFF PRESENT:** Associate Planner Hui Rodomsky, Planning Director Onno Husing, Permit Specialist Josh Bacher.

**1. CALL TO ORDER**

With Commissioners present, a Quorum has been reached for the June 12, 2017 Planning Commission Meeting.

**2. APPROVAL OF MINUTES**

**Commissioner Bobbitt** motioned to approve minutes from May 8, 2017.

**Commissioner Cutler** seconded.

**Chair Johnson** asked for a vote on the motion, and the Planning Commission voted to approve the minutes for May 8, 2017. **Commissioner Bobbitt** abstained.

**Commissioner Bobbitt** motioned to approve minutes from June 1, 2017.

**Commissioner Porch** seconded.

**Chair Johnson** asked for a vote on the motion and the Planning Commission voted to approve the minutes for June 1, 2017. **Commissioners Buggenhagen, Spulnik, and Cutler** abstained.

**3. ITEMS FROM THE AUDIENCE**

**Robert Rubin** signed in and introduced himself. He is here to alert the **Planning Commission** that Eckman Creek Quarries operates without permits from Lincoln County. His goal is to have Eckman Creek Quarries operate within the permitting parameters, and he requests that Eckman Creek Quarries come under the Lincoln County Planning Department jurisdiction. He requested action to determine that the quarry be under Lincoln County land use jurisdiction and for the County to initiate

the permitting process immediately. He distributed 5 copies of the Feb 29<sup>th</sup> 2016 complaint, and **Director Husing** kept one for the record. The issue has been that quarry operations are grandfathered; having started operation prior to County land use regulations. Mr. Rubin objects to Sunday activity, and even though ownership changed, the driller still operates on Sunday.

A brief conversation ensued between the **Planning Commission, Director Husing,** and **Mr. Rubin** regarding the present meeting, resolving the matter, and **Staff** involvement.

**Commissioner Buggenhagen** motioned to direct **Staff** to investigate the matter. **Chair Johnson** seconded the motion. The **Planning Commission** voted unanimously to direct **Staff** to investigate the matter.

**Director Husing** stated that with Mr. Rubin's advocacy, he hopes to engage the Department of Geological and Mineral Industries and have a site visit.

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

NONE

#### 5. UNFINISHED BUSINESS

NONE

#### 6. ACTION ITEMS

NONE

#### 7. PUBLIC HEARING

**7.1 Case File #03-TA-17: US Fish and Wildlife Service has applied for a goal exception to gain authorization to cut and fill within Siletz Bay Management Unit No. 5, a natural management unit, of the Lincoln County Estuary Management Plan. Within the applicable management unit, cut and fill are categorically prohibited under Oregon Statewide Planning Goal 16 (Estuarine Resources). The objective of the cut and fill is to create a boat ramp for the general public to launch non-motorized watercrafts. This project is within the Siletz National Wildlife Refuge.**

**The proposed boat ramp is located at Millport Slough Lane, a spur road located on the east side of U.S. Highway 101 between the Siletz River bridge and the Millport Slough Bridge.**

**Chair Johnson** stated the format for the hearing and asked for Ex Parte contacts or conflicts, then asked for the Staff Report.

#### STAFF REPORT

**Associate Planner** Hui Rodomsky presented the Staff Report for 03-TA-17 and explained the Text Amendment designation and went on to state the facts of the Application. The proposed boat ramp requires an exception to Goal 16 because it involves cut and fill within an estuary management unit designated as a natural management unit. The goal exception standards are outlined in Oregon Administrative Rule 660-004.

A brief discussion ensued between **The Planning Commission** and **Associate Planner Rodomsky** regarding the road, speed limit, bridge, lanes, and other factors that minimize impact.

**Commissioner Bobbitt** asked if **Associate Planner Rodomsky** visited the site, and she replied that **Director Husing** did. He elaborated in more detail why the application was initiated.

**Chair Johnson** remarked that Staff is not officially recommending one way or another, but if **The Planning Commission** determines the proposal meets the requirements, then **The Planning Commission** can recommend it to the Lincoln County Board of Commissioners. He thanked Staff and asked for the Applicant to begin.

### **APPLICANT TESTIMONY**

**Kelly Moroney**, Project Leader with USFWS, signed in and thanked the Planning Commission. USFWS secured an easement from ODOT, and they did get a permit to modify the roadways and install turn lanes.

**Commissioner Pelletier** asked if it is easier to maintain a concrete boat ramp.

**Kelly Moroney** replied absolutely, but Oregon Department of Fish and Wildlife didn't want hardened structures out there. He hoped to give background on project and started the projector slide show. The Siletz Bay estuary refuge was established in 1991 and is currently 567 acres. In 2013, they completed 15 year comprehensive conservation plan for the refuge, and identified four goals. The two relevant goals tonight are: restore and protect the habitat, and develop visitor service programs and facilities. In 2016, US Fish and Wildlife Service implemented phase I of this project. The project was culmination of 5 or 6 years of planning for this site, which began in 2010. In 2013, US Fish and Wildlife Service received funding from The Federal Highways Administration Grant Proposal for development of the parking lot, boat launch, kiosk, and entrance sign. In 2016, a contract was issued to initiate the project. The design includes storm water retention to prevent petroleum from flowing into the estuary. The access road and parking lot are utilizing the footprint of the old Highway 101. Part of the project included restoration of Alder Island. Alder Island is a wetland that was diked and filled as part of the Siletz Keys development. They utilized a portion of the levee as a walking trail. Moving onto phase II, Goal Exception is needed to improve public safety at the boat launch, which will be a gradual ramp down to the slough.

**Mr. Moroney** used an environmental engineering outfit firm to provide an eco-friendly design and consulted with Oregon Department of Fish & Wildlife. ODFW came up with a design that benefits coho, adding additional large wood to the estuary. For years, the refuge had been conducting kayak tours, but the local boat ramp was shut down at the same time USFS were hoping to construct free public access for the community and visitors to Lincoln County. The site would be open 7 days a week for free. Currently, USFWS is going through environmental compliance by working through a joint permit process with the Department of State Lands and the US Army Corps of Engineers. Regarding the Statewide Planning Goals, **Mr. Moroney** reviewed the Lincoln County Estuary Comprehensive Plan, and he indicated that Goals 8, 9, and 13 are relevant to this project. **Mr. Moroney** believes the proposal is consistent with Lincoln County Comprehensive Plan. The refuge has done significant restoration in Siletz Bay. For part of the Goal Exception findings, USFWS demonstrated a need; there is no alternative site, and it is compatible with adjacent land uses. There's an OAR that permits minor fill or dredging for a boat ramp.

A conversation ensued between **The Planning Commission** and **Mr. Moroney** regarding the timetable for refuge goals, the age of the images in the presentation, the size of the ramp, parking, storm water retention, ensuring the plan wasn't contributing pollutants to the estuary, and involvement with the US Army Corps of Engineers.

**Chair Johnson** asked for other questions and noted that there was no opposition. He inquired if there was any reason to keep record open, and there was not. He closed the hearing and began deliberations. **Chair Johnson** remarked that the application and Staff Report were good, and would like to address the 4 standards for the goal exceptions. **The Planning Commission** needs to determine if the 4 standards are met, and **Chair Johnson** asked for any comments.

A brief discussion ensued between **The Planning Commission** and **Director Husing** to determine how to proceed.

**Chair Johnson** motioned to approve the text amendment and direct Staff to work with the Applicant to draft the findings.

**Commissioner Buggenhagen** seconded the motion. A vote was taken, and the motion passed with all in favor.

**Chair Johnson** remarked that there is one more item on the agenda for **Director Husing** to present.

## **8. PLANNING COMMISSIONERS' WORKSHOP: GOAL 18 BEACHES AND DUNES**

**Director Husing** stated that a process was started some time ago to potentially adopt a Goal 18 inventory. There have been controversies regarding the use of rip-rap and to protect ocean front property. The Property Owners will be coming to **The Planning Commission** in the near future, specifically of the Sea Ridge condo in Gleneden Beach. Under Goal 18, Sea Ridge would not be eligible for shore-front protection. **Director Husing** started the slideshow pulled together by former **Senior Planner Joshua Shaklee** for the August 24, 2015 Planning Commission meeting. An Attorney from Eugene, Mr. Fritz Batson, attended the August 2015 meeting and sternly warned **The Planning Commission** that adopting the inventory could have a profound impact on his clients.

**Director Husing** presented the 19 Statewide Planning Goals that represent the full spectrum of issues regarding land use planning. The Coastal Goals are 16, 17, 18, and 19 and were the last ones added to the program. Tonight Goal 18, beaches and dunes, is being discussed. **Director Husing** offered to email a copy of Goal 18 to **Planning Commissioners**. **Director Husing** said "This is to get a feeling for what our job is like at the County, especially when there is oceanfront property. We talk to developers about the Goal 18 status of their property whether they are Goal 18 eligible or not. Oregon State Parks actually carries out the program to issue ocean shore alteration structures, which is another way of saying rip-rap. Our role is to (refers to copies of the form on the slideshow) do a Land Use Compatibility Sign off. We're the gatekeepers and coordinate with State Parks and the Department of Land Conservation for the ocean shore alteration permit process. One is either eligible or not eligible, and if they are not eligible, they cannot even talk to State Parks about getting a permit".

**Commissioner Cutler** asked about the boxes on the form, and **Director Husing** explained that those are the City and County Planning Affidavit to sign off on. **Director Husing** goes on to elaborate that the Planning Department has a GIS layer that indicates green as eligible and red as ineligible.

**Director Husing** stated if the property was built, or committed to development, by January 1, 1977, it is Goal 18 eligible. If you had a residential structure there then it is fully developed. Statutory Subdivision commits to a property to development. There are lawful ways that people created parcels, for example a metes and bounds subdivision, that don't qualify as committed development.

A brief discussion ensued between **The Planning Commission** and **Director Husing** regarding metes and bounds, the subdivision plat, legal challenges, contacting Jay Sennewald at the Oregon Parks and Recreation Department to check the inventory, and “bootstrapping”.

**Chair Johnson** asked what is the purpose of this discussion tonight, whether it is leading up to changes to the rules, or educating us?

**Director Husing** replied that the purpose of the presentation is orientation and re-introduction.

A brief conversation ensued between **The Planning Commission** and **Director Husing** about requirements for bare lots, public recreational easements, Bayshore dune management, and disclaimers on Building Permits for ocean front property.

**Chair Johnson** confirmed that **Director Husing** was done and asked if the complaint regarding Eckman Creek Quarries Quarry could come back to **The Planning Commission**.

**Director Husing** replied that if we determine factually that we have the legal authority to bring the quarry under a Conditional Use Permit, then yes. He has talked to DOGAMI but needs to ensure we have the legal authority.

**Chair Johnson** asked that after the Millport Slough approval, will it go to a telephone hearing, and **Director Husing** replied there will be a phone conference to approve the findings.

## **9. ADJOURNMENT**

**Chair Johnson** adjourned the meeting at 9:04 pm.

Respectfully Submitted,

Joshua B. Bacher

Lincoln County Permit Specialist