

**MINUTES OF THE  
LINCOLN COUNTY PLANNING COMMISSION**

MEETING OF JUNE 11, 2018

**Chair Johnson** called the meeting to order at 6:57 pm and asked for roll call.

**OTHER COMMISSIONERS PRESENT**

ANDRA BOBBITT  
MARK ESTES  
DICK CUTLER  
JUDITH PELLETIER  
TERRY BUGGENHAGEN  
PHIL SPULNIK

**COMMISSIONERS ABSENT**

BOB PORCH

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

**1. CALL TO ORDER**

With Commissioners present, a Quorum has been reached for the June 11, 2018 Planning Commission Meeting.

**2. APPROVAL OF MINUTES**

**2.2 Minutes of April 09, 2018 public hearing**

**Commissioner Bobbitt** motioned to approve the minutes from April 9, 2018.

**Commissioner Pelletier** seconded. **Chair Johnson** asked for a vote on the motion; the **Planning Commission** voted to approve the minutes for April 9, 2018. **Commissioner Spulnik** abstained.

**2.3 Minutes of May 14, 2018 public hearing**

**Commissioner Pelletier** motioned to approve the minutes from May 14, 2018.

**Commissioner Bobbitt** seconded. **Chair Johnson** asked for a vote on the motion; **Commissioners Spulnik** and **Buggenhagen** abstained. **County Counsel Jerry Herbage** interjected that the motion needs 5 votes to carry, and **Commissioner Spulnik** stated that **Director Husing** submitted good minutes, he read them, and can approve. **The Planning Commission** voted to approve the minutes for May 14, 2018.

**3. ITEMS FROM THE AUDIENCE**

**Chair Johnson** asked for items not on the agenda. There were none.

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

NONE

**5. UNFINISHED BUSINESS**

NONE

**6. ACTION ITEMS**

Adoption of Findings, Conclusions, and Final Order

**6.1 Case File #01-TA-18:** Cross Development LLC requested a goal exception to gain authorization to establish a 9,100-square foot Dollar General retail store at 1261 Salmon River Highway. Statewide Planning Goal 14 limits non-residential uses outside of Urban Growth Boundaries or acknowledged Goal 14 exception areas to a building or buildings not exceeding 4,000 square feet of floor space. The subject property is outside of Urban Growth Boundaries and acknowledged Goal 14 exception areas.

The subject property is located on the northeast corner of the intersection of State Highway 18 and N Old Scenic Highway 101.

**Chair Johnson** asked if the **Planning Commission** has read the findings, and asked for a motion. **Commissioner Bobbitt** motioned to approve and adopt the Findings, Conclusions, and Final Order for Case File #01-TA 18.

**Commissioner Estes** seconded the motion.

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

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**6.2 Case File #09-C-PC-18:** Oregon State University requested conditional use approval of a private utility facility to construct a Utility Connection and Monitoring Facility (UCMF) on property zoned Rural Residential. The UCMF will be part of the Pacific Marine Energy Center South Energy Test Site (PMEC-SETS) project. The ocean test site, located approximately seven miles offshore, will allow for the testing of up to 20 wave energy converters. The power generated at the ocean test site will run to shore through buried subsea transmission cables. The shore side cable landing site will be Driftwood Beach State Recreation Site (Driftwood), and the power will be transmitted through buried cables from Driftwood to the UCMF. At the UCMF, the power will be monitored and conditioned before being fed into the Central Lincoln People’s Utility District (PUD) distribution system.

The UCMF is proposed to be located on proposed Parcel 1 of the accompanying partition case file #01-PAR-PC-18.

**Chair Johnson** asked if the **Planning Commission** read the findings, and asked for a motion. **Commissioner Pelletier** motioned to approve and adopt the Findings, Conclusions, and Final Order for Case File #09-C-PC-18.

**Commissioner Bobbitt** seconded the motion.

A vote was taken with all in favor, and **Commissioner Spulnik** abstained. The motion passed.

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**6.3 Case File #01-PAR-PC-18:** Oregon State University is requesting to partition a parcel 20.05 acres in size into two parcels. Proposed Parcel 1 will be 4.42 acres in size. Proposed Parcel 2 will be 15.63 acres in size. If approved, Parcel 1 is to be acquired by Oregon State University for the use of a private utility facility under case file #09-C-PC-18.

The subject property is located at 939 NW Wenger Lane.

**Chair Johnson** stated that the prior case was approved, and is reflected.

**Commissioner Pelletier** motioned to approve and adopt the Findings, Conclusions, and Final Order for Case File #01-PAR-PC-18.

**Commissioner Bobbitt** seconded the motion

A vote was taken with all in favor and **Commissioner Spulnik** abstained. The motion passed.

## **7. PUBLIC HEARING**

**7.1 Case File #02-TA-18:** The Lincoln County Planning Commission will consider an Ordinance adopting new provisions to permit accessory dwelling units within Urban Growth Boundaries.

The Lincoln County Board of Commissioners initiated the text amendment with Resolution #18-9-5D.

**Chair Johnson** stated that they will hear the Staff Report, close the record then deliberate.

## **STAFF REPORT**

**Director Husing** introduced himself and presented the **Staff Report** for **Case File #02-TA-18**.

He began by stating that during the last legislative session, in an effort to address the affordable housing crisis in Oregon, the State Senate Bill 1051 was passed. It instructed counties to adopt Accessory Dwelling Unit rights, which means that if you have a house, you can have a second dwelling unit if you can meet septic and other requirements. This is a requirement for counties to provide for ADU rights within the Urban Growth Boundaries. This pertains to counties with over 15,000 persons in population. Lincoln County is required to adopt this by July 1. County Counsel Wayne Belmont came up with the ADU standards that will match the adjacent cities' municipal codes, and **Lincoln County Department Planning and Development** will follow those standards at the county level. Eventually, those properties will get annexed into the cities, so it's important to align the standards in advance of the annexation.

A brief discussion ensued between **Director Husing, Counsel Herbage,** and the **Planning Commission** regarding the ADUs having kitchens, the types of people in the dwellings, the zoning, and if they fall under CCRs.

**Chair Johnson** asked for questions from the Planning Commission.

**Commissioner Bobbitt** asked if all UGBS have adjacent jurisdictions or provisions for ADUs, and **Counsel Herbage** replied that it is just Toledo, Lincoln City, and Newport. If a dwelling is within the UGB of a city, and that city doesn't have a rule, then the county rule would apply.

**Senior Planner Rodomsky** remarked that Waldport does not have an ordinance for ADUs and that there are no more property under county jurisdiction with the UGB of Siletz and Yachats. City limits of Siletz and Yachats coincide with their respective UGBs.

**Chair Johnson** asked for any testimony from the audience. There was none.

**Chair Johnson** closed the record to deliberate.

**Counsel Herbage** indicated that Planning Commission's decision would be a recommendation to the **Lincoln County Board of Commissioners,** as the County Commissioners will have to adopt the text amendment.

**Chair Johnson** asked for a motion, and **Commissioner Spulnik** motioned to recommend to the **Lincoln County Board of Commissioners** to adopt the draft ADU ordinance, **Case File #02-TA-18.**

**Commissioner Bobbitt** seconded the motion.

A vote was taken with all in favor. The motion passes.

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**7.2 Case File #01-PD-PC-18:** AWI Salishan LLC is requesting to amend the existing Salishan Planned Development to incorporate workforce housing, glamping, and an eco-adventure park.

The property is located on Hwy 101 south of the intersection with S Immonen Road.

**Commissioner Cutler** arrived at 7:15 pm.

**Chair Johnson** re-iterated that testimony needs to be limited to 5 minutes. The **Applicant** can go longer, but any audience testimony needs to be limited to 5 minutes, and stated that if several people are testifying to the same point to please condense.

**Chair Johnson** called for Ex Parte contacts.

**Commissioner Buggenhagen** stated that he and his wife are Salishan leaseholders since August 2010, and he is a board member of the Salishan Sanitary District, but has no financial interest in the project.

## **STAFF REPORT**

**Senior Planner Rodomsky** introduced herself and presented the **Staff Report** for **Case File #01-PD-PC-18.** She wanted to clarify that on the original notice, the workforce housing was stated as 22 units and glamping lodging as 11 units. In the Applicant's narrative, those numbers were always 25 workforce housing units and 12 glamping units. When she drafted the original notice, she reviewed the submitted floor and site plans, which showed 22 workforce housing units and 11 glamping units. She expressed that in her review of the floor plan the 22 units seemed to take up all the space available. Subsequent conversations with the **Applicant** indicated that they do want 25 workforce housing units and 12

glamping units. The **Applicant** further indicated that if they wanted to increase to 25 workforce housing units, then they would submit new floor plans. **Senior Planner Rodomsky** clarified that the **Applicant** is asking for 25 workforce housing units and 12 glamping units

She continued that the Salishan Resort is an existing Planned Development with multiple uses. The three elements proposed tonight are workforce Housing with 25 units, the 12 glamping units, and the Eco-adventure which has 4 parts consisting of 2 mountain biking trails, an aerial adventure park with above-ground obstacle course, zip line, and a treeology expedition which is climbing a tall tree. The tax lots are 100 and 107 on map 08-11-10-CB, tax lots 100 and 116 on map 08-11-10-CC, tax lot 803 on map 08-11-10 and tax lot 301 on map 08-11-15-B.

**Senior Planner Rodomsky** referred to the exhibit maps and stated that aforementioned tax lots are highlighted in red. Referring to the exhibit maps, she described the zoning for the subject property and uses for the surrounding area, which includes a wildlife refuge to north, an airport to south, and to the east is timber conservation for commercial logging. She indicated on the exhibit maps the location of the proposed workforce housing units and glamping area.

**Chair Johnson** asked if she meant glamping or workforce housing.

**Senior Planner Rodomsky** replied glamping, but that the **Applicant** wants to convert existing commercial spaces in the current marketplace to workforce housing. She transitioned back to glamping, each unit will be placed in a wooded area and have a permanent wooden deck and a permanent bathroom. There would be temporary tent erected over the wooden deck. For the deck to be considered a temporary structure, and not need to meet building codes, they would be installed for no longer than 180 days. The **Applicant** would like to install the tents on May 5<sup>th</sup> and take down on October 31<sup>st</sup>, yearly. The glamping development would be served by a permanent central pavilion that will meet building codes, and accessed via golf carts.

**Senior Planner Rodomsky** moved on to the third element of the proposal, the eco-adventure park, and directed the **Planning Commission** to the site plan submitted on May 10<sup>th</sup>, 2018 which details the mountain biking trails indicated by yellow hatched marks, which will be 2 connected trails. The mountain biking activity is to have 200 people per day with 70% resort guests and 30% general public using the mountain biking areas. The second component of the eco-adventure park is the aerial adventure park or obstacle course, which is indicated by red dots on the same map. It is projected to have 120 people per day with 60% resort guests and 40% general public. The third component is the zip lines, shown by blue dots on the same map. That projected use is 75 people per day with 70% resort guests and 30% general public. Finally, the fourth component is the tree climbing activity or “treeology” represented by the green dot on the same map. That projected use is 20 people per day with 80% resort guests and 20% general public. Combining the four eco-adventure activities and assuming there is no user overlap, the eco-adventure park could accommodate up to 415 people per day.

**Senior Planner Rodomsky** read the 3 important criteria within Lincoln County Codes that the proposal has to meet: LCC Section 1.1380(3)(c)(A), LCC Section 1.1380(3)(c)(B), and LCC Section 1.1380(3)(c)(C). She pointed out that in the agency comments, she felt that the **Depoe Bay Fire District** comments might be a big factor in the decision, as in the glamping area, all parts of the structure need to be within 150 feet of a fire department access road with a minimum width of 20 feet and having an all-weather surface for emergency access. She referred to Appendix D of the **Staff Report**, stated that at the time of writing the **Staff Report** the **Applicant** had not responded to the Fire District’s comments, so she looked at the map and performed her own analysis of potential fire access routes with minimal disturbance. She concluded and asked for questions.

**Chair Johnson** asked if there were any questions regarding the **Staff Report**.

A brief question and answer period ensued between the **Planning Commission** and **Senior Planner Rodomsky** regarding workforce housing, the seasonal status, the analysis for coverage in regards to the footprint, sewer service, the physical location of the workforce housing, and building without permits.

**Chair Johnson** asked for more questions, then for the **Applicant** testimony.

**APPLICANT TESTIMONY:**

**Ken Cruse from AWI (Alpha Wave Investors) Salishan LLC**, signed in and introduced himself and started his powerpoint presentation. He stated that **AWI** acquired the resort on November 28<sup>th</sup> 2017 and thanked **Senior Planner Rodomsky**, **Director Husing**, the **Planning Commission**, and the attendees. **AWI** has had a lot of conversations with the Salishan community, and there are a lot of people in favor but also a lot of people skeptical. **AWI** has listened to all comments and made adjustments to their plan as part of a good collaborative process. He referred to the “Cherished History” slide, and noted that Salishan was built in 1965 by John Gray. **Mr. Cruse** moved on to the “Challenged Past” slide and elaborated on financial transactions of the past and the auction of last year. He transitioned to the “Our vision” slide, and explained that **AWI** plans to redefine Salishan as the benchmark of the northwest coastal hospitality, wellness, and recreation. **Mr. Cruse** then elaborated on the slide’s bullet points: exceptional service, introducing eco-adventure activities, instilling wellness, and creating unique social dining and drinking experiences.

**Mr. Cruse** continued that tonight they are primarily focusing on the eco-adventure and referred to the next slide, consisting of golf, nature trails, mountain biking, and team building activities. Kayaking and off-property initiatives may emanate from the proposal. Regarding the next slide, The Coastal Camp is referred to in the materials as glamping, which is a small piece of puzzle, as there are 205 guest rooms on the property, but the camp will add 10 guest units, and a full-time resident camp manager. The area is currently essentially golf-course waste. **Mr. Cruse** referred to the other slides, then moved on to the slide map of zip lines, and stated that they have moved back the location of the zip lines after feedback. He pointed to the Adventure Park on the slide and spoke of treeology, and re-iterated that the zipline tour has been moved away as it should have never been put close to residences. It is outside of the sight lines now. **Mr. Cruse** referred to the glamping area, and pointed at the dotted lines for access by cars and a vintage Land Rover. The existing cart and service paths are on west side. For the secondary access, **AWI** did not submit specifics on the fire egress or tsunami zone, as the glamping is above the tsunami zone. They will deal with it when they get to the permitting phase. The plan now is to follow existing cart paths. **Mr. Cruse** noted that in the comprehensive plan, the requirement for outdoor recreation features is no closer than 75 feet from residences, and the minimum now is 95 feet. The glamping units would be shielded by trees and they would add landscaping.

**Mr. Cruse** made two more points: the purpose of these Planned Development Provisions are to “encourage creative and innovative design that recognize the physical, topographic, and natural resource values and constraints in a manner consistent with the goals and policies of the Comprehensive Plan”. He stated that the proposed recreation features, employee housing, and glamping units do not change the land use of the existing Salishan development. **Mr. Cruse** elaborated on the Lincoln County Code as it applies to the application. He finished by referring to the “Projected Annual Economic Benefit to Lincoln County” slide and elaborated on the economic and financial ramifications of the application. He stated that he was finished with his comments.

**Chair Johnson** asked for questions from the **Planning Commission**, and asked **Mr. Cruse** to describe the workforce housing.

**Mr. Cruse** stated that they went through the comments received, have explored a number of different ideas, and have identified a separate building for workforce housing.

**Chair Johnson** confirmed that it will be a separate building, and **Mr. Cruse** confirmed that it is an existing building offsite in Depoe Bay, and **AWI** will close on it tomorrow morning.

**Chair Johnson** asked that if the workforce housing in the shopping center is now withdrawn, and **Mr. Cruse** noted that they will withdraw it in response to the feedback that they received.

**Counsel Herbage** noted that from a Counsel standpoint, it needs to be clear for the **Planning Commission** that when they make a decision on the application, the decision will be based on everything that is left except for the workforce housing.

**Chair Johnson** asked for other questions.

**Commissioner Bobbitt** addressed the fire access, and **Commissioner Estes** asked if there are gas-powered vehicles.

**Mr. Cruse** replied that they are prepared to provide the area with an all-weather surface, but has not had that conversation directly with the fire department, and that the golf carts will be electric powered and the vintage Land Rover will be gas powered.

**Chair Johnson** asked for testimony in favor of the application.

#### **PUBLIC TESTIMONY**

**Marcus Hinz** signed in and introduced himself. He is representing the Oregon Coast Visitors Association, and wanted to take the opportunity to say that annually for Lincoln County, \$520 million per year is generated by visitors. Salishan will bring high dollar value individuals. He is not just here for Salishan, he is here for the industry and the people they employ.

**Christine Tell**, Chair of the Salishan Leaseholders Board, introduced herself and stated that she signed in earlier.

They are not in opposition, but they have a statement (refer to statement accepted into the record). They are committed to the success of Salishan. They have reviewed the application, and noted that the relationship between **SLI** and **AWI** is centered in a "Turnover Agreement" that John Gray came up with in 1976. By way of that agreement, they address access, and are not waiving their right to assert the terms of that agreement as they move forward. **Ms. Tell** refers to the #1 item of concern which is the conversion of marketplace space to employee housing and thanked **AWI** for taking it off the table. The #2 concern is the addition of glamping units, consisting of 12 permanent structures, which will increase the number of lodging units. They would like it understood that **SLI** shares ownership of the Salishan Sanitary District, and they are not obligated for additional infrastructure.

**Ms. Tell** asked that the County add as a condition of approval that detailed plans be submitted to the Salishan Sanitary District to determine the infrastructure needed for water and sewage treatment, and that the treatment plant on Siletz Bay is adequate to meet the need as proposed. Her next point to address is that part of the eco-adventure program, including the mountain biking trail, the concern is the implied access to Salishan property and to the ocean. The Salishan nature trails are very suitable for walkers, not for mountain bikes. Salishan Drive is a winding narrow road with poor visibility and an 18 mile per hour speed limit. They have attempted to increase visibility but it is not conducive to mountain bikes. Perhaps there is no intent to use mountain bikes on **SLI** property or nature trails, and if that is the case, there is no objection. **SLI** requests from the Planning Commission that the county grant a condition of approval that mountain bikes not be used on common grounds. **Ms. Tell** closed with comments on golf and tennis. They are iconic of the Salishan brand, and the Applicant's predecessor did little to promote either sport. In summary, **SLI** is committed to the financial success of the Salishan Resort. They look forward to collaborating with the new owners in making Salishan the benchmark for world class resorts.

**Chair Johnson** asked if **Permit Specialist Bacher** recorded what **Ms. Tell** testified to, and he replied in the affirmative.

**Chair Johnson** asked for more testimony in support of the application.

**Doug Wride** signed in and introduced himself. He is in favor of the **AWI** proposal. The changes they are looking to make is positive. Many people are fearful, many people want Salishan to go back like it was from John Gray, but times have changed, and it has been 22 years of negative change. The last 3 owners have failed miserably. All that he has seen and heard from the new owners is how they want their property to be an important source of local jobs, pride, and recreational amenities that their guests in the local community can share. Families want action sports. Businesses must change and adjust with the times. The new ownership is making an effort, and he is wondering how negatively these new activities will impact the golf and tennis. He asked how often people engage in those activities. He asked how often people go to the marketplace or restaurant. It is important for Salishan to be successful for our community.

**Teresa Parker**, President of **Salishan Hills Homeowners Association Board**, signed in and introduced herself. She had two things to comment. First, to clarify for the community, the letter that she sent, represented the Salishan Hills Homeowners Association, was signed by her as the President, and was not meant to be a consensus of all 218 property owners in the community. The **Planning Commission** has received a number of comments from homeowners in their development, which are unique to their properties and should have a higher weight. She is not trying to speak for the individual testimonies. **Ms. Parker** agrees with what **Ms. Tell** said about the mountain bikers, and asked who would assume the liability if someone rode up one of the hills? Second, they have established a working group with the General Manager of Salishan and have talked about things, and she believes that they are open to problem solving. She read the **Staff Report** which brought up use of the roads, which are private roads in bad shape, and they are trying to figure out how to repair them. They would like to work out an agreement regarding use of the roads, are open to solving those kinds of problems.

**Commissioner Bobbitt** asked if those private roads are something that can be regulated in the **Planning Commission** amendments.

**Ms. Parker** replied that the roads are included in their letters of incorporation, and the repair responsibility is to the property owners.

**Director Husing** stated that Planned Developments are not amended very often. He re-iterated what the criteria is tonight, and that the central part of the decision is to determine whether the application is compatible with the current development. He referred to the previous amendment which converted the former gas station into an upscale spa at Salishan. Everybody wants Salishan to thrive and move forward, but under the Lincoln County Code, it cannot at the expense of incompatible proposals with what is already there. The problem with that is that creates a predicament for a new owner to come in. The compatibility of the proposals being made is weighed against the existing Salishan Planned Development.

**Chair Johnson** asked for more testimony in support of the application, and if they are going to be saying very similar things, to try to condense their statements.

**Eric Marter** signed in and introduced himself. He has been an Oregonian his whole life and owns Synergo with his wife Jennifer, it is a company to grow people. He works with 80 different commercial zipline tours and on many challenge courses and adventure parks. He has had an opportunity to watch families having a good time. **Mr. Marter** mentioned that his company will be doing the construction and the management of those activities, then elaborated on zip lines and tree climbing.

**Chair Johnson** asked if his point is that the zip line and trees are a good thing to have, and **Mr. Marter** replied in the affirmative.

**Kevin Graves** from the audience asked a clarification question that some of the concerns are boundaries of bike trails.

**Counsel Herbage** replied that the **Applicant** may have heard and may respond during their rebuttal.

**David Starr** signed in and introduced himself. He lives in Salishan, and **Director Husing** brought up something that he did not consider, which is whether the application works with or is compatible with the existing Planned Development. What the **Applicant** is proposing is additional healthy facilities.

**Lou Boudreau** signed in and introduced himself as a resident of Salishan spit. He would hope to support the project to broaden the base of people that will come and use the Salishan entity. He wished that it had been discussed months ago. He indicated on the exhibit map (property zoned T-C, adjacent to Salishan PD) where there is a piece of property where the property owner wanted to build a dwelling but could not get to a road, so the owner clear-cut. **Mr. Boudreau** would encourage **AWI** to put in a proposal to buy the T-C property for utilization of the eco-adventures. He has not heard of proposed maintenance of the cart parts, tennis courts, and building but hopes it would be in their proposal. When he came to Salishan in 1980, it was the only 5 star motel in the United States and he would encourage a third party do an evaluation to the Salishan Resort.

**Director Husing** asked if we are still hearing proponents of the project, and **Chair Johnson** replied in the affirmative.

**Ryan McCarthy** signed in and introduced himself as the General Manager of Salishan. He recognized the passion in the room and stated that “compatible” is a subjective term. There are a lot of assumptions that there will be yelling and loud types of events with the ziplines, aerial adventure, and treeology. We want it to be a great experience. People can be unruly, and as hosts, we need to control them.

**Chair Johnson** recommended that they move on to the opposition.

**County Counsel Herbage** re-iterated that the ground rule is 5 minutes for testimony.

**Bob McDonald** signed in and stated that he agrees with everything his friend **Doug Wride** said.

**Chair Johnson** requested to move on to testimony in opposition.

**Eileen Fussner** signed in and introduced herself and her husband. They are very concerned about the amount of noise emanating from those activities, like the man from Synergo indicating the extra people and kids, screaming. She would just like to say that the **Planning Commission** should consider that the zip lines are still too close to the Island Condos, as they own units #1 and #20. The zip lines were moved a little bit, but they still have the obstacle courses right behind the islands. Other than that, she likes the other initiatives, like yoga and meditation. The zip lines and obstacle courses are going to produce too much noise.

**Chair Johnson** asked for further testimony in opposition.

**W.W. Clyde Reid** signed in and introduced himself. His wife and he bought a home in Salishan in 2007. The home and community was everything that they were looking for. They soon found that the home needed a lot of work, but they are committed owners and they took care of their property. **Mr. Reid** stated he wanted **AWI** to succeed as they need a Salishan owner that makes money. He and others in their community are concerned that **AWI** is pursuing success in the wrong way, as they significantly changed Salishan, they knew permits were required, but went ahead anyways. **Mr. Reid** wants **AWI** to succeed in bring Salishan back to the excellence it once enjoyed if the proposed adventures do not turn it into a carnival. The original Salishan masterpieces of golf, tennis, and the spa are the key to its long-

term success, but have lost profitability due to poor maintenance and poor marketing. He elaborated on the deferred maintenance of the resort. Salishan must not only sell its new adventures, but also its old refurbished ones.

**Chair Johnson** stated that **Mr. Reid** is running out of time, and clarified that **Mr. Reid** is not opposing the changes, but opposing the lack of maintenance.

**Mr. Reid** replied that he wants to ensure that they do not give up the old established attractions.

**Jan Warren** signed in and introduced herself; she bought Island Condo unit #3 twenty years ago. She opposes the glamping and the zip lines. The zip lines are 30 yards in front of her deck. If **AWI** moves the zip lines back, they are still going to hear the noise. She does want to mention that on April 4<sup>th</sup>, when she saw the work being done on the tree behind her deck, she asked **Senior Planner Rodomsky** if that required a permit, and the answer was yes. **AWI** did not have a permit. **Ms. Warren** went back to the aerial park, where the structures were already built, and took pictures on April 14<sup>th</sup> and sent them to **Staff**. She returned a month later on May 14<sup>th</sup> and May 31<sup>st</sup> and took pictures. More work had been done without a permit.

**Laurie Grunig** signed in and introduced herself. Her family had built their home in Salishan 50 years ago. She is opposed to the fundamental changes and it has to do with grandchildren, they love it in Salishan. When they come to Salishan, they cannot wait to come back. Her family values privacy and security. Her grandchildren can go down to beach and they can walk on roads by themselves, which they cannot do in big cities.

**Jane Gray** signed in and introduced herself. She lives in the Island Condos and wants to talk about glamping, which is supplemental to the letter that she has already submitted. The proposal will require sewer and electricity, which will require plumbers, electricians, and equipment to be moved on the maintenance road. Her window is 21 feet from the maintenance road on the golf course, and she elaborated on the physical settings and construction. It impacts her livability there and on Fairway Drive. The decks for glamping and the restroom facilities will be permanent. She assumes those lights will be on all night long.

**Bonnie Savage** signed in and introduced herself; they own a home on Aster Lane. She opposes the proposal, and if you oppose one part, then they are opposing the whole thing. She has zip-lined and it is a lot of screaming. It is going to be really disruptive. The other thing is the mountain biking as they live on a trail and signs keeping people off her property are not working. Maybe **AWI** can change the plan and come back.

**Chair Johnson** asked for questions.

**Director Husing** asked if there were further opponents, and stated that once this part finishes, there is no more testimony.

**Diana Polisensky** signed in and stated that there is a Humvee that **AWI** is advertising that will use the trails to transport glampers.

**Chair Johnson** asked that **Ms. Polisensky** was speaking of the golf carts.

**Ms. Polisensky** clarified that **AWI** would use the Humvee on the golf cart trails to transport the glamping people. They are going to have bicycles by the marketplace, and that canoes and kayaks would be launched from west side instead of east side.

**Cherice Glaze** signed in and introduced herself. She became a homeowner right before **AWI** bought Salishan. She is in agreement that if you cannot get rid of parts of the proposal, then just do not do it.

**Chair Johnson** asked for the **Applicant's** rebuttal.

**Steve Hultberg**, the attorney for the **Applicant**, requested a 5 minute.

**Chair Johnson** granted a recess from 9:19 pm, called the meeting back to order at 9:25 pm, and stated that the **Applicant** is ready to give rebuttal.

**Mr. Cruse** stated that he will address the comments made tonight and wants to keep the record open for written rebuttal. The initial comments regarding the **SLI** and turnover agreement, **AWI** has never intended and never will go against the terms of that agreement. **AWI** wants to incorporate mountain bike trails in the existing trails on the east side of road, which is the only thing being proposed. There is no control over what **AWI** does with the golf course under the turnover agreement. The **Salishan Hills Homeowners Association** comments were related to road impact, there is a document that clearly defines how the road impact is managed, and of course **AWI** intends to abide by that document. **AWI** recognizes that we have to be a good neighbor, and the goal is to do even better than that. There is no proposal to go against the existing documents. If there is an impact on the road, **AWI** will pay for it.

**Mr. Cruse** remarked that **Director Husing** made an incorrect comment that will be in their written testimony there is absolutely nothing in the code or the comprehensive plan that requires an amendment to a Planned Development agreement to somehow be compatible with the initial development agreement. The specific language is in the code, and the idea that you are amending it by definition means that you are making it different from the initial approved planned development. **Mr. Cruse** is going to ask to strike **Director Husing's** compatibility comment from the record as they disagree with that characterization. He apologized if he misheard **Director Husing**, and what **Mr. Cruse** heard was "an amendment to a Planned Development agreement must be compatible with the original development agreement".

There was a comment about buying adjacent land, and it is not for the purpose of tonight's meeting, as **AWI** is looking for opportunities to advance the plan. **Mr. Cruse** stated that if you distill down all the comments that are germane to what is being proposed, it comes down to one thing, which is noise. **AWI** wants to work with the community to ensure that noise is dealt with. They do not know what the noise factors will be, and they cannot provide for that now, but they are willing to work with neighbors. A very important comment was made twice about timing of the development, and from day one, **AWI** maintains that permits were not required to build the type of recreational facilities that they have built. On April 3<sup>rd</sup> or April 4<sup>th</sup>, **AWI** heard of a complaint and **Mr. Cruse** wanted to make it clear that they stopped work. It was characterized that **AWI** was doing work behind people's back, but they stopped work on April 4<sup>th</sup> and did not waste time arguing. Regarding the comments about ignoring golf, nothing is in their plan is to ignore golf. **AWI** brought in a new pro and they are marketing golf more. There is a lot of emotion in the comments tonight, and he wants to ensure that the comments are related to what **AWI** is proposing. His final comment addresses driving a Humvee through the golf course. They have a vintage land rover, and if they drive it on their golf course, it is their golf course. There is no permit or amendment to do something like that. Nothing that **AWI** is doing is not for the greater whole. He closed by thanking everyone again for their comments and working with **AWI**.

**Chair Johnson** confirmed that **Mr. Cruse** is requesting the record to remain open.

**Mr. Cruse** replied in the affirmative.

**Counsel Herbage** stated it is not discretionary for the **Planning Commission** in terms of keeping the record open. If it is requested, then the record must be left open for anyone with standing, not just the **Applicant**. Anyone can submit additional materials for a 7 day period pursuant to ORS 197.763 subsection 6. **Senior Planner Rodomsky** has been working on a possible schedule, as if the record is left open, it must be left open for at least 7 days. A proposal to consider is that the record then be open for a week until June 18<sup>th</sup> at 5pm.

**The Applicant** noted that would work for them.

Until 5pm on Monday, June 18<sup>th</sup>, anyone who was a participant tonight, spoken or submitted testimony, can submit additional testimony in writing. **The Applicant** has a burden of proof and can present argument, so if it is not waived, the **Applicant** can submit final written argument after the initial 7 day period. **Counsel Herbage** went on to state that by June 25<sup>th</sup> at 5pm, the **Applicant** can submit to **Staff** the final written argument. The **Planning Commission** would reconvene to deliberate on Monday, July 23<sup>rd</sup>. No one would be able to argue or submit additional evidence, but the meeting will be advertised to the public to attend only.

A brief conversation ensued between the **Planning Commission**, **Director Husing**, and **Counsel Herbage** regarding the procedure, submitting materials to **Staff**, the deadline, the location of the hearing, and making a motion.

**Counsel Herbage** stated the motion, which is that record be left open for any participant to submit written materials to **Staff** by 5pm on June 18<sup>th</sup>. The second date is that the **Applicant** must submit final written argument to **Staff** by 5pm on June 25<sup>th</sup>. The **Planning Commission** will reconvene on July 23 at a venue to be determined to deliberate, but it will be announced.

**Chair Johnson** asked for comments, and there were none.

**Commissioner Pelletier** motioned as stated by **Counsel Herbage**, and **Commissioner Buggenhagen** seconded the motion.

A vote was taken with all in favor.

## **8. PLANNING COMMISSION CONCERNS**

NONE

## **9. ADJOURNMENT**

**Chair Johnson** adjourned the meeting at 9:42 pm.

Respectfully Submitted,

Joshua B. Bacher

Lincoln County Permit Specialist