

**CLATSOP COUNTY**

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***Southwest Coastal Design Review / Citizen Advisory Committee  
Regular Meeting Agenda***

**Date:** Wednesday, July 20, 2011  
**Time:** 6:00 pm  
**Location:** Arch Cape Fire Hall  
79816 E Beach Road  
Arch Cape, OR 97145

1. CALL MEETING TO ORDER (George Cerelli, Chairperson)
2. ROLL CALL
3. BUSINESS FROM THE PUBLIC: This is an opportunity for anyone to give a brief presentation (3 minutes or less) to the Committee on any land use planning issue or county concern that is not on the agenda.
4. CONSIDERATION OF MINUTES:
  - Minutes of March 16, 2011 (See Attachment 1)
5. ACTION ITEM
  - Bylaws – Ed Wegner, Transportation and Development Services will present final draft of bylaws
6. OTHER BUSINESS:
  - Open Discussion: This is a chance for the committee to discuss and invite testimony from outside agents regarding topics of interest.
7. ADJOURN

The agenda and staff reports are available for review at [www.co.clatsop.or.us](http://www.co.clatsop.or.us) (click on Land Use Planning, then click on the Arch Cape link and scroll down to Design Review Hearings. The agenda packet is a PDF document.)

NOTE TO MEMBERS: Please contact Transportation and Development (503-325-8611) if you cannot attend the meeting.

**ACCESSIBILITY:** This meeting location is handicapped-accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting. Please let us know at 503-325-8611, Transportation and Development Services – Land Use Planning Division, if you will need any special accommodations to participate in this meeting.

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**MINUTES**  
**SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE**  
**MEETING**

**March 16, 2011, 6:00 p.m.**

**Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, Oregon**

Chairman George Cerelli called the meeting to order at 6:00 p.m.

Members present: George Cerelli (GC), Richard D'Onofrio (RD), John Mersereau (JM) and Tod Lundy (TL). Excused: Linda Murray (LM).

Members of the public present: Commissioner Debra Birkby (Clatsop County Board of Commissioners), Rick Gardner, Cathy Gardner, Stephen Malkowski.

Staff present: Julia Decker, Planner (JD), Ed Wegner, Director of Clatsop County Transportation and Development (EW), Pat Getchall (PG).

**Business from the Public:**

Commissioner Birkby stated that it was nice to have worked as a member of the Committee for the past 13 years.

**Consideration of Minutes:**

**JM moved and RD seconded to approve the December 15, 2010 minutes as presented. Motion passed unanimously.**

**Public Hearing / Major Review Item:**

**Richard and Catherine Gardner request for a new single family dwelling to replace existing dwelling.** JD distributed copies of written comments from neighbors, the Crosbys and the Kittells.

JD presented the staff report, recommending approval, subject to conditions as stated in the report. Code calls for minimizing the impact of ocean views. The footprint of the new house will be smaller than the current footprint, along with meeting all the setback requirements, which the current house on the site does not. A discussion was held amongst the committee members regarding placement, view, height, and setbacks.

Kendall Crosby, a neighbor to the east of the Gardner property, expressed her concerns regarding the impact on their view and value of their home.

EW spoke about being on the site with the Gardners and Mrs. Crosby and they were able to discuss the plans. Following a question from Commissioner Birkby, JD stated that the lot coverage is about 21%. More discussion regarding a flow test and drainage issues followed.

**TL moved and RD seconded to accept the plans as proposed. Motion passed unanimously.**

## Other Business:

**Bylaws: EW distributed copies of draft bylaws**, along with a little background information, stating that the County Commission has been looking at existing bylaws in comparison to County policy and ORS, per a 2005 county attorney memo regarding the Planning Commission bylaws. EW introduced PG, a retired County employee, who is also a professional registered parliamentarian. PG has been working on the bylaws' update. County Manager Duane Cole made some suggestions and PG incorporated those suggestions into Version III, which is the version before the committee.

Commissioner Birkby explained that the Board of Commissioners wanted the SWCCA Committee to review its bylaws. PG explained the goal is to standardize all advisory committee bylaws, with input from the SWCCAC, which PG will incorporate. Following the preparation of Version IV, the bylaws will be reviewed by the county attorney to make sure all laws are being followed.

PG explained the Committee members need to go through the bylaws section by section, make their changes, and agree to them as a Committee; the whole document will be subject to a total revision at that time. Following the Committee's recommendation, EW will present them to the Board of Commissioners, whereas they will have to repeat the process of review, section by section.

Following a question from Commissioner Birkby, TL asked if the county staff knew that the SWCCAC was working on their own draft of revisions of the bylaws. EW answered that the idea is to look at both drafts and incorporate the local Committee recommendations also. PG stated that she used the template the county attorney had drafted in 2005 because the goal is to standardize all advisory committee bylaws.

PG proceeded to cover all articles. Everything in ***bold and italics*** on Version III has been added. She added Article II "Object" because it needed one.

PG described the changes made to Article III, Section 1. She removed all references to specific codes except in Article III, Section 1 because they change.

Regarding Article III, Section 2, the verbiage and terminology were changed to match what the Planning Commission has and what county counsel recommended. Article III, Section 3 was added. This applies to every committee in Clatsop County, per Clatsop County Policy 8, except for the Board of Property Tax Appeals.

RD stated his concern with Article III, Section 3, as it has been difficult to find new committee members. JM read the Committee's proposed wording of Article III, Section 2 as follows:

*"The Committee shall consist of seven members appointed by and serving at the pleasure of Clatsop County Board of Commissioners, each to serve a term of four years, or until their respective successor is appointed. Prior to the expiration of each term, the county staff shall publicly advertise the opening to attract applicants. Current Committee members may apply for subsequent terms."*

JM went on to state that they would like Article III, Section 3 of V. III of the DRAFT removed completely. PG explained that the Board of Commissioners would have to change County Policy 8 to exclude this requirement.

PG read Article III Section 4. No changes were proposed. Following a question from Commissioner Birkby, the members of the Committee discussed changing the “*property owners*” sentence to “*property owners and residents,*” with residents defined as registered to vote in the community. Commissioner Birkby continued, stating that it be added for clarification purposes, as it had been a source of misunderstanding in the past. Following a question from Mr. Malkowski, a discussion regarding property rights took place. County counsel will be asked for an opinion taking into account Comp Plan Goal 1.

PG read Article III, Section 5; all county policies will have this. This section addresses the approval of any expenses incurred by the SWCCAC members.

PG read Article III, Section 6; no changes.

PG read Article III, Section 7; a change was made to replace “*approval of Chairman*” with “*approval of Director of the Dept of Transportation and Development*” for excused absences. The members of the Committee disagreed and wanted to leave “approval of Chairman.” EW explained that if the Director was notified, a central location would have the information, i.e. whether or not there is a quorum and would be able to then notify individual Committee members. EW continued, stating staff does this for the Planning Commission. The Committee continued their discussion, wanting to add “*per calendar year*” to the Section. Mr. Malkowski stated that he thought it was important to have staff notified as well as the Chairperson so they can coordinate.

Following a question from Mr. Malkowski, PG stated that the bylaws don’t specifically prevent the Chairperson of the Committee from voting, but they do state that the Chair cannot make, amend or second motions. He went on, stating his concerns on the record that there was no quorum for tonight’s meeting and that the vote taken earlier was not valid.

After further discussion, “*or designee*” is added to the “*approval of Director...*” sentences in Article III, Section 7.

Commissioner Birkby stated her concerns about mail still going to PO Boxes in Arch Cape, though there are no PO boxes in Arch Cape any longer.

EW read Article III, Section 8, paragraph b.

The SWCCAC members asked PG if a clarification to the definition of the word “Committee” could be made. The Committee (read by TL) would like to add a paragraph “*Individuals who have been removed from the committee for reasons of non-performance or misconduct may only apply for committee membership after four years from their removal date*” and label it paragraph c. (Article III, Section 8). EW went on to describe the addition to paragraph b. regarding the removal of Committee members.

PG read Article IV, Section 1. After a brief discussion, the “*2<sup>nd</sup> Vice-Chairman*” reference was eliminated. PG read Article IV, Section 2, which was added.

PG referred to Article V, Section 3. The Committee asked that Section 3 be eliminated completely and in Section 4 the “*2<sup>nd</sup> Vice-Chairman*” reference be eliminated. Section 5 “*Secretary*” will be changed to “*Department of Transportation and Development.*”

PG read Article VI, Section 1 which states the “*committee will generally hold its regular meetings on the third Wednesday of each month if Design Review applications are on file for review. Special meetings may be called by the Chairman or Director of Transportation and Development as required.*” The change will be from 1<sup>st</sup> and 3<sup>rd</sup> to just 3<sup>rd</sup>, but the Chairperson and the Director of Transportation and Development retain the right to call a special meeting if needed.

Following a question from TL, PG explained that the specific time and place were removed because if specifics are in the bylaws, then the body must meet. These requirements are difficult to change as it has to go through the bylaws’ revision process each time, so it’s best to just leave it out.

Following a question from Mr. Malkowski, EW explained that a Special Meeting could be called on alternate days from the normal Wednesday.

PG read the addition to Article VI, Section 2 “*in compliance with Oregon Public Meeting Laws.*”

PG read Article VI, Section 3. Following a discussion over the addition of some language to clarify the work sessions, PG stated she will research whether or not language can be added to this Section, defining work sessions as taking place between Committee and invited guests. Public participation is limited to the public hearings.

PG stated no changes were made to Article VI, Section 4. Article VI, Section 4, the last word “*group*” was replaced with the word “*Committee.*”

PG read Article VI, Section 5. “*Except as otherwise provided to the contrary by **County rule or state law** these Rules of Procedure, Robert’s Rules of order, **Newly Revised** (current edition) shall apply to the procedures of all Committee meetings.*”

PG continued on with Article VII, Conflict of Interest. The last sentence was deleted because future ordinance changes would require changes to committee bylaws.

After a brief discussion, the Committee decided to add Section 2 to Article VII, reading, “**Members of the County Commission or County Planning Commission shall not be eligible for membership on this Committee.**” This will be reviewed by county counsel.

PG continued on to Article VIII, Section 1, Section 2, and Section 3. The only change made to this Article was deleting reference to a particular section of Ordinance 80-14.

PG stated that Article IX, Special Records, was revised quite a bit. The first sentence replaces the word “*secretary*” with the phrase “*Dept of Transportation and Development for special reports made by the staff or the Committee, which are in writing or audio. Committee minutes shall be on file in the **Department of Transportation and Development.***” The section numbers were eliminated and Sections 2, 3, and 4 were removed. After a discussion between Commissioner Birkby and the Committee, it is agreed to add “*or policies*” after the “*special reports*” phrase in Article IX.

PG moved on to Article X, Bylaws, removing the word “provisions” from the title. In the Article X paragraph, the word “develop” is replaced with “recommend” and the phrase “Ordinance #01-10” is replaced with the phrase “County ordinances.” The last sentence will read, “Such bylaws shall be effective upon approval by the Board of **Clatsop County Commissioners.**”

PG continued on to Article XI, edited the title to read, “**Dissolution.**” The rest of the words were deleted. The body of the paragraph was amended to eliminate the last phrase, omitting specific reference to Ordinance #01-10.

Commissioner Birkby questioned if there was a conflict with Page 6, Paragraph 2 of the Comprehensive Plan with this Article XI. PG stated that it would need to be reviewed by county counsel. She continued, stating that some committees are mandated by ORS and could not be dissolved, but others can be.

EW reviewed all of the changes and Committee members stated they were comfortable with the changes and were ready to have them updated. PG will complete and submit them to county counsel for review. Following review, they will be submitted to the Committee for final review, approval and recommendation to the Board of Clatsop County Commissioners. Following Committee approval and recommendation, an agenda summary will be prepared for the Board for their review and approval.

Following questions from the Committee members, EW explained the procedure for Committee vacancies. Members of the Committee expressed a desire to have staggered terms. EW and PG will check with county counsel and find out if it’s something that needs to be added to the bylaws.

The Committee members discussed the possibility of staggering the terms of the Committee members so that no more than two members would be up for either reappointment or replacement at any one time.

Commissioner Birkby stated that she doesn’t care for the post card notification system for Committee vacancy recruitment because it is different than the standard system used for other advisory committees within the county. A suggestion was made to send post cards to residents as well as property owners, using a registered voter list.

Following a concern raised by Mr. Malkowski, a spirited discussion regarding public participation in the SWCCAC meetings was held. Commissioner Birkby added that all county public meetings for various committees and advisory groups meet during the week.

**Meeting adjourned at 2120.**

**BY-LAWS**  
***(DRAFT-Version 4)***

**SOUTHWEST COASTAL CITIZENS ADVISORY  
COMMITTEE**

**(SOUTHWEST COASTAL DESIGN REVIEW COMMITTEE)**

ARTICLE I

Name

The Committee shall be known as the Southwest Coastal Citizens Advisory/Southwest Design Review Committee hereinafter referred to as the Committee.

***ARTICLE II***

***Object***

***The Committee shall make recommendations to the Clatsop County Director of Transportation and Development, the Clatsop County Hearings Officer, or the Planning Commission pertaining to any land use or development applications in the Arch Cape ~~area~~-Rural Community Boundaries.***

ARTICLE III

Membership

***Section 1. Membership is contingent upon, and members are bound by, requirements set out in the following documents:***

- ***Oregon Revised Statutes (ORS 215),***
- ***Goal 1 of the Clatsop County Comprehensive Plan,***
- ***Ordinance #80-14, Ordinance #01-10,***
- ***The County Policy 8: Committees, Commissions and Boards, and by the Oregon Government Standards and Practices Law***
- ***Oregon Public Meeting Laws***



***Every new member shall receive a copy of these documents along with these bylaws.***

Section 2. The Committee shall consist of seven (7) members appointed by and ~~serve~~ ***servi***ng at the pleasure of the ~~Clatsop County~~ Board of ***Clatsop County*** Commissioners ***hereinafter referred to as "Board"***, each to serve for a term of four years or until their respective successors are appointed.

Section ~~2~~ 3. ***Except as otherwise provided by law, members are limited to two (2) consecutive full terms of office.***

~~Section 2-4.~~ The members of the Committee shall be property owners and residents of the County owning property within the boundaries of the Arch Cape Rural Community. ~~See 2007 Comp Plan, Goal 1 page 123 Citizen's Involvement for clarification.~~

Section ~~3~~ 5. Members of the Committee shall serve without compensation other than reimbursement for duly authorized expenses, ***approved by the Transportation and Development Director according to Board Policy.***

Section ~~4~~ 6 No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession, if possible.

Section ~~5~~ 7 Members shall attend all meetings faithfully except in such cases of illness or where a request to be absent has been approved by the ~~Chairman~~ ***Director of the Department of Transportation and Development or his designee*** prior to such meeting. The ~~Chairman~~ ***Director of the Department of Transportation and Development*** may excuse a member for up to three regular Committee meetings ***per calendar year***. ~~Additional requests for regular meetings to be missed must be made to the Committee~~ ***Director of the Department of Transportation and Development*** prior to the meeting(s) missed. If a Committee member is absent more than three times and has failed to secure the approval of the ~~Committee~~ ***Director of the Department of Transportation and Development*** for such absence(s), his (***her***) absences may be considered misconduct or non-performance of duty.

Section 6 8. Members may be removed from the Committee under the following rules:

- a. Members may request that they be removed for personal or other reasons. Such requests shall be made to the Board. ~~of Clatsop County Commissioners.~~
- b. The Committee may, after *a committee* hearing, recommend removal of any member for non-performance of duties or misconduct. Such recommendation for removal shall be made to the ~~Clatsop County Board of Clatsop County Commissioners.~~
- c. ~~The Board of Clatsop County Commissioners may remove any appointed committee member from his or her appointment by affirmative vote of at least three commissioners. Removal may be initiated in accordance to county policies and at the Boards' discretion; or upon recommendation of the commission as provided in Paragraph 3.C of Ordinance #01-10. Unless otherwise provided by law, the Board may remove any appointed committee member from his or her appointment by majority vote of the Board, requiring the affirmative vote of at least (3) Commissioners. Removal shall be at the Board's discretion.~~

~~Section 9. Individuals who have been removed from the committee for reasons of non-performance or mis-conduct may only apply for committee membership after four years from their removal date.~~

Section 7 9. Any vacancy on the Committee shall be filled by the governing body Board ~~of Clatsop County Commissioners~~ for the unexpired term, *and shall meet all the requirements of membership.*

## ARTICLE IV

### Officers

Section 1. The officers of this Committee shall consist of a Chairman *and* Vice-Chairman, ~~and 2<sup>nd</sup> Vice-Chairman.~~

Section 2. *Election of Officers shall occur annually at the first meeting of the year, and elected officers shall take office at the end of that meeting.*

## ARTICLE V

### Officer's Duties

Section 1. It shall be *the* duty of the Chairman to preside at all meetings of the Committee; to enforce observance of the rules of procedure; to decide all questions of order; offer for consideration all motions regularly made; apportion duties of the members of the Committee; call all special meetings; appoint all necessary sub-committees, and perform such other duties as his office may require. The Chairman shall make no motion or amendment to a motion.

Section 2. In the absence of the Chairman the Vice-Chairman shall perform his/her duties.

~~Section 3. *In absence of the Chairman and Vice-Chairman, the 2<sup>nd</sup> Vice Chairman shall perform the Chairman's duties.*~~

~~Section 4 3. In the absence of the Chairman, *and* Vice-Chairman *and* 2<sup>nd</sup> ~~Vice-Chairman,~~ the Committee shall elect a temporary Chairman for the particular meeting in question.~~

~~Section 5 4. It shall be the duty of the Secretary *Department of Transportation and Development* to keep minutes of all meetings and carry out the duties hereinafter prescribed and as otherwise directed by the Committee. These minutes are to be kept in the ~~Community Development~~ *Department of Transportation and Development* office.~~

## ARTICLE VI

### Meetings

Section 1. This Committee ~~shall~~ **will generally** hold its regular meetings on the ~~first and~~ third Wednesday of each month ~~at 6:00 p.m. in the Arch Cape Fire Hall~~ if Design Review applications are on file for review. Special meetings may be called by the Chairman, **or Director of Transportation and Development** as required

Section 2. The place and hour of any meeting may be changed by the Chairman of the Committee if adequate notice can be given to the public and all interested parties **in compliance with Oregon Public Meeting Laws.**

Section 3. The Committee may hold work sessions ~~if adequate notice can be given after appropriate notice~~ to the public and all interested parties. Work sessions are meetings between the Committee and staff rather than public hearings and the public may attend. ~~Refer to verbiage BOC public participation in meetings.~~

Section 4. Four members shall be necessary to constitute a quorum. In determining a quorum all members present at the meeting including the Chairman and any member(s) who may from time to time abstain from voting on an issue regardless of the reason for the abstention shall be counted. Each decision of the committee shall be made by an affirmative vote of a majority (50 percent plus one) of the total appointed membership of the ~~group~~ **Committee.**

Section 5. Except as otherwise provided to the contrary by **County rule or state law** these Rules of Procedure, Robert's Rules of Order, **Newly Revised** (current edition) shall apply to the procedures of all Committee meetings.

## ARTICLE VII

### Conflict of Interest

Section 1. Members shall be required to vote on all matters which require a decision unless a member has a conflict of interest. ~~For procedure to be followed regarding conflict of interest see Ordinance 80-14, Section 2.130 through 2.175.~~

Section 2. *Members of the County Commission or County Planning Commission shall not be eligible for membership on this committee.*

## ARTICLE VIII

### Public Hearings

Section 1. All public hearings before the Committee shall be conducted by the Chairman except as otherwise provided in Article ~~IV~~ V, Sections 2 *and* 3. ~~4.~~ Any interested party may appear for themselves or be represented by counsel. Any person speaking at a public hearing shall first identify themselves by name and address, and if appearing in a representative capacity, identify who they represent.

Section 2. The order of proceedings shall be as set forth in Ordinance 80-14, ~~Section 2.185.~~

Section 3. The Chairman shall have the right to limit testimony on any public hearing matter when he feels the Committee has received adequate representative testimony of all sides of the matter.

ARTICLE IX  
Special Records

Special records shall be maintained by the ~~Secretary~~ *Department of Transportation and Development* for the following matters:

Section 1. Special Reports.

Special reports *or policies* made by the staff or ~~committee~~ of the Committee, which are in writing or audio. ~~in~~ Committee minutes shall be on file in the ~~Community Development~~ *Department of Transportation and Development* Department. Copies are available on request for a nominal fee.

Section 2. Minority Reports.

~~In the case of a division of opinion of the staff, Committee or other interested parties, minority reports shall be on file in the Community Development Department. Copies are available on request for a nominal fee.~~

Section 3. Policy Statements.

~~All policy statements of the Committee shall be on file in the Community Development Department. Copies are available on request for a nominal fee.~~

Section 4. Retired Provisions.

~~As provisions of the Committee's Rules and Procedures or County Ordinance are retired by amendment or repealed, copies shall be retained in the Community Development Department. Together with appropriate dates of amendment or repeal.~~

ARTICLE X  
Bylaws Provisions

The Committee is authorized to ~~develop~~ *recommend* bylaws amendments consistent with *County ordinances* Ordinance #01-10 Section 3.E and applicable provisions of state law. Such bylaws shall be effective upon approval by the Board. of ~~Clatsop County Commissioners~~.

ARTICLE XI

~~Dissolution of Southwest Coastal Citizens Advisory Committee/Southwest Design  
Review Committee~~

~~When it is determined that the Southwest Coastal Citizens Advisory  
Committee/Southwest Design Review Committee created by the Board is no  
longer useful or necessary, it may be discontinued by affirmative vote of at least  
three commissioners of the governing body per Ordinance #01-10 Section 3.F.~~

~~— See Goal 1 Comp Plan, Page 6, 2<sup>nd</sup> paragraph — conflict? —~~

If persistent involvement and active participation of the Southwest Coast Citizens  
Advisory Committee/Southwest Design Review Committee is no longer  
demonstrated and the Board determines the Committee is no longer useful or  
necessary, the Committee may be discontinued by majority vote of the Board.