

PLANNING COMMISSION MEETING
April 20, 2011

The Bay City Planning Commission met in regular session on April 20, 2011. Chair Terry Griffin called the meeting to order at 6:03 p.m. Commission members present were Terry Griffin, John Sollman, Judy Wadley, Chris Gant and Phyllis Wustenberg. Also present were City Council members Robert Pollock and John Gettman, City Planner Sabrina Pearson, and Planning Secretary Gaile Harris. See an attached list of visitors.

MINUTES

Motion by John, second by Judy, to approve the minutes of the 03/23/2011 meeting as presented. Motion passed unanimously.

VISITORS' PRESENTATION

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Conditional Use Application #11-02 from the Tillamook County Pioneer Museum:

Terry opened the public hearing for the Conditional Use Application #11-02 and reviewed the following:

Application #11-02 a Conditional Use from the Tillamook County Pioneer Museum. Property located in the Moderate Intensity Zone, High Intensity Zone, Estuary Natural Area, Freshwater Wetland Overlay Zone, Hazards Overlay Zone and Velocity Zone and legally described as Barview Addition to Bay City Block 16, Lots 1, 2, 3, 4 and 5. Also parcels described in the Tillamook County Deed Records Tract Book 294, Page 208 and Book 303 Page 718 and Book 366 Page 871. The Museum is requesting a Conditional Use permit.

Public notice was sent to 19 surrounding property owners. The City received no response.

No one objected to the jurisdiction of the City Planning Commission to hear the matter. Terry asked if any member of the Commission had a conflict of interest or personal bias to declare.

Phyllis Wustenberg is Chairman of the Museum Board and recused herself for this public hearing matter. No Commission member requested that Phyllis recuse herself from the hearing.

Chris has visited the site and commented on how nice the pavers and plants look. He couldn't visualize all the trails yet but could see the potential for wildlife returning to the area.

John has been to the site and likes the look of the pavers. The plants and signs that are there look attractive. He stated that things look to be a credit to Bay City and Tillamook County.

Terry has walked the entire property. He stated that the area could be in worse hands such as a developer as this is the last piece of frontier in the County. Terry likes what he sees so far.

Sabrina read the applicable criteria. Terry reviewed the public hearing guidelines.

Sabrina reviewed the staff report.

The Conditional Use request is to install a public recreation area consisting of interpretive trails, signage, and a kiosk and parking to access approximately 39 acres of property, all in the jurisdiction of Bay City, to “expand indigenous and remove invasive flora and fauna, connect nature to history, provide a park setting of benefit to Bay City residents, reduce past and ongoing site destruction, and preserve the Kilchis Point property for future generations.”

John asked if the property was also in a Velocity Zone. Sabrina said some areas are and that the new FEMA maps that are being reviewed will rezone those.

Chris asked what is the definition of a Velocity Zone. Sabrina stated that it’s a flood zone area that FEMA, through the National Flood Insurance program, had determined that flood waters can come in at a certain velocity.

Sabrina struck out the sentence from the Oregon Building Code Findings of Fact on page 12 of the staff report stating that, “Structures that currently require a building permit include the sign kiosk.”

There were no more questions from the Planning Commission staff.

Applicant Gary Albright, Director of the Tillamook County Pioneer Museum, began his presentation by stating he wants very much the support from Bay City with this project. Gary also cares very much about the property as does the Grand Rhonde Cultural Department. As of this date, there have been up to 200 examples of flora and fauna identified, with the possibility that there may be as many as 700. 50 types of lichen have been identified. Salamanders and newts are in the area. The Native American heritage will be written entirely by the Grand Rhonde Cultural Department. The area will be kept clean. There will be no gunfire. No ATVs or dirt bikes will be allowed. Scotch broom and other invasive plants are being pulled up or dug out. Shore pine along the railroad right-of-way are being removed and re-planted. Native plants are coming back and doing well. Benches will be installed. Foot bridges will be installed at the narrowest points in the wetland areas. Electric golf carts will be used to meet ADA requirements. Pavers are being used for the trail up to the first bridge. Packed gravel will be used on the rest of the trails. Trail width is 6 feet 3 inches wide. Maintenance will be low impact. Everything will be done by hand with nothing larger than a golf cart will be allowed on the trails and bridges. Most of the work is being done by volunteers from Neah-Kah-Nie High School, Ford Foundation, and by County Juvenile department detainees. Adults on the probation system from Tillamook County and Polk County also come out to do community service.

John Sollman asked what is being done regarding restrooms. Gary stated that there is no intention of installing plumbing. Port-a-Potties will be brought in.

Terry asked if there will possibly be a bird viewing structure in the future. Gary stated that would be up to the Wetland Delineation and DSL approval, which could take up to five years.

Sabrina advised everyone that the Findings of Facts requires that restroom facilities need to be adequate and will have to meet the Planning Commission conditions and as to how many. Further discussion was held regarding how many Port-a-Potties would be needed, where they would be placed and how they would be maintained.

Mark Hannah, from 9360 5th Street and Gerry Wyatt, from 7770 Warren Street both are in favor of the application.

Mark Hannah stated that he did not have a comment against the application but asked about the potential of crime and signs stating hours or operation.

Gerry Wyatt also did not have a comment against the application but asked about the use of lighting, and whether Warren Street would be re-paved or the potholes filled.

Discussion went on to state that there will be a sign regarding hours of operation. There will be no lighting. Warren Street is under the jurisdiction of Tillamook County. It will need to be repaired as part of the criteria under Section 2.5, Conditional Use, per Sabrina. Gary Albright, responding to this and concerns over vandalism and potential damage to the area, stated that it is a federal offense to use the railroad right-of-way for such signage. The museum is asking the Port of Tillamook Bay Railroad to post an official notice warning the public.

Discussion continued regarding the paving or fixing of Warren Street. John Gettman, member of the Tillamook County road advisory committee, stated that Warren Street needs to be developed as the Transportation Plan calls for. He has talked with Dave Pace, the Public Works superintendent, regarding a spring at the Klingelhofer property with high water during the winter months. John stated that we need to include the Bay City Transportation Plan in this discussion. Sabrina said she will address it in the final staff report.

Kirk Anderson, from 4785 Spruce Street, whose fence sits at the setback. There is nice gravel on the frontage. His concern is about cars parking in front of his house on this frontage and breaking it down. He expressed concern about its becoming a parking lot and affecting his drainage.

Gary explained that with Conditional Use approval the next 100 feet of platted city street will continue. It will be paved to meet City standards. It will then continue 300 feet to the storage shed and a larger parking lot will be put in for school buses and for overflow parking, and paved to City standards. At this time there has not been any large amount of vehicles parking there. Gary also stated that what is needed first is the approval to build the Kiosk that was submitted 2 months ago.

There were no additional questions, comments or rebuttal by the applicant, proponents or opponents.

Discussion continued about signage at Hwy 101 which will be provided through the Pioneer Museum and applied for to ODOT.

There was further Planning Commission discussion. Sabrina asked whether the applicant wished to keep the public hearing open until all questions have been asked. She felt that the hours of operation are still not clear. John said he's in favor of the dawn to dusk hours since no lighting will be installed.

Gary asked for the approval from the Planning Commission to build the Kiosk now if the Commission is unable to approve the conditional use this evening. Sabrina said he can go forward with the Kiosk.

John addressed the issue of the 50-page staff report. Since the Museum project is a 5-year progressive project, it wasn't necessary to try to cover everything all at once. He stated a periodic review is necessary. Sabrina reasoned that since the public is here and involved, she wanted to cover all bases.

Sabrina recommended approval of modifications to items #8 and #10, regarding parking and signage, respectively, on page 10:

Parking shall be provided as needed and as required by the City. Within one year, additional parking for buses, large vehicles, and overflow parking will be installed with signage directing users to the site. Parking and access shall be designed consistent with city standards, at the cost of the developer.

Signage may exceed 32 square feet where reasonably necessary to provide for a park name sign, park use standards, directional signage to the site, including signage on US Highway 101 approved by ODOT, and signage placed throughout the site that identifies the features of the area, such as trees and historic sites. Signage shall be muted in color and made of weather compatible materials. Signage shall be continuously maintained consistent with the standards of Section 3.8 and replaced as necessary to meet good repair standards.

After discussion Sabrina recommended approval with the following additional conditions:

1. Provide and continuously maintain adequate sanitation facilities for the use. Within five years, such time limit extended or reduced and imposed during review by the Planning Commission, the property owner shall install a permanent restroom facility at the trailhead with access from Spruce Street. John urged that the Pioneer Museum pursue the use of composting toilets to serve the area.
2. Hours of operation shall be from dawn to dusk. These hours will be reviewed by the Planning Commission on an annual basis and may be revised.
3. The Planning commission will review the use on an annual basis to determine if the use is consistent with the conditions of approval and applicable criteria, and to determine if conditions of approval need to be revised or if additional conditions are necessary to ensure consistency with applicable criteria.

There were no additional comments or unanswered questions by the Planning Commission or the public.

The applicant waived keeping the record open for seven days to allow submission of

further written comments.

Terry closed the public hearing and requested a decision from the Planning Commission.

Motion by John to approve the Conditional Use request consistent to the findings of fact and with conditions one through seven, condition eight as amended, condition nine, condition 10 as amended, and additional conditions eleven through 13 as agreed to by the Commission.

Seconded by Judy. Motion passed unanimously.

Phyllis Wustenberg, Chairman of the Tillamook County Pioneer Museum thanked the Planning Commission for their approval.

Request for Ordinance 637 Amendment regarding quorum:

Terry read a memorandum submitted by John Sollman recommending amendments to Ordinance 637, codified 1-4, Planning Commission. John recommends the language to be amended as follows:

Section 2. "Residents of the City" to be replaced by "citizens residing within the City or within the Urban Growth Boundary"

Section 3. Vacancies; Occurrence.

B.(2) Ceasing to reside within the City "or within the Urban Growth Boundary,"

Section 8. Quorum. Replacing "Four members" with "A majority"

Discussion was all in favor of these changes.

Motion by John, second by Judy to submit to the City Council that Ordinance 637 be amended as noted, and that language be added allowing a video/teleconferencing member to be counted toward the requirement for a quorum. Motion passed unanimously.

Planning Commission Application by Mark Hannah:

Terry asked if the Planning Commission members had any questions for Mark.

Terry asked Mark if he feels comfortable with the Planning Commission, and how he thought tonight's meeting and the planning process went. Mark said he has been to three Council Meetings and is comfortable. He liked how the process went. Mark did make the remark that he wished things could move faster but now he understands the process better.

Sabrina stated that the Planning Commission likes to give the public as much chance as possible to be heard and to avoid any appeal.

Terry stated that the process does take time and there is no big hurry.

There were no additional questions for Mark from the members.

Motion by Chris, second by Judy, to accept Mark Hannah to the Planning Commission

vacancy and recommend to the City Council for approval. Motion carried unanimously.

PLANNING COMMISSION, CITY PLANNER AND CITY COUNCIL CONCERNS

John is still working on re-organizing the Comprehensive Plan according the Oregon Land Use Goals. He is about 3/4 way through and hopes to have it completed by the next meeting in May. It will also have a complete table of contents and index.

Terry read an invitation from the Pioneer Museum for cake and beverages May 1, 2011, at 12:30 p.m., celebrating the completion of the Kilchis Point trailhead.

ADJOURNMENT

Motion by John, second by Judy, to adjourn the meeting at 8:33 p.m. Motion carried unanimously.

Respectfully Submitted,



Gaile Harris
Planning Commission Secretary

SIGN-IN SHEET

PLANNING COMMISSION MEETING

APRIL 20, 2011, 6:00 PM

John Lettman

CARLA ALBRIGHT

Patty Bernstrom

JOHN SULLMAN

KIRK ANDERSON

Shirley McRae

Kevin Bruffin

Dean McRae

Genny Wyatt

MARK HANNAH

Chris Gant