

**PLANNING COMMISSION MEETING  
May 19, 2010**

The Bay City Planning Commission met in regular session on May 19, 2010. Chair Pro Tem Phyllis Wustenberg called the meeting to order at 6:00 p.m. Commission members present were Phyllis Wustenberg, John Sollman, Chris Gant, Terry Spath, and new member Christine Clark. Also present were City Council members Robert Pollock and John Gettman, City Planner Sabrina Pearson, Commission Secretary Linda Downey and visitor Kathy Pollock.

**MINUTES**

Motion by John, second by Chris, to approve the minutes of the 04/21/2010 meeting as presented. Motion passed unanimously.

**VISITORS' PRESENTATION**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**OTHER**

A. Planning Commission Terms

John Sollman's Planning Commission term expires on June 30, 2010. He has agreed to continue to serve. Motion by Terry, second by Chris, to forward to the Council the recommendation that John Sollman be reappointed to the Planning Commission. Motion passed unanimously.

Christine Clark has been appointed to the Commission to fill the position vacated by Carol Waggoner that will expire in 2012.

B. Development Ordinance and Comprehensive Plan Amendments

Name changes for the High Intensity Zones were discussed. The proposed changes were:

East High Intensity Zone would change to East Commercial /Industrial Zone.  
South High Intensity Zone would change to South Commercial/Industrial Zone.  
North High Intensity Zone would change to the Downtown Commercial Zone.

A brief discussion was held on Bay City's Enterprise Zone. Sabrina said Marshall Doak from Tillamook County's Economic Development Council told her that Bay City's Enterprise Zone included everything within Bay City's City limits. The Economic Enterprise Zone would encourage businesses to develop by allowing a tax break to businesses with a minimum investment of \$50,000 and the creation of permanent full-time jobs.

The need for a definition of "Commercial" was discussed. John will research the North American Industry Classification System and provide the definition to Sabrina.

The development of land on a 25% slope was discussed. John suggested that the criterion should read "equaling or exceeding 25%" so that it would include a 25% slope. Sabrina explained that she proposed a Conditional Use for Development on slopes 25% or greater because the State does not require property with a slope 25% or greater to be included in a buildable lands inventory. All reference to slopes greater than 25% should be changed to read "slopes of 25% or greater."

Sabrina proposed that the words "If the Bay City Ordinance does not provide for a use, the use is not permitted." Terry understood the reason but asked if the phrase had been tested in litigation. Sabrina will research the issue to assure the wording will be appropriate.

John Sollman felt that "Large Scale Development" should be renamed, because four parcels developed within a twelve month period would not be considered "large" by today's development standards. He also proposed the term "Developer" be defined in Article 13. The definition should include individuals, partnerships, joint ventures corporations or other entities working to develop property. Joint ventures should include formal and de facto joint ventures.

The Planning Commission discussed ways that would ensure that developments are completed and do not remain under development for extensive time periods. They are considering requiring certificates of completions or occupancy permits.

Bonding requirements were discussed for development of property on slopes of 25% or greater. A bond would be required to ensure that erosion prevention, sediment control and stormwater management measures are implemented effectively. Sabrina believes that there is a state-certified erosion control professional. She will research the information and submit the information for the next meeting.

Terry Spath recommended that the Certified Engineering Geologist (CEG) be required to post a bond. Sabrina will check with DLCD and report back to the Commission.

Section 1.703: Report Detail. Section should be changed to read Oregon State Board of Geologist Examiners (OSBGE) "guidelines" not "requirements."

Sabrina proposed that all subdivisions, planned developments and the development on slopes 25% or greater require a final inspection by a qualified professional.

Sabrina proposed all driveways and road improvements be required to have an erosion control permit. The ordinance currently exempts driveways and road improvements from activities requiring erosion control permits.

Terry Spath recommended that the developers be required to post a bond on development on 12% slopes or greater.

Section 3.255: Grading and Erosion Control Permit Standards. Sabrina proposed changing the word “retention” to “management.” She felt it was better to manage the stormwater than to attempt to retain the water on site.

Chris Gant would like the City to better manage the ditches in the public rights-of-way.

Architectural review standards for commercial and industrial uses were discussed. John Sollman wanted photographs to help convey examples of structures reflecting a rural coastal character. Sabrina felt that using text was sufficient. Christine suggested the use of architectural sketches. The section will be revised to clarify the standards for the downtown area being compatible with the historic buildings from the standards in the industrial zones.

Discussion was held on a proposed amendment drafted by Sabrina which would require a public notice and meeting, to be conducted by staff, when public utility improvements are to be made. It was suggested during a previous Planning Commission meeting that developers should be required to notice surrounding property owners prior to improvements being made to public utilities and hold a meeting to answer question and hear concerns from surrounding property owners. This section may be added to the City Street Standards and not to the Development Ordinance. Sabrina will talk to Public Works Superintendent David Pace about including the section in the Street Standards. John Sollman felt the Planning Commission should be involved in the improvement of public utilities. John Gettman stressed the importance of collaboration with Tillamook County when they own any portion of the roadway.

The proposed section on Community Gardens was discussed. John Sollman suggested waiting until the gardens being developed are established and then set guidelines to regulate them as needed. Sabrina said the individuals that are establishing the gardens wanted regulations. It was recommended that the Development Ordinance state that a Community Garden must meet the criteria of the City and that the Ordinance regulating the gardens be a separate ordinance and not a portion of the Development Ordinance. Sabrina will submit her recommendations to the Council. It was also noted that the section should not restrict the planting of trees.

The definition of “developer” was discussed. Terry Spath recommended checking with other cities to review their definition. John Sollman recommended the city attorney write the definition and that the definition include developers working together to avoid the large scale development requirements. John Gettman volunteered to research the appeals court decisions for information on de facto joint ventures development.

The definitions for developer, development, expert and inspector will be researched and reviewed at the next meeting.

Lot line adjustments and city occupancy sign-offs, will be discussed at the next meeting. The discrepancy in the description and definition of Home Occupation will need correction.

**PLANNING COMMISSION, CITY PLANNER AND CITY COUNCIL,  
CONCERNS**

None

**ADJOURNMENT**

Motion by John, second by Chris, to adjourn the meeting at 8:42 p.m. Motion carried.

Respectfully Submitted,

Linda Downey  
Planning Commission Secretary