

**PLANNING COMMISSION MEETING
July 21, 2010**

The Bay City Planning Commission met in regular session on July 21, 2010. Chair Pro-tem Phyllis Wustenberg called the meeting to order at 6:00 p.m. Commission members present were Phyllis Wustenberg, Terry Spath, John Sollman, Judy Wadley, Christine Clark and Chris Gant. Also present were City Council members Robert Pollock and John Gettman, City Planner Sabrina Pearson, Commission Secretary Linda Downey and visitors Marshall Doak, Carl Coffman, Warren Krager and Diane Griffin.

MINUTES

Motion by John, second by Christine, to approve the minutes of the 06/16/2010 meeting as presented. Motion passed unanimously.

VISITORS' PRESENTATION

Marshall Doak, Director of the Economic Development Council of Tillamook County (EDCTC) spoke to the Commission about the Enterprise Zone. An Enterprise Zone has been established in Tillamook County for approximately thirteen years and is known as the "The String of Pearls." Port of Tillamook Bay, Tillamook, Bay City, Port of Garibaldi, Garibaldi, and a portion of Rockaway Beach are within the Enterprise Zone. Enterprise Zones are designed to encourage business investments by providing tax relief for three to five years in a standard zone and up to fifteen years in rural zones. Businesses must meet specific guidelines such as local approval, job creation, employee compensation and investment to be eligible for the tax relief benefits.

EDCTC is the Enterprise Zone Administrators and will work as a liaison between business owners and local jurisdictions.

Marshall answered several question from the Planning Commission members about the way the Enterprise Zone works and gave examples of eligible businesses.

Marshall advised the Commission that as they develop zoning, they should inform the EDCTC of the zoning of commercial and industrial properties and the services and infrastructure available to the properties. Marshall also acknowledged that available industrial lands can be listed on the State of Oregon's website.

Phyllis thanked Marshall for his presentation and information.

UNFINISHED BUSINESS

None

NEW BUSINESS

- A.) PLANNING COMMISSION REVIEW / TEMPORARY SIGN PERMIT FROM CARL COFFMAN

Carl Coffman is requesting a temporary sign permit. He would like to place a sign for four months on private property along highway 101 to advertise property for sale in the Goose Pointe area.

Staff recommended approval with the following conditions. The sign shall be located so that it would not detract from a motorist's view of vehicular traffic, pedestrian traffic, or a traffic sign. The sign shall be kept in good repair. Sabrina also requested the applicant cut the grass and weeds in the area surrounding the sign.

Phyllis asked Sabrina if ODOT still regulated off sight signs. Sabrina said ODOT only regulates signs in the ODOT right-of-way and not on private property.

Terry questioned Sabrina about the Temporary sign process. He understood the reason for the request and was sympathetic to the applicant but was concerned that more people would apply for permits to place temporary signs and the City would have a proliferation of signs.

John Sollman felt the placement of the sign went against the spirit of the Scenic Byways program.

Sabrina recommended that the Planning Commission revisit the temporary sign portion of the ordinance since the Commission was having concerns.

Applicant Carl Coffman explained that one home and 17 lots have been up for sale for a year and none have sold. He would like to direct potential buyers to the property.

Motion by John, second by Terry, to deny the temporary sign permit request. Motion failed 2 - 3 with Judy, Chris and Christine voting no.

Motion by Judy, second by Chris, to approve the temporary sign permit with staff's recommended conditions. Motion passed 3 - 2 with John and Terry voting no.

**B. CONDITIONAL USE APPLICATION #10-02
FROM STEVEN & TERRY PEARCE**

Phyllis began the public hearing and reviewed the following:

An application for a Conditional Use Permit from Steven and Terry Pearce. The applicants are requesting to develop property for a single family residence and garage. They are requesting a Conditional Use Permit for Extensive Excavation and Grading, Structural Shoreline Stabilization, and Grading for the purposes of Mitigation. The property is located in the Moderate Intensity Zone and is legally described Sunnyside Addition to Bay City, Block 20, Lots 1, 2, 3, 4, 14, 15 and Tax Assessor's Map 1S 10 2BA,

Tax Lot 6402.

25 Property owners had been notified of the request. There was one response received from property owners Les and Judith Aaen. Their letter will be read during the public comment portion of the meeting.

No one objected to the jurisdiction of the City Planning Commission to hear this matter. There were no conflicts of interest, personal bias, or ex parte contact with the applicant to declare. All members of the Commission were familiar with the site. John and Chris visited the site. John Sollman submitted photographs of the site.

Sabrina read the applicable criteria.

Phyllis reviewed the meeting guidelines.

Sabrina reviewed the staff report and recommended approval with the following conditions.

- 1) All activities involving construction or alteration in wetlands or aquatic areas shall be reviewed by the Oregon Division of State Lands and the Army Corp of Engineers to determine permit applicability. If these agencies determine that they have jurisdiction over a proposed use or activity, no construction or alteration shall commence until a permit has been obtained.
- 2) The registered professional of record shall be required to:
 - a. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.
 - b. Review sub-grade excavations and fills for structures and storm water drainage and submit a signed and stamped certification report that all recommendations have been met.
 - c. Perform a final inspection of the site and submit a signed and stamped certification report that all recommendations have been met.
- 3) Erosion Prevention, Sediment Control and Storm Water drainage systems shall be consistently maintained in a manner that ensures adequate performance. Measures shall remain in place until the disturbed area is stabilized. The property owners shall address measures used to address these criteria while they are in Nevada.
- 4) Graded areas should be vegetated with suitable low maintenance native vegetation to ensure that the property does not require extensive maintenance from long distance property owners.
- 5) Fills shall be setback from side and rear property lines in accordance with lot requirements of the property so as to not endanger or disturb the adjoining property.

Geologist, Warren Krager from Chinook GeoServices Inc. spoke for the applicant. He believes the proposed plan meets all the requirements and asked if anyone one had questions about the project.

Diane Griffin asked Mr. Krager if the proposed changes to the drainage would negatively impact the duplex located on the adjacent property. Mr. Krager said the changes would improve the drainage problems that the adjacent property currently experiences. Mr. Krager said that he was informed that the previous landowner owned all of the property and changed the drainage which caused flooding onto the cement patio area. Then he divided the property which cut through the patio.

Sabrina read the letter submitted by Les and Judith Aaen for the record. Mr. and Mrs. Aaen are property owners to the northeast of the applicant's property and are requesting that no trees be removed to the south or southwest of their property to prevent blow down of their trees. They do not object to the proposed drainage plan provided it does not negatively affect the underground stream on the east side of their property. They asked for assurance that the plans include a design for proper water run off so that the water does not back up and undermine their property.

Mr. Krager said he did not believe that there were any plans to remove the large trees to the north of the property but that some fruit trees on the lot would be removed.

Sabrina said that the drainage plan was an engineered plan and there should be no reason that the water would backup onto adjoining properties.

Diane Griffin questioned the proposed landscape plan. She noted that the plan called for ferns in six inch pots and was concerned it would not provide adequate slope stability. Sabrina agreed and will work with the applicant on the landscape plan. Discussion was held on locations to obtain native plants.

Sabrina read Public Works Superintendent David Pace's letter for the record. David met with Steven Pearce and walked the property. He felt the drainage plan would enhance the drainage in the area and approved of the proposed plan.

Warren Krager spoke in favor of the applicant and said that he has owned the property for several years and has taken good care of the property. He has kept the berry bushes removed and is committed to establishing a residence on the property.

Phyllis closed the public testimony portion of the hearing and opened discussion for the Planning Commission.

John Sollman said that he was informed that there were drainage issues in the Union Street right-of-way. John noted that the ordinance requires the

geologic evaluation for the site and the adjacent properties; he asked Warren Krager if he evaluated the surrounding area. Mr. Krager said that he evaluated the Union Street right-of-way, the tree growth patterns and drainage but did not enter private property. He believes the proposed plan will enhance and improve the drainage.

Terry asked Warren Krager if Chinook GeoServices is required to post a bond for projects in other locations for issues such as erosion control. Mr. Krager said they are not required to post a bond, but do carry errors and omissions insurance.

Sabrina explained that the Planning Commission is proposing in future amendments to the development ordinance the bonding of projects in slopes greater than 25%. The bond would cover concerns such as erosion control and slides.

Planning Commission members thanked Warren Krager for the detailed geologist report that was submitted for the site. John told Mr. Krager about some of the issues and events that have happened in the City that have caused concern and problems. He expresses the Planning Commission's goal to mitigate these types of issues.

Motion by Terry, second by Christine, to approve the application with conditions and the findings of fact. Motion passed unanimously.

OTHER

Planning Commission member Christine Clark submitted a letter of resignation for her position on the Commission. She will be moving out of the City.

Motion by John, second by Terry, to accept Christine's letter of resignation with deep regret but with appreciation for her willingness to serve on the Commission. Motion passed unanimously.

PLANNING COMMISSION, CITY PLANNER AND CITY COUNCIL CONCERNS

Sabrina requested the Commission move the August 18, 2010 meeting to August 25, 2010, because of a scheduling conflict. Terry Spath was unsure if he would be able to attend, but would check his schedule. There was no objection from the other members present to change the meeting date.

John Gettman suggested a motion be made to advertise for the vacant position on the Commission.

Motion by John, second by Chris, to advertise for the vacant position created from Christine's resignation. Motion passed unanimously.

John suggested Sabrina simplify her staff reports in the future and avoid repetition. Sabrina

agreed to revise her staff report layout.

John Gettman was concerned about the legal description on the property requesting the Conditional Use Permit. Sabrina will check into the accuracy of the description.

ADJOURNMENT

Motion by John, second by Phyllis, to adjourn the meeting at 7:28 pm. Motion carried unanimously.

Respectfully Submitted,

Linda Downey
Planning Commission Secretary