

# City of Bay City

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PO Box 3309  
Bay City, OR 97107  
Phone (503) 377-2288  
Fax (503) 377-4044  
TDD 7-1-1  
[www.ci.bay-city.or.us](http://www.ci.bay-city.or.us)

## AGENDA BAY CITY PLANNING COMMISSION MEETING December 20, 2023 5:30 P.M.

1. CALL TO ORDER – 5:30 P.M
2. MINUTES
  - a. Planning Commission Meeting Minutes 11/15/2023.
3. VISITORS PRESENTATION
  - a. None.
4. UNFINISHED BUSINESS
  - a. None.
5. NEW BUSINESS/ PUBLIC HEARINGS
  - a. Additional Review of TGM Code Update – Section 13.3 Exceptions to Lot Sizes.
6. OTHER
  - a. Review of McRae Conditional Use Permit #CU-22-02.
7. PLANNING COMMISSION, CITY COUNCIL AND CITY PLANNER CONCERNS
  - a. November City Planner Monthly Report
8. ADJOURNMENT

**To attend by phone: (518) 992-1125 Access 389573#**



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Planning Commission Draft Minutes  
November 15, 2023



**BAY CITY PLANNING COMMISSION MEETING MINUTES**  
**November 15, 2023 5:30 P.M.**

1. **Call To Order** – Commission Member Dan Overholser called the meeting to order at 5:30 P.M. He asked City Planner for a roll call.

City Planner David Mattison read role call. All were present.

2. **Minutes** – The minutes for the September 20, 2023 meeting and October 18, 2023 meeting were presented for review.

A motion was made by Commission Member Penny Eberle to approve both the September and October minutes.

The motion was seconded by Commission Member Jasper Lind.

The motion was approved unanimously.

3. **Visitors Presentation**

There were no scheduled 'visitor' presentations.

4. **Unfinished Business**

There was no unfinished business.

5. **New Business/ Public Hearings**

- a. Ordinance Amendment #OA-2023-01 for proposed code changes to Development Ordinance #374.
- b. Comprehensive Plan Amendment #CPA #2023-01 for proposed Comprehensive Plan changes.

Commission Member Overholser described the legislative proposals and asked the members if there was any conflict of interest, or bias from commission members.

Councilor Tom Imhoff described his conflict of interest since he has a large parcel of land affected by the proposed changes.

There was no challenge from the audience.

Commission Member Overholser read the Planning Commission Order of procedures for the legislative review, and the disclosure statement. He asked staff to present a summary of the application and request.

City Planner David Mattison presented the history of the TGM code changes process that had been ongoing since 2019 and the proposal for the Code changes and Comprehensive Plan changes.

He presented the concerns from the Public Works Director regarding street requirements; Ralph and Lisa McRae's regarding the EHI zone, uses allowed and light industrial definition; DLCDC and the Coastal Policy Specialist regarding state code updates and references and text edits; and David Olsen regarding Blue Heron rookeries.

He identified that the proposed changes meet the City criteria for amendments and the criteria in the State Goals (1-19). He also mentioned that Senate Bill 406 requires middle housing be allowed in all city zones and that the proposed changes meet these requirements as well. He identified the three options the Planning Commission has for a motion, and recommended Planning Commission approve the proposed changes with additional definitions on middle housing and other adjustments as presented.

Commission Member Overholser asked if there were any questions for the City Planner from the Planning Commission members

Commission Member Pat Vining asked how he identify edits in the hearing and how can the City incorporate the changes to protect trees and wildlife.

City Planner stated these edits can be presented tonight and that these edits be presented in a motion.

Further discussion followed.

City Planner stated that the other State Goal issues – Goal 5, 16, 17 – be handled in separate workshops and hearings.

Further discussion followed.

Commission Member Gary Frey asked about shorelands issues that had been identified by the State.

City Planner stated that references and updates to the other goals be included in this review but further review be another task.

State DLCDC Laura Buhl reinforced this issue as the additional changes presented are not part of the TGM program.

Further discussion followed.

Commission Member Overholser asked if there were any comments from the audience.

David Olsen, 5395 Salem Street, presented his concerns about wildlife habitat and the Blue Heron rookeries. He is interested in seeing this move forward.

Joel Haugen, Scappoose, Oregon, presented his concerns with the proposed lot sizes.

Ralph McRae, 8140 Bewley, presented his concerns with the limitations of uses in the EHI zone and the light industrial definition.

Liane Welch, 2<sup>nd</sup> and High, stated that she is excited to see the code changes and the TGM code update moving towards adoption.

Commission Member Penny Eberle asked about wildlife habitats and the migratory Blue Herons and other birds.

Further discussion followed.

Commission Member Lind presented his questions regarding the additional issues.

Further discussion followed.

Commission Member Vinnig asked if his earlier edits had been included.

City Planner confirmed that both his edits and Councilor Imhoff's earlier edits had been included.

Commission Member Overholser asked if the Planning Commission was ready to make a motion.

Commission Member Lind made a motion to approve the proposed changes to the City Development Ordinance #341, as OA-2023-01, and City Comprehensive Plan, as CPA-2023-01, with additions to the Light Industrial definition, the updates and reference presented by the State with scrivners' error corrections and the additional definitions presented by staff.

The motion was seconded by Commission Member Eberle.

The motion was approved unanimously, all were in favor.

## **6. Other**

There was no 'other' business.

## **7. Planning Commission, City Planner Concerns**

City Planner presented his monthly report.

He stated that there were some new properties in town that were being re-established on previous lots from the original town plat.

City Manager Dave McCall stated that in the near future the City will begin the process of codification to create a combination of all ordinances and include all of the City ordinances.

## **8. Adjournment**

A motion was made by Commission Member Eberle to adjourn the meeting.

The motion was seconded by Commission Member Vining.

The motion was approved unanimously.

The meeting was adjourned at 7:24 p.m.

**Acknowledged:**

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**Dan Overholser, Chair**

**Date Signed**



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Additional Review of TGM Code Update – Section 13.3 Exceptions –  
General Exceptions to Lot Size Requirements

## ARTICLE 13: INTERPRETATIONS AND EXCEPTIONS

### Section 13.1 Interpretation

Where the conditions imposed by any provisions of this Ordinance are less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any Ordinance, resolution, or regulation, the provisions which are more restrictive shall govern

### Section 13.2 Authorization of Similar Use

The Planning Commission may permit a use in a particular district, if that use is not listed in this Ordinance, if it finds that the use is similar to other uses permitted in that district. However, this section does not authorize inclusion in a zone where it is not listed of a use specifically listed in another zone.

#### Severability

The provisions of this Ordinance are severable. If any sentence, section, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

#### Repeal

Ordinance numbers 330, 336, 341, 350, 357, and 374 as amended by ordinances 379, 387, 391, 398, 411, 428, 433, 449, 450, 466, 472, 475, 478, 479, 482, 484, 490, 491, 495, 520, 523, 528, 534, 549, 554, 566, 594, 597, 614, 616, 630 and 633.

### Section 13.3 Exceptions

#### Section 13.1.01 General Exceptions to Lot Size Requirements.

**Any legally-created lot that does not meet the minimum lot size of the zoning district may be occupied by any permitted use in that district, subject to all other requirements of the district** If at the time of passage of the original Development Code, a legally created lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district, provided however, that the use of a lot in an HI, MI, LI, S3 Zone District which has an area deficiency shall be limited to a single family dwelling.

#### Section 13.1.02 Exception to Periodic Use of Travel Trailers/RV Standards

Any person may apply to the Bay City Council for exceptions to this Ordinance. Exceptions may be granted where extraordinary circumstances exist, where the application of the Ordinance creates a hardship on the person or where there are other circumstances for which the Council may find an exception just and appropriate.

#### Section 13.1.03 Accessory Structures and Uses.

A. A greenhouse or hot house may be maintained accessory to a dwelling provided there are no sales.

## THE BAY CITY, OREGON DEVELOPMENT ORDINANCE

B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.

C. Sight obscuring fences may be located ~~in a required front yard or~~ in a vision clearance area provided that they shall not exceed three (3) feet in height measured from the top of the curb.

### Section 13.1.04 Exception to Height Regulations.

Height limitations set forth elsewhere in this Code shall not apply to: Barns, silos, or other farm buildings and structures, water towers and tanks, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, monuments, fire hose towers, masts, aerials, elevator shafts and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.

### Section 13.1.05 Exception to Yard Requirements.

A. Projections into required yards. Certain architectural features may project into required yards or courts as follows:

- 1) Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but they may not in any case extend more than eighteen (18) inches into an required yard areas.
- 2) Fire escapes, open uncovered porches, balconies, landing places or outside stairways may not in any case extend more than eighteen (18) inches into any required side or rear yards, and not exceeding six (6) feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height and not approaching closer than eighteen (18) inches to any lot line.

B. Front Yard Exceptions. The following exceptions to the front yard requirements are authorized for a lot in any zone district:

- 1) If there are dwellings on both abutting lots with front yards of less than the required depth for the zone district, the front yard of the lot may equal the average front yard of the abutting lots.
- 2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone district, the front yard for the lot may equal a depth halfway between the depth of the abutting lot and the required front yard depth.



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- C. Structures Within Yards. Decks, walkways or uncovered porches, 12 inches or less in height above grade, may be located within a required yard no closer than five (5) feet from the property line.
- D. Portable accessory structure or object.
  - 1) Portable accessory structures or objects may be located in a rear yard or street-side yard setback provided all of the following are met:
    - a) Such structures or objects, with the exception of basketball hoops, shall be less than 10' in height. Basketball hoops shall be less than 20' in height;
    - b) Shall have structural walls located no closer than five (5) feet from the property line; and
    - c) Shall have a footprint of less than 200 square feet.

### Section 13.1.06 Authorization for Similar Uses.

The Planning Commission may rule by resolution that a use, not specifically named in the allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the allowed uses.

### Section 13.1.07 Existing Uses.

Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of this code, may be continued even though such use, building or structure may not conform to the provisions of the original Zoning Code dated July 28, 1980, for the district in which it is located; provided however, that this section does not apply to any use, building or structure established in violation of any zoning Code previously in effect. Any change of use shall be subject to the applicable provisions of this Development Code.

### Section 13.1.08 Pending Building Permits.

Nothing herein shall require any change in the location, site plans, building plans, construction, size, or designated use of any development, building, structure or part thereof, for which the required official approval has been granted prior to the adoption of the original Development Code, or which was lawfully permitted within an area prior to annexation thereof to Bay City. Unless construction on such building or structure within the City begins within one (1) year after the adoption of the original Development Code, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of this Development Code.

### Section 13.1.09 Existing Land Restrictions.

## THE BAY CITY, OREGON DEVELOPMENT ORDINANCE

It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this Code imposed a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Code shall govern



Review of McRae Conditional Use Permit #CU-22-02



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## **BEFORE THE PLANNING COMMISSION OF THE CITY OF BAY CITY**

IN THE MATTER OF A: SCHEDULED REVIEW

Order No. CU-2022-02

FOR THE FOLLOWING PROPERTY:

8140 Bewley Street (1S1002CA00201/500).

ZONING: East High Intensity (EHI)

PROPERTY OWNER/ APPLICANT

McRae & Sons Inc., Ralph and Lisa McRae

PO BOX 3329

Bay City, OR 97107-3329

Ralph and Lisa McRae, McRae and Sons Inc., requested a conditional use permit to utilize onsite parking lots to provide secured parking and convert existing buildings onsite to dry storage/warehouse space at Map and TL 1S1002CA00201/500. The subject property is approximately 5.92 acres in size. Currently the subject property has an office as well as several shops and warehouses.

The public hearings on the above-entitled matter were taken before the Planning Commission on June 15<sup>th</sup>, 2022 and July 20<sup>th</sup>; and a decision was made at the July 20<sup>th</sup>, 2022 hearing.


Scheduled Reviews of the above-entitled matter were taken before Planning Commission on January 18, 2023 and August 16, 2023; and a decision was made at the August 16<sup>th</sup>, 2023 meeting.

The Planning Commission orders that, after review, this application for a conditional use permit is approved with the following conditions:

1. A plan be prepared and submitted to the City for the outdoor area for use by U-Haul that meets all requirements listed in Section 3.6 of Ordinance #374 for off-street parking.
2. Emergency access shall be re-established and improved on the west side of the subject property at the driveway that extends westward to the 16<sup>th</sup> Street ROW prior to the use of the subject property, with review and approval granted by the Bay City Fire Chief prior to use of the storage areas.
3. City and County Permit Sign-off and approval shall be obtained.
4. Planning Commission shall review the subject property for compliance four (4) months from the August 16<sup>th</sup> Planning Commission meeting date with the estimated date of December 20<sup>th</sup>, 2023.

BAY CITY PLANNING COMMISSION

Dated: August 21<sup>st</sup>, 2023

  
Chair, Dan Overholser

## David Mattison

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**From:** Ralph McRae <ralphm@precisionwoodmfg.com>  
**Sent:** Tuesday, December 12, 2023 1:27 PM  
**To:** David Mattison  
**Cc:** Lisa McRae  
**Subject:** 8140 Bewley St conditional use permit CU-22-02 update

External (ralphm@precisionwoodmfg.com)

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Hi David,

As a follow up to the conditional use permit CU-22-02 meeting in August, here are the highlights of progress made on this project:

We completed the summer/fall outdoor maintenance cycle, including the brushing, weed/brush suppression, scraping, and clearing of the North and West Access roads. Access road locks were lubricated and tested for function with the key from the Knoxbox used for Fire department entry. Additional fencing and gate maintenance and repair was performed as needed. Further improvements will be made as weather allows.

We continue to work with Fire Chief Christensen, Deputy State Fire Marshall Miller, and multiple vendors to assure that all fire suppression systems meet or exceed codes necessary for storage occupancy and use.

Additional items completed that are not necessarily required per the permit include sheetrocking, painting, and insulating the main storage area (North Wing) of building 1, installation of heat pump in North Wing, additional landscaping and brush mitigation especially on Bewley St side of property, sprinkler system back-flow testing (annual), outdoor parking space organization, the upgrading of exit doors and access hardware, the addition of further security system capability, and continued outdoor storage organization and cleanup.

Hoping this helps clarify any questions. Please, let me know if you need any more details or info.

Kind regards,

Ralph McRae  
**Precision Wood Mfg.**  
8140 Bewley St.  
Bay City, OR 97107  
ofc. [503.377.2554](tel:503.377.2554) cell. [503.812.8088](tel:503.812.8088)



Monthly Report  
For November 2023



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## **BAY CITY PLANNING DEPARTMENT MONTHLY REPORT** **FOR NOVEMBER 2023**

### **1. Zoning Permit (2)**

- a. Single Family Dwelling – 9160 8<sup>th</sup> Street – SFD/Grading & Erosion Control
- b. Single Family Dwelling – 5485 Main Street – SFD/Grading & Erosion Control

### **2. Public Works Permit (2)**

- a. Single Family Dwelling – 9160 8<sup>th</sup> Street
- b. Single Family Dwelling – 5485 Main Street

### **3. Specific Tax Lot Questions/Inquiries/and Other Correspondences (counter, phone or email)**

- Code Changes (23 inquiries);
- Requirements for redevelopment at 10220 7<sup>th</sup> (6 Inquiries);
- Development Requirements and Permit Review for property at 9160 8<sup>th</sup> Street (5 inquiries);
- Permit and Development Requirements for vacant property at Main Street (4 inquiries);
- Permit Submittal for property on Main Street (4 inquiries);
- Development Requirements for vacant property at Clam and Hare (3 inquiries);
- Development Requirements for property on Sunnyside (2 inquiries);
- Development Requirements for property at 7845 Warren (2 inquiries);
- Road Approach Permit Review for property at 6940 Seattle (2 inquiries);
- Remodel Repair and Permit process for property at 5515 Pacific (2 inquiries);
- Development Requirements for property at Lot 13 Bay Ridge;
- Combination of Lots at 9<sup>th</sup> and C Street;
- Permit Clarification at 5535 Hayes Oyster Drive;
- Development Requirements for property at 6880 Baseline;
- Address Correction for 9555 9th Street;
- Redevelopment onsite for property at 6270 Tillamook;
- Vacation Rental for property at 8975 8<sup>th</sup>;
- Lighting and Signs;
- ADA Accessible Units for property on Hobsonville Point Road;
- SB 406 questions;
- Permits for property at 8<sup>th</sup> and D;
- Accessory Office for Sheltered Nook;
- Smoke stack limitation at The Smoker;
- Development Requirements for vacant property at 7<sup>th</sup> and A (3 inquiries);
- Potential ROW Vacation for property at 9900 8th place;
- Accessory Structure for property at 9280 9<sup>th</sup> Street;
- Tree Removal Permit for property on 12th Street;
- Remodel and Repair for property at 6270 Tillamook;
- Development Requirements for vacant property at Hendricks and Hobsonville;
- Development for property at 7th/8th & A;
- Development Requirements for property at 14th and Seattle;
- Permit Requirements for property at 5850 Main; and
- Development Requirements for vacant property at 3rd and Hendricks.

#### **4. Meetings involving Planning Department**

- November 2<sup>nd</sup> – Housing Commission Meeting;  
– City/County SB 406 Prep Meeting;
- November 3<sup>rd</sup> – North Coast Region 1 Small Cities Meeting,
- November 8<sup>th</sup> – Fall Coastal Planners Forum,
- November 14<sup>th</sup> – Meeting with Rachel Christianson, 10220 7<sup>th</sup> Street re: development;
- November 15<sup>th</sup> – Planning Commission Hearing;
- November 16<sup>th</sup> – Biweekly LOC/OCPDA Housing Development Policy Coord. Meeting;
- November 20<sup>th</sup> – Meeting with Gary and Hilde Frey, 8<sup>th</sup> and C re: accessory development;
- November 21<sup>st</sup> – Meeting with Laura Buhl, DLCD re: TGM Code Updates;
- November 22<sup>nd</sup> – Meeting with Laura Buhl, DLCD re: TGM Code Update;
- November 28<sup>th</sup> – City/County Monthly Meeting;
- November 29<sup>th</sup> – State Housing Needs Rule-making Advisory Committee Meeting;
- November 29<sup>th</sup> – Urban Forestry Presentation;
- November 30<sup>th</sup> – Planning Services Meeting with City of Wheeler;
- November 30<sup>th</sup> – Biweekly LOC/OCPDA Housing Development Policy Coordination

#### **5. Counterwork**

- Permitting, Land Use and public facility questions at counter (17);
- Permit submittals at counter (2 Zoning Permits, 2 Public Works Permits);
- Water Bill payment drop-offs +