

City of Tillamook Planning Commission Minutes

Regular Meeting – January 3, 2013

Commission Members Present:

Jan Stewart, Chairperson
Tamra Jacobs
Aaron Palter
Ray Jacobs
Nick Hahn
Steve Fladstol

Staff Present:

David Mattison, City Planner
Paul Wyntergreen, City Manager
Debbi Reeves, Executive Assistant

City Council:

Doug Henson, Council Liaison

Guests Presents:

See List on File

I. CALL TO ORDER:

Chairperson Stewart called the City of Tillamook Planning Commission meeting to order at 7:00 P.M.

II. ROLL CALL:

D. Reeves did the roll call of Planning Commission members and all members were present.

III. APPROVAL OF MINUTES:

Chair Stewart asked for approval of minutes from the last regular meeting. **A. Palter** asked about the motion pertaining to the Parks and Recreation Master Plan on page 5 of the minutes and was concerned about the financial impact. This was discussed and noted the second motion contains the necessary financial information.

- **T. Jacobs made a motion to approve the minutes of the December 6, 2012 meeting as presented. A. Palter seconded the motion. Chair Stewart then called for the vote and Ayes were received by N. Hahn, A. Palter, T. Jacobs, and R. Jacobs. S. Fladstol abstained. The motion passed by majority.**

IV. PUBLIC COMMENTS:

Chair Stewart read the disclosure statement for the public comment period on non-agenda items and ask if anyone would like to speak on Non-Agenda Items. There were none.

V. PUBLIC HEARINGS:

Chair Stewart opened the Public Hearing for Tillamook PUD Conditional Use Permit

CU-12-04 and read the hearing disclosure statement.

1) **Tillamook People's Utility District, Conditional Use Permit CU-12-04:**
Chair Stewart asked the Planning Commission members if there was any bias, ex parte contact, or conflict of interest to declare. **Chair Stewart** noted she may have potential ex parte contact from a PUD employee before the project began. She then asked if there were any challenges from the audience and there were none.

City Planner David Mattison began with a summary of the staff report with explanations as he read through the document. He commented on overlay zones, the Port of Tillamook Bay Right Of Way on Front Street, the 100 foot project corridor, pole removal, new pole placement, old easements, new easements, land uses, future development, and redevelopment. **D. Mattison** went over the drawings of the project and explained all property owners and local agencies were notified of the project. He handed out a letter received from the Tillamook County Creamery Association in opposition of the project. **D. Mattison** read the letter submitted by **Shawn Reiersgaard**, Director of Environmental and Political Affairs, Tillamook County Creamery Association (TCCA) of Tillamook, Oregon. The letter expressed their concerns of constructing transmission lines in a key core area of Tillamook city, future uses and value of the property owned by TCCA in the construction area, and truck access and restrictions in the area. **D. Mattison** then went over the conditional use criteria. **Chair Stewart** commented the commission member will go over the conditions during commission discussion. There were commission comments and questions of staff, which were answered.

Chair Stewart invited the applicant to come to the podium to speak to the commission members.

Bob White, Tillamook PUD Power Service Manager, 1115 Pacific Avenue, Tillamook, OR 97141:

Mr. White introduced himself and the other PUD employees in attendance and proceeded to give a Power Point presentation on the history and need for the project. Paper copies of the presentation were handed out to the commission members. During the presentation the members of the Planning Commission asked for clarification.

Paul Seilo, CH2M Hill, 2020 SW 4th Ave, 3rd Floor, Portland OR 97201:

Mr. Seilo commented on the land use issues of the project noting minor changes to the conditions which will be addressed by the attorney. The Planning Commission members asked questions as he went over land use.

Tommy Brooks, Cable Huston Attorneys, 1001 SW 5th Ave., Portland OR 97217:

Mr. Brooks spoke on the requests for revised conditions and corrections to the Staff Report. The changes were listed in the Power Point presentation as well as in the paper copies handed out earlier. The changes presented by **Mr. Brooks** in the conditions are as follows:

- 1) Condition #6 – The applicant shall provide a copy of the conducted cultural resource investigation along the proposed route to the City prior to initiation of construction. (*Planning Commission consensus to approve*)
- 2) Condition #9 – The applicant will be required to provide language in any easement the applicant obtains from an affected property owner that specifies what future uses are allowed and disallowed with each easement. (*Planning Commission consensus to approve with the addition of*): Copies of these agreements will be provided to the City of Tillamook.
- 3) Condition #10 – The applicant will be required to remove three (3) poles to the east of Main Avenue in Hoquarton Interpretive Park and two (2) pole to the west of Main Avenue in the Sue H. Elmore Park at the time of proposed pole construction and US 11/OR 6 bridge construction. (*Planning Commission consensus to approve*)
- 4) Condition #12 – A one-year extension (2013-2014) for the Conditional Use Permit # CI-12-04 will be granted so that the applicant can initiate construction in 2014. If the applicant fails to initiate construction in 2014, a request by the applicant to the City Planning Commission for an additional one-year extension will be required. (*Planning Commission consensus to approve*)

After **Mr. Brooks** presented each of these proposed changes there were questions and discussion with the commission members. There were questions about the description of “surrounding area” which **D. Mattison** will add to the definitions section of the report.

Chair Stewart called for any opposition to the application in addition to the letter from TCCA handed out earlier in the hearing.

Don Aufdermauer on behalf of Dennis Johnson, owner of Coastwide Ready-Mix, 10 Elm Avenue, Tillamook OR 97141:

Mr. Aufdermauer spoke about the business owned by **Mr. Johnson** on Front Street and the impact construction of transmission lines would have on the business and the future of the business. He commented on loss of business, loss of land use, property values, and taxes.

Todd Johnson, 3730 Baumgartner Rd, Tillamook, OR 97141:

Mr. Johnson stated he works for TCCA Feed Store located on Front Street and commented about his concerns regarding trucks that load and unload at the feed store. He noted this construction project could impede the business and that they have roughly 6 to 8 semi-trucks per week as well as 300 to 400 walk-in customers per week.

Chair Stewart asked if there was any further testimony in opposition and there was none. She asked for neutral testimony and there was none. She noted she would ask for applicant rebuttal after a short recess. The meeting was recessed at 9:05 P.M. and reconvened at 9:15 P.M.

Tillamook PUD Power Service Manager **Bob White** returned to the podium to comment on the concerns expressed by TCCA. There was discussion of properties, property

values, land use, and the impact of this project on property owners. Attorney **Tommy Brooks** also spoke reading the easement negotiations that will take place with the property owners. There was considerable discussion regarding these negotiations.

With no further testimony or questions **Chair Stewart** closed the public hearing and opened the meeting to commission discussion.

The commission members went over the proposed changes submitted and discussed the criteria. There was discussion about the City Council and Tillamook Urban Renewal Agency's position on this project. There was discussion about the look of the area, the other areas affected by the project, and the definition of "surrounding area."

- **Nick Hahn** made a motion that Conditional Use Permit CU-12-04 be approved with staff's Findings and Conclusions and that the applicant has met the applicable criteria and the following conditions must be met that staff has itemized including the change in Condition #9 as presented by the attorney and amended by the commission members during discussion for copies of the easement agreements to be provided to the City. **Ray Jacobs** seconded the motion. City Manager **Paul Wyntergreen** asked **N. Hahn** if he intended to include the other amendments as discussed:

- 1) Condition #10 - the deletion of the wording "that will be in the proposed project 100 foot easement corridor"
- 2) Condition #6 - the deletion of the wording "prior to submittal of City permit applications"
- 3) Condition #12 - changing the one year extension to 2014-2015
- 4) Condition #13 - adding the word "reviewed" to the Condition reads "shall be reviewed and approved by the City Planning Commission"
- 5) Page 18, paragraph 1 - the word "policy" be amended to "criteria"

N. Hahn commented he intended to include the amendments and summarized them for the commission members. **R. Jacobs** accepted the amendments as discussed. **A. Palter** asked about clarification to Condition #2 which was discussed.

- **A. Palter** made a motion for a friendly amendment on Condition #2 on page 31 of the staff report to take out the wording "to appropriately document" and replace it with "for". **T. Jacobs** seconded the motion for friendly amendment. The friendly amendment was accepted by **N. Hahn**.

There was further discussion and clarification of the amendments. There was also discussion about page 4-33 of the Tillamook PUD application book regarding the discovery of prehistoric or historic cultural materials.

- **A. Palter** made a motion for a friendly amendment to add the paragraph from the book as an additional condition. **R. Jacobs** seconded the motion. **N. Hahn**

accepted the motion for another friendly amendment.

Chair Stewart asked for a summary of the amendments from **D. Reeves**. She then asked the Planning Commission members if they understood the motion with the friendly amendments and they all agreed they understood.

Chair Stewart called for the vote. N. Hahn voted aye. S. Fladstol voted aye. A. Palter voted aye. R. Jacobs voted aye. T. Jacobs voted no. The motion passed by a majority.

Chair Stewart noted there was a 10 day appeal process from the date the order is signed. The 10 day appeal period was discussed. She then thanked everyone for coming.

Chair Stewart asked the commission members if they would like to extend the meeting to 10:30 to finish the business and the consensus was to extend the meeting.

VI. ITEMS OF HIGH PUBLIC INTEREST: None

VII. ITEMS OF COMMISSION CONCERN:

N. Hahn commented on the garbage and trash left by the homeless under the Hoquarton Bridge. This was discussed. **Chair Stewart** noted this would be taken up with City Staff.

T. Jacobs would like to review the Parks and Recreation Master Plan once it has been finalized. **D. Mattison** will get a copy to the commission members before the City Council meeting on January 22.

VIII. FUTURE AGENDA ITEMS: None

IX. ANNOUNCEMENTS: Training Sessions Online

X. ADJOURNMENT:

With no further concerns **Chairperson Stewart** adjourned at 10:20 p.m.

Approval Acknowledged by:



Jan Stewart, City Planning Commission Chairperson

Prepared by:
Debbi Reeves
Executive Assistant