

**City of Tillamook Planning Commission Minutes**  
**November 5<sup>th</sup>, 2009**

**I. CALL TO ORDER:**

**Chairperson Stewart** called the planning commission meeting to order at 7:05 p.m.

**Commission Members Present:**

Jan Stewart, Chairperson  
Howard Harrison, Vice Chairman  
Nick Hahn  
Tamra Jacobs

**Commission Member Absent:**

Ray Jacobs - excused

**Staff Present:**

David Mattison, City Planner  
Debbi Reeves, Administrative Assistant

**Guests Presents:**

Bill Campbell, PO Box 849, Manzanita OR 97130  
Mark Davenport, 510 Evergreen Dr., Tillamook, OR  
John Henry, JJ Construction, 1980 SW 72<sup>nd</sup> Suite 110, Tualatin OR 97062

**II. APPROVAL OF THE PLANNING COMMISSION HEARING MINUTES FROM OCTOBER 1, 2009 AND OCTOBER 15, 2009**

**Chairperson Stewart** rearranged the agenda moving the approval of the minutes to the top of the agenda.

**Chairperson Stewart** asked if there were any corrections or additions to the minutes of the October 1, 2009 meeting. She would like all future minutes to reflect the “right to 10 day appeal” disclosure and would like it inserted into the minutes of the October 1, 2009 minutes where applicable. **T. Jacobs** would like the wording regarding her conflict with the Wright Hearing to “potential conflict of interest.”

- **T. Jacobs** made a motion to approve the minutes of the October 1, 2009 meeting as corrected. The motion was seconded by **H. Harrison**. Ayes were received by **J. Stewart, T. Jacobs, H. Harrison** and **N. Hahn**. The motion passed unanimously by all members seated.

**Chairperson Stewart** asked if there were any corrections or additions to the minutes of the October 15, 2009 meeting. She again asked the “right to 10 day appeal” disclosure be inserted where applicable.

- With no further additions to the minutes **H. Harrison** made a motion to approve the minutes as corrected. A second was made by **N. Hahn**. Ayes were received by

**J. Stewart, H. Harrison and N. Hahn. T. Jacobs** abstained as she was not present at the meeting. **Chairperson Stewart** noted an abstention is a yes vote. The motion passed unanimously by all members seated.

**Chairperson Stewart** mentioned she is a voting member at this meeting to constitute a quorum.

### III. HEARINGS OF CITIZENS AND DELEGATIONS:

**Chairperson Stewart** read the hearing disclosure to the audience which includes a 10 day appeal process. She then asked the audience if there was anyone who would like to speak regarding a non-agenda item.

**Bill Campbell**, PO Box 849, Manzanita OR 97130, introduced himself and presented a sealed letter to **Chairperson Stewart** including sealed letters to **Mayor McPheeters** and City Manager **Mark Gervasi**. **Chairperson Stewart** explained her position at this time. Since she is a voting member of the meeting tonight to constitute a quorum she wanted to make sure she did not have any bias, ex parte contact or conflict of interest. **Chairperson Stewart** recessed the meeting at 7:15 pm to speak with staff regarding the letters presented. She reconvened the meeting at 7:17 pm. At that time she announced she had decided she will not hear the issue at this time since she is a voting member and she will introduce this issue at a later date. She wants this decision documented in the record. At this time she stated the commission will only hear agenda items.

### III. PUBLIC HEARINGS:

1) **Chairperson Stewart** opened the Public Hearing for **Kelly Vice**, Conditional Use Permit #CU-09-03 and Site Plan Review #SP-09-04 and read the hearing disclosure statement into the record which includes a 10 day appeal process. She asked for any conflict, bias or ex parte conflict. **Chairperson Stewart** noted she had a letter from **Bill Campbell** but has not read the letter. There were no other comments from commission members. **Chairperson Stewart** handed out a copy of a plat map from T. Jacobs to the members. **T. Jacobs** asked that in the future she would like to see a plat map of the property in order to better identify the tax lot. **Chairperson Stewart** asked **City Planner D. Mattison** to read the staff report for #CU-09-03 and Site Plan Review #SP-09-04.

**City Planner, D. Mattison** explained there were a couple of corrections to be made. The Tax Lot should be corrected to TL 3001 not TL 3000 on the Preliminary Findings and Conclusions document. The Easement section needed to be corrected to reflect a 25 ft. utility easement not 10 foot. On Page 2, Section 22, 3.B, regarding landscape needed to be correcting the total site area to “approximately 9,100 square feet”.

**D. Mattison** explained the access easements and the off street parking. He then spoke about the conditional use permits section. **D. Mattison** noted there were comments received on 10/19/09 from **Mark and Kelly Davenport** which a copy of was included in the record. He then read the eight (8) Conditions.

**Chairperson Stewart** asked if there were any questions of staff. **T. Jacobs** asked about access easement which **D. Mattison** answered along with use of the driveway. He also explained the terms R75 and R50.

**Chairperson Stewart** asked for applicant input. **Bill Campbell** introduced himself stating he was assisting **Kelly Vice**. He commented notification had not been received by **Mr. Vice** or himself of the hearing. He then went on to explain Page 2, Landscaping Section and what that would entail. He asked about the word “paving” on Page 3, asking that it be changed to “durable dustless surface.” **Chairperson Stewart** will address this with staff. **Mr. Campbell** asked the word be changed in the entire document. **Mr. Campbell** stated paving was never a requirement.

There were questions and explanations about current structures, driveway placement, the proposed structure, easement issues and concerns. Also discussed were jobs and affordable housing. **H. Harrison** asked that the north side on the site plan be defined.

At that time **Chairperson Stewart** asked if there was anyone in the audience to speak in support of the applicant. There was not. She then asked if there was anyone to speak in opposition.

**Mark Davenport**, 510 Evergreen Dr., Tillamook OR introduced himself and explained why he and his wife, Kelly were opposed to the proposed dwelling. A copy of their letter is included in the record. He explained the placement of the new home would take away their privacy and also explained the driveway issues and the potential for property damage. They do not feel it is a suitable building lot. **T. Jacobs** and **H. Harrison** asked questions of **Mr. Davenport** regarding his property and the driveway which were answered.

**Chairperson Stewart** asked if **Mr. Campbell** had any rebuttal. He stated he had no knowledge of vehicle and proximity issues. He then went on to explain conditional use issues, fencing and landscaping. **T. Jacobs** and **H. Harrison** asked about buffers, curbing, parking, landscaping and radius of driveway and garages which was then discussed with **Mr. Campbell**. **N. Hahn** advised he had questions to ask of **D. Mattison**.

At that time **Chairperson Stewart** asked if there were any other opposition and there were not. She asked for neutral testimony and there was none. She then closed the hearing to commence with commission discussion.

**N. Hahn** asked **D. Mattison** if the applicant had met the criteria and **D. Mattison** stated the criteria had been met. The members then proceeded to discuss the proposed house site, the orientation of the existing house on the front lot, conditions, criteria and durable dustless surface. **Chairperson Stewart** explained how rear lot development is considered and how the Planning Commission works and how they decide the facts.

**T. Jacobs** stated she would like to have curbing required along the driving surface on the south side of the edge of the driveway. **Chairperson Stewart** stated she would entertain a

motion.

- **H. Harrison** made a motion to approve #CU-09-03 and #SP-09-04 with the following changes:
  - 1) Add to Conclusion and Recommended Conditions section: #9 - The driveway alignment is to be to the north side of the easement and the south edge of the driving surface be curbed, extending onto the easement portion of TL 3001.
  - 2) Section 22, 3-B, be corrected to show the lot size as 9,100 square feet.
  - 3) The term “paving” be changed to “durable dustless surface” throughout the document.

**Chairperson Stewart** seconded the motion and asked for discussion. She mentioned it was requested and implied that the applicant would like the Conditional Use Permit be changed to a two (2) year permit. **T. Jacobs** thought a 1 year permit was fine as the applicant could request an extension. There was no other discussion. The vote was taken with ayes received from **J. Stewart, T. Jacobs and H. Harrison**. **N. Hahn** voted nay. **Chairperson Stewart** stated there is a 10 day period to appeal the decision.

2) **Chairperson Stewart** opened the hearing for #CU-08-01 and #SP-08-02 asking if there was any ex parte contact, bias or conflict. There was none. **D. Mattison** read the staff report noting it was an amendment to construct a 1152 square foot storage/maintenance building to the new Tillamook Bay Community College property. There were questions from members about the prior requirements which **D. Mattison** explained had been met regarding the parking and curbing. **T. Jacobs** asked who the governing body is for the Fairview as she believes there is a 50 foot radius setback requirement near any public water facility.

At that time **John Henry**, JJ Construction, 1980 SW 72<sup>nd</sup> Suite 110, Tualatin, OR 97062 introduced himself. He thought the only requirement to build is that a professional well driller be consulted.

**Chairperson Stewart** called for a 2 minute recess.

Upon reconvening the meeting **Chairperson Stewart** asked **T. Jacobs** if she had any ex parte contact, bias or conflict because of her affiliation with Soil and Water Conservation. **T. Jacobs** stated though she does have ex parte contact because of her research she felt that she would not have a problem making a proper decision. **Chairperson Stewart** asked if there were any challenges and there were none.

**Mr. Henry** explained the storage building was not a part of original plan as the college was going to hire out the landscaping but have now decided to have full time maintenance personnel.

**Chairperson Stewart** asked if there was anyone in support, opposition or neutral testimony and there was none. She closed the public hearing.

In commission discussion **T. Jacobs** again asked for plat maps to be included. There was no further discussion and **Chairperson Stewart** asked for a motion.

- **H. Harrison** made a motion to amend #CU-08-01 and #SP-08-02 as outlined by the staff. A second was made by **N. Hahn**. In discussion **T. Jacobs** asked that Condition #14 if the Conclusions and Required Conditions be changed to add “Fairview Water District *and their governing bodies*”. With no further discussion the Chair called for the vote. Aye votes were received by **J. Stewart, T. Jacobs, H. Harrison** and **N. Hahn**. The motion passed unanimously by all members seated. **Chairperson Stewart** noted there are 10 days to appeal the decision.

**3) Chairperson Stewart** opened the Hearing for a request for extension on #SP-07-02. A letter from the applicant is included in the record. There are no changes being requested only an extension. The Chair asked is there was any exparte contact, bias or conflict. There was none. She asked if there was any support, opposition or neutral testimony. There was none. There were also no challenges. **D. Mattison** read the staff report. **T. Jacobs** asked if the permit had already expired and **D. Mattison** said yes it had. There was no further discussion. The Chair closed the public hearing.

**T. Jacobs** asked how there could be a request for an extension for a permit that had already expired.

- A motion was made by **T. Jacobs** to deny the request for extension on #SP-07-02 since it was expired. **H. Harrison** seconded the motion. In discussion **Chairperson Stewart** explained the extension request was for the period of March 2009 to March 2010. There was also discussion about the Hwy 101/US 6 Project that could have an impact on the applicant’s business, the economy at this time and staff resources. The vote was called for by the Chair. **N. Hahn** voted nay, **H. Harrison** voted nay, and **J. Stewart** voted nay. **T. Jacobs** voted aye. The motion did not pass.
- **N. Hahn** made a motion to approve the request for extension to #SP-07-02 to March 1, 2010. **H. Harrison** seconded the motion. **T. Jacobs** explained land use changes. **N. Hahn** stated the applicant has to adhere to the laws. The Chair asked for the vote. Ayes were received by **J. Stewart, H. Harrison** and **N. Hahn**. **T. Jacobs** voted nay. **Chairperson Stewart** noted there are 10 days to appeal the decision.

#### **V. ITEMS OF HIGH PUBLIC CONCERN:**

**Chairperson Stewart** opened the part of the meeting for High Public Interest. She mentioned to **Mr. Campbell** she would like to hear his concerns regarding rear lot development and would review his letter with the City Planner, the Mayor and the City Manager to discuss and process the information. **Mr. Campbell** noted his letter pertains to zoning changes and ways to make conditional uses more effective. The Chair will deal with this at a future date and would like Mr. Campbell included in the group discussion.

#### **VII. ITEMS OF COMMISSION CONCERN:**

In the items of commission concern it was again noted that plat maps need to be included with the information supplied to the members. **D. Mattison** will take care of this. **N. Hahn** asked about easement and set back code which was discussed among the members. There was a discussion about restrictions being placed on property owners. The Chair would like to have this as future agenda item.

**T. Jacobs** commented on the graffiti in the city and that there are neighborhoods dealing with the issue. She also asked if the drainage issue on the IOOF Building had been taken care of. **D. Mattison** will speak to the Public Works Director.

**H. Harrison** wondered if the TBCC was going to take care of the repairs on 3<sup>rd</sup> Street where the road had been cut up. **D. Mattison** explained it is a county street.

**D. Mattison** read the announcements. The Chair encouraged the members to participate in the November 23, 2009 joint meeting with the Council, TURA and Planning Commission regarding off street parking relating to the Hwy 101/OR 6 Project.

**VIII: ADJOURNMENT:**

With no further discussion or objections, the meeting was adjourned by **Chairperson Stewart** at 9:40 p.m.

Prepared by:  
Debbi Reeves,  
Administrative Assistant

Approval Acknowledged by:

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Jan Stewart, City Planning Commission Chairperson

\_\_\_\_\_  
Date