

**City of Tillamook Planning Commission Minutes  
December 3<sup>rd</sup>, 2009**

**I. CALL TO ORDER:**

**Chairperson Stewart** called the planning commission meeting to order at 7:00 p.m.

**Commission Members Present:**

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

**Staff Present:**

David Mattison, City Planner  
Debbi Reeves, Administrative Assistant

**Guests Presents:**

Kelly Vice, 130 Hummingbird Ln, Tillamook OR 97141  
Mark Davenport, 510 Evergreen Dr., Tillamook, OR  
Liane Welch, Tillamook County Road Department, Tillamook OR  
John Henri, JJ Construction, 19801 SW 72<sup>nd</sup> Suite 110, Tualatin OR 97062

**II. 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. There were none.

**III. APPROVAL OF THE PLANNING COMMISSION HEARING MINUTES FROM NOVEMBER 5, 2009**

**Chairperson Stewart** asked if there were any corrections or additions to the minutes of the November 5<sup>th</sup>, 2009. There were no corrections or additions.

- **T. Jacobs** made a motion to approve the minutes of the November 5, 1009 meeting and the second was made by **H. Harrison**. **R. Jacobs** noted he would abstain since he was not in attendance. Chairperson Stewart stated an “abstain” vote counts as a “yes” vote. Ayes were received by **R. Jacobs, T. Jacobs, H. Harrison** and **N. Hahn**. The motion passed unanimously by all members seated.

**III. PUBLIC HEARINGS:**

**Chairperson Stewart** read the Public Hearing Disclosure and asked each member if they had any exparte contact, conflict or bias regarding the first public hearing. **N. Hahn** mentioned he knows the parties but would not have any problems voting. **H. Harrison, T. Jacobs** and **R. Jacobs** all stated they had none.

- 1) **Chairperson Stewart** opened the Public Hearing for **Kelly Vice**, Conditional Use Permit #CU-09-03 and Site Plan Review #SP-09-04 and asked City Planner Mattison to explain the revision request. **D. Mattison** read the letter from **Bill Campbell**, a

consultant for **Kelly Vice** and explained the request to change the curbing condition to fencing

**Chairperson Stewart** asked if the members had any questions. **H. Harrison** asked if the request was to change to fencing and **D. Mattison** explained that is the request. **Chairperson Stewart** then asked if there was any one in the audience to speak and to please come forward.

**Kelly Vice**, 130 Hummingbird Lane, Tillamook OR 97141, introduced himself to the members and proceeded to explain the reason for the revision request and explained why the fencing would be more economical and work better on the property.

**Chairperson Stewart** asked the members if there were questions of **Mr. Vice**. The questions from the members pertained to proximity of the fence to the neighboring property, driveway access, driveway positioning and backing issues for residents. **N. Hahn** asked if metal posts might be an option. **Mr. Vice** and the members discussed different options.

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, the neighboring property owner came forward and explained that the curbing condition was approved by the Planning Commission to protect his property. He opposed the revision request unless something else can be determined to protect his property. The members spoke with **Mr. Davenport** about different options and what might satisfy both he and **Mr. Vice**. There was discussion about the area needing protection by **Mr. Davenport's** house, the maneuverability of vehicles in the driveway, the proximity of a fence, metal post and how they might be placed.

At that time **Chairperson Stewart** asked if there was any neutral testimony and there was none. She asked **Mr. Vice** to return to the table.

The members spoke with **Mr. Vice** about the metal post option and his ideas or thoughts.

**Chairperson Stewart** then asked **Mr. Davenport** to join **Mr. Vice** at the table so an amicable decision could be reached. A discussion of placement of posts, type of posts, set back of posts ensued and fencing issues. The parties reached a compromise.

**Chairperson Stewart** closed the public hearing.

The members had a discussion about the agreement details. **D. Mattison** explained that Code requires a driveway to be a minimum of 5 feet from the property line.

➤ **H. Harrison** made a motion to amend condition #7 of #CU-09-03 and #SP-09-04

that the 15 foot driveway would be centered on the 25 foot easement and that the owner would place 4 inch diameter concrete filled steel posts, placed 4 foot on center, 4 feet above ground and would be placed in 3 foot depth concrete footings in the ground, 2 ½ feet distance from the north property line, starting at the west end of the neighbors house to the east edge of the house plus 1 additional post past the house to the east, at 4 foot increments. **T. Jacobs** seconded the motion. **Chair Stewart** asked **D. Reeves** to read back the motion to make sure all the details were addressed as discussed. **Chairperson Stewart** called for the vote. Ayes were received by **T. Jacobs, H. Harrison, N. Hahn** and **R. Jacobs**. The motion passed by all members seated.

**Chairperson Stewart** noted there was 10 days from this date to appeal the decision.

2) **Chairperson Stewart** opened the hearing for #CU-08-01 and #SP-08-02 asking if there was any exparte contact, bias or conflict. **T. Jacobs** stated though she does have exparte contact as she did the appraisal on the property but she does not have a problem making an unbiased decision. **Chairperson Stewart** asked if there were any challenges and there were none.

**John Henri**, JJ Construction, 19801 SW 72<sup>nd</sup> Suite 110, Tualatin, OR 97062 came forward. **Mr. Henri** explained the requirements and the reason for the requested postponement. He has been speaking with the Tillamook County officials and they agree that waiting until the summer of 2010 would be the best time for the project due to weather conditions during the winter months. He explained they would do temporary repairs at this time and the county would do the permanent repairs in next summer. The members of the commission asked what kind of temporary repairs were being anticipated and **Mr. Henri** explained.

With no further questions from the members **Chairperson Stewart** asked if there was anyone in support of the proposal.

**Liane Welch**, Tillamook County Road Department introduced herself. She explained that Tillamook County and **Mr. Henri** would be working together in a partnership, regarding the area at 3<sup>rd</sup> Street and Marolf Loop, and permanent improvements. It was the opinion of the county to wait for good weather to permanently fix the area and that the spring and summer of 2010 would be best. She also mentioned that an extension into the fall of 2010 would be best in case there were any unforeseen delays. **R. Jacobs** asked her what date she would like to see the application date extended to. **Ms. Welch** thought October 15, 2009 would satisfy all parties.

With no further questions from commission members **Chair Stewart** closed the public hearing and open the discussion for the members. The members briefly discussed different dates, street repairs and unforeseen circumstances.

➤ **T. Jacobs** made a motion to revise #CU-08-01 and #SP-08-02 extending the

deadline for completion to October 15, 2009 to allow for Tillamook County to make permanent paving repairs to the intersection of 3<sup>rd</sup> Street and Marolf Loop near the new Tillamook Bay Community College. A second was made by **N. Hahn**. With no further discussion **Chair Stewart** called for the vote. Aye votes were received by **R. Jacobs, 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.

**V. ITEMS OF HIGH PUBLIC CONCERN: None**

**VI. ITEMS OF COMMISSION CONCERN: None**

**VII. ANNOUNCEMENTS:**

**City Planner Mattison** stated the Planning Commission vacancy will go before the City Council at the December 7<sup>th</sup>, 2009 meeting.

**VIII: ADJOURNMENT:**

With no further discussion or objections, the meeting was adjourned by **Chairperson Stewart** at 8:02 p.m.

Prepared by:

Debbi Reeves,  
Administrative Assistant

Approval Acknowledged by:

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Jan Stewart, City Planning Commission Chairperson

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Date