



PLANNING COMMISSION MEETING
Thursday, November 19th, 2015 6:00 PM
City Council Chambers, 1001 Bridge Street, Vernonia OR 97064
REGULAR MEETING/PUBLIC HEARING

MINUTES

Position #1 - (Exp.2016) - Brian Cole	Position #2 - (Exp. 2017) - VACANT	Position #3 - (Exp. 2017) - VACANT
Position #4 - (Exp. 2018) - Erika Paleck	Position #5 - (Exp. 2018) - Grant Williams	Position #6 - (Exp. 2019) - Susan Wagner
	Position #7 - (Exp. 2019) - Jeff Goodman	

1. Call to Order: Susan Wagner, Chair

Chair Wagner called the meeting to order at 6:04 p.m.

In attendance: Chairwoman Wagner; Commissioners Cole, Paleck, Williams and Goodman

2. Approval or Additions to Agenda

Commissioner Williams made a motion to accept the agenda as written, Commissioner Paleck seconded, motion passed.

3. Approval of Planning Commission minutes from July 16th, 2015.

Commissioner Paleck made a motion to accept the minutes as presented, Commissioner Williams seconded, motion passed. Commissioner Goodman abstained due to being absent from the July 16th, 2015 meeting.

4. Public Hearing of VAR15-01

a. Call Hearing to Order

Chair Wagner called the Hearing of VAR15-01 to Order at 6:06 p.m.

b. Order of Hearing

Chair Wagner explained the Order of the Hearing.

c. Exparte

Terry Lindauer is Commissioner Goodman's wife's boss. Commissioner Goodman also used to live across the street, so he saw the development happen. Commissioner Paleck has been by the site several times in different weather, so she has had eyes on it. Commissioner Williams wasn't aware of the location of the stream. Maggie Peyton submitted information on the impact of the housing development on the riparian area in writing, as she could not attend the Planning Commission meeting in person.

d. Conflict of Interest

None

e. Challenge

None present

f. Staff Report-City Planner Ryan Crater

Reports 2-4 are nearly the same. Application 1 is different: the Lindauers own property on Knickerson Estate (tax lots 600 and 700). Due to Knickerson Creek being a Salmon Species bearing stream, there is a riparian area that prohibits building within 50 feet from the top of the bank. The applicants bought the property as an already-cleared bare lot, so there was no clearing of the area on their part. They are applying for a Hardship Variance. City Planner Crater's findings are that this is a reasonable request and that the criteria listed on pages 5-6 of his report are met.

Commissioner Paleck asked whether each variance needs to be addressed individually, or whether they could be considered as a group. City Planner Crater specified that although they are in the same subdivision, application 1 is different, as it is not an already existing structure. However, the situation for all of the Variance Requests presented is similar.

Chair Wagner asked whether the Planning Commission needs to work with any Federal or State agencies on this issue. City Administrator Mitchell stated that the proximity to the stream is a City issue, as the stream is less than 10,000 cubic feet per second.

Commissioner Goodman asked whether there are any regulations in place to keep zinc runoff out of the creek. City Administrator Mitchell stated that would fall under a direct discharge permit, which would notify the owner of the regulations.

Commissioner Paleck asked why the fees were waived and why there are 4 variances written by seemingly the same person. City Administrator Mitchell replied that the reason that 3 of the applications were written by the same person was because they felt a responsibility due to a relative of theirs being involved via not reporting the restrictions on the properties.

City Administrator Mitchell reported that there are no as-builts for these properties. Therefore, the City cannot issue a moratorium on building on the properties as there is no proof that the development is not up to standards that were set by the Planning Commission in the past.

Commissioner Goodman asked whether the undeveloped lots could be denied variances. City Planner Crater specified that it could only be denied if there was a reasonable doubt that the request met the review criteria. The question that the Planning Commission should be asking is whether what the current owners are proposing is reasonable?

Commissioner Williams asked where the creek was located in relation to their property. The Lindauers replied that the creek runs right over the top of their property.

Commissioner Paleck asked whether the meeting between the City Administrator and ODFW would determine that they would need to plant native species in the area that the Lindauers are proposing to build the shop.

Commissioner Williams asked if there was hydrothermic flow under the site where the shop would be built. Would the City then be held liable for incidents such as the building collapsing? City Planner Crater replied that as this subdivision was approved as-is, not approving the variance request would leave the City open to liability. There also is an opportunity to help protect the current stream through mitigation that could help control erosion.

Commissioner Goodman asked whether the gravel bar under the shop would be a means to spread contaminants. However, this could be considered as an issue in many other properties in the subdivision.

g. Testimony in Favor

Applicant Terry Lindauer (1989 Knickerson Avenue) urged the Commission to approve his variance request. They are moving into town from a farm on McDonald Road as a way to scale down. Mr. Lindauer only asks that he have a shop to work in. He had been working with City Staff on this issue before purchasing the lot and the house. As for the question of Salmon habitat, the Creek was dry from mid-June to mid-November.

Commissioner Williams asked how the water has impacted their property now that there is water in the creek bed. Mr. Lindauer stated that so far it has not impacted their property. The creek has stayed within the confines of its bed. Commissioner Williams asked about when the water gets high, does it run toward your property or the property adjacent to yours? The Lindauers had no data available yet, as since they purchased the property, the water hasn't been very high. Commissioner Williams voiced concern over the City being liable if they allowed the shop to be built on that site should the water impact their shop in the future. Is this property located within the floodplain? City Administrator Mitchell showed a map that showed that the property in question is not within the floodplain.

Joseph Donbeck (1950 Knickerson Avenue) voiced support of allowing the Lindauers use of their property.

Bob Perry (1970 Knickerson Avenue) voiced support of allowing the Lindauers use of their property. He has not seen the creek back up in the past two years that he has lived at the subdivision. He wanted to know while the Commission is considering these 4 variances; would they clear the remaining unsold lots? City Administrator Mitchell said that they could not do so. Each Variance Request must be considered upon application by the owner of that property.

h. Testimony in Opposition

Interim City Recorder Welch read Maggie Peyton's letter into the record.

i. Neutral Testimony

None

j. Final Call for Testimony

None

k. Applicant Rebuttal

Terry Lindauer asked whether the Google Earth image really showed that there was an underground water connection. He thought that the soil was simply better. He also wasn't sure whether the salmon could actually spawn in that area, as there was no water there this summer. City Administrator Mitchell replied that it is a winter Run.

Gretchen Lindauer (1989 Knickerson) stated that her previous property was also a salmon-bearing stream and that they were respectful of the fish and their habitat.

l. Extend the Hearing

Commissioner Williams asked whether they could extend the hearing to walk the land in question. City Administrator Mitchell specified that should the Commission decide to do that, and be legally allowed to do so, they would all have to go together. City Planner Crater reminded the Commission that they are reviewing only Chapter 9-01.08-20 A, B, C, and D in this review.

Commissioner Paleck asked whether this adjusted the line for the entire property. City Planner Crater specified that it allows the variance for the footprint of the building that they are building for the life of the property.

Chair Wagner asked about whether the Riparian Code has any restrictions that would already limit the usage of the property.

Commissioner Paleck asked whether the Riparian Area will require that they plant native vegetation. City Planner Crater stated that they might be able to include that as a condition of the variance request.

However, he would have to research further to find out for sure.

Commissioner Williams would like to take a field trip to see the property. Commissioner Paleck stated that she believes that they should take a look at the property for the other 3 variances, but that they don't need to do that for VAR 15-01.

Commissioner Cole stated that he is against the idea of the field trip.

Chair Wagner decided that going on a field trip for this variance request wouldn't change the decision that would be made without the field trip. Therefore, there will be no field trip.

Consensus was to not extend the Hearing for VAR15-01.

m. Close the Hearing

VAR 15-01 closed at 7:37 p.m.

5. Public Hearing of VAR15-02

a. Call Hearing to Order

Chair Wagner called the Hearing of VAR15-02 to Order at 7:55 p.m.

b. Order of Hearing

Chair Wagner explained the Order of the Hearing.

c. Exparte

Commissioner Goodman used to live across the street, so he saw the development happen. Commissioner Paleck has been by the site several times in different weather, so she has had eyes on it. Commissioner Williams wasn't aware of the location of the stream. Maggie Peyton submitted information on the impact of the housing development on the riparian area in writing, as she could not attend the Planning Commission meeting in person.

d. Conflict of Interest

None

e. Challenge

None

f. Staff Report-City Planner Ryan Crater

City Planner stated that this is the same development, just two lots East of VAR15-01 site. Basically everything is the same, other than the fact that these buildings already exist. This Variance is just to approve the existing buildings' footprints according to the Site Plans. City Administrator Mitchell stated that the homes are far enough away from the creek that restoration can still happen.

g. Testimony in Favor

Terry Lindauer (1989 Knickerson Avenue) spoke in favor of this Variance for the McWhirter family. This house was built without knowledge of the 50 foot riparian barrier. It would be undue hardship on them to not have this Variance granted.

h. Testimony in Opposition

City Recorder read Maggie Peyton's letter into the record.

i. Neutral Testimony

None

j. Final Call for Testimony

None

k. Applicant Rebuttal

None

l. Extend the Hearing

Commissioner Goodman stated that this one might be a good candidate for a field trip. Commissioner Paleck stated that the fence is very near to the stream, right on top of the bank. She has concerns about this request. Chair Wagner asked Staff whether the fence was related to this Variance Request. City Planner Crater stated that this Variance Request is related to the house, not anything done after the house was built. City Administrator Mitchell specified that the fence is not included in the Variance Request. The other issues will be worked through by outside agencies. Commissioner Goodman specified that he wasn't sure whether these people would have to cooperate with the outside agencies. Commissioner Paleck suggests postponing the deliberation of VAR15-02 until the owners are present. Commissioner Paleck would like more information on the intentions of ODFW, etc. to mitigate. The next date that they could revisit this Variance is in January.

Motion to postpone VAR15-02 until January 7th was made by Commissioner Paleck, seconded by Commissioner Goodman, motion carried 4-1, Commissioner Cole opposed. City Staff was directed to send a notice to the McWhirters.

m. Close the Hearing

6. Public Hearing of VAR15-03

a. Call Hearing to Order

Chair Wagner called the Hearing of VAR15-03 to Order at 8:30 p.m.

b. Order of Hearing

Chair Wagner explained the Order of the Hearing.

c. Exparte

d. Conflict of Interest

e. Challenge

f. Staff Report-City Planner Ryan Crater

g. Testimony in Favor

h. Testimony in Opposition

i. Neutral Testimony

j. Final Call for Testimony

k. Applicant Rebuttal

l. Extend the Hearing

Motion to postpone VAR15-03 until January 7th was made by Commissioner Williams, seconded by Commissioner Paleck, motion carried 4-1, Commissioner Cole opposed. City Staff was directed to send a notice to the Cotas.

m. Close the Hearing

7. Public Hearing of VAR15-04

a. Call Hearing to Order

Chair Wagner called the Hearing of VAR15-04 to Order at 8:33 p.m.

b. Order of Hearing

Chair Wagner explained the Order of the Hearing.



- c. **Exparte**
- d. **Conflict of Interest**
- e. **Challenge**
- f. **Staff Report-City Planner Ryan Crater**
- g. **Testimony in Favor**
- h. **Testimony in Opposition**
- i. **Neutral Testimony**
- j. **Final Call for Testimony**
- k. **Applicant Rebuttal**
- l. **Extend the Hearing**

Motion to postpone VAR15-03 until January 7th was made by Commissioner Goodman, seconded by Commissioner Williams, motion carried 4-1, Commissioner Cole opposed. City Staff was directed to send a notice to the Kofstads.

- m. **Close the Hearing**

8. Commission Deliberation of VAR15-01,VAR15-02,VAR15-03,VAR15-04

9. Commission Motion of Decision

VAR15-01: Commissioner Paleck made a motion to approve VAR15-01 without additional conditions, Commissioner Goodman seconded; approved unanimously. The Commission took a 5 minute break after this deliberation.

10. Commissioners Reports

None

11. Chairperson Report

None

12. Correspondence

City Administrator Mitchell reported that the City Holiday Party invitation was sent. The party will be on December 10th at the Scout Cabin and will be catered by Blackbird Catering. It will include a no-host bar and a gift exchange with a limit of \$20.00. Kids are invited to attend as well.

Next meeting: January 7th, 2015 at 6:00 p.m.

Floodplain Ordinance Amendment needed: include limitation on bringing in fill on E-4 Zone. There may be other areas of this Ordinance that the Commission would like to amend as well. Community Rating System – lower flood insurance premiums with point system. City Administrator Mitchell would like to have this completed by January/February. Staff would like to get it in by February. City Staff is working toward using the GIS platform to upload all the flood elevation certificates. This data could then be used to apply for a bulk elevation grant.

Chair Wagner asked about the house on Riverside Drive that burned down. City Administrator Mitchell reported that a nuisance notice has been sent to the Bank.

Adjournment

Chair Wagner adjourned the meeting at 8:42 p.m.

These minutes were approved at the February 04th, 2016 Planning Commission Meeting.

Stephanie Borst, City Recorder

Susan Wagner, Planning Commission Chair