

**PLANNING COMMISSION MEETING**  
**Thursday, February 04, 2016 6:00 PM**  
City Council Chambers, 1001 Bridge Street, Vernonia OR 97064

**REGULAR MEETING/PUBLIC HEARING**

**MINUTES**

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

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**Call to Order: Susan Wagner, Chair**

Chair Wagner called the meeting to order at 6:02pm

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

**Approval or Additions to Agenda**

Letter from Brian Cole

Commissioner Grant moved to approve the agenda as written. Commissioner Paleck seconded, motion passed.

**Approval of Planning Commission minutes from November 19, 2015.**

*Requested Changes:* Section 5-c. correct "Commissioner Goodrich" to "Commissioner Goodman"

Correct the phrase "Terry Lindauer is Commissioner Goodman's boss" to "Terry Lindauer is Commissioner Goodman's wife's boss" in Exparte.

Correct Section 4-k "Summer run" to "Winter run"

Correct "Commissioner Williams wasn't aware there was a stream there" with "Commissioner Williams wasn't aware of the location of the stream there".

Commissioner Paleck moved to approve the meeting minutes with requested changes. The motion was seconded by Commissioner Goodman, motion carried.

**Public Hearing of VAR15-02**

**Call Hearing to Order**

Chairwoman Wagner reopened the hearing at 6:08pm.

**Order of Hearing**

Chairwoman Wagner did not reread the order of the hearing as everyone in attendance was familiar with the order.

**Exparte**

As stated in the previous hearing, Terry Lindauer is Commissioner Goodmans wife's boss.

**Conflict of Interest**

None

**Challenge**

None

**Staff Report-City Planner Garret Phillips**

City Planner Phillips gave a brief overview of the staff report and what the City Planners recommendations are. The requested variance meets the variance review criteria listed in Title 9, Chapter 9-01.08-20 (A-D). He recommends approving the variance application, VAR-02 with the suggested conditions listed in the report.

**Testimony in Favor**

Sharon Bernal, Knott Street, would like to apologize for telling the homeowners that there was no need for them to attend the previous Planning Commission Hearing. She misunderstood her conversation about the hearing with City Administrator Mitchell and feels responsible for misdirecting the homeowners.

Terry Lindauer, Nickerson Avenue, had his Variance request approved at the November 19<sup>th</sup>, 2015 Planning Commission Meeting. He strongly urges the Commission to vote in favor of approving the variances. The homes were built in the development without the owners being aware of the riparian setback requirements. The homeowners would like the variances so that they can one day sell their homes while being in compliance, if they chose to.

Kyle Cota, Nickerson Loop, appreciates the Commissioners taking the time to hold the hearing and apologizes for not being at the previously scheduled hearing. He hopes the variances are approved as they would like their home to be in compliance.

Gretchen Lindauer, Nickerson Avenue, would like to strongly urge the Planning Commission to approve the variances. She would like to discuss ways to fix the stream as well if the Planning Commission has time at the end of the meeting.

Jared McWhirter, Nickerson Loop, would also like his variance to be approved. They bought the house without being aware of the variance issue.

Dustin Kofstad, Nickerson Loop, would like to strongly urge the Commissioners to approve the variances.

**Testimony in Opposition**

None

**Neutral Testimony**

None

**Final Call for Testimony**

None

**Applicant Rebuttal**

None

**Extend the Hearing**

None

**Close the Hearing**

Chairwoman Wagner closed the hearing at 6:19pm.

**Commission Deliberation of Variance VAR15-02**

Chairwoman Wagner would like to remind the Commissioners that we are here to protect the homeowner's ability to sell their homes. The original land owner is working on mitigating the issue. She understands that the commissioners are passionate about protecting the city and following rules and ordinances.

City Administrator Mitchell gave the Commission a brief overview of the December 2<sup>nd</sup> meeting with the Oregon Department of Fish and Wildlife (ODFW) Division of State Lands (DSL). They discussed the mitigation of the creek and how the path of the creek was moved. When the creek was moved, native species were replanted along the bank but they did not survive and DSL did not do the required inspection after 3 years. When these property owners purchased their properties, 9 years after the creek was moved, there was no vegetation along the creek and they didn't realize it was required. The ODFW DSL will be writing a letter to the City requesting that the city owned culvert be removed in order to mitigate the bottle neck at the north end.

The Upper Nehalem Watershed Council and ODFW DSL would like to participate in a project to mitigate the lack of vegetation along the creek. Oddly, since the December 2<sup>nd</sup> meeting, ODFW DSL has closed their file on the project.

Mr. Cota believes that when the culvert is removed, the creek will flow better and therefore reduce the amount of buildup of silt sediment. Mrs. Lindauer is concerned that once the culvert is removed, the water may flood their lot more. She would like to explore the option of installing a berm between their property and the creek. City Administrator Mitchell reassured her that this shouldn't be a problem as not only will this culvert be removed, but another culvert downstream will be as well which should decrease water back up. Commissioner Williams asked if everything north of the culvert will be brought back to natural grade. City Administrator Mitchell stated that this is the goal of ODFW and that they will hire engineers to plan the project. Commissioner Paleck asked if this project is a go. City Administrator Mitchell stated that they were pretty sure it was going to happen as they would like to improve the fish bearing stream.

Mr. and Mrs. Cota would like to volunteer to help with the planting of the creek and would even be willing to plant on their side of the creek. Mr. Cota stated that there are ponds north of the development that have fish in them. It is his understanding that these ponds are fed by the creek when the water is high.

Ms. Bernal is concerned about the runoff from the gravel logging road north of the creek. Commissioner Goodman stated that when the logging took place the logging company was directed by the county to remove the rock from the creek once finished. Unfortunately, the city gained jurisdiction of the area before the logging was completed so wasn't enforced. City Administrator Mitchell stated that she will look into it.

Commissioner Paleck would like verification of whether or not the houses were built on riparian lands, and if the variances are granted, will they ever become an issue again. City Administrator Mitchell stated that the violation from the developer was the rerouting of the creek. Once the creek was moved, the original creek bed was no longer considered a wetland or riparian area by DSL. Because of this, there is nothing prohibiting building houses there. Only the existing homes will have the riparian area setback variance, the remaining undeveloped lots will be required to obey the 50' riparian area setback. Commissioner Goodman asked why all of the homes will have the 33' variance if each home is unique in the variance they would need. City Administrator Mitchell stated that the homes were grouped together in the report but in reality will each have a unique variance amount recorded. In the event a home would need to be rebuilt, they would have to reapply for a variance.

Chairwoman Wagner requested a motion on VAR15-02. Commissioner Paleck moved to approve the variance as proposed. The motion was seconded by Commissioner Goodman, motion carried

### **Public Hearing of VAR15-03**

#### **Call Hearing to Order**

Chairwoman Wagner reopened the hearing at 6:39pm.

#### **Order of Hearing**

Chairwoman Wagner did not reread the order of the hearing as everyone in attendance was familiar with the order.

#### **Exparte**

As stated in the previous hearing, Terry Lindauer is Commissioner Goodmans wife's boss.

#### **Conflict of Interest**

None

#### **Challenge**

None

#### **Staff Report-City Planner Ryan Crater**

City Planner Phillips gave a brief overview of the staff report and what the City Planners recommendations are. The requested variance meets the variance review criteria listed in Title 9, Chapter 9-01.08-20 (A-D). He recommends approving the variance application, VAR-03 with the suggested conditions listed in the report.

#### **Testimony in Favor**

All parties whom spoke in favor of VAR15-02 are in favor of all variances.

#### **Testimony in Opposition**

None

#### **Neutral Testimony**

None

#### **Final Call for Testimony**

None

#### **Applicant Rebuttal**

None

#### **Extend the Hearing**

None

#### **Close the Hearing**

Chairwoman Wagner closed the hearing at 6:40pm

#### **Commission Deliberation of Variance VAR-03**

The Planning Commission deliberated all variances during the VAR15-02 deliberations.

Commissioner Goodman made a motion to approve the Variance Request as written. The motion was seconded by Commissioner Goodman, motion carried.

#### **Public Hearing of VAR15-04**

##### **Call Hearing to Order**

Chairwoman Wagner reopened the hearing at 6:42pm.

##### **Order of Hearing**

None

##### **Exparte**

None

##### **Conflict of Interest**

As stated in the previous hearing, Terry Lindauer is Commissioner Goodmans wife's boss.

##### **Challenge**

None

##### **Staff Report-City Planner Ryan Crater**

City Planner Phillips gave a brief overview of the staff report and what the City Planners recommendations are. The requested variance meets the variance review criteria listed in Title 9, Chapter 9-01.08-20 (A-D). He recommends approving the variance application, VAR-04 with the suggested conditions listed in the report.

##### **Testimony in Favor**

All parties whom spoke in favor of VAR15-02 are in favor of all variances.

##### **Testimony in Opposition**

None

##### **Neutral Testimony**

None

##### **Final Call for Testimony**

None

##### **Applicant Rebuttal**

None

##### **Extend the Hearing**

None

##### **Close the Hearing**

Chairwoman Wagner closed the hearing at 6:43pm.

##### **Commission Deliberation of Variance VAR15-04**

The Planning Commission deliberated all variances during the VAR15-02 deliberations.

Commissioner Williams made a motion to approve the Variance Request as written. The motion was seconded by Commissioner Goodman, motion carried.

#### **Commissioners Reports**

City Administrator Mitchell notified the commissioners that missing Codes in Title 9 were discovered by her and City Planner Crater. They are working on adding the missing Codes back in. One of the missing codes is in regards to flood plain and they would like advisement from the Planning Commission. Floodway excavation is restricted in that you must take out material before bringing any in. FEMA would like the city to develop permit restrictions making it clear how much is allowed in the floodway. There also isn't very much information in regards to wetland mitigation. City Planner Crater is working on 2 to 3 versions of an ordinance addressing the restrictions for the Planning Commission to review. FEMA already restricts some of the city owned wetland properties, now the city needs to decide how to restrict the wetland properties FEMA isn't. City Administrator Mitchell would like to schedule a work session to discuss Flood Plain Management.

Commissioner Williams asked for clarification on the extent of the restrictions. City Administrator Mitchell stated that even filling holes is restricted as it will alter the flood way. Regardless of how the material is

being used, if a yard of material is being brought in, a yard of material must be taken out first. City staff will be working on seasonal reminders for the community on what their responsibilities are.

Commissioner Paleck asked what the process is for implementing these restrictions. City Administrator Mitchell stated that city staff is working on developing a process for enforcing these restrictions and it will be clearly stated in the ordinance. The proposal for the ordinance will be sent to Council for approval after the Planning Commission has approved.

Planning Commission consensus was to hold a work session during the next regularly scheduled Planning Commission Meeting. Chairwoman Wagner and Commissioner Goodman have conflicts for the February 18<sup>th</sup> meeting therefore the next meeting will be on March 3<sup>rd</sup>, 2016 at 6:00pm.

Commissioner Paleck brought attention to the fact that the Planning Commission needs members and does not currently have a Vice Chair.

Commissioner Goodman nominates Commissioner Paleck as Vice Chair. The nomination was seconded by Commissioner Williams, motion carried unanimously. Commissioner Paleck accepts the nomination of Vice Chair.

### **Chairperson Report**

Chairwoman Wagner would like to apologize for being out so much recently. She hopes to be done traveling within the next 3 months.

### **Correspondence**

City Administrator Josette will send the final variance reports to the homeowners once they are completed by the City Planner. Once received by the Planner they will be entered into the record.

When Maggie Peyton from the Upper Nehalem Water Shed Council presents a plan for replanting the stream, City Administrator Mitchell will send letters to the Nickerson Loop/Avenue homeowners notifying them of the plan.

City Planner Crater will advise The Lindauers on their request to install a berm between them and the stream. ODFW just granted a grant for installing a new pump system for pumping from the river into the Vernonia Lake.

### **Next meeting: April 07, 2016**

### **Adjournment**

Chair Wagner adjourned the meeting at 7:08pm.

These minutes were approved at the April 07<sup>th</sup>, 2016 Planning Commission Meeting.

  
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Stephanie Borst, City Recorder

  
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Susan Wagner, Planning Commission Chair