

City of Wheeler Planning Commission Meeting Minutes

Meeting: The regular City of Wheeler Planning Commission Meeting
Date of meeting: January 6, 2011
Location of meeting: Nehalem Bay Health District Conference Center in Wheeler

I. Call to Order: 7:00 pm

II. Administration:

A. Roll Call:

Planning Commissioners:

Hal Grimnes, Virgil Staben, Dan Ayres, Terri Michelsen, Lee Shepherd

Staff: Wheeler City Planner, Sabrina Pearson; Wheeler City Manager, Frank Sinclair

B. Minutes:

Motion to approve: Terri Michelsen; Vote: Unanimous

C. Election of Officers: Election held after the New Business is concluded

President: Dan Ayres

Vice President: Virgil Staben

Secretary: Terri Michelsen

III. Old Business:

A. Proposed Wheeler Zoning Ordinance Amendments Discussion

Postponed to February 3, 2011 Planning Commission meeting

B. Any other Old Business: None

IV. New Business:

A. Public Hearing: Variance Application #VAR 2010-02

Property Owners: Joanne and William Siler, Co-Trustees

Location: 156 Gregory Street, Wheeler, Oregon, 97147

Legal Description: Original Wheeler, Block 12, Portions of Lots 3 and 4

Tax Assessor Map: Tillamook County Assessor Map 2N 10W 2CB, Tax Lot 00800

Development Zone: R-1 Zone - Residential Type 1

Lot Size: Irregular, 0.12 acres (Assessor Records) >5,000 square feet

Description of Request:

The property owner requests variances to building height and to the front yard setback to allow the addition of the proposed second story to an existing single-family dwelling built in 1946. The Wheeler Zoning Ordinance allows the Planning Commission to grant a height variance where the request is consistent with Article 14 Variances and allows the Planning Commission to grant a setback variance for the expansion of the structure to allow the second story to encroach into the non-conforming setback where the request is consistent with Article 17 Nonconforming Uses.

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Public Hearing

The applicant, Scott Dunlap, stated that he agreed with the staff report recommended findings of fact and recommendation. Mr. Dunlap introduced property owner Joanne Siler and her son Brett to the Planning Commission.

Testimony was heard from those in opposition to the application which included one person within the notice area, Lorraine Winship at 2N 10W 2CB, Tax Lot 700, Original Wheeler, Block 12, Lots 1 and 2 located directly to the east of the Siler property. Ms. Winship provided testimony in opposition stating that she believed that the variance would devalue her property, and therefore would be materially detrimental by blocking her view. Ms. Winship introduced a realtor Darcy Kline who provided her professional financial advice to the Planning Commission and Ms. Winship that approval of the variance would devalue her property by \$50,000. Ms. Winship requested that a continuance be granted to allow her time to obtain the advice of legal counsel from a qualified land use attorney.

The Planning Commission asked questions of the applicant and Ms. Winship about their testimony and the City Planner about the staff report findings of fact.

In a final applicant presentation, the property owners stated that they did not wish a continuance to provide additional information to support their application and that if the Planning Commission denied the variance application, that they would simply repair the existing roof within permitted height and setback guidelines.

The City Planner advised that as requested by Ms. Winship, a continuance could be granted and asked Ms. Winship if she wanted the Planning Commission to continue the public hearing to February 3, 2011. Ms. Winship withdrew her request for a continuance.

The Planning Commission discussed the criteria one at a time, discussed the staff recommended findings of fact, asked questions of the City Planner, and took a vote on whether or not the Planning Commission members believed that the application met the applicable criteria. After each vote, the Planning Commission requested that the findings of fact be revised to reflect the vote and findings of the Planning Commission.

The Planning Commission closed the public hearing.

Terri Michelsen made a motion to approve the application based on the findings of fact and recommendations of the City Planner provided in the City Planner Staff Report. Virgil Staben seconded the motion and after a vote it failed to pass.

Planning Commission Decision:

Virgil Staben then made a motion to deny Application #VAR 2010-02 based on the vote of the Planning Commission and the requests for revisions to the findings of fact that occurred during Planning Commission discussion. The motion was approved, 4-1; Terri

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Michelsen opposed the motion. After holding a public hearing consistent with the Planning Commission bylaws, the Planning Commission voted 4-1 in denial of Wheeler Variance Application #VAR 2010-02. The decision of the majority vote of the Planning Commission finds that the applicable criteria are not met. The final order describes the applicable criteria the Planning Commission determined the application failed to meet.

APPEAL

The decision of the Planning Commission may be appealed by filing an appeal within 20 calendar days of the date that the final order was signed. The notice of appeal shall contain the information outlined in the Planning Commission Bylaws. An appeal may only be filed concerning criteria that were addressed at the initial public hearing. The reviewing body will determine as a non-public hearing item that the scope of the review on appeal will be one of the following (a) restricted to the record made on the decision being appealed (b) limited to the admission of additional evidence on such issues as the reviewing body determines necessary for a proper resolution of the matter (c) remand the matter to the hearing body for additional consideration (d) a de novo hearing on the merits. The complete case including the final order is available for review at the city.

B. Any other New Business: None

V. Planning Issues / Commissioner Comments:

A. Review Upcoming Planning Commission Meetings:

Proposed amendments to the Zoning Ordinance related to the Wheeler Vision Plan will not be finalized until the Wheeler Vision Plan is presented to the Planning Commission for review. Planning Commission will review all amendments not related to the vision plan at the February 3, 2011 Planning Commission meeting. Amendments will include but not be limited to research into eco-roofs, consistent riparian vegetation setbacks, clarification of nonconforming uses Section 17.020, and definitions.

B. Planning Commission Concerns:

Planning Commission requests that the City Planner work with the City Manager to review the application fees so that the fees are charged in a manner suitable to collecting reasonable costs in a timely manner and to ensure that the budget is amended through supplemental budget to accurately reflect the appropriate receipt and expenditure of all anticipated grants and fees.

C. Staff Concerns: None

VI. Adjournment: 10:00 pm

Planning Commission President: Dan Ayres

Attest: Frank Sinclair, City Manager