

**CITY OF MANZANITA
PLANNING COMMISSION MEETING MINUTES
JANUARY 24, 2022**

I. CALL MEETING TO ORDER: Chair Karen Reddick-Yurka called the meeting to order at 4:01 p.m.

II. ROLL: Members present were: Karen Reddick-Yurka, Burt Went, Phil Mannan, John Nanson, Steve Bloom, Lee Hiltenbrand and Jenna Edginton. Staff present: City Manager Leila Aman, City Planning Consultant Walt Wendoloski, Public Works Director Dan Weitzel and Building Official Scott Gebhart.

III. AUDIENCE: There were 11 persons in the audience.

IV. APPROVAL OF MINUTES: September 20, 2021

Chair Reddick-Yurka noted the need to change “the re-platting and Tract E” to read “the re-platting of Tract E” on page 2 in the third line of item F. Commission Mannan noted the need to change “for them provide feedback” to read “for them to provide feedback” on page 3.

A motion was made by Mannan, seconded by Nanson, to approve the minutes of the September 24, 2021, Planning Commission meeting as corrected. Motion passed unanimously.

V. TRANSPORTATION PLAN UPDATE:

Kara Hall of Fehr and Peers presented an update on development of the Nehalem Bay Transportation System Plan including the projects identified, goals, and upcoming community outreach efforts.

QUASI-JUDICIAL ITEMS

ANNOUNCEMENT OF PUBLIC HEARING PROCEDURES: Chair Reddick-Yurka described the process for these public hearings.

VI. PUBLIC HEARING: CONDITIONAL USE APPLICATION TO OPERATE A BAKERY AS A COTTAGE INDUSTRY; ZONE: HIGH DENSITY RESIDENTIAL (R-3); LOCATION: 217 4TH STREET NORTH; APPLICANT: APRIL FOSTER

- a. **CHALLENGE TO PLANNING COMMISSION JURISDICTION** – None
- b. **CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS** – Commissioners Went, Mannan, Edginton, Bloom, Hiltenbrand and Reddick-Yurka all stated that they had no conflict of interest, bias or ex parte contact and had been by the site.
- c. **CHALLENGE TO ANY COMMISSIONER FOR CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACT** – None

- d. **APPLICANTS' PRESENTATION** – April Foster gave an overview of her request to operate a bakery as a cottage industry in her home.
- e. **STAFF REPORT** - City Planning Consultant Walt Wendoloski presented the staff report. He noted that there would be a walk-up window for items pre-ordered, but no seating, and explained how this application meets the criteria for a conditional use permit for a cottage industry. He then stated his recommendation for approval and read the related conditions.
- f. **GENERAL COMMENTS AND QUESTIONS** –
During discussion by the Commissioners, applicant and staff it was noted that there would be no employees in addition to the applicant; the applicant's presumed hours of operation would be approximately 10:00 a.m. until 2:00 p.m. on Fridays, Saturdays and Sundays depending on the season; that notices were posted and also sent to properties within 250 feet and there had been no comments received; that the bakery would need to have a City business license; that the bakery would open under the State's home bakery exemption; the sign size referenced on page 7 of the staff report findings should state 4-square feet instead of 8-square feet; that the applicant has ordered a bread oven for the bakery to go along with her residential range; that the applicant will do her own shopping and there would be no deliveries to the site; that the previously existing yard-art store was also a cottage industry; that the City does not track cottage industries separately outside of the business license records; that there will need to be one parking space available during hours of operation; that the applicant will probably have a website for taking orders and then have the remaining product available for walk-up sales; and that the outside rack for putting pre-ordered items for no-contact pickup could be in an enclosure and not visible to the street.

Concern was expressed about lighting being a nuisance for the neighbors if the bakery was open during dark hours; whether the conditional use variance would be transferable to a new owner; whether expanding the bakery operation beyond the parameters of the State's home bakery exemption should be allowed or if the Commissioners should base their decision on the exemption's revenue limit; that the walk-up window could generate a line and create unanticipated foot-traffic to the neighborhood; that the need for a garbage container could attract animals and become a nuisance; that the outside rack the orders would be put on for pickup could attract animals; and how the State would know when the bakery has gone over the revenue threshold for the bakery exemption.

Public comments included that the bakery may be less likely to have theft being in a residential neighborhood rather than a commercial area, and if the conditional use could be revoked if the bakery becomes a nuisance or if the business exceeds the conditions of approval.

- g. **CORRESPONDENCE** – None
- h. **APPLICANT REBUTTAL** – None
- i. **CLOSE PUBLIC HEARING** – Reddick-Yurka closed the public testimony.
- j. **DISCUSSION BY COMMISSION MEMBERS** – Commissioner Went suggested they

require reasonable restrictions of business hours and an unlit sign of the allowed size on the site for the business. Chair Reddick-Yurka expressed concern that this application could be the first of many of this type and that they need to be careful in setting precedence. She then suggested adding a fourth condition of approval that the State's Home Baking Bill must be followed and that exceeding its limitations would require the applicant to come back to the Planning Commission for review and refashioning of the conditional use if needed. Discussion followed that the allowed hours need to include deliveries and the sign should only be out during business hours so it does not encourage foot traffic, and that window sales could create a nuisance due to people standing in line waiting. The recommended conditions of approval were stated as follows:

- A. The business shall be subject to the following operational requirements:
 - 1. Hours of operation, including material deliveries, shall be limited to the hours of 9:00 a.m. to 3:00 p.m.
 - 2. The business shall provide at least one off-street parking space during operating hours.
 - 3. Signage shall be limited to one unlighted removeable sign, attached to the wall of the residence, and no more than 4-square feet in area.
- B. This approval shall be limited to the proposed bakery as a cottage industry under the conditions established by the Oregon Home Baking Bill. The applicant shall be prohibited from establishing an additional cottage industry and/or home occupation on the site.
- C. Compliance with these conditions shall be the sole responsibility of the applicant.

k. DECISION BY COMMISSION WITH MOTION -

A motion was made by Hiltenbrand, seconded by Bloom, to approve the application for the cottage industry bakery at 217 4th Street North, adopting the modified findings and conditions as read. Motion passed unanimously.

VII. PUBLIC HEARING: ANNEXATION AND HIGHLANDS SUBDIVISION PHASES 4 & 5; ZONES: SPECIAL RESIDENTIAL/RECREATIONAL (SR-R), MEDIUM DENSITY RESIDENTIAL (R-2) AND COMMERCIAL (C-1); LOCATION: NORTH END OF SEAVIEW DRIVE & MEADOWS DRIVE WITH NECARNEY CITY ROAD SOUTH BOUNDARY; APPLICANT: PINE GROVE PROPERTIES (JIM PENTZ)

- a. **CHALLENGE TO PLANNING COMMISSON JURISDICTION** – None
- b. **CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACTS INCLUDING SITE VISITS** – None of the Commissioners stated any conflict of interest, bias or ex parte contact.
- c. **CHALLENGE TO ANY COMMISSIONER FOR CONFLICT OF INTEREST, BIAS OR EX PARTE CONTACT** – None
- d. **APPLICANTS' PRESENTATION** – Jim Pentz and Rick Hinkes gave an overview and update on their development and noted that the new neighborhood will be named Hilltop.

e. **STAFF REPORT** - City Planning Consultant Walt Wendoloski explained that the application being considered was for both the subdivision and the annexation of the portion of the development located within Manzanita's urban growth boundary (UGB), and that this request must also go through the planned unit development (PUD) process. Wendoloski stated that Tillamook County is not opposed to the annexation, explained the process and requirements related to the annexation request, and stated that the land meets the requirements for annexation. Wendoloski next explained how the SRR zone portion of the project meets the PUD requirements and how the subdivision application meets those requirements as laid out in the findings report. He then stated his recommendation that the Planning Commission recommend to the City Council that they approve the annexation and that the Planning Commission also approve the application for this subdivision.

f. **GENERAL COMMENTS AND QUESTIONS** –

The Commissioners, staff and the applicant discussed tax lot 1401 and that the request for annexation is only for its platted lots; results if the City Council does not approve the annexation; that tracts L,K and M will be common areas and tract N is for future consideration; the lots with a different owner that are part of the subdivision; the E2 easement to the Rinehart property; area wildlife migration; and that the Seaview Drive fire turnaround meets the Fire Marshal's requirements.

Discussion followed that Meadows Drive will continue to connect the Necarney City Road; that the Planning Commission is only making a recommendation to City Council related to the annexation; the part of the subdivision related to the annexation will be conditioned on approval of the annexation by the Council; that the cost of stormwater retention is bore by the applicant, not the City; that it is not known where the stormwater drains once underground; that the vegetation in the common areas will be left as is and the open areas will have grass and trails; that the area currently within the urban growth boundary will be developed according to R3 zoning; whether duplexes or triplexes are being considered for the subdivision; that there will be a maximum square footage for houses built in the subdivision; whether accessory dwelling units (ADUs) have been considered; and the need for additional housing in the area. A member of the public asked why the applicant was requesting the annexation.

g. **CORRESPONDENCE** – None

h. **APPLICANT REBUTTAL** – None

i. **CLOSE PUBLIC HEARING** – Reddick-Yurka closed the public testimony.

j. **DISCUSSION BY COMMISSION MEMBERS** – None

k. **DECISION BY COMMISSION WITH MOTION** -

The Commissioners and staff discussed whether the Planning Commission should recommend that the City Council hold a public hearing before it votes on the annexation.

A motion was made by Hiltenbrand, seconded by Edginton, to recommend that City Council approve the annexation with the caveat that public hearings be part of the process and to adopt the staff report. Motion passed unanimously.

A motion was made by Bloom, seconded by Went, to approve the application, adopting the findings and conditions contained in the staff report. Motion passed unanimously.

VIII. GENERAL UPDATES: Building Official Gebhart informed the Commissioners that there would be a design review application and a variance request on the agenda for their February 22, 2022, meeting. Chair Reddick-Yurka asked that the agenda include the annual election of their chair and vice-chair. Edginton asked for an update on the progress on the adoption of language related to ADUs in the UGB. Reddick-Yurka explained that the language for the Zoning Ordinance change still needed to be crafted and that she will follow up with City staff.

IX. ADJOURNMENT:

A motion was made by Nanson, seconded by Went, to adjourn the meeting. Motion passed unanimously.

Chair Reddick-Yurka adjourned the meeting at 6:41 p.m.

**MINUTES APPROVED THIS 22nd
DAY OF FEBRUARY 2022**

Karen Reddick-Yurka, Chair

ATTEST:

Leila Aman, City Manager/Recorder