

City of Tillamook  
Planning Commission Meeting  
January 4, 2007

**Staff Present:**

Jodee Averill  
Mark Gervasi  
David Mattison

**Commissioners Present:**

Steve Munoz  
Ray Jacobs  
Rob Huston  
Jan Stewart  
Tamra Jacobs  
Howard Harrison  
Nick Hahn

**Hearings of Citizens and Delegations:** None

**Minutes:**

Commissioner Munoz moved to approve the minutes from the meeting held on November 2, 2006. Commissioner T. Jacobs seconded the motion. The motion passed with a unanimous aye vote, with Commissioner Huston and Commissioner Harrison abstaining.

City Planner stated that there was no adjournment time on the December minutes. The meeting adjourned at around 8:00 pm. Commissioner T. Jacobs asked that her statement requesting a FEMA representative come to meet with the Commission be added to the minutes under Commission Concerns.

Commissioner T. Jacobs moved to approve the December 7, 2006 minutes with changes made. Commissioner Hahn seconded the motion. The motion passed with a unanimous aye vote with Commissioner Huston and Commissioner Harrison abstaining.

Chairperson Stewart then read the hearing disclosure. There was no ex parte contact, bias, or conflict of interest. There was no challenge from the audience.

**Public Hearing:**

Carlson Veit Architects/Burger King, #SP-06-10, Site Plan Review, to construct the second of two proposed commercial retail buildings (Building Two) on the subject property-an approximately 2,139 square foot Burger King building, within the Highway Commercial (C-H) Zone, inside the City Limits and Urban Growth Boundary

City Planner then read the staff report. He also added that Policy 108 does not apply because they are not in the flood hazard are, they are in Zone X. He also made a change on page six, regarding the primary entrance being located on the north side of the building, not the south side.

Commissioner T. Jacobs asked City Planner about the parking requirements. City Planner said that they are including the stacking of the drive thru also. Commissioner Harrison asked if the requirements include handicap parking, and City Planner said they do.

Commissioner T. Jacobs asked City Planner why the traffic analysis was done in January, and in the future, can the City require that it be done during the busier season. City Planner said this should be taken up under Commission Discussion.

Commissioner Munoz asked about the importation of fill. City Planner said Zone X is considered an area of minimal flooding, so this is allowed. Commissioner Munoz stated that the water would then be pushed to surrounding properties. City Planner said that legally you are not allowed to divert water to adjacent properties, but that would be a civil issue. Also, there is no language in the criteria saying that you can't add fill when in Zone X. This will also be brought up under Commission Discussion. City Planner also suggested asking the applicant.

Applicant: Craig Carlson, 3095 River Road N, Salem OR 97303

The applicant stated that this is a new design for Burger King, there is only one other like it and that is in Scappoose. They are trying to tie the colors into the surrounding buildings, as well as bringing in the masonry from the other building.

He also added that the developer has brought the fill on site and raised it. It is being contoured so that any water will drain into the storm drainage system. So there shouldn't be any water running off site, it will all be contained on site and directed to the storm drain system.

When doing the parking analysis, they came up with 55 spaces on the entire site, including the other building on site. There are two drive-thru's on site, which were also included. The minimum requirement is met for the Burger King building itself.

Commissioner Harrison asked where the bicycle parking is located. The applicant said that there is an extended slab next to the building, next to the front door. He pointed it out on a drawing that the Commission did not receive.

Commissioner T. Jacobs asked about the concrete slap in front of the trash enclosure, it looks like it extends into three of the parking spaces. The applicant explained that the asphalt tends to break down over time because of the trucks, so a reinforced concrete slab is used so it is more durable. The trash will be collected prior to business hours, and the slab is not raised, so there will be no interference with parking. Commissioner T. Jacobs also asked about the stacking in the drive thru, is this generally allowed in other areas?

Mr. Carlson said that all cities are different. He also added that they meet the requirements without counting the stacking.

Commissioner T. Jacobs asked the applicant if he had anything to do with the Geological Study that was presented in the application. He stated that he did not prepare it, but he is familiar with it. It was done by the developer on the entire site. City Planner also added that there is no criteria for reviewing the material.

There were no proponents, opponents, or neutral testimony. The public hearing was then closed for Commission Discussion.

Commissioner T. Jacobs said that adding the fill is an issue, as well as the traffic analysis being done in January. Chairperson Stewart asked City Planner what kind of traffic capacity would we expect to have there under our code, and what would be something that would create risk in the community and to pedestrians. Commissioner T. Jacobs said that she does not feel the numbers in January would match those done at another time of year.

Commissioner Harrison asked if there is anything in the City's study that gives a month-by-month breakdown that could be applied to this. City Planner said that the study created a peak traffic count by ODOT, not only in January, they counts by ODOT are annual. City Planner also said that we rely on other agencies such as ODOT to monitor, and there was no comment received from ODOT regarding this application.

Commissioner T. Jacobs said that her main point regarding the study is that she feels they should be done at a better time, and in the future can the Commission require that. Chairperson Stewart said this should be brought up under Commission Concerns, after the public hearing.

Commissioner Munoz said that on the application for Building One he doesn't recall any mention of adding fill. Is there a limit on how much fill they can bring in, does the City have any regulations? City Planner said that because they are in Zone X, there are no requirements for fill, as long as the water is kept on site and not pushed to adjacent properties. If the property were located in the flood way, then there would be regulations and other requirements.

City Planner added that when the application for Starbucks was brought to the Commission, there was mention of fill, and the Commission chose not to address the issue.

Commissioner T. Jacobs asked for clarifications on the parking spaces. City Planner said that the number of spaces is adequate, even without the stacking of the drive thru being counted. The Commission agreed that the drive-thru stacking be removed from the count to avoid confusion. City Planner added that there are no requirements for employee parking in retail, which includes eating and drinking establishments.

Commissioner Munoz moved to approve SP-06-10 to include changes made on the record. The conditions staff has outlined must be met. Commissioner Hahn seconded the motion.

Commissioner T. Jacobs pointed out that the applicant's information has different square footage than the City's. Chairperson Stewart said that the motion was made on the staffs information presented, if there were any changes, the application would have to come back before the Commission.

The motion passed with five aye votes and one nay vote. The vote was as follows:

Commissioner Hahn-aye

Commissioner Harrison-aye

Commissioner T. Jacobs-nay

Commissioner Huston-aye

Commissioner R. Jacobs-aye

Commissioner Munoz-aye

Chairperson Stewart advised that there is a ten-day appeal period from the date of this hearing. She then called a ten-minute recess.

The public hearing was reopened at 8:45 pm. All audience was present when the hearing disclosure was originally read, so Chairperson Stewart did not repeat it. Chairperson Stewart then asked for any ex parte contact, bias, or conflict of interest. There was none, and there was no challenge from the audience.

Planning Solutions Architecture, Tillamook County Transportation District, City of Tillamook, Site Plan Review #SP-06-11 and Conditional Use Permit #CU-06-04, to construct an approximately 2,985 square foot transit and visitor center with office space and an information counter for the Tillamook Chamber of Commerce and Tillamook County Transportation District and public restrooms, additionally including an approximately 720 square foot indoor waiting area with 30 comfortable seats for bus passengers, an approximately 1,440 square foot (24 ft. x 60 ft.) canopy for waiting passengers, a 12.5 foot driveway for northbound bus traffic through the existing City of Tillamook City Hall parking lot on the east side of the subject property, and a paved plaza to the east of the proposed building, envisioned as dedicated to the Davy Family, all within the Public and Semi-Public Zone District and inside the City Limits of the City of Tillamook.

City Planner then read the staff report. Chairperson Stewart asked if when the Town Center Plan was being done, was it considered what we would want on Public Buildings. City Planner answered no.

City Planner added that there are two more lights added to the property. There are three on the north side, which were mentioned, and two on the south side that were not mentioned. This change needs to be made to the necessary finding. If this is incorrect, the applicant can make the correction when they do their presentation.

City Planner continued with the staff report, and also read into the record a summary of all comments received. Some of the comments received were from City employees. Chairperson Stewart asked City Manager if the employees were representing the City, or if they were making comments as citizens. City Manager said that as far as he knew, the comments were made as citizens, and their statements did not represent the City. City Planner also reviewed some comments written on the staff report by Lynda Casey, an employee of the City. Chairperson Stewart asked City Planner for a copy so that she could make sure all of the concerns were addressed.

When the City Planner finished the staff report, Chairperson Stewart asked why the application was being presented to the Planning Commission when there was so much information that was not provided.

Chairperson Stewart called a five-minute recess.

Chairperson Stewart reopened the meeting at 10:30 pm. City Planner reminded the Chairperson that Planning Commission bylaws state that a meeting cannot go later than 11:00 pm unless the Commission votes to continue. Chairperson Stewart asked the Commission how they felt about continuing the meeting.

Commissioners Munoz, Harrison, Hahn, and Chairperson Stewart voted for 11:00. Commissioners R. Jacobs and Huston voted for midnight, and Commissioner T. Jacobs said she didn't mind staying as long as needed.

Chairperson Stewart agreed to start the public hearing so that the applicant can get a clear idea of what additional information the Commission is looking for.

Chairperson Stewart again asked for any ex parte contact, bias, or conflict of interest. She stated that she has ideas and thoughts, and has gathered some information, but does not believe she is biased or that she has had any ex parte contact. There was no challenge. Commissioner Huston said that he has heard comments both negative and positive about the project, but does not feel influenced by these opinions. He added that all the information he has is contained in the Commission packet. There was no challenge to Commissioner Huston.

Applicants: Mark Diloreto, Planning Solutions, 1601 Broadway, Vancouver, WA. 98663

The applicant said that he would like to go through the conditions and see if the problems can be addressed, so this can be completed tonight.

Chairperson Stewart asked if the presentation was going to be done by more than one person. Mr. Diloreto said that it would mostly be an opportunity to answer the Commission's questions.

Matt Mumford, TCTD, 3600 Third Street, Tillamook OR 97141

Bill Holstrom, Chairman of Board of Directors, TCTD 4213 Marolf Pl D, Tillamook OR

Mark Gervasi, City of Tillamook City Manager, 104 Park Ave. Tillamook

Chairperson Stewart asked if the applicant feels the information presented and in the City's staff report is sufficient, and if the applicant would like to skip the presentation and answer any questions.

Mr. Diloreto answered yes. He asked if they could go through and address each condition.

Chairperson Stewart said that would make the process more difficult.

Mr. Diloreto then said he would like to make a presentation.

Chairperson Stewart said he would be allowed to do that, and also added that the presentation can address any of the Commission's concerns.

Mr. Diloreto asked what clarification the Commission is looking for on Condition 6 so that it may be addressed tonight.

City Planner said that the language was taken from one of the Conditional Use Criteria, and this wasn't addressed in the findings.

Mr. Diloreto asked how City Planner would like this to be addressed, because he is not sure what the City Planner is looking for.

Chairperson Stewart asked why these concerns weren't addressed with staff before the meeting.

Mr. Diloreto said that they did have a pre-application meeting with staff but these items were not discussed.

Chairperson Stewart said that even if the Commission agreed to let the meeting go until midnight, she doesn't see the Commission getting all the information they need.

Mr. Diloreto said that he would just like to get through each condition and see if the Commission even wants to require all of them.

Chairperson Stewart said that this is something that should have been addressed with City Staff before the meeting so that the answers could be presented at the meeting.

Chairperson Stewart said that she understands that some people have an urgency to have this completed. But it is her responsibility to make sure it is completed with due process.

Commissioner Harrison said that if the applicant is not sure what the City is requiring, could the applicant meet with City Staff before the next meeting and discuss all of this.

Chairperson Stewart said that was allowed.

City Manager reviewed Policy 78, and the applicant's response. Mr. Diloreto said that he felt this had been addressed.

Commissioner Harrison asked City Planner if what he was looking for is can they say that the future growth of the City justifies this building.

City Planner said that is exactly what he is looking for in the applicant's response.

Commissioner T. Jacobs stated that she would never approve this application with all the holes in it, and asked if any of the other Commissioners felt the same way. She asked if the Commission could just list all the questions and concerns they have, and the applicant can address them in the next meeting.

Chairperson Stewart asked if the applicant is willing to receive these questions so that he would be able to respond to them at the next meeting.

Mr. Diloreto asked if they could get a copy of them.

Chairperson Stewart said that they could have a copy of the minutes, which would have the questions in it.

Commissioner T. Jacobs asked is there some sort of alternate plan, our Transportation System Plan calls for possibility of changing traffic flow on Third and First Street. If this comes into effect, how will it affect this project? Are there alternate routes considered for when there are events going on such as Farmers Market, June Dairy Parade, and other community events, in order to keep from congesting traffic.

Commissioner Hahn asked if the growth justifies the size of the building, then there will be even more traffic on Third Street than there is now. Third Street is the access to Highway 6 going west, so there would be substantial bottleneck at that location.

Chairperson Stewart -When we were working the Hoquarton Trail Project, there was a lot of community involvement around it, First Street really gets backed up, and this is only one block off of that. She also asked City Planner to make sure the letters of concern were given to the applicant so these issues can be addressed as well.

Commissioner T. Jacobs asked about the air quality, noise, vibration, and fumes.

Chairperson Stewart added that the applicant should know that the City has been working to get the big trucks and RV traffic off of the main streets for a long time. One thought is that buses seem to have similar characteristics.

Commissioner T. Jacobs asked if there are any plans to have bigger buses, and if so will they be able to make the turns.

Commissioner Harrison asked about the security, are the restrooms going to be open all hours.

Chairperson Stewart asked how they would handle the transient population.

Commissioner R. Jacobs stated he thinks that trees should be placed wherever they can since we are a tree city.

Commissioner Huston asked if they could present the Commission with the research regarding the noise study stating that it is not an issue.

Commissioner Harrison asked about the suitability of the building for this site. What about the other sites that this might fit better, without having to bend the codes.

Chairperson Stewart added that the Town Center Plan should be consulted.

Commissioner Huston pointed out that there are a number of places of conflict, specifically the issue of this station not being an end point.

Commissioner Harrison brought up pedestrian safety, how will the busses interact with events when there are a lot of people.

Chairperson Stewart said that when she reviewed these plans they did not seem to match up to the other buildings around them in proximity, scale and orientation.

Chairperson Stewart said that the issues around the Conditions can be dealt with in meetings with City Planner and other City Staff members. She said a lot of this can be framed using staff.

Commissioner T. Jacobs asked who decided the other sites were inappropriate, and this site should be used.

City Manager offered to go over those reasons at another time.

Chairperson Stewart reminded everyone that this cannot be discussed until the next meeting.

Commissioner Hahn said that this is one of the most historic areas in town. He doesn't feel this building fits in right here. It is a good idea, just not a good location.

This hearing will be continued to the next meeting, held on February 1, 2007.  
Chairperson Stewart suggested that this be the only item on the agenda at that meeting.

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Chairperson Stewart added that it is important to be aware of the time process with a continuance.

The other items on the agenda will be addressed at a later meeting.

There being no further business, the meeting was adjourned at 11:20 pm.

Submitted,

Jodee Averill  
Planning Secretary

Approved by

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Jan Stewart, City Planning Commission Chair

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Date