

City of Tillamook
Planning Commission Meeting
May 1, 2008

Staff Present:

David Mattison, City Planner

Commission Members Present:

Jan Stewart, Chairperson

Rob Huston

Tammy Jacobs

Nick Hahn

Ray Jacobs

Commission Members Absent:

Steve Munoz (excused)

Howard Harrison (excused)

I. Call to Order:

Chairperson Stewart called the meeting to order at 7:05 pm.

II. Hearings of Citizens and Delegations: None.

III. Approval of the Planning Commission Hearing Minutes from March 6, 2008:

Commission Member Hahn moved to approve the March 2008 minutes. Commission Member Huston seconded the motion. The motion passed with 3 abstentions, 1 aye vote.

IV. Public Hearings:

Chairperson Stewart noted that when members of the public are present, the hearings disclosure statement **would be** read. There was no audience present.

City Planner Mattison presented the requirements for Jesus Sosa, Valley Fresh Produce, under Site Plan Review #SP-07-05, as listed in the Final Findings and Conclusions, Condition #9. He repeated the listed conditions in the staff report.

There were no opponents, proponents or neutral testimony.

City Planner Mattison disbursed responses to conditions presented by the applicant's engineer, Mr. Gitchlag, who was not able to attend. As stated by City Planner, Mr. and Mrs. Sosa were also notified, in Spanish, of the hearing by Lynda Mason, interpreter.

They did not attend the meeting.

Commission Member T. Jacobs disclosed that she didn't know Gary Wright Construction was the contractor. Her husband works with Mr. Wright, who is her brother.

Commission Chairperson Stewart reminded Jacobs that she could decide to abstain at this point. Jacobs said she is choosing to participate. Stewart said she was concerned with Jacobs' participation and would review the Bylaws.

City Planner Mattison continued with the staff report. The site plan, Consent to Annex, signed Non-Remonstrance Agreement were all included in the report. He read the response letter from Mr. Gitchlag.

The response reported that Condition #1 County road approach permits had been filed with Tillamook Co. Road Dept. for proposed road improvements on Third Street and Schild Road. They will be issued as soon as administrative details are confirmed. The permits are being reviewed with the City. Condition #4, Letter from County Health Department were requested by the applicant for adjustment from the conditions via letter from Department of Agriculture instead of Department of Health, stating everything is OK.

Chairperson Stewart interrupted, following her review of the bylaws, stating that “a member of the Planning Commission shall not participate in any commission proceeding or action in which any of the following, this includes “brother”, has a direct or substantial financial interest”.

Commission Member T. Jacobs encouraged City Planner Mattison to inform the Planning Commission who the contractors are so this might be avoided in the future.

City Planner Mattison continued. He repeated that Condition #4, letter from County Health Department, was requested by Mr. Gitchlag to read letter from Oregon Department of Agriculture since the store sells fresh vegetable produce, rather than site-prepared foods. Mr. Gitchlag stated, in his letter, he understood this has been received, and filed with the City. City Planner Mattison stated nothing had been filed.

City Planner Mattison stated that the conditions that have been complied with, so far were the Road Approach Permit, Non-Remonstrance Agreement, and Consent to Annex.

Condition #5, Mr. Gitchlag states that sewer line extensions construction drawings have been prepared and reviewed by the city Public Works Department. The applicant was waiting for summer construction season to begin work. City Planner Mattison responded that in the pre-application meeting, there was discussion of the sewer line; however, nothing had been submitted to date to the City in the degree of detail required for a Public Works permit.

Chairperson Stewart asked how the Planning Commission would manage the correction, if this is a finding.

City Planner Mattison said this was a report, which is part of a finding. The findings will be corrected.

City Planner Mattison stated that according to City records and in discussion with Tillamook County and Condition #6, regarding building permits, nothing has been submitted to date. He believes, in discussion with the applicant’s engineer, they are waiting for the 2008 construction season so they have clear weather.

In regard to Condition #7, paved parking areas, the original parking areas have been paved. However, application for a road approach permit for the driveway, as is the case with Condition #1, the engineer believes Mr. Urey is waiting to review all the approaches at one time.

Landscaping planting and maintenance will be happening concurrently with other site improvements as they are completed.

Chairperson Stewart asked if City Planner had any specific issues.

City Planner Mattison said he wanted to show site pictures, at the end of the staff report to show no work had been done. He is concerned when this might happen. His assumption was that when this was approved, that things would be happening. They are not moving along as quickly as anticipated.

Chairperson Stewart asked if there was any response from Fairview Market regarding the ownership transition, and has the parking issue been resolved. City Planner Mattison said he believes this is so. When Mr. Main was selling the property, he had parking issues with the vacant lot next to Fairview Market.

The question was asked should the Planning Commission set new review date in 6 months? Or let the Site Plan be handled administratively by staff?

Chairperson Stewart asked if the members were done with staff report.

Commission Member Huston asked about Condition #9 and the 6-month overlap of operations between existing and converted store. There isn't a converted store yet. Why reviewing now instead of when 6-month period after overlap? He was confused.

There were no other questions.

Chairperson Stewart stated that there was no applicant, no proponents, no mutual testimony, no opposition for application for extension.

The hearing was closed.

City Planner Mattison responded to the question raised earlier that there was no overlap yet.

City Planner Mattison stated that the Planning Commission may have assumed there would be an overlap in April or May, and that's why it was a staff assumption that it would be reviewed at this time.

Commission Member Huston stated that as he recalled, Planning Commission wanted to make sure that when the applicant was actually using the new building, they would comply with all conditions, but since they haven't even started, the review seems a bit nonsensical, and if they never make any changes, then this goes away.

Chairperson Stewart stated that there's always timelines to get work done. Planning Commission is now aware that nothing is happening and often in these decisions, money is not supposed to be a part of the process, but it does hinder development. She asked for the purpose of the pictures.

Planning Commission Member Hahn stated that it takes a long time to get to the point before they can actually do any work. Summer is the prime building season and it is coming.

City Planner Mattison said the applicant was already to have constructed a building. The request is to review and figure out next steps.

Planning Commission Member Huston stated that the next step is to give applicant more time to do project and allow site plan and conditional use to continue for 6 months, and review at that time.

Planning Commission Member Hahn asked if this was a conditional use? Then corrected himself that yes, it is.

City Planner Mattison asked if the Planning Commission wanted the applicant to appear before the Planning Commission at end of 6 months to review again to see if it should be extended.

Chairperson Stewart would like to honor the process, and extend it for 6 months, however, City Planner Mattison would need to let applicant know that timeline is running out.

Commission Member Huston moved to amend Condition #9 of Conditional Use Permit #CU-07-03 and Site Plan Review #SP07-05 to require an additional review in Oct/Nov. 2008. Motion 2nd by Commission Member Nick Hahn

Chairperson Stewart reminded that there is history with Jesus Sosa, that didn't perform. The Planning Commission needs to follow process.

City Planner Mattison reminded the Planning Commission they have more flexibility with time to review again with conditional uses. He recommends the Planning Commission review again to ensure compliance.

Motion passed unanimously. The vote was as follows:

Commission Member Huston-aye

Commission Member Hahn-aye

Commission Member T. Jacobs (did not vote because of a conflict of interest)

Chairperson Stewart – aye (Chairperson Stewart voted because Commission Member T. Jacobs could not).

For the record, Chairperson Stewart indicated that no one ever appeared before the Planning Commission, and therefore there was no need to read the hearings disclosure statement as well as there is 10 days from the date of this decision for appeal.

V. Items of High Public Interest: None.

VI. Items of Commission Concerns: None.

Commission Member T. Jacobs asked why the potential site for Women's Crisis Center constructed a very high fence along the Third Street frontage without a variance. City Planner Mattison said that when the remodeling process was started, they requested a new address for the property. The plans show that Marolf Street is now the front yard and the side yard is now Third Street, and can therefore have a higher fence. Vision clearance must be provided for as it is. Additionally a building permit was issued for the 7' fence.

Planning Commission member noted that the Texaco station on Hwy. 101 removed above ground tanks.

City Planner Mattison said that the time limit for submitting a building permit has been exceeded by two months. Letters were sent reminding them of this expiration date. The applicant will be required to resubmit site plans to the Planning Commission.

VII. Announcements:

City Planner Mattison announced an on-line training on May 9th, Rural and Small Community Planning.

City Planner Mattison also announced the dates chosen by DLCD for open training, and would come to the City to provide training to county and city commission members/councilors. He asked the Planning Commission members to choose 2-3 days for training so that it can be scheduled.

The dates June 9, 11, 17, and 18 were suggested.

Commission Member T. Jacobs said she received a 2nd SEI request for information. She resubmitted with additional information. More discussion regarding the complications and non-professional way in which the process is handled.

City Planner Mattison presented the newly adopted Tree Ordinance. Commission Member R. Jacobs has been selected as a citizen-at-large to serve on the committee.

Chairperson Stewart stated that Mr. Jacobs has worked incredibly hard and has been very passionate about the trees in our community. She felt he would represent the community very well.

VIII. Adjournment of Public Hearings:

There being no further business, the meeting was adjourned at 8:15 pm.

Submitted by,
David Mattison, City Planner

Approval Acknowledged by:

Jan Stewart, City Planning Commission Chair

Date