

**City of Tillamook  
Planning Commission  
Minutes  
August 7, 2008**

**I. CALL TO ORDER:**

Chairperson Stewart called the meeting to order at 7:00 pm.

**Commission Members Present:**

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

**Commission Members Absent:**

Ray Jacobs (excused)

**Staff Present:**

David Mattison, City Planner  
Terri Phillips, Deputy City Recorder

**II. HEARINGS OF CITIZENS AND DELEGATIONS:**

**Don Schmitt, YMCA, 610 Stillwell**, said sufficient funds were raised to expand and improve the YMCA sooner than expected, and he asked the Commission for a special September meeting to review the project.

**Lois Albright, YMCA Steering Committee Chair, 2308 3<sup>rd</sup> St.**, stated they are before the Planning Commission on recommendation from Mattison. She said the agreement was to submit the application to the City before August 12<sup>th</sup> in time for the regular September meeting date. They could not do that until funding was known, which happened on July 31<sup>st</sup>, and there wasn't enough time to complete the application. They want to start construction before the rainy season begins. Mattison will be back from his honeymoon only two days before the regular 1<sup>st</sup> Thursday meeting date, and will not have sufficient time to prepare. They are requesting a different meeting date.

**Chairperson Stewart** said the Commission is unable to hear the application until it is complete. Albright said that is understood. If the application cannot be complete by the established meeting date, it is understood it will not be on the agenda.

**Commissioner Jacobs moved the Planning Commission change the regular September meeting from the 1<sup>st</sup> Thursday to the 3<sup>rd</sup> Thursday, September 18<sup>th</sup>. Commissioner Harrison seconded the motion. Motion passed unanimously in favor.**

**III. APPROVAL OF PLANNING COMMISSION HEARING MINUTES  
FROM| JUNE 5, 2008:**

**Commissioner Huston moved the minutes of June 5, 2008 be approved as submitted. Motion seconded by Commissioner Hahn. Motion passed unanimously in favor.**

**IV. PUBLIC HEARINGS:**

**1. Revisions to Site Plan Review #SP-07-01, at Map #T1S R10W 25AD Tax Lots 7800 and 7801, within the C-C Zone inside the City limits and Urban Growth Boundary regarding removal of the grass strip (tree lawn) and replacement with extension of the sidewalk to the curb.**

**Chairperson Stewart** opened the public hearing at 7:12 PM. She read into the record the hearings disclosure statement, asking if any commissioners had ex-parte contact, a conflict of interest or bias. **Commissioner Huston** said he had worked for the applicant, TLC, in the past, and believes he has no bias. **Chairperson Stewart** said she was contacted by the applicant initially, and has no bias. No other statements and there were no challenges.

Mattison reviewed the staff report as contained in packets. He said the approved plan for the sidewalk had been amended to extend to the curb line. The area between the existing walk and curb is difficult to keep tidy. Extension of the walk would provide for a wider area, and present a neater appearance for the Credit Union. The landscape plan otherwise meets all Conditions of Approval.

In answer to Commissioners' questions, Mattison said TLC plans to concrete the entire area from the existing walk to the curb line, with no plans to plant trees in the right-of-way. Trees will be planted elsewhere on the lot.

**Applicant:**

**Cate Mayer, 2101 5<sup>th</sup> St.,** said TLC made the decision to widen the walkway because the grass strip is very overgrown, difficult to keep tidy, and it would be necessary to replant. Grass in the right-of-way is hard to maintain. Trees are included in the landscaping in other areas of the lot.

**Commissioner Harrison** asked if there would be trees within the walk area. Mayer responded that she had been told that, over time, tree roots tend to break sidewalks. There are no plans to put trees in that area.

**Support**

**Steve Lilligaard, 19425 White Horn Lane, Bend, contractor** – He testified that grass is overgrown on the curbs and sidewalks on the site. He noted that throughout the city sidewalks vary in width. He said that 28% of the property would be landscaped. He believes the Credit Union would not object to extra trees in the sidewalk; however, he agreed with Mayer's testimony that roots in this moist climate would tend to crack walkways. He suggested that tree pavers could be used for ease in replacing trees in walkways, if so required.

**Opposition / Neutral: None**

**Commissioner Munoz** said he believed the City hired tree specialists a few years ago, in conjunction with Tree City designation, to determine which trees would be best to plant in sidewalk areas. **Chairperson Stewart** responded that two of the Planning Commissioners sit on the Tree Committee, and had done a lot of work on what kinds of trees would work in this community. Public Works Director Arley Sullivan also serves on the committee. She asked Mattison if he knew why Sullivan did not specifically itemize those trees that would be good to use in a sidewalk area. Mattison said perhaps because the City has a lot of cases where trees damage sidewalks.

**Commissioner Hahn** asked if the City had plans to plant trees on 2<sup>nd</sup> Street or Elm Street, off of Fir. Mattison said no, there were no plans.

**Commissioner Huston** summed that there are no City plans to plant trees on the side streets, and that there were no requirements in the site plan for planting trees in the sidewalk areas. Mattison agreed, and further recommended amending Condition #4 that parking and driveway areas be paved, and walkways and sidewalks that extend to the curb be paved with a concrete surface. Mattison read Condition #4, as follows: "Parking area and driveway be paved with an asphalt surface and walkways and sidewalk **extended to curb** (the proposed revision) be paved with concrete surface." And, further "...the parking and driveways be lighted and striped according to the proposed site plan prior to occupancy and operation of the facility".

**Commissioner Jacobs moved that the Planning Commission adopt the revisions to Site Plan Review #SP-07-01 as Condition #4 was amended in the Staff Report, and be approved in accordance with staff Findings of Fact. Based on these findings, the applicant has met the applicable criteria, and the suggested conditions and revisions as staff has outlined must be met. Commissioner Hahn seconded the motion. Motion passed unanimously in favor.**

**Commissioner Stewart** advised there is a ten-day appeal period from date of decision.

**2. Don Helmick, North Coast Lawn, #MP-08-01, Tentative Major Partition Plan Review, to review a tentative major partition plan for the partitioning of the subject property and the dedication of a public right-of-way, within the Multiple-Use Residential Zone (R-O) District of the City of Tillamook.**

**Commissioner Stewart** opened the hearing at 7:30 PM. Mattison reviewed the staff report as contained in packets.

**Commissioner Stewart** read into the record the hearings disclosure statement, asking if any commissioners had ex-parte contact, a conflict of interest or bias. None stated.

Mattison continued with criteria review, speaking specifically to the following:

- A shadow plan that shows the potential for maximum future development, creating an opportunity to meet the zone's density requirements.
- Half-street improvements and dedication when adjoining property is developed.
- Naming of newly dedicated right-of-way and possible re-addressing of houses.

Mattison referred to a letter from Dave and Carol Brown, 1030 Murray Way, stating their concerns with the potential development and flooding issues that may occur. He stated that based on the Findings of Fact and Conditions of Approval, the applicant appears to

have met all the Comprehensive Plan and Zoning Ordinance requirements. He recommended that tentative major partition plan MP-08-01 be approved and prepared for final major partition plan, if the Conditions of Approval are met, which he read into the record from the staff report contained in packets.

**Commissioner Stewart** said it appears that Mattison made an effort to address some of the concerns of Dave and Carol Brown with Conditions of Approval regarding surface water drainage.

**Commissioner Jacobs** asked if it was common to submit a shadow plan with a major partition plat. She suggested the shadow plan is not binding and that those decisions the Commission makes regarding the major partition might allow for a totally different development, such as a trailer park. Mattison responded that the shadow plat is an overlay of the proposal showing potential full development, and that if the applicant wanted to develop the area into a trailer park, he would need to submit a new application for Commission review.

**Jacobs** asked if the Commission would hold a meeting to discuss street re-naming with the notified homeowners. Mattison advised that would be a Commission decision.

**Commissioner Harrison** asked for clarification about the location of the proposed storm water detention facility (page 12, #3 of Staff Report). Mattison said he would need to speak to the applicant. Mattison said the requirement is to detain water on site for a 25-year storm event.

**Applicant:**

**Don Helmick, 3356 Lavina Drive, Forest Grove**, stated he is trying to do what is practical for the area, building affordable single-family housing. He said to his knowledge the area had never flooded nor been properly drained, which he is correcting. One house has been built near Holden Creek.

In response to the Brown's letter, Helmick said that Brown had installed a culvert in Holden Creek, removed over 50 cubic yards of soil from the creek, and re-channeled the creek, without permits.

**Commissioner Harrison** asked if what is shown on the plan exists or is proposed. Mr. Helmick said there is one existing house, and the new home will be between two other existing homes. There are a total of five existing homes in the area.

**Richard Gitchlag, NW Engineering, 805A Ivy Ave., Tillamook** – At the north end of the easement there is a small space available within the City sewer easement for a detention pond. When the easement becomes a public right-of-way, then the drainage becomes public storm water; private drainage will remain the responsibility of the private property owner. Not all details have been worked out.

**Chairperson Stewart** commented that the Planning Commission has been receiving lots of incomplete applications, asking for decisions. She encouraged applicants to not follow this practice.

Gitchlag continued review of the proposed development. The only opportunity for a shadow plat would be an attached zero lot line development. Detached housing could not be accommodated because the parcel is too small for partitioning for single-family

freestanding buildings. **Stewart** clarified that currently this would not meet the density requirements of the City and isn't likely to in the future.

Gitchlag said that historically the development was originally proposed as a partition with a lower standard road improvement. Staff's opinion was that a half-street development was necessary, and the plan was resubmitted. **Stewart** said that Mattison's actions and decisions are based on City code; beyond that is the Planning Commission's responsibility. The Commission highly values the work that Mattison does.

Commissioners and Gitchlag continued their review of the proposal and Conditions of Approval, with suggested revisions by the applicant, as follows:

- #5. Suggested that painted cross walks and stop bars would be an awkward requirement given there is only a half-street improvement with no sidewalks or curbs along 12<sup>th</sup> Street/Marolf Lp, with half of an intersection. If required, there would be a stop bar and crosswalk on the side of the street with no walks or pavement.
- #7. Fire hydrant – the area is served by a 4" water main from Fairview Water District. Fire flows would be inadequate for conventional fire hydrants. The applicant suggested either a fire hydrant or alternative, approved by the Fire Marshall.
- #8. Shadow Plat – the lot that is being created is too small to be re-partitioned for single-family dwellings, and could only be for attached zero-lot line development, which is not being proposed.
- #10. Existing public sewer currently serves the area, with no sewer extension. Regarding flood control, the FEMA flood elevation is at elevation 16; the lowest map elevation is 20 feet. The development is 4 feet above the flood plain. The property is already at a higher elevation than the flood zone.

**Commissioner Harrison** directed a question about the Brown's statement that they would have to relocate a waterline crossing their property, disturbing landscaping. Gitchlag said it would be the developer's expense to relocate the line. The Helmicks desire to maintain the consistent character of what is already there. **Stewart** said the letter Brown's were concerned with disturbing landscaping. Gitchlag responded that the work would be entirely off the Brown's property.

It was clarified that the proposal is to partition one lot into two so that two new homes could be constructed, and as a major partition because a road is created with the partition.

**Support:**

**Alan Perkins, 3804 12<sup>th</sup> St, Tillamook.** He said he has reviewed the proposal and fully supports it. He believes the developer does high quality work and that with this development, the housing standard in this area would be raised. He said it looks like there is a damming effect within the creek that causes the water to build up. The property is downstream from the Brown's property, which should not affect flooding issues for the Brown's. He suggested the installation of a culvert without a permit should be of much greater concern as a potential flooding hazard downstream than partitioning the lot and constructing one more house.

**Opposition / Neutral:           None**

The hearing closed at 8:10 PM.

**Commissioner Huston** asked for further explanation of the half-street improvements and storm water detention. Mattison explained he does not have information about the storm water detention system. He said, in discussions with Gitchlag, two street improvements were discussed: a) a full street improvement with asphalt only; or b) a half-street improvement with curb and sidewalks on one side. With the half-street improvement, the remainder of street improvements would occur when development happens or a partitioning of a lot on the other side. **Stewart** clarified that Mattison believes that the half-street improvement will provide adequate service to existing homes.

**Jacobs** asked if Public Works Director Sullivan has reviewed the proposal regarding the 4-inch water line and fire protection, asking if the Commission would need additional information regarding fire protection prior to making a decision? Mattison said the waterline is provided through Fairview Water District. The Fire Marshall would review fire protection requirements, which the Commission would review during the final plat review.

**Jacobs** asked for clarification on curb and sidewalk installation. Mattison said it is challenging because of the separate tax lots. A stop sign would be required on a dedicated right-of-way, with street improvement requirements as per Public Works development standards.

**Jacobs** asked how the street name and re-addressing would take place, and if a special meeting would be required to notify property owners. **Stewart** said the postmaster makes those decisions. The condition could be connected to the Postmaster or other designated authority.

**Jacobs** asked who is responsible for designing surface run-off flow and drainage, Condition #2. Mattison said the engineer. **Jacobs** asked if FEMA has anything to do with the approval process, suggesting further development in the area tends to add to the issue. She asked if the City had other professionals available who can be contacted regarding the cumulative effect and how that affects properties down stream. Mattison said this is the Public Works Director's responsibility.

**Huston** noted a storm drainage plan was not submitted with the application. Mattison said there is a storm water master plan for the City, but not specifically for this development. **Stewart** asked if the storm water plan was relevant for the partition or the development. Mattison said it would come at the time of the partition since development is only one house.

Commissioners reviewed and discussed possible revisions to conditions of approval the applicant had suggested.

**Chairperson Stewart** called a ten-minute recess at 8:25. The meeting resumed at 8:35.

General discussion about the application and proposed revisions to Conditions of Approval.

**Commissioner Harrison moved the Planning Commission approve tentative major partition plan MP-08-01 in accordance with Findings of Fact and revisions to the Conditions of Approval as discussed. Based on the Findings the applicant has met the applicable criteria and the following conditions must be met as outlined in the Staff Report, including changes.**

2. **Addition to the first sentence: “...Erosion Control Plan including the siting of a detention plan for right-of-way runoff and provides a copy of this analysis and plan to the City and County for approval by the Public Works Director as part of the ....”**
3. **Addition at the end of the condition: “...and any addressing changes be under the jurisdiction of the Postmaster.”**
4. **Addition at the end of the condition: “...in accordance with requirements of the Public Works Director.”**
5. **Addition at the end of the condition: “...in accordance with requirements of the Public Works Director.”**
7. **Amend as follows: “The applicant shall show fire hydrant(s) or alternatives approved by the Regional Fire Marshall....”**
10. **Addition at the end of the condition: “...in accordance with requirements of the Public Works Director.”**
11. **Addition as follows: “...(water line location and drainage, emergency vehicle turn-around per City requirements) as noted ....”**
12. **Amend as follows: “...beyond the limits of the proposed major partition showing the finished grade...” and addition at the end, “... as part of the final major partition plat, in accordance with requirements of the Public Works Director.”**

**Motion seconded by Commissioner Huston. Motion passed unanimously in favor.**  
**Commissioner Stewart** advised there is a ten-day appeal from the date of the hearing.

**3. Tillamook Bay Community College, #CU-08-01, Conditional Use Permit, and #SP-08-02, Site Plan Review, to construct the Tillamook Bay Community College Main Campus at approximately 188,179 square feet including a 42,662 square foot two-story building with an approximately forty-eight thousand (48,000) square foot, one hundred seventeen (117) stall off-street parking lot, accessed by “Poop Lane”, a County Fairground’s service driveway, as phase 1, on 4.53 acres of property.**

**Commissioner Stewart** asked if any commissioners had ex-parte contact, a conflict of interest or bias. **Jacobs** said she had ex parte contact with Mr. Carnahan, President of the College, regarding the potential project. She said Carnahan consulted her company regarding the value of the property. She did not believe it would affect her ability to make an unbiased decision. She said she researched the property which is part of a larger piece the Fairground owns, locating the Fairview water line, the pumps, etc. **Stewart** asked Commissioners if they have difficulty with that. No one said they did.

**Stewart** asked for audience challenge regarding **Jacobs** ex parte contact. No one spoke.

Mattison said when the public notice was sent, it showed Phases 1 and 2, as contained in packets. In review, when the minor partition request M-07-07 was applied for in 2007, there was a requirement of the college that the “wetland mitigation shall be approved on proposed Parcels 1 and 2 by DSL prior to the submittal of a site plan review application.”

**Stewart** said that it is her understanding that the Commission has an application in front of them that isn’t supposed to be there because DSL has not received a completed application and processed the wetlands mitigation. In terms of protocol, the Commission would not review the application until that requirement had been met.

Mattison agreed.

**Stewart** noted there are audience members present to speak to the application. She asked Mattison to clarify, as of this day, the status of the application. She reminded everyone this is a quasi-judicial process and that she cannot, as facilitator, introduce anything into the process that shouldn't be. She asked why the Commission would be hearing anything when a completed application is not present, nor is there an application that should be before the Commission. She said she believes it would be a violation of her responsibilities, as Chairperson, stating she was not willing to hear anything unless a legal reason can be shown it should be heard. Mattison said he did not have that information.

**Stewart** said this is a significant project, and that it is very inappropriate for it to be moved forward without using proper protocol. She asked Commissioner preference.

**Huston** said that even if the Commission heard the request without the evidence, it would have to be denied. His understanding, from examining the packet information, and knowing there is a requirement for the DSL wetlands mitigation, is that the Commission cannot look at it. It would not be in their best interest.

**Stewart** said the Commission has long advocated for community participation. She said she had engaged people concerning other items of the application where the application isn't complete enough to provide information. There are multiple issues. She agrees with Huston.

**Jacobs** agreed with Stewart. **Harrison** agreed since it is an incomplete application.

**Stewart** said it is an application that wasn't complete at time of submission, with payment. The City has a letter from DSL that the application to DSL regarding wetlands was incomplete, and DSL is requesting completion.

All commissioners agreed they should not hear the application.

**Stewart** asked what the next step might be to best serve the applicant. Mattison suggested the application be tabled for continuation to a future date. **Stewart** said the Commission has a legal binding decision on the Planning Commission that it would not receive the application until the wetlands mitigation issue had been settled. She recognized that DSL does not move quickly, and that she was having some difficulty with the clock running when the Planning Commission was not able to receive the application in that time frame.

**Jacobs** suggested re-submittal seems more appropriate because fees could change as well, and by tabling, it sounds more like a time issue and there could be more information involved.

**Stewart** didn't think new fees would be imposed.

In response to a question from the audience, she said she isn't opening the public hearing for public testimony, which then starts the timing.

**Stewart** believed the next step was to make a motion requesting staff ask the applicant to resubmit when they've met the criteria that they clearly had as part of their process. She again stated the Commissions' job is to hear the application when it's legal to come before them.

**Commissioner Huston moved that the application #CU-08-01 and #SP-08-02 be re-submitted when the application meets all application criteria and that additional submission fees are waived. Motion seconded by Commissioner Harrison. Motion passed unanimously.**

In response to a comment from the audience, **Stewart** said staff is the contact point until there is an application in process. The Commission does not work with applicants, staff does. She asked for a contact point so that issues can be resolved.

Following additional audience questions and response that the Commission is unable to answer at this point, **Stewart** assured all that the Commission will do the very best it can to have a quasi-judicial process, required by Oregon planning laws.

**V. ITEMS OF HIGH PUBLIC INTEREST: None**

**VI. ITEMS OF COMMISSION CONCERN:**

**Commissioner Jacobs** asked about Policy 109 referred to earlier in the evening regarding natural hazards that can result from new development, such as run-off from new buildings, paving projects, soil slippage due to weak foundations, soils that have the potential to have adverse impacts and a cumulative effect on property owners downstream will be considered and evaluated. Could the Planning Commission revise the policy?

Mattison responded the Commission could, which would be a recommendation to the City Council. It is part of the Comprehensive Plan and Zoning Ordinance.

General discussion about the process and possible revisions.

Commissioners discussed generally the necessity of detention ponds, Holden Creek, and procedures during Commission meetings.

**VII. ANNOUNCEMENTS:**

**Chairperson Stewart** encouraged commissioners to attend the Oregon Planning Institute September 10-14. Mattison will send out an e-mail with the itinerary.

**VIII. ADJOURNMENT OF PUBLIC HEARING:**

There being no further business, the meeting was adjourned at 10:00 pm.

Submitted by,  
Terri Phillips, CMC  
Deputy City Recorder

Approval Acknowledged by:

\_\_\_\_\_  
Jan Stewart, City Planning Commission Chair

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Date