

City of Tillamook Planning Commission Minutes

Regular Meeting – December 6, 2012

Commission Members Present:

Jan Stewart, Chairperson

Tamra Jacobs

Aaron Palter

Ray Jacobs

Nick Hahn

Staff Present:

David Mattison, City Planner

Debbi Reeves, Executive Assistant

Terra Wilcoxson, Urban Designer

City Council:

Doug Henson, Council Liaison

Guests Presents:

See List on File

I. CALL TO ORDER:

Chairperson Stewart called the City of Tillamook Planning Commission meeting to order at 6:07 P.M. She noted the early start time of the meeting and apologized to the audience for not starting precisely at 6:00 P.M.

II. ROLL CALL:

D. Reeves called the roll of Planning Commission members and all members were present. **Chair Stewart** noted the presence of City Council liaison **Doug Henson**.

III. APPROVAL OF MINUTES:

Chair Stewart asked for approval of minutes from the last regular meeting.

- **T. Jacobs made a motion to approve the minutes from the November 1, 2012 meeting. R. Jacobs seconded the motion. There was a brief discussion about how minutes are prepared and Chair Stewart noted the City of Tillamook does action only minutes and not verbatim. An audio transcription can be obtained by anyone wanting to hear the entire meeting. Chair Stewart then called for the vote and Ayes were received by N. Hahn, A. Palter, T. Jacobs, and R. Jacobs. The motion passed.**

IV. PUBLIC COMMENTS:

Chair Stewart read the disclosure statement for the public comment period on non-agenda items and ask if anyone would like to speak. There were none.

V. PUBLIC HEARINGS:

Chair Stewart opened the Public Hearing portion of the meeting and read the hearing disclosure statement.

- 1) **Don Decambra, Kona's Hawaiian BBQ, Conditional Use Permit CU-12-02**

and Site Plan Review SP-12-03:

Chair Stewart asked the Planning Commission members if there was any bias, exparte contact, or conflict of interest to declare. There was none and there were no challenges from the audience.

Chair Stewart reminded the Planning Commission members that this was a continuation of the discussion portion of the hearing on the barbeque stand. She asked City Planner **Dave Mattison** to summarize where they left off. **D. Mattison** explained where they had left off, the changes regarding the number of parking spaces, and the elimination of the boxing arena on the property. **D. Mattison** handed out a summary and clarification of comments received from **Val Crispin**. **Chair Stewart** said this clarification summary is not additional testimony but will be entered into the record as additional application documentation. There was discussion and clarification of the summary. There was discussion regarding surfaces, parking, the classification of the mobile unit, traffic, signage, public restrooms, and zoning ordinances. There was discussion of smoke nuisance, curbs, driveway width, traffic impact studies, enforcement of complaints, temporary usage, and the planning commission review period.

- **A. Palter made a motion to approve Conditional Use Permit CU-12-02 and Site Plan Review SP-12-03 in accordance with staffs Findings and Conclusions with an amendment to Conditions #3 adding that the paving of the parking area and driveway must be completed prior to the commencement of the business opening, a correction to Section 25, 2, B, ‘four (4) existing spaces to the west side of the subject property’, the new site plan be added to the record, the required parking spaces are 13 off street spaces, a 6 foot walkway and no parking in the front, the curbing requirement near the house stairs be removed for safety reasons, any references of ‘Taco Wagon’ be corrected to Kona’s Hawaiian BBQ Trailer, and all comments become part of the Findings. The motion was seconded by N. Hahn. Chair Stewart asked to make a friendly amendment to include a reference of 3rd Street paving and curbing which will not be completed until next spring. A. Palter and N. Hahn accepted the friendly amendment. With no further discussion Chair Stewart called for the vote. Ayes were received by R. Jacobs, A. Palter, T. Jacobs, and N. Hahn. The motion passed.**

Chair Stewart advised there is a 10 day appeal process from the date of signing the order.

2) **Omar Viramontes, Rodeo Steakhouse and Grill, Sign Size Variance V-12-02:**

Chair Stewart asked the Planning Commission members if there was any bias, exparte contact, or conflict of interest. There was none and no challenges from the audience.

D. Mattison went over the staff report explaining history of the sign and the complaint. He went over the supporting comments received and then proceeded to go over the Conclusions and Recommended Conditions. There were questions about the zoning

ordinances pertaining to sign size. There was questions about interpretations, clarifications, color palettes, and prior signs on the building that were non-conforming. **Chair Stewart** commented that all questions will be discussed and proceeded to ask the applicant to speak to the Planning Commission and for supportive testimony.

Dennis Wine, Attorney for the Applicant, 301 Main Avenue, Tillamook OR 97141:
Mr. Wine spoke about the history of the building and the mural when it was the Victory House Restaurant and Cedar Bay Restaurant. He shows drawings and photos. He commented that **Mr. Viramontes** assumed a large sign or mural was acceptable since it was like that in the past. **Mr. Wine** commented on the square footage of the sign in proportion to the size of the wall. He commented on the hardship the ODOT project in 2015-2016 will bring upon the business. **Chair Stewart** noted this is supportive testimony.

Gary Mahon, 2203 Main Ave., Tillamook OR 97141:
Mr. Mahon commented the sign is positive, beneficial, adds character to the building, and again noted how positive it is. He commented on the upcoming ODOT project and the traffic mess it will create.

Kathryn Sweeney, 109 E. Cypress, Garibaldi OR 97118:
Ms. Sweeney commented she thinks the sign is wonderful and noted the ordinances are flawed in her opinion.

Chair Stewart asked if there was any testimony in opposition and there was none. She asked for neutral testimony.

Justin Aufdermauer, Director for the Tillamook Chamber of Commerce, 3705 Hwy 101 N., Tillamook OR 97141:
J. Aufdermauer stated that ordinances are hard to understand and could be written better. He noted that the City Council makes the ordinances and the Planning Commission interprets them. He also noted the variance form is complicated. There was discussion about an assistance packet of processes and requirements for business owners. **A. Palter** commended **J. Aufdermauer** on the excellent job he is doing as director of the Chamber of Commerce.

Doug Henson, 1130 Meadow Ave., Tillamook OR 97141:
D. Henson noted he is President of the Downtown Association and commented they had put together an information packet in the past but it is not being done now. They will work on this. **Chair Stewart** noted the Town Center Plan will be reopened and the requirements and process for business owners will be looked at. **A. Palter** noted he is also on the Downtown Association board.

Linnea Burden, 8310 Sollie Smith Rd., Tillamook OR 97141 and Burden's Towing, 10 Main Ave, Tillamook OR 97141:
Mrs. Burden explained their business is within eyesight of the Rodeo Steakhouse. They

watched the sign get painted over a period of several weeks. She commented that someone from the city should have contacted the owner and let him know the sign was not in compliance.

Doug Henson, 1130 Meadow Avenue, Tillamook OR 97141:

Mr. Henson noted he is a City Councilor and this could be considered exparte contact should there be an appeal on this issue. He explained the city operates under complaint driven enforcement therefore the city could do nothing until a complaint was filed. There was discussion about enforcement. **T. Jacobs** commented on code, complaints, and Planning Commission involvement.

With no further testimony or rebuttal **Chair Stewart** closed the public hearing and opened commission discussion.

A. Palter commented on sign variances in the past and noted the complainant was not in attendance. He also commented on code, process, appeal costs, and the comprehensive plan and that the city is working on changes to be compatible with the Town Center Plan. He explained the hardship in this case was self-imposed by the applicant.

D. Mattison explained there have been numerous calls and letters in support of this variance request. **Chair Stewart** noted there does not seem to be any opposition in the room. There was discussion about the motion. **D. Henson** commented the Planning Commission has had ample time to make a motion and called for Point of Order.

After several failed attempts to make a motion, **Chair Stewart** called a recess at 8:30 P.M.

Chair Stewart reconvened the meeting at 8:40 P.M. She noted **D. Henson** as a City Councilor is an Ex-Officio member of the Planning Commission therefore can call for Point of Order.

There was discussion that no had made a second to any of the motions therefore the motions died on the table.

- **T. Jacobs made a motion to approve Variance V-12-02 in accordance with staffs Findings and Conclusions, including a change to Condition #1 to remove the word “County” and that based on the findings the applicant has met the criteria. R. Jacobs seconded the motion. A. Palter commented that his vote will reflect his position as a Planning Commission member. N. Hahn commented on the criteria. Chair Stewart called for the vote. Ayes were received by T. Jacobs and R. Jacobs. Nay votes were received by A. Palter and N. Hahn. Chair Stewart voted Aye to make the tie breaking vote. The motion passed by a majority of the Planning Commission.**

Chair Stewart stated there is 10 days for appeal from the time the order is signed.

3) City of Tillamook Park and Recreation Master Plan:

D. Mattison stated the comment period had ended and proceeded to go over the changes and concerns to the Parks and Recreation Master Plan. He commented on unleashed dog areas and no lighting in Pioneer Park. He explained the thoughts of tying the parks together. **Terra Wilcoxson**, Urban Designer for the City of Tillamook, commented on and explained about areas that the county is willing to dedicate to the city. There was discussion of the removal of the dog areas in the parks at the request of the Public Works Director. There was lengthy discussion of the addition of dog parks and dog areas in existing parks back into the plan. There was discussion about open space. **D. Mattison** went over the blue highlighted changes of the plan. There were a few minor corrections noted in the document which **D. Mattison** will make.

Chair Stewart announced the commission members would need to make a unanimous consensus to stay to finish the Parks and Recreation Master Plan since the meeting was now over 3 hours. Consensus was to stay for another half hour.

A. Palter asked **T. Wilcoxson** if the document was complete in her opinion. **T. Wilcoxson** explained she will be requesting grant funding and the more concise the document the better for funding. She gave her thoughts regarding the plan and what she will be able to do. There was considerable discussion regarding creation of dog parks.

- **A. Palter made a motion to add bullet points for design and development of a dog park in the Park and Recreation Master Plan. The motion was seconded by T. Jacobs. Chair Stewart called for the vote and Ayes were received by R. Jacobs, A. Palter, T. Jacobs, and N. Hahn. The motion passed unanimously.**

Chair Stewart asked if the audience would like to speak.

Humberto Maciel, 2304 9th Street, Tillamook, OR 97141:

Mr. Maciel commented on the plan noting that specific kinds of ball fields need to be in the plan. He asked about the percentages used in the plan and **D. Mattison** explained the methodology. **Mr. Maciel** commented on local soccer and asked if any of the public notices has been sent out in a bilingual language, specifically Hispanic. He noted a large population of Tillamook is Hispanic. There was discussion about community needs, ball fields, and skate board parks. **Mr. Maciel** asked the commission members not to leave out opportunities just so the plan could get passed. He commented on the statistics in the plan and that he could get 100 signatures by tomorrow if it is statistics they need. He and **T. Wilcoxson** will meet tomorrow to discuss ball fields further.

Chair Stewart asked **T. Wilcoxson** if there is an urgency in passing this plan? **T. Wilcoxson** noted there is an urgency but that soccer fields, baseball fields, etcetera, should be listed. She explained how grants and funding works. **A. Palter** commented

the plan is not ready for final action and noted that everything has not been completely discussed.

There were several attempts to make a motion regarding the Parks and Recreation Master Plan but the motions were either withdrawn or died for lack of a second. There was discussion that the more specifics included in the plan the better and that the generalities are there.

T. Wilcoxson noted that the commission members had discussed:

- 1) allowing dogs on leashes in all parks;
 - 2) specific sports related activities and area;
 - 3) dog park; examine funding and creation.
- (There were several different conversations going on at this time).

- **A. Palter made a motion to recommend the City Council adopt the Parks and Recreation Master Plan and to have staff provide the opportunity to incorporate the language into the document that captures the intent of our discussion and provides specific language relating to certain sports prior to the document being finalized and presented to council. T. Jacobs seconded the motion and asked to make a friendly amendment to include the dog park specifics as discussed in the same way. Discussed dog areas, specifics, and creation of an off leash dog park. There was further discussion of the friendly amendment and how to incorporate it. T. Jacobs offered to withdraw her friendly amendment. There was further discussion pertaining to off-leash dog parks and dog areas. A. Palter noted he would accept a friendly amendment to include examination and financing feasibility of the creation of a dog park. T. Jacobs was acceptable to the wording. A. Palter seconded the friendly amendment. Chair Stewart went over the motion as amended. She then called for the vote. Ayes were received by R. Jacobs, A. Palter, T. Jacobs, and N. Hahn. The motion passed unanimously.**

Chair Stewart commented that the Planning Commission would like to review the document prior to going to the City Council.

VI. ITEMS OF HIGH PUBLIC INTEREST: None

VII. ITEMS OF COMMISSION CONCERN:

R. Jacobs asked about the high fence constructed on 3rd Street. **D. Mattison** explained the situation and that it had been discussed and a letter had been sent to the property owner.

A. Palter commented on the meeting tonight and his opinion personal opinion of the Rodeo sign and the outcome of the variance hearing. There was discussion of staff reports and criteria. **A. Palter** noted it was a difficult night and he was embarrassed by the meeting tonight. He then tendered his resignation from the Planning Commission and

explained his reasoning for the resignation. He will get a signed letter to **D. Mattison**. There was discussion about the length of meetings and the amount of work put on the Planning Commission shoulders in the past year. **Chair Stewart** thanked him for his years of service.

VIII. FUTURE AGENDA ITEMS: None

IX. ANNOUNCEMENTS: None

X. ADJOURNMENT:

With no further concerns **Chairperson Stewart** adjourned at 10:10 p.m.

Approval Acknowledged by:

~ ~ SIGNATURE ON FILE ~ ~

Jan Stewart, City Planning Commission Chairperson

Prepared by:

Debbi Reeves
Executive Assistant