



City of Yamhill

A small taste of Oregon

CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING

Public Hearing

April 13, 2023 6:30 PM

MINUTES

Public Hearing – Planning Commission

1. **Call to Order:** – Roll Call

Ken Moore called the meeting to order at 6:39 PM

Present In-Person: Lynden Carl, Jon Hodgkins, Sue Richardson, Ken Moore, and Shawn Freilinger.

City Council representative Councilor Shea Corrigan.

Staff Present In-Person: Greg Graven, Chief of Police/Interim City Administrator/Interim City Recorder, Kim Steel City – Court Clerk/Interim Finance & Admin Service Director, Kyle Adams Public Works.

2. **Public Comment:** -

- Patty Pairan

Patty referenced the copy of the plans and she had a concern with the entrance to the property (located at 210 South Main Street, Yamhill). Through discussion from Ken Moore and Walt Wendolowski, it was determined that Patty's question was a part of what the public hearing was about tonight and the public comments should not be related to the application being addressed for the public hearing at this time. Ken informed Patty that she will have her chance to ask questions related to the application but this was currently not the time for those questions.

- Shea Corrigan

Shea expressed his appreciation to the Planning Commission and Ken Moore for allowing him to be on the team as liaison for City Council and indicated that he will be attending the Planning Commission meetings on a regular basis. Shea was welcomed to the Planning Commission as a representative of City Council. Ken confirmed that Shea will be reporting back to the City Council regarding what is taking place during the Planning Commission Meetings.

- Robert Davis

Robert reported that he talked with Kara Weber of the Yamhill Downtown Association and discussed plans to formulate a group and he said Kara expressed

an interest in moving forward. Robert advised that Kara will be speaking with realtor Phillip Higgins to invite him to the group, as well as some others to have a group of four or five people involved. Robert advised the next step is to get together as a group and brainstorm on Economic Development and on Project Initiative 23 – C-1.

Which is: The City of Yamhill Oregon as a designated Historic District, designating the Yamhill Planning Commission oversight to establish the City of Yamhill as a Historic District with City Council approval authorizing the City of Yamhill Planning Commission to be appointed authority to conduct research on the City of Yamhill Oregon as a designated Historic District.

Ken Moore

Ken indicated Sue Richardson will be a part of the group as well and Robert confirmed that she will be.

- Rocky Losli
Rocky advised his interest in in the public hearing and the “body development” of when he will be able to speak “for, against or neutral.”
Ken Moore inquired with Walt Wendolowski on the process for the public hearing and Walt provided the rules of decorum during a public hearing. Walt outlined the process as follows:
Start off with a staff report.
Applicant speaks.
Those who are in favor - proponents speak.
Those who are against - opponents speak.
Those who are neither for nor against, who have general questions speak.
Then the applicant has the opportunity to rebut any comments but cannot provide new evidence.
Ken then instructed that if there are comments to be made, those comments would be made later in the process of the public hearing. Ken advised that it would be best to save the comments until after the public hearing with the intentions that the questions or comments may be answered during the process of the public hearing.
- Sherry Wilson
Sherry inquired if the regulations for lighting and signage for the city of Yamhill has been completed.
Ken Moore stated that it has been completed by ordinance with the electronic signs and there will be further discussion on the subject during the public hearing.

3. STAFF REPORT:

Walt Wendolowski expressed his appreciation of the Planning Commission for them

understanding the reasoning for having to reschedule for tonight's Public Hearing Meeting.

Walt advised that due to the staff report being a large 16 page report, he will be focusing on the highlights of the staff report and answer any questions.

Walt indicated that there is a "bigger issue here" and referenced a couple of instances involving the Planning Commission making some interpretation or subjective judgement or flexibility in the application. Walt said that with his suggestions and guidance that he has provided he feels it is important for the Planning Commission to understand that the decision is left to the Planning Commission as part of their review process.

Walt explained that even though there are areas of the application that are clear cut in terms of building, however, there other areas such as parking and loading that the Planning Commission is going to have to make some interpretations on. Walt said that he will highlight those areas during his presentation.

A. DR 23-01 - Application for a Design Review to construct a service station and convenience store on property located at 210 South Main Street, Yamhill. Public Hearing.

Walt provided a 16 page staff report included below:

APPLICANT: Melissa Poland.
LOCATION: 210 South Maple Street.
TAX LOT: Township 3 South; Range 4 West; Section 04BD; Tax Lot 2900
PARCEL SIZE: Approximately 0.42 acres.
ZONING: General Commercial Zone (C-3).
REQUEST: The applicant is requesting approval of a Development Plan Review to establish a service station and convenience store on the subject property.
CRITERIA: Yamhill Municipal Code; Chapter 10.28 (General Commercial Zone).
FILE No.: DR 23-01

I.

BACKGROUND

- A. APPLICANT: Melissa Poland (for property owned by Paul Johal).
- B. PROPERTY LOCATION: The property is located on the southwest corner of the intersection of South Maple Street and West First Street. The site address is 210 South Maple Street, and the County Assessor places the property within Township 3 South; Range 4 West; Section 04BD; Tax Lot 2900.
- C. PARCEL SIZE: The subject property contains approximately 18,600 square feet.
- D. EXISTING DEVELOPMENT: The vacant subject area fronts two public streets and public services are available to serve the site.
- E. ZONING: The property is zoned General Commercial Zone (C-3) and is also located within the identified Central Business District (CBD).

- F. ADJACENT ZONING AND LAND USE: All adjacent land is zoned C-3 and mainly contains commercial development primarily located along South Maple Street.
- G. REQUEST: The applicant is requesting Development Plan Review approval to establish a service station and convenience store on the subject property.
- H. DECISION CRITERIA: Yamhill Municipal Code; Chapter 10.28 (General Commercial Zone) and Chapter 10.46 (Central Business District).

II. APPLICATION SUMMARY

- A. The applicant wishes to construct a combination gas station and convenience store on the subject property. The proposed layout includes the following:
 - 1. A 5,000 square foot store will be located on the northeast corner of the property. The exterior finish includes a mix of brick veneer and split-faced concrete (CMU) with pre-finished sheet metal cornices and metal awnings. The building is approximately 20-feet in height with a small portion above the main entrance at approximately 24-feet.
 - 2. The site includes nine parking spaces, five spaces (including a disabled space) located on the west side of the building and four additional spaces in the southwest corner. A covered dumpster enclosure is located on the west side, to the north of the four spaces.
 - 3. The four gas pump islands will be located on the south side of the site, running parallel with the building. An approximate 2500 square foot canopy will cover the pumps. The closest pump island is 200-feet from the Maple Street property line.
 - 4. There are two points of access, one on Maple Street and one along First Street. The Maple Street entrance is centered on the property and is located between the pump islands and the convenience store. The First Street access is in the northwest corner of the site. Traffic flow directions were not indicated; however, it appears both points of access can serve as ingress and egress.
 - 5. There is a single landscaping area in the northwest corner containing 842 square feet of area. A chain link fence will be located along the west property line and approximately western one-half of the south property line.
 - 6. There appears to be a drive-in/walk-in window included on the east side of the building, facing Maple Street. The applicant did not request consideration to establish the use.
- B. Per Section 10.28.020(A)(14)(a), an automobile service station is allowed in the C3 zone. Further, Section 10.28.020(A)(11) permits retail uses. Based on these two subsections, the C-3 zone allows the proposed development. In addition, per Section 10.28.050 (A) in a C-3 zone, a development plan shall be submitted to the Planning Commission for

expansion of existing buildings and for new construction. This provision applies to the request.

- C. The applicant submitted a similar proposal in 2022. At their October 2022 meeting the Planning Commission voted to deny the request. The applicant did not appeal. While like the previously proposed use, this application before the Commission is a new request with significant modifications to the previous layout.
- D. The City mailed out notice of the hearing to area property owners and affected agencies. Previously submitted comments (October 2022) remain relevant to this request and are included in this report. Oregon Department of Transportation noted the following:

Normally ODOT defers frontage improvement requirements to the local jurisdiction including the frontage along state highways. I believe ODOT has curb-to-curb jurisdiction through Yamhill which means that ODOT would only be concerned with the driveway and the ped ramps on the corner. The gas station development likely won't trigger a new ODOT approach application since there is an existing approach that previously served a gas station. ODOT wouldn't require new ped ramps at the corner unless the sidewalk leading up to it is being installed/replaced (either on 1st or Maple). In short, ODOT's requirements will really depend on the city's requirements. If the city doesn't have a specific requirement for frontage, then ODOT would allow the current highway frontage to remain as-is. If the city has frontage improvement requirements, then ODOT will need to be involved in the design and permitting of the ramps and driveway.

- E. The City Engineer reviewed the proposal and provided the following comments:
 - 1. Sanitary Sewer. There is an 8-inch gravity sanitary sewer main exists in South Maple Street along the frontage of the proposed development. A sanitary sewer plan is not shown in the applicant's material. Design drawings showing the sanitary sewer connection shall be submitted and approved by the City of Yamhill (City) prior to development. Oregon Department of Transportation (ODOT) permits will be required for work in the ODOT right-of-way.
 - 2. Water. An 8-inch water main exists within the West First Street right-of-way near the northwest corner of the proposed development. Design drawings showing the water service connection shall be submitted and approved by the City prior to development.
 - 3. Stormwater. Stormwater infrastructure exists in West First Street and South Maple Street. The City does not require stormwater quality treatment; therefore, the applicant may provide water quality treatment at the applicant's discretion. However, the fueling station is required to meet all state and federal standards. The City requires stormwater quantity management as necessary to ensure developments do not create or exacerbate downstream deficiencies. Design drawings showing the stormwater design shall be submitted and approved by the City prior to development. A stormwater report to document that the project

will not create or exacerbate any downstream deficiency shall be submitted and approved by the City prior to development.

4. Streets. The applicant is proposing to use the existing accesses on S Maple Street and W First Street.

- a. West First Street - City standard width of sidewalk along West First Street is 8 feet. No sidewalk or curb currently exists along West First Street. The applicant shall install standard curb and gutter and 8-foot-wide sidewalk along the West First Street frontage. The West First Street access driveway shall be placed so that the nearest edge of the driveway is a minimum of 60 feet from the western edge of South Maple Street curb, aligning with the drive aisle west of the fuel pumps. West First Street has recently been repaved. Any street cuts into the new pavement on West First Street will require a minimum half-street 2-inch mill and inlay extending 25 feet on each side of the transverse cut.
- b. South Maple Street - City standard width of sidewalk along South Maple Street is 8 feet. An \pm 8-foot-wide sidewalk currently exists along South Maple. An existing \pm 36-foot-wide driveway apron exists along South Maple Street, which the applicant is proposing to use for this development. Submit documentation of ODOT access permit for the driveway access to South Maple Street. A \pm 38-foot-long section of existing curb north of the driveway on South Maple Street is a mountable curb. The applicant shall replace the mountable curb along South Maple Street, south of West First Street, with standard curb to meet ODOT standards.
- c. Curb Return/Ramps - The curb ramp at the southwest corner of the intersection of West First Street and South Maple Street does not meet Americans with Disabilities Act (ADA) or ODOT standards. The applicant shall replace the curb ramp at the southwest corner of the West First/South Maple intersection to meet 2011 Public Right-of-Way Accessibility Guidelines (PROWAG) guidelines and ODOT standards. Design drawings showing the street design shall be submitted and approved by the City prior to development.

F. No other comments were received at the time of this current report.

G. As noted, the property is in the C-3 zone and subject to provisions of the Central Business District. Compliance with the underlying zone (C-3) will be reviewed first followed by compliance with the Central Business District provisions.

III. CRITERIA AND FINDINGS
GENERAL COMMERCIAL ZONE (C-3) DESIGN REVIEW

A. Section 10.28.050(A) requires the submittal of a design review to the Planning Commission for the construction of a new building. The review is subject to the following provisions:

1. Section 10.28.050(A) - In approving a development plan, the governing body may impose conditions relating to:
 - (1) Size and location of signs;
 - (2) Size, type, and location of outdoor lighting;
 - (3) Landscaped area;
 - (4) Screening;
 - (5) Building setbacks;
 - (6) Ingress, parking, vehicle storage, and egress for commercial uses;
 - (7) Drainage and utility service.

Construction shall be in conformance to the plan approved by the Planning Commission to assure compatibility with adjacent zones.

FINDINGS: This subsection provides guidelines for the Commission to consider regarding conditions of development.

2. Section 10.28.050(B) - The uses shall not be objectionable in relationship to surrounding properties because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.

FINDINGS: Gas stations have some potential for odor and fumes. However, the Department of Environmental Quality (DEQ) regulates gas vapor emissions and storage tank installation. Potential impacts should be minimized provided the site complies with DEQ regulations. Otherwise, dust, smoke, cinders, fumes, heat, and vibration should not be factors.

It is suggested the City stipulate that all lighting from the pump islands, the canopy, and the convenience store will be directed entirely onto the subject property. Further, lighting may not cast a glare or reflection onto the public rights-of-way. A lighting plan should be required as part of any building permit submittal.

3. Section 10.28.050(C) - Retail or wholesale stores or businesses shall not engage in the manufacturing, processing, or compounding of products other than those which are clearly incidental to the business conducted on the premises and provided that not more than 50% of the floor area of the building is used in the manufacturing, processing, or compounding of products.

FINDINGS: This subsection does not apply as the proposed business is a retail store and service station and does not engage in the manufacturing, processing, or compounding of products.

4. Section 10.28.050(D) - Compliance with requirements of Chapter 10.52 (Off-Street Parking and Loading).

FINDINGS: The layout includes both a retail store and a service area (gas pump islands). Per Section 10.52.050(J), the retail store requires one space per 400-square feet plus one space

per two employees. This would require 12.5 spaces based on area, and possibly no more than two for employees, for a total of 15 spaces (rounded). There are no specific parking requirements for the gas station islands. The site plan identifies nine parking spaces on the west side of the building and southwest corner.

This is not a "straight forward" retail operation as it includes the servicing component with the gas pumps. In other words, not all the traffic is destined for the convenience store — a certain percentage of customers will only be buying gas, not using the convenience store parking spaces, but effectively "parking" adjacent to the pumps. Also, it is common for customers to park at the pumps while simultaneously conducting business inside the convenience store.

Section 10.52.080 (B) states "Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission." With the four pumps providing eight spaces to "park" a vehicle (one car per each side of the pump) and the proposed nine spaces identified, the layout could meet the parking requirements in this Section. However, *this is a matter of interpretation by the Commission.*

Loading requirements for commercial buildings are found in Section 10.52.060(A). The language notes: "Commercial retail buildings shall require a minimum loading space size of 12 feet wide, 30 feet long and 14 feet high in the following amounts: for buildings containing up to 2,000 square feet of gross floor area, one space and one additional space for each additional 10,000 square feet of gross floor area, or any portion thereof, *or otherwise determined by the Planning Commission* (emphasis added)." By this accounting, two such loading spaces would be required.

Convenience store operations often do not have separate loading spaces. Deliveries simply use the empty parking spaces, or driveway space next to a building. These deliveries usually (but not always) involve smaller vehicles and often deliver during non-peak hours. Based on observation of other convenience store operations, there appears to be a suitable space on the west side of the store, as well as between the canopy and south side of the store, to permit the unloading of supplies. Again, as with parking, *this is a matter of interpretation by the Commission.*

Finally, all improvements must comply with the improvement standards contained in Chapter 10.52.

- B. Section 10.28.060 - Height. No building in the C-3 zone shall exceed a height of two and one-half stories from natural ground level or 35 feet from natural ground level.

FINDINGS: Based on the submitted information, the store is approximately 20-feet in height while about one-third of the frontage increases to 24-feet in height. Height dimensions on the canopy were

not provided. However, based on the submitted sign plan, the canopy height is approximately 20-feet. The applicant can verify this at the meeting and height is further regulated through the building permit process.

- C. Section 10.28.070 - Side and Rear Yards. There shall be no required side or rear yards in a C-3 zone. If a side or rear yard is provided, it shall be not less than three feet in depth, exclusive of any alley.

FINDINGS: Setbacks to the south and west are approximately 60-feet, exceeding the 3-foot standard.

- D. Section 10.28.080 - Front Yard. There shall be no front yard required in a C-3 zone.

FINDINGS: The layout complies with this provision.

- E. Section 10.28.090 - Lot Area and Width. There shall be no lot area or width requirements in a C-3 zone.

FINDINGS: The 0.42 parcel complies with this provision.

- F. Section 10.28.100 - Parking Requirements. All new developments shall require off-street parking, which shall be provided in accordance with Chapter 10.52, Off-Street Parking and Loading, including special provisions for development within the Central Business District Overlay Zone.

FINDINGS: This report previously addressed parking and will be further reviewed in Section IV.

- G. Section 10.28.110 - Bicycle Requirements. All new developments shall require bicycle parking, which shall be provided in accordance with Chapter 10.56, Bicycle Parking.

FINDINGS: Provisions in this Chapter require 1 space per 10 parking spaces. Since the parking calculation requires 15 spaces, 2 bicycle spaces are required (1.5 spaces rounded up). The site plan did not identify any bicycle parking; however, this may be placed as a condition of approval and reviewed when building plans are submitted. Improvements must comply with Chapter requirements.

- H. Section 10.28.120 - Fence Regulations. All new development shall adhere to the fence regulations, which shall be provided in accordance with Chapter 10.60, Fence and Wall Regulations.

FINDINGS: As adjacent property is also zoned C-3, fences are not required. However, if installed by the applicant, must comply with provisions in this Chapter.

- I. Section 10.28.130 - Clear-Vision Area. All new developments shall adhere to the clear-vision requirements, which shall be provided in accordance with Chapter 10.68, Clear-

Vision Area.

FINDINGS: Based on the site plan, the layout does not comply with clear-vision requirements. However, being located within the CBD, the Commission has flexibility on such matters as setbacks and orientation. Staff notes four of the street corners along Maple (and within the CBD) are occupied by commercial structures that do not meet this requirement. Section IV reviews this issue further.

- J. Section 10.28.140 - Sign Regulations. All signs shall be subject to the provisions of Chapter 10.64, Sign Regulations.

FINDINGS: As the site is in the Central Business District, specific sign requirements in Section 10.46.60 will be reviewed in Section IV.

- K. Section 10.28.150 - Conditions Imposed Where C-3 Zone Abuts Residential Zone. In any C-3 zone where the property abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed C-3 zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:

- i. Size and location of signs;
- ii. Size, type, and location of outdoor lighting;
- iii. Landscaped areas;
- iv. Screening;
- v. Building setbacks;
- vi. Ingress, parking, vehicle storage, and egress for commercial uses;
- vii. Drainage and utility service.

FINDINGS: This subsection does not apply as the subject property does not abut any residentially zoned property. Please note, staff previously provided recommendations regarding lighting impacts.

- L. As noted, the site includes a walk-up window on the east side. The applicant did not provide information on its operation. As access is on public property (adjacent sidewalk) coordination with the Department of Public Works will be required. Staff suggests the Commission prohibit use of such a facility unless the applicant makes a specific request, and the City has an opportunity to review the facility.

IV. CRITERIA AND FINDINGS CENTRAL BUSINESS DISTRICT DESIGN REVIEW

- A. Chapter 10.46 contains specific requirements for development within the Central Business District Overlay (CBD). The purpose of the Central Business District Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges of the City's downtown. This area includes all C-3 zone land south of Azalea Street, which includes the subject property. Permitted uses in the C-3 zone, including the proposed the gas station and convenience store, are also allowed in the CBD (Section

10.46.030).

B. Land within the CBD is subject to additional requirements beyond those contained in Chapter 10.28 (C-3 Zone), which were previously reviewed. These are listed here:

1. Section 10.46.040 Landscaping. - Those areas not containing building or parking improvements, including access driveways, and loading areas, shall be landscaped.

FINDINGS: Nearly the entire site is devoted to structures, parking, and driveways. The only portion not physically developed contains 842 square feet of lawn.

2. Section 10.46.050 Building Standards. New buildings, and the redevelopment of existing buildings that include exterior modifications, shall comply with the following standards:

- a. Section 10.46.050(A) Setbacks. The maximum building setback from a street-side property line shall be 20 feet. No parking is allowed between the building and the street. Other than areas used for driveways, the street-side setback area shall be landscaped. Otherwise, there shall be no minimum nor maximum building setbacks.

FINDINGS: This provision allows 0-foot setbacks. The building is in the northeast corner of the site. However, as previously reviewed, the structure does not comply with the clear vision provisions in Chapter 10.68.

- b. Section 10.46.050(B) Building Height. New buildings shall be within 25% of the average height of existing buildings located on the same street side.

FINDINGS: The applicant submitted elevation drawings of adjacent structures. The proposed convenience store is at a general level with other commercial buildings and certainly within the 25% of the mean.

- c. Section 10.46.050(C) Orientation. The main entrance to a building shall face a public street or perpendicular to a public street facing an internal parking lot with the main entrance door no more than 50 feet from the public sidewalk.

FINDINGS: The primary entrance is located on the south side of the building, facing the pump islands. This location is perpendicular to the street and within 50-feet of the adjacent Maple Street sidewalk.

- d. Section 10.46.050(D) Building Façade. Building façades visible from a public street shall provide a brick, masonry, or wood appearance.

FINDINGS: The structure complies with this Section, as the façade combines brick veneers and split-faced CMU to create a masonry finish.

- e. Section 10.46.050(E) Special Design Requirements. For property located on either side of Maple Street, the following additional design standards shall apply:
 - (1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.
 - (2) Building Height. Buildings shall be within 10% of the average height of existing buildings within the block.
 - (3) Building Design. Buildings shall be similar in character and design with existing structures.

FINDINGS: The building complies with the 0-foot setback requirement on Maple Street. Within the block, the "Front Elevation Plans" show the roof line is approximately equal to the structures to the south.

The submitted "Front Elevation Plans" also shows the adjacent four buildings having their main entrance facing the street. In contrast, the proposed building's Maple Street frontage is a brick wall without an entrance or windows. This is in stark contrast to the existing structures.

- f. Section 10.46.050(F) Drive-Up and Drive-In Windows. Buildings constructed or reconstructed to include retail sale drive-up or drive-in windows shall be designed and constructed so the internal driveways access the public street(s) in a manner minimizing the potential for vehicle conflicts and congestion and minimizing the potential for pedestrian conflicts. Requirements that may be included in any permit approval may include limiting the number and location of driveways, design of pedestrian access or other appropriate and related safety measures. Internal driveways shall not be located in required landscape areas except to cross them as necessary to access the public street.

FINDINGS: This subsection does not apply as the subject property does not include drive-up/drive-in window. There appears to be an option for a walk-up window, the application narrative did not discuss its use.

- 3. Section 10.46.060 Signs. Signs shall comply with the following standards:

- a. Section 10.46.060(A) Permitted Sign Types. Signs shall be limited to wall signs or projecting signs. The edge of a projecting sign nearest the wall shall not extend more than 18 inches from a wall.

FINDINGS: The submitted site plan includes two signs on the canopy and one sign above the entrance to the convenience store. Unusual for a service station operation, the applicant did not identify fuel pricing information.

- b. Section 10.46.060(B) Maximum Allowable Area. The maximum allowable sign

area shall be computed as follows: one square foot of sign area for each one foot of building street-side frontage. This maximum area shall apply to all signs located on the building.

FINDINGS: The structure fronts on two streets, Maple and West First. The longest of the two frontages is 100-feet along West First. Therefore, the maximum allowable sign area is 100 square feet. Staff estimates the proposed signs total approximately 72-square feet, which is well below the 100-square foot limitation. This can be verified as part of the building permit process.

- c. Section 10.46.060(C) Number. There shall be no limit to the number of signs, provided the total sign area for all signs does not exceed the maximum allowable area for the building.

FINDINGS: The site plan shows three signs, that when combined, do not exceed the sign area limitation.

- d. Section 10.46.060 (D) Illumination. Direct or indirect illumination shall be permitted, provided all illumination is directed away from adjacent property.

FINDINGS: Staff previously provided recommendations regarding lighting impacts.

- e. Section 10.46.060(E) Prohibited Sign Types. Signs extending above the roof line, balloon/tethered signs, blinking or flashing lights, and freestanding signs shall be prohibited.

FINDINGS: The proposed signage does not include prohibited signs.

- f. Section 10.46.060(F) Exempt Signs. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in area (all sides).

FINDINGS: This Section applies to any additional signage the developer may install.

- g. Section 10.46.060(G) Electronic Message Center Signs. Electronic message center signs shall be subject to provisions in Section 10.64.030 (L) and shall also require approval of a Sign Variance per Section 10.64.220.

FINDINGS: The site does not include an electronic message sign.

- h. Section 10.46.060(H) State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations along Maple Street.

FINDINGS: This is an administrative requirement that can be placed as a condition of approval.

V. SUMMARY COMMENTS

A. As noted above, there are situations which require interpretation as well as flexibility in applying the Code language. This put staff is somewhat of a conundrum when assessing the application. Any interpretation rests with the Commission as the decision maker. Further, beyond the Code interpretation is the design flexibility in the Central Business District granted to the Commission by Section 10.46.07. It is important to note staff can neither presume nor predict the Commission's interpretation of such matters. Prior to making a decision, the Commission must review and consider interpretations - or responses - to the following matters:

1. Parking/Loading — Previous findings noted there are no specific parking standards for a convenience store/service station combination. The store itself would require fifteen spaces. However, this type of business often sees customers parking at the pumps to conduct business either for gas only, or, for a combination of gas and items from the store. Including parking adjacent to the pumps, there are 17 spaces where vehicles can park without interfering with traffic flow on the site.

In a similar vein, a loading space is required for the business, although the Commission [per Section 10.52.060 (A)] appears to have some flexibility on this matter. As stated, experience with these types of operations indicate: (a) "loading" is basically limited to small delivery vehicles; (b) the vehicles use vacant parking spaces or driveways; and (c) scheduled deliveries are often during non-peak business hours. Provisions for a separate loading space is a rare commodity. Overall, based on the type of business, dedicating a separate loading space - or spaces - seems unnecessary.

2. Setbacks/Clear Vision — Being located along Maple Street, Section 10.46.050(E) requires a 0-setback. The structure complies with this provision. However, being located on a corner lot, the building also fronts directly onto West First thereby violating clear-vision requirements. An option might be to flip the building, placing it along the south property line. This moves the Maple Street driveway entrance closer to the intersection, potentially reducing traffic safety due to turning movements.

Within downtown, placement of structures along the property line —including corner lots - is common practice. The commercial structures along Maple follow that pattern, including the four buildings located on corner lots. Adjacent sidewalks also provide some leeway. Granting design flexibility could be considered appropriate given the existing pattern as well as the stated intent of the CBD.

3. Design/Facade — The submitted plan comparing building elevations along the block showed the main building entrances fronting Maple Street. Not so with the proposed structure. Although allowed, this raises the question as to whether the

design is ". . . similar in character and design with existing structures." Further, it is not just the doors facing the street, but the frontage includes significant window features, again something that is lacking in the proposal.

B. Interpretation provisions in Chapter 10.52 can address the matter of the parking and loading requirements. Modification of the design elements: location, setbacks, frontage design, is subject to provisions in Section 10.46.070. This Section states the Commission may allow modifications to the site design requirements in the Central Business District when both of the following criteria are satisfied:

1. 10.46.070(A). The modification is necessary to provide design flexibility where:
 - (1) Conditions unique to the site require such modification; or
 - (2) Parcel shape or configuration precludes compliance with provisions; or
 - (3) A modification is necessary to preserve trees, other natural features, or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.
2. 10.46.070 (B). Modification of the standards in this chapter shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions.

FINDINGS: Regarding subsection (A), staff cannot identify unique conditions at the site [(A)(1)] and there are no trees, natural features, or visual amenities requiring preservation [(A)(3)]. The only potential circumstance may be the shape, size (or location) of the lot [(A)(2)]. This gets into dangerous territory. The use may be appropriate for the applicant's goals but inappropriate for the size and location of the parcel. An alternative plan with fewer pumps and a smaller building may provide a better "fit" on the site to address locational issues.

Regarding subsection (B), judging design is, at best, subjective. Staff previously noted the effective blank wall of the convenience store building in comparison to commercial building frontages that included the main entrance and windows. Running the building perpendicular to the street negates what is otherwise an attractive building entrance that would fit into the downtown design objectives.

VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

Generally, the proposal complies with a significant number of development requirements, such as building height, signage, use, and so forth. Unfortunately, there are areas that require interpretation — parking and loading — as well as subjective design decisions as it relates to the CBD. Staff cannot make these interpretations and subjective judgements; this is left to the Commission to discuss as part of their deliberations.

If the Planning Commission finds the proposal complies with the applicable criteria and approves the application, staff recommends placement of the following Conditions:

- A. The applicant shall submit an engineering plan for the entire development to the Yamhill Department of Public Works for review and approval. The engineering plan shall include information concerning water, sanitary sewer, storm water, street improvements along West 1st Street, easements, and other information as necessary to indicate conformance with City standards. Engineering plans shall comply provisions in Condition "F.", below.
- B. The applicant shall contact the Oregon Department of Transportation (ODOT) to determine what improvements are required along Maple Street. If required, the applicant shall submit the necessary engineering plans for improvements to ODOT for their review and approval.
- C. The developer shall submit a building permit for construction of the building and improvements, conforming to the applicable building code requirements. Building cannot proceed until engineering plans are approved. The plans shall substantially conform to the submitted layout and include the following improvements:
 - 1. The building exterior shall conform to the submitted architectural plans.
 - 2. The site shall contain a minimum of nine vehicle parking spaces conforming to requirements in Chapter 10.52.
 - 3. The site shall contain a minimum of two bicycle parking spaces conforming to provisions in Chapter 10.60.
 - 4. The building plan shall include a lighting plan ensuring lighting for the facility shall be directed entirely onto the subject property and may not extend beyond the property boundaries; and shall not cast a glare or reflection onto the public rights-of-way.
- D. The following additional requirements shall apply:
 - 1. Installation of a walk-up window shall be prohibited unless otherwise approved in a subsequent land use decision.
 - 2. All signs must comply with provisions in Section 10.46.060.
 - 3. Prior to installation of any signs, the developer shall submit evidence of approval from the Oregon Department of Transportation.
 - 4. The applicant shall comply, and continually comply, with any State or Federal regulations regarding the operations of a gas station.
- E. Prior to building occupancy, the developer shall complete the following:
 - 1. Install on-site parking improvements, consistent with approved building and engineering plans.
 - 2. Improve West 1st Street, and if applicable Maple Street, consistent with approved engineering plans.
- F. Engineering and Public Works improvements shall conform with the following:
 - 1. All public improvements shall be constructed in accordance with the City of Yamhill Municipal Code. Where the City Municipal Code is silent, improvements shall meet the 2021 Oregon Standard Specifications for

- Construction and ODOT design standards.
2. Design drawings showing the sanitary sewer connection shall be submitted and approved by the City prior to development. ODOT permits will be required for working in the ODOT right-of-way.
 3. Design drawings showing the water service connection shall be submitted and approved by the City prior to development.
 4. Design drawings showing the stormwater design shall be submitted and approved by the City prior to development.
 5. A stormwater report to document that the project will not create or exacerbate any downstream deficiency shall be submitted and approved by the City prior to development.
 6. The applicant shall install standard curb and gutter and 8-foot-wide sidewalk along the West First Street frontage.
 7. The West First Street access driveway shall be placed so that the nearest edge of the driveway is a minimum of 60 feet from the western edge of South Maple Street curb, aligning with the drive aisle west of the fuel pumps.
 8. Any street cuts into the new pavement on West First Street will require a minimum half-street 2-inch mill and inlay extending 25 feet on each side of the transverse cut.
 9. Submit documentation of ODOT access permit for the driveway access to South Maple Street.
 10. The applicant shall replace the mountable curb along South Maple Street, south of West First Street, with a standard curb to meet ODOT standards.
 11. The applicant shall replace the curb ramp at the southwest corner of the West First/South Maple intersection to meet 2011 PROWAG guidelines and ODOT standards.
 12. Design drawings showing the street design shall be submitted and approved by the City prior to development.
 13. The developer will directly reimburse the City for consulting fees incurred during the review of engineering submittals. Payment will be due upon issuance of the public works permit.
 14. The City will provide inspection of all public infrastructure constructed within public right-of-way. The developer shall pay a deposit equal to 2.5 percent of the engineer's estimate of public improvements.
 15. The developer shall submit a performance bond in the amount of 110 percent of the engineer's estimate for improvements within existing public rights-of-way and improvements to existing City infrastructure. The bond shall be in place prior to breaking ground for the development.
- G. Approval shall be limited to the proposed convenience store and service station. The applicant is advised subsequent modification or a change in use may be subject to additional land use applications and review.
- H. Compliance with the Conditions of Approval, Oregon Department of Transportation, Oregon Department of Environmental Quality, Public Works Standards, Building Code, and applicable Municipal Code provisions shall be the sole responsibility of the applicant.

VII. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
1. Approve the application, adopting findings and conditions contained in the staff report; or
 2. Approve the application, adopting modified findings and/or conditions; or
 3. Deny the application, establishing findings as to why the application fails to comply with the decision criteria.
- B. Staff will prepare an Order for the Chair's signature

Walt Wendolowski concluded his staff report and advised he is available for any questions that the Planning Commission might have.

4. DISCUSSION:

Ken Moore

Ken again addressed the decorum of the public hearing and opened up the meeting for the Planning Commission to ask questions of staff on the report and Walt Wendolowski cautioned all to avoid getting into deliberation and only ask questions.

Ken recommended to go through the staff report page by page starting with page one. Ken inquired if anyone had any question on page one and there were no questions.

Ken inquired if anyone had any question on page two.

Sue Richardson

Sue inquired on what would be considered the normal size of a vehicle's that will be entering and exiting the property, including the size of the delivery vehicles with examples of the fifty foot delivery vehicles, tanker truck vehicles, pickups pulling a utility trailer or a vehicle with a camper that will be entering and exiting the property. Sue also mentioned concerns with the parking with egress and ingress of vehicles, commercial vehicles with vehicles at the gas pumps.

Walt Wendolowski

Walt responded informing that question would be something to direct to the applicant explaining that there is a verity of oil trucks or gas trucks that are capable of entering and exiting the property. Walt said that he did notice that there is no particular direction on ingress or egress on the staff report.

Ken Moore

Ken inquired if there were any more questions on page two.

Sue Richardson

Sue repeated her concerns of vehicles entering and exiting the property with the ingress egress and she included a question regarding the walk up window and parking.

Ken Moore

Ken inquired if there will be charging stations at the location.

Walt Wendolowski

Walt said that charging stations are usually not found at gas stations and are not required there. He explained that charging stations are typically found at places where people congregate, such as Walmart or public buildings and not at a gas station.

Ken Moore

Ken inquired if anyone had any question on page three and there were no questions.

Ken inquired if anyone had any question on page four and there were no questions.

Ken inquired if anyone had any question on page five.

Sue Richardson

Sue inquired if there is any fire code for parking within a certain distance from gas pumps.

Walt Wendolowski

Walt advised that part of the stipulation would be for the applicant to get a building permit. The applicant would also be required to comply with building codes which incorporates the fire codes, (ODOT) Oregon Department of Transportation, (DEQ) Department of Environmental Quality, Public Works standards, which are included in the application process and if the applicant receives approval, they have to have this all reviewed through the building permit process. Walt explained from his experience the fire district is involved in the process and indicated that the applicant is required to meet all of the DEQ requirements as part of the application with all being reviewed and approved.

Ken Moore

Ken inquired if anyone had any question on page five and there were no further questions.

Ken then inquired if Walt was referring to the guidelines that were for conditions of development at the bottom of page 5 of the report.

Walt Wendolowski

Walt explained that this is a site plan review or development plan review and in approving the plan the Planning Commission may impose a variety of conditions relating to setbacks, storage, ingress, egress, and landscape areas. Walt said that you cannot impose those just because you

want something done advising there has to be a reason behind it. Walt explained that these are just guidelines for the Planning Commission to consider.

Ken Moore

Ken inquired specifically what subsection Walt is referencing.

Walt Walk Wendolowski

Walt pointed out he was referencing the bottom of page 4 section 10.28.050 of the report, which reads, In approving a development plan, the governing body may impose conditions related to: Section 10.28.050(A) - In approving a development plan, the governing body may impose conditions relating to:

- (1) Size and location of signs;
- (2) Size, type, and location of outdoor lighting;
- (3) Landscaped area;
- (4) Screening;
- (5) Building setbacks;
- (6) Ingress, parking, vehicle storage, and egress for commercial uses;
- (7) Drainage and utility service

Walt explained that the Planning Commission can use those for guidelines but there has to be a reason for the condition.

Ken Moore

Ken referenced the bottom of section two, third paragraph with regards to the lighting, saying that there is specific language of the report.

Which reads, It is suggested the City stipulate that all lighting from the pump islands, the canopy, and the convenience store will be directed entirely onto the subject property. Further, lighting may not cast a glare or reflection onto the public rights-of-way. A lighting plan should be required as part of any building permit submittal.

Walt Wendolowski

In response Walt referenced

2. Section 10.28.050(B) - The uses shall not be objectionable in relationship to surrounding properties because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration or similar causes.

Walt said that he knows glare is an issue and is familiar that lighting glare can be an issue. Walt explained that part of his recommendation is to submit a lighting plan that will ensure that the adjacent properties and public way will not be impacted by lighting form the property.

Ken Moore

Ken inquired if that would include signs.

Walt Wendolowski

Walt said that would include all lighting including the lighting underneath the canopy. There would be a requirement showing that there would be no impact from glare on all public right of way and adjacent properties. Walt explained there is a photometric way of determining that issue with a site plan.

Ken Moore

Ken inquired about concerns with the impact of the neighborhood with the lighting from the signs.

Walt Wendolowski

Walt explained that there are only three signs on this project with two of the signs on the canopy and the third sign on the entrance to the store. Walt said that there is no indication the signs are backlit, explaining if they are backlit the glare diminishes relatively quickly due to the plastic coverings allowing visibility to the sign without projecting a glare. Walt said he is more concerned about lighting underneath canopies and wants to make sure the lighting and signs do not glare onto the adjacent right of ways and adjacent properties lighting up the neighborhood.

Ken Moore

Ken inquired about the plan referencing the business including both a gas station and retail store. Which reads, This is not a "straight forward" retail operation as it includes the servicing component with the gas pumps. In other words, not all the traffic is destined for the convenience store — a certain percentage of customers will only be buying gas, not using the convenience store parking spaces, but effectively "parking" adjacent to the pumps.

At 7:36 PM a break was taken to sort out technical issues and the meeting resumed at 7:51 PM.

Ken Moore

Ken inquired with the applicant, Melissa Poland if there was anyone with her representing tonight for the meeting and Melissa said that the owner, Paul Johal and the civil engineer with the Yamhill Development, Dan Daniclo.

Ken Moore

Ken said it appears the business would not be a straight up retail operation with the vehicle traffic not just there for buying gas. Ken pointed attention to the letter from E&M Remolding LLC that states:

We E&M remodeling and the owners are presenting a new 76 gas station and convenience store. We intend to have a full grocery store with fresh meats, fruits, and vegetables, milk and all the necessities to support the local demographic. With all the new housing in Yamhill it is important that the residents have groceries and fuel without having to drive.

Ken stated that the business will not just be “selling Slurpee’s” and people might be coming to get gas, or they might be coming to shop. Ken explained he had a “little different slant” than how it was being described as a convenient store.

Walt Wendolowski

Walt said that should certainly be taken into account from what he is reading it indicates a retail store but does not talk about what is going on inside the store, just the outside. Walt continued saying there is no provision for a retail store with gas sales. Walt said that normally you would tie the two together in some way and should be taken into account when discussing parking.

Ken Moore

Ken circled back again to the discussion of delivery trucks including those of a more significant size making deliveries.

Sue Richardson

Sue explained that due to Yamhill being a rural area, the trucks used to make the deliveries would be a semi-tractor trailer and not a small vehicle due to the truck being on a delivery route. Sue said she downloaded a design vehicle dimensions that included the average size passenger car including, a truck, motor home, vehicle with a camper, vehicle with a boat, motor home with boat, which included the vehicle dimensions.

Ken Moore

Ken thanked Sue for the information and explained that it would be better to have that discussion during deliberations and to stick with questions at this time.

Walt Wendolowski

Walt mentioned that the applicant has their engineer or designer at the meeting and felt that they should be able to answer those types of questions. Ken advised this is not the time for them to answer and to be taking notes at this time.

Ken Moore

Ken inquired if anyone had any question on page six and there were no more questions.

Ken inquired if anyone had any question on page seven and there were no questions.

Ken mentioned the topic of bicycle parking and suggested taking on that conversation later regarding the requirements.

Ken inquired if anyone had any question on page eight and there were no questions.

Ken started a discussion on clear-vision and then referenced page ten of the plan, section 10.46.050 (E): Which reads, (1) Setbacks. The maximum building setback from a street-side property line shall be zero feet.

Ken inquired if they could “slide” the building back to the south to provide more vision to the side street.

Walt Wendolowski

Walt said that would be an option; however, if the building is moved back, that would provide less access for the gas pumps. Ken and Walt had a discussion regarding the ordinance and provisions of a layout that should be further discussed, however the decisions need to meet the criteria outlined on the bottom of page thirteen of the plan, which reads:

1. 10.46.070(A). The modification is necessary to provide design flexibility where:
 - (1) Conditions unique to the site require such modification; or
 - (2) Parcel shape or configuration precludes compliance with provisions; or
 - (3) A modification is necessary to preserve trees, other natural features, or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.
2. 10.46.070 (B). Modification of the standards in this chapter shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business District design provisions.

Ken Moore

Ken inquired if anyone had any question on page nine.

Shawn Freilinger

Sean inquired about the prohibited use of the walk up window.

Walt Wendolowski

Walt explained that the use of a walk up window should be prohibited for now due to several factors of the current design that included, no documentation that the walk up window would be used by the business, as well as the potential impacts to the public right of way, the safety issues, the access issues, the issues for people who would congregate, and the considerations for foot traffic. For those reasons Walt is recommending that unless there is a considerate proposal not consider the walk up window at this time.

Ken Moore

Ken inquired if anyone had any question on page ten and there were no questions.

Ken inquired if anyone had any question on page eleven.

Ken advised he would be interested to hear what the applicant is thinking regarding the fuel pricing.

Ken inquired if anyone had any question on page twelve and there were no questions.

Ken inquired if anyone had any question on page thirteen and there were no questions.

Ken inquired if anyone had any question on page fourteen.

Ken had questing regarding the business being a grocery store effecting the diminishing requirement of two loading spaces to only one. Ken said they will take up this conversation later.

Ken inquired if anyone had any question on page fifteen and there were no questions.

Ken inquired if anyone had any question on page sixteen.

Sue Richardson

Sue inquired about the grocery store if they would be using propane or electric. And if they are planning to use propane where the propane tank will be located.

Ken Moore

Ken inquired with Walt if there was a propane tank in the plans and Walt said there was not anything in the plan involving a propane tank, hood ventilation for a grease oven etc.

Sue Richardson

Sue inquired regarding the requirements involving access for the Fire Marshall and fire trucks.

Ken Moore

Ken inquired if the Fire Chief looked at this application and Walt advised that he did not receive any comments from the Fire District.

Ken inquired if the Fire District has seen the plan and Walt advised that he would assume the Fire District has seen the plan due to it being posted at locations including the City Hall. Walt said he did receive public comments for ODOT and Public Works but that was the extent of it. Walt explained that still does not get the business “off the hook” regarding fire code.

Ken Moore

Ken inquired about the code on grease traps for restaurants. Walt stated that if there will be any frying or cooking grease traps would be required as well as proper venting and exhaust, which are in the building code.

Ken Moore

Ken advised that they were ready to move on to proponents starting with applicants. Ken inquired about the applicant having a chance for rebuttal and Walt advised that the applicant could rebut “the last turn at bat,” then testimony would be closed.

Melissa Poland (Applicant)

Melissa addressed the list of questions that have been introduced by the Planning Commission. Melissa explained that there will be sections coned off for the trucks pulling in for fueling and offloading groceries for the trucks to pull in and pull out to avoid the obstruction of cars being parked there.

Melissa said they can do a charging station if there is an approval for the building to be setback from the street for more site view. And they could add more doors and windows on the Maple Street side of the building allowing more of an entrance from Main Street (Maple Street).

Melissa advised they could add bicycle parking.

Melissa said she does have the fuel pricing sign added into the application and she indicated the fuel pricing signs will be on each side of the canopy.

Melissa advised they will be using all electric with no gas or propane and will be using a type one hood for the fryers.

Ken Moore

Ken inquired if there were other proponents.

There were no proponents wishing to speak online or in the audience.

Ken inquired if there were any opposition statements and Walt Wendolowski confirmed that was correct that it was now time for any opponents to speak.

Ken Moore

Ken reminded everyone to speak to criteria that is listed. He explained that it is understood that there already is another gas station and another grocery store in Yamhill, and those wishing to speak can include that in their discussion, saying it “doesn’t matter.” Ken explained that it is not a part of the criteria and is not something that they will consider.

Robert Davis

Robert inquired about the gas price sign wanting to know what type of sign it will be in reference to the design of electronic, flashing, rotating or manual.

Robert would like to understand the design of the south side of the brick building indicating that if there were windows installed if it would bring it into compliance.

Robert then referenced what the plans will be for the walk up window.

Ken Moore

Ken clarified that Robert was actually referencing the side of the building which faces Maple Street to the east explaining that the south side of the building is already going to have windows and doors.

Walt Wendolowski

Walt provided proper orientation of the map in reference to the structure depicted in the map on north, south, with east being the bottom of sheet and west the top of the sheet.

Ken Moore

Ken informed Robert that this was the time for statements with questions being addressed later.

Robert Davis

Robert said he recalled that there will be two designated bicycle parking spots that the applicant included. He said that the clear vision violation wasn’t discussed. Robert wanted to know how placing out cones will allow for an eighty five foot semi-truck for delivery of fuel in a sixteen foot turn radius.

Ken Moore

Inquired if there were any other opposing statements and there were none by the audience or online.

Walt Wendolowski

Walt advised that if there were no more public comments or questions that the applicant now has the right of rebuttal.

Ken Moore

Ken apologized saying he misunderstood and stated now is the time for the public to ask questions.

Walt Wendolowski

Walt confirmed that the questions need to be addressed to Ken and he can decide if the questions need to be directed to Walt or the applicant.

Ken Moore

Ken inquired with Robert Davis regarding his questions.

Robert Davis

Robert inquired about the design and type of signs that will be used for displaying the gas prices. Wanting to know if they will be electronic, manual, automatic, and if they will be in code compliance.

Ken Moore

Directed the question to the applicant.

Melissa Poland (Applicant)

Melissa explained the sign will be an electronic sign that is digital and will change to update the price of gas once per day. Melissa described the size of the signs to be a 6'x3' and the signs will be placed on the canopy.

Walt Wendolowski

Walt looked at the plans he received saying he can see where there are signs listed for placement on the canopy and on the front of building but he does not see any pricing signs or the dimensions of the signs.

Ken Moore

Ken inquired with Walt if he has any issues with a 6'x3' LED digital sign.

Walt Wendolowski

Walt explained they do have seventy-two square feet and they are allowed up to one hundred square feet. Walt said it sounds feasible for them to have a 6'x3' sign as long as they comply with requirements for digital sign not changing other than for pricing from the information he is reading on the plans.

Ken Moore

Ken talked about letter form E&M Remodeling in reference to the LED downlighter sign turning off at 10:00 PM inquiring if that is a requirement for them to comply with.

Which reads:

In our building plans we will not have the LED downlighter on the outside of on the canopy and will turn off additional lighting at 10pm to minimize disturbance of the local residential housing nearby.

Walt Wendolowski

Walt advised that the Planning Commission can place that as a condition of approval. Walt inquired if that included offering of a starting time and Ken said no there was not starting time listed.

Melissa Poland (Applicant)

Melissa advised that the signs would be tuned on at about 5:00 AM.

Ken Moore

Ken noted that the signs would be turned on from 5:00 AM to 10:00 PM.

Ken inquired with Walt regarding the idea of doors on the east side of the building facing Maple Street and instead of moving the location of the building, the idea of putting a bevel on the corner of the building for sightlines.

Walt Wendolowski

Walt said it would be possible to do that depending on the size of the beveling. Walt explained the A side and the B side of the building is about twenty-five feet explaining that a beveling concept would be taking out a large portion of the building to accommodate the vision clearance area requirements.

Walt said he has some alternatives to propose due to his concerns of that creating some significant changes to the layout and he would need some time to look at that as well as the sign proposal.

Ken Moore

Ken inquired about making the brick wall of the building compliant with rest of the buildings in town and if that proposal was something to discuss in this meeting or if the applicant should come back with a modified plan of compliance.

Walt Wendolowski

Walt explained that looking at that idea and including if the corner lot area of the building clear vision issue is not a problem for the Planning Commission and that can be stated up front noting that other buildings in the area are located up on the corner. Walt continued saying if the Planning Commission is satisfied with parking and loading issue then they can move forward. Walt explained the issue then comes down to the design regarding making changes, making an entrance and windows on Maple Street as well as other design features that will require some time to look at and the applicants will have to come back with a new drawing. Walt said he would also suggest when the applicant is considering making these modifications that the applicant also wave the 120 day clock for at least 30 days due to this being new information and the next meeting not being until May and Walt does not want the clock to run out. Walt is concerned if there are modifications to be made to the building including the layout that the applicant waves the 120 days for 30 days providing everyone enough time to review the material and provide a new analysis for the Planning Commission.

Ken Moore

Ken agreed with Walt saying there are a lot of decisions the Planning Commission needed to make regarding changes that could “make or break” that are not fixable and need to be cleared out of the way before deciding what changes need to be made to meet the criteria as they interpret it.

Ken said he wanted to have more discussion with applicant with the questions regarding the tanker truck’s ability to get in and out of the property, inquiring if trucks will be able to go around or pull through or if the trucks will have to back out of the property without blocking the highway.

Melissa Poland (Applicant)

Melissa explained the property will have an entrance on the side street (First Street) and Maple Street allowing the trucks to pull in fill up and leave pulling through.

Ken Moore

Ken explained the feeling was that would not be possible due to the bend being too sharp and inquired if Melissa knew how that would work with the current layout of the property.

Melissa Poland (Applicant)

Melissa said that they have had that discussion with the oil company and they will be able to pull in and out just fine.

Ken Moore

Ken inquired with Walt on how to proceed with a confirmation from the oil company stipulating that process.

Walt Wendolowski

Walt advised if the Planning Commission wishes to proceed with their design recommendations that one of two things can occur. The oil company submit a letter stating the based on the layout

as proposed by the applicant their fuel trucks can enter and exit the property without any issues. The second thing is that the civil engineer shows the transportation templates can show how the trucks can enter and exit the site without hitting the gas pumps. Walt said he feels either or both of those concepts would be helpful and address the concerns.

Ken Moore

Ken indicated that this process would be complicated way to go forward but feels that it definitely needs to be a piece of it and hopes that the applicant will be able to wave the 120 day time frame to cover these issues. Ken said for now to “put a tack” in it.

Sue Richardson

Sue again addressed the issue regarding the parking lot saying she doesn't know how a standard pickup truck twenty-five to thirty feet long pulling a boat or camper trailer, or a motor home will be able to get in or out of the gas pumps and parking lot with the sixteen or twenty sixteen or twenty feet plan.

Ken Moore

Ken responded to Sue's question requesting from Walt to have the engineer provide documentation describing how that parking lot will accommodate vehicle traffic and parking.

Walt Wendolowski

Walt explained that the applicant can provide answers to the questions and concerns the Planning Commission has and provide enough information for the Planning Commission to consider.

Ken Moore

Ken Moore advised the Planning Commission was now preparing to go into deliberations and inquired with Walt if now would be a good time to ask question of the audience. Walt agreed that now would be a good time to ask questions of the audience and Ken provided instructions to the audience that now would be the time for them to ask their questions directing them to him, Walt or the applicant and Ken called on Rocky Losli for questions.

Rocky Losli

Rocky said he is looking at hearings procedure number seven where questions can be asked and it was his hope that now was the time to ask questions. Ken and Walt informed Rocky now was the time for questions and Ken inquired with Rocky if he had any additional questions.

Rocky said that he had a couple of questions.

Rocky advised he has a question having to do with a specific criteria formula and asked if there was a way to get a formula from the engineering professionals that do development that identifies turning radius, feet – distance, information relevant to infrastructure that includes the tanks, piping, the location of inlet so the Planning Commission could have a complete understanding.

Rocky asked if it would be possible for the Planning Commission to give consideration regarding the zero distance property line relative to the issue of safety. Rocky went on to explain the

information provided identifies there are a number of buildings that are cited right on the property line. Rocky said that when a building is built it is going to be there for a long time and requests consideration to issues of safety relative to zero property line placement. Rocky requested the Planning Commission to give safety a consideration.

Rocky referenced page 16 of the plan stating Compliance with the Conditions of Approval identifying a list of organizations. Rocky requested the list to include the Oregon Uniform Fire Code, the Yamhill Fire District and the Oregon State Fire Marshall Office who all read, interpret, and enforce the code. Rocky said the Planning Commission will then know all agencies that are involved in the process of code enforcement and responsibility.

Ken Moore

Ken inquired with Walt if those mentioned agencies could be added to the plan.

Walt Wendolowski

Walt said that he could answer yes to all four of the questions Rocky asked.

There are templates available. The City Engineer and Public Works can look at the issue of the clear vision.

For the location issues, it can be requested that the applicant show that on the site plan.

And with regards to the uniform fire code, the Fire District and State Fire Marshal can all be listed under H in the plan.

Ken Moore

Ken inquired with Walt regarding the considerations on the set back and safety be listed under H as well.

Walt Wendolowski

Walt agreed with Ken and included with regards to safety he would like someone to make an assessment on whether or not the proposed building location will cause any safety concerns.

Walt said he would like to get an expert tied into this saying that he is looking at this from a planning standpoint if there is a violation of code but if the Planning Commission is willing to accept it from a design standpoint he feels that the Planning Commission would want their comfort level up there.

Ken Moore

Ken agreed with Walt and felt it was important to involve those who have criteria around safety and vision involved.

Sue Richardson

Sue asked what the setback would be from a corner to where a parking space would be explaining that you can't park a vehicle right on a corner.

Walt Wendolowski

Walt advised it would generally be five or ten feet depending on the zone with a landscape strip.

Sue Richardson

Sue explained she was referring to the building being placed right on the corner with vehicles parked on the street and a vehicle pulling out in the road to be able to see clearly or a truck parked in loading zone and still have clearance.

Ken Moore

Ken clarified with Sue, that when a vehicle is coming up to stop sign on First Street with the concern of the building or vehicles blocking the view of traffic on Maple Street. Or a vehicle leaving the parking lot or trucks loading or unloading if there is a code for the distance a vehicle is allowed to be parked from a stop sign. Ken inquired why those regulations were so random explaining they would like to see that clarified for safety reasons.

Walt Wendolowski

Walt advised that might be one of the requirements from public works with restriping the streetside and prohibit parking within so many feet of the intersection. Walt explained that the sidewalks do provide some cushion but that is something to look be looked at with regards to the safety.

Ken Moore

Ken inquired if Public Works would be who to inquire with regarding the distances. Chief Greg Graven later spoke with Ken Moore and informed him that the distances for No Parking near intersections, stop signs, ingress and egress, fire hydrant, driveways etc. are listed in ORS Oregon Revised Statute for reference and enforcement.

Walt Wendolowski

Walt advised that he had a whole list of material he is putting together and that there are a lot of unanswered questions. Walt said that his application was far better than the prior application with the applicants being very cooperative on the information needed. Walt continued saying there are some technical issues that were raised that are beyond the scope and due to not having the staff engineer that there will need to be a follow up with the Planning Commission to answer their questions.

Ken Moore

Ken continued with the questions from the audience calling on Robert Davis.

Robert Davis

Robert said besides his two questions not being answered, Robert asked where the bike parking will be added and where they already had “sights of sign” for parking. Robert advised that nothing was discussed regarding the walk up window or if the builder had decided to have a walk up window.

Robert made a statement about his house on the corner of Azalea Street and Maple Street and due to his house being two story house on a corner he has a setback rule of twenty feet. And a

fence that is limited to four feet high because of the intersection so not to impede vision for traffic.

Ken Moore

Ken inquired with Walt if the bike racks were included on the application.

Walt Wendolowski

Walt advised the bike racks were not included on the application and noted in the staff report that bicycle parking will be provided. Walt said that due to the fact they are only looking at two spaces he does not see that as an impairment. Walt advised that he could request the applicant show that on a revised plan.

Ken Moore

Ken made a request to have the applicant provide the bicycle rack location on the revised plan. Ken said he did not want to put Melissa on the spot and ask her that right now and Walt agreed. Ken spoke more about the walk up window explaining that the applicant is offering to do more to that side of the building with the walk up window “in play.”

Walt Wendolowski

Walt agreed and said the walk up window might be altered depending on what is occurring. Walt said he was not opposed to the walk up window explaining that there was not enough information on how it was going to function or the hours of operation and if the applicant was going to redesign the building facing Maple Street that might be altered and that would be something for the applicant to look at.

Ken Moore

Ken spoke more on safety and congregation referencing the layout in front of T&E General Store where they have a lot of things set up out front that moves people back away from the building. Ken said he feels a walk up window might invite people from the neighborhood to show up.

Walt Wendolowski

Walt talked about an alternative design that would move the building back five feet creating the space off of the sidewalk that a walk up window might accommodate along with the entrance to the building. Walt stated he is not saying it should be done and it is not a requirement and that there might be some options to address the concerns.

Ken Moore

Ken advised to let the applicant take that under advisement and Walt agree. Ken then continued with questions from the audience.

Sherry Wilson

Sherry inquired how many employees there will be for the business and where the employee parking will be located.

Sherry said her main concern is the visual concerns of traffic on First Street and Maple Street.

Ken Moore

Ken advised that the applicant is “all over that,” regarding the vision issues. Ken inquired with Walt if the employee count was included in the application and Walt said he did not recall seeing that. Ken said he recalled there being an estimate of two employees and Walt explained that that he did an estimate of two employees which would bump the estimate of parking spaces to fifteen or sixteen. Walt explained the Planning Commission is going to need to have further discussion on the parking spaces and the areas of the gas pumps when looking at the revised plans.

Ken Moore.

Ken inquired with Melissa regarding the number of employees.

Melissa Poland (Applicant)

Melissa advised there will probably be two employees and she will confirm with the owner on that.

Ken Moore

Ken continued with audience questions and called on Patty Pairan.

Patty Pairan

Patty had the same question regarding the number of employees and she said she was thinking the number would be three, which would take three parking spaces away from customers of the business or from Larson House across the street, leaving only five parking spaces and one disabled parking space on the property.

Patty said she wanted to reiterate what Sue Richardson was saying with regards to the space of sixteen feet and the last pump on the Maple Street side where there is a twenty foot space. Patty continued saying a car is six feet wide or truck with trailer with twenty feet from the gas pump to the sidewalk, taking away eight feet leaving twelve feet to go out around to Maple Street. If there is a car at the pump only ten to twelve feet to get in and out of the parking lot.

Ken Moore

Ken said that is what the Planning Commission has asked for in the assessment regarding if that was enough room to get in and out of the parking lot as a standard practice.

Patty Pairan

Patty said there is no way. Patty continued explaining that she did not feel there would be enough room in the parking lot for vehicles to get in and out.

Ken Moore

Ken advised they will give the applicants good information to answer the question.

Patty Pairan

Patty continued advising that the big trucks, a tanker tractor trailer sixty feet long is not going to have enough room and is going to have to back out.

Ken Moore

Ken, Patty, and Sue Richardson continued the conversation and Ken advised that if the Planning Commission passes this it will be because the majority of them feel that it is going to work based on what the engineers tell them.

Ken then continued with questions from audience members calling on Pam Kirsch.

Pam Kirsch

Pam asked if the presence of fuel or tanker truck entering or exiting the property will interfere or impede the otherwise “swift response” of fire trucks or other emergency vehicles or other larger vehicles pulling trailers.

Ken Moore

Ken inquired with Walt if that was all going to be covered by the fire personnel.

Walt Wendolowski

Walt advised he will contact the Fire Chief on that question and said his gut reaction is that it probably won't but with the question raised it is incumbent on him to respond to that.

Ken Moore

Ken inquired if there were any more questions and there were no further questions by the audience or online.

Ken advised that the process of the meeting was now for the applicants last rebuttal.

Melissa Poland (Applicant)

Melissa advised that the delivery trucks will be making their deliveries at night and will not impede fire trucks or emergency services and Ken advised they will pass that information along.

Walt Wendolowski

Walt advised he has a list prepared for when the Planning Commission makes their decision on continuation.

Melissa Pond (Applicant)

Melissa said that all of the things on the list can be listed as contingencies of approval after its approved to make sure everything is taken care of.

Ken Moore

Ken advised that the Planning Commission would not be in a position to make a decision tonight with all of the concerns without the applicant coming back to them with answers to the questions.

Walt Wendolowski

Walt said he is in total agreement and suggested to close public testimony for this evening and continue the matter on May 17th , 2023. Walt requested the applicant submit information to the questions he has in his outline by May 3, 2023 and staff will return with a report on May 10, 2023.

Walt suggested the applicant provide the following:

A revised site plan that shows the location of the gas price sign.

Changes to the frontage of the building on Maple Street side.

Provide information on the turning radius from the oil company and engineers that includes information that the trucks can enter and exit the property without any problems with sufficient radius.

The location of the tanks on the property.

The location of the bicycle parking.

Location of an EV electric vehicle station if they chose to have one.

The location of the walk up window with additional information on how that will work.

Comments from Public Works.

Walt advised he will be making contact with the Fire District to answer questions.

Walt then requested to have Melissa summarize how deliveries will occur on the property.

Walt again stated he would like for the applicant to have that submitted by May 3, 2023 and staff will review and return with a report on the May 17, 2023 Planning Commission Meeting.

Walt said again that he would request the applicant wave the 120 day clock for at least 30 days due to the significant amount of new information for everyone to look at the revisions and make the necessary changes.

Melissa Poland (Applicant)

Melissa responded by saying yes that will be fine to wave the 120 day clock for at least 30 days.

Melissa requested for the Planning Commission to provide exactly what is wanted to avoid making unnecessary changes using the front windows as an example. Melissa asked the Planning Commission to provide what they want and they will change it.

Walt Wendolowski

Walt stated to Melissa that she heard the testimony regarding the design of the building in relationship to other structures. Walt said he will put a design together on this request and provide a summary with notes for Melissa to look at. Walt requested Melissa to be prepared to address those concerns with the Planning Commission.

Walt explained that the applicants don't have to make the changes the Planning Commission has raised questions on if the application is approvable as submitted. Walt continued saying the

applicant could make changes and come back with a revised plan that will help the Planning Commission with their questions.

Ken Moore

Ken said the Planning Commission is putting Melissa in a difficult positioning regarding what they would approve and explained that part of their deliberation tonight might be “honing in” on some of the points the Planning Commission would like to see.

Walt Wendolowski

Repeated the issues raised by the Planning Commission again listing:

Turning radius.

The deliveries.

The frontage improvements on Maple Street.

The clear vision.

Walt explained his concern is if the Planning Commission does deliberations without all of the information it would not be fair to everyone.

Ken Moore

Ken said that when he was looking at a diagram the elevation of the building facing east in comparison to the buildings in town including T&E General Store and Larson House, the buildings have a facade that does not have a flat roof. The rooflines have a false wall that gives a matching appearance to the other building in town.

Ken would like the criteria the same for this building with an open welcoming look like the other buildings downtown and not just a brick wall.

Walt Wendolowski

Walt responded that Ken was absolutely correct and he hopes that the applicant has heard the concerns and addresses them saying the applicant can ignore them, can accept them, modify them as they see fit. Walt advised that these modifications come with an attached financial cost. Walt said the applicant has heard the Planning Commissions concerns and will return with a plan addressing the concerns.

Ken Moore

Ken inquired with the Planning commission what direction they would like to see happen.

Shawn Freilinger

Shawn agreed with Ken that the building should match the other structures and provided an indication of what it should look like with doors and windows providing visibility into the building providing a welcoming look as the other business do.

Lynden Carl

Lynden advised that all of his questions were answered.

Ken Moore

Ken went back to page 10 of the plans which reads:

The submitted "Front Elevation Plans" also shows the adjacent four buildings having their main entrance facing the street. In contrast, the proposed building's Maple Street frontage is a brick wall without an entrance or windows. This is in stark contrast to the existing structures.

Ken advised the Planning Commission would like to have a cohesive appearance of the downtown district in compliance with the Central District overlay with intent to have a cohesive appearance meeting the Central District provisions and be substantially in compliance with the intent.

Walt Wendolowski

Walt confirmed what Ken was saying is accurate and added there needs to be some flexibility, provided what is proposed is within that scale of the downtown. Walt explained that is why there is an escape clause, to show it meets the intent of the Central District.

Ken Moore

Ken said they he feels the Planning Commission has given the applicant as much guidance and they can.

Jon Hodgkins

Jon asked about the gas pump layout and if it will include both gas and diesel.

Melissa Poland (Applicant)

Melissa answered that all three flex lines gas pumps will dispense either diesel or gas from every pump.

Sue Richardson

Sue asked where the tanks will be located.

Ken Moore

Ken inquired with Walt regarding the infrastructure underground of the mechanical and storage asking if that is governed by EPA.

Walt Wendolowski

Walt advised that it is not governed by the EPA explaining it is governed by DEQ, a state issue involving building permits and all gas stations are governed by the DEQ in terms of fuel storage provisions.

Sue Richardson

Sue inquired if everything is cleared including the land from the Pitfido's.

Melissa Poland (Applicant)

Melissa stated it has all been cleared with DEQ.

Ken Moore

Ken requested to get a confirmation that the land has been cleared by DEQ and Walt advised he will follow up with them.

Ken inquired if there will be more testimony from the applicant.

Walt Wendolowski

Walt advised there will be further testimony by the applicant later due to the changes “as a new” with eighty to ninety percent of the information staying the same with a delivery at next month’s meeting.

Ken and Walt continued to discuss the previously mentioned changes discussed this evening. Ken inquired if there was a way to get some “educated eyeballs” on the issues discussed.

Walt Wendolowski

Walt advised he will look at other city codes for parking and the other issues discussed and he will provide a comparable from four or five other jurisdictions. Walt explained what makes it difficult is that the Municipal Code does not provide guidance on how to make the interpretations.

Ken Moore

Ken explained that he would like to say either it is within the code or it is not within the code and they will be making their decisions on what other cities are doing and be comfortable with that.

Walt Wendolowski

Walt discussed the list of concerns the Planning Commission discussed tonight and explained that the Planning Commission is not making any decisions tonight and simply addressing what changes need to be done and the more input would be beneficial prior to the Planning Commission making a final decision on:

Turning radius.

The deliveries.

The frontage improvements on Maple Street.

The clear vision.

Walt explained extending the timeline as discussed will allow the applicant two weeks to pull the requested information together and week for staff to review the information and put a report together. Walt said if the applicant needs additional time, they can request it.

Walt again spoke on the applicant waving the 120 day clock for 30 days due to this being new information to avoid the clock to running out allowing the applicant to resubmit the new information.

The Planning Commission scheduled a second public hearing for Wednesday May 17, 2023 at 6:30 PM.

5. Adjournment:

Motion introduced by Sue Richardson second by Jon Hodgkins

Ayes: Lynden Carl, Jon Hodgkins, Sue Richardson, Ken Moore, and Shawn Freilinger.

Nays: None

Meeting adjourned at 9:18 PM

Respectfully Submitted:

Greg Graven, Chief of Police/Interim City Administrator

Interim City Recorder