



MINUTES

PLANNING COMMISSION - REGULAR Session Meeting
Wednesday, June 8, 2016 North Plains Senior Center 7:00 PM

COMMISSIONERS
PRESENT:

Chairperson Stewart King; Vice Chairperson Heather LaBonte
Planning Commissioners: Garth Eimers, James Fage, Larry
Gonzales, Lonnie Knodel

COMMISSIONERS
ABSENT:

Doug Nunnenkamp

STAFF PRESENT:

City Manager Blake Boyles, City Recorder Margaret Reh

OTHER:

City Planner Heather Austin-3J Consulting; Legal Representative
David Doughman-Beery, Elsner and Hammond

1 CALL TO ORDER

Chair Stewart King called the meeting to order at 7:00 p.m.

2 PLEDGE OF ALLEGIANCE

Chair King led the Planning Commission in the flag salute.

3 APPROVAL OF MINUTES:

a) Review and approval of May 11, 2016, Regular Session Minutes

Motion to approve the May 11, 2016 Regular Session Planning Commission Minutes.
Moved by Planning Commissioner LaBonte. Second by Planning Commissioner
Eimers. Motion was approved unanimously.

4 PUBLIC COMMENT: None were forthcoming.

5 PUBLIC HEARING:

a) File No.16-062 Design Review Type III - Valley Machine Industrial Building-New
30,000 sf Building for Manufacturing Use.

The North Plains Planning Commission conducted two quasi-judicial public hearings.
Chair King requested the public hearing process be read into record. King opened
the first public hearing on File Number 16-062 at 7:07 p.m. Following proper protocol,
King asked for any declaration of bias or ex parte contact.

City Planner, Heather Austin, presented the staff report stating general compliance
has been found. Copies of the staff report were provided in the Agenda Packet.
There are two noted conditions recommended by staff.

Austin addressed the roadway spacing requirements that do not accommodate the
second driveway to the southeast. It is short of providing the access space

requirements for full driveways. Staff is asking this to be used as emergency access only to accommodate ingress and egress in addition to the one that will primarily be used. This second driveway also provides access for Clean Water Services (CWS) for their pump station

The second condition that needs to be revised concerns parking area landscaping. Staff had misread this section of code and has found the site is fenced and screened from adjacent properties and public rights-of-way as required. No changes to fencing or screening are required.

Additionally, Washington County submitted comments stating 307th Avenue is currently under Washington County jurisdiction. However, an intergovernmental agreement to transfer the jurisdiction to the City has been in progress since September 2015. Once the signed IGA has been received by the City, 307th Avenue will be under city jurisdiction. Street improvements to 307th will be constructed in 2016 as part of the Ghost Creek Trail Project following city standards once this transfer is complete.

Tony Spiering, 15115 NW Old Pumpkin Ridge Road, North Plains, Oregon and Andy Spiering, 25646 NW Dairy Creek Road, North Plains, Oregon approached the Board. T. Spiering thanked City staff for their help with the application and the process. He feels this project will be a good thing for the community in providing jobs and revenue to the city. This is a part of the vision of the community to live, work, and play. It also provides a business model for other companies in the area.

No other comments were received for, against or neutral.

King closed the public hearing at 7:19 p.m. and asked for any further discussion.

Motion to approve the design review for File Number 16-062 for Valley Machine, with the amended conditions of approval which were received and heard tonight. Moved by Planning Commissioner LaBonte. Second by Planning Commissioner Eimers. Motion was approved unanimously.

- b) File No.16-065 Graber Partition--Appeal of Administration Decision for a Minor Partition Requiring the Removal of Existing Shed.

King opened the public hearing for File Number 16-065 at 7:20 p.m. for an appeal to an administrative decision for a Type II Land Use application. Following proper protocol, King asked for any declaration of bias or ex parte contact.

City Planner, Heather Austin, presented the staff report for the appeal to a land use decision for a 3-parcel partition. The administration decision was for approval of the proposed 3-parcel partition. However, a condition of approval requiring the removal of an existing shed/garage on the property is being contested. Austin provided details from the staff report to the Commission. Four pieces of public testimony were submitted and were part of the agenda packet.

Staff is recommending the Planning Commission deny the appeal request and uphold the original decision of approval with conditions.

LaBonte asked if the appeal is approved would the easements be vacated or would they continue to be in violation of the code. Austin stated that no private building easement would be necessary as the applicant will be removing the portion of the shed that is on neighboring property to the south. Austin suggested the question of the public utility easement be asked of the applicant.

King invited the applicant forward. Kent Campbell, PO Box 526, Hillsboro, Oregon and Tim Graber, 18735 NW Dixie Mountain Road, North Plains, Oregon approached the Board. Campbell reiterated what was stated in the staff report—they received no negative comments from the neighboring residents. Police and Fire departments both stated they were not allowed to provide written comment, but to their knowledge they have had no issues with this building. The applicant felt that the shed/garage was allowed to stay 20 years ago when Chamberlain Place was developed, it should continue to be allowed to remain.

The Board inquired of the age of the maps that were submitted with the application. The map was showing two sheds on the property. Discussion ensued.

King asked for any proponents, opponents or those wishing to testify neutral--for or against. Hearing none there was no call for rebuttal.

King closed the public hearing at 7:40. King asked for deliberations.

Austin will notify the applicant and the people on record via e-mail of the appeal process to the City Council.

Motion to deny the appeal of the Graber partition, File Number 16-065, based on the encroachment of the public utility easement as well as the set-back issue on the west side. This is a rejection of the appeal and approval of the denial. Moved by Planning Commissioner LaBonte. Second by Planning Commissioner Eimers. Motion was approved unanimously.

- c) File No.16-072 Marijuana Facilities Code Revisions. Changes to Municipal Code Chapters 16.040 General Commercial District (C-2) and 16.055 General Industrial District (M-2).

The North Plains Planning Commission conducted two legislative public hearings. Chair King requested the public hearing process be read into record.

King opened the public hearing on File No.16-072 Marijuana Facilities Code Revisions at 7:07 p.m.

Austin presented the staff report providing background information regarding the legalization of recreational marijuana in the State of Oregon and the steps North Plains has taken in preparation of having marijuana facilities within the city limits. Staff received

five responses to the request for comments that were mailed out to all property owners in the commercial and industrial areas. The responses were from Wayne Holm of Oregon Canadian Forest Products; Bill and Kelly Stadelman; Corkye Funk, Stephine Jurchen, and Adam Farnsworth.

Staff proposes the Planning Commission forward the recommended code changes to the City Council for further consideration. Discussion ensued. It could be possible to develop conditional use language that establishes criteria for marijuana facilities in these zones.

King called for public testimony.

Jared Long, 2936 Watercrest Road, Forest Grove, Oregon is the Director of Business development of Nectar Cannabis Corporation (NectarPDX.com). Long gave a brief description of his businesses which he currently has working facilities in multiple jurisdictions. Long is looking to establish a retail facility in the old oil and lube building on Glencoe Road. Long has worked with the State in acquiring permits and licenses for his other establishments. His company is willing to comply with the criteria the Commission establishes. Long estimates that with his business model and the 3% tax on marijuana, the City could be looking at receiving \$9,000-\$12,000 per month to the City. Customers will come far and wide or their product, plus the traffic traveling to Forest Grove and Cornelius could be stopping in North Plains for their product. They monitor security using cameras on site. They have established good relationships with neighbors at their other facilities. Neighboring properties come to realize they are good people. Their shop will also benefit nearby food establishments and other businesses. They also help reduce the black market. They have very strict identification rules. They want to work with the city and build a relationship with the city. Long is available for any questions the Commission may have.

Ash Gupte, 12059 NW Valley Vista Road, Hillsboro, Oregon, 97124. Gupte has a related business and is in partnership with Jared Long. Gupte performs distribution, warehousing and processing at his sites. Gupte submitted a written statement that was partially read into record. A copy of the document is available at City Hall or can be listened to on the audio recording of these minutes on the city website. The recording of this document is on the June 8 audio minutes is located at the 1:27:52 mark on Part 1 of the audio.

[http://cityofnp.org/files/9914/6713/1195/060816 Planning Commission Audio Minutes PART 1.mp3](http://cityofnp.org/files/9914/6713/1195/060816_Planning_Commission_Audio_Minutes_PART_1.mp3) Gupte addressed some of the minor modifications that have been proposed by the Planning Commission.

Paul Schmitz, 30852 Brooking Court, North Plains, Oregon reiterated the suggestion of having 1000 foot set-backs from the public parks. This buffer could prohibit any marijuana facility from being established within the city limits. Schmitz suggested setting a limit on how many businesses could be allowed in a zone. Schmitz suggested to investigate current regulations and restrictions for liquor stores in relationship to schools or parks and apply these regulations to marijuana facilities.

Schmitz is concerned with lack of infrastructure and the extra traffic that both parties have testified their product will draw into town. If they will be providing a premium specialized brand, North Plains could become a destination spot for purchasing marijuana. Schmitz is concerned about parking, safety issues and how the current police staff will be able to handle the increase in traffic.

Chair King reminded the audience that this public hearing was not an application for conditional use or a design review. It is a public hearing regarding zoning code changes. Any application for a marijuana facility would have to come to Planning Commission as a conditional use for that zone. These questions and concerns that are being brought up are all good for discussion and to consider as language to the code for the criteria for conditional use in the zones.

Discussion ensued, with input from the audience, regarding setting up buffers from the parks around town. The problem is that if buffers are set up from every park, the code would not allow marijuana facilities to locate anywhere within the city limits. City Council has decided that the City will allow marijuana facilities in North Plains, so the Planning Commission is charged with modifying the code to accommodate those facilities.

The Commission will be looking at using conditional use language to establish guidelines. This criteria could be worked to control how many facilities will be allowed in each zone; what area they will be permitted; establish criteria for dispensaries and manufacturing facilities the residents can live with; hours of operation and what services the facilities can provide. Code could be written adding buffers from parks or trails. The Code just cannot become so strict as to prohibit any facility from locating within the city limits.

The Planning Commission will come up with a solution to where marijuana facilities could be located and write the code to accommodate the decision.

Schmitz inquired if the City Council decision written in stone or can that be ratified? King suggested Schmitz speak to City Council regarding that. Doughman stated the November election deadline has past. Jurisdictions had to notify of the intention to opt out already.

Adam Farnsworth 10121 NW Curtis Street, North Plains, Oregon. Farnsworth had submitted written testimony which has become part of the public record. Farnsworth stated that if we have to have a location for a facility, he would like to see it further into town to help draw traffic away from the heavy freeway traffic entering Glencoe Road. He would like it to not be visible from the freeway. He is worried that North Plains will become a pot stop for people heading to the coast.

Ariel Goodwin 30845 NW Brooking Court, North Plains, Oregon stated she is not opposed to accommodating a business of this type. A law was passed by the state. This is the reality we live with today. Goodwin agreed with Schmitz to compare the regulations of permitting a liquor store on Glencoe and apply those regulations to a marijuana facility. These businesses are comparable. Discussion ensued.

Jeff Jensen, 515 NW Saltzman Rd #838, Portland Oregon. Jensen addressed the M-2 zone as his property is located in the industrial zone. He thinks his property is probably within 1000 feet of the proposed school zone. Jensen stated he felt the Commission was moving in the right direction by requiring marijuana facilities to be a conditional use in this zone. Having clearly defined regulations and requirements in place will allow the City to have control for these uses. Jensen has 45,000 sq. ft. industrial space with heavy power that could be a great place to grow the product. If someone wanted to rent the space he would want to see clearly defined criteria in place for good controls.

Stephanie Farnsworth, 10121 NW Curtis Street, North Plains, Oregon 97133

S. Farnsworth had two concerns she wanted to address. The school district has a bus stop very near the building that is being considered for a marijuana retail shop. Farnsworth would like to see the school district involved with the discussion regarding this facility and changing the bus stops. Her second concern is traffic. Traffic is already an issue getting on to Glencoe Road from Pacific Street and Highland Court. With increased traffic coming in for this marijuana facility, she would like to see traffic signals or at least a crosswalk be installed.

Discussion ensued regarding requirements that could be addressed at design review. Traffic impact studies could be required as a condition of approval in these zones prior to issuing a conditional use permit.

Trista Papen, 10125 NW Curtis Street, North Plains, Oregon. Papen stated she has had negative experiences with customers who have visited the vape shop that has relocated from Commercial Street to Glencoe Road. She understands that change happens, but when she first moved into her home on Curtis the building that is now a vape shop was a daycare facility.

Papen served on the Envision North Plains committee and learned that residents want to maintain the small town feel and don't want to have their family values violated with these types of establishments. Papen asked the Commission if there is any way to incorporate all these uses in the M-2 zone. Discussion ensued regarding the different types of business—one retail and the other industrial, that the Commission is working on placing them into the zone with the best fit.

Papen stated residents have to deal with aromas from the coffee roaster, Recology and King Torta and really don't want to add the smell of marijuana to the mix. Papen is also concerned with these facilities being allowed close to parks. She lives across from LaMordden Park and has to call the police on people drinking in the park after hours. She feels these facilities could increase the burden on the police department.

Papen also serves on the budget committee and feels the budget is not so strained that we need the extra \$9,000 to \$12,000 per month in proposed tax revenue that has been suggested the City would get from this business locating in North Plains.

Papen would like to see as much communication as possible take place with residents within a proposed location for a marijuana facility.

Commissioner Eimers stated we are all in the same boat of engaging in 'what if's.' Staff has been charge with communicating with other communities in the states of Colorado and Washington who have legalized the use of marijuana. Staff will check to see what issues they have experienced with the legalization of marijuana and working the location of facilities into their code. Staff will bring that information back to the Commission.

Papen asked why Jessie Mays Parks was considered more heavily over any of the other parks and provided a buffer. Discussion ensued. Staff stated the Commission had discussed this in detail at prior meetings. The goal was to limit marijuana facilities to the C-2 zone on Glencoe Road and not have it in the C-1 zone, which is the downtown area. However, part of Commercial Street is zoned C-2. By requiring a 1000 foot buffer from Jessie Mays Park, this prohibits any facility from locating on Commercial Street.

Jared Long approached the Commission a second time. He addressed a few of the issues that were brought up. Nectar's intention is to have a classy looking establishment. OLCC has strict guidelines regarding restricting smells emanating from the building to 20 feet from the facility—it must be a closed unit. They will work with the City regarding signage. The facility will be clean and classy and will keep it from being flashy.

Chair King closed public hearing at 9:03.

Austin reiterated issues brought up in the discussion to be parking; traffic; hours of operation; set-backs; screening; security; lighting; smells. Austin will bring back suggestions of what other jurisdictions have implemented for conditional use standards. Austin will also provide maps with set-backs of 500 and 1000 ft. respectively from parks and a one showing 100 ft. from residential zones.

Staff will approach City Council regarding extending the moratorium as we will not be able to meet the expiration of the ban.

The recommendation from staff and legal is to continue the public hearing. The consensus of the Planning Commission was to continue the public hearing. Chair King re-opened the public hearing at 9:11 for file No.16-072 and continued the public hearing to the next Planning Commission meeting. The public hearing remains open.

- d) File No.16-073 Review of Municipal Code Chapter 16.045 Neighborhood Community (NC) Zone.

Chair King opened the public hearing at 9:12 for File No.16-073 reviewing the Municipal Code Chapter 16.045 Neighborhood Community (NC) Zone.

Austin presented the staff report as requested by Chair King. Austin stated the Neighborhood Community (NC) zone contains the language of code that will be applied to the annexation areas. During work sessions, the Planning Commission identified some areas that need revising in the NC zone. Additional comments /

suggestions for the verbiage were submitted by Rudy Kadlub and Jim Lange and became part of the agenda packet. Jennifer Bragar, Housing Land Advocates also submitted written testimony pointing out the Statewide Planning Goal 10 impact was not addressed. Staff distributed a text revision to the Commission suggesting a phasing plan requirement to be written into the NC code to go along with the master plan. This phasing plan came about because of a concern City Council has with how quickly this area could be developed. Staff had spoken with developer, Rudy Kadlub regarding this possibility of phasing. It was suggested to not be too strict with a phasing plan as the housing market can be so unpredictable. One year it may slow down, followed by a stagnation of building in other areas of the city where we would need two phases developed. Flexibility needs to be built into the revision of the phasing plan.

It was brought to staff's attention that there was an issue with the staff report for the NC zone not being published with the agenda packet nor was it posted on the city website five days prior to the meeting as noticed. As a result of this, staff is suggesting that the Planning Commission continue this public hearing, after listening to any public testimony that would come forward from those in attendance.

Staff recommended opening the public hearing for public testimony but not make a decision and continue the meeting.

King asked for clarification on who the Housing Land Advocate and the Fair Housing Council of Oregon are. Doughman stated they are non-profit organizations. They are not a government agency.

Commissioner Eimers would like to see a clear definition for "per net acre". Does this include commercial development if it isn't mixed use? Austin will work on this. King would like to know the formula for determining a net acre. Discussion ensued regarding requirements that are laid out in the code or what is found in the Comprehensive Plan. The Commission inquired about a formula for park land and how institutional fits into the master plan.

Discussion ensued regarding requirements for housing types and what is dictated by state guidelines and when requirements cause homes to be cost prohibited to build.

King asked for public testimony.

Jim Lange, Pacific Community Design, 12564 SW Main Street, Tigard, Oregon, spoke on behalf of Polygon NW and the property owners of the east expansion area. He stated they did get a copy of the staff report. A copy of his written testimony was submitted in the packet.

Lange addressed section 16.045.030D regarding alley accessed garages. He felt the intent was to try to eliminate the small lots having garages fronting the streets and not expanding this requirement to every lot size. If a garage façade is limited to 50% of the lot it won't dominate the frontage. Lange suggests adding the verbiage "on lots less

than 38 feet wide” to this section. Discussion ensued regarding creating a neighborhood feel of alley loaded garages and being flexible with the larger homes having a garage that faces the street. Also discussed the relationship of the garage to the front façade of the house.

Straight line tangent was also discussed. Lange listed instances where preventing a straight line is not feasible. This was detailed in his written testimony which is a part of the permanent record.

Lange’s report also suggested the minimum lot size for the single family lot be 7,000 sq. ft. instead of 7,500. Discussion ensued regarding the 40/40/20 ratio for large/medium/small lots that was established in 1997 which may now be outdated. King suggested the idea is to get back to a livable rural community and have larger lots.

Rudy Kadlub, 11422 SW Barber Street, Wilsonville, Oregon thanked the Commission for allowing his testimony to be submitted. Kadlub also address section 16.045.030(d) regarding alley loaded garages. He stated there are a number of conditions where requiring alley loaded garages is inappropriate and not the best solution. Kadlub suggested street facing garages or carports should be recessed behind the façade. Kadlub would also like to see the minimum lot size for a large lot be lower than suggested on the Table NC-1. Discussion ensued.

Kadlub would like language that encourages creativity be added to 16.045.020(b). His suggested verbiage is “builders and developers are encouraged to create dwellings that meet contemporary lifestyles”. Discussion ensued.

6 PLANNING COMMISSION COMMENTS-None Noted

7 STAFF COMMENTS-None at this time.

8 ADJOURNMENT:

The next Regular Session of the Planning Commission is scheduled for Wednesday, July 13, 2016. *(Recorder’s note: This meeting was postponed to Thursday, July 28 due to noticing requirements)* It is currently scheduled to be held at the North Plains Senior Center. Chair King adjourned the meeting at 10:14 p.m.

Submitted by:


Margaret L. Reh, City Recorder

Date Minutes Approved 6/28/2016