



MINUTES

PLANNING COMMISSION - REGULAR Session Meeting

Wednesday, October 12, 2016 North Plains Senior Center 7:00 PM

**COMMISSIONERS
PRESENT:**

Chairperson Stewart King; Vice Chairperson Heather LaBonte
Planning Commissioners: Garth Eimers, James Fage, Lonnie
Knodel, Doug Nunnenkamp, James Vater

**COMMISSIONERS
ABSENT:**

N/A

STAFF PRESENT:

City Manager Blake Boyles

OTHER:

City Planner Heather Austin;

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 ROLL CALL

All Commissioners in attendance.

4 APPROVAL OF MINUTES:

- a) Review and approval of September 14, 2016, Regular Session Minutes

Motion to approve the September 14, 2016 Regular Session Planning Commission Minutes. Moved by Councilor Eimers. Second by Councilor Fage. Motion was approved unanimously.

- b) Review and approval of July 28, 2016, Regular Session Minutes.

The approval of these minutes was tabled at the September 14, 2016 meeting until staff could complete them correctly. The Commission suggested that Commissioner Eimers work with staff on correcting these minutes. Attached are the red-line changes submitted by Commissioner Eimers for review and approval by the Commission.

Motion to approve by Councilor Eimers. Second by Councilor LaBonte.
Motion was approved unanimously

5 PUBLIC COMMENT:

None were forthcoming

6 PUBLIC HEARING:

- a) The North Plains Planning Commission conducted a quasi-judicial public hearing. Chair King requested the public hearing process to be read into record. King opened the public hearing for File

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No. 16-087 requesting the approval of a 16-lot subdivision of single-family detached homes on a 2.14 acre parcel designated R-2.5 on the City of North Plains Zoning Map. Tax lot #1N301BC201 more commonly known as 32370 NW North Avenue.

Stewart King represents buyer so he steps down and hands meeting over to Commissioner Heather LaBonte.

City Planner Heather Austin presented the staff report stating that an application for a 16 lot subdivision was submitted by Biggi Construction as represented by AKS Engineering and Forestry. Austin presented a revised version of the staff report with updated code language stating that nothing substantial changed with the findings or conditions. Yesterday you all received an email from the city's engineering representative Murray, Smith & Associates (MSA) as well as Washington County Land Use & Transportation (WCLT) regarding engineering, traffic, streets and utilities on the site. Included in the packet is the plat, as well as public testimony from Laurie Verboort, the property owner next to the subdivision property regarding partition on the property. Austin states we will need to address page 20 of staff report regarding the street name recommended to be Meadow Terrace, as well as page 26 item 1D conditions of approval which references a memo from MSA including 14 conditions relating to sanitary, sewer, storm, water, streets. Also the applicant wants #9, requiring a traffic impact study, clarified. Austin states that the code is clear that there is a threshold of 300 trips per day or more to require a traffic study. The subdivision at 16 units with 10 trips per day would be 160 trips, well under the threshold. Engineer with MSA would be fine with changing the wording to say "traffic impact study *if needed*". Austin feels there is more concern about how the connection street feeds into Wasco and less about how it cues on North and Gordon. MSA says the place that this can get worked out is during the review of the public improvement plans which the city's engineering consultant along with city manager Blake Boyles does with the applicant after a subdivision has been approved. At that time there would be a decision on if a traffic impact study is needed or if there is other data that can be used.

Commissioner Eimers said he does not understand the difference is between a traffic impact study and maintaining street standards? Austin replied that applicant has the same concern. Austin states that there is more concern about a street design standard, rather than a traffic impact issue. By adding the 'traffic impact study, *if needed*' wording it would address this concern.

Doug Nunnenkamp has concerns about extra traffic in the area from others than just the 16 subdivision homes. Are the feeder streets taken into consideration at this time or is it only the new subdivision? Austin says this is not being addressed at this time. It would be addressed if a traffic impact study was required. Boyles says we are trying to limit traffic east on Wasco because it is a very narrow road, so traffic can go north to North Avenue or west to Gordon. County does not have concerns on North or Gordon roads at this time.

John Vater questions street lighting. Austin references page 28 #10 - lights shall be installed ***per city standards per revision.***

Applicants Testimony:

Mimi Doukas – AKS Engineering representing Biggi Construction: They are comfortable with conditions of approval as revised, including the additional language of traffic impact study if needed. With regards to street naming, they are comfortable with whatever commission or city staff recommends.

Eimers has a concern about drain field for septic tank. Per LaBonte this is not the lot on ordinance. Austin states that is property just east of subdivision so it is not impacted.

LaBonte asked about maps submitted, specifically page 53 of packet – P07 and if the boundary is encroaching the property to the south. Erosion control goes into southern parcel. Per Doukas that is a graphic error.

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LaBonte asks for clarification on P08; storm draining catch basins. Will there be a catch basin on both sides of the street or just by lot 16 as on the map. Per Doukas there will be 2 catch basins on each side of the street.

LaBonte asks about street improvements code – will sidewalks be done on North Avenue? Doukas states yes, there will be sidewalks. Austin said it is stated there will be sidewalks on the “North-South” streets, she will add into Washington County standards on “North Avenue” on page 8. Doukas states they will follow city standards.

LaBonte called for any Proponents: NONE

Labonte called for any Opponents:

Laurie Verboort 11440 NW Gordon Rd. North Plains, Oregon. Verboort submitted an email which has become part of public record. Verboort has applied for a minor land partition and 16-069 has been approved. Verboort has concerns that the new development does not have adequate drainage, as well as the floodplain drain-off not being net zero. Flooding on Gordon road happens every year. She lives on the corner of North & Gordon roads. Because of the intersection at her property she has not been able to get access for additional easements on North or Gordon. She has no access for minor land partition other than her driveway.

Verboort objects to North Plains Planning Commission's adoption of the FEMA map. It impacts her property with water drainage from North and Gordon roads. The subdivision will not net-zero the drainage on her property. Feels that the developer needs to do a traffic impact study for the subdivision as well as plan for drainage so that it is net zero on her property which will allow her to do further development, which was approved (16-069) before this subdivision. Objections have been stated to both Boyles and LaBonte previous. LaBonte spoke to placement of the four catch basins that are in the plans. Verboort says there are none. LaBonte references P08 showing four catch basins for the subdivision. Verboort says there are no catch basins labeled on the plans she has. LaBonte states there are four catch basins on the plans that she has in front of her. Verboort asks for a copy of those plans. Verboort wants her property protected and feels that this plan does not do that, all water from the 16 homes will run south into her property. The ditch at the corner of her driveway is not enough for 16 homes. LaBonte states that the new street will take care of the drainage of the 16 homes with the four catch basins.

Austin says the city engineer at MSA as well as applicant engineers with AKS & Assocs. reviewed all plans showing grating and catch basins proposed and Clean Water Services will be reviewing the final plan.

Verboort wants a French drain for the runoff from the 16 homes. She does not want to be taken advantage of by the city, and does not want her property devalued because it will be in a floodplain due to lack of adequate drainage on the 16 parcels of the subdivision. Verboort also has traffic impact concerns.

Austin addressed access concerns submitted by Verboort regarding the potential access of Verboort's property to the west from the subdivision site. This was looked at by Austin, Boyles and MSA and it would mean the loss of one lot off of the proposed development. Austin spoke with Naomi Vogel at the county and was told that Gordon Road is an option to take an access for the rear parcel two. In reviewing the Washington County comments that were provided with the approved partition and it does say to work with Washington County to receive an access permission. North Avenue is restricted access, but Gordon is far enough south from the intersection to be an option. Wasco Street does not have a direct access to parcel two at this time.

Applicant Response:

Paul Salky, the civil engineer from AKS Engineering responded. In reference to P08 there is a storm drain system that catches the runoff in the catch basins and routes its south through the Sunset Terrace subdivision, not towards the north. On North Avenue there are road improvements required by Washington County to the north that include placing the roadside ditch in a storm drain system. It will not be brought into the subdivision, simply passing it through. In addition each lot will have a lateral to collect storm water runoff from each individual lot and will be routed to the south. The

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improvements and grading will actually take the runoff away from the North Avenue ditch and away from the Verboort property. Each lot is going to collect storm water from the roofs and there will be footing drains around the homes. Eimers asked about depth on the lines. Salky replied that the lines will be approximately 3'-4' deep. This is limited to strictly the homes in the new development. Anything north of the development on North Avenue will continue to flow down the gutter on North Avenue to the west as it has.

Discussion:

Eimers asked if the city engineer has bought off on the proposal. Per Austin the city engineer has bought off on the proposal, and has reviewed it for Clean Water Services standards. It is then the applicant's responsibility to take it Clean Water Services to get their sign off on it.

Public hearing closed at 7:55pm

Austin reminded board that there is a street name issue, and that staff is recommending adding "as needed" to condition #9 in the memo.

LaBonte stated with regards to street names, north to south are numerical. Austin said came up with 325th when she laid it out.

Austin stated that there is still an option to readdress street names in Sunset Terrace. LaBonte said that 911 had requested that the numbered streets be a continuation and that Avenue is more standard.

Motion to approve the staff recommendations including adding the wording 'if needed' to 1B on page 26 and changing the street name to 325th Avenue. Moved by Councilor Nunnemcamp. Second by Councilor Vater. Motion was approved unanimously.

- b) The North Plains Planning Commission conducted a legislative hearing. Chair King requested that the public hearing process be read into record. King opened the first public hearing on File No.16-106 Municipal Code Chapter 16.170 Application Requirements and Review procedures will clarify verbiage for public notice requirements. Following proper protocol, King asked for any declaration of bias or ex parte contact.

8:00pm King takes back control of the meeting

8:02pm Public Hearing open

Staff Report – Austin states that previous City Recorder, Margaret Reh, requested review and clarification of Application Requirements and Review Procedures when doing public notices. Spencer Parsons assisted Austin to make sure we are using the Oregon revised statute to put correct language in. There were just a couple of places that were slightly different, so Austin changed wording to be the same as the Oregon revised statute.

Page 215 #I -Notices of Decision states 20 days for notification. The DLCD says 5 business days. Austin recommends that it say 'within Department of Land Conservation Development stated timeframe'. Eimers asked if we are talking calendar days or business days. Austin says DLCD says 5 business days. If we want to change it to an exact number of days Austin recommends 5 business days. This is only for Legislative type 4 (not quasi-judicial).

No public testimony
Public Hearing closed at 8:09pm

Motion to recommend to City Council the approval of change of notification on Notices of Decision with the modifications discussed at tonight's meeting. Moved by Councilor Eimers. Second by Councilor LaBonte. Motion was approved unanimously.

- c) File No.16-107 Municipal Code Chapter 16.180 Conditional Use Permit will be reviewing the new marijuana business development standards code language drafted by the City's Planning Commission.

Staff report - Prepared in response to the work session of last month. Proposed changes did not have a 'home' so Austin felt it fit best in the Conditional use Permit code.

Public Testimony:

David Nelson: 31819 NW Loiftis Lane North Plains, Oregon. Asked for clarification on if what is being voted on tonight is the same as what was on the Public Notice postings, and that what is being voted on is 'current'. Austin confirmed that states buffer zones are 500' from parks, 1,000' from schools and Jessie Mays, and 100' from residential property.

Joanna Orgill: 31118 NW Cottage Street North Plains, Oregon. Would like to suggest adding a buffer zone around the trails/trail system in town, as well as between any marijuana retail/medical facility and any marijuana processing facility so that there is not a glut of marijuana businesses/facilities in one area. It was stated by the board that these businesses are zoned differently so that would not allow them to be next to each other. Per king, one is allowed in the M2 zone and the other is conditional in the C2 zone. As far as the trail system, Austin says we did buffer the trail system, specifically in the McKay Creek area, with the 500' buffer because city trailers would be considered part of the public parks. Orgill wants to include open/green spaces. Per King these areas are included with public park areas. Austin says there is a residential buffer at Pacific Street Park at the end of Pacific Street. It is not specific to the park itself, but the park is in a residential area so it automatically is included in the 100' buffer of residential areas which means you would have an additional defacto buffer. Ghost Creek is also buffered. Per Austin there is a very small C2 corner that is actually smaller than the building on the property that would not be buffered, but she feels it is not an issue because of its small size. Orgill also asked about the pedestrian bridge on West Union. Boyles and Austin state that this is covered by the residential buffer. Nunnencamp asked about future trails that could have potential issues. LaBonte stated that the way the code is currently written any expansion areas are NC so it would not be an issue. Orgill then asked about how specific the rules are on signage, including size, language, prominence and visibility. LaBonte said that sign language was discussed at the last meeting and it was struck down due to the legality of the First Amendment that was discussed with the city's Legal Council. Orgill asked if we could get a reassessment with Legal with regards to images, lighting, etc. Austin said yes, we can, and it would also go before City Council to get their opinion on it. King stated that after this meeting there will be a work session to discuss sign standards and it can be addressed at that time as well.

Ron Raney - 31597 NW Pacific Street North Plains, OR Asked for clarification on buffer zones; is that the area where people can smoke marijuana? Austin stated buffer zones are in regards to where people can locate a marijuana business. They are not allowed to smoke on those properties per state law. Buffers are strictly in regards to land use areas. Raney then asked if there was a marijuana shop located in North Plains at this time. It was stated no, there is not at this time. Austin said she believes one has applied for a license but that it has been put on hold at this time due to the moratorium. Raney asked if the residents of the city would be allowed to vote to allow these businesses to come in to North Plains. Austin said that the city chose to not opt out of the potential to have marijuana businesses come into the city, and she believes that the property that has been requested would not be allowed due to the buffers that are in place. LaBonte stated that there are only a very few sites in the city that would even be allowable. King stated that the city of North Plains had a period of time in

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which they could opt out of allowing to have facilities in town, which would have had to go to a vote. Because the State of Oregon allows these businesses, and because the city chose to not opt out, there was no vote required. The Planning Commission was then given the job of rewording the code to say where these businesses would be allowed in the city as well as making it conditional so that they had to come in under special public hearing. The new language in the code was worded as such to make it very difficult for any marijuana business to come into the city. Ranes asked if residents had an opportunity to voice their opinions on this issue earlier. He stated that the first he had heard about any of this was in the September Newsletter. Eimers stated that a public hearing on the issue was held at a special meeting in July, as well as the August Planning Commission meeting and the October 3, 2016 City Council meeting. Austin stated that December 2015 is when the City Council made the decision to not opt out and directed the Planning Commission to set the standards/criteria. Boyles and LaBonte both stated that it was listed on the city website, meeting agendas that are posted in four places around town, as well as in local newspapers. Boyles provided the city website address to Ranes for future reference.

Eimers commented for clarification that if we get an application for a marijuana facility in North Plains we will have to go by what is in the code when making the determination. King stated that there are a lot of people on the Commission that do not want this in North Plains but it is the Planning Commission's job to make code modifications and changes in wording so that there is more control over if/where/when any of this type of business can come into town. LaBonte stated that a lot of the code changes happening at this meeting came from previous public hearings.

Ranes asked about signage and the content that could be allowed. King stated that the city attorney said that caution must be used so that we are not crossing the line of the First Amendment of freedom of speech.

LaBonte asked for a couple of minor clarifications in the wording, the first in regards to 16.180.025A questioning the term marijuana 'retail facility'. Austin suggested changing the working to marijuana facility so that it encompasses both retail and/or manufacturing facilities. Consensus from committee. Austin will also add in a new line item "D" stating no structure shall be located within 500' of any public park.

LaBonte asked for clarification on line item "C" on where, exactly, the residential property begins. Is it the property line, or is it the middle of the road in front of the property? Austin states as far as boundaries in the code it is worded such that the Planning Commission would make that determination. It is worded so that each property has a 100' buffer. Austin suggested changing line item "C" to say 'No structure shall be located within 100' of a residentially zoned property as measured from the property line'. Consensus from committee.

LaBonte would like it stated under 16.180.030 Item C - no drive-thru. Consensus from committee.

Cargill asked if there is a way to regulate a business so that it cannot be a small 'shack' type building on commercial property, like in a parking lot, for example. She is concerned because they are on concrete bases, so are they considered permanent? Commissioner Knodel said there was discussion in an earlier meeting regarding how big or small the building could be. By requiring it to adhere to square footage regulations would that not take care of the 'shack' type business in a parking lot? It was asked if it would be bound by the wording 'mobile business is strictly prohibited'. Austin suggested changing the working in the original line item "D" to say 'and placed on a permanent concrete foundation'. Orgill asked if they could be completely banned on Glencoe Road. King replied that is not possible. The Commission is trying to make it as difficult as possible for this type of business to come into North Plains. That is why this code is being put into place. Orgill asked why there was no public forum or vote when the city made the decision to opt out. Boyles replied that there was a deadline before the Council in December 2015 when they voted to opt out.

Austin would like to add a sentence to 16.180.025, for clarification, stating that "the following requirements are in addition to the general conditional use permit requirements". Consensus from committee.

Closed public hearing at 8:53 p.m.

Move to approve the recommendation to Council File for 16-107 Municipal code chapter 16.180 with the additions discussed this evening. Moved by Councilor LaBonte. Second by Councilor Nunnencamp. Motion was approved unanimously.

7 PLANNING COMMISSION COMMENTS

No comments forthcoming

8 STAFF COMMENTS

- a) LaBonte said that Commissioners used to get notifications for applications that were staff approved, and that as of late they have not been receiving those notifications. Austin said she will make sure it happens going forward by working with city staff to send out notices to Planning Commission members at the same time that Agency Notices are sent out.

9 ADJOURNMENT TO WORK SESSION

Regular meeting adjourned at 8:57 p.m.

- a) Work Session: Discussion on the process for reviewing a Master Plan.
- b) Work Session: Review Municipal Code Chapter 16.80 Sign Standards

Submitted by:

Blake Boyles, City Manager / City
Recorder

Date Minutes Approved _____