



MINUTES

PLANNING COMMISSION - REGULAR Session Meeting
Wednesday, May 11, 2016 North Plains Senior Center 7:00 PM

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

Larry Gonzales, Lonnie Knodel

STAFF PRESENT:

City Manager Blake Boyles, City Recorder Margaret Reh

1 CALL TO ORDER

Chair Stewart King called the meeting to order at 7:02 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 April 13, 2016, Regular Session Minutes

Motion to approve the April 13, 2016 Regular Session Planning Commission Minutes.
Moved by Planning Commissioner Eimers. Second by Planning Commissioner Fage.
Motion was approved unanimously.

4 PUBLIC COMMENT: None were forthcoming

5 PUBLIC HEARING:

- a) File No. 16-061: East Expansion Area: An application requesting the annexation of 45.58 acres into the city limits of the City of North Plains. This includes Tax Lot ID #1N206DC100, Tax Lot ID #1N206DC200 and Tax Lot ID #1N206DD100. The property is located south of NW West Union Road and west of NW Jackson School Road.

Planning Commission Chair King and David Doughman, North Plains Legal Counsel-Beery, Elsner and Hammond, gave a brief introduction regarding the process and the criteria that would be looked at for the annexation public hearings that were being conducted. Doughman explained how SB1573 has affected North Plains and Home Rule Authority. At this time the Commission will be reviewing the applications based on the criteria in the Code for annexation not for development. Development criteria and Code will be looked at in the next step of this process.

Chair King opened the public hearing at 7:09 p.m. for File No. 16-061-East Expansion area. The order of business was read. City Planner, Heather Austin, 3J Consulting, presented the staff report.

Austin stated there is a revision to a finding on page 3, section 2(c) of the staff report regarding the location of the site. The criterion is that at least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water. The finding reads that the territory proposed to be annexed is separated from the city limits by only the public right-of-way of NW West Union Road. The correction is that NW West Union Road is within the city limits. So it will read the existing city limits are to the north and east of the area to be annexed. This is the only revision to the staff report.

Chair King invited the applicant to come forward. Fred Gast, Polygon Northwest, 109 E 13th Street, Vancouver, WA 98660 addressed the Commission. Gast thanked the staff and Commission for the opportunity to present their proposal. Gast gave a bit of historical information regarding their plan for development and the vision for the next phase. The applicant stated they want to expand and create more amenities in the development and bring the plan that was presented years ago to full fruition. The hearing tonight is about annexation. Further discussion regarding the amenities will take place in the planning stage.

Mike Robinson, Land Use Attorney, Perkins Coie, LLP, 1120 NW Couch Street, Tenth Floor, Portland, Oregon, 97209. Robinson stated he appreciated the outline Chair King presented for the required criteria to be reviewed at the public hearing tonight. The applicant agrees with the staff report findings, and the corrected finding. Robinson stated the staff report is very thorough and addresses the approval criteria. There were three things the applicant is to provide to staff in order to receive the approval of the Commission. The first was that the application demonstrated that the requirements of SB1573 are satisfied. They also meet the requirements of the land development ordinance which sets the approval criteria and the application requirements for an annexation application. The applicant was very careful about addressing each of these approval criteria. The third was addressing the Comprehensive Plan requirements and ensure statewide planning goals are being implemented. Staff found the applicant met all three of these requirements. Robinson encouraged questions from the Commission and trusted they would follow the recommendation of staff for approval of this application.

Commissioner LaBonte asked why they chose to not conduct neighborhood meetings. Gast stated they felt the annexation criteria is straight forward but they will conduct neighborhood meetings prior to the final development plan being submitted.

LaBonte asked how the three day water supply would be addressed. Discussion ensued. The applicant stated all public services requirements will be met. The applicant will work with the City to ensure water storage will be addressed.

Chair King opened the floor to anyone wanting to testify on the east expansion area.

Paul Schmitz, 30852 NW Brooking Court, North Plains, Oregon, 97133. Addressed the issue of a pedestrian safety plan. There needs to be a way for children to get to

the rest of the services of North Plains whether it be McDonalds, the parks, or the school. Right now there is a choke point at the bridge over McKay Creek on West Union. Schmitz recalled there was discussion over a year ago regarding creating a pedestrian bridge on West Union and nothing has come of that. Schmitz wants to see this addressed as it has been talked about for the past 15-18 years. His concern is about the infrastructure and safe connectivity.

Lincoln Israel, 10205 NW Curtis Street, North Plains, Oregon 97133 expressed he felt the City should pursue action in overturning SB1573. Israel asked if the Commission would consider making a recommendation to the Council to join in the possible law suit. Discussion ensued.

Kevin Doran, 11022 NW Ridgeview Place, North Plains, OR 97133, also had concerns regarding SB1573. He also expressed an opinion for the Planning Commission to make a recommendation to Council to help restore voter's rights. Discussion ensued regarding the role of the Planning Commission and governance.

Chair King offered time for a rebuttal from the applicant.

Fred Gast addressed Paul Schmitz' statement regarding connectivity and stated connectivity and safety will be addressed in the future applications of the planning stages of this development.

Paul Schmitz responded stating he appreciated Gast's comments regarding the issue of safety and connectivity, but wanted it emphasized and have it put into public record that this will be a priority and citizens could be assured there will be a safe pedestrian passage into North Plains. Schmitz does not want this to become a huge bureaucracy of "he said/she said." He wants to see this actually worked into the design and hear more of a commitment from the developer. Schmitz wanted to be assured that safety issues will not be forgotten this time. King stated this would be a part of the comments that will be on the record.

Chair King closed public hearing at 7:34.

Motion for recommendation for approval of File No: 16-061 east expansion area to the City Council with the recommended change to finding 2(C) on page 3 as discussed in the staff report. Moved by Planning Commissioner LaBonte. Second by Planning Commissioner Nunnenkamp. Motion was approved unanimously.

- b) File No. 16-060: North Expansion Area: An application requesting the annexation of 76.07 acres into the city limits of the City of North Plains. This includes tax lot #1N3010000200 and a portion of tax lot #1N3010000300 and #1N3010000400. The property is located north of NW North Avenue and west of 309th Avenue.

Chair King opened the public hearing for File No.16-060 North Expansion Area at 7:35 p.m. King asked for the staff report.

City Planner, Heather Austin, 3J Consulting, presented the staff report stating it is very similar to the east expansion area as review of criteria is based on SB1573, and

applicable sections of North Plains Municipal Code Chapter 15 and Chapter 16. However this application is different in that it is not yet partially within the city limits as in the east expansion area. This application encompasses the entire UGB expansion area of 76.07 acres. Austin addressed the concerns submitted from Washington County Department of Land Use and Transportation (LUT) regarding the need for either a property line adjustment or a minor land partition needing to be acquired prior to the property being annexed to the North Plains city limits. Staff is recommending that a property line adjustment or a minor land partition be obtained prior to the ordinance taking effect. The applicant has indicated a property line adjustment application has already been submitted to Washington County.

Staff has stated all required criteria has been met with this application. The same issues regarding public service requirements is in the works as stated in the east expansion discussion this evening and will be met.

Chair King invited the applicant to come forward.

Matt Sprague, Pioneer Design Group, 9020 SW Washington Square Drive, #170, Portland, Oregon, 97223 and Jill Long, Land Use Attorney for the applicant, 601 SW 2nd Avenue, Suite 2100, Portland, Oregon, 97204 approached the Commission.

Sprague thanked the Commission and staff for all their efforts with this application. Sprague also thanked all the neighbors for coming out to express their concerns for the changes that are going to effect the city and it is good to be involved.

The applicant has reviewed the report. The materials demonstrate they have met all criteria for annexation. There is one condition of approval to acquire a property line adjustment. Sprague assured the Commission the application was filed with Washington County about 12 days prior and it is a relatively short application process. Once that is complete, this condition will be met.

Sprague addressed the sewer and storm draining issue that was raised. They have spoken with Clean Water Services regarding the connection at 309th Avenue. There may be some downstream upsizing of the pipes that will be required. There are a couple of options available regarding adequate piping and storm drainage issues. These will be looked at in detail through the development stage.

LaBonte questioned the legal description submitted in the packet. She was questioning the boundary line for the current city limit. She would like to see the legal description to be reflect the correct boundary line. Sprague state the legal description will be updated to include the city boundary line.

LaBonte was curious as to why they did not provide a neighborhood meeting-she stated the code does not require it, but was wondering why they did not conduct one. Sprague stated he had a very similar answer to the question as was asked of the east expansion applicant. The criteria for an annexation application if straightforward. There will be a great deal of information to share with the neighbors in the next step

of the process. They anticipate significant involvement with the neighborhoods throughout the next process. They will present a detailed plan with proposed parks and street alignments at neighborhood meetings. Discussion ensued.

The applicant has and will continue to reach out to other agencies, (i.e. fire, police, school, etc.) throughout the process.

Chair King invited Melvin Van Domelen to come forward.

Melvin Van Domelen, 14650 NW Dairy Creek Road, North Plains, Oregon. Van Domelen is the secretary for the Jackson Cemetery Association. They formed a non-profit in the year 2000 to get ownership of the cemetery and the use of access via an easement. He is concerned about continuing to have access available to the cemetery once this development begins. King stated a recommendation should be made that the easement must be recognized and addressed that any portion beyond public streets will continue to be provided as easement.

Chair King opened the floor to anyone wanting to testify on the north expansion area.

Marlo Eckerdt, 11180 NW 313th Avenue, North Plains, Oregon, 97133 expressed her concern that this growth is taking away what North Plains is known for—being a small town. She is concerned that flooding the market economically will affect the value of the homes. North Plains should be maintained as a small town and not be expanded because it is a money profit.

Kevin Doran, 11022 NW Ridgeview Place, North Plains, OR 97133, asked for clarification of what the process was for the public hearing tonight. He also had some general land use questions that were answered by staff and legal.

Doran stated he likes to see a variety of styles in homes. He feels that adds to the attractiveness of North Plains. With the recent development we have seen in North Plains there has been a limited supply in variety of design. He inquired as to what options the city has to ensure a variety in styles in the choice of homes.

King clarified this is an annexation application. Design concerns and issues would be addressed with the design review process. King stated the Planning Commission is in the process of revising the Neighborhood Community (NC) zone. Citizens are more than welcome to attend the meetings to provide input.

Stacy Woods 11179 NW Ridgeview Place, North Plains, Oregon. Woods had submitted her comments in writing which will become a part of this application package. Woods' concern is regarding safety on North Avenue. The application included a traffic study that was completed 12 years ago. Woods inquired if that will need to be updated. Austin assured her that a 12 year old study is too old. A new study will be done prior to development proposals. Austin stated the applicant has indicated they are looking into options to improve safety with the proposed realignment of North Avenue. There are a number of agencies that will be included in

the streets and traffic issues including City, County, and ODOT professional traffic engineers.

Paul Schmitz, 30852 Brooking Court, North Plains, Oregon, thanked Woods for addressing the traffic study. Schmitz has no problem with the development. He feels everyone who owns their land has a right to develop. He is a transplant and has been here 18 years. Schmitz is a strong promoter of the Garlic Festival and knows it brings people to this town. Schmitz stated we have a great community that we can be proud of. He wants to have conditions stated to make sure we have a good pedestrian safety plan and have safety incorporated from the beginning. Let's find a right way to do this to make sure people are safe. Schmitz is willing to volunteer to work on these safety issues.

Ariel Goodwin, 30845 NW Brooking Court, North Plains, Oregon, had submitted an e-mail that will become a part of the public record. Goodwin inquired what the rush was to approve these annexation applications. Shouldn't the City look at contesting or lobbying against the right to vote on this having been taken away. SB1573 passed but it is a new law that is in flux. She would like to see the City wait for confirmation from other stakeholders to ensure the vital elements and critical details are in place before moving forward with the annexation approvals. She feels key pieces of annexing are missing and it doesn't feel like it can be completed with all these variables. With the many developments going on, this north area is at a scale that it will be the tipping point. City services are taxed and being stretched beyond capacity. She suggested the developments be phased in over time. The high percent of increase in homes and traffic is just too much for the town to handle. She would like to see us grow in a sustainable way instead of in a rush.

Goodwin asked if it is within the Planning Commission or the City Council's jurisdiction to put conditions on a development plan. She would like to see that requirements for the development be imposed instead of recommendations.

King explained that the development is mandated by the State of Oregon to develop at a rate of 8.4 units per net acre. There was a compromise with the State, who wanted it to be about 11 units per net acre, to get the expansion area approved back in 2001. We are now in the 15th year in a 20 year plan—it is coming all at one time; this is a part of the planning process. King suggested citizens provide input to the Commission on the NC zone at the next Commission meeting on June 8, 2016. King stated they are working on modifications that may reduce the density.

David Doughman stated there is no plan that he is aware of that the legislature is going to rewrite the law. He did not want to bring those in attendance down a primrose path that something was going to happen to reverse or repeal SB1573. Doughman addressed requirements with most land use applications, such as subdivisions and zone changes, must be processed within 120 days. Annexation does not have this 120 day processing deadline. He has never confronted a case that a jurisdiction just shelves an application. Jurisdictions need to work within reasonableness parameters. The perceived rush is not dictated by state law. Applicants will say they have been at this for a very long time. Discussion ensued.

Chair King asked for rebuttal from the applicant.

Sprague addressed the concern for the easement to the Jackson Cemetery Association. The applicant is very aware of the easement and the location of the cemetery. They will take it into account with the development within this area and will ensure there will be an easement to access the cemetery.

Sprague stated the traffic report from one of the prior applications was included to provide a baseline in the application package. A new traffic impact study is in the works. This whole application process will take a long time. The annexation request is the first step. There still needs to be a zoning map change application and process to go through with the County to change the County's zoning to the Neighborhood Community (NC) designation. The applicant wants to ensure that the product is something that works for the city and is attractive. The Code requires the density to be divided into 40% low density; 40% medium density; and 20% high density. This requirement will assist in ensuring that the quality and variety of design in the development reached. Discussion ensued.

The applicant is looking forward to the next phase of development and including the public in conversations so the product aligns with community values. Regarding the pedestrian safety issue, all new development will be providing sidewalks in all areas of the development. Sprague assured the audience that all 440 homes will not be built in one year. This development will be a phased in project and will take time to build out. It will be a much slower change than what some individuals are fearing.

Commissioner LaBonte was curious as to why, without a master plan yet in place, were the trees at 313th Avenue and North Avenue removed. She stated that could have been a park area. Sprague stated it was upon the recommendation of an arborist that the trees were removed. Some of the trees were diseased and they were concerned about the windrow if only some were removed leaving the remaining trees vulnerable. Plus, being directly across from 313th Avenue, it is more likely there will be an extension of the street and the trees would need to be removed for that. Sprague stated there will be a bigger and better park area away from high volume streets.

Sheila Hardwick, 11165 NW 313th Avenue, North Plains, Oregon, expressed concern that if the City moves forward with this approval and there is a future challenge against this new law, is the City potentially putting themselves in a situation that this approval would need to be reversed. If the City were to postpone a decision until we hear of an appeal or a lawsuit against SB1573, delaying could prevent us from being place in this situation. Hardwick questioned the rush to approve these annexation applications. Discussion ensued.

Teri Lenahan, 30822 NW Brooking Court, North Plains, Oregon, inquired if there is a date when citizens could be expected to start seeing heavy equipment begin working on the property. Chair King listed a few of the steps in the process that still need to

be addressed. There will be a few more public hearings to address zone changes and the eventual approval of the development and design review. It could easily be a year out before groundbreaking.

Jim Warren, 10515 Main Street, North Plains, Oregon, asked if it is possible if the Planning Commission or City Council could recommend this go to the vote of the people. He is very concerned that he has lost his voice in this decision. Doughman stated this would be violating state law at this point in time. This attempt could be inviting a significant court challenge by both applicants. Doughman explained this would be a decision of the Council, and Doughman went on record stating he would not recommend this route to the City Council. Discussion ensued.

Ty Miller, 31911 NW Loftis Lane, North Plains, Oregon, asked if the Planning Commission has the authority to recommend to the City Council to not approve these applications. King responded by explaining findings of fact, code, and land use laws. Discussion ensued.

King asked for a final rebuttal of the applicant.

Sprague stated that most of comments were related to process and truly appreciated the Commission addressing those inquiries. It is difficult to weed through all the aspects of code and statutes. Sprague felt they have addressed all the criteria and the Commission has the recommendation from staff. He thanked the Commission for their time and ask for their approval and recommendation to the Council.

King closed the public hearing at 8:35.

The Commission entered into a discussion regarding the process of the Council reviewing the applications and when an ordinance goes into effect. Conditions of approval must be met before the planning can move forward.

Motion to recommend approval of File No.16-060 North Expansion Area, to City Council with additional conditions of approval to what is listed in the staff report. Those additional conditions are modifying the legal description to include the area of the roadway to be contiguous with the current city limits and the completion of the property line adjustment. Moved by Planning Commissioner LaBonte. Second by Planning Commissioner Eimers. Motion was approved unanimously.

6 NEW BUSINESS:

a) Review and Discussion of Planning Commission - Staff Communications Guidelines

Boyles presented the staff report. Boyles asked the Commissioners to read the policy and get familiar with it. Chair King offered to add an additional layer to the process and have all the Commissioners send their inquiries to him first and if he did not have the answer, he would forward the request to Boyles.

7 PLANNING COMMISSION COMMENTS-None were forthcoming

8 STAFF COMMENTS

LaBonte inquired of the status of the pedestrian access over the bridge on West Union. Boyles gave an update. Discussion ensued.

Ex Officio Simmons inquired regarding the lack of striping at the corner of Jackson School Road and West Union. The intersection is very confusing to drivers. Washington County has stated they are not planning to do the striping. Boyles stated the County would only address it if they get a lot of complaints.

9 ADJOURNMENT:

Chair King adjourned from the Regular Session to enter into a Work Session at 9:03 p.m.

The next Regular Session of the Planning Commission is scheduled for Wednesday, June 8, 2016. It is currently scheduled to be held at the North Plains Senior Center.

10 PLANNING COMMISSION WORK SESSION

Chair King called the Work Session to order at 9:03. The Planning Commission conducted a Work Session to discuss Zoning Development Code Chapters as outlined below. No written minutes were taken. The audio recording is posted on the City's website at www.northplains.org. The Work Session was adjourned at 10:30 p.m.

- a) Discussion and review of Zoning Development Code Chapter 16.40 (C-2) and 16.55 (M-2) Updating Marijuana Facility Inclusion in code language
- b) Discussion and review of Zoning Development Code Chapter 16.45 Neighborhood Community Zone.

Submitted by:


Margaret L. Reh, City Recorder

Date Minutes Approved 06/08/2016