

**CITY OF NORTH PLAINS PLANNING COMMISSION  
REGULAR SESSION MINUTES  
APRIL 9, 2014, 6:30 P.M.  
NORTH PLAINS CITY HALL  
31360 NW COMMERCIAL STREET**

1. Chairman King called the meeting to order at 7:05 pm.
2. The pledge of allegiance was led by Chairman King.
3. **ROLL CALL**  
**Commission:** Stewart King, Heather LaBonte, Larry Gonzales, Jeff Low, Doug Nunnenkamp, and Daryl Olson present; Ex-Officio Teri Lenahan present.  
**Staff:** City Manager Martha DeBry and Account Clerk II Pam Smith present.
4. **PUBLIC COMMENTS**  
None.
5. **CONSENT AGENDA**
  - A. Approval of the Regular Session Agenda. Nunnenkamp approved the agenda, LaBonte seconded it and it was approved unanimously.
  - B. Approval of February 12, 2014 Regular Session Minutes. LaBonte noted she had not received a set of minutes to preview, and also that Dropbox doesn't work for her. King said we would table the approval of the minutes.
6. **NEW BUSINESS**
  - A. Interview of Applicant for Planning Commission. Garth Eimers said he tried to contribute in every place he lived which was why he was interested in the Planning Commissioner position when he recently moved to North Plains from Hillsboro. He had a Planning Commission history having been on the Planning Commission in Forest Grove and also participated in the rewrite of Forest Grove's City Charter. He noted he had also been a paramedic in Oregon and a volunteer with the EMS system in Washington, becoming an EMS chief for that district one year later. He was also a Chair on the Orcas Port Commission, an elected position. King asked if the Commission had any questions. Hearing none, he asked if Mr. Eimers felt he would have enough time to review applications, agenda items and meet once a month, which he confirmed. He asked DeBry to let Mr. Eimers know when the next City Council meeting would be for his interview with them and then King asked for a motion.  
  
Gonzales moved to approve Mr. Garth Eimers for recommendation to City Council for the vacant position on the North Plains Planning Commission; Olson seconded the motion and it was approved unanimously.
  - B. Discussion of Medical Marijuana Dispensaries. DeBry noted, with dispensaries now legal in Oregon, the City needed to develop a policy in regards to where they can be

located in North Plains. The State has laws in place including distance from schools, zones allowed in (commercial, industrial, and agriculture), security issues, etc. Councilor Lenahan noted Council had decided they wanted to impose a one year moratorium to give them time to make a decision on policy. Nunnenkamp asked whether we could ban dispensaries in the City. DeBry noted we could shape policy, limiting their location but not ban them outright.

Low asked what the City's concerns might be with having them inside city limits. DeBry said traffic could be a problem, loitering, noise, open use of marijuana, along with criminal activity necessitating increased need for law enforcement. She suggested taking advantage of letting other cities do the work of making policy that the City could then use. LaBonte asked what the City Council wanted to see done. Lenahan said they had just started the discussion. Nunnenkamp suggested locating it inside a medical facility. LaBonte felt it should not be apparent from the outside what the business is. Gonzales noted costs of enforcement could be high for the City. Olson asked about the City taxing it to fund an additional officer and Nunnenkamp wondered if, being a small town, it could be restricted by population. DeBry noted permits could be another way to raise funds. The agenda packet included Washington County Law Enforcement Council information regarding the potential negative effects of dispensaries.

Lenahan informed the Commission about a Marijuana Workshop on May 1<sup>st</sup>, at the Lloyd Center in Portland costing \$75. She said she would provide that information to anyone interested in attending.

**C. Review of Home Occupation.** DeBry felt while going through the Comprehensive Plan, it would be useful to look at our standards since she felt some were not realistic with some measures needing updated. She noted this would be the first time through Home Occupation Chapter 16.85 and that Planning Commission would have a second chance to fine tune it.

**16.85.005 Standards for Home Occupations. 1. *Appearance of Residence.*** Discussion ensued about what percentage of a home could be used for a business that was to be a "secondary use of the structure as a residence." Originally the wording was "not exceed 25% of the floor area...no more than 500 square feet...", which was removed. King asked at what percentage the business remains secondary. DeBry asked if the Commission felt it would be 49%, then suggested we look at other cities to see what they were doing. LaBonte would like a stricter percentage than the old. DeBry noted without inspections or monitoring, it would be hard to enforce a percentage and said a business would only come under scrutiny when a nuisance was reported. Olson wondered if we cared what percentage was used inside, if the business was quiet and there were no traffic issues.

Gonzales thought the City should encourage E-Commerce, which would typically begin as

a Home Occupation business, and said the City needed to be sure to have all Home Occupation rules in place. Nunnenkamp agreed if a property had issues, the City would need rules to back up enforcement and felt the City would want to be able to better monitor Home Occupation businesses. He asked whether they fell under the same rules as any normal business with fire marshal inspections, etc. DeBry noted no inspections were done at this time. King wondered if we shouldn't look into requirements of the Fire Marshall in Home Occupation situations with Olson noting at this time a business could be filled with combustibles without the City knowing of the danger.

Since a Home Occupation should not be visible from the outside of a residence, Nunnenkamp was concerned about removing item 1(e) regarding "no product or equipment being visible from outside the structure." Olson agreed that 1(e) should remain so that home occupations in residential areas not look like businesses. King added that the whole idea is that Home Occupation businesses appear as residential which meant no signs or product showing. DeBry noted the storage issue being addressed under **2. Storage**. with no changes in wording of this section anticipated.

**3. Employees** (c) reworded to not allow the assembly of employees. **4. Advertising and Signs** shortened to have signs simply comply with City Sign Regulations.

**5. Vehicles, Parking and Traffic.** Traffic was discussed as to volume and timing. DeBry felt there would be no need to limit commercial deliveries as it would be too hard to monitor, but some Commissioners felt it was important. Olson and Nunnenkamp liked leaving the three (3) commercial vehicle deliveries per day as a limit under (a). Disallowed delivery times were changed under (c) to 7 pm – 8 am. Nunnenkamp also liked limiting the number of customer's vehicles to the site per day under (d) at four (4) instead of eight (8), noting too much traffic would be disruptive to a residential neighborhood. DeBry asked if the City really cared how many commercial vehicle deliveries or customer vehicles came to a Home Occupation business. She said professionals working from home could have a lot of clients and unless it was disruptive, why would there be a problem. The group left the number of client vehicles at eight (8) per day. Olson noted if traffic only became a problem when a nuisance was called in to the City, the rules should be more strict so the City had the tools to use for enforcement. LaBonte said she had a business in her neighborhood and the constant delivery trucks in and out were disturbing to the neighborhood.

**6. Business Hours.** The Commission was fine with changing the business hours to be limited between 8 am-7 pm. **7. Businesses Required to Obtain Home Occupation Permits** spelled out the criteria for requiring the Home Occupation Permit. DeBry also noted that the Home Occupation permit are a one time permit approving the business for that zone. These businesses would also be required to have a Business License which would be renewed yearly.

**8. Prohibited Home Occupation Uses.** The introduction says “any vibrations....detectable beyond any property line is prohibited.” DeBry said (A) states the criteria for vibration causing immediate termination. There was discussion on the duration, etc. of the vibrations resulting in termination. With the assertion of ANY vibration being prohibited in the introduction, it was agreed not to delete (A). Lenahan asked if under item 8(B) Noise, (1) it could be changed for consistency to say Monday through Sunday. The change was noted.

8(B)(1) The noise section was changed to state a business cannot generate noise audible beyond the property lines except between the hours of 8 am-7 pm. 8(B)(2) This noise is not to exceed 100 dB under any circumstance. DeBry felt it would be hard to enforce noise issues being unable to effectively measure noise. LaBonte felt strongly that nothing should show outside the building of a Home Occupation; no traffic, no noise, nothing beyond common residential noise. King also felt the business should be entirely contained within the building. Olson and Nunnenkamp felt the noise definition as currently written would allow a business to be disruptive in residential neighborhoods during daytime hours. The Commission felt allowing 100 dB of noise all day, in a residential neighborhood, between 8 am and 7 pm, would be too much since 45-50 dB is the sound level in a normal neighborhood. Lenahan noted for comparison, a lawnmower is 90 dBs. Olson asked why a business should be allowed to create noise in a residential neighborhood above what is typical. DeBry asked how the City could measure noise.

Nunnenkamp stated he was not opposed to running small businesses in residential areas but felt there comes a time when the size and impact of a Home Occupation business might become a problem in a residential area and may mean moving the business to commercial or industrial zoned property. Gonzales asked if the problem could be addressed on a case by case without a dB level stated in the code. DeBry noted it would only be enforceable with a specific level stated. Olson asked if it wouldn't make sense to have a lower level stated in the code to better be able to enforce it.

8(C) Odor, states odor prohibited from property line and verified odors could be cause for immediate termination. 8(D) removed veterinary services from the prohibited list and expanded on Auto Services. **9. Exemptions for Home Occupation Permits** was updated.

**16.85.010 Standards for Home Occupations that Require a Conditional Use Permit.** This section was removed since it would be addressed in the Zoning Code. **16.85.020 Application** and **16.85.030 Penalty** sections were added. Gonzales asked for confirmation that the Home Occupation permit is not transferable if a residence sells. DeBry confirmed.

7. **UNFINISHED BUSINESS.** DeBry had no unfinished business to report on but

Nunnenkamp asked to speak about the application that was approved by City Council after being denied by Planning Commission. A discussion followed.

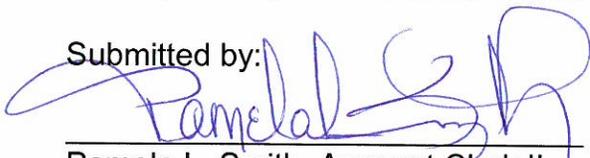
8. **STAFF REPORT.** DeBry said the Sunset Terrace subdivision off NW Gordon would begin building houses this summer and noted the Sunset Ridge subdivision at NW Jackson School Road, was moving slowly. Nunnenkamp asked if DR Horton was done and when Curtis Street would be opened. DeBry noted they were working on the last house and the street would be opened when the last of the construction was done.

Nunnenkamp asked what was happening with the McKay Fields property. DeBry and King both agreed that it seemed as if the house would be removed. Revised plans had been submitted with the house staying but then the applicant asked that the work be discontinued on that new application. The developer intends to submit the Public Works improvements soon and work should begin this summer. Some discussion of the review process followed.

Nunnenkamp noted he didn't see many people using their iPads and said his wasn't working correctly. He also said Dropbox doesn't work for him. King said he has problems with large agenda packets. Olson uses the internet which works for him and does not use Dropbox. LaBonte noted Parks works for her but Planning does not in Drop Box. King wondered if more training wasn't needed. Martha said she was willing to help anyone.

9. **ADJOURNMENT.** King noted the next meeting would be on May 14, 2014, and would probably be held at the Senior Center. The meeting was adjourned at 8:49 pm.

Submitted by:



Pamela L. Smith, Account Clerk II

Minutes Approved:

5/14/14