CITY OF NORTH PLAINS, CITY COUNCIL MEETING
MINUTES REGULAR SESSION
North Plains Senior Center
31450 NW Commercial Street
Monday, July 6, 2015

1. **CALL TO ORDER:** Mayor Hatcher called the Regular Session of the City Council to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE**: Hatcher led the Council in the flag salute.

3. **ROLL CALL:** Mayor David Hatcher; Council President Teri Lenahan; Councilors: Robert Kindel, Jr., Sandi King, Charlynn Newton, Sherrie Simmons and Scott Whitehead.

   Staff present: Police Chief Bill Snyder; Library Director Debra Brodie; Public Works Director/Interim City Manager Blake Boyles; City Recorder Margaret Reh

4. **CONSENT AGENDA**:
   A. Approval of regular session agenda
   B. Approval of minutes of 06/15/2015 Council meeting

Motion by Lenahan. Second by Kindel to approve the Consent Agenda. Motion was approved unanimously.

5. **PUBLIC COMMENT:**

Elmer Mays addressed the Council stating he has recently become involved with the North Plains Historical Society and participated in the centennial celebration of the North Plains Elementary School on May 28, 2015. During this time he became aware that many people had no idea who Jessie Mays was and why the community park was named after her. A short bio of Mrs. Mays was assembled for the 100th birthday of the elementary school and displayed during the festivities. Elmer Mays was inquiring of the Council if they would be interested in having this bio available for display at the Jessie Mays Community Hall. After a resounding "yes" from the Council, Mr. Mays stated he would get it framed and bring it into City Hall to be displayed at Jessie Mays Hall.

Mayor Hatcher informed the Council and members of the audience that Elmer Mays is the son of Jessie Mays.

6. **PRESENTATION**
   None Scheduled

7. **STAFF REPORTS:**

Chief of Police.
Chief Snyder reported that Jesse Baker has been hired as the full-time officer.

The police department is preparing for the upcoming Elephant Garlic Festival; the PGA tournament; and National Night Out events that are all coming up. Snyder is ensuring the department is squared away on all fire arms training. Snyder reported the Fourth of July celebration went fine. Attendance was down from last year. He received no complaints from anyone.

Library Director. Debbie Brodie reported there are many summer reading activities going on. Today was the first day of the longer library hours with the library opening at 10:00 a.m. Brodie left bookmarks for each Councilor with the new hours listed on it.

Brodie met with the YMCA representative who is helping coordinate the two camps being offered between the library and the YMCA this summer. Brodie thanked the Council for arranging for flyers to be distributed door to door while she was away on vacation. Brodie reported that there are no sign-ups yet for the July camp. They are still hoping to get at least 6-8 participants for the August camp. Short discussion ensued regarding methods and means of getting the word out.

Brodie reminded all "summer readers" to turn in the number of pages that have been read on a weekly basis. There are drawings for prizes each week and all one needs to do to be eligible is to call in to the library or e-mail how many pages that have been read for that week.

8. PUBLIC HEARING:

A. Quasi-Judicial Public Hearing for File No. 15-002, an application submitted for a Comprehensive Plan Map and Zone map change-Eggiman property Eastside of Glencoe Road between NW Kaybern St. and NW Pacific St. (This public hearing was continued from the June 15, 2015 North Plains City Council meeting)

This quasi-judicial public hearing was opened at the June 15, 2015 City Council meeting. The public hearing was continued to this date at the request of the applicant. Hatcher asked staff if they had anything to report. Chris Crean, legal representative, Beery Elsner and Hammond, clarified that this public hearing is a quasi-judicial public hearing and not a legislative public hearing and gave a brief explanation of the two types of hearings. The meeting was noticed properly. The City Recorder read the order of business rules of the public hearing process. Mayor Hatcher opened the public hearing at 7:20 p.m.

Hatcher asked for any ex parte contact, conflict of interest or personal bias that should be declared. None were expressed nor challenged.

The applicant, Mike Eggiman, 22865 NW Yungen Road and Ken Sandblast, Westlake Consultants, Inc. 15115 SW Sequoia Parkway, Suite 150, Tigard, Oregon 97224, approached the Council. Eggiman stated that the Council has all received the information in their packets so he would try to be brief. There are two parts to this request. One is to correct inconsistencies between the Comprehensive Plan and the Zoning plan map for 1.75 acres of his property. The second is to change the remaining 2.92 of this 4.67 parcel from Commercial to High Density Residential in the Comprehensive Plan and to change the zoning from Highway Commercial (C-2) to R-2.5.

Eggiman has been trying to market this property to grocery store chains for the past eight years. Eggiman shared statistics regarding population requirements that would support the various types and sizes of grocery stores.

Eggiman also emphasized the 15 degree slope that exists on this property and the impact this slope would have on a commercial development. He stated the amount of work required to level the property to a usable level for a commercial business could be close to $1M. There is a 30 foot elevation change from the west side of the property to the east side. Discussion ensued regarding the impact that improvements made to the slope of this property for a commercial development would have on surrounding areas.

Hatcher inquired about previous zoning of this property. Discussion ensued regarding the history of the zoning of the area and the Comprehensive Plan designations.

Hatcher asked for rebuttal. Hearing none, Hatcher asked for the staff report.

Heather Austin, Consulting Land Use Planner, 3J Consulting, presented the staff report which included the Planning Commission recommendation from the May 13, 2015 public hearing. The staff report was all included in the Council Agenda Packet.

Hatcher opened the floor to public testimony asking for proponents, opponents and neutral parties.

Stewart King approached the Council stating he was neutral. King questioned the meeting being heard as a quasi-judicial meeting instead of legislative. He stated the Planning Commission conducted their hearing on May 13, 2015 as a legislative hearing which resulted in making a recommendation to the Council. Discussion ensued regarding legislative vs. quasi-judicial public hearings. It was noted that the meetings were properly noticed.

Discussion ensued regarding the process of approving, denying, or approving with conditions of approval and the time constraints of land use applications in regards to the 120 day rule. Eggiman stated his point of view of the process and the steps he has taken over the years to try to get something done with this property. He has worked with the City Manager, the Planning Commission and City Council with different ideas and plans and has felt restricted and punished at times with some of the decisions. Eggiman is willing to work with the City and felt that this application seemed like a very reasonable solution.

Hatcher closed public hearing at 8:44. The Council moved into deliberation.

Council continued discussion regarding density, land inventory, and economic development—encouraging businesses to locate in North Plains and the job opportunities that will provide. Some members of Council felt Eggiman meets two of the three criteria that were concerns for the Planning Commission. Lot size of the proposed residential area was discussed. If the residential property were built with a minimum lot size of 4000-5000 sq. ft., more medium density dwellings could be built. The thought was expressed that if we wait for enough houses to accommodate a

larger store, it could be 30 years down the road. A large concern is the full parcel of land is not developable for commercial because of the 15 degree slope. This could prohibit a commercial developer from purchasing the property due to the initial investment of accommodating for the slope. The remaining 5.2 acres of commercial property is sufficient to support the needs of the current population and possible secure some of the needed services the community needs.

Councilor Kindel made a motion stating while a need has not been demonstrated for additional R-2.5 high density zoning, approval of the proposed zone change limit to R-2.5, with a 5000 square foot minimum lot size, similar to the R-5 zone, would be acceptable based on the need for medium density residential housing. The rezone would not increase local job opportunities or encourage diverse businesses, however, the portion of the property proposed for map amendment is not well suited for commercial development due to steep slopes. Therefore, the zone change is appropriate.
Second by Whitehead. The motion passed with a split vote of 5-2, with Lenahan and Hatcher voting in opposition.

Motion by Kindel. Second by Whitehead to approve the application for the Comprehensive Plan map amendment and zoning map amendment, City File No. 15-002 Eggiman Zone Change, with the findings in the original staff report, the findings included with the Planning Commission recommendation along with the revised findings that have been approved by the Council tonight. The motion passed with a split vote of 5-2, with Hatcher and Lenahan voting against.

Staff will prepare the final findings for signature and the result will be returned to the Council in the form of an ordinance and recorded in perpetuity.

9. NEW BUSINESS:

A. Adopt Resolution No. 1898 re-appointing Heather LaBonte to the North Plains Parks Board

Motion by Lenahan. Second by Simmons to adopt Resolution No. 1898 re-appointing Heather LaBonte to the North Plains Parks Board. Motion was approved unanimously.

B. Adopt Resolution No. 1899 regarding additional street closure request of 314th Avenue for the North Plains Elephant Garlic Festival Car Show.

Motion by Kindel. Second by Newton to adopt Resolution No. 1899 regarding additional street closure request of 314th Avenue for the North Plains Elephant Garlic Festival Car Show. Motion was approved unanimously.

C. Discussion regarding establishing a design committee for the mural project on the Van Dyke buildings.

Boyles presented the staff report. Boyles stated that the mural project was one of the topics of the May 18, 2015 council goals discussion. Simmons has found a number of artists that have expressed an interest. However, before anyone can move forward, a theme needs to be decided on. Boyles suggested a committee be

formed to look at the aspects of the project and get community members involved in the process. Simmons volunteered to be on the committee. The Council suggested including the Chamber of Commerce, Parks Board, City Council, Planning Commission, Farmers Market, business owners, and Dan Van Dyke. Discussion ensued. Boyles will work on gathering the prospective members of this committee and setting a date for the first meeting.

D. Council to proclaim Tuesday, August 4, 2015 as National Night Out

Councilor Lenahan explained that the City has participated in National Night Out for a number of years now. She gave some details about activities for the evening. Discussion ensued.

Motion by Simmons. Second by Lenahan to proclaim Tuesday, August 4, 2015 as National Night Out. Motion was approved unanimously.

10. UNFINISHED BUSINESS:

None presented

11. ORDINANCES:

FIRST READING:
None Scheduled

SECOND READING:
None Scheduled

12. CITY MANAGER REPORT

Boyles reported having a great time in Panama while on vacation.

Boyles and the Mayor will be hosting a tour of the walking path under the overpass along the Vern Galaway trail with ODOT on July 17, 2015. The group will observe the "baby bridge" ODOT constructed and get an understanding of what the plans are. Boyles is working with the City Engineer to develop the presentation.

Boyles will be meeting with Washington County regarding the replacement of the railroad tracks on Glencoe. The construction will begin after the Garlic Festival. It was suggested to check with Horning's Hideout and inform them this is coming up.

13. COUNCIL REPORTS

Hatcher reviewed the July calendar with the Council.

Crean suggested the Council discuss the approval of the land use ordinance that was discussed this evening. This land use decision must be memorialized by ordinance and will be on the Council agenda on July 20, 2015. Since the 120 day clock is getting close, it was suggested that Council approve the ordinance at one meeting. Crean states the charter allows this if no Councilors object. If the Council are in agreement and if the

ordinance is duly noticed, it can be approved in one session. Austin will have the ordinance ready for posting as notice, by Monday, July 13, 2015, and the ordinance will be read and adopted at one meeting.

Council normally takes one meeting off in August. Discussion ensued. Council will cancel the second meeting in August. Council will meet on August 3, 2015. Council will not meet on August 17, 2015.

There will be a URA meeting schedule on Monday, July 20, 2015 and will take place after the City Council meeting.

14. ADVICE/INFORMATION ITEMS:

- Thursday Marketplace-every Thursday this summer on Commercial Street from 5:00-8:00 p.m.
- An Evening with an Author: Molly Gloss 7 p.m. at the library
- National Night Out-Tuesday, August 4, 2015 at Jessie Mays Community Park
- North Plains Elephant Garlic Festival-August 7-8-9
- Concerts in the Park-Friday nights in August

15. ADJOURNMENT:

Mayor Hatcher adjourned the regular session of the City Council at 9:28 p.m.

David Hatcher, Mayor

Margaret L. Reh, City Recorder

Date approved 07/20/2015