



MINUTES

PLANNING COMMISSION - REGULAR Session Meeting

Wednesday, September 14, 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

COMMISSIONERS ABSENT:

N/A

STAFF PRESENT:

City Manager Blake Boyles, City Recorder Margaret Reh

OTHER:

City Planner Heather Austin; City Attorney Spencer Parsons; Ex Officio Charlynn Newton

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 July 28, 2016, Special Session Minutes

Chair King asked for the approval of the minutes. Commissioner Eimers moved that the approval of the minutes be tabled until they get corrected by staff. King noted, for information to the other Commissioners, there were concerns that the minutes did not reflect exactly what happened at the meeting and staff was requested to listen to the tape and reword some of the language in the minutes. That is the reason for this motion. Staff informed the Commission the minutes were created from listening to the audio recording. Staff would need to know specifically what the Commission feels is missing and would need to know what verbiage the Commission would like to see in the minutes. King stated there is a motion on the table to table the minutes until the next Planning Commission meeting on October 12, 2016. Second by LaBonte. Motion was passed unanimously. The offer for discussion on the motion was not provided.

Staff ask how the Commission wanted staff to proceed. King stated he will let you know—give you the information on that. Staff stated it needs to be okayed by the Commission. Staff clarified by stating the Commission wants staff to proceed by getting information from one person to change the minutes. Then the Planning Commission will approve the minutes from that input and if people don't like it, then the Planning Commission will change it again.

4 PUBLIC COMMENT:

a)

A written memo from Patrick Pollard was submitted to the Commissioners at this meeting. Boyles had received an e-mail that Pollard was not going to show at the meeting. Pollard has been in contact with the city for the past few months, trying to get an addition to his garage. Pollard had complaints about the \$2700 charge for the Type III variance application. City Planner Heather Austin stated the purpose of Pollard sending the e-mail was for the Commission to discuss it. Austin suggested it could be discussed as new business or as public comment. King stated it is not new business. It should be in the public comments. Austin explained some of the issues that had come up with this request regarding extending past the front structure of the house instead of flush with the front elevation of the home. Pollard wanted to see the code changed. Austin suggested the Commission discuss the issue during their work session later this evening, if they have time.

King stated he wanted to address an issue that took place at the last Planning Commission meeting. During the public hearing King requested Commissioner Eimers, who had voted no on the recommendation, to explain his opposition. King stated he was actually out of order in asking for a reason and wanted to apologize to Eimers for that. King had inquired of legal what was expected in a legislative session. A decision in a legislative public hearing can be a judgment or personal so it does not need to be based on matters of fact.

King did remind the Commissioner that in a quasi-judicial hearing, that if any Commissioner goes against the recommendations of staff, they do have to have a reason why they are voting against findings of fact, they have to have a have a reason, something they believe is not true in the facts or does not meet the criteria. King stated to keep this in mind during quasi-judicial public hearings.

5 PUBLIC HEARING:

a) File No.16-085 Updating Chapter 16.65 Floodplain Overlay of the Zoning and Development Ordinance to reflect the current FEMA Flood Insurance Rate Map (FIRM)

(Recorder's note: there was an issue with wi-fi access, so agenda item 6A was attended to prior to the public hearing, with the hopes the wi-fi issue would be fixed soon. Hard copies of this agenda item were distributed to the members of the Commission, so they were able to proceed.)

Chair King brought the Commission back to agenda item 5A-Public Hearing at 7:22.

King opened the legislative public hearing at 7:24 on File No.16-085: Updating Chapter 16.65 Floodplain Overlay of the Zoning and Development Ordinance to reflect the current FEMA Flood Insurance Rate Map (FIRM). The Order of Business was read into record.

City Planner, Heather Austin presented the staff report. Using old data could put the purchase of property in jeopardy as private lenders would need to provide flood insurance. This ordinance would need to be adopted prior to November 4 to meet a requirement for flood insurance. Staff submitted the code to DLCD and received many updates to the language—mostly ones that are state specific.

As Austin was presenting her staff report she stated public notice was provided in the newspaper. As she continued and consulted with staff, it was discovered that the required public notice for this hearing was not sent to everyone in the city. We could cure the defect by noticing for the Council meeting and allow input at the Council public hearing. It was decided to continue with the public hearing with the Planning Commission with the understanding a public notice letter would be distributed city wide for the public hearing, on this file number, that will be heard before the City Council. The citizens of North Plains will be given the opportunity to speak to this issue before the City Council.

Austin explained some housekeeping language needed to be made throughout the document concerning reference to base flood elevation (BFE). The verbiage that will be revised for the document being submitted to the City Council. Discussion ensued.

The Commission did not have access to the new map as it was not yet received from the County. Staff was hoping to receive a copy of the map soon.

The map is the most recent update since 1980. Boyles' understanding was that there were no changes to the map. The datum had a change in the start point of the elevation from 173 feet to now being 171 feet. Flood insurance guidelines have to adjust to that. The footprint of the flood plain did not change. We are updating our code so the insurance issuance can be in compliance. This began as an update to reference to our current data from the 1980 document. DLCD had some changes to the actual code language to reflect state and federal guidelines. The pressure is to adopt the updates to the county map-which is basically the FEMA map. FEMA oversees and regulates the flood insurance program. Discussion ensued.

It was suggested to include in the motion the recommendation that proper notice be made prior to the City Council meeting. This item could go to Council on October 3 post the notice and come bck on Oct 17 with an emergency ordinance. Asking the pc to make a recommendation tonight to forward to City Council full public hearing on Oct 3 full ordinance to be adopted as an emergency ordinance

Closed the public hearing at 8:09 p.m.

Motion by Eimers. Second by LaBonte to recommend the approval of File number 16-085: Chapter 16.056 as presented in the packet to the City Council and to direct staff to provide proper notice of the Council public hearing. This approval will include the updates of 16.056 which is the verbiage to include the base flood elevation (BFE) references as discussed.

6 NEW BUSINESS:

a) Interview and Select Applicant for Recommendation to Council for Open Position on the Planning Commission

With the appointment of Larry Gonzales to the City Council, a position on the Planning Commission became vacant. Two individuals submitted applications for this vacant position. The Planning Commission interviewed the applicants. The applicants introduced themselves and provided some background information as to their experience. The recommendation of the Planning Commission was that both applicants would go to City Council for selection of one applicant to be appointed to the position. The applicants are John Vater and Ed Winnett.

It was stated that a motion with a recommendation to the Council would need to be made. There is one vacant position. The Commission can choose one applicant or both. It was stated the Commission doesn't need to pick one over the other—that is the Commission's choice. Fage stated it is important to have community involvement and both applicants want to be involved.

Motion by Fage. Second by Eimers to recommend both applicants, John Vater and Ed Winnett, to go before the City Council for the Council to decide. Call for vote took place. The motion was approved unanimously. The offer for discussion on the motion was not provided.

Ex Officio Charlynn Newton stated an opportunity for discussion was not offered. King stated no one called for discussion. Newton stated, as she is on Council, she is sure the Council wants to appoint the Commission's choice, not make the decision. Newton stated it is not up to the Council to choose who is going to be on the Planning Commission board. The Council would be appointing per the Commission's recommendation. Newton felt it could be remanded back to Planning Commission. King agreed that it could be remanded back to the Planning Commission, but they already had a vote and made their decision. King stated unless staff or legal says otherwise, they will go with that. Legal stated there is a likelihood that Council will not like it and it will be sent back to the Commission, but the Commission does have the choice to make whatever recommendation they want to. King stated the Commission had made their recommendation and they would go with that.

7 UNFINISHED BUSINESS: None

8 PLANNING COMMISSION COMMENTS

Eimers distributed a document that he had prepared and sent around two years ago. Eimers felt it is important to bring it back on the table. With the possibility of expansion areas being annexed, the population of North Plains could double. Eimers feels we need to be cognizant of what we want the nature of the community to be. He asked the Commissioners to read through the document. This is an issue on how our community will self-identify. It is not a singular thing, but a combination of things. The items affect the community in varying degrees. It chips away at the self-image of the city. The school is identified with the Hillsboro School District; Clean Water Services is not a local utility; the

library only partially belongs to the city and partially identifies with Washington County Cooperative Library Services (WCCLS); and now the fire department is looking to join with TVF&R. Institutions of the city that are slowly migrating from the nexus of being associated with the city. This is why it is important to bring this up again. Eimers will bring it up at the Vision Implementation Work Group meeting later this month. We need to find solutions—read the document, digest it and let's find some solutions.

9 STAFF COMMENTS

Austin updated the Planning Commission on the public hearings conducted at the City Council level regarding the Neighborhood Community and the C-2 and M-2 zone changes.

10 ADJOURNMENT:

The next Regular Session of the Planning Commission is scheduled for Wednesday, October 12, 2016. It is currently scheduled to be held at the North Plains Senior Center. Chair King adjourned the Regular Session to go into a WORK SESSION at 8:21 p.m.

- a) Work Session: Chapter 16.120 Marijuana-Recreational and Medical Standards

Submitted by:

Blake Boyles, City Manager/City Recorder

Date Minutes Approved _____