MINUTES
Planning Commission - Regular Session Meeting
Wednesday, November 13, 2019 North Plains Senior Center 7:00 PM

COMMISSION MEMBERS:
Chairperson Stewart King; Vice Chairperson Heather LaBonte
Planning Commissioners: Tom Hauth, Lonnie Knodel, Ryan Landon, Doug Nunnenkamp, John Vater

COMMISSIONERS ABSENT:
Lonnie Knodel, Heather LaBonte

STAFF PRESENT:
City Manager Andy Varner, City Recorder Lori Lesmeister, City Planner Heather Austin

OTHER:

1 CALL TO ORDER at 7:00 pm

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL
   a) Commissioner Knodel excused, Commissioner LaBonte excused

4 PUBLIC COMMENT: None

5 APPROVAL OF MINUTES:
   a) Review and approval of October 9, 2019, Regular Session Minutes
      Motion to approve the October 9, 2019 Regular Session Planning Commission Minutes.
      Moved by Commissioner Vater. Second by Commissioner Nunnenkamp. Motion was approved unanimously.

6 PUBLIC HEARING:
   a) File #19-060 Commercial Development at Pacific and Glencoe - Design Review Permit

      Open Public Hearing at 7:04 pm
      Chair King stated that he attended the neighborhood meeting because he is a property owner within 200 feet of the applicant property.
      After City Planner Heather Austin gave her staff report, she recommended continuing this hearing to the December 11, 2019 Planning Commission meeting to allow for an additional traffic impact study to be done. Written public testimony from Kathy Loebe was provided to all Commissioners this evening.
Applicant: Gary Olmon with Architectural Alliance Northwest, LLC 17 Masaryk Street Lake Oswego, OR 97035 and Dave Vandehey with Roll Tide Properties, applicant and owner, were in attendance. Mr. Olmon had no questions or comments with regards to the staff report and are in agreement with continuing the hearing.
No proponent testimony

Opponents:
Kathy Loeb, resident, was in attendance and spoke on her concern on what kind of impact placing a Taco Bell right across the street from the locally owned King Torta restaurant will have on that local restaurant.
Katie and Ken Skurga, residents, share some concerns regarding a national Mexican fast food restaurant across the street from a locally owned Mexican food restaurant.
Nancy Schultz, objects to a fast food Mexican restaurant when a locally owned Mexican restaurant already exists right across the street from the proposed Taco Bell.
Joseph McAllister, resident, has the same concerns as the others with regards to King Torta. Appreciates that the traffic and the effect it will have in the area are being looked at.
Ashley Martin, resident, echoed all other comments with regards to putting a national Mexican food restaurant across from a locally owned Mexican restaurant. Also has concerns of the possibility there would be a national coffee shop put in one of the other new retail buildings on the site when a locally owned coffee shop, Hits the Spot, has just recently opened in North Plains.
No Neutral testimony.

Rebuttal:
Dave Vandehey, applicant and property owner - Roll Tide Properties. Mr. Vandehey said he appreciates everyone’s comments and concerns. Mr. Vandehey attended one of the early Economic Development Committee meetings earlier this year and took part in a discussion on what the city would like to see as far as new business in town. He stated that his company solicited as many different opportunities that they could find over the past two years including not only fast food restaurants, but other types of restaurants and businesses and they were always given the same reply: North Plains does not have enough rooftops to support any national brand restaurant, even taking into consideration the expansion that will be taking place to the north over the next few years. After hearing that, they refocused their search on other types of retail/office space for the property. It was during that time that Roll Tide Properties actually received a call from Taco Bell showing interest in the property. Mr. Vandehey did say that he has talked to residents about a Taco Bell coming in to North Plains and none of them have concerns about King Torta as they are two different residents. Councilor Kindel asked if it was probable that Taco Bell is looking more at bringing in traffic off of the Sunset Highway. Mr. Vandehey agreed, saying that the residents that go to King Torta will continue to go there, with the expectation that highway traffic will be going to Taco Bell for convenience. City Manager Varner asked about the 6’ fence on western portion of the property on the site plan and if there will be a 6’ fence on the south side of the property. Mr. Vandehey said at this time there is not a fence on the south planned.
Chair King thanked everyone that attended and testified on this item. He reminded them that it is the Planning Commission’s job to make decisions based on criteria, not on personal feelings.
Staff recommendation is to continue to Public Hearing to a date certain of December 11, 2019, which is the next regularly scheduled Planning Commission meeting. This will allow the applicant time to submit additional traffic information and staff time to review it and provide an updated staff report. Consensus of all Commissioners to continue the public hearing to December 11, 2019 at 7:00 pm. The Public Hearing remains open.

7 NEW BUSINESS:

a) Application for Reappointment to the North Plains Planning Commission - Nunnenkamp

Chair King confirmed that this is a recommendation to City Council for reappointment of Doug Nunnenkamp to Planning Commission. Commissioner Vater asked about the process when a commissioner requests reappointment; does the position open up to the public. City Recorder said no, it does not, as long as the Commissioner requests reappointment prior to their term expiring. Consensus of all Planning Commissioners to recommend to City Council that Commissioner Nunnenkamp be reappointed to the Planning Commission for a 4-year term ending December 31, 2023.

b) Application for Reappointment to the North Plains Planning Commission - King

Consensus of all Planning Commissioners to recommend to City Council that Commissioner King be reappointed to the Planning Commission for a 4-year term ending December 31, 2023.

c) Brynhill Development Questions about NC Zone

City Planner Heather Austin noted that there were a couple of representatives from the Brynhill Development in attendance to answer any questions. NC Zone District 16.045.050.F identifies ways a master plan may be refined, subject to Planning Commission approval. Austin noted that subsection 3. of this code section was removed, potentially inadvertently, during the last round of updates to the NC Zoning Code. The Brynhill Master Plan has been approved, and the applicant has identified a few items that would possibly make the development better. Austin said that those items would have normally been addressed under subsection 3 of the Code, but something has happened that removed that section. The number '3' was left in the code with nothing behind it. The applicant has taken the time to listen to all of the recordings of meetings where the NC Code was discussed and could not find any evidence where it was discussed to remove this specific item. Austin asked the Commissioners if any of them remember this item being discussed, or more specifically discussing removing it. None did. Michael Robinson, attorney for the Brynhill Development and Rudy Kadlub of Pacific Costa Communities came forward to discuss this issue. After going back through the recordings they assumed it was just a scrivener's error. None of the commissioners recall making the decision to strike subsection 3 from Section 16.045.050.F of the code at any previous meetings. Austin stated that she heard from the city's attorney today and he said that in this case a scrivener's error can be corrected administratively. Staff states that because
this was not intentional, and because none of the commissioners remember any discussion specifically making a decision to strike the item, staff is just looking for consensus to correct the scrivener's error and add the wording back in to the code. Consensus of Commissioners.

d) **Model Home Criteria**

This issue was added during the meeting at the request of Staff. The applicant for Brynhill requests that we permit a Model Home cluster. Currently the North Plains code allows one home per lot. Brynhill would like to build more than one home before the plat records. Austin noted that Washington County does allow model home clusters under a temporary use permit, subject to certain criteria being met. Austin said these are very common with larger developments and she feels this is a reasonable request. We would need to do a code amendment to update our temporary use section. Questions and brief discussion ensued. Agreement to bring this to the January Planning Commission meeting to allow time to get some more information, as well as to notice DLCD.

8 **UNFINISHED BUSINESS:**

a) **Sunset Terrace II Recorded CC&R's**

At the previous Planning Commission meeting it was noted that the CC&R's for Sunset Terrace II had not been recorded yet, and the Commission requested that staff look into this. Staff received a copy of the recorded CC&R's. It is noted that the requirement in the Notice of Decision that garages be used for parking/storage of cars (rather than general storage) is included in the CC&R's. Chair King thought that there would be some reference in the CC&R's that the homes in Sunset Terrace II are in a floodplain and that the buyers be made aware of this prior to the purchase of a home in this area. But this is not identified in the CC&R's anywhere.

9 **LAND USE APPLICATIONS PREVIOUS 30 DAYS**

a) **Sept-Oct Land Use Applications**

10 **PLANNING COMMISSION COMMENTS**

a) Commissioner Vater asked about 'joint access' between developments (like between the planned Taco Bell and the Subway parking lot next door). Austin said that we do not require it at this time. Vater said he would like to see it be encouraged, both in commercial and industrial properties going forward. City Manager Varner said the wording would need to be a bit stronger, such as 'shall provide joint access' while still being able to provide modifications when needed. Commissioner Nunnenkamp said he would like to possibly revisit the Marijuana Code. Brief discussion ensued.
11 STAFF COMMENTS
   a) There will be a joint work session with City Council on December 11, 2019 for discussion on the Urban Growth Boundary. The public hearing from this evening will also continue at that meeting.

12 ADJOURNMENT: 8:25 pm

Submitted by:

[Signature]
Lori Lesmeister, City Recorder

Date Minutes Approved Dec. 11, 2019