

MINUTES

Members Present: Chair Wendy Stassens, Vice Chair John Tiedge, Commissioners Martin Chroust-Masin, Zack Geary, Charles Hillestad, Jack Morgan, Nanette Pirisky, and Erica Thomas

Members Absent: Commissioner Roger Hall

Staff Present: Mike Bisset – Community Development Director, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician.

1. Approval of Minutes: July 21, 2016

Chair Stassens called the meeting to order at 6:31 p.m., and called for action on the Planning Commission minutes from the July 21, 2016 meeting. Commissioner Hillestad MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Thomas. Motion PASSED unanimously.

2. Public Hearing (Quasi Judicial)

◆ S 2-16

Request: Approval of a tentative subdivision plan that, if approved, would provide for the platting of 49 single-family lots on a 7.29 acre parcel of land.

Location: North of NE Payton Lane and east of NE Hembree Street, and is more specifically described as a portion of Tax Lot 2100, Section 9, T. 4 S., R. 4 W., W.M.

Applicant: Alan Ruden, Inc.

Chair Stassens opened the public hearing at 6:35 p.m. and called for abstentions, objection to jurisdiction, and disclosures. There were none. She also asked how many commissioners had visited the site. Five of the eight commissioners present said they did.

Commissioner Chroust-Mason noted that all of the commissioners knew Mr. Ruden from his previous position on the Planning Commission and current City Council position.

Chair Stassens called for the staff report.

Principal Planner Ron Pomeroy gave a brief explanation of the application, stating that this would be Phase 3 of Bungalows at Chegwyn Village, with 49 proposed lots. He indicated the subdivision design would be consistent with the other two phases, including the private alleyways. Mr. Pomeroy recommended that the Planning Commission approve the proposal subject to the twenty-seven (27) conditions listed in the staff report.

Chair Stassens asked if the applicant would like to present the application request.

Mr. Ruden thanked the commission for their service and explained his request to develop the approximately 7.29 acres into 49 residential lots, continuing the Bungalows at Chegwyn Village development. He stated that the development would mimic what has already been constructed in Phases 1 and 2.

Commissioner Tiege asked Mr. Ruden if he accepted the conditions of approval.

Mr. Ruden said he accepted the conditions presented in the staff report.

Commissioner Geary asked Mr. Ruden about the sanitary sewer report from CH2M Hill, and how the houses will be served by the existing sewer system without the construction of a new pump station as was originally proposed.

City Engineer Mike Bisset explained that Condition No. 9 addresses the questions and stated that the development can drain into the existing Autumn Ridge development. It will need to be designed in such a way that the system could be able to be rerouted to the north for a future pump station if necessitated by future development.

Chair Stassens clarified that there would not be a designated lot for a temporary pump station within this development.

Mr. Bisset confirmed, stating that if the property to the north of Mr. Ruden's development is ever developed a permanent pump station would be required, allowing Phase 3 of Chegwyn Village to be rerouted through that pump station.

Chair Stassens asked if there were any members of the audience that wished to pose questions to Mr. Ruden.

Joel Buzzard, 3551 NE Joel Street, asked if there would be any further development north of Phase 3. He stated he was under the impression that property was in a trust and that nothing could be built there. Mr. Buzzard said he had concerns about the proposed development and asked if Mr. Ruden would consider meeting with the neighbors.

Mr. Ruden explained that the area in question, a conservation district, is property east of McDonald Lane. He also said he would be open to meeting with the neighborhood.

Ingrid van de Grift, 3511 NE Joel Street, explained that her primary concern pertained to the narrow alleyways and the construction vehicles using those alleyways. Her question to Mr. Ruden was to clarify the plan to protect the alleys that are the homeowners responsibility to maintain and adjacent personal property from damage caused by construction vehicles.

Chair Stassens clarified the question, asking what relief Mr. Ruden would provide to alleviate any damage done to the alleyways.

Mr. Ruden explained that the alleyways were built to public street standards to be able to withstand the continual of use over the years. He noted that the alleys were in good shape and that he's had past discussion about posting signs to redirect construction vehicles from using the alleyways.

Mike Burr, 956 NE Samson Street, asked Mr. Ruden if there were any plans to create a Home Owners Association (HOA), to allow the residents to collect dues and operate as an active entity.

Mr. Ruden explained that there are CCR's recorded with the subdivision phases, but no provisions for the creation of an HOA. He said that one could be established if there was enough interest from the residents. Mr. Ruden indicated that discussions would need to occur between all parties involved before determining if an HOA should be established.

Mr. Burr asked how long it would take to complete construction of Phase 3 of the Bungalows at Chegwyn Village which are a separate phase.

Mr. Ruden stated that construction would last two to three years, including the development of the multi-family units.

Chair Stassens asked if anyone in the audience would like to speak in opposition of the application.

Patrick Evans, 3587 NE Joel Street, thanked the commission for their time and submitted additional documents for the Commission to review. He noted that the majority of the homeowners in Phases 1 & 2 don't have any essential objections to the proposal, but would like to have additional requirements established as part of the conditions of approval per his written testimony. Mr. Evans stated that he's made several attempts to contact the developer and has on occasion spoken with Brian Ruden. The concerns noted referred to the berm on the north of the property which has been partially removed with no mitigation to control dust, the use of the alleys for construction vehicles, and the use of barricades to prevent construction vehicles from using current streets, requiring them to use newly created streets for Phase 3.

Chair Stassens asked if there were any questions for Mr. Evans.

Commissioner Geary asked Mr. Evans to elaborate on his communications with the developer.

Mr. Evans stated he spoke with Brian Ruden this afternoon, mostly about the berm, the removal of which is underway. He said they discussed dust mitigation and the request to leave the temporary alley and street barriers in place until completion of Phase 3. Mr. Evans stated the Mr. Ruden indicated the City did not want the barricades to remain. Mr. Evans also said that Mr. Ruden indicated they would install signs to direct traffic to use the newly constructed Autumn Ridge Drive off Hembree Street.

Chair Stassens asked if there were any other questions for Mr. Evans. There were none.

Chair Stassens asked if anyone else would like to speak in opposition of the application.

Ingrid van de Grift asked if the developer or city had any concerns with the amount of traffic and traffic speed through the development. She asked if 25 mph speed limit signs could be installed. She asked that the safety of the homeowners also be considered, stating damage to personal property and theft.

Chair Stassens asked if there were any question for Ms. van de Grift. There were none.

Joe Della Valle, 3539 NE Jacob Street, stated he would like 10 mph speed signs posted along Jacob, saying it has become the unofficial drag strip of McMinnville. He also noted accessibility concerns with vehicles parked along the streets and alleyways and with the construction vehicles blocking access to individual properties.

Chair Stassens asked if there were any question for Mr. Della Valle. There were none.

Sean Rauch, 3596 NE Joel Street, stated that he lives at the very north end of Joel and he was aware of the additional development. Mr. Rauch wanted to express his concern with the continued property damage occurring during construction. He also asked that signage rerouting construction traffic be installed and that the barricades remain until completion of Phase 3.

Commissioner Geary asked if parking in the alleyways was prohibited.

Mr. Rauch said there are no posted "no parking" signs, but the neighbors act in good faith and do not park in the alleyways.

Commissioner Pirisky noted that with construction vehicles using the alleyways it would be difficult for emergency response vehicles to navigate through them.

Chair Stassens asked if there were any other questions for Mr. Rauch. There were none.

Bill Whiteman, 3480 NE Hembree Street, stated that the CC&R's say there is no parking allowed in the alleyways, just along the city streets. He explained that he considers the alleyways private, since the homeowners will be responsible for maintaining them, and asks that barricades remain in place at the end of the alleyways. Mr. Whiteman also expressed his concern with the lack of curb and gutters along the alleyways and the durability of asphalt being used for the alleyways.

Chair Stassens asked if there were any questions for Mr. Whiteman. There were none.

Jared Miller, 946 SE Ford Street, explained that he does not reside within the development, but has been to the park in the area. He stated he understands the concern the neighbors have with the additional construction and use of the alleyways by construction vehicles.

Mr. Miller asked the Commission if a decision on the request would be made at this meeting or if the hearing would be continued.

Chair Stassens explained the process for continuing the hearing or holding the record open for additional written testimony.

Chair Stassens asked if any others wished to speak in opposition of the proposal. There were none.

Chair Stassens asked if any representative from a public agency would like to provide comments. There were none.

Mr. Pomeroy stated that staff had no other comments beyond that represented in the staff report.

Chair Stassens asked the application if he wished to respond to any testimony received.

Mr. Ruden stated he understood the concerns of the community regarding the construction and the vehicles using the alleyways. He said that they would be willing to discuss the use of barricades to help with the redirection of construction traffic, if that would be permitted. Mr. Ruden explained that they would install signage redirecting construction traffic and also notify their suppliers to use Autumn Ridge Drive when construction begins.

Mr. Ruden said he understood the safety concern, but stated he has no control over people who break the speed limit, with or without speed signs posted. He again stated he would be willing to examine the idea of using the barricades temporarily while construction of Phase 3 was being completed, but also said that the main access would be off Hembree Street onto the extended Autumn Ridge Drive.

Commissioner Morgan asked Mr. Ruden to clarify if the alleyways were public or private.

Mr. Ruden said they are private, but there is a stipulation that the developer is responsible to maintain them for a year.

Commissioner Geary asked Mr. Ruden if they have previously installed signs when construction occurred.

Mr. Ruden said no, but stated that they would install signs redirecting traffic for this phase.

Commissioner Hillestad asked Mr. Ruden to explain what the protected covenants were.

Mr. Ruden briefly explained the nature of the CC&R's and that the alleyways, which include curbs are protected.

Chair Stassens asked Mr. Bisset what the rules were for the use of barricades and if they would be allowed.

Mr. Bisset explained that the barricades are used when a through street is not yet completed, but once the subdivision is platted the streets become public and can be used by any member of the public. He stated that closure of a public street would be problematic

and that staff would not support the continued use of the barricades once the street improvements were complete.

Mr. Bisset also stated that the recorded plats for Phases 1 and 2 allow the developer to use the alleyways for future development, therefore the City cannot restrict Mr. Ruden from using the alleyways.

Chair Stassens clarified with Mr. Bisset that if the developer chose to, they could install temporary barricades on the alleyways, but not the public streets.

Mr. Bisset said that was correct. He mentioned that, as with the other developments, all of the barricades say "street extended with future development."

Chair Stassens asked Mr. Ruden what he typically does to protect the residences during construction.

Mr. Ruden stated that communication is number one, and that issues need to be conveyed without emotion in order for all parties to come to an understanding. He said that they would be willing to meet with the neighborhood to discuss options for limiting the use of the alleyways during construction.

Chair Stassens asked if there were any other questions for Mr. Ruden. There were none.

Chair Stassens asked if anyone would like to hold the record open for additional written evidence.

Mr. Evans said he would like to hold the record open.

Chair Stassens explained that the record would remain open for seven (7) days, which would close at 5:00 p.m., August 25, 2016 for additional written testimony only. She then stated that Mr. Ruden would have seven days, from August 26, 2016 through 5:00 p.m., September 1, 2016, to submit any written testimony in response.

At 7:50 p.m. Chair Stassens continued the public hearing to 6:30 p.m. September 15, 2016.

3. Public Hearing (Quasi Judicial)

◆ CU 7-16

- Request: Approval of a conditional use permit to allow establishment of a maintenance facility to accommodate a grounds garage, equipment storage building, warehouse and office space.
- Location: 1150 NE Lafayette Avenue, and is more specifically described as Tax Lot 202, Section 21, T. 4 S., R. 4 W., W.M.
- Applicant: McMinnville School District #40

Chair Stassens opened the public hearing at 7:52 p.m. and called for abstentions, objection to jurisdiction, and disclosures. There were none. She also asked how many commissioners had visited the site. Six of the eight commissioners present said they had.

Chair Stassens called for the staff report.

Mr. Pomeroy gave a summary of the application, location, and clarification that this property, even though it is zoned C-3 (General Commercial) lies within the Northeast Gateway District, which requires the application be reviewed as a conditional use permit. He said that staff recommends approval subject to the five (5) conditions listed in the staff report.

Chair Stassens asked if there were any questions for staff. There were none.

Chair Stassens asked the applicant to present their request.

Pete Keenan, Facilities Manager with McMinnville School District, explained the request to locate the McMinnville School Districts Operational Facilities and ground maintenance operations to this site. Mr. Keenan explained that between the facilities operations and ground maintenance, the district currently uses five buildings at different locations. He stated that this site would allow for all the staff and storage needs to operate out of one location. Mr. Keenan explained that the School District would construct two additional buildings that would house the maintenance shop, wood shop, welding, cleaning supplies, and excess furniture.

Mr. Keenan describe that the current facility sits between commercial and residential uses and that they are good neighbors to those uses. He explained the works hours are generally between 6:30 a.m to 3:30 or 4:00 p.m., Monday through Friday. He also said that noise would be at a minimum, with the occasional truck deliveries.

Chair Stassens asked if there were any questions for the applicant.

Commissioner Morgan asked what would happen with the current maintenance facility property on NE 19th Street.

Mr. Keenan said the District will sell the property.

Chair Stassens asked if there were any other questions for the applicant. There were none.

Chair Stassens asked if anyone would like to speak in favor of the proposal. There were none.

Chair Stassens asked if anyone would like to speak in opposition of the proposal. There were none.

Chair Stassens asked if there were any additional comments from public agencies. There were none.

Chair Stassens asked if the application could like to waive the seven (7) day period.

Mr. Keenan said yes they would waive the seven (7) days.

Chair Stassens closed the public hearing at 8:06 p.m.

Discussion occurred between the commissioners about the proposal and they were all in support of the application.

Commissioner Chroust-Masin MOVED, based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the applicant to APPROVE CU 7-16 (School District Grounds and Maintenance Facility), subject to the conditions as noted in the staff report.

SECONDED by Commissioner Hillestad. The motion passed unanimously.

4. Public Hearing (Legislative)

◆ G 2-16

Request: The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance that, if adopted, would amend McMinnville Zoning Ordinance (Ord. No. 3380) Section 17.64 (Marijuana Related Activities) to remove the phrase "state licensed preschool."

Applicant City of McMinnville

Chair Stassens opened the public hearing at 8:09 p.m.

Chair Stassens called for the staff report.

Mr. Pomeroy gave a brief history on the adoption of the marijuana related activities ordinance, explaining that the restrictions on the buffer from a "state licensed preschool" are unenforceable because the state does not utilize the phrase "state licensed preschool." He explained that Council directed staff to propose removal of the phrase "state licensed preschool" from the ordinance, which requires a recommendation for approval from the Planning Commission to Council for adoption.

Mr. Pomeroy stated this concern was brought to the City's attention after a medical marijuana dispensary opened within 1,000 feet of a preschool. He explained the City's research into obtaining a list of state licensed preschools, which concluded that no such complete list exists at the state level.

Some discussion ensued about the ordinance, the removal of the phrase, and the procedures required when amending an ordinance.

Planning Director Heather Richards mentioned that Council has also directed staff to conduct a series of work sessions with the Planning Commission to establish some specific guidelines to determine the definition of a school and how to consistently measure the 1,000 foot buffer.

Commissioner Thomas MOVED to recommend that the City Council adopt the proposed amendment.

SECONDED by Commissioner Morgan. The motion passed with a 7-1 vote with Commissioner Tiedge voting nay.

5. Old / New Business

Chair Stassens presented the "Findings of Fact" of the Planning Commission's decision on public hearing item AP 2-16 (Risdon) from the July 21, 2016 meeting.

Chair Stassens asked for any discussion of the findings of fact.

Commissioners Geary, Chroust-Mason, and Pirisky abstained from discussion and approval.

The Commissioners were in agreement with the presented "Findings of Fact."

Commissioner Tiedge MOVED to approve the Findings of Fact as presented.

SECONDED by Commissioner Thomas. The motion passed unanimously.

Planning Director Heather Richards introduced herself and gave a brief summary of her background. She then explained that in addition to the continued hearing, there would be a work session at the September Planning Commission meeting: 1) marijuana ordinance, including defining a school facility and the 1000 foot buffer; 2) discuss the role of Citizen's Advisory Committee; and 3) possible modifications to the sign ordinance.

6. Adjournment

Commissioner Morgan MOVED to adjourn the meeting; SECONDED by Commissioner Thomas. Motion PASSED unanimously and Chair Stassens adjourned the meeting at 8:35 p.m.



Heather Richards
Secretary