

MINUTES

Members Present: Chair Wendy Stassens, Commissioners Martin Chroust-Masin, Zack Geary, Roger Hall, Charles Hillestad, Jack Morgan, and Erica Thomas

Members Absent: Commissioners Nanette Pirisky and John Tidge

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

1. Approval of Minutes: August 18, 2016

Chair Stassens called the meeting to order at 6:31 p.m., and called for action on the Planning Commission minutes from the August 18, 2016 meeting. Commissioner Geary MOVED to APPROVE the minutes as amended to include findings relative to AP 2-16 (Risdon); SECONDED by Commissioner Thomas. Motion PASSED with one abstention.

2. Public Hearing (Quasi Judicial)

◆ **S 2-16 (Continued from August 18, 2016 Planning Commission Meeting)**

Request: Approval of a tentative residential 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 continued public hearing at 6:35 p.m., stating that the Commission would not be hearing additional testimony. She called for abstentions, objection to jurisdiction, and disclosures.

Commissioner Hall stated he would be abstaining from the decision as he was not present at the previous public hearing.

Chair Stassens called for staff to provide an update of the request.

Principal Planner Pomeroy explained that under the provisions of the continuance three (3) additional letters of testimony had been received by the Planning Department in addition to one response letter from the applicant. He stated that the applicant has been working with neighborhood residents to address their concerns and those agreed upon options are noted

in the applicant's response. On review, the City's Engineering and Planning Departments find no conflict between that offered by the applicant and city requirements. Staff recommends approval of the subdivision request with conditions as noted in the staff report subject to modifying Condition of Approval No. 1 to allow vehicular access to NE Hembree Street from Lot 100.

Chair Stassens asked if the Commission had any question for staff. There were none.

Chair Stassens closed the public hearing at 6:39 p.m.

Chair Stassens asked if the Commission would like to discuss the application.

The commissioners agreed that the application met the City's criteria.

Commissioner Hillestad asked for clarification from City Attorney David Koch as to whether or not the discussion between the residents and the developer should affect the decision of the Commission.

Mr. Koch said that only the information provided in the staff report and the Zoning Ordinance should be weighed in making a decision. He noted that the meetings between the developer and the residents are not applicable to the conditions of approval or the regulations of the code.

Commissioner Chroust-Masin MOVED, based on the findings of fact, the conclusionary findings for approval, and the testimony submitted to APPROVE S 2-16 (Bungalows at Chegwyn Village, Phase III), subject to the conditions, as amended, in the staff report.

SECONDED by Commissioner Morgan. The motion passed unanimously with one abstention.

3. Work Session

Planning Director Heather Richards briefly explained the purpose of tonight's work session, noting the items to be discussed.

- ◆ Reviewing the Marijuana Related Activities ordinance specific to the definition of a school facility, measurement of the 1000 foot buffer, and possible additional separation requirements.

Mr. Pomeroy provided a power point presentation, highlighting the areas of discussion related to the marijuana ordinance specific to questions and issues that have risen during public review. He explained there were three main topics up for discussion: 1) how to measure 1,000 feet; 2) definition of a school; and 3) additional separation requirements between facilities.

Mr. Pomeroy started the discussion by reviewing the core questions of how to measure 1,000 feet: What is the beginning point, what to measure to, do you measure in a straight line, and how to calculate and display the measurement.

General discussion ensued regarding the question.

Ms. Richards stated that staff was looking for procedural information on how to measure from Point A to Point B, and that this practice of measuring would apply to all land use actions, not just marijuana related activities.

Mr. Koch explained the issue of measurement that occurred during a public hearing, related to establishment of a 1,000 buffer from the high school tennis courts and where to begin the measurement. He stated that staff wants to be clear and consistent with the procedure.

Following discussion, Chair Stassens asked the Commissioner's if all agreed that future measurements should be from property line to property line, and measured in a straight line. All were in agreeance.

Mr. Pomeroy explained the next topic was defining the term "school." He stated that there is no locally adopted definition and that the state relies on a five (5) part test when determining if a facility is a school. Mr. Pomeroy also stated that if a new definition was adopted it would become adopted in the definitions chapter of the McMinnville Zoning Ordinance.

Mr. Koch read sections of the state statute defining a school, the definition between elementary and secondary, and obligatory requirements.

Discussion occurred among the Commissioners and staff regarding the specifics of the State's five part test, and issues of school facility ownership, private schools, and home schooling.

The Commissioner's agreed to rely on the state's definition of "school" and to specifically reference the applicable ORS section in the Zoning Ordinance.

Mr. Pomeroy posed the last question, should there be additional separation requirements between uses. He explained that the current ordinance established a 1,000 foot separation between like uses; medical to medical and recreational to recreational. The question being, should there be a separation between medical and recreational marijuana related uses? Mr. Pomeroy stated that a majority of the operating establishments provide both.

After a short discussion they Commissioners agreed to leave the requirements as they currently are.

◆ Work Session Discussion - Potential Sign Ordinance Amendments.

Ms. Richards explained the sign regulation items that needed discussion prior to working through the amendments of the sign ordinance. The items pertain to the nonconforming signs and amortization period and content neutral signage.

Regarding nonconforming sign and amortization issues, Ms. Richards stated that prior to enforcement of the amortization requirement, owners of nonconforming signs were to be provided an additional notice at least one year prior to any city enforcement action and that

all nonconforming signs were to be amortized by November 2016. Due to constrained staff resources the re-inventory and one-year notification efforts were not able to be implemented.

Commissioner Morgan asked if staff was recommending extending the amortization period.

Ms. Richards explained the recommendation would be to extend the amortization period one additional year which would allow staff to inventory existing signs and notify property owners of noncompliant signs. She also stated that this time would give the city an opportunity to work with business owners to bring the signs into compliance.

The Commissioners discussed the recommendation with staff.

Commissioner Morgan asked staff if there was an estimate of signs that were noncompliant.

Mr. Pomeroy stated that at the time of the adoption of the sign ordinance there were approximately 235 noncompliant signs. He said that per the ordinance, notice was mailed to property owners who had noncompliant signs. Mr. Pomeroy also explained that some of those signs have since become compliant, so a new inventory would need to be conducted. He also discussed the complexity of measuring sign height and area in certain circumstances.

Ms. Richards's recommendation to the Commission was to extend the ammonization period for another year, provide a six (6) month notification requirement, and adopt language for an exception request. The Commission agreed with that recommendation.

Ms. Richards then explained the next item, content neutral signage and regulations. She explained the meaning of "content neutral" giving examples, including signs in permitted in residential zones, school, and church signs.

Additional discussion regarding signs took place between the Commissioner's and staff.

Ms. Richards said that the changes and clarifications to the sign code would be presented before the Planning Commission at their October meeting for recommendation to the City Council.

◆ Work Discussion – Goal 1: Citizen Involvement.

Ms. Richards introduced Goal 1: Citizen Involvement and explained the rationale for the creation of citizen committees. One committee she focused on was the Citizen's Advisory Committee (CAC), which she explained was a seven (7) member committee with only three (3) members currently serving on the committee. She also noted the last time the committee formally met was in the year 2000.

Ms. Richards stated that, in McMinnville, the Planning Commission is legally designated as the Citizens Advisory Committee (CAC) and that retaining a separate standing CAC is not effective or necessary. She recommended considering retiring the CAC and moving toward a structure of Council appointed Ad-Hoc committees that would be project specific. This would allow for more effective citizen involvement related to specific areas of interest.

The Commissioners briefly discussed the role of the CAC and agreed with Ms. Richards to disband the CAC.

Ms. Richards stated that the Commission would review the amendments to the Comprehensive Plan, the Zoning Ordinance, and new policies to populate committees at the October Planning Commission meeting. She said that, at the October meeting, the Commission would be asked to recommend action to the City Council.

5. Old / New Business

There was no old or new business discussed.

6. Adjournment

Commissioner Hall MOVED to adjourn the meeting; SECONDED by Commissioner Thomas. Motion PASSED unanimously and Chair Stassens adjourned the meeting at 8:38 p.m.



Heather Richards
Secretary