



City of Tualatin

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OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF January 15, 2015

TPC MEMBERS PRESENT:

Alan Aplin
Adam Butts
Bill Beers
Cameron Grile
Jan Giunta

STAFF PRESENT

Aquilla Hurd-Ravich
Clare Fuchs
Lynette Sanford

TPC MEMBER ABSENT: Nic Herriges, Jeff DeHaan

GUESTS: Alice Cannon, Council President Monique Beikman

1. CALL TO ORDER AND ROLL CALL:

Alan Aplin, Chair, called the meeting to order at 6:30 pm; roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Aplin asked for review and approval of the November 20, 2014 and December 18, 2014 TPC minutes. Mr. Beers stated that on the November 20th minutes, he did have a couple of corrections. He said there is a discrepancy in what was stated versus what was presented regarding the Capital Improvement Plan. The amount of unfunded projects should be listed as \$857,768,000 as stated in the unfunded project list handout. Mr. Beers noted a minor edit resulting in the following correction: She also noted the entire CIP will be up on our web site if they have specific questions

Ms. Giunta asked that the December 18th minutes reflect her note that she is cautious moving forward with the Basalt Creek plan due to questions about the project being financially viable.

MOTION by Beers SECONDED by Butts to approve the November 20, 2014 and December 18, 2014 minutes with the corrections as stated. MOTION PASSED 5-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA:

None.

4. ACTION ITEMS:

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

A. Elect a Chair and Vice Chair to Represent the Tualatin Planning Commission.

Mr. Aplin asked the Commission members if they would like to represent the Planning Commission as Chair or Vice Chair. It was agreed among the Commission members to retain Alan Aplin as the chair and Bill Beers as the Vice Chair for 2015.

B. PUBLIC HEARING: Sign Variance Application; LA Fitness; 7405 SW Nyberg Street

Mr. Aplin read the script regarding quasi-judicial hearings. Clare Fuchs, Senior Planner, presented the staff report for a sign variance request from LA Fitness at Nyberg Rivers, which included a PowerPoint presentation. If approved, the sign variance would allow two wall signs with taller letters; increased sign face height, and increased area from the maximum allowed in the Office Commercial (CO) Planning District.

Ms. Fuchs went through the slides which detailed the vicinity map and the two zoning districts involved - Office Commercial (CO) and Central Commercial (CC). In the CO planning district, the height of a sign face may be no higher than three feet and no letter or number should be higher than two feet with the area of no more than 40 square feet. In the CC district, the height of the sign can be no higher than four feet and a sign area of up to 150 square feet is allowed. This variance requests four feet high letters, up to a 5.4 foot sign face height, at 158 square feet in area for each sign. A total of three of these signs are requested for a combined total of 474 square feet of signage.

Ms. Fuchs noted that the variance criteria that the City needed to concentrate on was exceptional or extraordinary conditions related to this site. Staff has determined that this site is unique because it's between I-5 and the Tualatin River which the applicant has no control over, the hardship was not caused by the applicant, and the variance minimum is necessary to alleviate the hardship. The request is also proportional to the building and the variance will help LA Fitness be a successful venture in our community.

Ms. Fuchs added that there are four decision alternatives. Approve, approve with amendments, request for applicant to modify, or to deny the application. Mr. Aplin asked if the CO zoning was a remnant of what was previously at this site. Ms. Fuchs answered that this site is a unique situation because it's in the corner. Ms. Giunta asked why the zoning was not previously changed. Ms. Hurd-Ravich stated that it didn't seem reasonable to go through a Plan Map Amendment because the use is allowed. Mr. Aplin asked if any other signs were intended for this business. Ms. Fuchs responded that LA Fitness is already advertised on the pylons signs located at Nyberg Rd and the freeway, so this is all they are requesting at this time.

Christe White; Radler, White, Parks, and Alexander, 111 SW Columbia, Suite 1100, Portland, OR

Christe White, an Attorney representing LA Fitness, stated that one of the reasons for the variance is the zoning change between CC and CO, which has different underlying sign codes. Ms. White added that Cabela's has already been approved for a sign variance because of its location on the site. LA Fitness is located behind Cabela's, over 500 feet from Nyberg Rd. Ms. White presented a PowerPoint presentation that showed the proportions of the sign based on the size of the building wall and that the proposed letters are proportional and consistent with the immediate neighbors. Ms. Giunta asked if the sign would be back lit. Ms. White replied that it will be lit with a soft white light, similar to Cabela's sign, with no moving parts and wall mounted. Mr. Beers asked if it was to be individual letters or if there will be a raceway behind it. Ms. Fuchs replied they will be individual letters. Mr. Grile asked the height of the Cabela's lettering. Ms. Fuchs responded that the Cabela's sign was 8 feet in height, so this will be roughly half the size. Ms. White added that a Neighborhood Developer meeting was held and that no one from the public attended. There were also no comments received during the comment period.

MOTION by Beers SECONDED by Butts to approve the Sign Variance (SVAR-15-01) for LA Fitness. MOTION PASSED 5-0.

5. COMMUNICATION FROM CITY STAFF

A. Update on the Regulation of Marijuana Facilities

Ms. Hurd-Ravich presented the staff report on the regulation of marijuana facilities. Staff is providing information on regulating both recreational and medical marijuana facilities with the City to prepare the Planning Commission for review of a Plan Text Amendment (PTA) at the February meeting. To assist the conversation, staff will provide information on ballot Measure 91 (recreational marijuana) and other Oregon City and County regulations for both types of facilities. This information will be taken to City Council on February 23rd. Ms. Hurd-Ravich is requesting feedback and comments from the Commission members. This will be an action item in February for a recommendation on code language.

Ms. Hurd-Ravich stated that there are two parts to marijuana dispensaries: Medical and recreational. There is a moratorium on medical marijuana that will end on May 1st. Ms. Hurd-Ravich stated that we must have code in place and that an ordinance be adopted by March 31, 2015 so that it will become effective before the City-wide moratorium expires. The City is looking at putting similar regulations in place for recreational marijuana which will go into effect January, 2016. Ms. Giunta stated that since the legislature hasn't decided whether they will be treating these together, what legal basis Tualatin has to treat medical and recreational regulations together. Ms. Hurd-Ravich said the reason they have decided to treat these together is because they looked at other cities and jurisdictions and some of them are incorporating one set of regulations. Tualatin took this approach after meeting with the City Attorney and City Manager and it came down to ease of administering and

regulating without the distinction of which type they are. Ms. Giunta asked if they foresee any problems with moving ahead with this approach if the legislature decides to keep them separate. Ms. Hurd-Ravich responded that she did not see an impediment, but they will keep watching the legislative decision. Alice Cannon, Assistant City Manager, responded that she didn't see any impediments to keeping them together and it was decided that it would be easier for customers to have one set of rules and easier for the City to track. Ms. Cannon stated that as staff looked at the land uses, it seemed intuitive to put them together.

Ms. Hurd-Ravich continued with the PowerPoint presentation which detailed the voting results. With nearly 10,000 votes, the measure was passed by a 3% margin. Voters in the northeast and southwest parts of Tualatin opposed the measure. Ms. Hurd-Ravich stated that the considerations to be addressed in draft regulations are the extent of time, place and manner restrictions, and grow site regulation. Ms. Hurd-Ravich added that there have been inquiries about using our industrial space as grow sites for growing and/or packaging marijuana.

Ms. Hurd-Ravich stated that the current state regulations for medical marijuana include:

- 1,000 foot buffer from schools and other facilities
- No co-location with a grow site
- No mobile service
- Restricted to commercial, industrial, mixed use or agricultural districts. , no mobile service with regulations.

For recreational marijuana:

- Local jurisdictions may adopt time, place and manner restrictions on "nuisance aspects"
- Prohibits "noisy, lewd, disorderly, or insanitary" facilities.

Ms. Hurd-Ravich continued to present the maps on the slides which showed buffers around schools, parks, residential districts, and parks. Ms. Giunta asked why the park in Pony Ridge wasn't represented. Ms. Hurd-Ravich responded that it must have been missed and will look into it.

Ms. Hurd-Ravich noted that other jurisdictions have put in place regulations that limit hours of operation, number of facilities, and size of facilities. They prohibit locations in the downtown area, co-location with marijuana social or smoking clubs, security bars on windows and doors, and outdoor storage of merchandise, plants or other materials. Some of the requirements other jurisdictions put in place are locations in a permanent building, clear visibility of off-street parking, notification to neighboring businesses or residents, and the requirement of a Conditional Use permit to operate. Mr. Beers asked the rationale behind prohibiting security bars on windows and doors. Ms. Hurd-Ravich responded that it is more of an aesthetic design feature than security feature.

Ms. Hurd-Ravich continued with the grow site regulations which may require home grow sites to have property line setbacks. For commercial and industrial grow sites, distance regulations may be required between grow sites, air filtration and odor reduction systems, screening of outdoor storage areas, and a Conditional Use permit to operate. Ms. Giunta brought up the concern over the use of property lines in buildings that have other tenants. There is a likelihood in industrial buildings that there will be various tenants and wondering if they should add leasehold/abutting wall to the property descriptions. Ms. Hurd-Ravich stated that she will note that.

Ms. Hurd-Ravich added that the next steps include bringing the draft code back to the Planning Commission in February. In March, there will be a public hearing and ordinance adoption. In May, the ordinance will be in effect.

Mr. Aplin stated that there should be language regarding the focus on growers and sellers and also verbiage addressing cooking and edibles. Ms. Hurd-Ravich suggested a third category pertaining to this, which would include processing. Ms. Hurd-Ravich added that if the City doesn't allow dispensaries under the recreational category, the ramifications include not being able to collect taxes or revenue generated through them. Council President Beikman added that the only way we can ban recreational is through a local initiative. Ms. Giunta asked if staff is recommending a ban from parks and schools. Ms. Hurd-Ravich said that staff is in the discussion phase at this point, but the state has mandated 1,000 foot radius ban. Ms. Giunta recommended a 3,000 foot radius around schools and parks, to ban from the downtown area, and a Conditional Use Permit be required for all categories. Mr. Beers suggested allowing one facility of each (dispensary, grow sites, and edibles) medical and recreational. Mr. Grile brought up a distance restriction around grow sites and to find a way to regulate odor from all sites. Mr. Aplin agreed that it should be banned around schools and parks and away from the downtown area. Mr. Beers added that a buffer at 1,000 feet from all residential districts should be considered and the City should discuss possible impacts to Tigard. Mr. Beers added that language needs to be added to exclude the downtown area. Mr. Beers asked about the regulations regarding odor at the Grimm's composting site. Ms. Hurd-Ravich responded that DEQ has regulations they have to comply with and this would also pertain to a grow site or retail site where odor is present. Ms. Hurd-Ravich thanked the Commission members for their comments and will update the Council on their recommendations.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that in February, the Planning Commission annual report will be brought before them. The code for dispensaries will be back for a recommendation, where the Commission members have the opportunity to make changes, if necessary. Ms. Giunta stated that in the annual report, she would like to see an entire section focus on the various efforts and achievements involving the Citizen Involvement Organizations and Tualatin Tomorrow, as well as any other City wide citizen involvement efforts.

7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

None.

8. **ADJOURNMENT**

MOTION by Beers SECONDED by Aplin to adjourn the meeting at 7:36 pm. MOTION PASSED 5-0.



____ Lynette Sanford, Office Coordinator