

**PLANNING COMMISSION MEETING MINUTES  
FOREST GROVE COMMUNITY AUDITORIUM**

January 19, 2016-7:00 P.M.

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**1. CALL TO ORDER:**

Chairman Beck called the meeting to order at 7:02 p.m. and stated that due to the number of people in the audience interested in the action item on the agenda regarding the bowling alley sign, this item would be discussed first.

**Planning Commission Present:** Tom Beck, Carolyn Hymes, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

**Absent:** Sebastian B. Lawler

**Staff Present:** Jon Holan, Community Development Director; James Reitz, Senior Planner; Dan Riordan, Senior Planner; Marcia Phillips, Assistant Recorder.

**2. PUBLIC MEETING:**

**2.1 PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:** None.

**2.2 PUBLIC HEARING:**

**A. Amendments to the text of the Development Code to prohibit marijuana activities regulated by the State in residential zone districts, prohibit certain marijuana consumption activities in commercial districts, and amend development requirements for certain marijuana activities (File # 311-15-00028-PLNG).**

After the discussion of the Action Item was over, Chairman Beck opened the first public hearing, dispensed with the reading of the Hearing Procedures since there was no one in the audience, and called for the staff report.

Mr. Holan explained that in April, 2015, the City adopted code amendments for marijuana dispensaries which would be allowed in the Community Commercial (CC) zone outside the 1,000 ft. buffers from schools. He showed a map of the CC zone and buffers.

Mr. Holan explained that HB 3400 was adopted by the State Legislature on June 30, 2015, which allows medical marijuana dispensaries, commercial marijuana retail outlets (recreational), medical and commercial marijuana processors, medical and commercial marijuana producers (growers), and commercial marijuana wholesalers. He further explained that the State requires a 1,000 foot separation from schools for dispensaries and retail outlets for recreational marijuana, but the 1,000 foot separation between dispensaries does not apply to other activities. Holan said the State prohibits processors, dispensaries and outlets in areas *exclusively* zoned for residential use. Mr.

Holan explained that medical marijuana is administered by the Oregon Health Authority and the rest is administered by OLCC.

Mr. Holan gave a brief background and stated that staff conducted a Development Code analysis: medical marijuana dispensaries allowed in the Community Commercial district, commercial marijuana retailers allowed in Neighborhood and Community Commercial districts, and all Town Center districts (also likely in all residential districts except suburban residential; medical and commercial marijuana processors allowed in the General Industrial district; commercial marijuana wholesalers allowed in the General and Light Industrial districts; grow operations allowed in all residential districts except RMH and General and Light Industrial districts.

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Mr. Holan stated that the City Council held work sessions on September 14<sup>th</sup> and November 9<sup>th</sup> with the following outcomes: no ban on marijuana related activities, focus on allowed location, prohibit activities in residential districts, and dispensaries and retail outlets allowed in the Town Center districts and Community Commercial district (currently dispensaries are prohibited in the Town Center districts). Holan explained that the three schools in downtown make marijuana retail prohibited in the downtown area. He said staff is proposing eight amendments.

**Amendment # 1**

Mr. Holan explained that Amendment # 1 would prohibit marijuana retail sales in residential districts and clarify Footnote 10 to prohibit anything other than operation under Off-Premises Sales License in neighborhood stores. As an alternative, the Commission consider to prohibit the sale of marijuana or other products containing cannabinoid compounds.

The Commissioners were in agreement with Amendment # 1.

**Amendment # 2**

Mr. Holan explained that Amendment # 2 would amend the definition of “Neighborhood Stores” to explicitly exclude marijuana retail outlets in Residential districts.

Chairman Beck stated that he did not think Amendment # 2 was needed since we agreed to do Amendment # 1. The other Commissioners agreed.

**Amendment # 3**

Mr. Holan said Amendment # 3 would prohibit marijuana grow sites within residential zone districts.

Chairman Beck asked the difference between a truck farm and commercial in the existing Code. He said there seem to be no guidelines.

Commissioner Ruder suggested putting in a dollar amount such as a truck farm makes less than \$50,000 per year.

Chairman Beck said a truck farm is just an archaic way of saying growing and selling vegetables on a small scale.

Commissioner Ruder said he is agreeable to small produce grow/sales in the City.

Mr. Holan suggested using number of acres – perhaps three acres.

Chairman Beck suggested less than one cultivated acre. The Commissioners agreed.

Mr. Holan suggested that staff could write up an amendment and present it to the Commission. The Commissioners agreed to this. Beck commented that we just want something that is clear.

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Mr. Holan said under Amendment # 3 he may insert, “. . .as regulated by the State.” The Commissioners agreed.

**Amendment # 4**

Mr. Holan said Amendment # 4 would prohibit marijuana retail outlets in the Neighborhood Commercial District and prohibit taverns, lounges or other commercial uses intended for the on-site consumption of marijuana related products in both the Neighborhood Commercial and Community Commercial districts.

The Commissioners agreed with Amendment # 4.

**Amendment # 5**

Mr. Holan said Amendment # 5 would allow medical marijuana dispensaries and marijuana retail activities and prohibit taverns, lounges or other commercial uses intended for the on-site consumption of marijuana related products within the Town Center zone districts.

The Commissioners agreed with Amendment # 5. Chairman Beck suggested that we not use allow and prohibit in the same sentence, and asked staff to reword it.

**Amendment # 6**

Mr. Holan said Amendment # 6 would prohibit marijuana related activities as a home occupation.

The Commissioners agreed with Amendment # 6.

**Amendment # 7**

Commissioner Nakajima wanted to again make a plea to change the hours of operation to follow most Forest Grove retail operations and for safety reasons. She suggested 8 a.m. to 8 p.m.

The Commissioners agreed with Amendment # 7 and with the suggested change in operation hours.

Chairman Beck stated that we allow any number of chickens under six months of age in residential zones, but a person could raise a hundred chickens in six months. He directed staff to write up an amendment and present it to the Commission at a future meeting.

**Amendment # 8**

Mr. Holan said Amendment # 8 would add new development standards to apply to marijuana activities other than dispensaries and retailers which would include a new standard for odor control for grow and processor operations

The Commissioners agreed with Amendment # 8.

Mr. Holan read the findings and conclusions and stated that staff recommends approval of the proposed amendments. He asked for clarification of the revisions made by the Commission.

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Chairman Beck instructed staff to change the following amendments:

- revise the wording on Amendment # 1 to avoid confusion. He suggested starting the sentence with, “No . . . etc.”
- remove Amendment # 2
- insert “as regulated by the State” to Amendment # 3
- change operational hours from 8 a.m. to 8 p.m.

The Commissioners were agreeable to these changes.

Commissioner Nakajima made a motion to approve amendments to the text of the Development Code to prohibit marijuana activities regulated by the State in residential zone districts, prohibit certain marijuana consumption activities in commercial districts, and amend development requirements for certain marijuana activities (File # 311-15-00028-PLNG). Commissioner Ruder seconded. Motion passed 6-0.

**B. City initiated amendments to Article # 3 of the Forest Grove Development Code to establish the Business Industrial Park zone designation (File # 311-15-00027-PLNG).**

Chairman Beck opened the public hearing, dispensed with the reading of the hearing procedures because there was no one in the audience, and called for the staff report.

Mr. Riordan said staff was recommending four amendments to Article # 3 of the Development Code to establish a Business Industrial Park Zone. He read the four amendments.

In response to a question from Chairman Beck regarding Amendment # 3, Mr. Riordan explained that in regulating maximum building coverage to 50% of the site leaves room for more landscaping, which is desirable for a campus feel.

Chairman Beck suggested allowing 70-75% of the lot for the building, because 50% seems low.

Mr. Holan said 50% seems high in his opinion because of parking lot considerations.

Commissioner Hymes commented that increasing the amount of ground covered by the building defeats the concept of having a campus feel.

The Commission agreed to leave the maximum building coverage at 50%.

Chairman Beck said on Page 5, # 3 needs to be at least 11 p.m. to accommodate college classes.

Commissioner Nakajima said it is more helpful to have one sign listing several businesses rather than a bunch of little signs, and it should be related to access points.

Chairman Beck commented that part of this depends on what the Fire department requires for addresses – do they require an address for each building.

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Mr. Reitz said the Fire Department does require an address on each building, and they like directional signs.

Commissioner Nakajima said grouping of signs is encouraged.

The Commission agreed with these modifications.

Commissioner Ruder made a motion to approve City initiated amendments to Article # 3 of the Forest Grove Development Code to establish the Business Industrial Park zone designation as modified. (File # 311-15-00027-PLNG). Commissioner Smith seconded. Motion passed 6-0.

**2.3 ACTION ITEMS:**

**A. Discussion of bowling alley sign on 19<sup>th</sup> Avenue.**

Chairman Beck called for the staff report.

Mr. Reitz stated that ownership of the bowling alley has changed, and Mr. Clark is the new owner. Reitz explained that the existing sign was state of the art twenty years ago, but due to lack of maintenance and advances in technology, Mr. Clark would like to upgrade the sign as stated in his letter (Handout # 1). Reitz explained that the Development Code allows changeable copy signs and video signs. He said staff is seeking the Commission's guidance on whether or not these two types of signs should be allowed on pylons, and staff has laid out some other options to consider.

Mr. Reitz pulled up the website mentioned in Mr. Clark's letter, which showed examples of the type of sign Mr. Clark would like to install. Reitz explained that what is allowed at the bowling alley may in future be requested by a new business.

Mr. Holan gave the Fire Department sign and the Tidwell Dentist Office sign as examples of video signs. He explained that currently the Development Code only allows video signs on walls or monument signs. He said that staff considers what exists now on at the bowling alley is a changeable copy sign on a pylon. Holan said staff has no problem with a "like for like" LED changeable copy sign on a pylon. He explained that when the Code was written there was a concern about proliferation of video display signs, and the negative impact on the aesthetics in Forest Grove.

Chairman Beck explained that this was an informal discussion, and asked if anyone in the audience would like to speak.

**Allyn Clark, 1405 Sill Ct., Forest Grove, OR.** Mr. Clark showed a video of the existing sign and what it currently does, and stated that he understands it is non-conforming. He read the definition of both kinds of signs. He stated that the current sign meets the definition of a video display board, so because it is "grandfathered in" he should be allowed to replace it "like for like". Clark explained that estimates to repair the old sign are more than to cost of a new sign (similar to the Fire Department sign). He said the sign could be smaller because LED is clearer and easier to read.

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Chairman Beck said his concern is the time it takes to read a sign and the distraction to drivers. He said the definition of what we already have in the Development Code allows Mr. Clark to replace what he has, without affecting the rest of the City. Beck said it would be a smoother, clearer decision to agree with Mr. Clark.

Commissioner Hymes agreed, and stated that we do not want a proliferation of video signs.

Mr. Holan stated that it gets back to the definition of signs. Holan said staff would have to disagree with Mr. Clark, but in reading the definition of a video sign it could be interpreted that way. He stated that the whole idea of changeable copy is like a banner.

Commissioner Ruder said the existing sign shows a rolling ball and a strike – which is distracting to some extent. He stated that it is one thing if it is like the Fire Department sign, but something else if it is big, flashy and distracting.

Mr. Clark asked the Commission how it could be decided what kind of sign he could put up that is tasteful and agreeable.

Mr. Holan suggested that one possibility would be a number of seconds per frame proviso.

Mr. Clark agreed that would be a good solution. He agreed that the number of seconds per frame would prevent a flashy sign.

Commissioner Ruder agreed that seemed reasonable.

Mr. Holan stated that current Code states the sign shall not display less than seven seconds per frame.

Chairman Beck suggested that Mr. Clark could put anything behind the words – like the flames the Fire Department uses.

Chairman Beck said this could be interpreted as being a “grandfathered in” twenty-four square foot sign showing one frame every seven seconds. The Commission agreed.

There were no further comments from the audience.

Chairman Beck stated that he is opposed to all video type signs, and recommended changeable copy signs not be allowed on pylons also.

Commissioner Nakajima made the comment that moving signs are distracting.

Mr. Holan explained that in discussions with Mr. Clark and staff, the consensus was that moving signs on pylons are more distracting than on a monument.

Chairman Beck polled the Commissioners, and it was decided to have staff write up an amendment stating that no video or changeable copy signs should be allowed. Beck added that it is all about the look of the City.

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Commissioner Hymes agreed that we are trying to maintain a small town look.

Mr. Holan asked for clarification that staff is to write up a Code amendment prohibiting any electronic signs on pylons, monuments and walls.

Chairman Beck confirmed this was correct, and instructed staff to write it up and the Commission would vote on it at a meeting in the near future.

**2.4 WORK SESSION ITEMS: None.**

**3.0 BUSINESS MEETING:**

**3.1 APPROVAL OF MINUTES:** Chairman Beck wanted staff to change the minutes from the January 5, 2016 meeting to include the fact that there was a discussion about whether or not to change the net acreage calculation and when the Commissioners were polled the vote was 2-2 which changed nothing, and staff was instructed to make sure this issue was covered in the staff report to the City Council. Commissioner Nakajima made a motion to approve the minutes from the January 5, 2016 meeting with this correction. Commissioner Smith seconded, and motion passed 6-0.

**3.2 ELECTION OF VICE-CHAIR:** Commissioner Nakajima nominated Commissioner Ruder to serve as Vice-Chair, and the vote was 5-0 in favor.

**3.3 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:** None.

**3.4 DIRECTOR'S REPORT:**

Mr. Holan asked the Commission if they were willing to postpone the discussion on Council Creek as part of the trail system until the February 15<sup>th</sup> meeting since this topic would take such a short amount of time. The Commissioners agreed. Mr. Holan announced that since there is nothing else on the docket for the first meeting in February, the next meeting will be held on February 15<sup>th</sup>. He said at that meeting the agenda will include the Transportation System Plan and Comprehensive Plan amendments and the discussion about Council Creek as part of the trail system.

Mr. Holan said he was reluctant to set a date for the Westside Planning work session until staff has seen the consultant's report.

Mr. Holan said staff will probably be putting together more amendments for marijuana activities, but felt we needed to address these right away since staff is receiving inquiries from the public.

Mr. Holan stated that the second reading before the City Council of the Tokola development agreement, design and site reviews will take place on January 25<sup>th</sup>.

Chairman Beck reminded staff that the Commission wants a work session with the Sustainability Commission. Beck also announced that he will not be able to attend the February 15<sup>th</sup> meeting.

Chairman Beck said he talked to the City Manager about getting iPads for the Commissioners.

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Mr. Holan polled the Commissioners and all wanted the iPads.

- 3.5 ANNOUNCEMENT OF NEXT MEETING:** Next meeting will be held on February 15, 2016 at 7 p.m. in the public auditorium
- 3.6 ADJOURNMENT:** The meeting was adjourned at 9:02 p.m.

Respectfully submitted by:  
Marcia Phillips  
Assistant Recorder