

**CITY OF NORTH PLAINS PLANNING COMMISSION  
REGULAR SESSION AGENDA  
North Plains Senior Center  
31450 NW Commercial Street  
WEDNESDAY, March 11, 2015 - 7:00 P.M.**

**1. CALL TO ORDER**

**2. FLAG SALUTE**

**3. ROLL CALL**

**4. PUBLIC COMMENTS**

*(This time is provided for questions or statements by persons in the audience on any item of Planning Commission business, except those items that appear on this agenda. Comments shall be limited as determined by the Chairperson.)*

**5. APPROVAL OF MINUTES: Review and approval of February 11, 2015, Regular Session Minutes**

**6. PUBLIC HEARING (Continued from February 11, 2015)**

A. Continuation of the quasi-judicial Public Hearing will be held to hear comments regarding the preliminary plat for the McKay Creek Crossing Development. This is a 58-lot single family residential subdivision proposal to be located at 9960 NW 307<sup>th</sup> Avenue in North Plains. Tax Lot #1N301DD1601. Public is welcome.

Documents included:

1. Staff Report Addendum-March 4, 2015, Heather Austin
2. Letter to Commission from Applicant's Legal Counsel
3. Clean Water Services Response to conceptual walking trail
4. Request for Comments form: Takasugi
5. Request for Comments form: Spiering
6. E-mail thread with questions from Planning Commission-addressed by DeBry and Abma
7. Revision to staff report-February 11-This document was already distributed to the Planning Commission at the 2/11/15 meeting

**7. NEW BUSINESS**

A. Review of Land Use/Building Permit Project List

**8. UNFINISHED BUSINESS**

None Scheduled

**9. COMMISSIONER COMMENTS**

**10. STAFF COMMENTS**

**11. ADJOURNMENT**

The Planning Commission meetings are normally held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon. Meetings will be held on the following dates at 7:00 p.m. Meeting location is subject to change.

**Wednesday, April 8, 2015**

**Wednesday, May 13, 2015**

**Wednesday, June 10, 2015**

**CITY OF NORTH PLAINS PLANNING COMMISSION.  
REGULAR SESSION MINUTES  
February 11, 2015, 7:00 P.M.  
North Plains Senior Center  
31450 NW Commercial Street**

1. Chairperson King called the meeting to order at 7:00 p.m.
2. The pledge of allegiance was led by Chairperson King.

**3. ROLL CALL**

**Members:** Chair Stewart King, Vice Chair Heather LaBonte, Doug Nunnenkamp, Garth Eimers, Daryl Olson, Larry Gonzales and Lonnie Knodel.  
**Ex-Officio:** City Councilor Scott Whitehead.  
**Staff:** City Planner Heather Austin, City Attorney Shane Abma, and City Recorder Margaret Reh

**Audience:** Dody Stanton, Evelyn Stanton, Robert Stanton, Jennifer Riding, Aaron Riding, Chris Goodell, Alex Hurley, Vince Biggi, Rob Bass, Alex Ugarte, Trista Papen, Erickia Dunbar, Bradley Petty

**4. PUBLIC COMMENTS**

None were forthcoming.

**5. CONSENT AGENDA**

- A. Approval of the Regular Session Agenda.

Motion by Eimers. Second by LaBonte to approve the Regular Session Agenda. Motion was approved unanimously.

- B. Approval of January 14, 2015, Regular Session Minutes

In the Zoning District R-7.5 discussion reflected in the January 14, 2015 minutes, Eimers clarified that the information he was planning to gather for the group regarding architectural standards was going to be distributed to the Commission, and that he did not intend to go through staff. He wanted to see that change reflected in the minutes.

Motion by Eimers. Second by LaBonte to approve the January 14, 2015, Regular Session Minutes as amended. Motion was approved unanimously. The change will be reflected in the final approved minutes that will be posted on the website.

**6. PUBLIC HEARING**

- A. A quasi-judicial Public Hearing held to hear comments regarding the preliminary plat for the McKay Creek Crossing Development. This is a 58-lot single family residential subdivision proposal to be located at 9960 NW 307<sup>th</sup> Avenue in North Plains. Tax Lot #1N301DD1601 File No: 14-014.

Chair King requested the reading of the public hearing process for the quasi-judicial public hearing. King opened the public hearing at 7:09. King asked for any declarations of conflict of interest, ex-parte contact or personal bias of the Commissioners. King stated he was going to

recuse himself from the public hearing as his real estate brokerage firm represents the buyer/developer of this subdivision. King handed the gavel to Vice Chair LaBonte. LaBonte asked if there were any other Commissioners who wanted to declare any conflict of interest. Hearing none, LaBonte asked if anyone wanted to challenge any of the Commissioners. LaBonte asked for the staff report, but City Attorney Abma interrupted to inquire if there were any Commissioners who wanted to declare any ex parte contacts such as relating to the Parks Board members that may have heard something outside of record—was there anything that the Parks Board members obtained outside of record that the other Commissioners may not be aware. LaBonte stated that she actually had as she is a member of the Parks Board. She stated the information they received as Board members was less than what was submitted in the packet for this Planning Commission public hearing. Nunnenkamp stated that the Parks Board materials were the same as the materials on file at the City.

Heather Austin of 3J Consulting, 5075 SW Griffith Drive, Suite 150, Beaverton, Oregon 97005, introduced herself. Austin is representing the city for this subdivision application. 3J Consulting is an on-call planning firm that has been hired by the city as the planning representative.

Austin presented the staff report stating this is a 58-lot preliminary subdivision plan in the R-2.5 zone along with a flood plan permit; a Significant Natural Resources (SNR) permit; and a variance application requesting an encroachment into the 75-foot buffer of the SNR-McKay Creek Riparian Corridor.

Austin then distributed a document containing some revisions to the staff report, which had been given to the Commissioners, with the revisions in red. Washington County submitted requests that included five conditions into the notice of decision, and Austin provided the findings to reflect those. Also, the flood permit condition requiring the evidence of a flood plain development permit has been addressed following the city's protocol. Austin stated that the city staff does recommend approval of the subdivision application.

Discussions ensued: 1.) the concept of alley-loaded garages instead of garages that face the street; 2.) interpreting when variances can actually be applied; 3.) livability and the location adjacent to Nature's Needs; 4.) concern about how city staff will track that the conditions and standards are being met prior to approving Land Use Permits on each lot; 5.) interpreting when a new property is created and applying variances; 6.) concerns about no improvements to the right-of-way on Pacific Street; 7.) sidewalks being half in the public right-of-way and half on private properties; 8.) using city code and/or Washington County code; 9.) street trees and ensuring that homeowners will maintain a tree in their yard; 10.) clarification of street lighting; 11.) parking concerns and having space to put out garbage/recycling cans; 12.) street-naming since it will be a north/south street should be numerical.

LaBonte invited the applicant forward. Chris Goodell, AKS Engineering, 12965 SW Herman Road, Suite 100, Tualatin, Oregon—representing the applicant, Biggi Construction. Goodell stated he has been working with city staff, City Planner Heather Austin, the Public Works Department, the city engineer. They have gone through the pre-application conference. The applicant has completed the process and compiled the application from the feedback received. Goodell walked the Commission through the highlights of the application and addressed a few of the concerns satisfactorily.

Alex Hurley, 12965 SW Herman Road, Suite 100, Tualatin, Oregon, Engineer with AKS further elaborated on the encroachment into the Significant Natural Resource buffer. The development will be preserving the buffer. It is being mitigated to a different area.

Discussion ensued regarding Clean Water Services (CWS) allowing a trail along the McKay Creek corridor. An easement for a proposed walking trail can be required as a condition of approval. The developer has been in communication with CWS. CWS stated on its approval list that they would require a second study for the walkway. The Commission is concerned that CWS could deny a walkway in the future, which will not meet the vision of the city.

Discussion followed regarding limited on-street parking and traffic issues. The application has been reviewed and approved by the Fire Department. Traffic studies were completed, and the results were submitted with the application.

Discussion continued regarding the variance request for an encroachment to the Significant Natural Resource (SNR). Six acres of this property is dedicated to the waterway and SNR; about half of the property is a natural resource area. North Plains' city code has a 75-foot buffer, and the standard is normally 50 feet. Discussion followed regarding the mitigation of the buffer and the steps that will be taken in the mitigation. Lots 6-9 and 15-25 are the lots that would be encroaching in the SNR. It would be the backyards that would be encroaching. There would not be any structures built in the SNR.

Discussion ensued regarding following the code as it stands now, not the intention or aspirational goals of the Comprehensive Plan that is being revised.

Aaron Riding, 10065 NW 307<sup>th</sup> Avenue, North Plains, appeared as an opponent of the application. He spoke to the lack of space for parking of vehicles. He stated that a 12-foot driveway may provide two spaces, but the cars would be touching. The neighborhood in which he lives also has a compressed plan, and the residents are experiencing the limitations of that type of plan.

The language of the code was questioned by the Commission. The Commission directed legal to research some of the language and return with some clarification. The members would like an explanation about the language used for variances in the code, including Chapter 16.75 SNR. In the code for the variance, for example, the words "last resort" are used, which seemed to them to be strong language to use in the Code. They questioned where the balance should be between "last resort" and that which is "reasonable." They asked for examples from other communities that may have struck a balance between these terms. The Commission also questioned livability and how the variance will affect the livability in this subdivision.

Motion by Eimers. Second by Olson to continue the public hearing until March 11, 2015. The motion was approved unanimously. The public hearing will remain open and testimony can still be submitted.

Commissioner King returned to the position of Chair.

## **7. STAFF COMMENTS**

DeBry was absent due to a family emergency. No staff comments were received.

**8. ADDITIONAL BUSINESS**

- A. Review of Land Use/Building Permit Project List  
No comments or questions were asked by the Commission.
  
- B. Time allowed for Commissioners to bring up old, unfinished or additional issues before meeting is closed.

At a prior Commission meeting, Commissioner Eimers had offered to prepare a list of development controls. Eimers distributed this list to the Planning Commission. He explained it is not exhaustive. It was a place to start. The concept is there and can be adjusted. It was stated that the city would not want to be so restrictive that developers have no flexibility in what they can offer or the conditions cannot be accommodated. Discussion ensued. Eimers suggested the Commissioners tour the Edwards Meadows development in Hillsboro. It has a design that has cul-de-sacs which are extended so they can get a lot of frontage. King asked Eimers to provide the addresses of the sites of these designs so they can be toured virtually.

The Commission members discussed the status of the Comprehensive Plan (Comp Plan) in relation to their work on the Development Code. The consultant has been hired to work on the Comp Plan and is starting with the vision for the community. A steering committee has been created to formulate the vision. The committee's next meeting will be March 31, 2015. King suggested the Commissioners put together their concerns and comments and submit them to staff. A request was made that a checklist of items be created that the group can review at a future meeting. The Commission will be able to work on the Development Code based on what the steering committee produces.

King welcomed the new Planning Commissioner, Lonnie Knodel and new City Councilor, Scott Whitehead, who was serving as ex officio for the night.

**9. ADJOURNMENT.**

Chairperson King adjourned the meeting at 8:31 p.m. The next scheduled regular session of the Planning Commission is Wednesday, March 11, 2015, which is currently scheduled to be held at the North Plains Senior Center.

Submitted by:

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Margaret L. Reh, City Recorder

Date Minutes Approved: \_\_\_\_\_



TO: **North Plains Planning Commission**

FROM: Heather Austin, AICP, Consulting Land Use Planner

DATE: **March 4, 2015**

RE: City File # 14-014 McKay Creek Crossing Subdivision-

Addendum to February 4, 2015 Staff Report

- North Plains Zoning and Development Ordinance Section 16.75.025- Significant Natural Resources Overlay Variance – Revised Findings
- Clean Water Services Response to Trail along McKay Creek
- Written Public Testimony Submitted Prior to 3/3/15
- Staff Recommendation

The Planning Commission commenced a public hearing to review the proposed McKay Creek Crossing subdivision on Wednesday, February 11, 2015. The Planning Commission received the staff report, applicant's testimony and public testimony at the hearing and decided to keep the public record open and continue the public hearing to the date certain of Wednesday, March 11, 2015.

The two main issues identified at the hearing as needing more information before the Commission could make a decision were:

- The requested variance to encroach into 25 feet of the 75-foot Significant Natural Resource buffer of McKay Creek; and
- The alignment of the trail easement along McKay Creek.

In addition to the issues raised by the Planning Commission, written public testimony was submitted since the public hearing. This report also responds to the public testimony submitted by Mr. and Mrs. Takasugi and Mr. Spiering.

**North Plains Zoning and Development Ordinance Section 16.75.025- Significant Natural Resources Overlay Variance - Revised Findings**

The original staff report, dated February 4, 2015, includes findings for Section 16.75.025. The Applicant's attorney, Michael Robinson, has submitted findings regarding this section. The following section is from the original staff report with proposed changes identified in red.

16.75.025 Variances to Chapter 16.75

A variance to the provisions of Chapter 16.75 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property, pursuant to Chapter 16.185. The property must be owned by the applicant and not created after the effective date of this Section. Approval of a variance is based on meeting the requirements of both subsections A and B, below.

***Finding:** The Applicant's submittal provides evidence that the Oregon Court of Appeals has recognized the concept of "reasonable economic use" as the highest and best use of property (deBardelaben v. Tillamook County). The Applicant further states that other subdivision plans were*

*considered but none were “consistent with the purpose of the R-2.5 zoning district under the Plan”, and therefore this design with variance request is a “last resort”. The Applicant owns the property and the parent parcel, the current site, was not created after the effective date of this section. The Applicant’s submitted materials have demonstrated compliance with this section.*

A. A variance shall only apply to:

1. Lots on which the location of a Significant Natural Resource results in a building area depth for a single-family dwelling of 25 feet or less or a building envelope of 800 square feet or less;
2. Lots where strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

***Finding:*** *The proposed subdivision includes a variance request to allow an encroachment into the Riparian Corridor/Significant Natural Resource. The request is to allow the rear yards of lots 6-9 and 15-25 to encroach into the outer 25-feet of the 75-foot corridor. This variance is applicable because of A.2 above, where strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*

*Other land owners of R-2.5 property in the vicinity enjoy the right to develop at a high residential density, either multi-family or single-family structures. Residential densities are not to exceed 17.4 dwelling units per net acre in the High Density Residential (R2.5) zone. The proposed 58 lots on the net 4.19 acres is a site density of 13.8 dwelling units/acre. Removal of 13 lots based on denial of the variance would result in a site density of 10.7 dwelling units/acre, closer to the 8.7 dwelling units/acre maximum of the Medium/High Residential (R5) zone.*

*The encroachment would allow development of the lots while maintaining a 50-foot Riparian Corridor buffer, the standard width utilized by Clean Water Services.*

B. Permanent alteration of the Significant Natural Resources by an action requiring a variance is subject to the procedures and criteria of Article and the mitigation requirements of Section VII.

***Finding:*** *The proposed variance includes a detailed mitigation plan that is included in the submitted materials. The proposed mitigation would include enhancement of portions of the buffer area adjacent to the subdivision, as described below in Section 16.75.030- Mitigation Standards.*

### **Clean Water Services Response to Trail along McKay Creek**

The Planning Commission requested acknowledgement of Clean Water Services of the proposed trail alignment along McKay Creek. The submitted Service Provider Letter lists a “Conceptual Trail Requiring a Future SPL”, which is vague language regarding the trail’s acceptance by Clean Water Services.

Clean Water Services has been contacted for clarification of this issue. The e-mail correspondence demonstrating CWS acknowledgement of the trail alignment along McKay Creek is included with this Staff Report Addendum.

### **Written Public Testimony Submitted Prior to 3/3/15**

Public testimony was submitted by Ryan and Anna Takasugi stating a concern for home values in North Plains and lack of demand for the proposed housing project at this time, questioning the timeliness of this

development. The Takasugi's point out issues related to the property's location, such as proximity to the recycling facility (this issue was also brought up by Commissioner LaBonte at the February public hearing).

Staff has considered the submitted public testimony in regards to the proposed application. Though the timeliness of a development based on market demand and the proximity to a nuisance are not approval criteria, staff acknowledges the issues raised by the Takasugis and urges the Applicant to look closely at these issues throughout the development process.

Public testimony was also submitted by Tony Spiering stating that the development will cause significant issues with traffic flow both in and out of Glencoe Road. Mr. Spiering identifies several uncontrolled intersections as needing improvement and lists lack of street parking as a significant issue. Mr. Spiering asks the Commission to consider these issues for this proposal and future planning.

Staff has re-reviewed the Applicant's submitted traffic impact study to identify intersection performance. The intersections of Glencoe and Pacific, Glencoe and Highland and 307<sup>th</sup> and Highland were studied. The traffic impact study identifies acceptable levels of operation of each of these intersections (though Glencoe at Pacific operates at the lowest level of service of the three) in the AM and PM peak, regardless of the trips generated by this development. The Applicant's proposal satisfies the requirement of two off-street parking spaces per dwelling unit but staff acknowledges the need to review the development code for ways to improve on-street parking to address future issues.

#### **Staff Recommendation**

Based on the information submitted by the Applicant and public, review of the Code criteria and consultation with legal counsel, Staff continues to recommend **approval** of the proposed subdivision, floodplain permit, significant natural resources permit and variance.



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March 3, 2015

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Ms. Heather LaBonte, Chair *Pro Tem*  
 City of North Plains Planning Commission  
 North Plains City Hall  
 31360 NW Commercial Street  
 North Plains, OR 97133

**Re: City File No. 14-014;  
 Application for Approval of McKay Creek Crossing Subdivision**

Dear Chair Pro Tem LaBonte and Members of the Planning Commission:

This office represents Biggi Construction, LLC, the Applicant for approval of the McKay Creek Crossing Subdivision (the "Subdivision"). This letter explains why the variance to the Riparian/Corridor Significant Natural Resource ("SNR") Buffer to allow a 50-foot wide buffer on certain lots where 75 feet is required can be approved based on North Plains Zoning and Development Ordinance ("NPZDO") 16.75.025, "Variances to Chapter 16.75", and NPZDO 16.85.010, "Type III Variance Review Criteria." This letter also addresses three (3) other issues raised at the initial Planning Commission hearing on February 11, 2015.

1. **The Planning Commission can approve the variance to allow a 50-foot wide SNR Buffer where 75-feet is required.**
  - a. **The Applicant submitted the variance as a "last resort" because the variance is necessary to allow "reasonable economic use" of the subject property.**

NPZDO 16.75.025, "Variances to Chapter 16.75", provides:

***"A variance to the provisions of Chapter 16.75 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property, pursuant to Chapter 16.185. The property must be owned by the applicant and not created after the effect of the date of this Section. Approval of variances is based on meeting the requirements of both Subsections A and B, below."*** (Emphasis added)

Although the above language is not an approval standard, the Applicant addresses this section to explain why it chose this subdivision plan and why the variance is necessary to implement the Subdivision plan.

The Subdivision reflects both the requirements of the R-2.5 zoning district and the pattern of surrounding residential development. The R-2.5 zoning district is intended to allow lots with a minimum lot size of 2500 square feet. NPZDO 16.30.0105.A. Further, the North Plains

Comprehensive Plan (the “Plan”) calls for “increased density and a range of residential, commercial and retain uses within walking distance of each other.” Plan Section 15.01.050.1. While the Plan is not an approval criterion, it is instructive as to how the R-2.5 district should be implemented.

The Applicant considered other subdivision plans but none of the other plans were consistent with the purpose of the R-2.5 zoning district under the Plan nor would lots 6-9 and 15-25 be large enough without the variance to contain the proposed single family dwellings.

**b. The variance achieves the purpose of the R-2.5 zoning district.**

The Applicant seeks the variance in order to achieve two (2) goals. The first goal is to provide a subdivision that implements the Plan’s vision for higher residential density and that is consistent with the R-2.5 zoning district minimum lot size requirements. By seeking the variance, the Applicant is able to meet those requirements and place the remaining 50-foot buffer in a tract. The Applicant considered but rejected the concept of a 75-foot buffer partially in an easement on lots 6-9 and 15-25 because preservation of the buffer will be more difficult if the buffer is partly inside lots. The Subdivision site plan does not encroach into the remaining 75-foot riparian buffer area elsewhere on the site. A reduction to a 50-foot wide buffer adjacent to lots 6-9 and 15-25 will provide an opportunity to protect the remaining buffer areas on the site wholly within one tract.

**c. The variance allows reasonable economic use of the affected lots.**

The second goal is to allow “reasonable economic use of the subject property”. “Reasonable economic use” means a subdivision consistent with the R-2.5 zoning district requirement over the property (the proposed lots) that is subject to the variance. The Applicant proposes that the Subdivision provide for a particular dwelling type; narrow and deep single family dwellings. This Subdivision proposes 58 lots where the maximum number allowed is 73 lots. Denial of the variance would result in the loss of another 15 lots. Not granting the variance to the buffer requirement would result in lots 6-9 and 15-25 not being able to accommodate this dwelling type and thus denying the Applicant reasonable economic use of the property constituting lots 6-9 and 15-25.

The Oregon Court of Appeals has recognized the concept of “reasonable economic use” as the highest and best use of property in *deBardelaben v. Tillamook County*, 142 Or App 319, 922 P2d 683 (1996). The Oregon Court of Appeals *reversed* LUBA’s reversal of the county’s approval of a variance. The county had found that a property owner was entitled to the same rights as other property owners in the same setting and that if a variance is necessary to obtain that same right, then the variance should be granted. The court found that LUBA was incorrect when it disregarded the county’s interpretation of the phrase “reasonable economic use” to mean “the highest and best use of the property under its zoning and of an intensity of use consistent

with other similarly situated properties.” The Planning Commission can find that “reasonable economic use” means a subdivision that fulfills the R-2.5’s requirements so as to allow the highest and best use of the property; in this case, lots that are large enough to accommodate the proposed dwellings.

**d. The application satisfies NPZDO 16.75.025.A.2.**

The Planning Commission can find that NPZDO 16.75.025.A.2 is satisfied. This standard provides: “Lots with strict adherence to the standards and conditions of Chapter 16.75 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.”

The Planning Commission can find that NPZDO 16.75.025.A.2 is satisfied for several reasons. First, the use of the parcel that could be reasonably expected to occur in the R-2.5 zone is one that is consistent with the R-2.5 zone’s dimensional standards; in this case, the minimum 2500 square foot lot size which fully implements the Plan’s vision of more dense development. The phrase “could be reasonably expected to occur in the zone” means what a reasonable property owner would expect when developing property in the R-2.5 district.

Second, the Planning Commission can find that without approval of the variance, the Applicant would be “precluded a substantial property right enjoyed by the majority of landowners in the vicinity.” The phrase “a substantial property right” means a right under the R-2.5 zoning district which could reasonably be expected by development in the R-2.5 district.

The Applicant’s property is subject to a 75-foot wide SNR Buffer (which, as explained below, is not consistent with the standards found in Clean Water Services (“CWS”) jurisdictions). Property owners must be able to develop their property consistent with the underlying zoning ordinance and, where a variance is available and the criteria for the variance are met, to allow that consistent development such as this section, provide for variances to be granted. Without such variances, property owners with unique circumstances such as this property are precluded from enjoying the same substantial property rights enjoyed by other property owners in the same vicinity.

For these reasons, the Planning Commission can find that NPZDO 16.75.025 is satisfied.

**2. The application satisfies the criteria in NPZDO 16.185.010.A-E.**

NPZDO 16.85.010.A-E contain the variance approval criteria for the SNR Buffer width variance.

- a. **NPZDO 16.185.010.A: “That special conditions and circumstances exist which are peculiar to the land, building or structure involved.”**

The Planning Commission can find that the “special conditions and circumstances” which exist on this property are the location of the 75-foot wide SNR Buffer. The buffer is associated with McKay Creek and is not generally applicable to other land, buildings or structures in the area. Moreover, as the staff report finding on page 41 points out, the Subdivision site is subject to a number of environmental constraints which, taken together, are peculiar to the land involved and not generally applicable to other land in the same zoning district.

- b. **NPZDO 16.185.010.B: “That granting a proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance.”**

The Planning Commission can find that the public interest is defined as approval of a subdivision which implements the R-2.5 zoning district which, in turn, implements the Plan. Not granting this variance defeats the Plan’s goal, which is implemented through the R-2.5 zoning district, to allow more dense residential development consistent with the dimensional requirements of the R-2.5 zoning district.

Additionally, the variance is “in harmony” with the purpose of the R-2.5 zoning district. The purpose of the R-2.5 zoning district is to implement the Plan’s goal of achieving higher density residential development. The Plan’s adoption by the North Plains City Council means that it is the accepted vision for development. The purpose of the R-2.5 zoning district is to “provide for the development of single family residential use . . . and to implement the housing policies of the Comprehensive Plan.”

The variance allows for single family development on lots 6-9 and 15-25. Plan Objective 1 is implemented because this variance allows the development of lots 6-9 and 15-25, consistent with the Plan’s Livability Policy in Plan Section 15.01.050.1.

Finally, the Planning Commission can find that the variance is consistent with the intent and purpose of the NPZDO. The intent and purpose of the North Plains Zoning and Development Ordinance is set forth in NPZDO 16.00.005. The “purpose and scope” of the zoning ordinance is:

**“This Ordinance is enacted to:**

- A. Encourage the most appropriate use of land.**
- B. Conserve and stabilize the value of property.**
- C. Facilitate fire and police protection.**
- D. Provide for adequate living conditions, including**

- sufficient open space, light, and air.**
- E. Minimize congestion on streets.**
- F. Promote orderly growth of the city.**
- G. Prevent undue concentrations of population.**
- H. Facilitate adequate provision of community facilities.**
- I. Promote in other ways the public health, safety, convenience, and general welfare, generally consistent with the Comprehensive Plan.”**

The variance achieves the purpose of the NPZDO because it encourages the most appropriate use of the land (Purpose A) and promotes development consistent with the Plan (Purpose I).

Denial of the variance fails to achieve the intent and purpose of the NPZDO because it fails to allow development of the R-2.5 zoning district as intended.

**c. NPZDO 16.185.010.C: “That the variance would result in minimal detriment to the immediate vicinity.”**

The Planning Commission can find that granting the variance to allow a 50-foot wide SNR buffer will have minimal detriment to the immediate vicinity. Granting the variance will have no detriment to other surrounding property owners. Further, granting the variance will have no detriment to the McKay Creek riparian/corridor/significant natural resource area.

The Applicant conducted a natural resource assessment of the McKay Creek riparian/significant natural resource area. The Applicant’s November 7, 2014 natural resource assessment report describes the McKay Creek area subject to the variance. (Natural Resources Assessment Report at page 4 (the “Report”). The Report describes the southern portion of the riparian area as in a marginal and degraded condition because the area generally lacks tree canopy and is dominated by non-native grasses, forbs and invasive Himalayan blackberry. (Report at page 4). Additionally, the Report notes that about 48 percent of the Subdivision site will be maintained as open space to preserve and protect natural resources on the site. In order to effectively construct the proposed dwellings on lots 6-9 and 15-25, the variance is necessary, in the words of the Report, . . . “. . .to provide properly sized streets, spaced blocks, infrastructure, as well as create lots with sufficiently sized buildable areas . . .”

Further, the Report proposes mitigation for the variance, including removal of non-native vegetation species and planting native trees and shrubs in the proposed replacement mitigation areas (Report pages 4-5). The application proposes approximately 11,560 square feet of replacement mitigation for the 11,446 square feet of proposed encroachment area requiring a variance (Report at page 5). The proposed replacement mitigation exceeds the City’s minimum mitigation requirements.

Finally, the City adopted the 75-foot buffer width as a “safe harbor” provision based on the height of mature trees. “Report to the City of North Plains City Council, Goal 5 and Goal 7 Periodic Review, January 18, 2002” (the “Report”) at page 8. The Report also notes that the quality of the riparian areas is greatest where mature trees abut the McKay Creek (Report at page 9). The Report notes that the south edge of McKay Creek on this site lacks such trees. Nevertheless, the City adopted the 75-foot buffer width based on tree height notwithstanding the lack of trees (Report at page 10; Application Figure 5 showing no mature trees along lots 15-25). There is no detriment to the immediate vicinity or to the riparian area in granting the variance to allow a 50-foot buffer width because there is no intrinsic value or need for the additional 25-foot buffer width.

The Planning Commission can find that granting the variance will not have a detrimental impact on the McKay Creek riparian area because the buffer width is based on tree height but the majority of the lots do not have trees adjacent to McKay Creek.

- d. NPZDO 16.185.010.D: “That the variance requested is the minimum variance which would make possible the reasonable use the applicant’s land, building or structure.”**

The Planning Commission can find that the 25-foot variance is the minimal variance necessary to allow construction of proposed single family dwellings on lots 6-9 and 15-25 while still achieving the R-2.5 zoning district’s dimensional standards.

- e. NPZDO 16.185.010.E: “That the special conditions and circumstances on which the application is based did not result in the negligent or knowing violation of this Ordinance by the applicant.”**

The Planning Commission can find that the variance requested is not a result of negligent or knowing violation of the Ordinance by the Applicant.

**3. The Plan is not an applicable approval criterion.**

Plan Section 15.01.050.1 is entitled “Livability”. The Applicant agrees with the staff report that, because of the language contained in the “Livability” section, this Plan section is aspirational and not a mandatory approval standard.

NPZDO 16.135.005.A provides that “applicable” sections of the Plan may apply to subdivision applications. However, unless the Plan contains mandatory approval standards (words such as “will” or “shall”), the Plan’s policies are not applicable standards.

Further, ORS 197.195(1) applies to limited land use applications, defined in ORS 197.012(15) as including land divisions inside urban growth boundaries. The section provides

Ms. Heather LaBonte, Chair Pro Tem  
March 3, 2015  
Page 7

that unless a city has incorporated specific Plan policies into its land use regulations by 1991, the Plan shall not be an applicable approval criterion.

Based on the above, while the "Livability" section may inform the Planning Commission of how to apply certain elements of the applicable NPZDO, the Plan itself is not a mandatory approval criterion.

**4. Clean Water Services has approved the proposed pathway alignment along McKay Creek.**

City Planner Heather Austin has spoken with CWS and CWS has sent, or will send, an email to the City approving the pathway alignment. Ms. Austin will place the email before the Planning Commission to demonstrate that the pathway alignment is resolved.

**5. Off-street parking satisfies the applicable standards of the NPZDO Chapter 16.155.**

NPZDO section 16.155.015.A.1 requires that each single family dwelling unit have two (2) off-street parking spaces. This development will provide at least four (4) off-street parking spaces for each dwelling unit: two (2) parking spaces in a two-car garage and two (2) parking spaces on the driveway between the front yard setback and the garage. The Planning Commission can find that this standard is satisfied.

**6. Conclusion.**

For the reasons contained in this letter, the Applicant respectfully requests that the Planning Commission approve the subdivision and variance applications.

Very truly yours,



Michael C. Robinson

MCR/rsr

cc: Mr. Vince Biggi (via email)  
Mr. Alex Hurley (via email)  
Mr. Chris Goodell (via email)  
Ms. Stacey Reed (via email)  
Ms. Heather Austin (via email)  
Mr. Shane Abma (via email)

Margaret Reh

**Subject:** FW: SPL # 14-002673

**From:** Amber Wierck [mailto:WierckA@CleanWaterServices.org]  
**Sent:** Tuesday, March 03, 2015 11:11 AM  
**To:** Heather Austin  
**Subject:** RE: SPL # 14-002673

Hi Heather,

Thank you for the follow up. You are correct. The conceptual trail alignment was something we needed from the onset to make sure there was enough mitigation present on the site if a trail was being proposed. The future construction of the trail will need an SPL, but as long as the trail is in a similar location and does not require additional mitigation, the existing SPL should suffice for a land use application along with a Sensitive Area Pre-Screen form:

<http://www.cleanwaterservices.org/Content/Forms/Permit/Sensitive%20Area%20Pre-screen%20Form.pdf>

If the trail is completely realigned and additional encroachments are proposed, CWS staff will need to have either an Amended or new SPL, similar to what was obtained for the subdivision.

I hope this information is helpful. Please let me know if you have any additional questions.

Thank you,

**Amber Wierck, PWS**  
Environmental Review Project Manager  
Clean Water Services  
2550 SW Hillsboro Highway  
Hillsboro, Oregon 97123  
Phone: (503) 681-3653  
Fax: (503) 681-4439

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**From:** Heather Austin [mailto:heather.austin@3j-consulting.com]  
**Sent:** Monday, March 02, 2015 2:27 PM  
**To:** Amber Wierck  
**Subject:** SPL # 14-002673

Hi Amber-

The City of North Plains Planning Commission held a public hearing on February 11, 2015 regarding the proposed subdivision at 9960 NW 307<sup>th</sup> Avenue. Clean Water Services issued Service Provider Letter #14-002673 on 11/6/14 for the subdivision. The site plan attached to the SPL indicated a "Conceptual Trail Requiring a Future SPL".

The Planning Commission discussed the meaning of this, wondering if a future SPL is needed to determine if a trail is even possible in the location indicated or if the trail construction itself will need the SPL (indicating that CWS is aware of the intent of the City to install a trail along McKay Creek at a future date and obtain an easement now with the alignment shown).

Please confirm that inclusion of the conceptual trail on the SPL indicates CWS acknowledgement of a trail along McKay Creek in the location indicated.

Thank you very much and please do not hesitate to contact me if more information is required.

**CITY OF NORTH PLAINS**

REC'D FEB 11 2015

**NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS**

The purpose of this notice is to invite comments on:

An application requesting the approval of a preliminary plat for a 58-lot subdivision of single-family detached dwellings on a 10.90 acre lot designated R-2.5 on the City of North Plains Zoning Map. Currently known as 9960 NW 307<sup>th</sup> Avenue, North Plains, OR-Tax lot #1N301DD1601.

The City will accept all written comments received prior to the hearing scheduled for  
February 11, 2015, at 7:00 p.m.

North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon 97133

**LOT SIZE:** 10.90 acres

**ZONING:** R-2.5

**OWNER AND APPLICANT:**  
North Plains Acres, LLC /  
Vinci Biggi Construction, LLC

**DATE OF THIS NOTICE:**  
January 9, 2014

**WHAT IS THE DECISION PROCESS?** The North Plains Planning Commission will make a decision on the application for a preliminary plat for a 58-Lot single family residential subdivision after the public hearing. The Planning Commission's decision may be appealed to the City Council.

**HOW CAN I REVIEW THE DOCUMENTS AND STAFF REPORT?** You can review application now at

[http://cityofnp.org/files/8414/2076/4535/4094\\_20141110\\_FINAL\\_LAND\\_USE\\_PACKET.pdf](http://cityofnp.org/files/8414/2076/4535/4094_20141110_FINAL_LAND_USE_PACKET.pdf) and the staff report materials at City Hall, online after February 4, 2015 at [www.northplains.org](http://www.northplains.org) or request a copy by emailing [martha@northplains.org](mailto:martha@northplains.org)

**INFORMATION TO INCLUDE IN COMMENTS:** Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue. Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal.





Even though the demand for affordable housing has increased recently in the Portland metro area, the supply of homes in the North Plains area will be increasing very quickly due to the developments on Union. Further increasing the supply of homes by developing the property on 307<sup>th</sup> may create a situation where supply is higher than demand and push prices down. In fact, it seems that the McKay Fields development is expecting exactly that as the homes are estimated to sell for only \$114-\$118 per square foot (2200 sq ft homes in the \$250k range). The homes in the Highland Court development sold for approximately \$130-145 per square foot last year. This means we are already seeing the potential for decreasing home values in our area. With the proximity and resulting smell of the recycling facility, as well as issues with the floodplain, the sale of homes in the proposed development on 307<sup>th</sup> will have numerous obstacles in its path and competition with the other developments in North Plains will only make it more unfeasible, creating potentially vacant homes. I am concerned, not only with the potential drop in the homes values in North Plains, but also with the traffic and parking situation in the area. 307<sup>th</sup> Avenue is currently a small, quiet street with very little traffic, allowing neighborhood children a place to play. With the lot sizes in this area many of the children have supervised play in their front yards and in the street. I am afraid such a large development, also with very small lot sizes, and no sizeable parks for the neighborhood children to play in would be to the detriment of the current residents. Street parking is already very limited on 307<sup>th</sup> Ave. Based on the map of the new community it looks like much of that street parking will be eliminated, in fact, it looks like there will be no street parking in the new development.

I understand that the growth of our town, in the long run, will help both individuals and businesses that have settled in North Plains but we need to make sure that the growth is moderated and thoughtfully done so as not to hurt the current residents of the town. I believe that is what North Plains had in mind when they put certain minimums on lot size and home size, as well as determining where the protected flood plain area around McKay Creek was designated. This proposed development does not seem to follow the city's thoughtful intent for growth. The developers should be required to follow the policies our city has put forth for development. Also, this property should probably be one of the last areas in the town to be developed, when supply is low and demand is high, to offset the negative issues related to the property's location.

# CITY OF NORTH PLAINS

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this notice is to invite comments on:

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The City will accept all written comments received prior to the hearing scheduled for  
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[http://cityofnp.org/files/8414/2076/4535/4094\\_20141110\\_FINAL\\_LAND\\_USE\\_PACKET.pdf](http://cityofnp.org/files/8414/2076/4535/4094_20141110_FINAL_LAND_USE_PACKET.pdf) and the staff report materials at City Hall, online after February 4, 2015 at [www.northplains.org](http://www.northplains.org) or request a copy by emailing [martha@northplains.org](mailto:martha@northplains.org)

**INFORMATION TO INCLUDE IN COMMENTS:** Issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue. Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal.



Application: **McKay Creek Crossing**

Name: Tony Spiering

Organization or Business (If Any): Valley Machine LLC

Address: 31780 NW Highland Court - North Plains, OR

Phone # (Optional): 503 - 647 - 2220

Date: 2/10/2015

**COMMENTS:**

This Development will cause significant issues with Traffic Flow, both in/out, from Glencoe Road.

This can be verified by the effects of traffic flow from the adjacent 30+ Unit Development on Curtis Street. The Main Congestion is Early AM / 4-7 PM as Residents commute to employment & other sites. Causes of the issue include non-controlled intersection @ Highland/Glencoe, Non-Standard Street Width of Curtis Street, and Sub-Standard access & flow on Pacific Street. Lack of Parking is also a critical issue with the Curtis Street Development.

Please seriously consider changes to address these issues for this proposal and future planning.

Thank You

Please return by one of the following ways:

**MAIL:** 31360 NW Commercial Street, North Plains, OR 97133

**IN PERSON:** City Hall, 31360 NW Commercial Street, North Plains, OR

**E-MAIL:** martha@northplains.org

Please contact City Manager Martha DeBry at (503) 647-5555 with any questions

Thank you!

**Margaret Reh**

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**From:** DARYL OLSON <darylolson\_2@msn.com>  
**Sent:** Monday, March 02, 2015 5:11 PM  
**To:** Martha DeBry; Stewart King; Heather LaBonte; Doug Nunnenkampdoug@acircuits.com; thezins@aol.com; newjob.newcareer@gmail.com; lonnieknodel@gmail.com  
**Cc:** Margaret Reh; AICP Heather Austin heather.austin@3j-consulting.com  
**Subject:** RE: Questions for Mckay creek crossing .  
**Attachments:** Map & 16.75.pdf

Hello:

I attached a couple of sections quoted from city code 16.75 and 16.185, that are referred to below. The emphasis of yellow, bolding, and underlining on the attachment is mine. I also attached figure 6 from the McKay Creek Crossing packet that was submitted to the Planning Commission. The areas potentially impacted by the needed variance are shown on figure 6 and are highlighted in red. So it appears that 13 lots could be effectively eliminated or created if the variance to impact the significant natural resource area is not approved. I believe the attached information was included in our 2/11/15 packet, I have just highlighted some pertinent information.

Thank You,

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**From:** Martha@northplains.org  
**To:** stewart@tristarproperty.com; heather.m.labonte@gmail.com; doug@acircuits.com; darylolson\_2@msn.com; thezins@aol.com; newjob.newcareer@gmail.com; lonnieknodel@gmail.com  
**CC:** Margaret@northplains.org; heather.austin@3j-consulting.com  
**Date:** Fri, 27 Feb 2015 08:37:00 -0800  
**Subject:** FW: Questions for Mckay creek crossing .

FYI – Commissioner Knowdel had some questions for legal counsel that we wanted to ensure all commissioners had.

Kindest regards,

Martha DeBry  
City Manager  
North Plains, OR

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**From:** Shane Abma [mailto:Shane@gov-law.com]  
**Sent:** Thursday, February 26, 2015 9:11 PM  
**To:** Martha DeBry; lonnie knodel  
**Cc:** Margaret Reh  
**Subject:** RE: Questions for Mckay creek crossing .

All,

I have very little to add to Martha's answers because she answered them very well. The only thing that I want to stress—and which Martha—mentions, is that the path is not required to be on the prelim plat per the subdivision ordinance. The applicant appears fine with having a path, so I'm hopeful that they will continue working with the City on this issue. Staff did a great job of getting this in front of the City PC very timely, but we do not want to drag this out beyond the 120-day deadline.

Best,

Shane

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**From:** Martha DeBry [<mailto:Martha@northplains.org>]  
**Sent:** Tuesday, February 24, 2015 9:06 AM  
**To:** lonnie knodel  
**Cc:** Shane Abma; Margaret Reh  
**Subject:** RE: Questions for Mckay creek crossing .

Hi Lonnie,

I will forward this to Shane to fill in the blanks. Please see below.

Kindest regards,

Martha DeBry  
City Manager  
North Plains, OR

**From:** lonnie knodel [<mailto:lonnieknodel@gmail.com>]  
**Sent:** Monday, February 23, 2015 11:10 AM  
**To:** Martha DeBry  
**Subject:** Questions for Mckay creek crossing .

I'm sure this one has already been asked . I was wondering about the Variance which is different from clean water services . [\[\]](#) It is actually the buffer from the mitigated area that is different from CWS. They use a 50 ft buffer based on their studies of the watershed.

Also since I'm new to this when was this change to the 75 feet done [\[\]In 2005 when task 5 of the comprehensive plan was adopted.](#)

and was there a particular project or concern in the past that may have prompted this change . [\[\]](#) The 75 ft buffer is a safe harbor. The city was able to avoid the cost of study specific to McKay Creek by adopting a larger buffer. We actually use 50 ft for Ghost Creek which was already substantially impacted, but 75 for McKay.

I was also thinking that I would like to see the approval for the path in with the prelim plat approval my experience in the past has been that if it's not it is forgotten and sometimes hard to negotiate later .

We asked the developer to reflect this on the preliminary plat. They advised that they would prefer to be a condition of approval; which it was. Technically, the subdivision ordinance does not require the alignment to be shown on the preliminary plat, so staff could not force the issue. The Planning Commission can delay its decision until it is presented. We do need to be mindful that applications must be reviewed/appealed within 120 days of being deemed complete.

This is also a question for the path when this is complete who responsibility will it be to maintain I assume there will be an Hoa there that would maintain this as well.

The path will be the responsibility of the City when the easement is obtained.

4) Also I would like to know whom will maintain the Flood plain overlay area after the required developers responsibility will this be maintained by clean water services or with this be the responsibility of the city in the future . [\[\]](#) The developer typically maintains clean water facilities for the first two years, and then CWS takes over from there. It is my understanding CWS is asking for a sizable easement over the property.

TO: **North Plains Planning Commission**

FROM: Heather Austin, AICP, Consulting Land Use Planner

DATE: February 11, 2015

RE: City File # 14-014 McKay Creek Crossing Subdivision-



Proposed Staff Report Revisions

- Washington County Comments
- Flood Permit Condition

The staff report in City File #14-014, McKay Creek Crossing Subdivision, was distributed on Wednesday, February 4, 2015. In the time since distribution, two items have been identified as warranting revision of the staff report. In order to incorporate these changes, the following revisions are recommended (identified in red).

**Washington County Comments**

Washington County Land Use and Transportation submitted comments regarding the application on February 9, 2015, recommending five conditions for construction on SW 307<sup>th</sup>, a County-maintained right-of-way.

Proposed revisions to the findings of Section 16.125.025.B.1- Land Division- Lot Development Standards- Improvement Requirements- Subdivisions- Frontage Improvements (page 23) are as follows:

***Finding:*** *Street improvements to full City standards are proposed for NW 307<sup>th</sup> Avenue. Half-street improvements are proposed to NW Highland Court; however, full-street improvements are required as discussed and conditioned in Section 16.150.115. A portion of this site is adjacent to a Washington County-maintained section of NW 307<sup>th</sup> Avenue. As such, the County has identified 5 conditions necessary to ensure compliance with County standards. This standard can be met as conditioned below.*

***Recommended Condition:*** *Prior to public improvement plan approval, submit a revised plan which includes:*

- 1. Dedication of adequate corner radius at the intersection of the proposed new street and NW 307th Avenue (south).*
- 2. Construction of the new street connection at the intersection of NW 307th Avenue and NW Highland Court to County Standards.*
- 3. All work proposed within the County-maintained right-of-way of NW 307th Avenue shall be designed and constructed to County standards, including ADA standards.*
- 4. Adequate illumination at the new street connection at the intersection of NW 307th Avenue and NW Highland Court as determined by Washington County.*
- 5. Taper to Detail 2140 on the south side of the new street connection at the intersection of NW 307th Avenue and NW Highland Court.*

Proposed revisions to Conditions of Approval, Prior to Final Plat approval, Condition 1. (page 45) are as follows:

1. Submit to the City Engineer for review and approval public improvement plans consistent with the proposed plans completed by AKS Engineering and Forestry, LLC and dated 11-06-2014, with the following revisions:
  - A. Street trees along NW 307<sup>th</sup>, NW Highland Court and NW McKay Creek Drive.
  - B. A full-street improvement of NW Highland Court from NW 307<sup>th</sup> Avenue to the proposed NW McKay Creek Drive, including sidewalk along the south side of the street.
  - C. A revised name for the proposed "McKay Creek Dive" that meets city street naming standards.
  - D. Fire hydrants used for suppression purposes no further than 300 feet apart per Public Works Standards.
  - E. Street lights and street trees pursuant to section 16.125.025.6. Street lights are to be installed by the applicant and dedicated to the City upon acceptance of the final plat.
  - F. Dedication of adequate corner radius at the intersection of the proposed new street and NW 307th Avenue (south).
  - G. Construction of the new street connection at the intersection of NW 307th Avenue and NW Highland Court to County Standards.
  - H. All work proposed within the County-maintained right-of-way of NW 307th Avenue shall be designed and constructed to County standards, including ADA standards.
  - I. Adequate illumination at the new street connection at the intersection of NW 307th Avenue and NW Highland Court as determined by Washington County.
  - J. Taper to Detail 2140 on the south side of the new street connection at the intersection of NW 307th Avenue and NW Highland Court.

#### **Flood Permit Condition**

The staff report includes the recommended condition that the applicant shall provide evidence of a Flood Plain Development Permit. This condition is not necessary as approval of this application includes approval of the Flood Plain Development Permit. Therefore, removal of the condition is recommended.

Proposed revisions to the findings of Section 16.65.015.A- Floodplain Overlay District (FP)- Administration- Development Permit Required (page 8) are as follows:

*Finding: In addition to the subdivision, the Applicant requests approval of a Flood Plain Development Permit. Approval of this application will constitute approval of the Flood Plain Development Permit. This standard is met. This permit will be required prior to any construction or development within the special flood hazard area, as conditioned below.*

**~~Recommended condition:~~ Prior to approval of the final plat, provide evidence of a Flood Plain Development Permit.**

Proposed revisions to Conditions of Approval, Prior to Final Plat approval, Condition 3. (page 45) are as follows:

3. Submit to the Planning Department for review and approval:
  - A. The plat name approval from Washington County.
  - B. Homeowners' Association articles of incorporation, which explicitly state the homeowners' responsibility to maintain the open space designated on the plat.
  - ~~C. Evidence of a Flood Plain Development Permit.~~

**Planning and Building Activity**

Fiscal Year 2014-15

Applications Received

<b>Building Activity</b>	<b>Review</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>
New House Permit	1	0	4	11	3	34		1					
Remodel Permit	1	1	0	0			1						
Demolition	1	1	1	1									
Right of Way Permit	1		4	11	3	34							
<b>Planning Activity</b>	<b>Review</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>
Annexation	3, C	0	0	0									
Comp Plan Amendment	3, C	0	0	0									
Conditional Use	3	0	0	0									
Design Review	3	0	0	0									
Fence	1	0	0	0					1	2			
Flood Plain Development	3	0	0	0		1							
Historic Overlay	2 or 3	1	0	0									
Home Occupation	2	0	0	0									
Lot Line Adjustment	2	4	0	0									
Mobile Home Park	3	0	0	0									
Non-Conformin Use	3	0	0	0									
Partition	2	0	0	0									
Sign permit	1	0	0	0	1	1							
Similar Use	3	0	0	0									
Significant Natural Resource	3	0	0	0		1							
Street Vacation	4	0	0	0									
Subdivision	3	0	0	0		1							
Subdivision Final Plat	3	0	0	0									
Subdivision Modification	2	0	0	0									
Subdivision Modification	3	0	0	0									
Temporary Use	1	0	0	0									
Variance	1 or 2	1	0	0									
Variance	3	0	0	0		1							
Zone Change	3	0	0	0									
Zone Code Amendment	3	0	0	0									
Appeal	3	0	0	0									
Appeal	C	0	0	0									
Pre- Application Conferences		1	0	0	1	1							

Review - 1 = Administrative, 2 = City Planner, 3 = Planning Commission, C = Council