

**CITY OF NORTH PLAINS PLANNING COMMISSION.
REGULAR SESSION MINUTES
March 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, Larry Gonzales and Lonnie Knodel.

Absent: Daryl Olson

Ex-Officio: City Councilor David Hatcher

Staff: City Manager Martha DeBry, City Planner Heather Austin, City Attorney Chris Crean, and City Recorder Margaret Reh

Audience: Vince Biggi, Stacey Reed, Mike Robinson, Alex Hurley, Rob Bass, Trista Papen, Erickia Dunbar, Bradley Petty, Aaron Riding, Jennifer Riding, Chris Goodell

4. PUBLIC COMMENTS

None were forthcoming.

5. APPROVAL OF MINUTES

- A. Approval of the February 11, 2015, Regular Session Minutes.

Motion by Eimers. Second by Gonzales to approve the February 11, 2015, Regular Session Minutes. Motion was approved unanimously.

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

- A. The quasi-judicial Public Hearing was continued from February 11, 2015 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 307th Avenue in North Plains. Tax Lot #1N301DD1601 File No: 14-014.

Chair King stated this was a continued public hearing for the McKay Creek Crossing subdivision. The record was remained opened from the February 11, 2015 Planning Commission meeting. King stated that he again was going to step down due to a conflict of interest. The Chair was handed over to Vice Chair LaBonte who then asked if there was any ex-parte contact that any of the Commissioners wished to declare. Hearing none, LaBonte asked for the staff report.

Heather Austin of 3J Consulting, 5075 SW Griffith Drive, Suite 150, Beaverton, Oregon 97005, presented the staff report. Austin addressed the issues of the open questions from the last meeting including the variance to the significant natural resource and trail alignment to McKay Creek. Austin stated staff had no proposed changes to the findings that were submitted previously and that staff recommends approval of the application.

Discussion ensued regarding the staff report and the application.

The applicant was asked to come forward. Mike Robinson, 1120 NW Couch Street, Portland, Oregon, Alex Hurley and Chris Goodell, AKS Engineering, 12965 SW Herman Road, Suite 100, Tualatin, Oregon addressed the issues that we brought forward in earlier discussions. Many of the questions were addressed in the documents that were submitted with the Commission packets and Robinson elaborated more for the Commissioners.

The Planning Commission began a discussion with concerns of flooding. Stacy Reed, AKS Engineering, 12965 SW Herman Road, Suite 100, Tualatin, Oregon, is a Wetland Scientist and entered into the discussion also.

Parking became another topic of discussion. The code does not require on-street parking. It was suggested to flip the houses to perhaps provide more on street parking.

LaBonte produced a map of the current watershed she received from Washington County that she stated was more up to date than the maps the applicant had. She received it from Washington County staff. She is concerned about residents being required to acquire flood insurance. Upon questioning it was determined that this map provided by LaBonte is not yet adopted.

LaBonte requested to hear public comment from proponents. There were none.

LaBonte requested to hear public comment from opponents.

Aaron Riding, 10065 NW 307th Avenue, North Plains, Oregon, repeated the dimensions of the proposed lots in relation to the lack of available parking on the street. He stated 307th has the same lot dimensions and the neighborhood is having issues with on street parking. Riding provided photos of some areas with these parking issues. He addressed the safety aspect as children may be on the road. The trucks from Recology and the grain mill driving down the road also cause concerns. He also commented on the lack of amenities being provided in the development. He is also concerned by the amount of garbage that will be generated and not having a receptacle provided. He is a kayaker and stated he paddled down McKay Creek and found waters flooding over the proposed Tract A area. He also commented that the filbert and apple orchards have been inactive for a long time and will have little bearing on the quality of the water.

Bradley Petty, 10073 NW 307th Avenue, North Plains, Oregon, expressed concerns with fire and police protection. He feels the closeness of the homes present a fire hazard. He is also concerned about safety—he feels that kids will wander in the back yard and the creek is dangerous. He feels the quality of the homes and the small lots will lower the value of all the homes in North Plains. Petty addressed the code and density requirements. He stated his opinion that the small city park located on Curtis Street is not usable. It is too small to accommodate the neighborhood. He would like to see some type of park in place in one of the lots requiring a variance in this subdivision. He also has concerns with limited parking issue—one car in the driveway and one in the garage. It is inconvenient if someone owns a third car for a child. Additional parking along the road can help. Petty also suggested that instead of approving the variance, make the lots wider rather than longer and orientate the

house accordingly.

Trista Papen, 10125 NW Curtis, North Plains, Oregon asked if it would be possible for the builder to build the home with a two car garage to provide a bit more parking. She would like to see alley loaded garages. She also has concerned about home values depreciating in value. Papen stated that she has heard the developer north of this property is considering creating lots on the larger end of the zoning requirements for lot size.

LaBonte asked if there were any other comments. There were none. A short break was taken at 9:05 before returning for the rebuttal.

A rebuttal was provided to the applicant. Robinson stated the applicant would be willing to withdraw seven of the lots from the variance request. They could withdraw lots 6, 7, 8, 9, 15, 16, 17 but would retain lots 18-25 in the variance request. They would prefer the Commission to approve the entire variance, but could make this concession. They do still feel the variance is justified. They will not be altering the size of the lots.

Robinson again addressed that there is no standard in the code to provide on-street parking. They do meet the requirement of two off-street parking spaces. Robinson also referenced the results from the traffic report and the storm water report that address the issues raised by the opponents. The applicant would like to see the Commission make a decision based on the criteria in the Code. The applicant would like to work with the variances to equalize the playing field for all the future homeowners. He also addressed the issue of parks. There are system development charges required for each lot in the subdivision that the city can decide how they want to use those funds in improving the park system.

The size of the garages was addressed. Biggi is hoping to have 16-18 foot driveways that will lead to two car garages to provide off-street parking. 55% of this site is open space. The safe harbor rule is what called for the 75 foot riparian buffer. This buffer is to protect the McKay Creek resource, and even with the variance approval, mitigation will still provide that protection for the creek.

Hurley addressed lot coverage and stated the site plans will be designed to meet the requirement of less than 65% lot coverage.

The applicant stated that they meet the standards for the 58 lot subdivision and asked the Planning Commission to approve the application and a variance, but they would be agreeable to the variance to just include lots 18-25.

Discussion ensued between the members of the Commission sharing their opinions regarding what should be allowed and what is being met in regards to the variance and street standards.

Concern was expressed with the CWS easement and if the access point will be paved. The concern is that if that area floods how will CWS be able to access their easement if their paved access point is flooded. The applicant responded that CWS will take the necessary precautions and will be able to take care of that issue when they are designing that access point.

Planning commissioners noted again that the term “aspiration” was used in regards to alley accessed garages and it was suggested that the implementation language within the code should be improved to make alley loading an objective.

The inclination is to deny the variance because the owner can achieve an economic benefit without approval of the variance.

It was suggested that language be required to communicate to the homeowner indicating what they can and cannot do within the buffer. The applicant asked for a rebuttal since this was being introduced as new evidence and Robinson wanted a chance to comment. The applicant would prefer that the Commission not adopt a condition of approval that mandates a description of requirements of use in the buffer area to the landowner.

Commissioner Eimers made a motion to approve the application without the variance. The motion died due to lack of a second because the Commission was still in the public hearing.

Discussion ensued to the options the Commission had for approval or denial or further action. There was discussion about the application process and the next steps that may be taken, should the Commission deny the application, and if it moves forward for appeal to the City Council.

The applicant declined the opportunity to revise the plan.

Vice Chair LaBonte closed the public hearing at 9:47 p.m.

A motion was made by Eimers, with a second by Nunnenkamp, for the approval of the McKay Creek Crossing subdivision application without the variance. Austin stated, as a point of order, that there is also a flood plain permit on the table that is part of the application that would need to be included in the motion. LaBonte also commented that the Commission needed to address the conditions of approval. Crean suggested that the motion be withdrawn. The motion was withdrawn by consent of the moving party.

Discussion ensued regarding the process and changes made to the conditions of approval between when the Commission packet was distributed prior to the February meeting, information received at the February 11, 2015 public hearing, and through the continued public hearing this night, March 11, 2015. Planning Commission decision is based on these findings in staff report with modifications. This included: 1.) that the Planning Commission shall determine the street names; 2.) street lights on city local streets shall be installed as per IES standards and City standards; 3.) submitted into record was a document with revised conditions for street standards from Washington County. The Planning Commission feels the applicant did not meet the minimum criteria for reasonable use to allow a variance of land based on evidence and testimony on record.

The net result of the conditions of approval have been recorded by Heather Austin, City Planner and will be published in the Final Findings report.

Motion by Eimers for the approval of the McKay Creek Crossing application with agreed

upon conditions of approval and without the approval of the variance. Motion was seconded by Nunnenkamp. The motion carried unanimously.

Commissioner King returned to the position of Chair.

7. NEW BUSINESS

A. Review of Land Use/Building Permit Project List

The Commission received a copy of the project list. No discussion took place.

8. UNFINISHED BUSINESS

The suggestion was made to review Municipal Code 16.150 Street Standards at the next Commission meeting. King stated this should have been under new business.

Eimers stated he would like to review of implementation of architectural standards to the vision statement. Point of order was stated that it was suggested the Commissioners put together their concerns and comments and submit them to staff. A request has been 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.

DeBry stated there will not be time to review the architectural standards within three weeks and have a staff report prepared, and no resources were available to outsource the work. This type of work is not reimbursed by planning fees.

Discussion ensued regarding the scope of work covered by the Vision for the Comprehensive Plan and the consultant that was hired to coordinate this effort. It was suggested that the Planning Commission schedule a work session. This will need to be coordinated and timed so there is not a duplication of efforts. Sufficient standards need to be established to provide guidance to developers that is consistent with the vision that will be developed through the Comprehensive Plan revision process.

It was suggested that for next meeting on April 8, 2015 each Commissioner submit concerns and determine what we would need to work on in a workshop. The Commission will then need to schedule a workshop.

Discussion ensued regarding code standards that have been submitted to DLCD. DeBry stated a hearing may be scheduled in May. The Commission would like to review and discuss the documents that were submitted to DLCD. This may be beneficial to the new members of the Commission.

Eimers raised an issue regarding the Request for Comments form he received regarding a minor modification change in the McKay Fields subdivision. He stated there is something lacking in the process and has an issue with that. He felt the notice was not adequately specific, and residents should be able to operate off the document without reviewing additional information. Discussion ensued.

9. COMMISSIONER COMMENTS

LaBonte commented on the Polygon development and their use of yard easements. She was wondering how these easements affect the impervious surface. Discussion ensued.

Gonzales commented that this process was eye opening. Discussion ensued.

DeBry stated we are now seeing the result of developments that were approved in 2005-2007. Mandates from the state drove the density requirements at that time. There wasn't a demand to change the code until now. We need to finish the Comprehensive Plan before we can work on large-scale changes to the code. Discussion ensued regarding perhaps putting some type of incremental codes in place while the Plan is being revised.

Eimers inquired about the Planning Commissions responsibility to report to the Council on Committee for Citizen Involvement (CCI). Discussion ensued.

Eggiman property may be moving forward. He may be asking for a zone change. No documentation has been received at City Hall yet.

Discussion ensued regarding the location for holding the Planning Commission meetings. There have been some meetings where the noise from the group meeting downstairs has been very disruptive. The Commission decided they would like to continue meeting at the Senior Center.

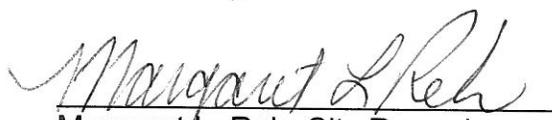
10. STAFF COMMENTS

All comments have been stated previously throughout the night.

11. ADJOURNMENT.

Chairperson King adjourned the meeting at 10:21 p.m. The next scheduled regular session of the Planning Commission is Wednesday, April 8, 2015, which is currently scheduled to be held at the North Plains Senior Center.

Submitted by:


Margaret L. Reh, City Recorder

Date Minutes Approved: 04/08/2015