

**CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION MINUTES
SEPTEMBER 11, 2013, 7:00 P.M.
NORTH PLAINS SENIOR CENTER
31450 NW COMMERCIAL STREET**

1. Chairman King called the meeting to order at 7:02 pm.
2. Chairman King led the pledge of allegiance.

3. ROLL CALL

Commission: Chairman Stewart King, Vice-Chairperson Heather LaBonte, Commissioners Jeff Low, Doug Nunnenkamp and Daryl Olson present. Commissioners Ethan Hagar and Aeron Braukman, and Ex-Officio Michael Demagalski excused absence.

Staff: City Manager Martha DeBry and Account Clerk II Pam Smith present.

4. PUBLIC COMMENTS

None.

5. CONSENT AGENDA

August 14, 2013 Regular Session Minute Approval. The August 14, 2013 Regular Session minutes were approved as written.

6. PUBLIC HEARING

A. Approval of a Variance for Property located at 10142 NW Curtis Street. Once the Quasi-Judicial Script was read, King opened the Public Hearing at 7:08. Asking for and hearing no conflicts of interest, ex-parte contact or personal bias on behalf of the staff or audience, he requested the Staff Report.

DeBry related DR Horton was requesting a variance to reduce the rear yard of Lot 27 in the Highland Court Subdivision (1N31DD01900) from ten feet to six feet. She said the north side of the property would be considered the back and the east side of the property would be considered the side, as opposed to the street side being the front and the east side being the back. She recommended approval of the variance.

King verified Lots 24 and 27 would be face to face. Olson did not find a reason for the variance and Nunnenkamp inquired why that data wasn't on the original plat. DeBry noted if no variance were to be granted, there would need to be a variance for the front of the property with a 24 foot wide house.

Ryan O'Brien, 4380 SW Macadam Avenue, Suite 100, Portland, OR 97239, representing DR Horton, noted the variance was required due to the street curve needed to line up Curtis Street making the property an odd shape. He also stated the North Plains Code is not clear on how to determine the front or back of a property and

that the alternative would be to do a narrower house which would not be easy, but would be possible. He said it is hard to make a nice house that narrow considering you would need to get a staircase in and that would make for a difficult floor plan.

Nunnenkamp did not like the idea of crowding and Olson stated he didn't like the idea of crowding nor did he think we should change the setbacks. Low was okay with the change as he thought a 24' wide house would be better than a narrower one. King verified the code required side a yard setback of 10 feet adjacent to a street in R-2.5.

Hearing no proponents, opponents, or neutral individuals, nor any discussion, King closed the Public Hearing at 7:21. He moved to entertain a motion and LaBonte moved to approve the reduction of the rear yard of Lot 27 from ten feet to six feet. Low seconded the motion and it was approved by a vote of four to one, with Olson opposing the approval.

B. Approval of a Subdivision and a Flood Plain Permit on Property Located at 31827 NW Pacific Street. This application came before the Planning Commission as a Quasi-Judicial Public Hearing which was opened at 7:23 p.m. King noted he was handling the property and could have a possible financial gain in the decision so he excused himself and LaBonte took over the meeting. Asking about conflicts of interest, ex-parte contact or personal bias on behalf of the staff, LaBonte stated she lived south of the site and had attended a public meeting regarding the property on August 25. Low excused himself after noting he had previous dealings with the applicant. King asked as to a quorum with the two of them excused. DeBry noted it wouldn't be a problem.

Hearing no challenges to impartiality, LaBonte requested the Staff Report. DeBry noted the project was a one acre parcel near 320th and Claxtar Street to be divided into seven lots. Six houses were to be built and one house already existed on the property. She stated there were a few low spots on the property in the upper northeast section. The plan meets all standards with Lot 5 being the only issue. A house built there might be below the Flood Plain.

Three houses would face NW Pacific Street and the other four houses would be built behind them on a private driveway. All four lots in the back would be considered flag lots. Lot six would face the driveway and there would be no access from NW Claxtar Street. A non-access strip could be considered as a Condition of Approval. LaBonte inquired as to how the issue with Lot 5 and the flood plain would be addressed. DeBry noted that would be addressed during the Building Permit process.

Eric Evans, Staff Planner representing Emerio Design, 6107 SW Murray Boulevard, Suite 147, Beaverton, OR 97008, noted it was not their intent to build in or alter the

flood plain as the lots were big enough to avoid that. Nunnenkamp noted there were no sidewalks to the back four flag lots. DeBry said that typically no sidewalks are required on private driveways. This 18' wide driveway would be considered too narrow to be a street. Nunnenkamp asked who would maintain the driveway to which DeBry answered it would be the responsibility of the homeowners. Olson asked if the Fire Department was okay with the fact that there was not a cul-de-sac in which to turn around at the end of this driveway. He was told the driveway was short enough to meet the requirements of the Fire Department, and being able to reach each house with their hoses, they would not need to go down the driveway at all. DeBry noted since water work would be done for some of the lots, the City might ask that a hydrant be put in at that location at the same time.

Mr. Evans noted the garage on Lot 6 might be converted to a home with Vince Biggi, Biggi Construction, LLC, 11605 SW Normandy Lane, Wilsonville, OR 97070, adding that they might add on to the house but would leave the driveway as it is. DeBry suggested a fence be installed at the end of Claxtar Street on the west side of the subdivision since it would never be a through street. Mr. Biggi agreed that they would provide a fence and/or shrubbery as the City requested.

Mr. Evans noted they no longer were seeking a variance since the code had been changed to allow 5' setbacks instead of 10' for sides yards in the R-5 zone. DeBry agreed they would be held to the current code. Nunnenkamp noted the side yards adjacent to streets in a flag lot were subject to 10' but DeBry said this was not a street, but a driveway so that didn't apply. He then asked about Lots 1 and 2. Mr. noted they were proposed as 10' so there was no need for a variance.

Hearing no questions or discussion from proponents or opponents, LaBonte asked if there were any neutral individuals wanting to speak. Stewart King, 31470 NW Commercial Street, had some questions about why the property to the east was set out further than this property and how that would affect the sidewalks. He also wanted to be sure there would be no access from Claxtar Street and liked the idea of the 1' non-access strip. LaBonte thought that requirement would be best addressed as a restriction on the plat.

Mr. Biggi again noted a fence would be built as a barrier. Nunnenkamp was concerned that at a later date someone could remove the fence to allow access from Claxtar Street for, as an example, an RV and wondered if the City could make that a Condition of Approval. LaBonte inquired if North Plains Public Works Department would require a curb. DeBry noted there was a hammerhead there and was not sure why since it was not made into a cul-de-sac. LaBonte asked if removing the barricades and putting a fence there would be enough. DeBry noted putting something reflective there would be a good safety idea and that Public Works would handle those

improvements.

LaBonte closed the Public Hearing at 7:54 and inquired if there were any questions. Hearing none, she asked to entertain a motion. Olson moved to approve the application for the subdivision with the added restrictions of access off Claxtar Street. Nunnenkamp seconded the motion and it was unanimously approved. King returned to the position of Chairperson.

7. **UNFINISHED BUSINESS**

Comprehensive Plan Discussion. DeBry noted this as being a large document with the process of review being a long one. The plan was for Planning Commission to spend about three meetings discussing and addressing concerns before doing some outreach work for community input. At that time the document would be sent to City Council for review and on to the State of Oregon for comment.

DeBry noted some of the information had already been updated from the 2010 census, with the City growth having been both slower and denser than the projections of the 2005 plan.

Olson asked for an explanation of the density number of 8.4 units per acre and where that came from. DeBry explained that in the late 1990's a Neighborhood Community study was done in which the State of Oregon suggested a number of 10.4 units per acre and the City proposed 6.5 units per acre. As a compromise, it was agreed upon as 8.4 units per acre. At the present time the density in North Plains exceeds that number.

LaBonte noted without industrial or commercial growth, a city loses its tax base and some services, so growth was important. DeBry would like to see an increase in the downtown area and perhaps some transition zones between residential and commercial zones. She noted she was planning on offering an opportunity at the Chili Cook-off for citizen input on the Comprehensive Plan.

At the next meeting DeBry will be checking in with Planning Commission on ideas, concerns and changes.

8. **STAFF REPORT**

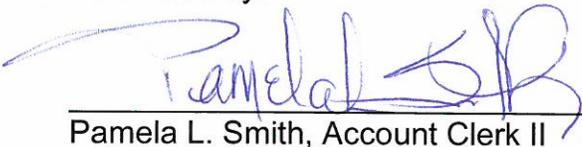
Nunnenkamp noted he was impressed with the progress on the overpass. DeBry said the majority of it will be completed within the next month but noted the final work, including the Walking Trail, would not be completed for another 1-1½ years. LaBonte told the Commission that Sunset Terrace was moving forward with paperwork having been brought into Washington County. King noted an ongoing issue with Sunset Terrace involved the building of a pump station.

DeBry noted the Pumpkin Run on October 26th, involving a run, costume parade and kid's activities. She also reminded Commission about the dance at Jessie Mays Community Hall on September 21st. Nunnenkamp asked about the planning classes offered at Banks. DeBry said those would be on October 18th and the North Plains Planning Commission had been invited. King asked if there were going to be any vacancies on the Commission. DeBry noted Aeron Braukman had emailed the City about not being interested in continuing to serve on the Commission. She noted Hagar's term was also up the end of this year, but she had not been notified yet if he wished to continue serving.

9. **ADJOURNMENT**

King noted the next scheduled meeting to be October 9th and adjourned the meeting at 8:45 pm.

Submitted by:



A handwritten signature in blue ink, appearing to read 'Pamela L. Smith', is written over a horizontal line.

Pamela L. Smith, Account Clerk II

Minutes Approved:

10/9/13

