

**CITY OF NORTH PLAINS PLANNING COMMISSION.  
REGULAR SESSION MINUTES  
May 13, 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, James Fage, Larry Gonzales and Lonnie Knodel.  
Ex-Officio: City Councilor Charlynn Newton  
Staff: Planning Consultant Heather Austin, 3J Consulting, Inc.; David Doughman, Beery Elsner and Hammond LLP; Public Works Director Blake Boyles; City Recorder Margaret Reh

- 4. PUBLIC COMMENTS**  
None were forthcoming.

**5. APPROVAL OF MINUTES**

- A. Approval of the April 8, 2015, Regular Session Minutes.

Motion by LaBonte. Second by Eimers to approve the April 8, 2015, Regular Session Minutes as amended. Motion was approved unanimously.

**6. PUBLIC HEARING**

- A. Legislative Hearing: 15-031 Receive comments regarding proposed amendments to the Municipal Code Chapter 16 (Zoning and Development): Submitted to DLCD in 2014: 16.05, 16.60, 16.125, 16.140, 16.170 and 16.205. Submitted to DLCD in 2015 and 16.20, 16.25, 16.30 and 16.45.

King requested the reading of the legislative hearing process statement for the two legislative public hearings before the Commission this evening. Following the reading of the rules, King opened the Public Hearing at 7:04 p.m. for File No: 15-031 which are amendments to Municipal Code Chapter 16 which were submitted to DLCD. King stated Chapters 16.60; 16.170; 16.205 and 16.45 were removed from this public hearing. King stated there were modifications that were slight changes to what had been previously submitted in Chapter 16.05-Definitions which added a description for a tax lot. Also a minor change was submitted to 16.125 and minor changes in 16.30, which are reflected in an Addendum to the Public Hearing that was introduced to the Commission at this public hearing.

King asked for staff comments. Heather Austin, Consultant from 3J, stated that staff was not as aware of the project as the Commission due to the recent changes at City Hall.

King asked if anyone was wishing to testify on this public hearing. None were forthcoming.

King asked if there were any further comments from the Commissioners. There were none.

King closed public hearing at 7:06.

Motion by Gonzales. Second by Fage recommending the approval of the changes to those chapters identified to be moved on to City Council. Motion was passed unanimously.

B. Legislative Hearing: File No: 15-002 Eggiman Property Comprehensive Plan proposed zone change from Commercial to R-2.5 Residential

King opened the public hearing at 7:07 p.m. on File No: 15-002 Eggiman Property-proposed Comprehensive Plan map and zone change from Commercial to R-2.5 Residential. Austin presented the staff report that goes over the criteria for the zone change. The proposal includes a Comprehensive Plan designation from Commercial to High-Density Residential and a zoning code map amendment from Commercial to R-2.5. Austin explained a discrepancy between the Comprehensive Plan and the Zoning Code regarding this subject property exists. Austin covered transportation issues. There was a new written public testimony sheet received and distributed at the meeting that addressed the access to the property on Kaybern. Austin explained that access points is not a topic of discussion with this application.

King asked if there were any questions from the Commissioners for staff. LaBonte inquired about the housing inventory stock and the mix of residential housing zones. Discussion ensued regarding the percentage of housing inventory stock that is now high density.

King asked the applicant to come forward. Mike Eggiman, 22865 NW Yungen Road, Hillsboro, Oregon 97124 and Ken Sandblast, 15115 SW Sequoia Parkway, Suite 150, Tigard, Oregon 97224, presented their application. Sandblast pointed out the slope of the properties in his report and referred to exhibits in the Agenda Packet. Sandblast pointed out that flat land is more desirable for commercial property. Eggiman reminded the Commission that he had appeared before the Commission a few months prior to this public hearing to see if the Commission would be open to this project. This proposed project is consistent with the other R-2.5 neighborhoods. However, this development could be laid out with larger 4000 sq. ft. lots to allow for more parking in the development. The property is targeted to serve the community and that is the desire of the applicant. The applicant has been approached by some smaller grocery store chains that would be interested in the remaining 5.6 acres that would still be zoned commercial. Sandblast also acknowledged the comment from Troutman regarding the access road north of the property. This is a public right-of-way that could end up serving an access for any type of development that goes in and will be subject to improvements.

King called for questions from the Commissioners. LaBonte asked about the different sized lots that are a part of this subject property. Discussion ensued. A question was raised

regarding the frontage on Kaybern, the slope of the property, the viability of the land, and the orientation of a grocery store on the property. Discussion ensued. The concern of the Commission is that the city will be losing too much commercial property with the approval of this zone change application. They feel the city has too little commercial property to give up this acreage.

King asked for any other comments from the public. Hearing none, King closed the public hearing at 7:35.

Motion by Nunnenkamp. Second by Eimers to make a recommendation to the City Council to deny the conditions of this application of a zone change from commercial to R-2.5 residential to a date certain of June 15, 2015. Motion was approved unanimously.

C. Quasi-Judicial Hearing: File No: 15-032-31500 NW Cottage Lot Line Adjustment and Variance to Lot Width Standard

King requested the reading of the quasi-judicial hearing process statement. King opened the Public Hearing at 7:44 p.m. for File No: 15-032 for a Lot Line Adjustment and Variance to Lot Width Standard. King called for abstentions, ex parte contacts or any conflicts of interest by any Planning Commissioner. Hearing none, he asked if the audience had questions for, or objections to, any Commissioners. Hearing none, King asked for the Staff Report which Austin presented. Discussion ensued.

King called the applicant forward. Kent Campbell, PO Box 526, Hillsboro, Oregon and Tim Graber, 18735 NW Dixie Mountain Road presented their application. King called for questions of the Commissioners. Discussion ensued.

King asked for proponents. None were forthcoming. King asked for opponents.

Glen Woodward, 31525 NW Cottage Street. Woodward questioned how long the lot width in this area has been at 40 feet. Woodward has lived in the area since 1970 and always knew the lot dimensions to have been 50 x 100. King stated that there could have been an assumption that it was 50 x 100 from the 1910 plat, but the code has the minimum lot width to be 40 feet. The Code is changing and on-going. Chair King stated that someone from staff will look into when the code was changed to a 40 foot frontage. Discussion ensued regarding lot width and lot size.

Cliff Graham, 31525 NW Claxtar, is concerned about population density and the affect it is having on the assets of the town—the school and the police services. He also stated that a narrow two story house will create the effect that he is living in a fish bowl. He would not have an objection to tearing down the existing dwelling and putting up two single story houses. The plan submitted at this meeting would eliminate his last illusion of privacy. It is a real concern. He is asking leadership of the city to deny a request for this variance. He stated it will diminish the value of his property. He asked if it possible to request that no windows would be facing his

property. A new structure would make his backyard an unpleasant place. Discussion ensued.

Tony Grant, 31495 NW Cottage Street strongly opposed the proposal. These lots were platted to be 50 x 100 and they should stay that way. Granting this variance may set precedence for more 33 foot frontages. Discussion ensued.

Don Bender, 31615 NW Cottage Street, commented that the owner/applicant had to have known the house was built on two lots when they purchased the property. His house is on two lots. This would be setting a precedence. He stated the applicant is just doing this to make money. Bender stated what would stop him from dividing his lot into a weird angle and selling it off. Keep North Plains, North Plains. Discussion ensued.

Dale Herinckx, 31206 NW Claxtar Street. His house is also built on the property line in 1965. His dwelling is on a 10,000 sq. ft. lot. He stated the city should maintain some of the larger lots in town. If a property was purchased with the dimension of 100 x 100 he feels it should be kept that way even if the Code says a lot dimension could be 50 x 100. Large lots will become very scarce and will become a commodity. He also mentioned there needs to be room for property owners to be able to park an RV.

Jim Warren, 10515 NW Main Street stated that these lots were platted 100 years ago. His family has been on this property for over 75 years. We have lived with existing zones throughout those years. He feels it is disrespectful to past generations, who established these lot dimensions, to change things around. He stated the applicant must have known the house was on two lots when it was purchased.

Marianne Vandervelden, 31585 NW Cottage Street, inquired about the intent of ownership when the property was purchased. Campbell requested permission to address the inquiry. The property was purchased in 2006. Ten years prior, when it was purchased, the Code for the R-5 zone would allow two duplexes on the property. Campbell was continuing to explain the intent when Chair King interrupted him and asked Campbell if he would wait and continue his answer during the rebuttal.

Discussion ensued regarding the designation and allowed uses in the R-5 zone.

Kathy Nelson 10545 SW 314<sup>th</sup>, gave a brief history of issues with the house that the previous renters had with the property and the landlord. Nelson also raised the topic of the poor drainage on the property.

King asked for any other comments for or against. Hearing none he asked the applicant for the rebuttal.

Campbell addressed the stormwater issue by stating it will be set up to drain to the roadside ditch after which CWS stormwater system would take over. As far as having a space for RV storage, Campbell stated that not everyone is affluent enough to own an RV and not everyone

needs RV storage on their property but there are many individuals who would just like to be able to afford a house. He also addressed the comment regarding a new structure being a two story house--if the developer were to tear the existing house down, two two-story dwellings could be built. In regard to the density issue being brought up, the developer will not be build more than two houses. Campbell stated the property owner would prefer to have owner occupied homes and not make them rental homes. Another option would be to remodel the existing house into a duplex. Discussion ensued.

King asked for any further discussion.

King closed the public hearing at 8:34 p.m.

Motion by Eimers. Second by Gonzales to deny the application for File No.15-032 Lot Line Adjustment and Variance of lot width request. King asked for any discussion. Doughman asked for some articulation as to why the move for denial so staff could prepare the final written order. Discussion ensued. The motion carried unanimously and staff was instructed to prepare finding and conclusions in a final written order.

## **7. NEW BUSINESS**

### **A. Review of Land Use/Building Permit Project List**

The Commission received a copy of the updated monthly project list.

## **8. UNFINISHED BUSINESS**

### **A. Discussion of Residential Design Guidelines (Hierarchy List)**

Eimers stated he is working on this report. He has been doing a lot of reading. His findings will only apply to R-2.5, R-5 and R-7.5 zones at this time. When the Commission comes to some type of agreement it can be extended to some other areas. This is in the drafting stage he has stopped reading. He will submit his documentation to staff by the end of the week.

The Planning Commission will conduct another Workshop. At the public hearing tonight, the Commission pulled out different chapters from the public hearing to do more work on them. A workshop will take place on Wednesday, June 3 at 6:00 p.m. This workshop would be to review Chapters 16.60, 16.170, 16.205 and 16.45. King would also like to include 16.140 street standards and public street standards. The Commission will also review and discuss the hierarchy list, TSP and public works street standards. Discussion ensued regarding the process with the code changes and DLCDC processes.

Austin informed the Commission that the applicant for McKay Creek Crossing had contacted her regarding the street naming in the development. Discussion ensued. Austin will instruct applicant to fill out an application for street naming.

**9. COMMISSIONER COMMENTS**

Eimers stated he had concerns regarding the layout of the development that Eggiman was proposing. There was not a break point for street length. This led to a discussion regarding needing a definition of a block.

Nunnenkamp inquired of the possibility of the Planning Commission receiving notice of applications that are being approved administratively. Discussion ensued. Boyles will forward the decisions of administrative approvals to the Planning Commission.

**10. STAFF COMMENTS**

None were forthcoming.

**11. ADJOURNMENT.**

Chairperson King adjourned the meeting at 8:55 p.m. The Commission will meet for a workshop on Wednesday, June 3, 2015 at 6:00. The next scheduled regular session of the Planning Commission is tentatively set for Wednesday, June 10, 2015, which is currently scheduled to be held at the North Plains Senior Center.

Submitted by:

  
Margaret L. Reh, City Recorder

Date Minutes Approved: 07/27/2015