CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION AGENDA
WEDNESDAY, AUGUST 14, 2013, 7:00 P.M.
NORTH PLAINS SENIOR CENTER, 31450 NW COMMERCIAL STREET

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 Commission business, except those items which appear on this agenda. Comments shall be limited as determined by the Chairperson.)

5. **CONSENT AGENDA**
   May 8, 2013, Regular Session Minute Approval

6. **PUBLIC HEARING**
   Division of Property into 7-Lot Subdivision, File #13-030-01-SD, VAR, FPP – Postponed until September 11, 2013

7. **NEW BUSINESS**
   Comprehensive Plan Discussion

8. **STAFF REPORT**
   City Manager

9. **ADJOURNMENT**

City Planning Commission Meetings are scheduled to be held at the North Plains Senior Center, 31450 NW Commercial Street, North Plains, Oregon, on the following dates at 7:00 p.m.:

Wednesday, September 11, 2013 *Wednesday, October 9, 2013* *Wednesday, November 13, 2013*

CITY OF NORTH PLAINS PLANNING COMMISSION
REGULAR SESSION MINUTES
MAY 8, 2013, 7:00 P.M.
JESSIE MAYS COMMUNITY HALL
30975 NW HILLCREST STREET

1. Chairman King called the meeting to order at 7:00 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 and Ex Officio Teri Lenahan present. Commissioners Ethan Hagar and Aeron Braukman excused absence.

Staff: City Manager Martha DeBry, City Planner Angie Lehnert, Part-Time Clerical Becky Schultz and Account Clerk II Pam Smith present.

Audience: Tammie Kay, Venita Volpp, Chris Kittredge, Anita Campos, Ryan O'Brien, Ron Guillory, Kati Gault, David Turley Rick Troutman, Tim Cooley, Christy Cooley, Betty Martin, Danny Voils, Robert Kindel, Jr. and Floyd VanDomelen.

4. **PUBLIC COMMENTS**

Tammie Kay, 31811 NW Belgium Court, North Plains, OR 97133. Ms. Kay is a six year resident of North Plains who works with a with a pet care business in Cornelius. She would like to start a dog walking business in North Plains and is interested in finding a piece of North Plains property to be used as a dog park. King said it was an issue best addressed by the Parks Committee. DeBry said she had heard similar suggestions and noted Ms. Kay could contact her and they could discuss it further.

5. **CONSENT AGENDA**

April 10, 2013, Regular Session Minute Approval. LaBonte moved to approve the April 10, 2013, Regular Session minutes as written, Nunnenkamp seconded the motion and it was approved unanimously.

6. **PUBLIC HEARING**

A. Design Review for Construction of an Addition, File #13-018-01-DR. King requested the reading of the statement regarding the quasi-judicial hearing process to cover the three Public Hearings to be held tonight. Following the reading of the rules, King opened the Public Hearing at 7:05 p.m., and called for abstentions, ex parte contacts or any conflicts of interest by any Planning Commissioner. There were no declarations by any Commissioner about potential conflicts of interest, personal bias or ex parte contacts. King asked if anyone in the audience wished to challenge any of the Commissioners for impartiality, and there were no audience members who wished to do so.

Public Hearing Opened:
Lehnert presented the Staff Report noting Raj Savara of DMI International, Inc. was requesting to build a 1050 square foot addition to the existing C-2 (light industrial) property at 30750 NW Hillcrest Street for additional storage. She felt the proposed project met all requirements of the City code with adequate screening and parking. A condition was proposed that if additional lighting were to be installed, it would not project light into or beyond the public right of way or into adjoining properties. She recommended approval.

King called for Commission questions. There being no individuals present wishing to testify, King closed the public hearing at 7:10 pm.

Public Hearing Closed.
Being no questions of staff, King called for a motion. Nunnenkamp moved to approve File #13-018-01-DR allowing the construction of an addition to the existing light industrial use at the location. Olson seconded the motion and it was approved unanimously.

B. McKay Fields Modified Preliminary Subdivision Plat, File #006-MOD/FPP/SNR.
King opened the Public Hearing at 7:11 p.m., and called for abstentions, ex parte contacts or any conflicts of interest by any Planning Commissioner. LaBonte noted with her job at the county, she had spoken with Carole Connell, the applicant and Washington County Land Use; King noted he had personally worked with the property owners, but not involved with the subdivision. King asked if anyone in the audience wished to challenge any of the Commissioners for impartiality, and there were no audience members who wished to do so.

Public Hearing Opened:
Lehnert presented the Staff Report and noted assistance from Carole Connell, the City Planner. The original Subdivision, approved in 2006 with several extensions granted, expires in 2014. Among other modifications being requested, the modified plat would include 33 detached single family homes with each lot between 2500 and approximately 5200 square feet. The applicant is DR Horton and the owners of the property are West Union, LLC, and Kenneth and Patsy Fields. The location is divided between three tax lots. Tax lots 1200 and 2000 are owned by West Union, LLC, and tax lot 1202 is owned by the Fields. DR Horton is in the process of acquiring the property and all owners signatures are on the application. The property is zoned R2.5 Multi Family/Hi-Density Residential and is located off West Union and Glencoe Road on the east side.

Lehnert noted agency comments were mailed to affected agencies and organizations, and all adjacent property owners within 200 feet. Comments that were returned before the packet deadline were in the packet, or if received later than the deadline, they were in the Planning Commission folders.

Lehnert went over some of the changes since the original application was submitted. The first issue involved two formerly illegal partitions. DeBry noted lot 1200 being a unique

property and the bulk of property in this project. It existed since the beginning of the 20th century. Prior to the city's incorporation, the railroad right of way was acquired and when it came through, it split the lot but no change in the deed was recorded at that time. In the 1980's, there were 2 deeds recorded just to the north of this project. The problem is a little triangular shaped sliver of land on the north side of West Union Road located in lot 1200 according to the county records. Lots 2600 and 1201 were recorded without the benefit of city or county review. So lot 1201 extends down and includes a corner located legally in one lot and illegally in another. The problem is one lot is zoned R-2.5 (residential) and the other lot is zoned M-2 (industrial). At present, there is no land access to lot 1201. The City attorney advised removing the "sliver" area from lot 1200 by approval of a lot line adjustment and the recording of a new deed. At the suggestion of the City Attorney, the City would do a Lot Line Adjustment administratively affecting the NE portion of lot 1200 and the SE portion of 1201 to eliminate the industrial zoning placed upon part of lot 1200, in preparation for filing the final plat of the McKay Fields subdivision. The lot line on tax lot 1200 would move south along the NE corner between 0-103' to align with the south right of way for West Union Rd, resulting in a lot located entirely south of West Union Road in the R2.5 zone. The SE lot line adjustment of lot 1201 would move approximately 160' south to align with the northern right of way for West Union Road providing a street access to the parcel. The city can only take care of its side because their jurisdiction ends at the RR tracks. The county would need to incorporate that sliver area to join TL 1201. Nunnenkamp inquired as to the size of that piece. DeBry note it is 3600 square feet. One of the conditions of approval would be for the lot to be fixed to the satisfaction of the city, county and state requirements.

Lehnert noted another issue was that the original application proposed a variance for some setbacks. DR Horton decided not to do these. Setback variances be addressed when homes are built. At the time of the original application, the plan for lot 1 didn't have 20 feet of frontage. DR Horton has requested no minimum frontage. Since our R2.5 now states no minimum frontage, we are agreeing that no minimum lot frontage is required for lot 1. The City added a condition of approval would include oversight by City engineers addressing flooding concerns in addition to FEMA and Clean Water Services.

DeBry noted the next condition of approval would be that if park land were dedicated to the city, a road be built at the same time to allow vehicular access down into the park area. She stated the change in grade of 7-9%, a gentle slope, and noted it reaches slightly into the flood plain but is primarily a vehicular access road for the City only. Lehnert stated another condition of approval be the revision of the plans to meet the 100' city minimum curve radius standard at the West Union access. We do have those plans. A Clean Water Services additional application would be required before removal of any vegetation in the flood plain or riparian area.

This subdivision is located in the east part of the city and somewhat isolated for pedestrian traffic. The City will be requiring the park land in most of the flood plain along the west to be dedicated to the city. This will eventually connect with Trails Plan.

DeBry discussed how originally parking was allowed on one street only. The City suggested no limitation on parking to maximize parking area in the subdivision. Streets were widened slightly to accommodate 3 cars. With an isolated area, and no parking on West Union Road, it's important to provide enough parking in the subdivision itself. It was decided there would not be "no parking" areas. The turnarounds were not in the original plans. They will provide additional parking for the residents. All houses have 2 spaces, so most residents will handle parking within their own sites. Nunnenkamp inquired whether parking would be allowed on both sides of the streets. DeBry related that during parties, etc. the streets might be crowded so the City is going to allow parking on both sides of the streets because close driveways limit the space between driveways for parking. Low asked if there will be any restrictions as far as leaving cars parked for days on street. DeBry said the city already has rules on residential long term street parking to cover that. Lenahan inquired about boats, RV vehicles, etc. parking on the streets and DeBry answered that the City has rules covering that too.

Lehnert recommended approval of this application pending the City of North Plains Conditions of Approval as follows: 1. Standard condition; 2. Owner/applicant be required to resolve the problem of illegal tax lots to meet city, county, and state requirements; 3. No change necessary; 4-12. Standard conditions; 13. County would like input from City regarding trees; 14. Regarding the curve radius which was previously discussed; 15. Because there is no planter strip, there are no trees in the subdivision plan Trees will be addressed with each building permit; 16. standard, 17. Slight rewording (to follow), 18-20. Standard; 21. This technical requirement originally showed a hydrant blow off, City changed the requirement to a regular fire hydrant; 22. Standard; 23-25. Due to flooding concerns, the City added the condition that applicant be responsible for any problems in addition to FEMA and Clean Water Services. The City requested City Engineer provide additional oversight on the construction in the flood plain. Applicant provided drawing for excavation and fill proposal. DeBry stated the cut and fill occurring on sight will balance. The bowl that gathers water now, will turn into a sloped area and drain toward the creek. It will actually be lower than the existing elevation. The current flood plain will receive that fill which will elevate all of the lots above the current flood plain. Applicant intends to file the appropriate paperwork with FEMA to have lots removed from the flood plain when the project is done. The City Engineer feels this is reasonable as it will elevate all lots out of the flood plain meeting the City's code requirements; 26-27. Lehnert stated the last two conditions concern the Park. She noted the applicant and the City are working on an agreement regarding the park plan dedication. DeBry any improvements be presented to the developer who will present plans for our review. Pedestrian access from this neighborhood to the city core would be addressed with the short term solution of dedicated land to the City for the Walking Trail; the long term solution would include a paved sidewalk on West Union Road. Lehnert concluded the conditions of approval discussion.

LaBonte inquired whether the applicant had already applied for a Lot Line Adjustment.

DeBry said Mr. Fields had applied with the city and it would be approved. LaBonte asked what would happen if the application were denied at the county level. DeBry stated the city would have to deal with a non-conforming lot at that point.

King asked if there were any questions of the staff report. Hearing none, he asked the applicant to come forward. Ryan O'Brien and Katie Gault, representing DR Horton, 4380 SW Mcadam, Suite 100, Portland, OR 97239. King inquired if they had reviewed the staff report and if they had any questions or concerns. Mr. O'Brien had no concerns other than a few condition of approval items that had already been addressed with the City Manager. Ms. Gault asked about Chapter 16.65 flood plain standards requiring structures be anchored and construction materials to comply with that section. Since the lots will be removed from the flood plain, she wanted to clarify there would be no need to comply with that section. DeBry noted that would not be correct until after the determination was made that the houses were no longer in the flood plain.

DR Horton planned on building 33 homes at McKay Creek in addition to the 27 homes at 307th and Highland Court which are slated to begin construction shortly, for a total of 60 new homes in the city. Mr. O'Brien noted they had contacted all jurisdictions as required and worked with city staff on some changes which DeBry had already related. He had contacted FEMA regarding amending the flood plain map. DR Horton is proposing family oriented houses with 2 parking spaces each. The streets would be widened to 32' allowing cars to park on both sides of the street and each home would have a 2 car garage. He also noted the driveways would be paired to allow parking spaces on the street between the houses. With the turnarounds added it was noted there was now abundant parking available.

Mr. O'Brien noted fill would be minimal to move all lots out of the flood plain and that this site plan was similar to the original with a few lots being deeper to fit house plans. The current flood plain map allows no structures be built above ground in the flood plain area. The new 2014 map would show that same area higher in elevation allowing the area to be planted with grass and become a park with a play area. Dedication of park property would need to be negotiated with the city and would be handled in the Development Agreement.

Ms. Gault stated DR Horton would like to defer the park plan dedication until the System Development Charge (SDC) offset is worked out with the city. An appraisal of the park land is needed and the Master Park Plan needs to be formally adopted by resolution. DeBry noted a change in SDCs would need to be addressed and noted a Home Owner's Association (HMO) would maintain the property if no agreement was met.

Mr. O'Brien reviewed the City's suggested changes to the original conditions of approval. Most of the conditions were deemed standard with no need to address them. The following were suggestions of changes or comments: 1-2. Rewording, which the City agreed on. The tax lot issue was being reviewed by a land use lawyer; 17. DR Horton felt a variance was no longer necessary for the landscape buffer or masonry wall; 23. They felt this additional

inspection or monitoring by City employees or engineering unnecessary if Clean Water Services (CWS), DR Horton inspectors and/or Washington County were already inspecting. He related that CWS had money in their budget and offered to landscape this area themselves; 25. This condition would not be required if FEMA removes lots 17-24 from the flood plain by DR Horton raising lots higher than required to be safe. The lots would become 4-5" above the flood plain; 26. DR Horton would continue working on the SDC offsets with the City. They would like to build a private park. If an agreement could not be reached, the park would be owned and maintained by an HMO. They noted how DR Horton had made a cul-de-sac at the request of the City and added an access road for pedestrians and maintenance vehicles with a fair amount of fill being moved just for this road. LaBonte inquired as to the width of the road. O'Brien said it would be from 12'-15' to accommodate two cars; 27. DR Horton felt this park item could be removed entirely as it would become part of the Development Agreement versus a Condition of Approval. Ms. Gault noted at this point, the discussion with the city was to have access to the area and to dedicate land which the City would develop in the future as part of the trails plan.

King asked Staff to review DR Horton's proposed changes on the conditions of approval. DeBry commented on the following: 2. The City wants the word county inserted along with city and state; 10. The City is fine with wording change. 17. The City requests this condition remain noting the importance of the frontage along West Union Road being properly planted including a sidewalk and landscape buffer; 23. DeBry suggested this item remain, with a change by adding a line to read "The City may waive the requirement if they deem CWS and County monitoring were adequate." The City wants the flexibility to inspect the wetland site; 25. The City is fine with the additional line regarding removal of the lots from the flood plain; 26. DeBry is fine with the exchange of a park for the offset of SDCs money, but noted as a private park under an HOA, the City would need access to the property. If it becomes private park, the HOA would need to assure City access to the trail; 27. It was agreed this item would not be needed once the terms of the park were worked out.

King polled the Planning Commission for questions. LaBonte was concerned about the plat map design using the pending 100 year flood plain map versus the currently published one. O'Brien noted they were using the 1983 map at this time, not the proposed one for 2014. He did note that the 2014 map would move the flood plain line 50' over, which was the information used in regards to the park discussion. LaBonte also asked about the access road grade wondering if the 7% slope was steep or gentle. DeBry noted the Americans with Disabilities Act (ADA) recommends 13% slope and DR Horton's is gentler than required.

Lenahan confirmed FEMA would be amending the flood plain map. Mr. O'Brien related they had submitted the application moving the line approximately 50' to the west. Once the work is done and surveyed, DR Horton expects to receive a Conditional Letter of Map Amendment removing the lots from the flood plain. DeBry said the City engineers have assured her, the plan will meet code. Lenahan asked what would happen if they don't approve the proposed new flood plain. Mr. O'Brien stated he had spoken with FEMA, and was assured it would

easily be approved. DR Horton had a geotechnical engineer look at the flood plain in the lower area and noted ground water being down 9' during winter. Nunnenkamp asked once it settles in, who would be required to dig it out. O'Brien doesn't think it will silt in because the creeks will be pulling sediment out.

Chris Kitteredge, Kitteredge Engineers, 6565 SW 207th, Aloha, OR 97007, came forward to state the only time water might back up is during a big storm during the winter. There will not be a lot of water. Currently when water breaches banks, it leaves within 2-3 days. At thispoint the site is not graded but will be when DR Horton are done, greatly improving the movement of water. In addition, Clean Water Services (CWS) wants to use the area for wetland mitigation and they will be maintaining this area. Olson asked how many cubic yards were to be moved. Mr. Kitteredge replied it would be fairly minimal with the flood plain total cut being approximately 3500 yards, and total fill being approximately 3200 yards for a difference of 300 yards.

King inquired if there were any proponents wishing to speak. Hearing none, he asked if there were any opponents.

Betty Martin, 30535 NW Old West Union Road. I live directly to NW of this project. When the new subdivision houses were put in behind power plant, a retaining pond was put in which failed. Since that time my property, the Volpp property and people to the north have flooded in 1996, 2007 and 2012. If fill is put in directly across from my property, where will water go? Insurance is expensive being about $3600-$4200 a year. Who protects us if all plans fail? With more runoff from streets, roofs, the creek will be filled with more water.

Venita Volpp, 30550 NW Old West Union Road. I am a neighbor of Betty Martin and lived on my property for 60+ years and seen many floods. I also have concerns about fill dirt. We flood every winter and those of us to the north will be effected more than we already are.

Danny Voils, 10826 NW McKay Creek Court. I live at McKay Creek Estates and question why the City would allow anyone to build on the flood plain. I am asking Planning Commission reject this application. We should have been notified of the request for a variance. Our neighborhood consists of 11 homes and shares the flood plain that this developer seeks to alter. Our neighborhood was completed in 1996-97 and every year the flood plain fills to overflowing; it can fill overnight. During 1998-99 West Union Road flooded up to the bridge and Kenny Fields' home became an island. The threat to homes is not in line with the City's own Comprehensive Plan. It states "All land within a 100 year flood plain elevation....should be preserved as much as possible." Let's do that for fish, open space, clean water, our children, the future of our town, and not give in to quick profit. The Comprehensive Plan states "Before any development can take place, surface water runoff can be handled on site or adequate provisions can be made for runoff which will not adversely affect any water in adjacent streams, ponds, lakes, other drainage, adjoining land, nor will such runoff adversely affect use of adjoining properties." The entire flood plain will

clearly be adversely affected by runoff. The requested variance to develop high density homes by altering this flood plain does not meet the conditions of The Comprehensive Plan and should be denied. You are being asked for a variance to alter a flood plain that is part of an interconnected waterway already altered by West Union. It empties into the Tualatin River and a small change could put everyone at risk. A perfect example is when Vernonia thought it could control water and many homes were destroyed and the City had to bear the cost. Olson asked if Kenny Fields' house flooded at all and did the water go east of his house. Mr. Voils answered that the water went to the bottom of bridge. Olson noted with the elevation at the bridge being 170' in elevation, most of this property will be 174' so it shouldn't flood.

Ms. Martin noted the north side flooded last October and Fields' trailer flooded up to the windows. DeBry said that the north side is not in the plan. Ms. Martin noted the south side of West Union Road also got very high last October and the whole area flooded up to Mr. Fields' house. She asked where the runoff from the proposed houses would go? DeBry, reiterated that lot was not in the plan.

King asked if anyone else had any questions. Ms. Volpp asked what the plan was for the land north of West Union Road, asking if it would it be developed into houses or not. DeBry said as part of this process, the City was asking lot lines be adjusted so that the lot 1200 terminates south of West Union Road. The remainder of the lot on the north side of West Union Road joins the parcel to the north and noted there would be no development on that piece of land. It would continue to be owned by Mr. Fields.

King asked if anyone else wished to make a comment. Hearing none, he inquired as to rebuttals. Mr. Kitteredge wished to speak. King asked that he speak on the surface runoff.

Mr. Kitteredge stated he understood everyone's concerns about flooding of their property. Once adjustment are made and FEMA approves the new floodway with the 2014 map, this fill area will not be considered in the floodway. The floodway is the area FEMA anticipates water will flow through during any flooding; the main flood path. DR Horton will not be building in the floodway. Five years ago, Washington County paid a water resources consultant to model most of the big creeks in the county including McKay Creek for the flood model and the 100 year future build out. DR Horton designed this subdivision with that model in mind.

Upstream on the north side of West Union Road, new analysis shows a dropping flood plain on the north side. FEMA will do a full study of the DR Horton analysis. DR Horton also discussed this change with CWS and Washington County. The 3000 yards of disturbance is not much and there are 300 yards more excavation than fill which will help the flood plain volume.

King asked if a retaining pond had been considered. Mr. Kitteredge said it had not because

with the water quality swale, the water will drain into creek. With a lot more impervious area than previously, the water will move quicker and will meet the code. Olsen asked what was meant by meeting the code and does the code prevent flooding of homes? Mr. Kitteredge stated with the existing flood plain at 170.1', there was some previous flooding of Mr. Fields' property with his house at 171-172'. When DR Horton is done, the lowest elevation of house floors will be between 173-174' which is 3-4' higher than the 100 year storm measurement. FEMA requires 1' higher than the flood plain, so the property will be above the requirement and there should be no chance of flooding once they are done. DeBry said "Never say never." He restated the flooding would be expected to be less than previous. Lenahan asked about excavating 3300 yards but filling 3000 yards. Why are they ending up taking out 300 yards more than they are filling with. Mr. Kitteredge stated that was the amount in the flood plain itself and that there would be additional excavation on sight not in the flood plain. Lenahan asked if that would make the ground lower. Low and Nunnenkamp inquired if the increased flow would affect the neighboring properties. Nunnenkamp and Olson wondered if the addition of asphalt, etc. would have an adverse effect on the creek. Mr. Kitteredge stated moving that soil would actually help the flow by moving the water faster. Nunnenkamp asked about why no retention pond was planned. Mr. Kitteredge said they only work if you are not close to creek.

Ms. Martin asked what guarantee the property owners would have that it would not fail? Mr. O'Brien said the same amount of rain that hits this property now will continue to hit this property. It will just leave the area faster. Mr. Kitteredge agreed it is the upstream stuff that could cause problems. He told how currently the flow of the creek is about 4000 cubic feet per second (cfs) and they are adding only 1 cfs to that flow, an insignificant amount. It should be no problem for an area that will be wider for the flow to go through. Several engineers said this would improve the situation just like the bridge had increased capacity. MR. O'Brien told how the bridge itself on West Union Road had improved the situation and that this change would be noted on the new flood plain plan. DR Horton worked directly with the engineer who did the initial study. Five civil engineers reviewed or will review the plan. The City engineer looked and thought the plan was acceptable, FEMA engineer and CWS engineer will review it, DR Horton's engineer, Chris Kitteredge, prepared this study with a review by another civil engineer. The Comprehensive Plan sets parameters for the code and the developer must comply with the codes. The City staff and City engineer found no problems.

Mr. Kitteredge stated he couldn't believe Mr. Fields' property was ever an island since the water didn't go over the bridge that was at 172' elevation. The area does flood, which is why DR Horton is raising the land up higher than required to help the area drain. Olson asked if there was anything more they could do to ease people's minds. Mr. O'Brien said that CWS did not want them going into the buffer area but they had used up every inch of land they could use. Ms. Martin asked to understand how the runoff would be helped. Mr. O'Brien said farm land drains slower, which hurts the flood plain area, asphalt runs off faster, water gets into the creek faster and out of the area faster. Ms. Martin asked if the creek is full, won't creek overflow. Mr. O'Brien said no. Study shows lowering the flood plain by West

Union Road will cause the creek to empty the same or faster. The subdivision will add such a small volume that it is almost insignificant. Mr. O'Brien stated he had done over 50 flood plain alterations in the last 30 years and this is standard procedure for them.

King he asked if there were any questions of staff or the Planning Commission. Hearing none, he closed the Public Hearing.

Closed Pub Hearing at 9:06 for Commission deliberation.

Nunnenkamp stated he still had an issue with the a one lane road going through a highly populated area with children. Such a narrow width of road with parking on both sides makes this a one way street which does not make a nice neighborhood. DeBry noted it is not a one way street and stated restricting parking to one side would not solve the problem. Nunnenkamp asked how it could be solved. DeBry didn't know that you could fix it with the narrow street and felt being too restrictive would make situation worse. She thought it better to see how the neighborhood worked out. If it becomes a problem, for example an issue with fire access, then the City could put up parking signs. Nunnenkamp asked if the concern was only about fire access. DeBry noted with narrow streets the cars would actually go slower and the parking would help calm the neighborhood. Nunnenkamp felt it was not a healthy situation for a neighborhood with children. He also felt everything had been done to alleviate the flood plain pressure on the surrounding properties although he was not in favor of modifying flood plain areas.

King asked DeBry if the Commission should approve the application with the modifications made by staff. DeBry restated the following changes just to be sure it was clear: 2. Reworded to say "The owner shall cause the existing illegal Tax Lot 1201 to be resolved in accordance with the city and state requirements"; 10. An addition to read "All conditions of approval must be completed within twenty four months of the date of this approval and will be subject to a new subdivision application review and fee, unless specifically modified in writing by an approved **extension or** phased construction schedule"; 17. To read "Applicant shall provide the City with an opaque landscape buffer plan for the adjoining the north side of Lots 24, 25, and 33 for approval. Indicate how the improvements will be maintained. If a HOA is established, provide the City a copy of the HOA agreement"; 23. Remain as staff recommended with an additional line at the end to read "In order to assure compliance with the detailed construction restrictions and requirements of Chapter 16.65 Floodplain alterations and Chapter 16.75 Significant Natural Area modifications, the applicant shall pay for the time necessary for a City employee or qualified consultant to monitor the construction in those sensitive areas. **The City may waive their requirement if it deems CWS and county monitoring is deemed adequate**"; 25. Presented as written with the addition of the line "**If applicant/property owner obtains approval from FEMA to remove the Lots from the flood plain this condition will not be required.**"; 26. Add to the last line "**provided an easement for a walking trail access is provided to the city.**"; 27. Completely strike.

King called for a motion. LaBonte moved to approve File #13-018-01-DR with the above changes to the conditions of approval. Olson seconded the motion and it was approved unanimously.

C. Variance to Reduce Flag Lot Setbacks, File #13-017-05-VAR. King opened the Public Hearing at 9:13 p.m., and called for abstentions, ex parte contacts or any conflicts of interest by any Planning Commissioner. There were no declarations by any Commissioner about potential conflicts of interest, personal bias or ex parte contacts. King asked if anyone in the audience wished to challenge any of the Commissioners for impartiality, and there were no audience members who wished to do so.

Lehnert presented the applicants request for a variance to reduce flag lot setbacks for Highland Court Subdivision from ten feet to three feet at the future residential subdivision to be located at the intersection of Highland Court and NW 307th Avenue.

Lehnert felt a three foot interior side yard would be consistent in design and scale within the neighborhood for lots 17-20, noting the original plan was for single-family attached housing which would have had no side yards. Single family detached homes are the norm on Curtis Street and 307th Avenue. If the full ten feet remained the requirement, these houses themselves would be limited to 17 feet in width. She felt the variance was inappropriate for lot 21 since the placement of the dwelling can be accommodated with side yards as prescribed in the code without a variance.

DeBry noted the plan originally called for a 20' private alley and the city is now suggesting a 12' paved driveway with path in front of lots 17 -20. DR Horton would prefer no pedestrian path but would be willing to do bollards between lots 18 and 19 instead. Lehnert noted people would be walking through anyway. DeBry thought a sign clearly stating "Pedestrian Access" would be a good idea. LaBonte noted the city's approved plat showed a walkway.

King asked the applicant to come forward.

Ryan O'Brien, representing DR Horton, 4380 SW Mcadam, Suite 100, Portland, OR 97239. He noted the flag lots are the only ones needing a variance for the side yards, not lot 21.

The 20' easement with a 12' paved path is a problem for DR Horton. DeBry inquired about a fence along the north edge of the alleyway. Katie Gault, representing DR Horton, 4380 SW Mcadam, Suite 100, Portland, OR 97239, noted DR Horton had no plans for a fence but left that decision with the property owners. Lenahan inquired about the accessibility for the Fire Department. Mr. O'Brien noted the Fire Department has access since the streets on both ends allowed the 150' distance required by a fire truck hose.

King asked who would be responsible for maintenance of the path. Ms. Gault noted it would be the responsibility of the Home Owners Association (HMO) through the Covenants,

Conditions and Restrictions (CCR). Nunnenkamp was concerned that CCRs can be hard to enforce.

There being no individuals present wishing to testify, King closed the public hearing at 9:37 pm for Commission deliberation.

Public Hearing Closed.
King called for Commission questions. There being no questions of staff, King called for a motion. Low moved to approve the application File #13-017-05-VAR, to reduce flag lot setbacks, LaBonte seconded the motion and it was approved unanimously.

7. STAFF REPORT. DeBry let the Planning Commission know City Council would like to have a joint meeting to discuss growth in the community and the Comprehensive Plan. DeBry thought she would like to do it next month with the 4th Monday possibly working for both groups. She let them know City Council had approved the sign ordinance with modification, grandfathering in the highway signs at McDonalds, Chevron and the 76 station. She told that City Council would be appointing members to the newly formed Parks Board at the next meeting. She also informed the commission that a large piece of property at the corner of Jackson School Road and West Union Road was being sold in anticipation of 200 houses being built in that area and noted it would be unique in that it will be a mixed use area.

Lenahan noted the discussion City Council had regarding the Sign Ordinance was lively. And that she had talked to 11 different people seeking input with only one opposed and the other ten being fine with the current signs being grandfathered in. Nunnenkamp asked what happens once the sign becomes aged or damaged. Lenahan said it can be repaired but once it is down, it cannot be rebuilt. DeBry introduced Becky Schultz. King polled the commission and it was decided to hold the next Planning Commission meeting June 12, 2013, at the North Plains Senior Center.

8. ADJOURNMENT
The meeting was adjourned at 9:50 pm.

Submitted by:

Pamela L. Smith, Account Clerk II

Minutes Approved: 8/14/13

Comprehensive Plan Discussion

Planning Commission 8/14/13

Comprehensive Plan

- Review purpose
- Discuss density goals
- Discuss potential direction for revision of Comprehensive Plan

Comprehensive Plan

- Guiding document
  - Municipal Code Chapter 15
  - Ordinances must implement policy and goals
  - Staff reviews applications in light of Municipal Code as it is

Basic Concepts from Comprehensive Plan

- Chapter 15.02.165
  - Residential land needs are projected based on a population of 4,000 in 2021

4,000 population ÷ 2.5 per dwelling =
1,600 dwelling units needed in 2021

Basic Concepts from Comprehensive Plan

- 15.02.020 Land Use Planning

"Residential: The City's goal is to achieve a mix of low density (40%), medium density (40%), and high density (20%) residential uses providing an average density of 8.4 units per acre."

Basic Concepts from Comprehensive Plan

- 15.02.020 Land Use Planning
  - Zones have specific adopted density goals
    - *Low Density (not used)* *4.4 units per acre*
    - Medium/Low Density Zone (R7.5) 5.8 units per acre
    - Medium/High Density Zone (R5) 8.7 units per acre
    - High Density Zone (R2.5) 17.4 units per acre
    - Neighborhood Community 8.4 units per acre

Approved in Comprehensive Plan

	Population	4000
Dwelling Units Goals	% Goal	1,600
High	20%	320
Medium	40%	640
Low	40%	640

The Math

	Plan Goal 2021	Density Goal	Net Acreage Needed	Average Citywide Density
High	320	17.4	18.8	
Medium	640	8.7	73.6	
Low	640	5.8	110.3	
TOTAL	1600		202.7	7.9

1,600 dwelling units ⍰ 8.4 net acres = 190.5 net acres

(Total Net Acreage divided by Total Plan Goal 2021 = Average Density)

Comprehensive Plan

- **Meeting the 8.4 density per net acre is likely**

Comprehensive Plan

- **Meeting the 8.4 density per net acre is likely**
- **Meeting the 20%/40%/40% goal is unlikely**
  - **Current density not contemplated in Comprehensive Plan**

Dwelling Units 2012

Density	Zone	SFD Detached	SFD Attached	Mobile	Multi Family	2012	
5.8	R 7.5	221				221	27.4%
8.7	R 5	272	46		38	356	44.2%
17.5	R 2.5	71	26	54	30	181	22.5%
-	C	7			33	40	5.0%
-	IND	8				8	1.0%
	TOTAL	**579**	**72**	**54**	**101**	**806**	

What We Have Compared to Goals

	Population	2000	4000
Dwelling Units	**% Goal**	**800**	**1,600**
High	20%	160	320
Medium	40%	320	640
Low	40%	320	640
Actual 2012	**% of Total**		
High*	26.6%	214	
Medium	44.2%	356	
Low	27.5%	221	

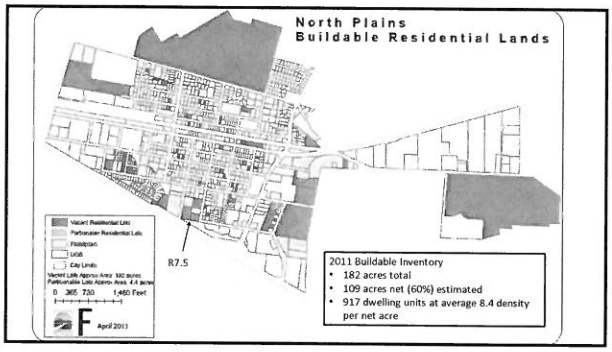
* Includes Senior Plaza with high density

What We Will Need Compared to 2021 Goals

	Population	2000	4000	
Dwelling Units	**% Goal**	**800**	**1,600**	
High	20%	160	320	
Medium	40%	320	640	
Low	40%	320	640	
Actual		**2012**	**Difference**	**% of New Units**
High		214	106	13.1%
Medium		356	284	35.1%
Low		221	419	51.8%

What We Will Need Compared to 2021 Goals

	Population	2000	4000		Acreage
Dwelling Units	**% Goal**	**800**	**1,600**		
High	20%	160	320		
Medium	40%	320	640		
Low	40%	320	640		
Actual		**2012**	**Difference**	**% of New Units**	
High		214	106	13.1%	6.1
Medium		356	284	35.1%	32.64
Low		221	419	51.8%	72.24



Zoning does not match housing mixture goal

- Most remaining land is zoned for density of 8.4 NC or 17.5 R2.5
- At an average of 8.4 net acre, North Plains has enough land in UGB for more than 1,600 housing units
  - 806 + 917 = 1,723 dwelling units

Short Term

Zone	2012	East	Highland	McKay	2015	2021	Remaining Need
High	214	46	27	33	320	320	0
Medium	389	30			386	640	254
Low	221	32			253	640	387
TOTAL	791*	108	27	33	959	1600	641

- Excludes SFD's in Commercial and Industrial Zones
- Population estimated at 2,400 in 2015 (About 6-7% annual growth)

Long term assuming no changes

- Total Housing units will exceed 1600 as 20+ acres of R2.5 acreage can be redeveloped in addition to known projects
- Long-term more than half of dwelling units will be high density

[1] Based on net of 34 acres at 8.4 net dwelling units per acre, and divided 20/40/40
[2] Smaller subdivisions and infill
[3] Excludes SFD's in Commercial and Industrial Zones

Zone	2012	East	North[1]	Known Other[2]	Total	%	2021	Remaining Need
High	214	196	57	60	527	36.6%	320	0
Medium	356	48	114	7	525	36.5%	640	115
Low	221	51	114		386	26.8%	640	254
TOTAL	791[3]	295	285	67	1438		1600	369

Discussion: Comprehensive Plan

- Is there a need to rebalance density and mixture goals?
  - Revise code to target 8.4 or encourage other goal?
  - Reevaluate zoning map to align with housing goal
    - Commercial
    - R2.5
    - NC

Commercial Zone

- Senior Plaza not included in residential zone
  - Rezone parcel to R2.5 to reflect use

R2.5

- Options
  - Continue with existing zoning
  - Allow developments that do not meet density goal
  - Rezone portions

Discussion: Comprehensive Plan

R2.5 Properties at Gordon, North Ave and Wascoe

16 acres (4 parcels)

Estimate Net 10 acres

10 acres
x 17.4 high density goal
= 174 dwelling units
(Existing maps on 14 gross acres has 71 homes)

Discussion: Comprehensi

Properties along McKay Creek

26 acres total (9 parcels)

Estimated net 12 acres (flood plain)

12 acres
x 17.4 high density
= 209 dwelling units

R2.5 Potential

- If zoning goals are met in long term:

174 + 209
= 383 low density units

Master Plan areas

Comprehensive Plan/Municipal Code is clear that 8.4 per net acre within urbanized area

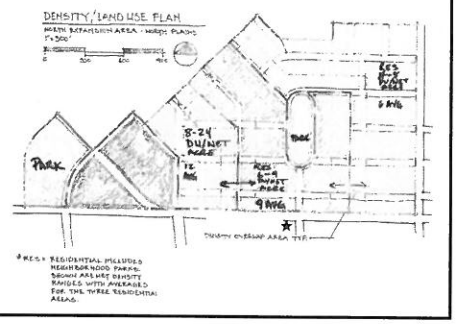
Must modify Comprehensive Plan prior to making a substantive change

Discussion: Comprehensive Plan

Master Plan Refinement for North expansion area possible

- New process
- Outreach essential
  - –Property owner support
  - –Community support

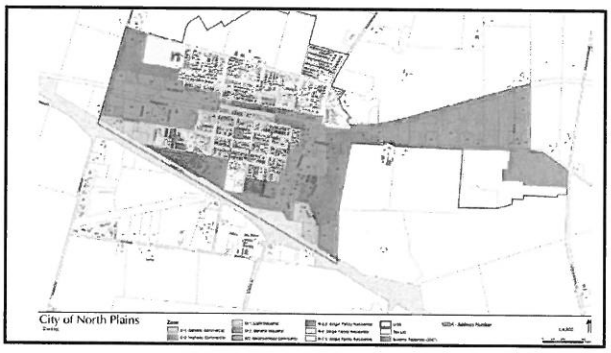
- Is mixed density desirable?
- Would traditional R7.5 or R5 be more desirable?
- Should more

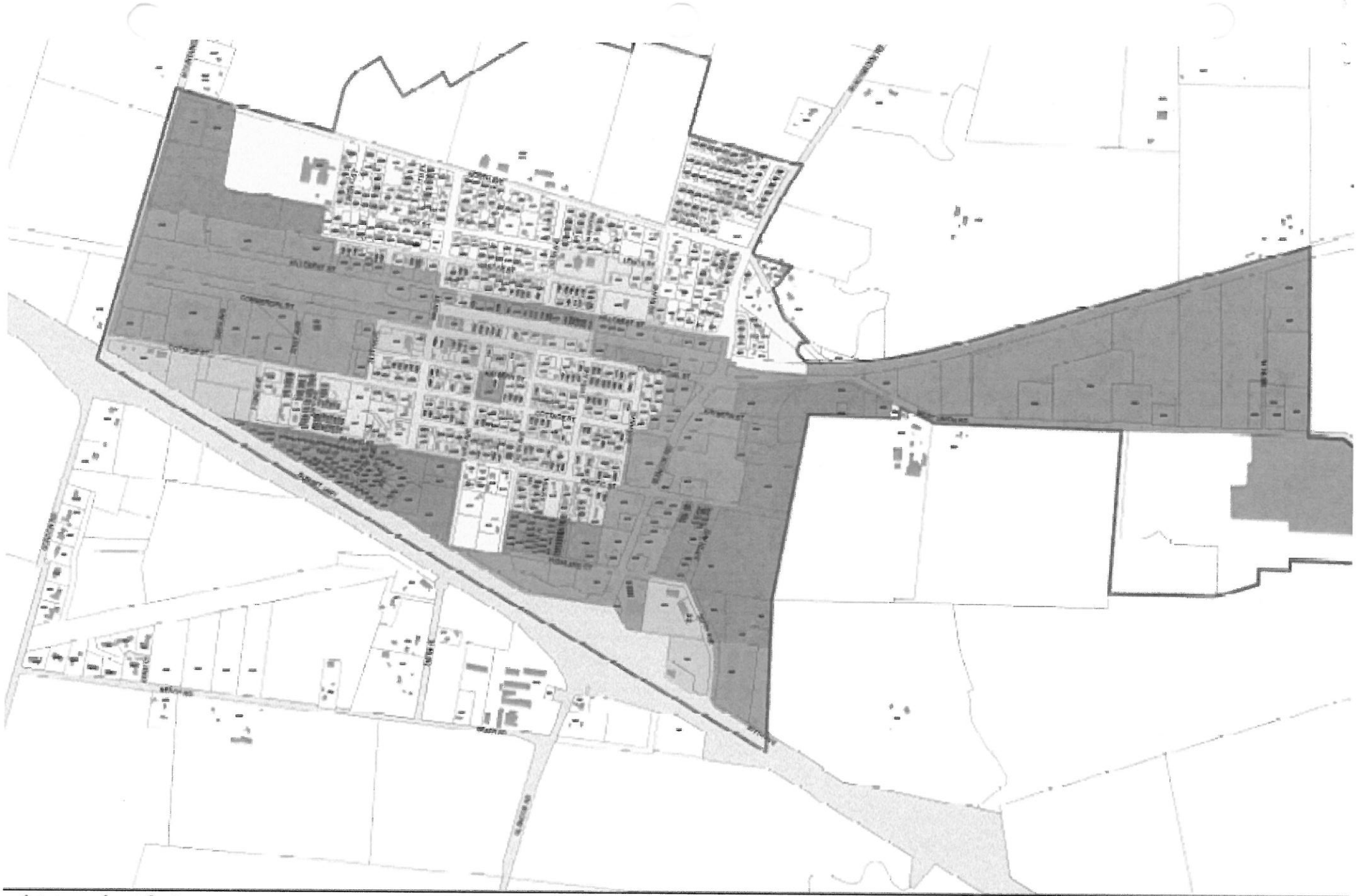


- First phase approaching
- Second phase annexation likely to be requested within year

Do we need to reconsider housing goals?

What should be the expectation for the final mix of housing?




of North Plains
Zone
C-1: General Commercial
C-2: Highway Commercial
M-1: Light Industrial
M-2: General Industrial
NC: Neighborhood Community
R-2.5: Single Family Residential
R-5: Single Family Residential
R-7.5: Single Family Residential
UGB
Tax Lot
Building Footprints (2007)
10234 - Address Number

North
NW Lenox St
NW Wascoe St
31360 NW Commercial St, North Plains, OR 97133, USA
NW Kaybern St
NW Cottage St
NW Glaxter St
NW Pacific St
NW West Union Rd
NW Highland Ct
NW 316th Pl
NW Beach Rd
NW Sunset
South Ave