

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

1. Chairman King called the meeting to order at 7:01 pm.

2. The pledge of allegiance was led by Chairman King.

3. **ROLL CALL**

**Commission:** Stewart King, Heather LaBonte, Doug Nunnenkamp and Daryl Olson present. Commissioners Ethan Hagar and Jeff Low, and Ex-Officio Teri Lenahan excused absence. Commissioner Aeron Braukman unexcused absence.

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

4. **PUBLIC COMMENTS**

None.

5. **CONSENT AGENDA**

November 13, 2013, Regular Session Minute Approval, Olson moved to approve the November 13, 2013, Regular Session minutes as written, Nunnenkamp seconded the motion and they were approved unanimously.

6. **PUBLIC HEARING**

A. Approval of Preliminary Subdivision Plat for a 5-lot Subdivision, File #13-44. King requested the reading of the quasi-judicial hearing process statement. 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. King noted he owns the brokerage firm that represented the applicant and stepped down. LaBonte took over the meeting at that point. The audience had no questions for, nor objections to, any Commissioners. LaBonte asked for the Staff Report to be read.

DeBry noted the applicant had proposed a 5-Lot Subdivision. In order to retain the 1925 home presently on the property (Lot 5), four new detached single-family dwellings were being proposed as well as a Tract A and Tract B. The applicant requested two minor variances regarding the area on lots 1-4, a minor variance for the width on lots 1, 3 and 4, and a standard variance for the width of lot 2. The subdivision would have three flag lots with Tract A being a shared private driveway for access to lots 2-4 and lots 3 and 4 would share a flagpole drive. Tract B would be a non-conforming lot for the preservation of the existing trees and would most likely become owned by the owners of Lot 5 (Michael and Marie Basile). While not a requirement this would be established to work around the maximum lot size of 9,000 square feet in zone R-7.5. Staff is recommending a variance to the lot maximum being

granted for Lot 5 and that Tract B be incorporated into the Lot. Staff is recommending the 2 minor area variances, the minor width variance and the standard width variance. The City is also requesting an extension of the 8" water main and the addition of a fire hydrant in the subdivision.

LaBonte asked if there were any questions or comments. Olson noted four lots were of substandard size and one was oversized. He asked if the square footage of all the lots was within the 10% or not. Nunnenkamp was also concerned with the substandard sized lots and the width of Lot 2 not meeting the standard.

Ryan O'Brien, 4380 SW Macadam Avenue, Suite 100, Portland, OR 97239, representing applicant Vince Biggi, noted the average lot size was 7500 for the five properties but the problem was the location of the current house and garage. Density for the site allows for five lots. O'Brien noted the plan meets the criteria and that variances are for unusual circumstances such as this one. He also noted infill properties sometimes have variances.

Nunnenkamp noted when developing an entire subdivision, it should be done correctly and meet the City's standards. The variance for the width of Lot 2 would not be a small variance and would not be in harmony with the rest of the neighborhood. Olson asked about the feasibility of the subdivision having four homes instead of five. (With three new instead of four new.) DeBry noted there were several small lots of similar size to the East of this property.

Mr. Biggi said that he didn't own the current house and trying to work around it was presenting a problem. He said that it was not feasible to develop a subdivision for only three new lots because of the costs involved. He also noted that he had built twice in that area of North Plains and had built 32' wide houses which were well built, beautiful and expensive homes, so a nice house could definitely be built on the narrow Lot 2. He also noted by removing one of the lots, there would still be a narrow lot, that it can't be avoided.

LaBonte asked about the requirements of the Fire Department. DeBry noted the Fire Department was fine with the property and would probably have no need to go down the driveway since it is a short enough distance to the homes from North Avenue, but a new fire hydrant would be installed near the shared driveway. LaBonte asked if the homeowner on Lot 5 shouldn't have been included in this meeting. DeBry said the home owners had signed the application and were aware of the meeting.

Letters had been received from two neighbors, Stacy Mills, 31790 NW North Avenue, and Richard Vandehey, 31880 NW North Avenue, concerned with the size of the lots. Each neighbor questioned why the builder proposed such a narrow lot (Lot 2) and also

why he wouldn't just do three new builds, instead of four. They felt four houses built in the small area available was not a good idea and asked that Planning Commission take that into account.

City resident Robert Vincent, 11255 NW 317<sup>th</sup> Place, North Plains, OR 97133, said he had talked to Neil Fernando of Emerio Design at the information meeting and he felt they had taken the resident's ideas into consideration. He felt the variances were fine and had no problem nor did his neighbor and he noted this neighbor had a small lot with a nice home. Mr. Biggi related how a narrow house can be a very nicely built home and that he had built and sold a 32' wide house for \$460,000.

LaBonte asked for discussion. Olson felt the variances were requested in order to squeeze an extra lot into the subdivision and that adding the four lots didn't meet the standards. He also felt it was not in harmony with the neighborhood. Mr. Biggi felt the Planning Commission hadn't consider future builds on this property from the beginning.

LaBonte asked about the 7' road dedication and DeBry said it was a requirement of Washington County. LaBonte asked if there was any more discussion. Hearing none and with no individuals present wishing to testify, she closed the Public Hearing at 7:38 and entertained a motion.

Olson moved to deny approval because the application didn't meet the minimum width requirements on all of the lots nor the square footage requirements. Nunnenkamp seconded the denial for the same reasons, not meeting the required criteria. LaBonte voted to approve the application. The Approval was denied by a vote of two to one.

King retook his seat as Chairman at 7:40.

**7. ELECTION OF OFFICERS**

- A. Chairperson Labonte nominated King and he was unanimously approved.
- B. Vice-Chairperson Nunnenkamp nominated LaBonte and she was unanimously approved.

**8. UNFINISHED BUSINESS**

DeBry led the discussion regarding revisions on the North Plains Comprehensive Plan Chapters 15.01 and part of 15.02. She let the Planning Commission know that once the revisions were made, they would have a chance to look those revisions over and further refine them if necessary before they would be submitted to Land Conservation and Development Commission (LCDC). Notations were made on the paperwork provided for the Agenda Packet but changes were discussed in particular, but not limited to, the following sections.

15.01.010 Population information was updated;

15.01.050 The Commission was okay with “softening” this language a bit, making this a goal, but not a requirement. DeBry would bring back the revised wording for review. She noted the range and diversity issue needed to be more clear including what the size of a neighborhood was and explaining a range of housing options, including rentals. Land area required per unit makes apartments hard to do. King acknowledged the change under #11 dropping the word “new” in regards to the Golf Course;

15.02.010 DeBry wanted to bring attention to the fact that the Planning Commission is designated as a Citizen Involvement Committee responsible for outreach with regards to the Comprehensive Plan. Planning Commission had not reported to City Council since 2007. The code says it should be done every 2 years and Planning Commission is now due to report to City Council;

15.02.020 DeBry made some revisions to the zones and noted how the goal for density of **40/40/20 mix** is not attainable and asked if the Commission would like that left in. The **density average of 8.4** dwellings per acre is attainable and, as a requirement, does need left in. The Commission felt it was good to keep the goal of 40/40/20, but not require it. DeBry also struck out the low density section as the City does not have that anymore and she relabeled the other residential zones. In the Neighborhood Community she suggested removing the 40/40/20 mix. Nunnenkamp asked when the City would be looking at the percentages again. DeBry said we could readjust if we were getting too dense. Until we expand, which would probably happen within the next two years, she felt there would be no need to address this. DeBry suggested putting in a range of minimum and maximum on the 8.4% density. (Example not less than 4% and not more than 10%) Being the first pass, she would make corrections to be approved when reviewed again.

The suggestion was made by DeBry to add a “Downtown Commercial” zone with different setbacks and conditions than the regular Commercial zone. King noted that C-1 zone is downtown and C-2 is highway which are already different. DeBry didn’t feel the setbacks in C-1 fit our downtown area. She also felt it would be nice to have a “Downtown Commercial Transition” Zone because downtown is so small. That would create the flexibility for businesses to be in Single Family Homes in that close residential area on the east end of town on Commercial Street, noting there are not enough small properties for new businesses. King asked if it would be considered an overlay. DeBry agreed that might be a way to make it work. King noted that the warehouses on the west end of town were not really commercial uses as intended. DeBry also did a flip in the Commercial uses between Institutional and Public Facility

uses. King noted the Community Service overlay district had never been considered since he was on the Planning Commission and DeBry felt that could be removed. King also felt schools and churches should be considered institutional or at least an overlay. The school is currently considered zoned 7.5 residential but is not really residential property that can be developed.

15.02.035 DeBry updated some of the language and felt there needed to be more explicit language about not building in the Flood Plain. King noted "unnamed tributary now had the name "Ghost Creek" and asked that be changed;

15.02.065 This section needed some updating in regards to parks, including the removal of the mention of a 20 acre park. DeBry noted we exceeded the minimum two acres of neighborhood parks per 1,000 population;

15.02.080 DeBry deleted most of this section and updated the mix and density information;

15.02.105 DeBry felt this section was too long and too detailed so she edited it;

15.02.144 This section was removed;

15.02.147 DeBry noted this section had been based on an old study and suggested the study be revisited;

15.02.160 The population projection information in this section would be updated. Nunnenkamp asked how the city could better promote commercial/ industrial growth. DeBry felt there was too little commercial space and no large buildings available. King also noted we should promote commercial/industrial growth noting the building east of town on the other side of the Oregon State Police (OSP) building with all of the infrastructure there, but no loading docks; and

15.02.163 A new projection would be received from Portland State soon to update this information.

DeBry felt enough had been covered for the evening and suggested the Commission would go over the rest of the information at the next meeting. She reminded the Planning Commission that once all changes are discussed and made, the Commission would have a chance to review the changes before a draft would be submitted to the Department of Land Conservation and Development (DLCD).

## **9. STAFF REPORT**

DeBry let the Commission know that 44 Building Permits were issued this year,

approximately ½ DR Horton and half infill. She also let them know that she had done an administrative variance for Sunset Terrace I. She reminded the Commission there would be two vacancies to fill with both Ethan Hagar and Aeron Braukman's terms expiring at the end of the month.

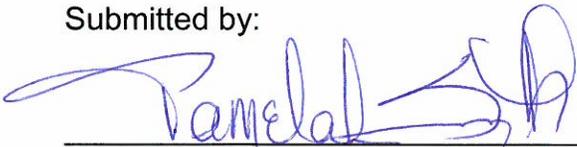
LaBonte asked about Home Occupation use in the Residential Zones and felt the definition should be more clearly defined with it being considered a secondary use in the residential zone.

Nunnenkamp commented on the signs at Commercial and West Union and noted one of the signs was quite unattractive. DeBry noted City Council had approved a new policy for rotating signs at that intersection and agreed the signs should be of professional quality. King stated there were a lot of frame signs and asked about the new sign pole scheduled to go in at that intersection. DeBry said City Council was looking at the design ideas and had not finished making that decision yet.

10. **ADJOURNMENT**

King noted the next scheduled meeting to be January 8, 2014 and adjourned the meeting at 8:53 pm.

Submitted by:



Pamela L. Smith, Account Clerk II

Minutes Approved:

2/12/14