

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

Ex-Officio: City Councilor Scott Whitehead.

Staff: City Planner Heather Austin, City Attorney Shane Abma, and City Recorder Margaret Reh

Audience: Dody Stanton, Evelyn Stanton, Robert Stanton, Jennifer Riding, Aaron Riding, Chris Goodell, Alex Hurley, Vince Biggi, Rob Bass, Alex Ugarte, Trista Papen, Erickia Dunbar, Bradley Petty

4. PUBLIC COMMENTS

None were forthcoming.

5. CONSENT AGENDA

- A. Approval of the Regular Session Agenda.

Motion by Eimers. Second by LaBonte to approve the Regular Session Agenda. Motion was approved unanimously.

- B. Approval of January 14, 2015, Regular Session Minutes

In the Zoning District R-7.5 discussion reflected in the January 14, 2015 minutes, Eimers clarified that the information he was planning to gather for the group regarding architectural standards was going to be distributed to the Commission, and that he did not intend to go through staff. He wanted to see that change reflected in the minutes.

Motion by Eimers. Second by LaBonte to approve the January 14, 2015, Regular Session Minutes as amended. Motion was approved unanimously. The change will be reflected in the final approved minutes that will be posted on the website.

6. PUBLIC HEARING

- A. A quasi-judicial Public Hearing held 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 requested the reading of the public hearing process for the quasi-judicial public hearing. King opened the public hearing at 7:09. King asked for any declarations of conflict of interest, ex-parte contact or personal bias of the Commissioners. King stated he was going to

recuse himself from the public hearing as his real estate brokerage firm represents the buyer/developer of this subdivision. King handed the gavel to Vice Chair LaBonte. LaBonte asked if there were any other Commissioners who wanted to declare any conflict of interest. Hearing none, LaBonte asked if anyone wanted to challenge any of the Commissioners. LaBonte asked for the staff report, but City Attorney Abma interrupted to inquire if there were any Commissioners who wanted to declare any ex parte contacts such as relating to the Parks Board members that may have heard something outside of record—was there anything that the Parks Board members obtained outside of record that the other Commissioners may not be aware. LaBonte stated that she actually had as she is a member of the Parks Board. She stated the information they received as Board members was less than what was submitted in the packet for this Planning Commission public hearing. Nunnenkamp stated that the Parks Board materials were the same as the materials on file at the City.

Heather Austin of 3J Consulting, 5075 SW Griffith Drive, Suite 150, Beaverton, Oregon 97005, introduced herself. Austin is representing the city for this subdivision application. 3J Consulting is an on-call planning firm that has been hired by the city as the planning representative.

Austin presented the staff report stating this is a 58-lot preliminary subdivision plan in the R-2.5 zone along with a flood plan permit; a Significant Natural Resources (SNR) permit; and a variance application requesting an encroachment into the 75-foot buffer of the SNR-McKay Creek Riparian Corridor.

Austin then distributed a document containing some revisions to the staff report, which had been given to the Commissioners, with the revisions in red. Washington County submitted requests that included five conditions into the notice of decision, and Austin provided the findings to reflect those. Also, the flood permit condition requiring the evidence of a flood plain development permit has been addressed following the city's protocol. Austin stated that the city staff does recommend approval of the subdivision application.

Discussions ensued: 1.) the concept of alley-loaded garages instead of garages that face the street; 2.) interpreting when variances can actually be applied; 3.) livability and the location adjacent to Nature's Needs; 4.) concern about how city staff will track that the conditions and standards are being met prior to approving Land Use Permits on each lot; 5.) interpreting when a new property is created and applying variances; 6.) concerns about no improvements to the right-of-way on Pacific Street; 7.) sidewalks being half in the public right-of-way and half on private properties; 8.) using city code and/or Washington County code; 9.) street trees and ensuring that homeowners will maintain a tree in their yard; 10.) clarification of street lighting; 11.) parking concerns and having space to put out garbage/recycling cans; 12.) street-naming since it will be a north/south street should be numerical.

LaBonte invited the applicant forward. Chris Goodell, AKS Engineering, 12965 SW Herman Road, Suite 100, Tualatin, Oregon—representing the applicant, Biggi Construction. Goodell stated he has been working with city staff, City Planner Heather Austin, the Public Works Department, the city engineer. They have gone through the pre-application conference. The applicant has completed the process and compiled the application from the feedback received. Goodell walked the Commission through the highlights of the application and addressed a few of the concerns satisfactorily.

Alex Hurley, 12965 SW Herman Road, Suite 100, Tualatin, Oregon, Engineer with AKS further elaborated on the encroachment into the Significant Natural Resource buffer. The development will be preserving the buffer. It is being mitigated to a different area.

Discussion ensued regarding Clean Water Services (CWS) allowing a trail along the McKay Creek corridor. An easement for a proposed walking trail can be required as a condition of approval. The developer has been in communication with CWS. CWS stated on its approval list that they would require a second study for the walkway. The Commission is concerned that CWS could deny a walkway in the future, which will not meet the vision of the city.

Discussion followed regarding limited on-street parking and traffic issues. The application has been reviewed and approved by the Fire Department. Traffic studies were completed, and the results were submitted with the application.

Discussion continued regarding the variance request for an encroachment to the Significant Natural Resource (SNR). Six acres of this property is dedicated to the waterway and SNR; about half of the property is a natural resource area. North Plains' city code has a 75-foot buffer, and the standard is normally 50 feet. Discussion followed regarding the mitigation of the buffer and the steps that will be taken in the mitigation. Lots 6-9 and 15-25 are the lots that would be encroaching in the SNR. It would be the backyards that would be encroaching. There would not be any structures built in the SNR.

Discussion ensued regarding following the code as it stands now, not the intention or aspirational goals of the Comprehensive Plan that is being revised.

Aaron Riding, 10065 NW 307th Avenue, North Plains, appeared as an opponent of the application. He spoke to the lack of space for parking of vehicles. He stated that a 12-foot driveway may provide two spaces, but the cars would be touching. The neighborhood in which he lives also has a compressed plan, and the residents are experiencing the limitations of that type of plan.

The language of the code was questioned by the Commission. The Commission directed legal to research some of the language and return with some clarification. The members would like an explanation about the language used for variances in the code, including Chapter 16.75 SNR. In the code for the variance, for example, the words "last resort" are used, which seemed to them to be strong language to use in the Code. They questioned where the balance should be between "last resort" and that which is "reasonable." They asked for examples from other communities that may have struck a balance between these terms. The Commission also questioned livability and how the variance will affect the livability in this subdivision.

Motion by Eimers. Second by Olson to continue the public hearing until March 11, 2015. The motion was approved unanimously. The public hearing will remain open and testimony can still be submitted.

Commissioner King returned to the position of Chair.

7. **STAFF COMMENTS**

DeBry was absent due to a family emergency. No staff comments were received.

8. ADDITIONAL BUSINESS

A. Review of Land Use/Building Permit Project List

No comments or questions were asked by the Commission.

B. Time allowed for Commissioners to bring up old, unfinished or additional issues before meeting is closed.

At a prior Commission meeting, Commissioner Eimers had offered to prepare a list of development controls. Eimers distributed this list to the Planning Commission. He explained it is not exhaustive. It was a place to start. The concept is there and can be adjusted. It was stated that the city would not want to be so restrictive that developers have no flexibility in what they can offer or the conditions cannot be accommodated. Discussion ensued. Eimers suggested the Commissioners tour the Edwards Meadows development in Hillsboro. It has a design that has cul-de-sacs which are extended so they can get a lot of frontage. King asked Eimers to provide the addresses of the sites of these designs so they can be toured virtually.

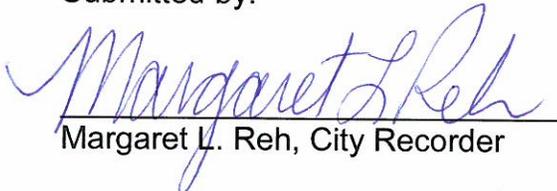
The Commission members discussed the status of the Comprehensive Plan (Comp Plan) in relation to their work on the Development Code. The consultant has been hired to work on the Comp Plan and is starting with the vision for the community. A steering committee has been created to formulate the vision. The committee's next meeting will be March 31, 2015. King suggested the Commissioners put together their concerns and comments and submit them to staff. A request was 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.

King welcomed the new Planning Commissioner, Lonnie Knodel and new City Councilor, Scott Whitehead, who was serving as ex officio for the night.

9. ADJOURNMENT.

Chairperson King adjourned the meeting at 8:31 p.m. The next scheduled regular session of the Planning Commission is Wednesday, March 11, 2015, which is currently scheduled to be held at the North Plains Senior Center.

Submitted by:


Margaret L. Reh, City Recorder

Date Minutes Approved: 03/11/2015