

Rivergrove Planning Commission Minutes October 2, 2017

CALL TO ORDER AND ROLL CALL The meeting was called to order at River Grove Elementary School library at 7:02 p.m.

Present: Commissioners Andrew Dausman (chair), Jennifer Crock, Jonathan Sweet, and Jeff Williams. Leanne Moll declared a quorum. Mayor Heather Kibbey was also present.

CONSENT AGENDA

1. Minutes from the September 11, 2017 Meeting.

Motion: Commissioner Sweet **moved** to approve the minutes from the September 11, 2017 meeting as presented. **Seconded** by Commissioner Crock. The motion **passed 3-0**. Commissioner Williams abstained.

NEW BUSINESS

1. Completeness Review for a Development Permit Application for a single-family home at 4620 Dogwood Drive, submitted by Larry Todd of Maywood Homes.

City Planner Carole Connell summarized the Completeness Report distributed to the Commissioners. One new item was the City Arborist's memo dated September 29, 2017. Brian French recommended that the applicant submit a current arborist report written by a ISA Certified Tree Risk Assessor.

Commissioner Dausman asked if the Commissioners could decide that the application was complete with the current information. **Chair Dausman wanted to make sure that the Commission had enough information to determine if the application was complete, not if the Commission had enough information for approval or denial.** Ms. Connell explained that the Commission is not required to evaluate the information submitted with the application at this time, just if the application is complete.

Ms. Connell continued to summarize the Completeness Report: The lot is an adequate size and meets all the setbacks and height limit, including the vegetative corridor setback. The house itself is larger than a previous application and extends toward the river, even without a pool. There is also a covered outdoor patio in the application. The finished floor of the house is at 127.3 feet, which is above the Base Flood Elevation of 124.8 feet. Some of the patio is half a foot or less above the 124.8 feet Base Flood Elevation.

A new grading plan was submitted that establishes a new Base Flood Elevation. The applicant went ahead and did a slight "finished" grading plan that will level out the land under the foundation and is in accordance with documents adopted by FEMA and the City.

All agencies, sewer, storm water (WES), and power, etc. will be notified and asked for a response.

The applicant is requesting that thirteen trees be removed. Seven are in the house footprint and six are within 5-6 feet of the home's foundation. Because of the large trees and their placement

in the vegetative corridor, the Commissioners can weigh-in on site design in order to minimize the removal of trees.

Mayor Kibbey commented that FEMA requires that no unnecessary trees be removed that may impact salmon habitats in the Tualatin River.

A storm water plan for this house was not received. In the prior application review, WES commented that if the home is less than 5,000 square feet of impervious surface, a storm water plan is not required. The City will still send the new application materials to WES for their comments. The applicant claims that a storm water plan is not needed, but the City does not know if that is the case or not.

Ms. Connell concluded that because the property is partly in the floodplain, the proposed application must have a Type III hearing and be fully noticed. The staff recommends that the application be deemed complete if the updated Arborist Report is received at least 14 days before November 6, the hearing date.

Mayor Kibbey informed the Commission that Mr. Todd is currently not the owner of the lot. Steve Edelman is still the owner, and the City cannot issue a development permit until Mr. Edelman resolves his two land use violations with the City: 1) mitigation trees planted on the riverbank and 2) moving a retaining wall, both at 4650 Dogwood Drive.

Motion: Commissioner Dausman **moved** to accept the application as complete with the following condition: a current tree report for development from an ISA Certified Tree Risk Assessor to be provided 14 days before the hearing on November 6. **Seconded** by Commissioner Sweet. **Passed 3-0.** Commissioner Williams abstained.

2. Retroactive Tree Removal Permit Application for a Douglas fir in the floodplain at 4546 Dogwood Drive, submitted by Gail Martin (owner Betty Shogren).

City Manager/ City Recorder Leanne Moll explained that the home at 4546 Dogwood Drive is currently vacant, as the owner, Betty Shogren, is in a care facility. The applicant is Betty's daughter, Gail Martin, who is managing the home from eastern Oregon.

Last winter a large Douglas Fir tree close to the riverbank fell and did \$90,000 of damage to the home. The tree has since been removed and repairs are underway at the home. Since the tree is in the floodplain, the City asked the applicant to submit a retroactive Tree Removal Permit Application to determine mitigation. City staff do not suggest a fine be issued in this case.

Mayor Kibbey explained that requiring a permit is necessary, but the Commissioners can decide if they would like to require mitigation on the property.

Commissioner Williams, who lives next door to the property, questioned if there is adequate space on the property for a mitigation tree. He noted that the lot is densely populated with mature trees. He asked if the Commissioners could request a mitigation tree, but not require it. He was concerned that there is no place for a tree to be planted and to thrive on the lot.

Commissioner Dausman commented that he is amenable to request, but not require, mitigation.

Commissioner Crock noted that she thinks it would be appropriate to plant a young tree on site.

Motion: Commissioner Sweet **moved** to approve the retroactive Tree Removal Application and to suggest, but not require, that the applicant mitigate with one tree, final location (along the riverbank, if possible) and species to be recommended by Brian French or the Clackamas Soil and Water Conservation District. **Seconded:** Commissioner Dausman. Motion **passed 4-0**.

OLD BUSINESS

1. Continued Deliberation of Amendments to the Comprehensive Plan, City File 2016-05.

Commissioner Crock removed herself from the table and did not deliberate with the Commissioners.

Mayor Kibbey explained the necessity of the amendments: The pedway on Pilkington belongs to the City of Rivergrove, and not Lake Oswego, as stated in the prior Comprehensive Plan. The other part of the amendment is a correction regarding the annexation policy. The wording in the Comprehensive Plan from 1989 to 2011 allowed for small annexations to the City. Somehow in 2011, the wording changed to prohibit minor annexations, with no public comment. Council requests that the Planning Commission send the amendments to City Council for further public comment.

Commissioner Dausman explained that the Planning Commission already deliberated the amendments and carefully questioned them. Because a hearing with public input will be held at a City Council meeting, Chair Dausman feels comfortable following the City Attorney's recommendation.

Motion: Commissioner Sweet **moved** to approve the amendments to the Rivergrove City Comprehensive Plan, City file no. 2016-05.

Seconded by Commissioner Williams. Motion **passed unanimously 3-0**.

Commissioner Crock took her place back at the Commissioners' table.

2. Update on Tree Ordinance.

Commissioner Williams provided a procedural comment on the Tree Ordinance: The beginning of the new Tree Ordinance will be focused on the experience of a resident who would like to remove a tree. The Ordinance will later address tree removal issues in development and construction. The Tree Board hopes to create a document that is sequential, logical, straightforward, and simple.

3. Update on conditional use for docks in the Flood Plain Ordinance #70-2001.

A draft of a potential amendment to the Flood Plain Ordinance #70-2001 was provided by City Attorney Bill Kabeiseman

Ms. Connell wondered if the draft was adequate as written, i.e. just an amendment of Ordinance #70-2001, or if the amendments need to cross-reference other relevant Ordinances in the RLDO. Ms. Connell is concerned that there is a lot of technical work to cross-reference the Flood Ordinance with other pertinent Ordinances.

For instance, there are no Conditional Use Review Criteria in Ordinance #70-2001. There are Development Standards, but now review criteria. Another section of the RLDO would need to be referenced.

Ms. Connell also questioned the lack of definitions in the draft. There's a Future Development section in the RLDO that states you can't go 25 ft within the High Water Mark. Alteration of the bank is development, which requires a development permit. Does the amendment say you need a development permit? Do you need development? Ms. Connell would like to see something connecting the two ordinances.

Chair Dausman asked if the City can put a continuity note in the Ordinances?

Mayor Kibbey mentioned that we could make a note like that in the unofficial compilation of the Ordinances that are featured on the City website, but not in the actual ordinances.

Ms. Connell will call Mr. Kabeiseman to ask him her more technical questions before the hearing.

Commissioner Dausman stated that the frame of the Ordinance is present enough to hold a Hearing at the next meeting. The hearing could always be continued, if more questions arise.

Commissioner Williams asked if the City should consider making requirements relating to high level minimum constructions standards, like if the dock is constructed out of aluminum or high-pressure treated timber, which has a chemical component.

Mayor Kibbey explained that the County can determine those construction standards for the building permit.

Mr. Williams questioned if the County was concerned about the environmental makeup of the dock. Does the Commission want to suggest minimum standards for the dock?

Commissioner Williams noted that when his recently constructed dock was inspected by Clackamas County, they were not at all interested in the dock, but were mostly concerned with the footing and hinges. The inspections seemed perfunctory and not thorough. Commissioner Williams was concerned that pressure-treated lumber and other dock materials may affect the health of the river.

Mayor Kibbey requested that Commissioner Williams research the environmental impacts of docks.

City Manager/City Recorder Leanne Moll will call Cheryl Bell, Deputy Building Codes Administrator, to ask about Building Permit requirements and specifications for docks.

A Type IV Hearing will be placed on the agenda for the November 6, 2017 meeting.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Sherry Patterson, Commissioner of the River Grove Water District notified the Commissioners that the Lake Oswego School District is considering building a bus barn on Lakeview Boulevard. Residents in Lake Grove are concerned about the noise and increased traffic on Pilkington and Childs. Ms. Patterson is concerned that the bus facility may have a negative impact on surrounding residential areas, including Rivergrove.

Michael Salch commented that he is interested in dividing his property and is particularly concerned about the front of the lot. He is trying to figure out the right-of-way and the deeds to the properties on Childs Road. Mr. Salch distributed a CAD drawing that depicts Childs Road,

including addresses, widths, dimensions, and square footage of homes. He has discovered that final plats are inconsistent, and there are surface water drainage issues. He intends to look at Clackamas County drawings to compare with his own.

Regarding the front of his lot, Mayor Kibbey replied that Mr. Salch would need to dedicate a minimum of 16 feet from the curbside. She explained she has communicated with the County repeatedly on this issue, and they will not budge because they have to follow federal guidelines.

Commissioner Dausman commended Mr. Salch's research.

Mr. Salch noted that there is pressure on Childs to have its classification moved to a busier street. Having the right-of-way well-understood is integral to the goals of the Transportation Committee.

CORRESPONDENCE & REPORTS

None.

COMMISSIONERS' REPORTS

None.

ADJOURNMENT

Motion: A motion to adjourn was made by Commissioner Sweet.

Seconded by: Commissioner Williams.

Motion passed 4-0.

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Leanne Moll, City Manager/ City Recorder