

**Rivergrove Planning Commission Minutes
December 4, 2017**

CALL TO ORDER AND ROLL CALL The meeting was called to order at River Grove Elementary School library at 7:00 p.m.

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

CONSENT AGENDA

1. Minutes from the November 6, 2017 Meeting

Motion: Commissioner Dausman **moved** to approve the Minutes from the November 6, 2017 meeting as presented. **Seconded** by Commissioner Sweet. The motion **passed 5-0**.

OLD BUSINESS

1. Type III Hearing for a Development Permit Application for a deck renovation and new patio in the floodplain at 4640 Dogwood Drive, submitted by Connie Dalton.

City Recorder Leanne Moll summarized the staff report by City Planner Carole Connell, who was not present:

The applicant requested the city's approval to renovate and extend an existing deck, replace a portion of deck with a staircase and alter a patio under the existing deck within the Tualatin River Water floodplain.

No service agencies were notified of the request because there is no change in use and very minor change to the landscape.

The deck and patio conform to all R-Zone setback requirements and do not affect the conforming building height or the yard front and rear setbacks of the existing dwelling. The 10-foot minimum side yard setbacks will be maintained.

Although the deck is elevated well above the floodplain the deck construction materials and anchoring for supporting beams, the staircase and the concrete pad shall comply with FEMA flood proofing requirements.

It is unlikely that the deck or patio are in a Water Quality Resource Area because the back of the home is at 80 feet from the river.

A deck beam, the new stairway and the ground-level concrete patio are proposed in the floodplain therefore flood-proofing provisions are applicable. There will be minor ground work but no cut, fill or excavation. The applicant said they will prepare engineered plans with flood-proofed material information for the building permit submittal if the alteration is approved.

Staff recommended that the development permit be approved and the applicant must obtain and comply with Clackamas County building permit and erosion control provisions in order to proceed with construction, including structural flood-proofing.

Proponent:

Connie Dalton, 4640 Dogwood Drive, applicant, briefly stated that she supported the application.

Neutral:

None.

Opposed:

None.

No other public comment was received or recorded.

Motion: Commissioner Dausman **moved** to close the public record. Seconded: Commissioner McKay. Motion **passed 5-0**.

Motion: Commissioner Dausman **moved** to approve the application based on the conditions in the staff report. **Seconded:** Commissioner McKay. Motion **passed 5-0**.

NEW BUSINESS

1. Completeness Review for a Development Permit Application for a home renovation in the floodplain at 5638 Dogwood Drive.

Ms. Moll summarized Ms. Connell's completeness memo:

The applicant, Arne Nyberg, requested the city's approval to remodel and raise the dwelling and deck above the Tualatin River Water floodplain.

Staff recommended that the Planning Commission could accept the application as complete subject to submittal of applicable information in compliance with Ordinance 70-2001 and set a public hearing at the next Planning Commission meeting on Wednesday, January 3, 2018. Or the Commission may determine more information is needed prior to accepting the application as complete.

The additional information needed included Section V Flood Standards – Structural floodproofing provisions – pending county permit review and Section IV G WQRA vegetation removal, restoration and maintenance plan.

The applicant's contractor, Dean Scheper, explained that the Nybergs would like to raise their residence out of the floodplain. The garage will be in the same height, but built with FEMA floodproofing standards. The lot and the riverbank will not be damaged in any way. Mr. Scheper explained that he has experience building on the river and applying FEMA flood proofing standards.

Mr. Nyberg added that he has high water marks in the home from the 1996 flood and this renovation will raise the home above the base flood elevation. The existing home is slab on grade and the contractor will excavate the surface with a geotechnical engineer on site. The foundation wall will be built around the three sides, and the back will be open; there will also be basement.

Commissioner McKay asked why the project is considered a remodel if the existing structure will be demolished and if building is permitted in the WQRA in the footprint of an existing structure.

Commissioner Dausman reminded the Commissioners that there has been recently a need to scrutinize development applications in WQRA. He would like the applicant to make a plan for maintaining and restoring the WQRA.

Commissioner McKay noted that he would like to see a plan that delineates the border of construction and a tree protection plan to protect the trees and vegetation currently in the construction zone.

Motion: Commissioner Dausman **moved** to accept the application as complete and schedule a Type III review on January 3, 2018 with the condition that the City receive the mailing labels, structural flood proofing provisions, pending the county approval, and the WQRA plan that also includes the limits of construction and the location of sensitive trees and how they will be protected. **Seconded:** Commissioner Williams. Motion **passed 5-0.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Michael Salch, 5255 Childs Road, noted that the Tualatin River's e-coli reading at Stark Boat Ramp during rainstorms is at a dangerous level. Mr. Salch spoke with Andrew Swanson at WES recently regarding his concerns about storm water run-off affecting the Tualatin River's water quality.

Mr. Salch also presented a document that explores Childs Road right-of-way and setback requirements in front of his home and west to Pilkington Road. He will continue to work with the county to explore the road inconsistencies.

Commissioner Dausman noted that Mr. Salch has dedicated much time and effort to this cause. The jurisdiction and development status of the north side of Childs Road is extremely complicated and important to the continued development of Rivergrove.

Commissioner Sweet asked Mr. Salch what an acceptable level of e-coli would be. Mr. Salch suggested lower than 1500 MPN per 100 mL, according to some health experts. Currently, the e-coli measurements are not at that point, but may reach that measurement soon.

Colleen Nyberg, 5638 Dogwood Drive, noted that she thinks a sign warning people of the high e-coli levels would be appropriate considering many people swim and even snorkel in the river during the summer.

CORRESPONDENCE & REPORTS

City Recorder Ms. Moll received an appeal letter from attorney Michael Robinson on behalf of Steve Edelman appealing the decision to deny the removal of 13 trees in the floodplain at 4620 Dogwood Drive. The appeal hearing will be held at the January 8, 2018 City Council meeting.

COMMISSIONERS' REPORTS

None.

ADJOURNMENT

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

Seconded by: Commissioner Dausman.

Motion passed 5-0.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Leanne Moll, City Manager/ City Recorder