

**Rivergrove Planning Commission Minutes
January 3, 2018**

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 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 December 4, 2017 Meeting

Motion: Commissioner Sweet **moved** to approve the Minutes from the December 4, 2017 meeting as presented. **Seconded** by Commissioner Crock. The motion **passed 4-0**.

OLD BUSINESS

1. Type III Hearing for a Development Permit Application for a development permit and conditional use approval to raise and remodel an existing single-family dwelling above the 100-year floodplain, submitted by Arne Nyberg.

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

Applicant: Arne Nyberg, 5638 Dogwood Drive.

Mr. Nyberg commented that the home had three feet of water throughout in the 1996 flood, which happened before the Nybergs purchased the home, so floodproofing and raising the home are a priority. The Nybergs have also been concerned about how to properly plant and care for the riverbank. The Nybergs are interested in restoring and stabilizing the riverbank with plants and have submitted a plan for restoring the Water Quality Resource Area.

Commissioner McKay asked what the 30' area delineated in the first drawing indicates. Dean Scheper, Mr. Nyberg's contractor noted that the vegetated corridor extends 25' from the riverbank. The 30' mark indicates that they have exceeded that line by 5' and that no construction will happen within the vegetated corridor. Mr. Scheper will be constructing a fence, so no workers will be able to enter the vegetated corridor.

Proponent:

None.

Neutral:

None.

Opposed:

None.

No other public comment was received or recorded.

Commissioner Sweet moved to close the public record.

Motion: Commissioner Sweet **moved** to approve the development application based on the conditions in the staff report dated December 27, 2017. **Seconded:** Commissioner Crock. Commissioner Crock noted that the project will retain a majority of the slab foundation. There will be a net improvement of the flow of water should a flood condition occur and there are no major issues with the soil. This project is very beneficial and an improvement.

Commissioner Williams asked if the actual height of the home is determined by slope.

Michael Salch answered that the slope is determined by taking the average of the highest section of roof, which he believes creates a subjective criterion.

Mayor Kibbey noted that the state of Oregon uses a different slope formula and City Planner Carole Connell can inform the Commission of the state formula when she next attends a meeting.

Commissioner McKay asked why there is no tree mitigation required with this particular application. Commissioner Williams noted that there are no trees removed, so no mitigation is required. Commissioner McKay asked if there is no mitigation required, why is the Water Quality Resource Area restoration plan required? Dean Scheper noted that the shrubs and plants would likely stabilize the banks better than immature Douglas Fir. Commissioner Crock noted that no mitigation is required by definition because no trees have been removed. Commissioner McKay commented that if trees are the most important aspect of stabilizing the bank, then the Planning Commission should require tree mitigation. Commissioner Williams noted that the big difference is that the construction is not impacting that part of the land. Commissioner McKay asked if the existing plants and trees will be dug up and removed. Mr. Nyberg responded that nothing in the Water Quality Resource Area will be removed or touched. The willows and red twig and other native plants will serve to stabilize the bank. This will be an improvement for the wildlife as well.

Motion **passed 4-0.**

NEW BUSINESS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Michael Salch presented documents relating to the center line of Childs Road, which Mr. Salch believes has inexplicably changed since 2010. There is now a 30' of right-of-way instead of a 20' right-of-way. The survey from 2009-2010 and the preliminary surveys for new construction on the corner of Pilkington and Childs are the only drawings that say the right-of-way is 30'. Mr. Salch has spoken to Clackamas County managers and surveyors who have worked on Childs Road, who confirmed that the most recent surveys are accepted by the County.

Mr. Salch shared his CAD layout based on his calculations. In the current surveys, the center line on Childs is slightly south by 6'. The corner lot on Pilkington and Childs has a 5' clearance from the south of the property line and north of the Childs Road right-of-way. The lot gained 5'; instead of that lot being 200 feet, now it is 204.7 feet. Mr. Salch also gained about a foot of land, so he will not need to dedicate any land to the right-of-way.

Mr. Salch commented that the 30' right-of-way fulfills the typical collector road right-of-way. He believes it is very important to keep Childs Road as a collector and not an arterial road. In an arterial, certain lane widths, sidewalks, and bike lanes are required and the right-of-way is impacted.

Mayor Kibbey and Commissioner Sweet thanked Mr. Salch for his research and work exploring this issue.

Mr. Salch noted that there are additional areas that need more research, especially the intersection of Pilkington and Childs Roads.

CORRESPONDENCE & REPORTS

City Recorder Ms. Moll reminded the Commissioners that the hearing on appeal of the decision to deny the removal of 13 trees in the floodplain at 4620 Dogwood Drive will happen at the next City Council Meeting on Monday, January 8, 2018.

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 7:38 p.m.

Respectfully submitted,

Leanne Moll, City Manager/ City Recorder