

**Rivergrove Planning Commission Minutes
February 5, 2018**

CALL TO ORDER AND ROLL CALL The meeting was called to order at River Grove Elementary School library at 7:04 p.m.

Present: Chair Andrew Dausman, Commissioners Jonathan Sweet (vice chair), Jennifer Crock, and Jeff Williams. Commissioner Jacob McKay was not present. City Recorder Leanne Moll declared a quorum.

CONSENT AGENDA

1. Minutes from the January 3, 2018 Meeting

Motion: Commissioner Dausman **moved** to approve the Minutes from the January 3, 2018 meeting as presented. **Seconded** by Commissioner Williams. The motion **passed 3-0**. Commissioner Dausman abstained.

Chair Dausman thanked Commissioner Sweet for chairing the last meeting.

Commissioner Sweet nominated Andrew Dausman to Chair the Planning Commission for 2018. **Seconded** by Commissioner Williams. **Motion passed 4-0**.

Commissioner Dausman nominated Jonathan Sweet to serve as vice-chair, citing his experience and willingness to chair meetings. **Seconded** by Commissioner Crock. **Motion passed 4-0**.

Chair Dausman noted that he will not be chairing the commission next year citing the 3 year term limit stipulated in the City Charter.

OLD BUSINESS

None.

NEW BUSINESS

1. Tree removal permit for a willow in the floodplain at 5710 Childs Road, submitted by Bill Tuttle.

City Recorder Leanne Moll explained that the Rivergrove Land Use Ordinance (RLDO) requires a Planning Commission review for a jurisdictional tree in the Water Quality Resource Area (WQRA), but not in the floodplain. However, with the stricter requirements necessitated by the FEMA NOAA Fisheries lawsuit, all jurisdictional trees in the floodplain are now reviewed by the Planning Commission.

Commissioner Dausman noted that this is not a tree that needs to be removed due to development, and he would support a motion that does or does not require mitigation because Mr. Tuttle has been a good steward of the land.

Commissioner Williams stated that he would prefer that the Planning Commission be consistent about mitigation requirements.

Motion: Commissioner Williams **moved** to approve the tree removal permit and require a 1:1 mitigation.

Commissioner Crock **amended** the motion to require a native species listed in the *Native Plants for Willamette Valley Yards* publication, and that the mitigation tree survive at least one year.

Commissioner Williams **amended** the motion to require that the size and species of tree be approved by the City Manager and/or City Arborist.

Commissioner Dausman **amended** that the tree be in the floodplain.

Seconded by Commissioner Sweet.

Motion passed 4-0.

Note: Commissioner Dausman adjusted the agenda to allow the public to speak first before the Planning Commission discussed their goals.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Councilor Bill Tuttle suggested an amendment to the Section 5.060. Permitted Uses in Flood Hazard District:

“(d) The maximum density in the Flood Hazard District can be one house (single family dwelling) per 10,000 square feet provided the house is hooked up to and uses the sanitary sewer available to the City.”

Councilor Tuttle explained that items in the Comprehensive Plan, but not also in the Ordinances are not enforceable.

Michael Salch presented documents that address what he considers the inconsistencies in the public record relating to the maximum allowable size of a non-habitable accessory building that does not require a development permit. What size does the City of Rivergrove allow for a non-habitable accessory structure? Mr. Salch suggested the Commission owes it to the residents to communicate the interpretation and to write it in the ordinances.

He provided exhibits that showed the City’s various interpretations, including 108 square feet, 120 square feet and then 200 square feet maximum size and asked the Planning Commission to clarify their current interpretation. He noted that the County requires a building permit at 200 square feet.

Councilor Tuttle noted that the ordinance could be amended to note 200 feet, which is the current state and county building code requirements. He also suggested that the Ordinances could be amended to say that the maximum allowable size is the “same as Clackamas County.”

Mr. Salch noted that he is concerned about a resident placing several storage containers on their property without obtaining development permits.

City Recorder Leanne Moll mentioned that the City’s ordinances have a three-month limit for temporary storage or accessory structures.

Mr. Salch noted he is concerned that the City does not have appropriate definitions of what an accessory structure is, which opens the City to problems.

Commissioner Williams noted that he approves of allowing a creating a maximum accessory building size that is smaller than the County's requirement. He noted that a 10'x20' shed is a very large structure.

Commissioner Dausman affirmed that the City government does not always need to defer to Clackamas County.

NEW BUSINESS, continued

2. Goals for 2018

Commissioner Dausman began by explaining that he would like the Commission to be proactive, noting his push to create the dock ordinance in 2017.

Commissioner Sweet suggested that the tree ordinance needs to be updated.

Commissioner Dausman asked Commissioner Williams to provide an update each month on the progress of the Tree Board.

Commissioner Williams asked about Airbnb and if it is allowed by the City's Ordinances.

Commissioner Dausman will research Airbnb.

Commissioner Dausman also noted the concern about transit due to Clackamas County's jurisdiction of Childs Road and how that impacts the City's ability to "do business."

Commissioner Dausman will communicate with Councilor Carolyn Bahrman, who chairs the Transportation Committee.

Commissioner Dausman noted that he would like clarification on when variances are appropriate and how they have been applied in the past.

Commissioner Crock asked if the Commission could create a list of precedents for waivers. City Recorder Leanne Moll will work with Jennifer Crock to make a list of past exemptions and variances.

Commissioner Dausman suggested that the list could provide clues to the weaknesses in the ordinances that need to be clarified and tightened.

CORRESPONDENCE & REPORTS

City Recorder Ms. Moll noted that City Council reversed the Planning Commission's decision to deny the removal of 13 trees in the floodplain at 4620 Dogwood Drive. City Council granted a hardship relief for the front setback, moving the home forward 10 feet, and saving 8 mature trees in the floodplain.

COMMISSIONERS' REPORTS

Commissioner Crock noted she was at the appeal hearing and approved the overturn of the appeal.

ADJOURNMENT

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

Seconded by: Commissioner Sweet.

Motion passed 4-0.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Leanne Moll, City Manager/ City Recorder