

**Rivergrove Planning Commission Minutes
April 9, 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: Chair Andrew Dausman, Commissioners Jonathan Sweet (vice chair), Jacob McKay, and Jeff Williams. City Recorder Leanne Moll declared a quorum. City Planner Carole Connell was also present.

CONSENT AGENDA

1. Minutes from the March 5, 2018 Meeting

Motion: Commissioner Sweet **moved** to approve the Minutes from the March 5, 2018 meeting as presented. **Seconded** by Commissioner McKay. The motion **passed 3-0**. Commissioner Williams abstained.

NEW BUSINESS

1. Completeness review for an amended development permit application for a duplex at 19232 Pilkington Road, submitted by Renaissance Homes.

City Planner Carole Connell explained that this was the third time the lot at the corner of Pilkington and Childs Roads has been considered for a development permit to build a duplex. In 2004 a permit was granted, but the applicant did not build. In 2007, a second permit was granted for this lot.

Ms. Connell noted that the lot is located at a major intersection in Rivergrove with residential homes all around it. The current plans presented by Renaissance homes do not include a direct driveway access on Childs, but a back-to-back driveway on Pilkington Road. In addition, the lot will not be split; instead, the homes will be offered as condominiums.

Ms. Connell explained that the Planning Commission was only determining completeness, and Renaissance Homes has provided all necessary documents except the building permit application and labels. Because the unique nature of this application and the existence of prior staff reports, Ms. Connell explained she may say more than she usually does in a completeness review.

Ms. Connell explained that the Planning Commission has to grant a variance for the applicant to build on this particular lot. Normally with setbacks, the long dimension of the lot would be the front and back of the lot. The City has a variation in the traditional definition. This lot is situated the opposite, with the front of the lot facing Pilkington Road. Both prior applicants had to get a variance for these setbacks.

The building height is appropriate and the parking spaces exceed the requirement for a multi-family unit. There will be two parking spaces in the garage and two in the driveway for both units.

More than three trees need to be approved for removal. The applicant proposes to cut five trees: two Douglas fir trees and three tall Norway Spruces. Various smaller trees on the lot will likely need to be removed as well. In addition, excavation within 16' of any tree would be

dangerous to the trees. Proposed landscaping needs to be suitable to the lot, and a buffer/screening plan is required between property lines. Ms. Connell explained that it's up to the Planning Commission to give the developer a fresh slate of landscaping that will work within the constraints of the lot and duplex.

The agency comments from all of the development permit application reviews are identical. Tualatin Valley Fire & Rescue, Water Environmental Services (WES) and Lake Oswego sanitary sewer require standard development requirements.

The variance and conditions, except maybe the road conditions, are the same from prior applications.

Clackamas County's transportation comments stipulate that the applicant is required to construct road improvements on the Pilkington Road and Childs Road frontages to include storm drainage improvements and paved five-foot-wide ped-ways. Ms. Connell noted that Pilkington is quite narrow.

Ms. Connell explained that the Planning Commission needs to decide whether a hearing is necessary or not. She stated that if the Commissioners are confident that the application is complete and there is a valid approval from 2007, then the Planning Commission can approve it tonight as a Type II application. The Planning Commission may also decide to hold a hearing.

Commissioner Dausman asked Ms. Connell to clarify whether or not the Planning Commission was reviewing the application as a new application or not.

Ms. Connell explained that she initially thought this was a new application, but later found out that the prior decisions are still valid because the Rivergrove Land Development Ordinances do not have an expiration date on development decisions.

Commissioner Dausman told the other Commissioners that they are considering a completed application that has been reviewed by staff and they could schedule a hearing for the next month. However, if the Commissioners consider the application redundant and time-consuming, the Planning Commission could make a decision tonight.

Commissioner Sweet stated that he believed the application was redundant if the approval has not expired.

Ms. Connell explained that the still-valid decision is not based on the same set of plans. There is not much else to do on the site but build a duplex.

Chair Dausman asked if the footprint of the proposed duplex was the same. Ms. Connell replied that the current applicant is proposing a smaller duplex, but also requiring two more trees to be removed. She explained that the trees may have grown, or the arborist may have interpreted potential tree damage differently. She noted that the footprint of the duplex may have changed due to the garage size.

Applicant, Mr. Tim Breedlove, Chief Operating Officer, Renaissance Homes

Mr. Breedlove explained that Renaissance Homes purchased the property from the previous owner who built the Renaissance Woods development.

Renaissance Homes decided that the original duplex design was too large and looked like the style popular in the mid-2000s, so they submitted a smaller, updated site plan and design.

He asked that if the Planning Commission can't consider the application as a new one, to please consider the application as an amended prior application. Mr. Breedlove also requested that the prior approval not be rescinded until the current application has a final decision.

Commissioner Williams stated that since the Commissioners are reviewing a permit request from a new owner with a new site plan, it goes to reason that they should consider the request a new application.

Chair Dausman stated that he agreed and noted that there was no reason to have a previously approved application affect completeness for the current application. He also noted that the Planning Commission may need to know more about the conditions of the prior decision to clarify whether or not the Planning Commission should hold a hearing and notice the application.

Commissioner McKay asked if the requirements of the previous approval are still valid. Commissioner Dausman replied that the Commissioners can look to the previous approvals for precedents, but if the conditions are not in the Rivergrove Land Development Ordinances, the Planning Commission may not require those same conditions. The current decision must be guided by the current standards and ordinances.

Ms. Connell noted one other complicated issue of which the applicant is aware. The prior approval demanded a problematic storm drainage ditch be repaired when the next applicant built on the lot. The City received several complaints of people driving and becoming stuck in the ditch. When the City reported the ditch to the county in 2014, Clackamas County went ahead and repaired the ditch and charged the City \$17,442.92. The City eventually negotiated to pay half of the repair costs, totaling \$8,721.46. Mayor Kibbey has required that the current applicant must pay the City back for these repairs. Ms. Connell commented that this was an unorthodox way to required repayment and the City could have placed a lien on the property preventing a sale.

Commissioner Williams commented that the Planning Commission needs to be consistent in applying or not applying the prior approval conditions.

Commissioner McKay stated that he thinks it should be up to the applicant if they want a new application or an amended application. He also asked if the Planning Commission needs to know if the applicant is amending a prior application or presenting a new application prior to deciding completeness.

Ms. Connell and Commissioner Dausman said that the Commission may deem the application complete, leaving the administration of the prior approvals and conditions unresolved at this time.

Motion: Commissioner Dausman **moved** to deem the application complete and schedule a Type II review for May 7, 2018.

Seconded by Commissioner Williams.

Motion passed 4-0.

OLD BUSINESS

1. Tree Board Report/Progress toward Work Session.

Commissioner Sweet stated that the Tree Advisory Board will meet on Tuesday, April 10, 2018 and hold a public work session on Monday, May 7, 2018.

2. Airbnb Permit Application.

An application for transient lodging is mentioned in the Rivergrove Land Development Ordinances 5.120 Section 11, Minor Home Occupations – Transient Lodging, but is not currently used by City Staff. Commissioner McKay drafted a potential transient lodging application that requires the applicant to list both their commercial business license and the zoning of the property that will be used for lodging. It also requires a \$250 application fee.

Chair Dausman asked how the permit process is in compliance with the home occupation section and wondered how it may work with a bed and breakfast establishment.

Ms. Connell stated that a bed and breakfast is not an approved use in the Rivergrove Land Development Ordinances. She explained that in the Home Occupation Section 5.120, the property owner lives in the home and the business is minor. It is not common to consider a vacation rental as a home occupation.

She continued that to allow Airbnbs or other vacation rentals, the Planning Commission must make sure that they are listed as a permitted use. Many municipalities have specific regulations on how they operate.

Commissioner Dausman commented that the zoning question on the application is a leading question because the entire town is zoned residential. The application can never be approved.

Commissioner Dausman explained that the Planning Commission intends to present City Council with an amendment that details the application process and the procedures the City Manager will follow when faced with an Airbnb or vacation rental inquiry.

Resident Michael Salch asked the Planning Commission to share the amendment publicly prior to approval.

3. Maximum Size of Uninhabitable Accessory Structure

Resident Michael Salch asked the Planning Commission to codify the size of an accessory structure that is allowed without a building permit in the Rivergrove Land Development Ordinance Section 2.040. Since 1997, the Planning Commission has interpreted the maximum size in concordance with the state specialty building code, and the particular number has changed as the state specialty building code has changed.

The Planning Commission discussed a few options, including providing an updated specific number for the maximum size and height. This number could conform to the current state specialty building code, 200 sq. feet. Clackamas County also conforms to the state specialty building code and requires a building permit for accessory units larger than 200 sq. feet.

Commissioner Dausman asked if the Commission needs to amend the Rivergrove Land Development Ordinances or simply provide an interpretation that is easily available on the City's website.

Commissioner McKay inquired about the required setbacks for an accessory structure that is 190 square feet.

City Recorder Leanne Moll explained that RLDO Section 5.080, R Zone, provides guidance for accessory structure setbacks: Front: 20'; Side: 3; Corner Lot Side: 10'; Back: 3'.

Commissioner Dausman asked City Recorder Leanne Moll to consult with the City Planner and City Attorney and report back with their recommendations for the Planning Commission to consider.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

CORRESPONDENCE & REPORTS

None.

COMMISSIONERS' REPORTS

None.

ADJOURNMENT

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

Seconded by: Commissioner McKay.

Motion passed 4-0.

The meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Leanne Moll, City Manager/ City Recorder