

**CITY OF KING CITY
PLANNING COMMISSION MEETING MINUTES**

Call to Order: A regular meeting of the King City Planning Commission was held at City Hall in the Council Chamber located at 15300 SW 116th Ave, King City, Oregon beginning at 9:30 a.m. on Wednesday, January 29, 2020. Pro-temp Chair Commissioner Petrie called the regular Planning Commission to Order at 9:31 a.m.

Roll Call: **The following Planning Commission members were present:**

Commissioner Laurie Petrie
Commissioner John Walter
Commissioner Marc Manelis
Commissioner Ann Marie Paulsen
Commissioner Carol Bellows
Commissioner Billie Reynolds

Absent:

Commissioner Shawna Thompson - Excused

Staff present included:

City Manager (CM) Mike Weston
City Planner (CP) Keith Liden
City Engineer (CE) Fulgence Buggingo (MurrySmith Associates)
City Recorder (CR) Ronnie Smith

Approval of Minutes None

The first order of business was to elect a chair and vice-chair.
Commissioner Petrie requested nominations for the chair.

**MOTION MADE BY COMMISSIONER MANELIS TO NOMINATE
COMMISSIONER LAURIE PETRIE, SECONDED BY
COMMISSIONER PAULSEN.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 6-0.**

Commissioner Petrie requested nominations for the vice-chair.

**MOTION MADE BY COMMISSIONER PETRIE TO NOMINATE
COMMISSIONER MARC MANELIS, SECONDED BY
COMMISSIONER WALTER.**

**VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED
THE MOTION CARRIED 6-0.**

Agenda Item 3 a: Public Hearing:

Chair Petrie opened the public hearing on LU 19-02 at 9:31 p.m. The Chair explained the rules for the public hearing.

Staff Presentation:

Keith Liden – presented the staff report to the commissioners.
Density is 10 – 12 lots

Wetlands

No work will be done in the Deer Creek wetlands to the far west of the property.

Trees

The applicant indicates there are 83 mature trees found throughout the property. There is a significant number of additional trees, which are on adjacent properties. The trees and their locations are provided in the arborist's report and Sheets C 121 and C122).

Subdivision

Lots and Phasing

The applicant proposes to divide the property into a 12-lot subdivision (11 new lots plus the existing home) in one phase. Including the 22,453 square-foot lot for the existing home, the average lot size is 3,872 square feet (Sheet C040). The average for the 11 developable lots is approximately 2,183 square feet. One lot is proposed to be 1,862 square feet, which is less than the 2,000 square foot minimum standards for the R-9 Zone. The remaining 10 lots range between 2,141 and 2,782 square feet. Dimensions for the 11 smaller lots range between 20 and 30 feet in width and approximately 88 feet in depth. The minimum lot width and depth standards for attached single-family dwellings in the R-9 Zone are 24 and 60 feet, respectively.

Street System

Access to the subdivision will be provided by the northerly extension of SW Caesar Terrace. This will be designed as a local street with a curb-to-curb width of 22 feet, curbs, and sidewalk and planter strip on the west side (Sheets C200 and C201). This improvement would extend to the northern property boundary. A subsequent northerly street extension would allow the planned connection with SW Shakespeare Street. The street alignment and design will allow for the installation of a sidewalk on the east side of the street should the properties to the east redevelop. Parking will be prohibited on this street due to its narrow width.

Street Trees

The preliminary plat application includes a street tree plan (Sheet L101). Two trees, Green Vase Zelkova, are proposed on the west side of the SW Caesar Terrace, and two additional trees, October Glory Maple, are proposed on the south side of the dead-end street. The applicant is requesting an exemption to allow fewer trees than would normally be required due to space constraints caused by driveways and street light fixtures.

Agency Comments

Can be found in the packet. They include comments from the City engineer, TVF&R, Clean Water Services.

FINDINGS AND CONCLUSIONS

CP Liden highlighted a few high points:

Chapter 16.84 – Small Lot and Attached Residential Zone (R-9)

Lot 2 is the smallest with a proposed area of 1,862 square feet and 20-foot width. The remaining 11 lots are equal to or larger than 2,141 square feet and have minimum widths of 23 feet (Lots 3-10), 30 feet (Lot 1), and 24 feet (Lot 11). The average size of 3,872 square feet for the 12 lots satisfies the average minimum lot size standard of 2,400 square feet. The lot dimensional standards must be satisfied for each individual lot, and not averaged. Therefore, only Lots 1 and 11 satisfy the minimum lot width standard of 24 feet for attached single family residences. For Lot 12 and the existing detached home, a minimum width of 30 feet is easily satisfied. All lots exceed the minimum lot depth of 60 feet. Variance approval is necessary for the proposed size of Lot 2 and the widths for Lots 2-11. The variance standards are addressed later in this report.

With a gross buildable area of 1.39 acres, the project is required to have between 10 and 12 units. The subdivision is proposed to have 12 units (11 new units plus the existing house). Additional findings regarding density are provided under Chapter 16.146 Residential Density Calculation.

Chapter 16.128 – Tree Removal

Section 16.128.050 B. requires consideration of the following criteria:

1. The condition of the trees with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with utility services or pedestrian or vehicular traffic safety.

The primary issue is a significant number of the trees will interfere with construction of the subdivision.

2. The necessity to remove trees in order to construct proposed improvements, or to otherwise utilize the applicant's property in a reasonable manner.

For virtually any urban density development, it is very difficult to retain a significant percentage of the existing trees. Construction requirements and standards for streets, utilities, proper site drainage, required densities, and homes all contribute to the need to clear much of a construction site. In this case, retaining all or most of the trees on the site would prohibit development as envisioned in the West King City Plan.

3. The topography of the land and the effect of tree removal on erosion, soil retention, stability of earth, flow of surface waters, protection of nearby trees and wind breaks.

As shown on the Sheets C121 and C122, the trees within the 50-foot buffer area for Deer Creek will not be affected by the development. The retention of these trees will minimize the potential for erosion and slope instability. The remainder of the site and surrounding properties

have minimal slope and potential for erosion and related problems due to tree removal.

4. The number and density of trees existing in the neighborhood, the character and property uses in the neighborhood, and the effect of the tree removal upon neighborhood characteristics, beauty and property values.

The removal of the trees proposed and the development to follow will obviously change the present semi-rural character of the property. However, the potential adverse impact on the neighborhood will be reduced by:

- Retaining the Deer Creek buffer, which will continue to provide an important forested backdrop for the development and the neighborhood;
- Retaining the trees that are on the southern boundary or have driplines within the subject property (with the exception of the neighboring trees removed for street improvements); and
- Planting street trees and additional homeowner landscaping.

5. The tree(s) is necessary to comply with conditions of development approval or compliance with provisions of Chapter 16.124.

None of the existing trees are specifically required to be retained through previous approvals or Chapter 16.124.

6. The adequacy of the applicant's proposals, if any, to plant new trees or vegetation as a substitute for the trees to be cut.

As noted in this application, the development will include retaining trees near Deer Creek and providing street trees. In addition, homeowners will have the option of planting new trees after construction is complete.

Chapter 16.132 – Parking and Loading

CP Liden mentioned that the current code allows for one parking space per resident mandated by Metro.

All of the lots will allow for house designs and driveways that will provide a one car garage, and an additional space on the driveway. The one parking space per residence standard will be satisfied.

The parking plan shown on Sheet C260 shows 11 on-street spaces, but it is not approved by TVFR, as noted in this agency's comments (Exhibit B). A revised on-street parking plan is required as a condition of approval.

Chapter 16.164 – Variance

This chapter of the CDC contains the approval criteria for granting variances. The application requires the approval of two variances for 1) creating a lot of 1,862 square feet where a minimum of 2,000 square feet is required; and 2) creating 9 lots

that have widths of 20 or 23 feet where 24 feet is required. The criteria and findings are below:

1. The proposed variance will equally or better meet the purpose of the regulation being modified and any associated policies of the comprehensive plan;

The purpose of the minimum lot width is to provide a building site that will be able to successfully accommodate a residence that meets the other applicable CDC requirements for property development and especially residences in this case. The proposed 20-foot width and 1,862 square-foot area is the only one intended for a dwelling that will be attached on both sides. Because there will be no side yard, the available building width will be comparable to the remaining lots, which will have a minimum 3-foot side yard on one side. The R-9 Zone (applicable here) and the R-12 Zone both allow this type of attached housing. However, because higher density is allowed in the R-12 Zone, the minimum attached single family lot size is 1,600 square feet. The reduced size for Lot 2 is consistent with the type of residential unit it is designed for, and it is equal to what is required for similar residences in the R-12 Zone.

The proposed 23-foot wide lots (3 – 11) will only be 1-foot shy of the 24-foot standard and they satisfy the minimum lot size standard. They will be able to accommodate building widths of 20 feet and will be capable of meeting the other applicable dimensional standards and building design requirements of the R-9 Zone.

2. There are special circumstances, such as peculiar lot size or shape, topographic constraints or limitations caused by existing development, over which the applicant has no control, and which are not applicable to other properties in the same zoning district;

When redeveloping a property and retaining an existing home, it can be more challenging than an undeveloped property to meet all of the dimensional requirements of the CDC. The available developable property is further diminished due to the required alignment of SW Caesar Terrace, which was skewed to the west in Castle Oaks South. This was done to accommodate the owners with the highest apparent development interest (Gates and Bruce), but it does mean that this development is responsible for a greater share of the total width of SW Caesar Terrace. This in turn, has reduced the east-west dimension available for this subdivision. Finally, without the participation of the property to the north (Bruce), the turnaround had to be provided solely on the applicant's property, further constraining the east west dimension of the developable area. This all resulted in the need for a variance to the size of Lot 2 and the reduced lot width for Lots 2 – 11.

3. The use proposed is a permitted or conditional use as allowed in the applicable zoning district, and the standards of this code must be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;

The attached single family buildings are permitted in the R-9 Zone. These are the only two variances requested, and the remainder of the development is proposed to meet, or will be conditioned to meet all other CDC standards.

4. Existing physical and natural systems, such as but not limited to, transportation facilities, utilities and sensitive lands, must not be adversely affected any more than would occur if the use or structure were developed in accordance with the provisions of this title; and

As noted above, part of the need for the lot area and lot width variances relates to the provision of public street access that meets city standards. All utilities can be provided for this development. Finally, the development will totally avoid the sensitive lands associated with the Deer Creek corridor.

5. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

As indicated above there are special circumstances relating to the size and shape of the property, existing home, and street improvement and alignment requirements, which in turn limited development options. The proposed lot width and lot area variances represent the minimum necessary to alleviate the hardship.

CP Liden also pointed out the existing Easement for access. This easement is not suitable for public access; He mentioned that this easement shall be closed to public use along SW Caesar Terrace. This may be accomplished in one of three ways, which must be approved by the City Manager:

- a) Extension of the proposed eastern curb on SW Caesar Terrace to the northern edge of the easement and removal of the driveway pavement within the SW Caesar Terrace right-of-way by the applicant.
- b) If the owner of Tax Lot 1800 wishes to retain access to the common driveway, a lockable gate shall be installed to prevent public access at the owner's expense.
- c) An alternate solution proposed by the four property owners with an interest in the easement (Tax Lots 1600, 1700, 1800, and 1900) to prevent public access.

CP Liden reported that based upon the facts, findings, and conclusions the planning consultant recommends the Planning Commission approve the proposed subdivide with the conditions in the staff report.

Commissioners Questions to Staff:

Commissioner Paulsen asked if we have any other examples of the lot size?

CP Liden mentioned that we allowed for this type of thing since 2002.
CM Weston said the close examples that we have are in Rivers Edge.

Commissioner Bellows asked: Variance is given to only in extenuating circumstances can you explain the extenuating circumstances here.

CP Liden Mentioned that it's a jument call for the Planning Commissioners to consider.

Commissioner Walter asked: Is there going to be transportation Impacts?

CP Liden mentioned he doesn't think so. This area will still be under the 120 car for the collector. He also mentioned that for a total of 42 homes in this area, the traffic count would be estimated at around 500.

Commissioner Manelis asked: what is the length of the local street, and would the fire truck be able to turn around?

CP Liden said yes, the fire truck would be able to turn around.
CM Weston mentions this local street is estimated at 220 feet.

Commissioner Bellows asked: could more street trees be planted?

CP Liden mentioned that the applicant would have a chance to answer that in a moment. He also mentioned that he is no objections to adding more street trees.

Commissioner Reynolds asked: Is concerned about the creek in that area. What is being done with stormwater treatment and who is responsible?

CE Fulgance mentioned that Clean Water Service is typically responsible for the stormwater runoff.

Applicant:

Andrew Tull with 3J consulting presented the applicant's arguments:

- Entry-level – middle-income housing;
- Mr. Tull mentioned that they just made a late submittal this morning, including an additional easement and fire turn around;
- Parking will only be on one side of the street;
- He mentioned that they will try to look at getting more trees if possible subject to city staff, city engineer, city planner and city manager approval;

In Support:

Mimi Doukes from AKS – representing David Bruce of 17425 SW 131 Ave: discussed with applicants teams yesterday resulting in additional easement: accommodating unknown future development and fire turnaround.

Sam Locklin 17455 SW 131st Ave: Submitted a document dated January 14th, 2020 tiled “Esaments Concerns due to Development Proposal of Ponderosa Pines Subdivision” this document is part of the planning commission minutes and will be attached to the minutes.

Sam has concerns that if the easement will be used as a short cut and is in favor of the proposed curb extensions on page 22 4a of the staff report. He also mentioned that he would like to see all the easements that will no longer be used by the applicant released.

On the third page of Sam Locklin's document mentions future variances possibilities on lots 4 and 5 due to applicants development.

Sam mentioned that the applicant's plan talk about capping the utility line at the end of his property. He wanted to know if the city has anything to say about where they are going to cap it off. He has concerns about the water line leaking at a later date and the responsibility of repairing the line.

Eric Diekster 17415 SW 131 Ave: He approves the concept, but would prefer the subdivision was not granted with the variances.

Opposition:

Todd Thompson: Has parking concerns on Ceasar Terrace.

Damon Webb 13252 SW Bedford St: The SFD vs. duplex-triplex is not in character of the surrounding neighborhood. He also has concerns about parking on Bedford street. He would like to see a parking permits for the surrounding areas.

Steve Brown 12225 Castle Oaks South: Has concerns on the parking in the neighborhoods.

Neutral: None

Applicants Rebuttal:

Andrew Tull mentioned that they are aware of the access easement that Sam Locklin brought up in his testimony. He mentioned that they would take care of this at the end of construction

Andrew said that the applicant's water meter would be removed at 131st ave, but the dried pip line will still be there.

He also mentioned that they would likely go with the condition of approval 4a page 22 concerning the access easement.

Andrew also brought up that the city has specific approval criteria – for singal family housing, the criteria are one parking spot per resident. Andrew mentioned that they have gone beyond that and have added two parking spots per lot and about 6 on the street and 2 around the turnaround.

Commissioner Walter asked a question for a resident that lived on Bedford: what is the current parking situation on Bedford.

Kelly Webb: lot of cars are parking on Bedford already.

Chair Petrie asked for a motion to either close or continue the public hearing.

MOTION MADE BY COMMISSIONER REYNOLDS TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER PAULSEN.

VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION CARRIED 6-0.

CHAIR PETRIE DECLARED THE PUBLIC HEARING CLOSED AT 11:16 A.M.

Chair Petrie asked commissioners what they wanted to do? Do you wish to approve, approve with conditions or deny?

Commissioner Bellows mentioned that the subdivision could be accomplished without variance frontage requirements.

CP Keith Liden read from the staff report and explained the variance and criteria.

MOTION MADE BY COMMISSIONER BELLOW TO DENY THE VARIANCE FOR ALL THE LOTS, SECONDED BY COMMISSIONER WALTER.

CHAIR CALLED FOR DISCUSSION

VOICE VOTE: 3-AYES – 3-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION FAILS FOR LACK OF MAJORITY 3-3.

MOTION MADE BY COMMISSIONER BELLOW TO DIRECT STAFF TO FIND MORE ROOM FOR STREET TREES, SECONDED BY COMMISSIONER PETRIE.

VOICE VOTE: 6-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED THE MOTION PASSES 6-0

Chair called for motions

MOTION MADE BY COMMISSIONER BELLOW TO APPROVE THE APPLICATION WITH THE CONDITIONS OF APPROVAL STATED IN THE STAFF REPORT, SECONDED BY COMMISSIONER MANELIS.

Roll Call:

Commissioner John Walter – No

Commissioner Carol Bellows – No

Commissioner Laurie Petrie - Yes

Commissioner Marc Manelis – Yes

Commissioner Billie Reynolds – Yes
Commissioner Ann Marie Paulsen – Yes

Motion passes 4 – 2

Chair Petrie read from the script, “If you desire to appeal this decision to the City Council, you must make application, stating the grounds for your appeal, to the City Recorder within fifteen (15) days of the mailing of the decision notice. The decision notice is normally mailed within one week following the decision”.

The chair called for a short recess.

Agenda Item 3 b:

Staff presented a short memo pertaining to ADU.

Agenda Item 4: Commissioners Report: None

Agenda Item 5: Staff Report:
Upcoming Planning items
Staff also discussed the TSP and Master plan updates that are going on.

Agenda Item 6: Adjournment

**MOTION MADE BY COMMISSIONER BELLOW TO
ADJOURNMENT, SECONDED BY COMMISSIONER PAULSEN.
THE MEETING ADJOURNED AT 12:10 P.M.**

Respectfully Submitted by:

Attested by:

Ronnie Smith
City Recorder

Mike Weston
City Manager