

MINUTES

I. CALL TO ORDER – ROLL CALL

Vice President Neill called the meeting to order.

COMMISSIONERS PRESENT: Neill, Shortt, Bennett, Fuentes

EXCUSED: Fleisher, Sinclair, Kim

STAFF PRESENT: Cooper, Barry, Bruce

Vice President Neill read the following statement:

“The Planning Commission is placing emphasis on effectively addressing the issues in which we are engaged in a respectful and a timely manner. We ask all parties to hearings and administrative matters during our meetings to assist us with this emphasis by participating in direct and relevant testimony and comments.”

II. COMMUNICATIONS AND NON-AGENDA ITEMS – None

III. APPROVAL OF MINUTES

A. April 24, 2019

Commissioner Bennett moved approval of the April 24, 2019 Planning Commission meeting minutes as presented, seconded by Commissioner Fuentes. Motion passed unanimously.

B. May 8, 2019

Commissioner Shortt moved approval of the May 8, 2019 Planning Commission meeting minutes as presented, seconded by Commissioner Fuentes. Motion passed unanimously.

IV. CONSENT AGENDA

A. Street Name Change 001-19: Street Corrections 2019 No. 1

Request: Approve an Order initiating Street Name Changes to correct two streets within City limits from SE Ash Street to SE 41st Loop and SE Noble Fir Street to SE Genrosa Street. **Order No. 8293 was available** (Staff: Danielle Comer)

Commissioner Shortt moved approval of the Consent Agenda, seconded by Commissioner Fuentes. Motion passed unanimously.

V. PUBLIC HEARINGS

Vice President Neill asked if any Commissioner wished to declare any ex parte contacts or conflicts of interest for any of the public hearing items. There were none.

A. Zone Change 005-19: Glencoe Swale LOMR

Request: Approve an Order recommending City Council change the boundaries of the Regulatory Floodplain Overlay in the Glencoe Swale watershed to reflect a Letter of Map Revision (LOMR) recently approved by the Federal Emergency Management Agency. **Order No. 8294 was available.** (Staff: Sarah Bruce)

A video was played narrating the ORS conduct of hearing format.

Sarah Bruce, Planner, cited the substantive applicable approval criteria and the Staff report dated June 5, 2019 and a Supplemental Staff report released this morning. Copies of both were available on the table in the back of the room. She presented the reports, highlighting the background on the National Flood Insurance Program, floodplains in the city, and the reasons for recent changes to Regulatory Floodplain Overlay. Her key additional comments were as follows:

- The current letter of map revision (LOMR) for Glencoe Swale was approved by FEMA in late 2018 and became effective for insurance and regulatory purposes on April 25, 2019. The LOMR resulted from Public Works' study of the Glencoe Swale Watershed due to issues with culverts being insufficiently sized that produced flooding on roads during large rain events. No comments were received afterward by Staff or FEMA regarding the LOMR during the appeal period.
- The LOMR process included a number of notices and public outreach opportunities and many calls had been received by Staff from the public asking for additional information.
- Some landowners in the Glencoe Swale Watershed were mapped into the floodplain, including the landowner from whom Staff had received testimony most recently via email. Three parcels with homes on them were added to the floodplain map.
- Written testimony from Mrs. Wilson stated Approval Criteria 3 and 4 were applicable to this application. She wished to see it demonstrated that the first responders, garbage removal companies, and TriMet service agencies recognized flood risk. She also wanted the culvert improvement project for NW Connell Rd, which was discussed in the Otak report from Public Works' study of the Glencoe Swale Watershed, to be undertaken, and the City of Hillsboro to participate in the NFIP Community Rating System (CRS). She read Approval Criteria 3 and 4 into the record and responded to Mrs. Wilson's written testimony as follows:
 - The CRS involved four categories of credible activities: public information, mapping and regulations, flood damage reduction, and warning and response. The idea was to provide an incentive so residents in communities that go above and beyond the minimum NFIP requirements in those categories could receive discounts on their flood insurance premiums.
 - Staff's findings in the packet dated June 5, 2019 stated Approval Criteria 3 and 4 were not applicable because they applied to base zones. The idea was that those services should be available to serve development at the intensity that was proposed by the zone. Staff believed that was still the case; the intensity of development was what was intended by the approval criteria.
 - Concerns about flood response and preparedness were not germane to the present request to make the Regulatory Floodplain Overlay (RFO) Boundaries consistent with the LOMR. The City had an Office of Emergency Management within the Fire Department that was the lead agency for preparedness response and recovery efforts.

- Although not germane to the present request, emergency access in the special flood hazard area or RFO boundaries were considerations evaluated by the Fire Department when the City received new development proposals. Clean Water Services was certainly aware of floodplain locations and constructed their infrastructure with those locations in mind. She could not say whether other service providers considered or had plans in place for the 100-year flood event, and the public could contact those service providers to inquire. Those service providers were not regulated by the Community Development Code (CDC).
- Public Works was responsible for maintaining and improving drainageways within the city, including Glencoe Swale and the culverts that help convey drainage to McKay Creek. Otak's report indicated that the NW Connell Rd project would be extremely complex and expensive due to the amount and age of the infrastructure. A waterline was located there with a railroad on top of it, as well two roads with a very old, wooden box culvert at the bottom of it all. The project was on the capital projects list and adding a second culvert on top of the existing one was being considered.
- Public Works was seeking to raise funds to undertake some of the projects that were identified in the Otak report. There would be opportunities for public input on the fee increase, and anyone who wanted the City to undertake more drainage improvement projects might consider those opportunities.
- Regarding the CRS, as of 2017, the city had 122 flood insurance policy holders, a number that could decrease by perhaps 10 to 20 percent now that the Glencoe Swale LOMR had been approved. Only flood insurance policy holders would benefit directly from the City participating in the CRS, although ancillary benefits existed to greater preparedness for flood events. The discussion of whether the City should undertake participation in the CRS was separate from the request before the Planning Commission to amend the boundary of the RFO.
- The findings in the June 5th packet and the Order were accurate, and Staff did not believe they required any modification in response to the testimony received to date. She noted her contact information was on her cards and the public notices, so anyone could contact her directly for information and a map for specific properties.

Vice President Neill confirmed there were no questions for Staff and called for public testimony in favor of or neutral to the application

Lisa Walker stated she wanted to know if the change affected any of the land near her home and, if so, if that would require her to buy flood insurance. She also wanted to know if it was more likely that her house would be flooded or if it was just the creek behind her house that might flood. She lived on the Emma Jones Nature Preserve and she could not tell if there was a change to the creek behind her home based on the map.

Alphonse Walker referred to the difference between the 2018 100-year floodplain boundary and the LOMR, stating he believed the floodplain boundary had shrunk tremendously. A section by Glencoe Rd had flooded many times before a new bridge was built, and it was no longer within the LOMR floodplain boundary, which did not make sense to him.

Sharon Flynn noted her husband had attended the open house at Brookwood Library during the LOMR process. She and her husband referred to Glencoe Swale as their beloved swamp behind their house. When they bought Lot 8, they also bought part of the swamp even though the fence on their property would suggest otherwise. She had a map with her from before the development on NW Corey Rd, before the houses between theirs and Glencoe High School were built, and before the train crossing was moved. Water had never come anywhere near their fence and they had never carried flood insurance because their house was paid for long ago. However, her concern was that someday she may want to sell her house and she asked if whoever bought it would be required to buy flood insurance. She was also concerned about anything the City wanted to do to Glencoe Swale. She did not want to see changes to the part of the swale that she owned. She liked the wildlife.

Vice President Neill confirmed there was no further testimony in favor of or neutral to the application and called for testimony in opposition. Seeing none, she called for Staff's rebuttal.

Ms. Bruce stated she did not have information with her this evening on the exact floodplain boundaries for specific properties, but invited anyone to contact her for a map.

- Regarding Mr. Walker's mention of the shrinking floodplain boundaries, she clarified the area on the map with the darker hatch superseded the 2018 layer, and nothing was changing where no darker hatch existed because it was outside of the study area. She would send him a map showing the section of Glencoe Rd and its relation to the LOMR floodplain boundary.
- Public Works had undertaken two projects as part of the LOMR, fixing the undersized culvert under Lennox Rd, and including one small change related to the Jackson School Road Project in the modeling. The modeling did incorporate a couple public projects, but did not reflect any future work.

Commissioner Bennett:

- Asked who the property owners could contact to find out if the map change required them to purchase flood insurance.
 - **Ms. Bruce** replied she could supply that information if provided with an address. She had been speaking with the public for months and had distributed about 100 maps.
- Referred to Ms. Flynn's concern about potential changes to the portion of the Glencoe Swale that she owned and asked what the City's protocol would be if modifications were made within the floodplain.

- **Ms. Bruce** replied the area was also a wetland and the City would have no reason to get involved in any topographic alterations along the bank of the stream in Glencoe Swale, though occasionally projects topographically altered the floodplain or encroached on wetlands, but that involved a lengthy and robust permitting process. She was not aware of any projects that would be in Ms. Flynn's neighborhood that would involve topographic land disturbance. Clean Water Services was working with the Tualatin Soil and Water Conservation District to conduct habitat restoration projects near the Emma Jones Nature Preserve, for example, but it should result in an improvement of natural conditions. The culvert projects could involve some disturbance, but were typically undertaken as part of a comprehensive effort to improve conditions throughout. The culvert projects would be evaluated individually and would involve permits and some topographic disturbance, but the nearby land owners would be notified by Public Works. If flood water was allowed to flow freely, it would get downstream faster and could sometimes raise the flood heights downstream, but that would be evaluated by FEMA.

Vice President Neill confirmed there were no further questions for Staff and closed the public hearing.

Commissioner Bennett noted this was a highly technical area where skilled engineers worked on floodplain projects every day and coordinated with FEMA, who had a similar level of expertise. The Commission relied on Staff, the engineers the City had hired, and FEMA, and unless someone could testify that something was technically wrong with the lines on the map, and he had not heard anything like that, he was inclined to follow Staff's recommendation.

Commissioner Shortt moved approval of Order No. 8294, seconded by Commissioner Bennett. Motion passed unanimously.

VI. UNFINISHED BUSINESS – None

VII. PLANNING COMMISSION COMMUNICATIONS OR REPORTS

Commissioner Shortt noted the real estate reports had started to reflect the nice weather. Area 152, which included Hillsboro, Forest Grove, Gaston, and Cornelius, had 283 active listings for sale of which 232 were in Hillsboro. A total of 173 detached homes were for sale, but only 11 were under \$350,000, which showed a clear delineation of availability at the upper and lower ends of the housing market. Four, one-level detached homes were for sale at \$350,000 and under. Land sales were interesting. Hillsboro had a greater amount of land than Beaverton, and when pulling listings of land for sale that was more than 5 acres, one could tell in which community the land was located. She would be happy to provide additional statistics to the Commissioners if they wished.

VIII. NEW BUSINESS – None

IX. STAFF REPORTS AND INFORMATION

A. Administrative Monthly Report (*Staff: Chris Barry*)

Chris Barry, Development Services Manager, presented the Administrative Monthly Report, highlighting projects located on Intel's Ronler Acres campus. One was a multi-purpose technology facility building, which included a parking garage, and the second was the major expansion of the D1X Mod3 fabrication unit. Intel had conducted a significant amount of community outreach for these applications, and a public notice had been provided to property owners within 200 ft, even though the approvals were administrative, and no public testimony had been received.

- Intel's air separation unit on the north side of the Ronler Acres campus had also received approval. One air separation unit had been constructed already, and the plans for the second indicated that the first unit was implemented and integrated into the fabrication process. The second unit was planned as part of the original air separation unit. Intel had been thoughtful about the location of the expansion and air separation units.

B. Planning Director's Report (*Staff: Colin Cooper*) – None

X. ADJOURNMENT

There being no further business, Vice President Neill adjourned the meeting at 6:48 pm.

Charles Fleisher, President

ATTEST: _____
Gretchen Olson, Secretary