City of Oregon City

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Meeting Minutes - Final

Planning Commission

Monday, December 14, 2015 | **7:00 PM** | **Commission Chambers**

1. Call to Order

Chair Kidwell called the meeting to order at 7:00 p.m.

Present: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Staffers: 3 - Tony Konkol, Laura Terway and Wendy Marshall

2. Public Comments

3. Public Hearing

3a. Re-adoption of the Beavercreek Road Concept Plan - Request for Continuance (Planning File LE 15-03)

Tony Konkol, Community Development Director, requested continuance of the public hearing to January 11, 2016 to allow staff time to complete responses to questions asked at the last meeting on the Beavercreek Road Concept Plan. He entered into the record Exhibit A, written comments submitted tonight from Christine Kosinski.

Motion by Denyse McGriff, second by Robert Mahoney, to continue the review of the Beavercreek Road Concept Plan, File LE 15-03, to January 11, 2016.

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

3b. The Cove Phase I: CP 15-01: Concept (Master) Plan Amendment, DP 15-01: Detailed Development Plan, NR 15-05: Natural Resources Overlay District Review and US 15-06: Geologic Hazards Overlay District Review

Chair Kidwell read the standard hearing procedures for the quasi-judicial hearing for agenda item 3b, The Cove, Phase I. He asked if Commission members had any ex parte contacts, conflicts of interest, statements to declare, and he asked if Commissioners had visited the site since the last meeting. Ms. McGriff stated she had been in and around the site for the past 25 years and had been near the site yesterday afternoon. Commissioner Mabee stated he drives by the site regularly. Commissioner Mahoney stated he was familiar with the site. Commissioner Henkin stated he was familiar with the site and had no ex parte contacts. Commissioner Espe stated he had no ex parte contacts and uses the Cove in a variety of ways for recreation. Chair Kidwell said he had no ex parte contacts to declare and was familiar with the site but had not visited the area recently. The audience did not have any comments on these declarations.

Laura Terway, Planner, presented the application including a PowerPoint presentation. The primary purpose for the application was to construct multi-family dwelling units on Lot 2, directly adjacent to the Oregon City Shopping Center. She reported that the application had been reviewed by the Urban Renewal Commission of Oregon City, and clarified that the Planning Commission would only be considering what was before them this evening. There was no recommendation from the Urban Renewal Commission to consider. She stated tonight's review would ensure that the application complied with the previously approved master plans and current City Code. Ms. Terway stated the original approval of the Cove project occurred in 2008, followed by a master plan amendment in 2009. Since that time, the City sold Lot 2, and she explained the proposed amendments to the master plan. The first amendment included a permanent trail head parking lot facility; an increase of dwelling units on Lot 2 from 220 to 244; added 5,500 square feet of office space and 1,000 square feet for office or restaurant; a temporary trail head parking lot during Phase I; increase the number of dwelling units along the waterfront from 180 to 195; amend the design for Main St. and Agnes Ave. and Agnes extension; adjustments from the City Code identified in the staff report; and an amended phasing plan. The phasing plan would extend to 2019, with five phases beginning in 2015.

Wendy Marshall, Development Projects Manager, reviewed the public improvements for streets, sidewalks, public accessways, and emergency access associated with the project. Highlights include: Phase I would include the completion of Main St. and the roundabout, which includes sidewalk on both sides and crossings to include connection to the trails. Phase II included the completion of sidewalk extending through the trail loop and Agnes Ave., including a short half street, 20 feet of pavement with a sidewalk for emergency vehicles, pedestrians, and bicycles.

Ms. Terway explained a condition of approval in Phase I required implementation of a pedestrian sidewalk connection to McLoughlin Blvd. to allow for foot traffic generated by the multi-family dwelling units on Lot 2. She explained another condition of approval that required areas undesignated for development should be assigned a Phase for completion, potentially for plantings rather than active use. She stated there were conditions of approval associated with landscaping, and there were required City Code standards for street trees, onsite landscaping, and buffer requirements. Commissioner McGriff noted that junipers were not native to the area and felt they were a nuisance. She preferred the juniper not be used in the landscaping plan, and Chair Kidwell concurred.

Ms. Marshall discussed the detailed development plan including the overall earthwork cutting/filling plan. She addressed grading in Phase I and stated the project could not fill into the floodplain any more than what was removed. The water volume must remain stable, and homes would be built above the floodplain.

Ms. Terway stated the project would work within the City's Natural Resource Overlay District, a buffer that protects natural features and wildlife. She explained the project's activity in the area and the mitigation required. She described the building layout during Phase II for residential and commercial use.

Commissioner Mahoney asked if the fire district had provided comment on the project and who had jurisdiction regarding the placement of fire hydrants. Ms. Terway replied there was a condition of approval requiring approval from the fire district and the City was awaiting its response. Ms. Marshall responded that the City had spacing standards for the placement of the fire hydrants consistent with the fire district. The fire district has other standards for onsite installations.

Ms. Terway stated that, due to grading near the north park, the applicant would

construct a temporary 8' wide asphalt trail for 920' to replace the existing trail in Phase I, and build a permanent trail to replace the temporary trail in Phase II.

Ms. Terway stated that staff recommended approval with conditions. She explained there were minor tweaks to the conditions, none of which the essence of the conditions, but provide greater specificity of the condition.

Ms. Marshall pointed out that proposed condition #28 stated the sidewalk was eliminated from the required cross-section gap in front of the apartments. The developer could choose to build the sidewalk, but a tweak in the condition language would be required to allow the developer to opt to build the sidewalk.

Chair Kidwell invited the applicant forward for their presentation.

Ed Darrow, Principal for Pacific Property, gave a brief history of 2006 of the Cove project's master planning progress. He described the development details of Phases I - V using a visual presentation. He pointed out the economic value of the project to the City for Phase I and II and noted the 250 construction jobs and other new jobs created through the commercial opportunities designed into the site. He explained the public amenities created in the project such as an outdoor amphitheater, water sport activity opportunities, trails, swimming, and connectivity from the site to the Oregon City Shopping Center. He explained the esplanade planned for Phase II including a sidewalk along the water for walking and biking. He felt the project would change the environment, eliminate invasive species, and enhance the habitat. Mr. Darrow introduced Paul Herskowitz to further describe the project.

Paul Herskowitz, Grand Cove, LLC, gave a brief description of housing projects he formerly developed. He stated the proposed Cove project would develop a conventional, market-rate apartment community and his team would manage the property. He asked for the Commission to approve the proposed amendments to the master plan tonight, as development was planned to begin in April 2016.

Commissioner Espe noted that 220 trees would be removed and asked if the plan was to replace those trees. Mr. Herskowitz replied yes, the trees would be replaced, per Code.

Commissioner Mahoney asked how pedestrians would walk to the Oregon City Shopping Center. Reed Stapleton, with the developer's civil engineering firm, replied there was a condition of approval to provide a sidewalk down Main St. to Firestone on this public thoroughfare. There was an easement that would allow for a future public connection to that property, although it was not currently developed.

Commissioner McGriff asked where delivery trucks, moving trucks, and other large vehicles would park temporarily on the site. Mr. Herskowitz replied that most deliveries are done during the day, and like other apartment communities, the trucks approach the complex and make the deliveries. There will not be loading zones at the garden-style apartments.

Mr. Stapleton presented a slide showing the cross-section on Main St. and the potential of providing a sidewalk in that area, and he pointed out that the cross-section had been approved with the original approval seven years ago. The shed section and swale on the apartment site was part of the original DDP approval, Condition #20, and the project would develop this area as approved. Commissioner Mabee noted that the slide presented showed a sidewalk and he asked about the discrepancy. Lloyd Hill, architect, confirmed there was not a sidewalk in the slide, but what looked like a sidewalk was a stormwater swale.

Chair Kidwell opened the public hearing.

Jerry Herrmann, Gladstone, was present representing Rivers of Life, a youth and training organization. He did not intend to inhibit the project moving forward. He presented several points he asked the Commission to consider: 1) Clackamette Cove is 48 acres of open water, and its water quality is important to consider. He said the current water quality was poor and presented the Commission with his comments for improvement. He emphasized it was time to exercise the permit granted from the Corp of Engineers and the Division of State Lands eight years ago to put a water quality channel in place that would also serve as a safety access for marine patrol. 2) He suggested a signage campaign to educate the public on the upcoming changes at the Cove, such as "future beaver habitat" and "future trail access." 3) He suggested employing an alternative workforce in the project such as the youth in the City and especially at-risk youth. 4) He suggested the Commission invite the Lower Harbor Trust Fund to give a presentation on cleaning up the Willamette Falls area.

Bryon Boyce, Oregon City, was present speaking on behalf of the Clackamas River Basin Council as a longtime board member. He presented the Council's comments and questions: 1) the gravel at the mouth of the Cove is a concern, and the extent of the dredging needs to be defined once the water lowers. 2) Funding is available for restoration projects, and the City, in conjunction with government agencies and non-profit partners, could develop a plan to access the available funds. 3) He suggested a study in the north spit area that is hazardous with steep sides and steady erosion during high water and vertical drop-offs. He felt the City should consider its liability in the area. He stated he agreed with Commissioner McGriff's preference to increase the use of native plants at the Cove.

The Commission recessed for a break and reconvened at 9:00 p.m.

Heidi Bezzerides, resident of unincorporated Clackamas County, stated she utilizes the Cove for swimming and the area for recreation regularly and she spoke on the importance of water quality and non-motorized uses of the Cove when considering the Cove development. Her greatest concern with the development was that runoff from roofs and parking lots was designated to drain directly into the Cove with minimal filtration. She feared that the water quality would be dramatically compromised for the fish, wildlife, and people who swim in the Cove.

Justin Iverson, Oregon City, expressed concern for lack of boat access to the Cove. He was concerned that property values would skyrocket and create a market that was no longer affordable. Commissioner Mabee responded that the boat ramps at Clackamette Park would remain open for boat access, and the entire Cove would remain open for swimming.

Dorothy Dahlsrud expressed safety concerns for bicyclists and persons walking with dogs on the esplanade, and she suggested a sign with safety guidelines or a colored path. She stated with an additional 400 units, there would be more dogs to navigate the sidewalks. She preferred to see native Oregon trees and tall mixed conifers and star-gazing magnolias, especially due to the eagles and osprey in the area requiring large trees for nesting. She preferred sidewalks on both sides of the street and more off-street parking.

William Gifford, Oregon City, stated that after observing the progression of the Cove project for the past nine years, he felt pleased with the current project and the amendments and appreciated the vision of the developers for the project. He encouraged the Commission to support the application tonight.

Karen Sorbel, incorporated Clackamas County, a regular walker in the Cove area, stated the ospreys were protected by the migratory bird laws. She stated a higher nesting platform or two should be built before construction so the new location was available for the birds. She expressed a concern over the impact of the additional sewer use with the new development as it relates to the current sewer moratorium. John Lewis, Public Works Director, assured her that the sewer moratorium was limited only to the affected areas which did not include the Cove area.

Nick Bezzerides, resident of unincorporated Clackamas County, and a user of the Cove waters and recreation area, stated that he supported the development and was supportive of the non-motorized boating activity for a quieter Cove and better water quality. He noted the City codes which required bio swells and trapping in storm water systems. He encouraged the residents and users of the Cove to respect the City's efforts to ensure water quality through their behavioral activities. As a river scientist, he echoed Bryon Boyce's comments that the channel may get dredged, but the river may fill it back in the next year and he hoped the developers would consider this in their planning. He recognized the building was out of the floodplain, but noted that nature does not always follow those rules.

Chair Kidwell closed the public testimony.

Ed Darrow stated he appreciated all the thoughtful citizen comments and assured the Commission the project would be exceptional. He stated that it's a project objective to create a swimmable, healthy water environment, and he was working with a consultant to learn how to enhance the water and to develop an approach to keep it continually clean.

Reed Stapleton added that an alternative to the juniper would be found and addressed in the final landscape plans.

Commissioner McGriff asked how the animals and birds would be affected during construction. Mr. Darrow replied that the intent was to modify the plan as the development occurred to address the concerns. He stated there were many tall trees on the peninsula for the birds to nest and would consider installing platforms.

Ed Darrow stated the area behind Agnes St. near I-205 would be a great area for off-leash dogs.

Commissioner McGriff asked John Replinger, traffic consultant for the City, to update the traffic impact as it related to the current plan. Mr. Replinger stated the traffic analysis was used as a basis for original approval in 2008, and the current approval included a few more units causing a fairly small change in the net increment and a slightly greater impact. The applicant analyzed the 5-6 frequently used intersections and the traffic analysis was updated. The traffic criteria met the operations at the intersections. He summarized that the amount of traffic added to the system at the buildout year would meet the performance standards adopted as a City.

Chair Kidwell closed the public hearing.

Motion by Paul Espe, second by Tom Geil, to recommend approval of the Cove Concept Development Plan: CP 15-01; DP 15-01; NR 15-05; and US 15-06 as amended.

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

3c. Revised Heritage Tree Ordinance.

Tony Konkol, Community Development Director, noted the changes to the revised heritage tree ordinance that had been recommended for approval by the Natural Resources Committee.

The Commission asked to receive the final draft of the ordinance from staff prior to it going before the City Commission.

Motion by Tom Geil, second by Damon Mabee, to recommend approval of the Revised Heritage Tree Ordinance and to include a cover letter of the Planning Commission's approval of the ordinance with the staff report to the City Commission for final approval.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

Abstain: 1 - Paul Espe

4. Communications

Commissioner McGriff reported that the heritage tree at 5th & Jefferson was lost in a storm. She stated that the entire congressional delegation, except for Congressman Walden, sent a letter to the President asking for an appropriation in the budget for the work needing to be done at the Willamette Falls Locks.

5. Adjourn

Chair Kidwell adjourned the meeting at 10:07 p.m.