



City of Oregon City

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Oregon City, OR 97045
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Meeting Minutes - Final

Planning Commission

Monday, November 23, 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: 4 - Tony Konkol, Pete Walter, Laura Terway and William Kabeiseman

2. Public Hearing

2a. [PC 15-229](#)

File LE-15-0003: Re-adoption of the Beaver Creek Road Concept Plan.

Chair Kidwell announced the first item on the agenda as the readoption of the Beaver Creek Road Concept Plan, File LE-15-003. He asked if members of the Commission had a conflict of interest to declare. There were no conflicts of interest to declare, except Commissioner Henkin had family living off Loder Road.

Pete Walter, Planner, and John Replinger, Transportation Consultant, presented the staff report. Mr. Walter used a PowerPoint presentation to present his report, and entered several exhibits into the record. 1) Final opinion and order from LUBA remanding the concept plan back to the City. 2) All PowerPoint presentations given to committees since September 2015. 3) Copy of the City's Home Occupation Code, 17.04.580. 4) Letter received today from Metro Planner, Tim O'Brien, regarding Title IV. 5) Tonight's PowerPoint. 6) Email from Wes Rogers of Oregon City School District. 7) Two documents from Jim Nicita, a copy of City Commission minutes from 07/20/2011 and the LUBA record for the North Plains Concept Plan.

Mr. Walter presented the PowerPoint including slides given to several committees throughout the process and slides used during the 2007 presentation on the Beaver Creek Road Concept Plan (BRCP). He stated the City Commission remanded the file back to the Planning Commission to reopen the record on a limited basis to address the Title IV Industrial Lands issue; the Transportation System Plan (TSP) adopted in August 2013; sewer, water, and stormwater master plans; and fire/police/emergency services in the concept plan area. He addressed the following topics and stated that the staff findings addressed many of the topics:

- 1. 10 Concept Plan goals*
- 2. Embracing the vision, goals, and principles*
- 3. Overview map of the area identified*
- 4. Map of the Concept Plan area*
- 5. Metro Code - Title 11, Planning for New Urban Areas*
- 6. Metro Code - Title 4, Employment and Industrial Land. The letter from Tom O'Brien stated the City was in compliance with the proposed plan.*
- 7. Oregon City Comprehensive Plan and how it affects the BRCP*
- 8. Comprehensive Plan Goal 2.6*

9. *Statewide Planning Goals that pertain to the BRCP*
10. *Map of the Concept Plan showing the implemented hybrid plan. In 2010, Metro revised its industrial lands map to reflect the City's hybrid adopted plan, providing for gross acreage of 151 acres of industrial lands.*
11. *2006-2007 BRCP process meetings*
12. *Map of open space areas including trails*
13. *Map of North Employment Campus Framework*
14. *Map of Central Village Mixed Employment Village Framework across from the Oregon City High School*
15. *Map of Mixed Use Neighborhood Framework*
16. *Map of stormwater systems*
17. *Map of transportation network in the BRCP to serve land use and walkability in the Plan area*
18. *List of projects likely to be funded in the Transportation System Plan*
19. *Illustrations of TSP street and intersection expansions*
20. *TSP conceptual walking solutions*
21. *Map of TSP biking solutions*
22. *Map of TSP shared walking and biking solutions*
23. *Illustration of Beavercreek Road improvements*
24. *Findings for the Transportation System Plan*
25. *Chart of the gross and net acreage divisions for each area of the Plan*
26. *Chart of the estimated number of new jobs generated and needed housing in the Plan area*
27. *List of the meetings held from September - December 2015 regarding the BRCP readoption*

Mr. Walter stated that staff recommends the Planning Commission approve the Beavercreek Road Concept Plan, File LE 15-0003, and if the Planning Commission required further information from staff, to leave the hearing open and continue it to December 14, 2015.

Mr. Walter explained the steps to implementing the proposed concept plan, including the timeline for the scope of the development code amendments and drafting of the Alternative Mobility Standards. John Replinger added that the development of the Alternative Mobility Standards would be through a deliberative public process.

Tony Konkol, Community Development Director, referred to the minutes from the 2011 adoption of the plan. He asked for the Commission's direction on whether the recommendations in the concept plan were sufficient to rely on the home occupation code for cottage manufacturing and cottage industrial purposes, or to bring back the zoning code to reduce densities in the area to increase these types of uses in the permitted uses.

Mr. Walter added that the Sanitary Sewer Master Plan and the TSP are updated to reflect the Concept Plan.

Commissioner Mahoney asked if TriMet had responded to the needs of the Concept Plan area, and Mr. Walter responded that a formal response had not been received from TriMet. Chair Kidwell added he was concerned that ODOT had not formally responded.

Commissioner McGriff referred to Mr. Konkol's comments on cottage industrial and stated that the live/work apartment complex would be required to adhere to residential building code standards, rather than a work/live complex that would be required to adhere to commercial standards. She strongly suggested more provision for campus industrial incubator spaces in future zoning code revisions. Mr. Walter

stated that live/work standards were adopted in the zoning code 2010, and there were also supporting building codes for live/work. Chair Kidwell stated that the definition of live/work needed to be clarified. Mr. Konkol suggested clarifying the definition in a future zoning code revision.

Chair Kidwell opened the public hearing.

Tammy Stevens, Hamlet of Beavercreek, and Norman Andreen, were present representing the Board and the citizens of Beavercreek and both had experience as Clackamas County Commissioners. She stated they were not against development, but against poorly planned development. She referred to City Ordinance No. 92-1002 outlining a remedy for the Beavercreek Road/Hwy. 213 intersection. She stated that transportation was a great concern, especially the intersection. She stated that to approve the Concept Plan without a plan to improve roads or fix intersections was seriously irresponsible.

Norman Andreen addressed water in the Concept Plan area. He stated that Oregon City did not have the water pressure to provide services to the Concept Plan area. He stated that Clackamas River Water had stated that the long-term stability of the Clackamas River as a source of drinking water trumped the need for greener lawns and greater revenue. He stated the sewer lids would need to be bolted down in the Glen Oak Road area to avoid overflowing. He noted that the City had acknowledged a sewer bottleneck at Hwy. 213 and the college, and he stated that extensive sewer planning and funding was critical.

Ms. Stevens and Mr. Andreen submitted their written letter and a map for the public record.

Paul Edgar, Oregon City, stated the ITE manual (Institute for Transportation Engineers) governing evaluation of congestion should be used for guidance, and he noted that case studies identified the Hwy. 213/Beavercreek Road intersection at Level F - failing. He stated that volume over capacity could not be used because there was no related code. He believed the current plan was inadequate, and the transportation plan needs to be reviewed before the Concept Plan was approved.

James Nicita, Oregon City, referred to the July 2011 minutes regarding the cottage housing and recommended the Commission watch the video of the meeting. He requested the Commission continue the hearing and keep the record open. He referred to page 12 of the proposed findings and was glad to see the City agreed that compliance with statewide planning goals was required for specific changes to the City's Comprehensive Plan. He referred to a case in North Plains that indicated the need to comply with the goals, and that air and water quality issues in Goal 6 was also applicable to Oregon City's issues with air and water quality standards.

Elizabeth Graser-Lindsey, Beavercreek, distributed a packet of information to the Commission for the record and referred to a section of the document on industrial lands. She pointed out that decisions had been made to reduce the amount of industrial land in the Concept Plan area. She presented a map showing loss in industrial use land, and what was left of the industrial land was in poorer quality land areas. She pointed out that Goal 9, the City's Comprehensive Plan, Section 2.6 requiring enough industrial land to meet the City's needs, citizen involvement requirements, and others were being violated.

Doug Neeley, Oregon City, stated that the map the City Commission adopted of the BRCP included a great amount of citizen input. He stated the residents of Fairway Downs did not want industrial lands across from them, and a map was developed to

transition from residential to employment lands to industrial lands. He pointed out that if people move into a work/live area, there would be no right to complain because of the approved zoning.

Christine Kosinski, unincorporated Clackamas County, distributed a packet of information to the Commission for the record. She asked for a continuance of the hearing. She stated the City had no transportation plan to move traffic from Beavercreek Road to the I- 205 corridor. She recalled the failed effort of the residents on Holly Lane to keep Holly Lane out of the Concept Plan area. She read from a report from Scott Burns on the challenges of obtaining landslide insurance, which was a concern for the Beavercreek Road area. She stated that development was taking place without citizens' knowledge of the inability to obtain landslide insurance. She felt that cities should approach the state for help in resolving this concern.

Rose Holden, unincorporated Clackamas County, spoke in support of the BRCP and asked that the scare tactics presented tonight would be taken for what they are.

The meeting recessed at 8:54 p.m. and reconvened at 9:00 p.m.

Commissioner Mahoney stated there was a record submitted tonight that challenged the integrity of staff and he took exception to it and felt it should not be entered into the record as written. He felt it had no purpose for the Commission's consideration. Bill Kabeiseman, City Attorney, responded it could not be struck from the record. The Commission felt the comments could be separated from their analysis.

Motion by Damon Mabee, second by Paul Espe, to continue the hearing to December 14, 2015 and to keep the record open.

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

3. Work Session

Chair Kidwell announced the Planning Commission regular meeting was completed at 9:02 p.m. and immediately convened into the Planning Commission Work Session. The only changes to the roll call from the regular meeting were that Bill Kabeiseman, City Attorney, was not present for the work session, and Wendy Marshall, Development Services Manager, attended the work session.

3a. [PC 15-226](#)

Cove Phase I Application: Work Session Explaining files 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 opened the Planning Commission Work Session at 9:03 p.m.

Laura Terway, Planner, presented the staff report with a PowerPoint presentation, explaining the purpose was to give a summary of the applicant's proposal for the master plan, detailed development plan, and environmental overlays for the Cove project. The applicant is Grand Cove, LLC. She stated the master plan had a 10-year guide for how the plan would develop. She reviewed the changes to the phasing plan schedule including a 2019 end date, the order that construction would be done, and a decrease in the number of phases. Proposed amendments to the plan include the following::

1. Increasing the number of dwelling units and include commercial use space for the

garden apartments, and an increase in the number of dwelling units for the multi-family housing areas.

- 2. Construct a temporary trailhead parking lot*
- 3. Allow a permanent trailhead parking lot*
- 4. Amend the Main Street design to include a roundabout*
- 5. Amend the Agnes Street design*
- 6. Amend Agnes Street extension*
- 7. Amend applicable sections of the Code - five were proposed*

Ms. Terway stated the property was in the flood plain and the developed area would be raised up through the required code requirements. Wendy Marshall, Development Services Manager, described the grading that would take place in the north park and other areas and the earth used to raise the Lot 2 apartment complex.

Commissioner Espe asked if the state historic and preservation office was notified about the development. Ms. Terway replied affirmatively and said she would send their response to the Commission. Chair Kidwell asked if there were preservation regulations controlling the excavation and grading that were proposed, and Ms. Terway replied that work was required to stop if an artifact was found during the grading. She added that the State Historical Preservation Office (SHPO), the Corp of Engineers, and the Department of State Lands would be consulted throughout the process.

Ms. Terway stated the Natural Resource Overlay District protected the waterways. The developer hired a consultant to conduct a natural resource report, and the City hired a consultant to review the report. The developer would conduct mitigation as needed.

Ms. Terway described the proposed development plan for the apartment complex including the apartment buildings, landscaping, parking lots, garages, community room, and other features of the design. She stated that the development would be reviewed by the Building Division for ADA requirements. She added that public improvements on Main Street were included in the developer's plans including the majority of the abutting portion of Main Street, the shed and cross section at the roundabout, and a sidewalk on the Cove side.

Ms. Terway stated the staff report for the December 14, 2015 Planning Commission meeting would be posted online by December 4th to allow the Commission time for adequate review.

Commissioner Mahoney commented that he reviewed applications from the perspective of the public interest and let the developer exercise their right to the freedom of design. He did not believe it was the Commission's responsibility to get into the details. Mr. Konkol confirmed that it was staff's responsibility to address the details through clear and objective standards.

4. Communications

Mr. Konkol stated the City was applying for a \$600,000 EPA brownfield grant with Metro and Clackamas County focusing on the 99E corridor from the Blue Heron site north to the north industrial lands of Milwaukie. The purpose was to identify brownfields with willing property owners for Phase I and Phase II environmental assessments. The application was due December 18, 2015, and offered to write a letter of support from the Planning Commission if they so desired. There was consensus from the Commission to support the grant.

Commissioner Mahoney reported that the County successfully zoned McLoughlin Blvd. from Oregon City to Milwaukie as residential in 1960.

Chair Kidwell reported he gave the Planning Commission annual report to the City Commission at the last Commission meeting.

5. Adjournment

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