

**CITY OF OREGON CITY
PLANNING COMMISSION
MEETING MINUTES**

November 10, 2008

Commissioners Present:

Chairperson, Tim Powell
Gardiner, Associate Planner
Commissioner Paul Carter Stein

Staff Present:

Commissioner Allan Dunn Christina Robertson-

Commissioners Excused:

Commissioner Chris Groener
Commissioner Dan Lajoie

1. Call to Order

Chair Powell called the regular session of the City Commission to order at 7:00 p.m. in the City Commission Chambers in City Hall, 320 Warner Milne Road, Oregon City.

Roll Call: Chair Powell and Commissioners Dunn and Stein

Staff Present: Christina Robinson Gardner

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

- **Paul Edgar, Oregon City, Canemah Land Use Chair**

Mr. Edgar addressed the need for concurrency and safe streets in Canemah. He was concerned both with the highway and how much more density and related traffic the narrow residential streets could accommodate. He had invited Betty Mumm of the Transportation Advisory Committee to attend a neighborhood meeting so she could hear the issues first hand. He was also addressing speeds with the Oregon Department of Transportation (ODOT).

Ms. Robertson-Gardiner noted there were many factors involved and suggested a work session. One of the issues was that Canemah was already platted so the subdivision process could not happen in the area. She commented on ODOT's STA requirements related to enhancement projects.

Commissioners recommended a joint meeting with the City Commission to discuss concurrency and in a second phase discuss transportation and specifically Hwy 99E and Hwy 213. They also wished to discuss roads under County jurisdiction.

- **Kathy Hogan, Clackamas County**

Ms. Hogan announced the Hazeldell / Westling Farm Neighborhood Association meeting where the controversial new pipeline would be discussed. She encouraged people to contribute to Fill a Stocking Fill a Heart.

3. ADOPTION OF PLANNING COMMISSION MINUTES

It was noted Commissioner Stein was absent for the September 22, 2008 meeting.

Commissioners Dunn/Stein m/s to accept the minutes of the August 11, 2008 and September 22, 2008 meetings as corrected. Motion passed: Commissioners Dunn and Stein and Chair Powell voting 'aye.' [3:0]

4. PLANNING COMMISSION HEARING

L 08-01 (Legislative Hearing): Applicant: City of Oregon City. Amendments to the Oregon City Municipal Code (city-wide)

- Discussion of Proposed Zone Changes
- Measure 49 Processing Ordinance
- Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments
- Demolition by Neglect

Ms. Robertson-Gardiner reported this was a continuation from the previous Planning Commission meeting and provided a recap of the zone change process which began last February. She noted staff still had work to do on the Nature in the Neighborhood portion and how to protect habitat and water resources.

This meeting would continue consideration of the upzoning of three areas which were generally called Central Point / Pease, Leland / Meyers, and Canemah Road / Warner Parrot. The Planning Commission also directed staff to look at underdeveloped tracts in the central Hilltop area where future and existing retail services were available. The three identified areas were county rural development encircled by new Oregon City urban development. None had adequate pedestrian or bike access, and all were minor arterials or neighborhood collectors in the transportation network. She discussed resolution of transportation issues through land use and / or capital improvement programs. Staff was seeking direction on moving forward with any of the three identified areas or others the Commission may identify. It hoped to prepare the final staff report and final recommendations for November 24 and move the package forward to the City Commission. She reviewed the comment period and public hearings.

Ms. Robertson-Gardiner described the areas and existing zoning. The Transportation System Plan (TSP) was last updated in 2001 with concept plan sections added as they were adopted. Each of the three sites had constraints and opportunities which staff would describe. She discussed Comprehensive Plan designations that incorporated multiple zones taking into account a broader view of compatible high, medium, and low density residential and single- and multifamily zoning designations. It was found in the 2004 housing inventory that Oregon City needed to increase its available housing sizes and types. Also there would be a discussion of being able to provide sidewalk within the capital improvement program (CIP). She discussed the concept of urban growth boundaries (UGB) and getting more density without expansion. There were cost savings with infill and capitalizing on existing infrastructure.

Chair Powell discussed the importance of looking at the issues of growth at not only the City level but also state and federal. It all came down to livability – did we want to live with sprawl and where did we look for infill opportunities?

Ms. Robertson-Gardiner noted this was a city-wide, legislative action. If the Planning Commission wanted to move forward a map change would be part of this amendment.

- **Kathy Hogan, Clackamas County**

Ms. Hogan asked if the maps were available.

Ms. Robertson-Gardiner replied they were available on the City website. She discussed potential consolidation of lots to create subdivisions. The only potential area for flaglots was Leland / Meyers because of access.

Ms. Hogan expressed concern with shared access and conflict. The roads should be taken into consideration when thinking about density.

- **Paul Edgar, Oregon City, Canemah Land Use Chair**

Mr. Edgar discussed traffic filtering to South End Road which was weight restricted and in a slide zone. Most of the new homeowners will be commuting to job centers. He cautioned against more density until there as a comprehensive transportation plan. He would not wish to add more concurrency problems.

- **Ingra Rickenbach, Warner Parrot Road**

Mr. Rickenbach expressed concern about additional density and traffic safety. She hoped the Planning Commission would not consider that area.

The Planning Commission held its discussion. They noted the voters did not support annexation, so density, according to the Metro 2040 Plan, would have to be identified elsewhere. There should be a mix of development and capital improvements paying for roads and sidewalks. Commissioners understood concerns with density but also saw this zone amendment as the best way to improve infrastructure and take advantage of what was already there. There was interest in mixed-use development to create jobs and sense of community. Chair Powell did not feel the Leland / Meyers area would really benefit the City and urged developing a comprehensive transportation plan. Commissioners felt it was important to encourage change and that there needed to be a holistic look at transportation and establish priorities.

Ms. Robertson-Gardiner suggested she could send the three areas forward and include the dissenting issues in the staff report. There would be a joint work session on the code changes likely in January where the issues could be highlighted. The Traffic Advisory Committee could also be brought into this process and confirm the amendments were understood by all.

Staff reviewed the Measure 49 processing ordinance to provide clear guidance and provided general background on the differences between Measures 37 and 49. This action met the requirement to have a process in place in the event a claim was filed and reflected Measure 49 language. The City Commission's decision was appealable to the Land Use Board of Appeals (LUBA). Staff described vested right issues and definitions.

The refuse and recycling standards for commercial, industrial, and multifamily developments supported a thoughtful approach to refuse and recycling enclosures that was compatible with the design and circulation of a site in short and long term. Developers would be aware of the City's expectations to create a space that was safe for the public and the hauler. Proposed code section 17.62.059 would provide an efficient, safe, and convenient enclosure. Staff reviewed the existing and proposed criteria. General requirements would be found in the code and more specific requirements would be adopted by resolution. Current sections of the code regarding trash enclosures would be repealed. Staff was working with the City Attorney's office and code enforcement to determine at what level nuisances could be cited. Visual screening can vary as long as it was appropriate to the site, and as multifamilies underwent renovation, they would be required to come up to the new code requirements.

Ms. Robertson-Gardiner summarized demolition by neglect that addressed concerns of the Historic Review Board (HRB) and discussed some of the problem encountered over time. The

amendment would be found in Title 15, Building Code and addressed buildings currently designated as historic structures. The demolition by neglect process was essentially a code enforcement process through which a stabilization plan was identified that would be approved by the HRB. If the property owner did not wish to cooperate with the plan, this code gave the City the ability to cite the property owner into municipal court. There were potential court fines and worst case scenario placing a lien on the property. The goal was not to rehabilitate the building but to resolve and stabilize the specific problem. It was possible for problems to be so severe that the property owner should apply for demolition. This amendment can open up dialogue for specific reasons and make it clear to property owners they cannot sit back and let their buildings deteriorate for the purpose of demolition. Staff will work with those who could not afford to keep up their properties and perhaps help them sell it to someone who could rehabilitate it. There was also a matching grant program through the HRB to give financial incentives up to \$3,000. Code enforcement would have printed material for outreach. Demolition by denial, demolition by neglect, and the grant program were important to historic preservation in Oregon City. This regulation would apply to every historic property in Oregon City. A Commissioner noted several small corrections. The group discussed regulating on buildings that had not gone through the inventory process with owner consent. Dangerous buildings were addressed by code compliance. The group discussed the pros and cons to being designated historic, owner consent, and the influence of the grant program.

Ms. Robertson-Gardiner provided a Main Street Program update.

Chair Powell spoke at a Chamber of Commerce Leadership Class at the request of Mayor Norris.

Commissioners Dunn/Stein m/s to hear testimony and continue the hearing on L 08-01 to November 24, 2008. Motion passed: Commissioners Dunn and Stein and Chair Powell voting 'aye.' [3:0]

5. ADJOURN

Chair Powell adjourned the meeting at p.m.

Respectfully submitted,

Laura Butler, Assistant Planner