City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final

Planning Commission

Monday, November 9, 2015 | **7:00 PM** | **Commission Chambers**

1. Call to Order

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

Present: 6 - Charles Kidwell, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Absent: 1 - Tom Geil

Staffers: 4 - Tony Konkol, Carrie Richter, Kelly Reid and Laura Terway

2. Public Comments

3. Public Hearing

3a. PC 15-223 CU 15-01 and SP 15-10: Conditional Use and Site Plan Design Review for PGE Substation Expansion on 18th Street and Main Street Extension

Chair Kidwell read the standard hearing procedures for a quasi-judicial hearing for agenda item 3a. He asked if Commission members had any ex parte contacts and he asked if Commissioners had visited the site. All Commissioners stated they were PGE customers. All Commissioners had either driven by the site on a regular basis or had visited the site, except for Commissioner Mahoney. The audience did not have any comments on these declarations.

Kelly Reid, Planner, introduced the agenda item for CU 15-01 and SP 15-10, conditional use and site plan design review for the PGE substation expansion on 18th Street and Main Street extension and used a PowerPoint presentation. The proposal included expanding the substation at 306 Main Street that would include new equipment and enclose the new area of the substation with an 8-foot stone wall surrounded by landscaping, including barbed wire inside the fence. She stated there was no traffic impact resulting from the proposed project. She explained two additional conditions of approval in addition to those in the staff report, as follows:
1. Additional landscaping for screening purposes
2. Street trees along Main Street and 18th Street

Ms. Reid stated that staff recommended approval with conditions, and she entered the PowerPoint into the record.

Commissioner McGriff noted the sidewalk was narrow along Main Street and suggested that the condition not be a fee in lieu of tree planting.

Mary Dorman, Land Use Planner with Angelo Planning Group in Portland, Oregon, was present representing the applicant, PGE. She stated the applicant supported the

staff report and conditions of approval. She stated the applicant would support Commissioner McGriff's suggestion regarding the planting of street trees on Main Street. She spoke regarding the dedication of right-of-way along the Main Street frontage and stated that PGE had enlisted help from a surveyor to confirm that the right-of-way dedication was accurate on the site plan.

Jim Vondenkamp, PGE Project Manager for the Abernethy Substation Expansion project, stated there was a monthly landscape check at the substation. The Commission preferred that PGE avoid arborvitae plantings and use native shrubs wherever possible.

Commissioner Espe asked if addidtional detailing could be built into the wall, such as wider pilasters and integrating native shrub vegetation. There was consensus among the Commission to include additional design in the wall and integrating native shrub vegetation in the conditions of approval.

Chair Kidwell opened the public hearing. There was no testimony, and Chair Kidwell closed the public hearing.

Ms. Reid suggested the following language for the added condition: The proposed wall shall be less monolythic through the use of wider pilasters, more texture, openings, or a color variety. The Commission agreed to the language.

Motion by Denyse McGriff, second by Paul Espe, to approve CU 15-01 and SP 15-10, for the PGE substation expansion on 18th Street and Main Street extension, as amended. The motion carried by the following vote.

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

3b. PC 15-220 ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

Chair Kidwell read the standard hearing procedures for a quasi-judicial hearing for agenda item 3b. He asked if Commission members had ex parte contacts, conflicts of interest, or statements to declare, and he asked if Commissioners had visited the site. Commissioner McGriff stated she had ex parte contact by attending meetings identified in the record on June 4, 2015 and June 30, 2015, and a CIC meeting where the matter was discussed. She also declared she had been a patient at Willamette Falls Hospital, lived in the neighborhood where the development will take place, and previously worked professionally on projects at the site. Commissioner Mabee stated he was present at the June 4, 2015 neighborhood meeting and lived near the site. Commissioner Mahoney stated he was familiar with the area and had visited the site. Commissioner Henkin stated he had no ex parte contacts and was familiar with the site. Commissioner Espe stated he had been to the site and worked on projects at the site in the past. Chair Kidwell stated he had no ex parte contacts and had worked on projects at the site in the past. There were no objections to the declarations.

Laura Terway, Planner, presented the staff report using a PowerPoint presentation for a Zone Change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2 and an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor. The changes would accommodate expansion at the Providence Willamette Falls Hospital in Oregon City. She stated the first master plan amendment included expansion of the master plan boundary, adding two properties on 16th Street and 4 properties on 15th Street; increase the campus boundary by one acre; future medical office building and

parking. The second master plan amendment included consolidating and decreasing the size of medical offices. The third amendment to the master plan revised the phasing, resulting in construction to be completed by 2021. The second request was for a zone change of 1/2 acre at 1714 & 1716 16th Street, adjacent to the hospital boundary. The third request was an amendment to the comprehensive plan from Low Density Residential to Mixed Use Employment District. Staff recommended approval with conditions. Ms. Terway submitted the following documents into the record that were not included in the packet:
1. Public comments received after October 30, 2015
2. Letters of support from the Oregon City Chamber of Commerce and Oregon City Business Alliance
3. Request for continuance from McLoughlin Neighborhood Assn.
4. A comment from Jim Nicita requesting a continuance and identifying a potential issue with the notice, which the city attorney had reviewed and found no error had occurred.

Stefanie Slyman, Planner at Harper Houf Peterson Righellis, Inc., representing the applicant, introduced Sherri Paris, COO of Providence Willamette Falls Hospital, who gave a history of the hospital's services in the community, the Foundation's activity, and community partner involvement and excellence. She stated that their existing office building was full and additional space was needed to respond to the growth in the community. She addressed their efforts to mitigate parking issues throughout the years.

Josh Kolberg, PKA Architects, pointed out that one building up to 35,000 sf would satisfy the hospital's physical needs for the next 10 years. He stated the requirement for off-street parking was paramount in their decision to propose a new building on the west side of Division.

Commissioner McGriff expressed her parking concerns, and Ms. Slyman further explained the blended parking approach for a mixed-use medical facility as 2.0 spaces required per thousand square feet of leasable area across the campus. The new medical office building would generate higher traffic resulting in the need to provide a location suitable for the building and the parking lot. The hospital developed parking policies to monitor and enforce the parking concerns and can implement parking techniques to reduce the parking needs. Ms. Paris explained the techniques to the Commission.

The Commissioners discussed the parking options, techniques, and concerns.

Chair Kidwell opened the public hearing.

Jay Pierce, Oregon City, lives in the McLoughlin Historic District, spoke favor of the amendments and rezoning due to the excellent services, including rehabilitation, provided by the hospital.

Tiffany Mumma, Oregon City, lived near the hospital and spoke in favor of the applications, but felt that the four properties on 15th proposed to be included in the master plan encroaches upon and interrupts the continuity of the neighborhood. She felt the hospital had other properties available for expansion.

James Nicita, Oregon City, referred to OCMC 17.68.020 and pointed out the criteria for a zone change. He stated this section of the code provided criteria for a zone change, rather than a zone change and a comprehensive plan amendment. He said the criteria for a comprehensive plan amendment were given in the statewide planning goals. He maintained the position outlined in his letter submitted for the

record.

Tony Konkol, Community Development Director, stated he agreed with the Ms. Richter's opinion regarding the validity of the process and noticing for comprehensive plan amendments.

Kelly Edwards, Oregon City, resident near the hospital, stated her home was one that was proposed to be removed during construction, and the potential loss of her home had brought stress to her family. She felt the parking lot across the street from the hospital was hazardous to pedestrians.

Renee King, Communications, Providence Willamette Falls Medical Center, stated she had spoken to Ms. Edwards and intended to be thoughtful to the renters of the properties proposed for destruction by giving them four months notice, a moving allowance in the amount of one month's rent, and relocation services.

Ms. Richter suggested the rebuttal take place if the item was continued.

Motion by Damon Mabee, second by Zachary Henkin, to continue item 3b to November 30, 2015 and keep the public record open. The motion carried by the following vote.

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

3c. PC 15-222 ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

Chair Kidwell asked if there were ex parte contacts and there were none. Commissioners were familiar with the site. There were no comments from the audience regarding disclosures.

Laura Terway, Planner, presented the staff report with a PowerPoint presentation for approval of a zone change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2 and an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor. The location of the project includes 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct., 14375 Maplelane Rd., 3391 Beavercreek Rd. The site was approximately 16-1/2 acres. She described the proposed limitations for uses, including a limitation for the transportation impact and the trip cap. The applicant was not proposing a subdivision development at this time.

Commissioner Mahoney asked Carrie Richter, City Attorney, for the legalities of the applicant's proposal. Ms. Richter responded that trips were controlled based on what traffic engineers determined were the assigned number of trips for a particular use. She added that the transportation planning rule stated there cannot be a significant affect on an intersection. She proposed a condition requiring a recorded covenant to put future property owners on notice that a trip cap was in place requiring modification before a land use approval was obtained.

Ms. Terway referred to Condition #3 and added that the first developer to propose a development would need to: 1) review transportation impacts; 2) address improvements required by code; 3) determine how to phase in the improvements. She explained that when a traffic study was done during the first phase of development, staff would consider a reasonable worst-case scenario based on the permitted uses. The Commission discussed how this might play out in a proposed development.

Ms. Terway stated the application met the policies of the comprehensive plan, and staff recommended approval with conditions.

Dan Fowler, applicant, Historic Properties, LLC; Mark Foley, applicant; Tom Sisul of Sisul Engineering; Lloyd Hill of Hill Architects; and Mike Gard from Lancaster Engineering, traffic consultant, were present to give the applicant's report. Mr. Fowler stated the applicant's values were to be a good neighbor, do the right thing, and refrain from over-trafficking the area by limiting the development and capping the transportation impacts on themselves. He stated he was in agreement with the added condition of the recorded covenant on the property. He stated it was their intent to remove high traffic generating development such as retail by eliminating those uses from the permitted uses in the future. Trips were calculated under the current zoning, and he and his partner intended to hold themselves to those trip caps and would not exceed that number in the future with proposed developments. He affirmed that the proposed zone change would not create any more trips than the current zoning.

Mike Ard, traffic consultant from Lancaster Engineering, stated that the applicant consulted with ODOT, Clackamas County and City staff to learn the standards for evaluating future development. He stated that ODOT did not find a traffic impact and had no further comment. He explained that Clackamas County commented that the developer could include more trips under the existing zoning and set the trip cap higher, and the applicant made a minor adjustment that raised the trip count by six during the PM peak hour.

Mr. Fowler stated the first use they would propose for development was an independent senior living facility followed by an assisted living and memory care facility and then a rehabilitation center. He added that if there was interest, a hotel would be proposed, and if there was still trip capacity, they may propose live/work housing. They concluded that they could stay within the 168 with these uses.

Chair Kidwell opened the public hearing.

Bob Nelson commented on landslide ordinance discussion from previous years. He referred to a map he distributed showing a mapped landslide near Holly Lane Court. The back of three lots were within feet of the mapped landslide, and he stated that infiltration ponds would be needed when development occurred. He felt the City should put development in this area on hold until landslide ordinances were developed.

James Nicita, Oregon City, stated that compliance with statewide land use goals and proper noticing was required to engage citizen input. He was concerned about the development because of the stormwater that flowed into Newell Creek and felt that Goal 6 was applicable. Under ORS 468B, the stormwater system would be a disposal system, requiring a permit from the Dept. of Environmental Quality. He stated Goal 5, fish and wildlife and streamflow issues , was also implicated. He felt the current condition of stormwater discharge into Newell Creek should be known before further discharge from new development occurred. He raised an issue from Goal 7, wildfires, and felt the north end of Newell Creek was subject to wildfires, especially if an elderly population was proposed to be added to the area.

Christine Kosinski, unincorporated Clackamas County, submitted documents for the record. She requested a continuance of the hearing. She explained why she felt the City could not meet statewide land use goal #7 that reduced risk to people and property from natural hazards. She stated Lloyds of London was the only insurance company in the world that provided landslide insurance, and upon application, she

was denied coverage due to the landslides in the proposed development area. She asked the City to work with the state and federal governments to work on a program seeking solutions to provide property owners with insurance for landslides and earthquakes in hazardous areas. She asked the Commission to deny the application. She asked that Holly Lane be removed from the Transportation System Plan.

Elizabeth Graser-Lindsey objected to the process due to a procedural error of not including some of the proper review criteria. She explained that the transportation planning rule, the statewide planning goals, and the regulations for zone changes and plan amendments were not met. She stated the sewer system was not adequate for the development to be in compliance.

Paul Edgar, Oregon City, stated the intersection at Hwy. 213 and Beavercreek Road was failing, and the City needed to develop a plan to fix the problem. He suggested updating all the system plans for the area before ruling on the proposed application.

Commissioner McGriff asked staff to consider further options for involving the public in the process.

Motion by Damon Mabee, second by Zachary Henkin, to continue the hearing to November 30, 2015 and keep the public record open. The motion carried by the following vote.

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

4. Communications

5. Adjournment

Chair Kidwell adjourned the meeting at 10:26 p.m.