



City of Oregon City

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

Meeting Minutes Planning Commission

Monday, October 13, 2014

7:00 PM

Commission Chambers

Revised Agenda

1. Call to Order

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

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

Absent: 1 - Paul Espe

Staffers: 3 - Tony Konkol, Christina Robertson-Gardiner and Laura Terway

2. Approval of the Minutes

- 2a. [14-557](#) Approval of Planning Commission Minutes for May 12, 2014.

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to approve the minutes for May 12, 2014. The motion carried by the following vote:

Aye: 5 - Zachary Henkin, Damon Mabee, Denyse McGriff, Charles Kidwell and Robert Mahoney

3. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

4. Public Hearing

- 4a. [PC 14-117](#) CU 13-03: Conditional Use and SP 13-22 Site Plan and Design Review for a wireless communication pole on the McLoughlin Elementary School property, located at 19230 South End Road
- Chair Kidwell opened the public hearing and read the hearing script. He asked if the Commission had any conflicts of interest, ex parte contacts, bias, or statements to declare including a visit to the site since the last hearing on this matter.*
- Commissioner McGriff had three contacts through people walking up to her at the store while she was shopping to give her their opinion. She politely thanked them and informed them that the item was going to be continued.*
- Commissioner Henkin said this was one of the schools he was considering sending his child to next year.*

Commissioner Geil arrived at 7:07 PM.

Commissioner McGriff reiterated she was an AT&T wireless customer, but was not bias because she did not live in this area and was not affected by it.

Tony Konkol, Community Development Director, entered five emails into the record. The applicant requested a continuance until November 10, 2014.

Tom O'Brien, resident of Oregon City, said this item had generated a lot of activity from the neighborhood. The School Board had not let the neighborhood know about it, and when they did find out they invited the AT&T representative to a neighborhood meeting. After listening to all the information, the neighborhood voted on how many wanted the tower at the school and the majority were against it. They did not think this was the proper place to put the tower. This was an elementary school and there were safety concerns. A nearby neighbor had volunteered to put the tower on her property instead of on the school property, but AT&T said they had too much money invested in the engineering and other processes at the school and they were not going to change their mind unless the application was denied by the City. The School District would like to have better coverage, but he did not know if putting a tower on the school grounds would achieve the results the School District was hoping for as the antennas projected out not down. AT&T told the neighborhood the branches of the tower would be built out of fiberglass, which required maintenance on a regular basis and pieces of it would most likely fall off and the pieces were heavy. The total tower weight was 10,000 pounds.

Jim Peitz, resident of Oregon City, lived nearby the school and was an AT&T customer. He experienced extremely bad service, but was in opposition to the location of this tower. This had not been a transparent operation and the neighborhood needed to be given a voice. There was an alternative site which would not involve the safety of children, but AT&T would not consider it until this application was denied. He asked that the Commission give AT&T the opportunity to look at that site and deny this application.

Peggy Falkenstein, resident of Oregon City, discussed how the children came and went to school and the activities happening on the school grounds. She questioned why they would compromise any space that offered such community livability. Should they allow the cell tower noise pollution to drown out the sounds of birds and children at play? She did not think the tower would add value to the community use and livability. She thought they should find a site on private property.

Dennis Gallagher, resident of Oregon City, stated the agreement between the School District and AT&T was negotiated and signed by representatives of the school without formerly being discussed with the School Board. The parents of the students at the school were never officially informed or asked for input prior to the agreement. This application should never have reached the Planning Commission before going out to the larger community. The school grounds were a significant community gathering place and the tower would affect hundreds of people. He suggested the Commission consider the livability for all those who used the school grounds and deny the application.

John Falkenstein, resident of Oregon City, was opposed to a cell tower on the school grounds because the property was owned by the community and used by all ages seven days a week. He was also concerned about safety. He did not think the cell tower fit the purpose of why the school was purchased and maintained. There was an agreement between the City and School District that the school would also be used for recreational purposes as well as a school, and as the South End area grew

open spaces became more essential to the quality of life. If a cell tower was put in, they would be losing an important part of the open space. If the cell tower was put in it would create a blind spot that made supervision of children difficult as people could hide behind fencing. A cell tower would take away livability in this area.

Kathy Hogan, resident of Oregon City, lived in the area. She said the School District had said that safety was their first concern, but she thought if that was the case they would never put a cell tower on school grounds. If they used the neighbor's property, the cell tower could be placed higher than the school property which would allow service to reach more people.

Paul Edgar, resident of Oregon City, had talked to a lot of the parents in Canemah and the parents agreed this was not an appropriate site. He did not think the cell tower would add value to the neighborhood or to the children. This would be an attractive nuisance and had the potential for safety issues.

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to continue the hearing for CU 13-03: Conditional Use and SP 13-22 Site Plan and Design Review for a wireless communication pole on the McLoughlin Elementary School property to November 10, 2014. The motion carried by the following vote:

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

5. Communications

5a. Natural Resource Committee Presentation - Bryon Boyce

Bryon Boyce, Natural Resource Committee Chair, listed the accomplishments of the NRC in the last year. The NRC wanted to work with the Planning Commission and give input on applications that involved natural resources.

Commissioner McGriff thought there should be more work to educate people on the removal of invasive species and noxious weeds at Clackamette Park and removal of Trees of Heaven in the City. She thought a flyer could be included in the water bills. She also wanted to look at the policy for allowing removal of street trees and the option of paying not to put them back in.

Mr. Boyce said for the Willamette Falls Legacy Project site, the NRC recommended that native plants be saved in the appropriate locations that did not need to be built on. This was the same approach Metro was taking.

The Planning Commission requested Mr. Boyce write a bullet point list of the information he had given the Commission that night.

6. Work Session

[PC 14-118](#)

L 14-01: Sign Code Update

Laura Terway, Planner, presented information on the Sign Code. She discussed the project goal and public involvement process. The final version would be coming to the Planning Commission on October 27 for approval. She then reviewed the May 12, 2014, draft code, gave examples of the signs allowed in different zones, and discussed signs in the right-of-way, public murals, and prohibited signs. She listed

the issues previously identified by the Planning Commission. One was the number of signs in the right-of-way in non-residential areas. The draft code said there could be one sign per frontage, however there could be one for every 50 feet of frontage or allow one per business entrance downtown.

There was discussion regarding making different regulations for different zones especially downtown, allowing one sign per property owner, and that clutter was the main issue needing to be resolved.

There was consensus to keep it at one sign per property tax lot with the consideration that if there was not more than five feet on the sidewalk there would be no room for a sign.

Another issue was the relationship of where the sign was located in relation to where the business was located. The draft code said the sign had to be directly in front of the business. They would not be allowed to put it down the street in front of someone else's property. The rule only applied to those who had a business license with an address associated with it, not for political signs.

There was consensus that the property owner could grant permission for the sign even if the business was not directly in front of the property. They would need the abutting property owner's signature only.

Another issue was where the A-frame sign was located in the right-of-way. The draft code said it had to be within six inches of the curb. There was discussion regarding locating the signs adjacent to the buildings.

There was consensus to keep it within six inches of the curb.

The next issue was non-conforming signs. The draft code said all signs that were legally constructed could stay until they were removed by the owner. If it was moved or altered, it would have to comply with the code or if it was damaged more than 50% of the value it would have to comply with the code.

There was consensus to leave the Code language as it was, but there was concern about enforcement of this part of the Code. Staff reminded the Commission that the enforcement of the Sign Code would be decided by the City Commission.

Another issue was did they want the City to verify if there was a business license when someone submitted a sign permit application. The code said for signs in the right-of-way to verify there was a business license, but not for those on private property.

There was consensus that the property owner had the right to put up the sign, and a business license was not a part of it. There was no need for business license verification.

The next issue was allowing free standing signs for home occupations. The draft code did allow free standing signs on residential properties.

There was discussion regarding whether or not to allow permanent free standing signs in residential zones. There was consensus in favor of changing the language to allow temporary signs in residential, but not allowing permanent signs. There could be a sign on the wall of the house, but permanent free standing would not be allowed.

The next issue was were free standing signs allowed as conditional uses in residential zones. There was consensus to allow them on a case by case basis, such as for schools and churches.

Ms. Terway discussed the minor edits that would be made to the draft Code. The next public hearing on the Sign Code would be October 27, 2014.

There was discussion regarding murals and whether or not they could exclude advertisements and only allow images with no words. Staff would bring back mural standards to the next hearing.

Jonathan Stone, representing Main Street Oregon City, discussed how downtown wanted to put overstreet banners up. Downtown was the civic center and they wanted to message the events that were happening. He was concerned about limiting A-frames to a property owner decision as he did not think it was equal for all the businesses. He suggested adding placement requirements for the A-frames or allowing one per business, one per entrance, or one per 50 feet. It would still limit the number of A-frames. Allowing property owners to decide was not consistent with the number of businesses that were there and downtown was different than a Safeway shopping center. He suggested for home occupations, to have a day where all signs were taken down for a day and that way there could not be a concrete construction.

Tom O'Brien, resident of Oregon City, said if it was a good sign it would benefit the business, but a negative sign would harm the business. Blade signs on buildings showed they intended to be in business for a while, but a sign on the street seemed more temporary. They needed to educate merchants on how to better project their image. They also needed to put A-frames and street furniture in places where people could navigate the sidewalks. Most at home businesses did not generate business through signs, but through other advertising.

7. Adjournment

Chair Kidwell adjourned the meeting at 9:36 PM.