



City of Oregon City

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

Meeting Minutes - Final Planning Commission

Monday, July 28, 2014

7:00 PM

Commission Chambers

Work Session - Sewer Moratorium

Chair Kidwell called the Work Session to order at 6:00 PM.

Present: 5 - Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

Absent: 2 - Paul Espe and Zachary Henkin

Staffers: 3 - Tony Konkol, Aleta Froman-Goodrich and Pete Walter

[PC 14-082](#)

An Ordinance Declaring a Six-Month Moratorium on Land Development and Building and Sewer Permit Approval in Certain Areas within the City of Oregon City Due to a Lack of Sanitary Sewer System Capacity; and Declaring an Emergency (Planning File L-14-03).

Aleta Froman-Goodrich, City Engineer, gave a presentation on the sanitary sewer moratorium. The moratorium would be taken to the City Commission for adoption on August 6. She discussed the Sanitary Sewer Master Plan findings regarding surcharging and flooding, four existing flow-constrained areas, developable lots within the constrained areas, reasons for the moratorium, implementing the moratorium, and next steps and schedule.

There was discussion regarding the constrained areas, costs for fixing the system, priority of the improvements, and need for the moratorium.

Chair Kidwell thought the priority should be the areas that would have the most potential for development.

Commissioner McGriff thought the City should proceed as staff recommended.

Ed Ahrens, resident of Estacada, but owned property in Oregon City in one of the constrained areas. He was going through the land use process to develop his property and it would be very expensive for him to stop the process at this point. He did not think developing the property would shut down the whole system and asked if there would be a provision for those who had already gone through a great deal of the process.

Tony Konkol, Community Development Director, said once they had identified there was a health and safety issue with the sanitary sewer overflowing, it became a balance between people who had vacant land and were working through the process but had not hooked up versus what would happen if they had a storm event and several basements were flooded and the City had the information, but still allowed people to hook up to the system.

Barb Streeter, resident of Oregon City, said hers was the largest private property in the Linn Avenue area that was developable. The moratorium would affect her

capability to develop, and she was concerned about the payment plan for the sewer improvements. There was not a lot of money for projects in the City's budget. SDCs could be increased, but that would still not produce a lot of extra money for the improvements. She would like to see another option besides the moratorium as it gave a negative impression of the City to those who might be interested in future development.

Chair Kidwell suggested Mr. Ahrens and Ms. Streeter testify at the next City Commission meeting.

Chair Kidwell adjourned the Work Session at 6:45 PM.

Regular Meeting

1. Call to Order

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

Present: 5 - Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

Absent: 2 - Paul Espe and Zachary Henkin

Staffers: 2 - Tony Konkol and Pete Walter

2. Approval of Minutes

[14-433](#)

Adoption of Planning Commission Minutes for March 24, 2014 and April 14, 2014.

*****The recording started after the motion for the March 24 minutes, so the mover and seconder will have to be added.*****

A motion was made by Commissioner ??, seconded by Commissioner ??, to approve the March 24, 2014 minutes. The motion carried by the following vote:

Aye: 4 - Damon Mabee, Denyse McGriff, Charles Kidwell and Robert Mahoney

Abstain: 1 - Tom Geil

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the April 14, 2014 minutes. The motion carried by the following vote:

Aye: 4 - Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

Abstain: 1 - Damon Mabee

3. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

4. Public Hearings

4a. [PC 14-084](#)

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. He read the quasi-judicial hearing script and asked if any Commissioner had an ex parte contact, conflict of interest, bias, or any other statement to declare including a visit to the site.

Commissioner Mabee visited the site.

Commissioner McGriff visited the site and surrounding neighborhood and spoke with Tom O'Brien about a suggestion for an alternate site.

Tony Konkol, Community Development Director, presented the staff report. This was an application for a wireless communication pole at John McLoughlin Elementary School. The applicant requested a continuance to allow the School Board time to discuss the proposal at their August Board meeting. Staff recommended continuing the hearing to August 25, 2014.

Peggy Falkenstein, resident of Oregon City, discussed how the proposed cell tower was in direct conflict with the values in the South End Concept Plan. She was not adverse to education and business partnerships. She was adverse to an inappropriate proposal that contradicted community livability. She had lived in the neighborhood for 28 years and watched the growth and development that had occurred and how the school park usage had grown. The slope where kids learned to ride their bikes or watch softball games would no longer be available if the cell tower was built. She wanted to continue to promote livability and strengthen the sense of community and connectedness. She asked the Commission to deny the application.

John Falkenstein, resident of Oregon City, spoke about safety issues resulting in placing a 75 foot tower on public grounds that were used 24 hours/7 days a week. He was concerned kids might try to climb the tower. He read reports about 19 cell tower worker deaths that had occurred in the last 16 months and he did not think they should expose school children to that danger. Life Flight helicopters landed in the softball field immediately in front of the proposed site. AT&T maintenance trucks could come on the school grounds as needed as well as monthly maintenance and during construction and large trucks with unpredictable children was a concern. A strong wind storm might knock the tower over or chunks of ice might fall from the tower. The landscaping around the fenced area could block views for residents. He thought the tower would create an attractive nuisance and with all the safety and liability issues, it was not a good choice given the high level of usage of the site.

Paul Edgar, resident of Oregon City, said parents in Canemah were concerned as their children went to that school. They were especially concerned about the potential health impacts and that the tower would also degrade property values. There were alternative places that should be looked at further.

Kathy Hogan was not a resident of Oregon City, but paid taxes to the school. There were other good choices, and she did not want a child to get hurt. Kids would climb anything, there were lightning strikes, and falling ice was an issue. The School District did not notify the neighborhood about this. There had to be another place to put the tower.

Jim Peitz, resident of Oregon City, lived near the school and was an AT&T customer. He got terrible cell phone service and was happy to see a tower come into the area. However, he loved kids and their safety was the most important consideration. It was not worth it if one kid was hurt or killed. There were other locations that should be

considered. He urged the Commission not to put a tower on school property. He thought there was another place better suited for everyone.

Tom O'Brien, resident of Oregon City and Co-Chair of the Hazel Grove-Westling Farms Neighborhood Association, explained what he and Commissioner McGriff had discussed. The cell tower representatives came to the last neighborhood association meeting without warning and the neighborhood did not have an opportunity to take an official vote at that meeting. There was a majority who felt strongly that this was the wrong location. They discussed other locations and options, but it did not seem like AT&T had a desire to investigate a better location. Representatives of the School District came to the meeting, and they were in favor of the tower because they did not have cell service as the school's carrier was AT&T. He wanted coverage as well, but this was not the right place.

Rick Flaherty, resident of Oregon City, lived nearby. He discussed an article in the Oregonian regarding Osprey choosing to nest on top of a cell tower. If this cell tower was made to look like a tree, it would not be good for Osprey or kids. It was not an appropriate place for a tower. It had to be in a place that was more controlled. He was an AT&T customer, and had terrible service. He would live with it, though, if it meant there would not be a cell tower at the school.

A motion was made by Commissioner McGriff, seconded by Commissioner Geil, to continue 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 to August 25, 2014. The motion carried by the following vote:

Aye: 5 - Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

4b. [PC 14-086](#)

Portland Metro Men's Center - Findings of Fact
Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11),
Lot Line Abandonment (LL 13-04) and Nonconforming Use Review (LN 14-04)

Chair Kidwell opened the public hearing.

Mr. Konkol said at the July 14 Planning Commission meeting, the Commission voted to deny the Conditional Use, Site Plan and Design Review, and Lot Line Abandonment of the Portland Metro Men's Center application and approve the Nonconforming Use. Staff had provided findings of that decision for adoption that night.

Commissioner McGriff wanted to add that while the application did address some of the goals and policies of the Comprehensive Plan, it did not meet the goal regarding public facilities for both the sanitary sewer and transportation on Warner Parrott Road. Regarding 1756010.8.3, site and proposed development was timely, she suggested it say the site and proposed development was not timely due to the use that was being proposed.

Commissioner Mabee agreed with the comments, but did not think the findings needed to be changed.

A motion was made by Commissioner Geil, seconded by Commissioner Mabee, to approve the findings of fact for Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11), Lot Line Abandonment (LL 13-04) and Nonconforming Use Review (LN 14-04) as

written by staff. The motion carried by the following vote:

Aye: 5 - Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

4c. [PC 14-083](#)

Proposed annexation of 5.5 acres at 19588 S McCord Road (Planning File: AN 14-01).

Chair Kidwell opened the public hearing. Jennifer Bragar, City Attorney, asked if any Commissioner had ex parte contact, conflict of interest, bias, or any other statement to declare including a visit to the site.

Commissioner McGriff visited the site.

Pete Walter, Planner, presented the staff report. This application was continued from June 23. If the Planning Commission recommended approval, it would be sent to the City Commission's August 6 meeting. This was a 5.5 acre annexation proposal on McCord Road at the intersection of Leland and McCord. It was one tax lot, had been within the Urban Growth Boundary since 1979, was contiguous to the City, and no development was proposed at this time. If approved the zoning would be R-10, low density residential. Utility connections were available. He explained the location, zoning, land use, public utilities, service districts, parks, transportation, and schools. The property was not part of a concept plan area. The traffic impacts of low density residential had been taken into account in the recently adopted Transportation System Plan. Additional analysis would be required if development was proposed. He reviewed the approval criteria. Staff recommended that the Planning Commission recommend approval of the application to the City Commission for their August 6 meeting. If approved, the annexation would be forwarded to the November ballot.

There was discussion regarding trees on the property, possible constraints, and adequate police service to the area.

Chris Goodell, AKS Engineering, was representing the applicant. Regarding the trees, once annexed they would follow the City's rules for tree removal. The site had many accesses and there would be a variety of ways to get in and out of any future development. There were no plans for development currently. He asked for their support to recommend approval to the City Commission.

Commissioner McGriff recommended not removing any trees other than the Christmas trees on the property.

There was no public testimony.

Chair Kidwell closed the public hearing.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to recommend approval of AN 14-01: Annexation of 5.5 acres at 19588 S McCord Road to the City Commission. The motion carried by the following vote:

Aye: 5 - Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

4d. [PC 14-105](#)

Oregon City Sign Code Update (Planning File: L 14-01)

Chair Kidwell opened the public hearing.

Mr. Konkol stated staff was doing a City-wide inventory of murals and art which was

taking longer than anticipated. Due to other scheduling conflicts, he recommended continuing the hearing to September 22, 2014.

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to continue the hearing for the Oregon City Sign Code Update (Planning File: L 14-01) to September 22, 2014. The motion carried by the following vote:

Aye: 5 - Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

5. Communications

Mr. Konkol said Volunteer Recognition Night was August 14. He gave an update on the Willamette Falls Legacy project. The application would come before the Planning Commission in September. The Partners Group was working on a Memorandum of Understanding among all of the public agencies and identified the River Walk as the first catalytic project and investment. The MOU would be adopted by resolution by each of the agencies. He said the Cove project was currently delayed due an appeal of the Bureau of Labor and Industry decision on paying prevailing wage. During the First City Celebration, the City offered tours of the Willamette Falls site and had a booth at the celebration. Staff was continuing to move the project along.

6. Adjournment

Chair Kidwell adjourned the meeting at 8:30 PM.