



City of Oregon City

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

Meeting Minutes - Final Planning Commission

Monday, July 14, 2014

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:03 PM.

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

Absent: 1 - Zachary Henkin

Staffers: 4 - Pete Walter, Kelly Moosbrugger, Aleta Froman-Goodrich and Tony Konkol

2. Approval of Minutes

[14-418](#)

Adoption of Planning Commission Minutes for February 10th, February 24th and March 10th, 2014.

Chair Kidwell pointed out there were question marks in the February 10 minutes and misspelling of names that needed to be corrected.

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the February 10, 2014 minutes as amended. The motion carried by the following vote:

Aye: 5 - Paul Espe, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

Abstain: 1 - Damon Mabee

Chair Kidwell said there was misspelling of names in the February 24 minutes as well.

A motion was made by Commissioner Espe, seconded by Commissioner McGriff, to approve the February 24, 2014 minutes as amended. The motion carried by the following vote:

Aye: 5 - Paul Espe, Damon Mabee, Denyse McGriff, Charles Kidwell and Robert Mahoney

Abstain: 1 - Tom Geil

Commissioner McGriff said there were question marks that also needed to be corrected in the March 10 minutes.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to approve the March 10, 2014 minutes as amended. The motion carried by the following vote:

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

3. Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

4. Public Hearings

4a [PC 14-072](#)

The Linn Avenue, Leland Road and Meyers Road Corridor Plan (Planning File: LE 14-04).

Chair Kidwell opened the public hearing.

Pete Walter, Planner, said the plan was still in a draft form and staff requested the hearing be continued to August 25, 2014. This was a concept plan for the Linn Avenue, Leland Road, and Meyers Road corridor to create a functional and safe multi-modal corridor in the future. It would be an amendment to the City's Transportation System Plan which was adopted in 2013.

Betty Savage, owner of the Savage Mini Mall, was not in favor of the round about that was planned for the intersection where the mini mall was located. In 1965, the intersection was changed and she had to give the City some of her property. The City made some mistakes at that time and lost a court case over them. This was the same situation again and she did not want to give the City anymore of her property. She barely had enough parking for customers. She had asked for the traffic counts and accidents and the report from 2008-2012 showed there had only been nine accidents, four of which had been in her parking lot. She did not see a need to spend a large sum of money for this change when the City had not put in sidewalks in the area.

Arnold Wagner, owner of a rental property near the proposed round about, thought it was already hard to get in and out of the area, and did not know if the round about would improve the situation or make it worse. He wanted to talk with the planners or public works department to discuss the details further.

Mr. Walter directed him to John Burrell in the City Engineering Services Department for further information.

Norma Belding, resident of Oregon City, thought this project would cost a large amount of money and asked if citizens would be able to vote on it. She was concerned about citizens having to pay for it.

Mr. Walter explained when the plan was adopted, it would become part of the City's Capital Improvement Plan budget and it would be determined at a later date what part of the project could be funded out of existing Public Works funds. He would find out a more definitive answer before the next public hearing. This would go to the City Commission for final approval and become part of the TSP, but it would not go before the voters for a vote. This would not increase taxes, but would come from the budget that they already had.

Laura Sadowski, representing Plaid Pantry, was concerned about the round about and the ingress and egress to the Plaid Pantry. There might be issues with the delivery trucks and customers getting in and out. If it was difficult to get to the store, people did not come back and there might be a reduction in sales. The delivery trucks needed to be able to make the turns without using the neighborhood behind the store. She gave examples of other stores that had been impacted by similar

situations.

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to continue the Linn Avenue, Leland Road and Meyers Road Corridor Plan (Planning File: LE 14-04) to August 25, 2014. The motion carried by the following vote:

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

4b [PC 14-071](#)

Proposed 31-Bed Assisted Living / Memory Care facility located at 950 South End Road (Planning Files: CU 14-01: Conditional Use, SP 14-09: Site Plan and Design Review, VR 14-01: Variance and LL 14-05: Property Line Adjustment).

Chair Kidwell opened the public hearing. Jennifer Bragar, City Attorney, read the public hearing procedures. She asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Mabee had driven by the site.

Commissioner McGriff had visited the site.

Mr. Walter said staff was requesting a continuance of the hearing to August 11 so that the City's engineering department could review the application. The proposed site was .91 acres comprised of two tax lots at the intersection of Amanda Court and South End Road. It was an R-10 residential zone, so a Conditional Use was required for a 31 bed assisted living facility. There was also a variance request from the institutional and commercial building standards in order to place a vehicle drive aisle at the front of the property to access the site from South End Road. There was also a lot line adjustment requested between the two tax lots. The application was deemed complete with a transportation analysis letter and an amendment to the letter. They addressed the City's stormwater management requirements and would be required to make street frontage improvements. The applicant's proposal included various options for parking and staff preferred the off-street parking to be behind the building. There would be two driveways to the site off of Amanda Court, one to the parking lot and one to exit the site. The entrance would be on South End. The traffic engineer was looking into the issue further to make sure it was safe. The site plan would have to address the tree removal that already occurred on the site and the applicant would have to mitigate for the removals. The existing house had been demolished. The surrounding area was single family residential. The proposal was to construct a memory care facility and was not expected to generate a lot of traffic as the people being cared for would not be driving cars. There would be visitors and employees coming to the site. The overall parking requirement was for seven spaces. There would be enhanced landscaping in the front and side of the property in addition to the existing planter strips. He explained the setbacks, doors to the building, elevations, and proposed staffing. This would be a one story building with a mezzanine area to be used for office space. Staff needed to further review the stormwater report, transportation analysis, and site access. He entered email correspondence between staff and co-applicants and a letter from the property owners into the record.

Petronella Donovan, applicant, gave a background on her experience in specialized care and explained why she wanted to do the project. She could not think of a better place to open this facility than in Oregon City. The number of elderly was growing and good care facilities were needed. She chose the number of rooms because she

wanted it to be small and to provide good quality care. She explained the staffing requirements, how medications were delivered, and how the building would be secured. She would have more than the minimum staff to give the best care for each resident. The neighborhood association was in favor of the application.

Commissioner Mabee was concerned about the proximity to South End and possible car crashes or residents getting out on the busy road. Ms. Donovan said this would be the most secure building she had.

Commissioner McGriff was also concerned about the driveways and parking and thought it was out of scale with the surrounding neighborhood.

Commissioner Espe suggested a different architectural style that would be more northwest and contemporary. He did not think there was enough parking.

Richard Georgescu of RSG Engineering discussed the stormwater for the project. The water from the roof would be able to drain to the back of the lot and the parking lot would have porous pavement. They would not need a stormwater facility. He would check to see if more parking stalls could be added.

Chad Valelly, general contractor for the project, said regarding the trees, they were trying to get the lot prepped and the intention was always to mitigate for the trees that were taken out. The original application had expired, and when the application was resubmitted they were in the middle of prepping and removing trees. When they found out it had been resubmitted, they stopped work immediately. It was a communication error with the parties involved and was not intentional. There was a large church across the street and this property abutted South End and that was taken into consideration for the design and location. Regarding the security of the building, it was incorporated into the design. Every entrance and exit would require a code and a front desk person would monitor the doors. They also tried to incorporate every aspect of a residential home in the building and to create a residential and family feel.

Edward Radulescu, part of the design team, had noted the concerns of the Commission and would address them at the next hearing.

Naga Senthirajah, owner of the parcel on Amanda Court, asked for the record to remain open and continue the hearing to August 11.

Ingra Rickenbach, resident of Oregon City, spoke about her husband who had Alzheimer's and was in a similar facility as the one proposed. She was concerned about the parking as she would visit her husband every day and sometimes she had a hard time finding a place to park because families visited often. It would be nice to have a facility like this in Oregon City. She wanted to make sure there was enough parking so people felt comfortable coming to see their loved ones.

Kerry Kucera-Hugger, resident of Oregon City, lived next to the site and was not notified when work started to be done on the site. They put a cyclone fence that opened onto her driveway and trucks were coming in and out of her driveway. They also ripped out some outbuildings which was her fence. She hoped they would preserve a large Sequoia tree on the site. She did not want this development to dwarf her home and wanted a privacy fence put up.

A motion was made by Commissioner Mabee, seconded by Commissioner Geil, to continue the application for a proposed 31-bed assisted living / memory care facility located at 950 South End Road (Planning Files: CU 14-01: Conditional Use, SP 14-09: Site Plan and Design Review, VR 14-01: Variance

and LL 14-05: Property Line Adjustment) to August 11, 2014. The motion carried by the following vote:

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

4c [PC 14-074](#)

Portland Metro Men's Center -

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. Ms. Bragar read the public hearing procedures. She asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Geil had been absent due to surgeries, but watched all of the hearings regarding this matter on the videos on the City's website and was familiar with the issues and application.

Commissioner McGriff had driven by the site and surrounding neighborhood many times.

Commissioner Espe drove by the site regularly as he lived nearby.

Kelly Moosbrugger, Planner, presented the staff report. The site was located on 405 Warner Parrott Road. The zoning was R-10 and the site was surrounded by R-10 and R-3.5. She explained the criteria that applied to the application. The proposed use was for the Portland Metro Men's Center, a Christian recovery program. She discussed the proposed office building and exterior renovations to the existing structure. Regarding whether this application complied with the density, the Commission would have to balance the goals and policies of the Comprehensive Plan and apply the Oregon City Municipal Code criteria. The applicant had proposed mitigation for the number of people on site which included spreading the development out over the site in three structures and using residential standards, putting in a six foot high fence, limiting direct access to the neighborhood, and public improvements along Warner Parrott Road. Staff suggested a Good Neighbor agreement, enclosing the stairways on the side of the dormitory, utilizing the stairs for emergency access only, and installing additional landscaping. The revision to the application was the addition of a Nonconforming Use application. The applicant was requesting a determination of the legality of the day use of the subject property as a religious institution. The sanitary sewer proposal was for on-site storage tanks. However, the City was in the process of creating a moratorium due to the inadequate sewer capacity in the area this site was located.

Aleta Froman-Goodrich, City Engineer, said engineering had reviewed the application for adequacy of public services including the sanitary sewer service. The site was in an area where there was a problem with sanitary sewer capacity and it was inadequate to serve the development. Staff was working on a moratorium for no new development until the capacity issues were fixed. The proposed development, specifically the dormitory and office building, would be adding flows to the system. Regarding the existing building that was currently being used for day use, the sanitary sewer was adequate to continue that use. The applicant submitted a proposal for mitigation of impacts on peak flows discharging to the City's system with an on-site storage tank system. The City found the proposal was not an acceptable method for mitigating the capacity problem. A supplemental memo was submitted that day that also did not address the City's inadequate sewer capacity.

Ms. Moosbrugger said the applicant also submitted an Equal Terms request and said the City was not complying with Statewide Planning Goal 2. The City Attorney had addressed both of these in a memorandum and was there that night to answer questions. Revisions to the staff report included findings for approval of the Nonconforming Use application. There was no direct evidence of planning approval when the existing church was built, however staff did find building permits from 1961. She thought Planning Commission approval would have been required for a church in that zone at the time, but they did not have records from that long ago. They were relying on the building permit, letters from neighbors, and later Planning Commission minutes and files from 1976 and 1980 that referred to the Conditional Use of the church. The site was regularly used for church services until 2012 and the current owner came on to the site in less than 12 months after it was vacated by the previous owner. Staff found it had been continuously used and that the current use of the site was consistent with the definition of religious institution. Another revision to the staff report included one more condition of approval which addressed the sanitary sewer issue for a total of 29 conditions. She entered her PowerPoint presentation and three handouts into the record. She listed the options the Commission had for the application.

There was discussion regarding the Equal Terms request and Nonconforming Use application.

Mike Reeder and Rick Givens were representing the applicant. They were pleased with the presentation on the Nonconforming Use and believed the information was correct. They discussed the Conditional Use criteria and Site and Design review criteria. They had provided a sketch of an alternate facade to make the building look more residential. They thought the stormwater storage tanks would work, but they were confident they could find other solutions or if not, they hoped that the City could make the needed changes as soon as possible.

Mr. Givens discussed compatibility and what was allowed under Conditional Use if it fit the character of the neighborhood and was a reasonable use. There were four properties nearby that were R-10 and everything else was R-3.5. He explained the uses allowed in the R-3.5 which included row houses. The new facade proposed would be in character with what a row house development would look like. The proposal would not change the character of the neighborhood so that the lots could not be used for residential purposes. This was a large lot and there would be a large setback to the rear and sides of the property. There would also be fencing and landscape buffering as well. He thought what was proposed would be complimentary to the surrounding area. He explained how the proposed structures complied with the design standards.

Brandon Boyd, resident of Oregon City, lived adjacent to this site and was the Vice Chair of the South End Neighborhood Association. He asked the Planning Commission to consider that there had been a significant change in the neighborhood since the day use facility started. There was a lot of noise and there was no proposed gate between Shore Pine Place and the proposed dormitory. He wanted that issue addressed so that emergency vehicles could come in and out and it would be safe in the neighborhood. He thought the Equal Terms provision put religious and regular use on the same footing. This should be looked at the same way as an apartment complex or any other facility with 62 beds and a 24 hour/7 days a week operation. The average Oregon City population was 5.5 people per acre. If that number was applied to this parcel, it would equal 12 residents on site. The applicant thought it should be considered similar to an R-3.5 zoning, but the property was zoned R-10. The proposed density for the Conditional Use was five times the City's

average density. He thought that made a significant impact to the surrounding neighborhood. He thought the effects of the development to the neighborhood should be mitigated by limiting the number of permitted residents on the site and limiting the scale of the dormitory building.

Mr. Reeder and Mr. Givens gave a rebuttal. Mr. Reeder said government was prohibited from using their discretionary approval authority to discriminate against those with disabilities and those practicing their religious freedom. They were proposing a gate on Shore Pine as shown in the site plan. The Equal Terms provision was in regard to the Nonconforming Use application and staff had found that it was a Nonconforming Use. There were no density provisions for the Conditional Use permit. Average density fluctuated, and if this was developed as a residential subdivision, they could put seven dwellings on it. They would be allowed to have 15 unrelated disabled individuals living in seven homes, which totaled 105 people. He thought 62 individuals living on site was well below 105 residents that were possible.

Mr. Givens said there was a proposal for an assisted living facility earlier that night with the same Conditional Use application. They were proposing 31 beds on .91 acres, and this proposal was less density than that application. They were not of out character with what was typically asked for for assisted living type of facilities and this application also had considerable setbacks. He did not think the density or character were issues.

Mr. Reeder said they were also proposing two and a half times the amount of landscaping required. The absolute maximum number of residents would be 62, and there would be a flux of people. He explained the Equal Terms provision further. It was done because most of the opposition had to do with the character of the individuals that would be on the site. He discussed the testimony about this application devaluing property and how the development would not affect property values.

Chair Kidwell closed the public hearing.

Commissioner Mahoney said based on the Code and the purpose of the R-10 zone, he did not think the application was compatible. He based the decision on the testimony of those living in the area and the land use criteria. The scale and intensity of the use adjacent to a residential development was too much. He was not in favor of the application.

Commissioner Espe liked the latest facade as long as there was adequate articulation. This was an important service to the community and he had never been opposed to this type of service on this site. There was a question regarding scale and adequate public service to the site. He did not think an underground storage tank was a viable solution. Density was also an issue and he was on the fence between looking at the density based on R-3.5 or based on R-10. Regarding the Nonconforming Use, it appeared that the church use had not been discontinued for more than a year per Code.

Commissioner McGriff also liked the revision to the design, but wanted more detail returned to the Planning Commission as part of approval of the findings. She thought the occupancy should be reduced as the 62 residents was not appropriate based on the Conditional Use criteria. The condition regarding the Good Neighbor agreement needed to remain in the conditions. She suggested a preliminary review by staff after the first six months of occupancy to be reported back to the Planning Commission and a yearly review thereafter. She was also concerned about adequate landscaping

and location of the garden right up against the rear of someone's property line. She thought the garden should be relocated.

Commissioner Mabee saw this more like a hotel with a restaurant in the parking lot where people stayed for a short amount of time, walked out of that building to another location for meals, or it was more like a boy scout camp. He did not think it was an appropriate use in this location. The work that had gone into making this better visually was good, but it was still a hotel with a restaurant in the parking lot. It was not appropriate for R-10 or R-3.5. He thought the number of residents was not an issue, the redesign was good, but he did not think it fit with the neighborhood. He thought the Nonconforming Use should be approved and that the day use program should continue. It was a good plan, but not in the right place.

Commissioner Geil thought both the applicant and neighbors gave compelling arguments, but the neighbors were more convincing in their concerns. He agreed with everything the other Commissioners said.

Chair Kidwell agreed this property had been used as a church for the last 40-some years, and the building was still a church. He thought a church-related use of the property was appropriate. The day use occurring now was an acceptable use based on the history of the property. Introducing any kind of group residency on the site was inconsistent with the historic church use of the site. It never had an overnight function to it. The neighborhood did not have an expectation that there should be residents living on the site. He did not support any dormitory use of the site. He supported the continued Nonconforming Use on a daytime basis only.

A motion was made by Commissioner Mahoney, seconded by Commissioner Geil, to deny the Portland Metro Men's Center 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). The motion failed by the following vote:

Aye: 2 - Tom Geil and Robert Mahoney

Nay: 4 - Paul Espe, Damon Mabee, Denyse McGriff and Charles Kidwell

Commissioner McGriff wanted to add a condition for a Good Neighbor agreement. Commissioner Mabee did not think it was necessary. Chair Kidwell said the Good Neighbor agreement was related to the Conditional Use, not Nonconforming Use.

Commissioner McGriff suggested everyone involved communicate with one another.

Findings would be brought back to the next Planning Commission meeting.

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to deny the Portland Metro Men's Center Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11), and Lot Line Abandonment (LL 13-04), and approve the Nonconforming Use Review (LN 14-04). The motion passed by the following vote:

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

4d [PC 14-073](#)

Proposed wireless communication pole on the McLoughlin Elementary School property, which is located at 19230 South End Road (Planning files: CU 13-03 : Conditional Use and SP 13-22 Site Plan and Design Review).

Chair Kidwell opened the public hearing. Ms. Bragar read the public hearing procedures. She asked if any Commissioner had ex parte contacts, conflicts of

interest, bias, or any other statements to declare including a visit to the site.

Commissioner McGriff had visited the site. She was an AT&T customer, but was not in any way affected or biased by the application.

Commissioner Espe visited the site frequently for walks as he lived in the neighborhood. His wife was a School District employee.

Chair Kidwell was familiar where the school was, but had not visited the site.

Ms. Moosbrugger presented the staff report. This was an application for a wireless pole at 19230 South End Road, John McLoughlin Elementary School. The school was surrounded by single family residential properties near the edge of the City limits. A radio frequency analysis of alternative locations was done for the wireless pole. The pole would be located between the school and the softball field and would displace one tree on the property. She explained the site plan, elevation drawings, renderings, Conditional Use criteria, and other review criteria. Staff found the application met all of the criteria and recommended approval with conditions. There had been a request for a continuance from the neighborhood association and she recommended continuing the hearing to July 28. She entered the staff presentation into the record.

Sharon Gretch and Steve Bodeen, Lexcom Developmen Corp, were speaking on behalf of the applicant. They requested approval to construct and operate a wireless communications facility at the school. The site would be accessed through the existing school drive and by a sidewalk to the site and the perimeter would be paved.

Mr. Bodeen explained why this location was chosen. There were service gaps in the area and there were certain requirements for a wireless site. There were no commercial sites that were appropriate and they started to discuss the possibility of using the school site. They worked out where the site would be located and had designed it the way the School District preferred. This would be a 75 foot tall pole made to look like a pine tree and would be designed for future co-locations.

Ms. Gretch said the ancillary equipment had some sound, but it was located in the equipment shelter. Additional baffling would be added to the shelter to meet Code requirements and they would work with the School District regarding the times the generator would be running. The parameters for an appropriate site were very small and she entered handouts into the record regarding what drove them to choose this location.

Moe ?? discussed the customer complaints that showed why they needed the service in this location. They had analyzed all of the possible options and the school was the best one to pick up the targeted coverage area. He had looked at another site, but it would not provide the same coverage. The purpose was to maximize capacity and serve the neighborhood.

Ms. Gretch discussed the exhibits in the application showing the coverage area and need for the pole. It did meet the setback requirements.

Mr. Bodeen explained what the mono-pine tree would be constructed out of. The goal was to camouflage the pole into the existing foliage. Construction would take two to three months and they would work with the School District to create a construction schedule.

Alfaq Motiloala, the applicant's radio frequency engineer, said the emission rate for

the site was less than 10% of what was approved by the FCC.

Commissioner McGriff did not like that a tree had to be removed and was troubled by the location.

There was no public testimony.

A motion was made by Commissioner McGriff, seconded by Commissioner Geil, to continue the application for a proposed wireless communication pole on the McLoughlin Elementary School property, located at 19230 South End Road (Planning files: CU 13-03 : Conditional Use and SP 13-22 Site Plan and Design Review) to July 28, 2014. The motion carried by the following vote:

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

5. Communications

There were no communications.

6. Adjournment

Chair Kidwell adjourned the meeting at 10:55 PM.