

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

July 11, 2011, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Chair Stein called the meeting to order at 7 p.m.

Roll Call:

Chair Carter Stein
Commissioner Charles Kidwell
Commissioner Damon Mabee
Commissioner Denyse McGriff
Commissioner Paul Espe
Commissioner Zachary Henkin

Staff Present:

Tony Konkol, Senior Planner
Laura Butler, Assistant Planner
Christina Robertson Gardiner, Associate Planner
Pete Walter, Associate Planner
Carrie Richter, Assistant City Attorney

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

3. ADOPTION OF PLANNING COMMISSION MINUTES

[February 28, 2011 Draft Minutes](#)

Motion by Commissioner Damon Mabee, second by Commissioner Denyse McGriff to approve the minutes of the February 28, 2011 Planning Commission meeting minutes.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Denyse McGriff, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye. [6:0:0]

4. PUBLIC HEARING

AN 11-01: Park Place Annexation 6.5 acres

[AN 11-01 PC Staff Report](#)

[Exhibit 1. Vicinity and Comp Plan Map](#)

[Exhibit 2. Tax Map](#)

[Exhibit 3. PPCP Map](#)

[Exhibit 4. PPCP Cost Estimates](#)

[Exhibit 5. Petition and Narrative](#)

[Exhibit 6. Findings](#)

[Exhibit 7. Draft Annexation Agreement - Supplemental Police Funding Schedule A](#)

[Exhibit 8. PPCP Findings OAR 660-012-0060](#)

[Exhibit 9. Email - Clackamas River Water Comment](#)

[Exhibit 10. Email - Kent Ziegler Police Fees](#)

[Exhibit 11. Clackamas County Planning Comments](#)

[Exhibit 12. Urban Growth Management Agreement \(UGMA\)](#)

[Exhibit 13. Email - Police Chief Mike Conrad](#)

[Exhibit 14. Newspaper Public Notice](#)

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

Chair Stein knew the applicant from community meetings and was a participant in the Park Place planning process.

Commissioner McGriff visited the site.

Commissioner Mabee visited the site three years ago when the plan was being put forward and walked through the Concept Plan area.

Commissioner Espe said he went to that location frequently as his wife worked at Holcomb Elementary School.

Commissioner Kidwell walked through the area.

Commissioner Henkin drove through the area.

Pete Walter, Associate Planner, said this annexation was part of the Park Place Concept Plan. The area was flat and overgrown with three local street stubs into the site. The area had been part of two previous annexation proposals, one in 2007 and one in 2009. Both proposals were approved through the City process, but denied by voters. This was a medium density residential Comprehensive Plan designation. The applicant was only proposing annexation with this submittal. He explained the approval criteria and how the application complied with the criteria. There was a police service short coming, and the applicant proposed to pay a \$3,500 per dwelling unit police service fee for any new home developed in the annexation area. He showed a diagram of the Concept Plan for the area. The reason why the annexation

application was disconnected from the zoning was because of the Transportation Planning Rule (TPR) that required adequate public facilities that served the development and when a zone change was proposed within a Metro area, ODOT required there be no net impact at the end of a 20 year planning horizon. The applicant was proposing to defer compliance with the TPR until the time of zoning. The City had looked at off-site impacts for the entire Park Place area and adopted the estimated infrastructure improvements into the System Development Charges. Utility and street connections were stubbed into the site and the area was served by Clackamas Fire District #1. Staff recommended approval of the application.

Commissioner Mabee asked about the tax lot being 13.3 acres, and this annexation was only a portion of it. Mr. Walter stated the applicant turned in a legal description to the County for the annexation and staff recommended the applicant fully comply and turn in all the deeds for the annexation tax lot. He then referred to Exhibit 11, Clackamas County planning comments. It didn't appear to be an issue.

Commissioner Mabee asked about the zoning and street alignments. Mr. Walter said the zoning allowed for R3.5 and supported a fully connected street system.

Commissioner McGriff asked for a contour map. Mr. Walter said the property was not over 25% slope and there was no map provided. She requested that topographical information be provided for all applications.

Commissioner Espe asked if the property was in one contiguous sewer basin and if there was a pump station in this area. Mr. Walter said it fell in one basin and did not require any more pump stations.

Ryan O'Brien, Planning Consultant, explained the elevations of the property. They did not intend to do R3.5 zoning, but to do R5 zoning. He showed a picture of the property with street stubs. They would agree to a partition if required, but had talked to the County and there was a law that if they were doing a subdivision, they were not required to include the entire piece of property. He gave a history of how the tax lots were created. There were sewer connections to the property.

Kent Ziegler, resident of West Linn and Oregon City property owner, stated they had been working on this for a long time. He had participated in the Park Place Concept Plan process. He explained why this parcel made the most sense to be the initial phase to implement the Concept Plan. He read from a letter written by Alexin Analytical Laboratories in Tigard regarding the water quality on Livesay Road and also read from a letter from Black and Veach regarding resolving the public safety hazard. He then read a letter which stated the City's plans to abandon the existing pump station and extend the water line to the south. If this annexation was approved, it would solve the water and access issues of the area.

Commissioner Espe asked about the possibility of an LID or Zone of Benefit. Mr. O'Brien said all the property in the area required sewer and they were planning to use an LID or payback from the property owners.

Chair Stein opened the public hearing and asked for public comment.

Rich Cohn-Lee, resident of Oregon City, stated the voters of Oregon City had rejected the Park Place annexations twice. He asked the Commission to be mindful that the voters had spoken on the issue and resoundingly rejected this annexation. Nothing had changed since the last vote. He owned property east of this area and had concerns regarding the plan. He was opposed to the annexation.

Kirk Tolstrup, lived to the west of this area, and was served by the City water by an

old pump station. If this property was developed, his neighborhood could get a water line from the development and not have to deal with water outages when the power went out or when there was a mechanical failure at the pump station. When it flooded, they could not get out of their property except through the backyard. He wanted the connectivity and water systems as was outlined in the Concept Plan.

Christine Kosinski, resident of unincorporated Oregon City, expressed concern about disrupting the lives of those who lived in the Trail View subdivision, especially in regard to safety on the streets due to cross traffic. These would be small lots with no community parks. Citizens more than 300 feet away from this proposal should have been notified. She had funding concerns for the transportation improvements needed for the Concept Plan. The voters turned down previous annexation attempts due to lack of money for required infrastructure and development was not paying its way. Nothing had changed since the last vote.

Mr. O'Brien mentioned the voter annexation votes had been 40% in favor, 60% opposed. This development was small and would not be a significant cost to the City. All of the improvements would be paid by the developer and the development would help with the economy.

Mr. Ziegler said the economic environment called for them to incrementally approach implementation of the approved Concept Plan for this area. This made the most logical sense for where growth should occur. He read from the staff report regarding where the funding for the Concept Plan would come from. This project would save citizens money and generate property taxes.

There was discussion regarding the proposed police funding.

Commissioner Mabee clarified the applicant would also need to pay a school excise tax.

Chair Stein closed the public hearing.

Tony Konkol, Community Development Director, reminded the Commission of the approval criteria that they needed to use for the application. In terms of noticing, staff followed what the Municipal Code and State law required. The Planning Commission would make a recommendation to the City Commission and the City Commission decided if it would go to the voters. An annexation decision could be appealed to the Land Use Board of Appeals.

Commissioner Kidwell said based on the criteria for approval, this proposal met the criteria. He thought the benefits outweighed the concerns expressed.

Commissioner Espe was interested in how much revenue a parcel would generate verses the amount of maintenance it required, and often residential did not pay for itself. This property should be annexed because the infrastructure was there.

Commissioner Henkin thought this neighborhood was ready for annexation due to the sewage needs. The police would be taken care of and the direction of the applicant was to go for R5 zoning. He was in support of the application.

Commissioner Mabee said two of the four sides of the property had development, connectivity of the roads would increase service for police and fire, and this was a small parcel. However, he was uncomfortable with the police funding contribution.

Commissioner McGriff appreciated the public testimony. She agreed that the notice boundary area for annexations was not adequate and thought that the boundary of the

notice area should be increased. She thought that in general, SDCs were not adequate to assure that most residential development paid for the full cost of urban services.

Chair Stein thought this area was appropriate for annexation. The Park Place area was annexed due to a State mandate for deficiencies in services and this area had been looked at for growth since the 1980's and had been planned through the Concept Plan. This would also provide citizens another chance to vote.

Motion by Commissioner Zachary Henkin, second by Commissioner Charles Kidwell to to recommend approval of AN 11-01 as proposed to the City Commission.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye and Commissioner Denyse McGriff abstained. [5:0:1]

SP 11-05: 801 Main Street- Courthouse Addition

[Commission Report](#)

[SP 11-05 Staff Report](#)

[SP 11-05 Map](#)

[SP 11-05 Applicant's Submittal](#)

[SP 11-05 John Replinger Comments](#)

[SP 11-05 Powerpoint*](#)

[OCMC 17.44 Geologic Hazards Overlay District- Nancy Kraushaar Memo*](#)

[Additional 3D Renderings Submitted by Applicant*](#)

Motion by Commissioner Denyse McGriff, second by Commissioner Charles Kidwell to to approve SP 11-05 with the additional conditions of approval as proposed by staff.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Denyse McGriff, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye. [6:0:0]

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if the Commission had any ex parte contact, conflict of interest, bias, or statements to declare.

All the Commission had visited the site.

Christina Robertson-Gardiner, Planner, entered into the record the PowerPoint presentation as Exhibit 1, memo from Nancy Kraushaar, City Engineer and Public Works

Director, regarding her finding that no further geologic hazard review was required as Exhibit 2, and 3D elevations and existing photos provided by the applicant as Exhibit 3. Because of the newly adopted Development Code in 2009, it allowed for modifications that better met the standard. She gave three options for the application, explained the site plan, proposed addition, and transparency standard requirement. The Courthouse was not locally designated as a historic designated property, but it was eligible. To be designated, they needed Section 106 approval from the State Historic Preservation Office. The Courthouse gained approval in December 2010 and it was found the addition did not adversely affect the historic significance of the Courthouse. She explained the reasons why putting in a false commercial storefront window to meet the standards might not be the best fit for the addition. The CIC voted to support the application. Lloyd Purdy, Downtown Manager, stated Main Street businesses supported the application as a way to retain the Courthouse downtown and Courthouse traffic provided a life-line to downtown during the economic downturn and provided a healthy portion of lunch business to restaurants. She read the thoughts from staff. She questioned what kind of an impact this addition would have behind an under-utilized plaza. The Planning Commission could look at this application on its own against the larger goals of the Code and not be caught up on specific standards.

Paul Boundy, LRS Architects, explained the reasons for the security improvement project to the Courthouse and the elements of the proposed design. Regarding the transparency, the primary function of the building was security and he did not think it was appropriate to try to force something that did not belong. The applicant had used landscaping and elements of the plaza to help break up the scale of the elevation. Main Street businesses were in favor of the clock tower design and thought this would be great for murals or as a backdrop for projecting movies in the plaza.

The Commission asked questions and made suggestions about the design including breaking up the vertical panels on the front to help mitigate the transparency, making the garage door less obvious and to integrate it better into the building, the windows that were to be removed in the existing Courthouse should be saved and used elsewhere, and bringing the vertical band line across on the front elevation.

Chair Stein asked for any public testimony. There was none.

Chair Stein closed the public hearing.

Ms. Robertson-Gardiner went over the proposed conditions of approval. Condition 7 would be an introduction of a brick element divider on the Liberty Plaza elevation that broke up the vertical insets to align with existing fenestration. Condition 8 would be the applicant shall reduce the banding width around the garage to eight to ten inches neither brick or stone and provide a garage door of medium to dark hue to match the building. Condition 9 would be the applicant shall save all existing windows proposed to be removed to be able to be reused on site.

5. WORK SESSION

Membrane Structures

[Draft Membrane Structures Memo](#)

[Membrane Structures Powerpoint](#)

Ms. Robertson-Gardiner gave an update on the membrane structures code effective January 1, 2011. She reviewed the code adoption process, what a membrane structure was, what the code stated, how the regulation was enforced, and comments from Code Enforcement. There was no grandfather clause for membrane structures.

Chair Stein suggested putting an article in the City Newsletter and a flyer to Home Depot to let the public know about these changes.

Mr. Konkol said this was in response to a resident in Canemah that had a Code Enforcement issue. This was a long discussed policy decision and a decision was made to move forward. Staff recommended not changing the code and opening it up to further interpretation.

The Commission agreed with staff's recommendation, but wanted to make sure it was published to all neighborhood committees, Home Depot, and Lowe's.

Staff would not be bringing back the request from the Canemah resident to the Planning Commission.

6. ADJOURN

Chair Stein adjourned the meeting at 10:03 p.m.