

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

May 23, 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 Zachary Henkin
Commissioner Paul Espe
Commissioner Denyse McGriff

Staff Present:

Laura Terway, Assistant Planner
Carrie Richter, Assistant City Attorney
Tony Konkol, Community Development Director

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

Stephanie MacGurn, resident of Oregon City, received a notice of violation due to a membrane structure on her property. She asked the Commission to consider an exception and allow her to keep her carport where it was. Her home sat sideways to 4th Avenue and the carport sat beside her home. Her home was on a steep slope and the carport was kept neat and some flowering shrubs would be planted around it. A vehicle and firewood was kept underneath.

Tony Konkol, Community Development Director, said staff would look into the issue and bring it back to the Planning Commission.

3. PLANNING COMMISSION HEARING

LE 10-02 (Legislative): Request for continuance for the Oregon City Water Master Plan, an Ancillary Plan to the Oregon City Comprehensive Plan.

Commission Report

Request for Continuance from City Engineer

Chair Stein read the hearing statement describing the hearing format and correct process for participation.

Mr. Konkol said this application was initially brought forward at the March 14, 2011

Planning Commission meeting and was continued to this meeting. The Public Works Director was continuing to work with the Finance Department and City Attorney to address the Charter provisions concerning the water rate roll back and how it affected the Water Master Plan. He requested the hearing be continued to August 22, 2011.

There was no public testimony.

Motion by Commissioner Zachary Henkin, second by Commissioner Charles Kidwell to to continue LE 10-02 (Legislative) for the Oregon City Water Master Plan, an Ancillary Plan to the Oregon City Comprehensive Plan, to the meeting of August 22, 2011.

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

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

[Commission Report](#)

[Exhibit 1: Letter from Carrie Richter, dated May 13, 2011](#)

[Exhibit 2: Good Neighbor Agreement, Submitted by Applicant](#)

[Exhibit 3: Superintendent Letter, Submitted by Applicant](#)

[Entered into Record on May 9, 2011: Exhibit 1](#)

[Entered into Record on May 9, 2011: Exhibit 2](#)

[Commission Report](#)

[CU 07-04 Annual Review Staff Report](#)

[Exhibit 1: Vicinity Map](#)

[Exhibit 2: CU 07-04 Notice of Decision](#)

[Exhibit 3: CU 07-04 Staff Report](#)

[Exhibit 5: May 2, 2011 Email from Nancy Busch, Code Enforcement Manager](#)

[Exhibit 6: May 2, 2011 Email from Chris Taylor, Executive Assistant for the Oregon City Police Department](#)

[Exhibit 7: May 2, 2011 Emails from Rita Cosenza- President/Director House of Hope Portland](#)

[Comments from Linda Lord](#)

Chair Stein stated this was a continuation from the last Planning Commission

hearing. He asked if the Commission had any further declarations of ex-parte contact, conflict of interest, bias, or statements.

Commissioner McGriff had spoken with a member of the Rivercrest Neighborhood Association and suggested someone from the Neighborhood Association attend this meeting.

Laura Terway, Planner, gave an overview of what was discussed at the last hearing. In 2007 this application was approved with two conditions. The first was a Good Neighbor Agreement with the Rivercrest Neighborhood Association which had a 90 day time limit. She entered the Good Neighbor Agreement created by the applicant as Exhibit 1. The second condition was an annual review for three years to address safety concerns. The application had to meet the Conditional Use criteria and she went over the criteria. There was concern about parking, noise, and traffic, but staff found the applicant to be compliant with the single family neighborhood. There had been discussion about the school meeting State standard. The applicant might use the house as single family use for foster care or continue with the school. Staff recommended approval of the Conditional Use. When the applicant came back next year, if they had ceased the school, the Conditional Use would be canceled, if they moved forward with the school, they would need to follow State standard. She also entered the letter from the applicant to the School District into the record as Exhibit 2.

Chair Stein reopened the hearing for public comment.

Ms. Terway stated the letter from Roger Rada dated October 4, 2007 was Exhibit 3.

Patti Brown of the Rivercrest Neighborhood Association said the Neighborhood Association had no comments or written material provided for or against this facility. They saw no reason to change it and no one had commented. She did not see an issue.

Linda Lord, resident of Oregon City, had a conversation with the State and there had been a difference in the information she got before whether or not a license was required for the function of teaching done at the facility. That was a decision to be made by the state in a review in the fall. She had not known she needed to route her comments to the Neighborhood Association and had always contacted the City. Regarding the events at the house, there had been many vehicles at the facility the last two weekends. It was not a normal single family use, and the frequency was more than once a year. The Fire Marshall should have a maximum occupancy for the house. She had pictures that showed multiple people and vehicles at the facility. The police had not enforced the law and she wanted it to be a nice quiet neighborhood.

Chair Stein closed the public hearing.

Commissioner Kidwell said the concerns had to do with noise and traffic, which were not addressed by the conditions of approval. There were no restrictions beyond what was required for a normal single family house.

Mr. Konkol explained it was hard to know if the extra traffic had to do with the school or the applicant's personal use of her home. They did not regulate such uses in a home. The City did not enforce CC&R's. He explained the criteria that

was used for the Conditional Use.

Commissioner Espe referred to the City Attorney's memo. There needed to be evidence that there was a negative impact in the neighborhood and it did not meet the criteria. He thought appropriate conditions of approval should be drafted to mitigate these issues.

Commissioner Henkin said it was difficult to discern whether these events were school or home owner related. He thought they should keep them separate.

Commissioner McGriff did not find the items submitted by the applicant to be credible. She shared copies of Good Neighbor Agreements and thought these issues could be addressed through communication.

Chair Stein said the question was if there was enough evidence that the school would comply with the Conditional Use criteria.

Carrie Richter, Assistant City Attorney, said there was consensus that additional conditions needed to be drafted and they could start the Type 3 review process now or wait until they knew what the applicant was doing. She suggested continuing the hearing and have staff talk with the applicant to determine whether or not to wait for the review.

The Commission discussed what the next step should be.

Commissioner Kidwell thought the application met the Conditional Use criteria and thought they should proceed with the approval and assess next year.

Motion by Commissioner Charles Kidwell, second by Commissioner Zachary Henkin to to affirm staff's recommendation for CU 07-04 (Conditional Use).

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Zachary Henkin, Commissioner Paul Espe voting aye and Commissioner Denyse McGriff voting no. [4:1:0]

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

[Commission Report](#)

[CU 11-01 Staff Report](#)

[Exhibit 1: Vicinity Map](#)

[Exhibit 2: Applicant's Narrative and Site Plan](#)

[Exhibit 3: Comments Submitted by the McLoughlin Neighborhood Association](#)

[Exhibit 4: TAL Review by John Replinger of Replinger and Associates](#)

Chair Stein asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

Commissioner McGriff said she had known the applicant's consultant for a number of years and prior to being appointed to the Planning Commission had a discussion with the applicant about the proposed application.

Commissioner Henkin said his wife worked for the Oregon City School District.

Chair Stein and Commissioners McGriff, Henkin, and Espe had visited the site.

Ms. Terway said the Oregon City School District had submitted these applications for two properties to continue the current use of the properties. The applicant had not proposed any exterior alterations to either site. The site on 908 Jackson Street was used for a transitional program for students with learning disabilities and the property on 903 Van Buren was used as an alternative school for students with learning disabilities or emotionally handicapped. The applicant provided a parking analysis and were using the driveway for one parking stall and the adjacent frontage for on street parking for the remainder of the parking. She explained the Conditional Use criteria and recommended conditions of approval.

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

Rick Givens, planning consultant, was representing the applicant. He stated these were ongoing programs that the School District started without getting the necessary approvals and now they were trying to get the approvals. There was concern regarding budget constraints of the School District and he requested the conditions of approval be modified to allow for a minimum of two fiscal years in order to implement the street improvements proposed by staff. Since the students were special needs, there was not a need for bicycle racks.

Commissioner McGriff thought the applicant should check in with the McLoughlin Neighborhood Association. She did not think the bike racks were necessary.

Ms. Terway entered the letter from Roger Rada dated May 4, 2010 into the record as Exhibit 1.

The applicant explained the students would not be riding bicycles to school, but they could put a bike rack at Van Buren.

There was no further public testimony.

Chair Stein closed the public hearing.

Commissioner Kidwell thought the application was acceptable with the conditions recommended by staff. He suggested a garage or alternative to a traditional bike rack.

Commissioner Espe thought the structures integrated well with the community and were well adapted to be reused as school facilities to foster an important community need. He thought the bike racks would not be used.

Commissioner Henkin thought the bike rack did not fit the neighborhood and ADA ramps would be installed. He encouraged the applicant to find a place for the bikes, but not include it in the conditions.

Commissioner McGriff thought there should be a recommendation that the School District communicate adequately and frequently with the Neighborhood Association.

Ms. Terway said the Code allowed bike racks to go inside facilities and they could go in the garage in this instance.

Condition #3 was modified to allow the applicant two fiscal years to install the improvements and if the improvements were not made by June 30, 2013, the Conditional Use Permit would be null and void. Condition #5 was modified to install the bicycle rack in compliance with OC MC 1752.040. The bicycle parking would not be visible from any street and could be located in the garage. The bicycle parking could be put on one of the properties to be used for both facilities with adequate signage.

Motion by Commissioner Paul Espe, second by Commissioner Denyse McGriff to approve CU 11-01 (Conditional Use) and SP 11-03 (Minor Site Plan and Design Review) with the conditions as amended.

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

4. WORK SESSION

2011 Goals

2009-2010 PC Goals and Objectives

Mr. Konkol summarized the proposed 2011 goals.

Commissioner McGriff suggested a City wide visioning process with community outreach and education and to advise the City Commission and Urban Renewal Commission to budget for it. She suggested using the Beaverton model for community visioning and community involvement.

Chair Stein thought they should encourage the City Commission to do the community visioning process and focus on the Blue Heron site as a starting point. The Beaver Creek and South End Concept Plans also were priority and could be included in the visioning.

The Commission discussed the proposed goals.

The consensus of the Commission was to focus on the community visioning with Blue Heron and South End as guiding goals and objectives.

Mr. Konkol reported on the 99E project, PGE's Willamette Falls Industrial Area Request for Determination of Eligibility document which included the Blue Heron site which was available on the City's website, and the June meeting agenda.

5. ADJOURN

Chair Stein adjourned the meeting at 9:39 p.m.