



City of Oregon City

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

Meeting Minutes

Planning Commission

Monday, May 9, 2016

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 5 - Charles Kidwell, Tom Geil, Zachary Henkin, Denyse McGriff and Damon Mabee

Absent: 2 - Robert Mahoney and Paul Espe

Staffers: 3 - Laura Terway, Pete Walter and Jennifer Bragar

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. NR 16-01

Chair Kidwell read the quasi-judicial hearing procedure and opened the public hearing. He asked if any Commissioner had ex parte contacts, bias, conflicts of interest, or any statements to declare including visits to the site.

Commissioner Geil drove by the site.

Commissioner McGriff had two ex parte contacts. She knocked on the door of the adjacent property to ask permission to look over their fence to see the site. She also called the applicant to ask if he could bring a plan of the house he was proposing to put on the parcel. She also visited the site.

Commissioner Henkin visited the site.

Pete Walter, Planner, presented the staff report. The address of the lot was 16348 Frederick Street. This was a Type 3 Natural Resources Overlay District review. The parcel was a platted lot of record and part of the Clackamas Heights subdivision. The lots were around 5,000 square feet in size, located in the Park Place neighborhood, and in an area of single family residential homes. He discussed an aerial photo of the site including the creek and wetland area. The minimum setback from the wetland was 25 feet, but in this case the house would not fit on the lot with that setback and the applicant asked for a reduction to 17 feet. This was what triggered the Type 3 review. He then explained the site plan, delineation, and criteria for the adjustment. David Evans and Associates reviewed the application and confirmed all of the criteria had been met. The applicant had addressed the mitigation needed for the application. The fence and railroad ties south of the creek would be removed and there would be no detrimental impact to the resource on the site. Two planting areas were proposed.

The total square footage of the mitigation area was 3,000 which would mostly be on site with some occurring on the lot owned by the applicant to the east and some in the public right-of-way of Frederick. The applicant would plant 15 trees and 50 shrubs and native seed mix of grasses for ground cover. There would be no detrimental impact to migration, rearing, feeding, or spawning of fish caused by the proposal. He then described the mitigation plan and showed photos of the site. He reviewed the conditions of approval. Once the home was constructed, the mitigation plantings would be planted. The Pacific Willow trees would be replaced by Red Osier Dogwoods or similar shrub species. There was a Willow Tree in the middle of the street, and a condition could be added that a replacement tree be put in the right-of-way or on the applicant's property. The restrictive covenant needed to be recorded and the plantings needed to be maintained by the property owner. The monitoring and maintenance period was for five years and by the end of the five years, 80% of the plants needed to be established. The Natural Resources Committee had reviewed the application and it was unanimously approved. There was a public comment by an adjacent neighbor in support. Staff recommended approval with conditions.

Laura Terway, Interim Planning Manager, clarified they were not requiring improvements to Frederick Street and the plantings could be placed there. If Frederick Street was improved in the future, the plants could be removed but in the meantime the plants helped with the mitigation.

Commissioner Mabee did not think they should plant things in the middle of the street.

Mark Shaw, applicant, said he had no preference in regard to the planting in the right-of-way. The planting could be moved onto private property. He had talked with Public Works and agreed to pave Gain Street to the south of the property. After the five year maintenance, if the property was not being maintained Code Enforcement could become involved. There was not a rear patio on the house plan because it would go over the maximum square footage of disturbance on the lot. The utility trench would not be impervious, and he was wondering if there was a possibility of being able to do a small rear patio.

Commissioner McGriff thought that would count as a disturbance. Commissioner Mabee thought the applicant should build the house and put in the plantings and then see if he still wanted a rear patio. He could come back to the Planning Commission to add it on if so.

Mr. Walter said a condition could be added stating the proposal must remain under 1500 square feet of disturbance. Currently the 1500 square feet included the utility trench.

Commissioner McGriff was concerned about the challenges of the lot and putting a house on the property, the high water table and flooding in the area, and the substantial amount of impervious surface. She suggested replacing the paved driveway with pervious pavers. She thought a patio with pavers was more acceptable than a deck.

Mr. Shaw said this was a two story floor plan and he was trying to get an attached single car garage and to meet the requirements the garage could be a maximum of 60% of the front of the house. That was what determined the width of the house. The ground cover would be native grass with the intention of having a lawn. He bought the property to build a house for his kids as affordably as possible. One of his sons lived nearby and did not have water issues. There was a significant cost difference to

do pervious pavers in the driveway.

Ms. Terway said there would be no advantage to using the pavers as the maximum square footage would still stand.

Mr. Shaw said it would be a private driveway located on the south side of the property and would meet all of the width and radius requirements. It did not add to the disturbance area because it was in the right-of-way. Mr. Walter recommended the disturbance area in the right-of-way be mitigated according to Code.

Jennifer Brager, City Attorney, proposed a condition stating the applicant shall mitigate the disturbance area within Frederick Street right-of-way on the two to one basis as required in the Code. Regarding trees planted in the Frederick Street right-of-way, she proposed amending Condition #2 to add "except all mitigation tree plantings shall occur on the applicant's property and no mitigation tree plantings shall occur within the Frederick Street right-of-way" at the end of the first sentence. The wording to Condition #4 would include, "The applicant shall mitigate the disturbance area within the Frederick Street right-of-way on a two to one basis in accordance with the Code. The revised mitigation plan would be resubmitted to staff for review."

Paulette Merrill, resident of Oregon City, lived across the street from this property. Her neighborhood started being developed and she was not pleased with how it was happening. The new houses did not have garages and places to put residents' stuff. She did not have anything against this particular lot, but in general she had concerns. There were large parcels up and down the hill that might be developed and she was concerned about the potential cumulative impact of building within this water resource overlay area. When she moved to her current house, there was not another house on Frederick. At some point Frederick would be improved and become a through street.

Austin and Kimberly Connley, potential residents of the house to be built, understood the additional burden of building a house here and were willing to maintain the plantings and the waterway.

Ms. Terway said the residents would be subject to the same requirements as all properties that had vegetated corridors on their sites.

Mr. Shaw gave a rebuttal. He understood the concerns. He thought they were improving the area and were meeting all of the criteria. The goal was to provide affordable housing for his kids.

Commissioner Geil asked if they could fence off the creek for child safety. Mr. Walter clarified fences were permitted within the disturbance area. If the applicant wanted to put in a fence, they could contact staff to discuss the requirements at that time.

Chair Kidwell closed the public hearing.

Commissioner Mabee thought the application met all of the criteria.

Commissioner Henkin thought the applicant had taken a difficult property and made it livable. There was not a lot of options and it met criteria. He recommended having a pervious driveway, but he did not want to make it a condition.

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to approve NR 16-01 with the amended conditions and recommendation of using pervious or semi-pervious pavers for the driveway. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Zachary Henkin, Denyse McGriff and Damon Mabee

4. Communications

Ms. Terway said there would be a Work Session tomorrow with the Planning Commission and City Commission regarding potential marijuana regulations and equitable housing.

There was discussion regarding the marijuana regulations survey staff was asking the Commission to fill out.

Ms. Terway announced the City received LUBA appeals for the Beavercreek Road Concept Plan and the zone change associated with the Willamette Falls Medical Center. A third LUBA appeal had been received for the Beavercreek Road/Highway 213 zone change.

5. Adjournment

Chair Kidwell adjourned the meeting at 8:46 PM.