



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, April 10, 2023 at 7:00 PM

REGULAR MEETING OF THE PLANNING COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email recorderteam@orcity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orcity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

CALL TO ORDER

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.

PUBLIC HEARING

1. GLUA 22-00028 VAR 22-00003 A Variance to the lot size of a 10-lot townhome subdivision located in the R-2 High-Density Residential District -Pleasant Avenue

Approval of Minutes

2. Planning Commission Minutes Approval

COMMUNICATIONS

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WPMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

Staff Report

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

To: Planning Commission **Agenda Date:** 04/10/2023
From: Christina Robertson- Gardiner Senior Planner

SUBJECT:

GLUA 22-00028 VAR 22-00003 A Variance to the lot size of a 10-lot townhome subdivision located in the R-2 High-Density Residential District -Pleasant Avenue

STAFF RECOMMENDATION:

Approval of GLUA 22-00028 VAR 22-00003

EXECUTIVE SUMMARY:

The applicant submitted and received approval (SUB 22-0002) to divide three existing flag lot parcels into ten new lots for the future development of two four-unit townhome buildings and one duplex building. All ten lots will take access off a new private street that will be located in the existing flag poles of the three parcels.

The R2 multifamily zoning district requires a minimum 2,000 square feet of lot size for townhome subdivision and their proposed layout would require a Planning Commission Variance as four lots were undersized, though the average of the lot sizes was over 2,000 square feet. The subdivision utilizes a private street for lot frontages which is removed from the minimum lot size for proposed lots. The applicant was additionally unable to pursue the lot size reduction process in OCMC 16.08.065 - Lot size because of the number of lots (more than 25%) and resulting lot size were more than the allowed for this Type II lot reduction/averaging process (10% size reduction) twenty-foot

As part of the Subdivision review, staff provided incorrect information to the applicant that the minimum size of the R2 zone was also changed to 1,500 square foot minimum and, therefore, a lot size Variance would not be required for the Subdivision review. That, however, was not the case, and the minimum lot size standard of 2,000 square feet was still in effect. As part of the recently approved subdivision review (SUB 22-00002), a condition of approval was added that provided the applicant with a couple of clear and objective options to pursue before the final plat of the subdivision to show compliance with the dimensional standards of the R2 Multifamily District.

These options include:

- Reduce the number of lots to meet the minimum lot size of the zoning district.

- Obtain a Planning Commission Variance
- Pursue a two-stage platting process by platting larger lots that would later be replated as middle housing/middle housing land division. (*configuration of final plat would match application submittal*)
- Submit an alternate private street configuration during construction permit review, as approved by Development Services, that slightly reduces the size of the private street tract to provide for minimum lot size requirements- (*not determined at this time if feasible*)

While there are a number of alternative approaches that the applicant could pursue this proposal, staff finds that the requested Variance is the least impactful to the neighborhood of the options identified above and granting the Variance provides a clear path forward and would not result in a need to submit a cumbersome two-step platting process through the middle housing land division processes which would, in the end, be identical to the proposed layout.

OPTIONS:

1. Approval of GLUA 22-00028 VAR 22-00003
2. Denial of GLUA 22-00028 VAR 22-00003 and provide staff supplemental findings
3. Continue GLUA 22-00028 VAR 22-00003 to a date certain and obtain the needed 120 day waiver from the applicant.

TYPE III STAFF RECOMMENDATION

March 29, 2023

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NUMBER: GLUA 22-00028 VAR 22-00003 (revised file # VAR 23-00002)**APPLICANT:** Debbie Cleek,
Bookin Group,
1020 SW Taylor ST 555, Portland OR 97205**OWNER:** William Winkenbach
17850 S Hidden Lake Dr
Oregon City OR 97045**Application Submitted:** 08/23/2022
Application Incomplete: 09/16/2022
Application Complete: 01/03/2023
120-Day Decision Deadline: 05/03/2023**REQUEST:** A Variance to the lot size of a 10-lot townhome subdivision located in the R-2 High-Density Residential District (*Lots 9, 8, 5, 3*) (Associated file SUB 22-00002).**LOCATION:** Pleasant Avenue (3-2E-05BB-07201, 3-2E-05BB-07202, 3-2E-05BB-07203)**ZONE:** High-Density Residential R2**REVIEWERS:** Christina Robertson-Gardiner, Senior Planner AICP**DECISION:** Approval

PROCESS: Pursuant to OCMC 17.50. The decision of the Community Development Director is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who commented in writing to the Community Development Director may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

I. BACKGROUND:

1. Existing Conditions

The 28,850 square feet (0.66 acres) subject parcel consists of three flag lots located behind the single-family house located at 770 Pleasant Avenue, an Oregon City Local Street. The property is surrounded on the north, south, and west by apartment complexes. Further west of the site, the neighborhood is predominately single-family homes. East across Pleasant Avenue, there are two medical clinics and associated parking lots, and a mix of single- and multi-family housing.

The entire site is primarily flat, with a slight slope down toward the east. The site is currently vacant. There are several small trees discussed in the Arborist Letter (Exhibit E) located in the flag-pole portion of the site. Otherwise, the site is vegetated with shrubs and grass. The site is not on or near any natural hazards identified by the City (such as wetlands, floodplains or steep slopes). Additionally, the site is not near any open space, scenic, or natural resource areas that would be affected by the proposal. There is no historic designation on or near the property.

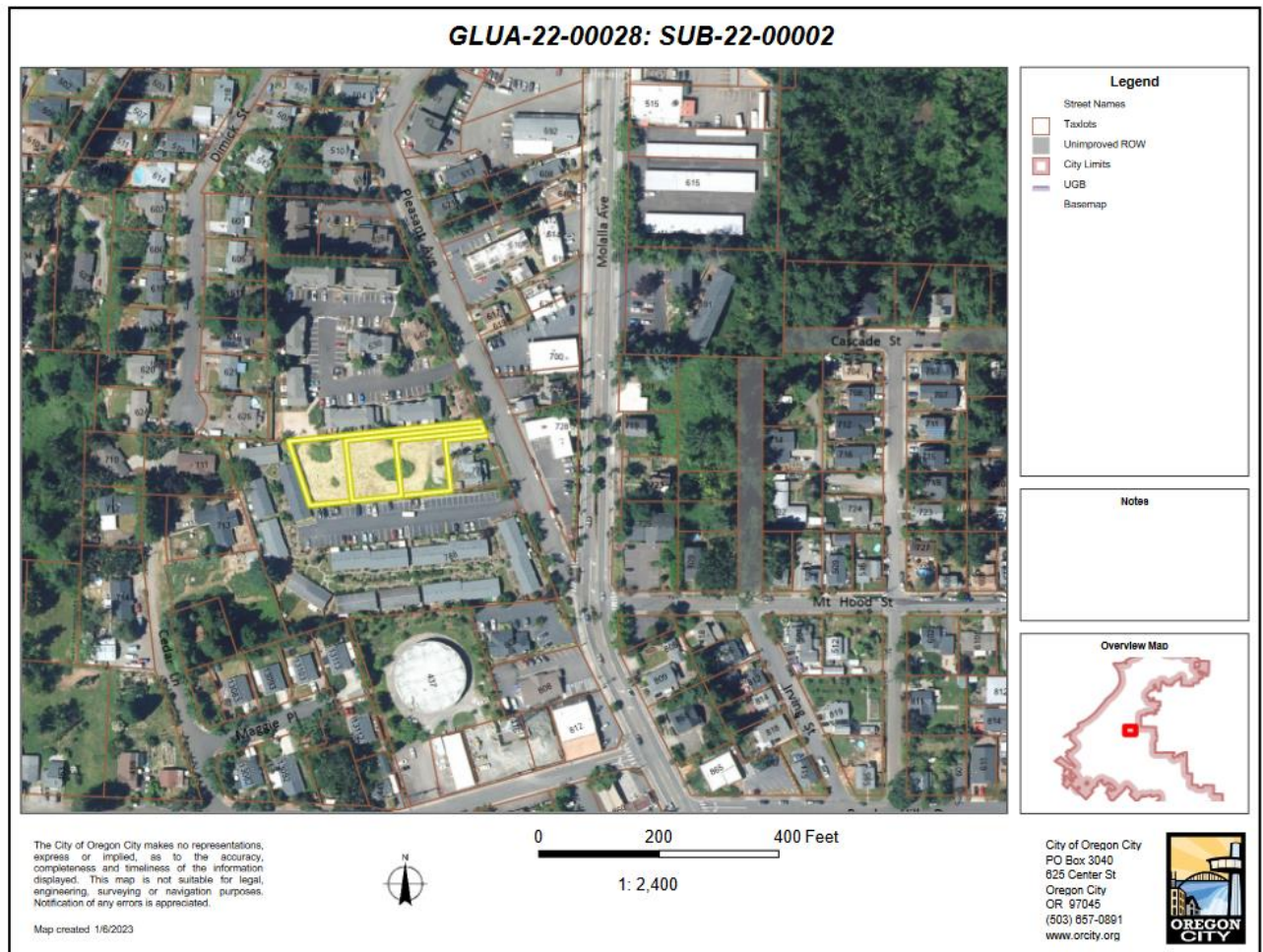


Figure 1. Vicinity Map & Existing Conditions – Aerial Image

2. Project Description

The applicant submitted and received approval (SUB 22-0002) to divide three existing flag lot parcels into ten new lots for the future development of two four-unit townhome buildings and one duplex building. All ten lots will take access off a new private street located in a tract that will be placed in the general location of the existing flag poles of the three parcels. The street will include a nineteen/twenty-foot wide vehicle access area, a five-foot-wide sidewalk, and a fire truck turnaround. At the end of the street will be a 6,200 sq. ft. community open space/stormwater area.

The applicant has proposed four undersized lots that will be interior to the four-unit townhomes requiring no setbacks on either side since their side lot lines are adjacent to the unit next door. Therefore, these four lots are proposed to be less than the minimum lot size required in the R2 zone, and a Variance to this standard is requested.

Access to the new private street will be via Pleasant Avenue. Additionally, the existing house at 770 Pleasant Avenue will be given an access easement to also use the new private street and will close the curb cut to their existing driveway. Water service to the lots will be obtained by a public water main extension from Pleasant Avenue up the private street. Sanitary service for the lots will be obtained by a new private sewer line extended up the street from Pleasant Avenue. Stormwater disposal will be managed on-site with an underground detention system with overflow to the public sewer. The applicant submitted a Transportation Analysis Letter and was found to be in compliance with the transportation standards found in OCMC 16.12.033 - Mobility standards.

Purpose Behind Variance Request

The applicant met with staff in the fall of 2021, prior to the adoption of the Middle Housing HB 2001 code to review options for the existing three-flag lots. The R2 multifamily zoning district requires a minimum 2,000 square feet of lot size for townhome subdivision, and their proposed layout would require a Planning Commission Variance as four lots were undersized, though the average of the lot sizes was over 2,000 square feet. The subdivision utilizes a private street for lot frontages which is removed from the minimum lot size for proposed lots. The applicant was additionally unable to pursue the lot size reduction process in OCMC 16.08.065 - Lot size because of the number of lots (more than 25%) and resulting lot size were more than the allowed for this Type II lot reduction/averaging process (10% size reduction) twenty-foot

If the Applicant were to propose a Type I Middle Housing project on each existing flag lot (figure 3), they would be able to count the flag poles in their lot calculations and could build quadplexes on each lot (12 units total). Ultimately, the applicant chose to pursue the subdivision approach as it created more conventional layout.

For reference, a multi-family (5+ units) project that combined all three lots and fronted Pleasant Avenue could build up to 14 units. (28,850 square feet/2,000 min lot size)

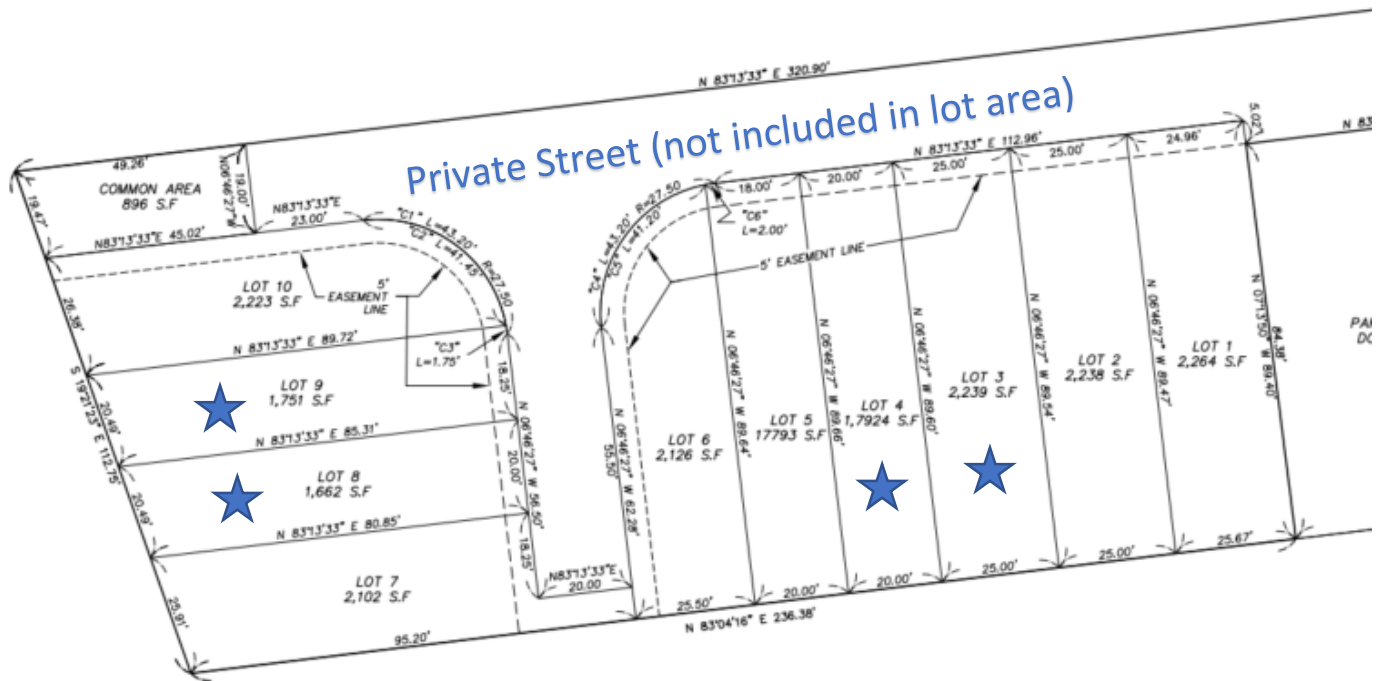


Figure 2: Proposed plat Lots started in blue are undersized (Lots 9, 8,5,3)

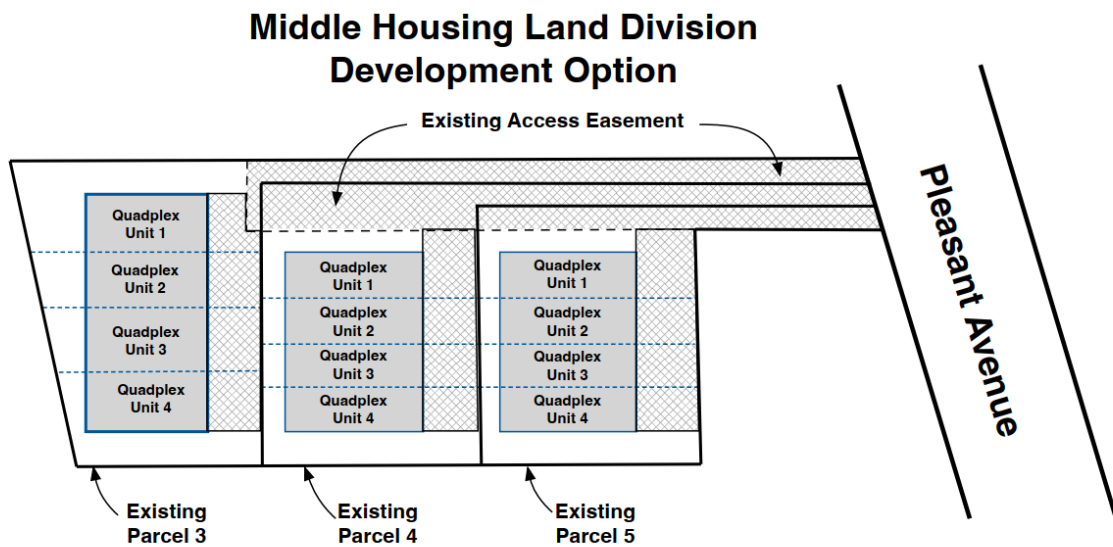


Figure 3- a Type I Middle Housing layout permitted by the R2 Zone, but not pursued by the applicant.

As of June 30, 2022, lots in the Medium Density (R3.5,R5) and Low Density (R6,R8,R10) were required by state law to allow townhome Subdivisions with 1,500 square foot lot sizes. If the subject property was located in either of these zones, they would be able to develop the proposed townhome subdivision as a permitted use outright.

However, the general direction of the Planning and City Commissions were to only revise zones that were required by state law to meet HB2001 Middle Housing requirements and monitor other zones, such as R2, over the next couple of years to better understand any mismatch of minimum lot sizes and densities. As such, the Minimum lot size for Townhomes was not revised.

As part of the Subdivision review, staff provided incorrect information to the applicant that the minimum size of the R2 zone was also changed to 1,500 square foot minimum and, therefore, a lot size Variance would not be required for the Subdivision review. That, however, was not the case, and the minimum lot size standard of 2,000 square feet was still in effect. As part of the recently approved subdivision review (SUB 22-00002), a condition of approval was added that provided the applicant with a couple of clear and objective options to pursue before the final plat of the subdivision to show compliance with the dimensional standards of the R2 Multifamily District.

These options include:

- Reduce the number of lots to meet the minimum lot size of the zoning district and meet minimum density.
- Obtain a Planning Commission Variance
- Pursue a two-stage platting process by platting larger lots that would later be replatted as middle housing/middle housing land division. (*configuration of final plat would match application submittal*)
- Submit an alternate private street configuration during construction permit review, as approved by Development Services, that slightly reduces the size of the private street tract to provide for minimum lot size requirements- (*not determined at this time if feasible*)

*GLUA 22-00028 SUB 22-00002
Condition of Approval*

- 23 The Applicant shall pursue one of the following options as part of this Land Use Approval to ensure compliance with the dimensional standards of the R-2 zone.
- a. Revise the submitted townhome subdivision layout prior to final plat with lot dimensions permitted by the code (including the allowance of lot size provisions in chapter 16.08.065 chapter). This may require the reduction of the number of proposed lots in the final subdivision plat layout or the combination of lots, which could later be divided by the Middle Housing Land Division process.
 - b. Obtain a Planning Commission Variance to allow the preliminary plat as proposed or modified to meet the Variance Conditions.
 - c. Development of the parcel through a new Type I Middle Housing and Type II Middle Housing Land Division Process.
 - d. Submit an alternate private street design during construction permit review, as approved by Development Services, that provides for minimum lot size requirements. (P)

24. Any revisions to the final plat shall ensure compliance with the minimum lot size of the zone, including any provisions to require additional units be built on a larger lot to ensure compliance with the density standards of the zone at the time of building permit. (P)

Comparison of Residential Dimensional Standards

Standard	R-10	R-8	R-6	R5	R3.5	R-2
Minimum lot size¹						
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet	5,000 square feet	3,500 square feet	Single-family detached- <i>Not Permitted</i> 4,000 square feet – Duplex 6,000 square feet- Triplex
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet	7,000 square feet	7,000 square feet	6,000 square feet- Quadplex 8,000 square feet cottage cluster
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet	1,500 square feet	1,500 square feet	2,000 square feet

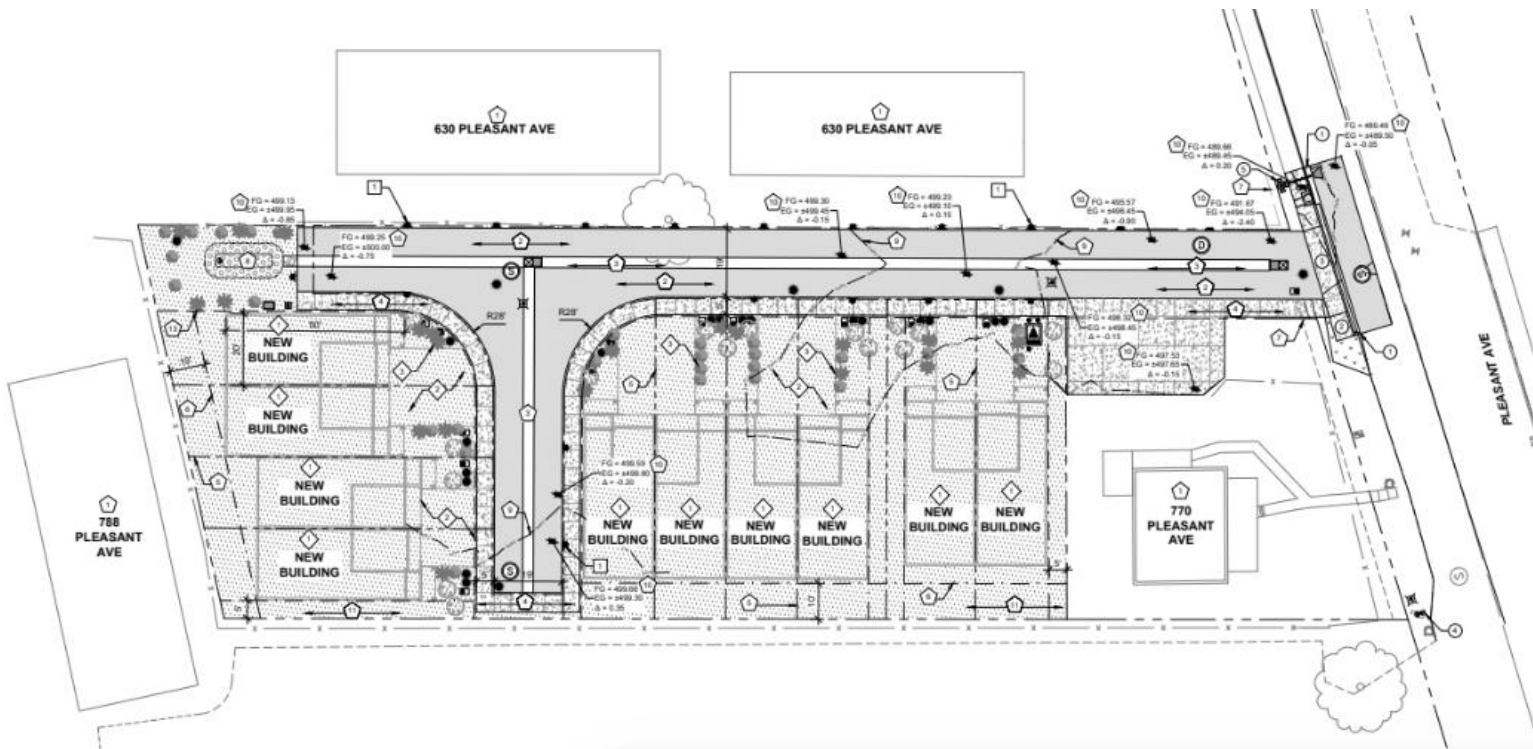


Figure 4: Proposed Site Plan for SUB 22-00003

Summary of Staff Recommendation

While there are a number of alternative approaches that the applicant could pursue for this proposal, Staff finds that the requested Variance is the least impactful to the neighborhood of the options identified below, and granting the Variance provides a clear path forward, and would not result in the need to submit a cumbersome two-step platting process through the Middle Housing Land Division processes which would, in the end, be identical to the proposed layout. Additionally, the proposed reduced lot size is still above the minimum lot size allowed in the medium-density zone and low-density districts.

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City, including but not limited to the Public Works – Development Services and Building Divisions.

4. Public Comment

No public comments have been received prior to the staff report being posted with the Planning Commission agenda. All public comments submitted prior to the Planning Commission hearing will be forwarded to the Planning Commission,

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER

CHAPTER 17.12 – R2 MULTIFAMILY DISTRICT

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES.....

CHAPTER 17.60 VARIANCES

The City Code Book is available on-line at www.orcity.org.**CHAPTER 17.12 HIGH DENSITY RESIDENTIAL DISTRICT***Permitted uses in the R-2 district are:*

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of the ordinance codified in this chapter;
- B. Duplexes;
- C. Triplexes;
- D. Quadplexes;
- E. Townhouses;
- F. Multi-family residential;
- G. Cottage clusters;
- H. Residential care facilities;
- I. Accessory buildings;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- N. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- O. Transportation facilities.

Finding: Permitted. The applicant proposed to construct Townhome units, allowed in OCMC 17.12.020.E.**17.12.040 - Dimensional standards.***Dimensional standards in the R-2 district are as follows:**Table 17.12.040***Table 17.12.040**

Standard	R-2
Minimum lot size ¹	
• Duplex	4,000 square feet
• Townhouse	2,000 square feet
• Triplex, quadplex and multi-family	6,000 square feet
• Cottage cluster	8,000 square feet
Maximum height	
All, except	35 feet, except
Multi-family	45 feet
Cottage cluster	25 feet
Maximum building lot coverage	85%

<i>Minimum lot width</i>	
<i>All, except</i>	<i>50 feet, except</i>
<i>Townhouse</i>	<i>20 feet</i>
<i>Minimum lot depth</i>	
<i>All, except</i>	<i>70 feet, except</i>
<i>Multi-family</i>	<i>75 feet</i>
<i>Minimum front yard setback</i>	<i>5 feet, except</i>
	<i>0 feet — Porch</i>
<i>Maximum front yard setback</i>	<i>20 feet</i>
<i>Minimum interior side yard setback</i>	
<i>All, except</i>	<i>5 feet¹</i>
<i>Townhouse</i>	<i>0 feet (attached)/5 feet (side)</i>
<i>Minimum corner side yard setback</i>	<i>5 feet</i>
<i>Minimum rear yard setback</i>	<i>10 feet¹, except</i>
	<i>5 feet — Porch</i>
<i>Garage setbacks</i>	<i>20 feet from ROW, except</i>
	<i>5 feet from alley</i>
<i>Minimum required landscaping (including landscaping within a parking lot)</i>	<i>15%</i>

Finding: Complies with Condition of SUB 22-00002

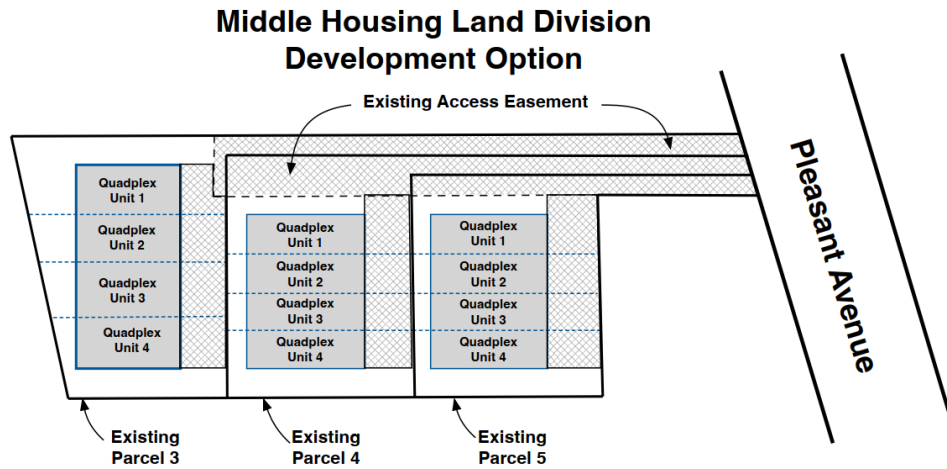
The Applicant has proposed a subdivision that includes Lots 2,3,8,9 are below in the minimum 2,000 square foot minimum lot size of the R-2 zone, which includes an allowance for lot size reduction of ten percent (1800 square feet) twenty-five percent of the lots (2)

Lot number	Proposed Size	Percentage of Reduction
Lot 2	1,724 sq. ft.	14%
Lot 3	1,636 sq. ft.	19%
Lot 8	1,790 sq. ft.	11%
Lot 9	1,790 sq. ft.	11%

The Pre-Application notes provided direction to the applicant to apply for a for a Type III Variance, which the applicant submitted as part of the application. At the completeness review, staff provided direction that the applicant did not need a Variance as the minimum lot size for Townhouses in the R2 zone was revised to allow 1,500 square feet minimum lot sizes. This, however, was not the case as only Low Density (R6-10), and Medium Density Residential (R3.5-R5) Zones were required to meet HB2001 for 1,500 square foot minimum lot size for townhomes. As the R2 Zone does not allow new single-family residences, it was not subject to the provisions of HB2001 and was not changed.

Six of the proposed lots are over 2,000 sq. ft. and comply with this standard. The four interior lots in the four-unit townhomes are below 2,000 sq. ft. since they will not require setbacks. A Type III Variance is requested to modify this standard for these lots.

It is not lost on staff that the applicant would be able to construct up to 12 units as part of a Middle Housing Land Division from the existing three flag lots onsite, which is a by-right clear and objective Type II process. While the current proposed layout with dedicated open space, a private road with public access, and sidewalks would not be a requirement of the Middle Housing Land Division, the existing configuration appears to have hampered the applicant's ability to plat a seemingly more compatible and pedestrian-friendly layout.



12-unit Middle Housing layout that meets the dimensional standards of the R-2 zone. Not currently being proposed- but submitted as an example of the incongruity of the R-2 zoning code, which allows up to 12 units on the site through the Middle Housing and Middle Housing Land Division process- but only 9 units as part of the proposed townhome subdivision.

To meet the dimensional standards of the R2 Zone, the Applicant shall pursue one of the following options as part of this Land Use Approval to ensure compliance with the dimensional standards of the R-2 zone. This can occur post-land use approval as the following conditions are clear and objective pathways for approval.

The Applicant shall pursue one of the following options as part of this Land Use Approval to ensure compliance with the dimensional standards of the R-2 zone.

- a. Revise the submitted townhome subdivision layout prior to final plat with lot dimensions permitted by the code (including the allowance of lot size provisions in chapter 16.08.065 chapter). This may require the reduction of the number of proposed lots in the final subdivision plat layout or the combination of lots, which could later be divided by the Middle Housing Land Division process.
- b. Obtain a Planning Commission Variance to allow the preliminary plat as proposed or modified to meet the Variance Conditions.
- c. Development of the parcel through a new Type I Middle Housing and Type II Middle Housing Land Division Process.
- d. Submit an alternate private street design during construction permit review, as approved by Development Services, that provides for minimum lots size requirements. (P)

Any revisions to the final plot to ensure compliance with the density standards shall show compliance with the minimum and maximum density of the site, including any provisions to require additional units be built on a larger lot to ensure compliance with the density standards of the zone at the time of building permit.

17.12.050 - Density standards.

- A. The minimum net density in the R-2 district shall be 17.4 dwelling units per acre.
- B. The maximum net density in the R-2 district shall be 21.8 dwelling units per acre.
- C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the Community Development Director.

Finding: Complies as Proposed.

The density for the project is 20.8 dwelling units per acre which exceeds the minimum density requirement of 17.4 units and is below the maximum density standard of 21.8 dwelling units. An affordable housing density bonus was not proposed.

Chapter 17.50 Administration and Procedures**17.50.010 - Purpose.**

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Finding: Complies as proposed. This application includes a Planning Commission Variance to the lot size of an approved subdivision land division and has been processed pursuant to the applicable procedures described in this chapter.

17.50.030 - Summary of the City's decision-making processes.

The following decision-making processes chart shall control the City's review of the indicated permits:

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Variance		X	X		

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.

Finding: Not applicable. The application has been processed as a Type II decision.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Finding: Complies as proposed. The application has been processed as a Type III decision.

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

Finding: Complies as proposed. The application has been processed as a Type III decision.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Finding: Not applicable. The application has been processed as a Type II decision.

E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development shall meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the City's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

Finding: Not applicable. The application has been processed as a Type II decision.

F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

Finding: Complies as proposed. Staff has calculated the required timelines based on calendar days.

17.50.040 - Development review in overlay districts and for erosion control.

For any development subject to regulation of Geologic Hazards Overlay District under OCMC 17.44; Natural Resource Overlay District under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; Historic Overlay District under OCMC 17.40, and Erosion and Sediment Control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

17.50.050 – Pre-application conference.

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.

At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.

The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

Finding: Complies as proposed. The applicant applied for the required pre-application conference which was held on October 22, 2021. The applicant included the city's pre-application conference notes with the land use application (PA 19-61).

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association,

Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as proposed. The applicant coordinated with the Elyville Neighborhood Association (ENA), scheduled and attended the required neighborhood association meeting on March 8, 2022. The draft ENA minutes of the meeting are included in the land use application.

17.50.070 - Completeness review and one hundred twenty-day rule.

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.
 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
- D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:
1. The project includes five or more residential units, including assisted living facilities or group homes;
 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and
 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies as proposed. The application was deemed complete on January 3, 2023. The 120-day decision deadline, based on that date, is May 3, 2023.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

- A. One copy of a completed application form that includes the following information:

1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A complete and detailed narrative description of the proposed development;
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II – IV applications, the following is required:
 1. An electronic copy of all materials.
 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
 3. Documentation indicating there are no liens favoring the City on the subject site.
 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
 5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);
- I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies as proposed. The application included all the information listed herein to perform an adequate review by staff and was deemed complete on January 3, 2023 as part of the initial subdivision review. .

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
7. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to

OCMC 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:

1. The time, date and location of the public hearing;
2. The City-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

Finding: Complies as proposed. Public notice of the proposed Variance was provided in accordance with this section for a Type III land use decision. Copies of the required public notices are included as part of this decision.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies as proposed. The property was posted with the required land use notices in accordance with this section on March 20, 2023. The applicant signed an affidavit of posting.

17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the Planning Division shall schedule a hearing pursuant to OCMC 17.50.190.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090B.

C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.

D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

- 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
- 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
- 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the Land Use Board of Appeals;*
- 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open; and*
- 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.*

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

Finding: Complies as Proposed. Notice was posted onsite, mailed to property owners and tenants within 300 feet of the subject site, and provided to affected departments and agencies via email.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall

thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.

Finding: Complies as Proposed. The Applicant submitted a Type III Planning Commission Variance request. All required application materials and fees were submitted, and the application was deemed complete on January 3, 2023. Even though the Variance was determined not necessary at the time of submittal, upon further review of the submitted materials, the application for the Variance was deemed to be complete.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.

Finding: Complies as Proposed. The Applicant has requested a Planning Commission Variance pursuant to the Type III review procedures.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

E. For the purposes of this section, minor variances shall be defined as follows:

1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
2. Variances to width, depth and frontage requirements of up to twenty percent;
3. Variances to residential yard/setback requirements of up to twenty-five percent;
4. Variances to nonresidential yard/setback requirements of up to ten percent;
5. Variances to lot area requirements of up to five percent;
6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.
9. Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.

Finding: Finding: Not Applicable. In order to plat the undersize lots as proposed, the Applicant has requested a Planning Commission Variance to the Lot Size requirements. The threshold for a 5% Administrative Variance is 1,900 square foot for a 2,000 square foot lot, which the Applicant does not meet.

Lot number	Proposed Size	Percentage of Reduction
Lot 2	1,724 sq. ft.	14%
Lot 3	1,636 sq. ft.	19%
Lot 8	1,790 sq. ft.	11%
Lot 9	1,790 sq. ft.	11%

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

- A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies The requested variance is to reduce the minimum lot size of the four lots that will be constructed with townhomes located in the middle of the four-unit buildings, meaning that these lots will have adjacent units located on both side lot lines. As such, these lots do not require side yard setbacks so the reduced-sized lots can easily accommodate the townhome style development that is proposed. The average lot size for the overall development is 2,081 sq. ft. which is in accordance with the 2,000 sq. ft. minimum lot size of the R-2 zone.

This variance request will not result in the reduction of light, air, or access to any adjacent properties outside of the proposed subdivision site. The underlying Zone setbacks will be met with this proposal. The properties on all sides of the lot are developed with apartment buildings that are similar in size and mass as the four-unit buildings that are proposed on the subject site. Once built, the lot lines between the units will not be evident, and the buildings will appear to match the apartment style development pattern of the surrounding area. Within the subdivision site the smaller lots will not cause substantial damage to the other proposed lots, since the smaller lots will have identical homes as well as driveways and front and back yard areas that will match the other lots.

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies The subject site is an infill lot, surrounded by development on all sides. The usable lot area is somewhat restricted. To provide adequate emergency services to the new lots the private street must have a minimum 20-foot wide driving surface and a large turnaround that further reduces the site area available for the new lots. Subdivision requirements do not allow the use of the private street to count toward minimum lot size.

The density of the proposal (20.8 units per acre) is not excessive and is below the maximum density permitted in the R-2 zone of 21.8 units per acre. It should be noted that if the subdivision was reduced by one lot to increase the size of the smaller lots the overall density would drop to 13.6 units per acre, which does not meet the minimum density of the R-2 zone of 17.4 units per acre.

If the overall site was wider to begin with, the middle lots could meet the minimum lots size requirement by providing deeper backyards, but the existing geometry of the site prevents this. Therefore, the variance is the minimum necessary to create uniformly shaped lots that can each accommodate a 20-foot wide home while also meeting the density requirements.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Finding: Complies The proposed smaller lots will still meet the purpose of the minimum lot size standard, which is generally to assure that all lots have an adequately sized area to build on, while still allowing enough room for setbacks and yards. As described above, the proposed lots in the center of the 4-unit buildings do not need side yard setback since the townhomes are proposed as a zero lot line development. As shown by the building footprints shown on the plans, these reduced lots will still have an adequate building site for a townhome and will have a front and rear yard that will match the adjacent homes. Therefore, the purpose of this minimum lot size regulation is met.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies Several mitigation measures are proposed to off-set the reduced lot size of the four lots. All the buildings will be setback from the street to provide a front yard area large enough to include an off-street parking space and a yard area and tree planting. A common area is proposed at the end of the private street to provide additional outdoor recreation area and gathering space for the community. It is anticipated that this area will be furnished with either outdoor seating or children's play equipment. The streetscape of the buildings will also be enhanced by having the facades of the buildings staggered. Finally, the CC&R for the subdivision will require residents to store their garbage cans in their garages to avoid them cluttering up the front yards on the lots that

have no side yards. With these proposed mitigation measures the units will have more of a neighborhood feel and the interior lots with less lot area will be able to enjoy the additional outdoor area provided by the common area.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies While there are a number of alternative approaches that the applicant could pursue for this proposal, staff finds that the requested Variance is the least impactful to the neighborhood of the options identified below, and granting the Variance provides a clear path forward, and would not result in a need to submit a cumbersome two-step platting process through the middle housing land division processes which would, in the end, be identical to the proposed layout.

- **Use existing flag lot configuration**

The applicant did not choose to retain the existing flag lot configuration and construct the maximum allowed 12 units with a private shared driveway as part of a Type I Middle Housing and Type II Middle Housing Land Division process. (figure3) as the flag lot layout was not optimal for fire access, pedestrian safety, and curb appeal.

- **Multifamily development**

Though multi-family development options do exist that would not necessitate the requested variance, the applicant's housing types would need to substantially be reconfigured to meet the requirements of the multifamily design standard, and ownership options would need to be pursued through the state-regulated condo process, an often convoluted and expensive process that was highlighted as one of the reasons the Middle Housing Land Division process was created by the Legislature.

The adopted 2021 Oregon City Housing Needs Analysis does indicate a small lack of zoning for high-density residential¹, but does not provide a higher level analysis of permitted uses in that zone (multifamily vs townhomes). The applicant is requesting a Variance to develop to the minimum density of the district, granting the Variance is a reasonable request.

- **Middle Housing Land Division (two-step process)**

With the adoption of the Type II Middle Housing Land Division process, the applicant can meet the lot size requirements of the zone by platting larger parent lots as part of the initial subdivision plat and return with tri and quad-plex middle housing development on those parent lots that would later be divided through a [Type II Middle Housing Land Division](#) process. Staff finds it reasonable for the Planning Commission to grant the Variance request as this option leads the applicant to pursue a cumbersome two-step platting process, which would, in the end, be identical to the proposed layout.

Reconfigure private street design to provide additional land to undersize lots

- While the applicant is required to front all new lots in a subdivision onto a public street or a private street (with a public access easement), the applicant is not allowed to use the land in the private street to meet minimum lot sizes. The applicant could work with Development Services to see if there was a way to reconfigure the private street design slightly to gain back enough land to meet minimum lot sizes. Staff does not recommend this option as Development Services staff is unsure if there is a workable solution,

¹ [City of Oregon City 2021—2041 Housing Needs Analysis](#) The study found that Oregon City should plan for the growth of 7,435 new dwelling units over the next 20 years. Much of the growth in housing will be driven by growth in households. The City will meet Metro's requirements for net density and housing mix but has a slight shortage of land for high-density housing (8 acres) and an unmet need for affordable housing. The study will be used to inform housing policy and projects in the future.

and the amount of effort needed to explore this option could be potentially more cumbersome, time-consuming, and expensive as the two-step middle housing options described above.

The proposed townhome development offers a housing type that is not currently represented in the surrounding neighborhood. Townhomes are an affordable entryway into home ownership and are a good option for small families, single-head households, and the elderly. Though the existing lots could be developed with 3-4 unit apartment buildings without the requested variance, the neighborhood already has several apartment complexes that provide options for renters. In comparison, small townhome lots are under-represented in the immediate neighborhood. Please note that while the applicant has identified these lots as owner-occupied, the Planning Commission cannot condition the tenure (ownership) of lots as part of a land use approval.

*F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.
(applicant submitted under 2004 Comprehensive Plan criteria)*

Finding: Complies The Comprehensive Plan designates the property as High-Density Residential (HR) and states that the designation is appropriate for “high-density, multiple-dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.” Since single-family attached housing is listed as a permitted use in the HR designation, the proposed variance to reduce the minimum lots size to allow the development style conforms with the Comprehensive Plan and this criterion is met.

Goal 2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Policy 2.1.1

Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Policy 10.1.3

Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Goal 14.2 Orderly Redevelopment of Existing City Areas

Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

One of the primary goals of the 2004 Comprehensive Plan is to provide for increased livability for property owners in Oregon City. Approval would allow the Applicant to meet the intent of the zoning code and Comprehensive Plan through effective utilization of property. The requested Variance would allow the Applicant to efficiently utilize the subject property for an allowed townhome use, and maintain neighborhood livability as intended by the City Code and Comprehensive Plan. The requested Variance would allow the Applicant to provide for the development of the site consistent with the High-Density Residential designation and would meet all other R-2 zoning dimensional standards.

The adopted 2021 Oregon City Housing Needs Analysis, an ancillary document to the comprehensive plan does indicate a small lack of zoning for high-density residential², but does not provide a higher level analysis of permitted uses in that zone (multifamily vs townhomes). However, as the applicant is requesting a Variance to develop closer to the needed density of the district rather than providing fewer units, granting the Variance is a reasonable request.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed Planning Commission Variance to lot size for four lots for an approved Subdivision (SUB 22-000 located at Pleasant Avenue (3-2E-05BB-07201, 3-2E-05BB-07202, 3-2E-05BB-07203)), Oregon City, OR 97045 meets the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends the Planning Commission approve files GLUA 22-00028 VAR-23-0002 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Applicant's Submittal
 - a. Civil and Site Plans
 - b. NAC Request
 - c. NAC Sign-In Sheet
 - d. NAC Meeting Minutes
 - e. Arborist Report
 - f. Assessment Letter
 - g. Building Renderings
 - h. Narrative
2. Revised Narrative
3. SUB 22-0002 (onfile)



CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Molalla Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Nonconforming Use review
- ☐ Water Resources Exemption

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition
- ☐ Minor Site Plan & Design Review
- ☐ Nonconforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision
- ☐ Minor Variance
- ☐ Water Resource Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Oregon City Municipal Code Amendment
- ☒ Variance
- ☐ Zone Change

Application Number: _____

Proposed Land Use or Activity: Variance request to minimum lot size due to existing parcel dimensional constraints.

Project Name: Pleasant Avenue Subdivision Number of Lots Proposed (If Applicable): 10

Physical Address of Site: 770 Pleasant Avenue

Clackamas County Map and Tax Lot Number(s): Map 32E05BB, Lots 07201, 07202, and 07203

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Bill Winkenbach Date: 8-8-22

Mailing Address: 17850 S Hidden Lane Drive, Oregon City, OR 97045

Phone: 503-513-5113 Ext 1 Fax: _____ Email: bill@bccdcorp.com

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Bill Winkenbach Date: 8-8-22

Mailing Address: 17850 S Hidden Lane Drive, Oregon City, OR 97045

Phone: 503-513-5113 Ext 1 Fax: _____ Email: bill@bccdcorp.com

Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Debbie Cleek Date: 8/8/22

Mailing Address: The Bookin Group, 1020 SW Taylor St Suite 555, Portland, OR 97205

Phone: 503-789-3211 Fax: _____ Email: cleek@bookinggroup.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

www.oregoncity.org



CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Molalla Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

Type I (OCMC 17.50.030.A)

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- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Oregon City Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

Application Number: _____

Proposed Land Use or Activity: Subdivide three parcels of vacant land into a 10-lot single family attached subdivision.

Project Name: Pleasant Avenue Subdivision Number of Lots Proposed (If Applicable): 10

Physical Address of Site: 770 Pleasant Avenue

Clackamas County Map and Tax Lot Number(s): Map 32E05BB, Lots 07201, 07202, and 07203

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: Bill Winkenbach Date: 8-8-22

Mailing Address: 17850 S Hidden Lane Drive, Oregon City, OR 97045

Phone: 503-513-5113 Ext 1 Fax: _____ Email: bill@bccdcorp.com

Property Owner(s):

Property Owner(s) Signature: _____

Property Owner(s) Name Printed: Bill Winkenbach Date: 8-8-22

Mailing Address: 17850 S Hidden Lane Drive, Oregon City, OR 97045

Phone: 503-513-5113 Ext 1 Fax: _____ Email: bill@bccdcorp.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: Debbie Cleek Date: 8/8/22

Mailing Address: The Bookin Group, 1020 SW Taylor St Suite 555, Portland, OR 97205

Phone: 503-789-3211 Fax: _____ Email: cleek@bookinggroup.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

www.orcity.org

I. SUMMARY OF PROPOSAL

Owner: Bill Winkenbach, BCCD Corp
410 High Street
Oregon City, OR 97045
Phone: 503-513-5113 Ex.1
Email: bill@bccdcorp.com

Planner: Debbie Cleek, The Bookin Group
1020 SW Taylor Street, Suite 555
Portland, OR 97205
Phone: 503.241.2423
Email: cleek@bookinggroup.com

Civil Engineer: Blake Davis, ZCS Engineering & Architecture
524 Main Street, Suite 2
Oregon City, OR 97045
Phone: 503-659-2205
Email: BlakeD@zcsea.com

Request: A Type III Variance to the minimum lot size for four lots in a 10 lot subdivision

Location: behind 770 Pleasant Avenue

Property ID: 3-2E-05BB Tax Lots 7201, 7202 and 7203

Site Size: 28,850 square feet (0.66 acres)

Current Zoning: R2 – High Density District

Summary: The applicant is seeking a Variance for four lots with in a 10 lot subdivision. These lots will be the interior lots within two four-unit townhomes buildings. Because these lots require no setbacks on either side since their side lot lines are adjacent to the unit next door, they are proposed to be less than the minimum lot size required in the R2 zone and a Variance to this standard is requested.

Pre-Application Conference: A Pre-Application Meeting with Oregon City was held on October 27, 2021 under application PA 21-40. A copy of the Pre-Application Meeting Notes is attached as Exhibit A.

Neighborhood Meeting: A request to meet with the Elyville Neighborhood Association to discuss the proposal was sent via email on January 26, 2022 (Exhibit B). An email was also sent to Bob Lasalle, the Citizen Involvement Committee Chair on this same date. The project was presented to the neighborhood association at their regular meeting on March 8, 2022, and the neighborhood was supportive of the proposal. A copy of the sign-in sheet (Exhibit C) and meeting minutes (Exhibit D) from the meeting are included with this application.

Development Standard related to Variance:

17.12.040 Dimensional standards. *Dimensional standards in the R-2 district are as follows:*

Table 17.12.040

Standard	R-2
Minimum lot size • <i>Single-family attached</i>	2,000 sq. ft.
Findings: Six of the proposed lot are over 2,000 sq. ft. and comply with this standard. The four interior lots in the four-unit townhomes are below 2,000 sq. ft. since they will not require setbacks. A Type III Variance is requested to modify this standard for these lots.	

CHAPTER 17.60 VARIANCES**17.60.020 - Variances—Procedures.**

- A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*

Findings: This land division application includes a request for a Type III Variance to reduce the minimum lot size below 2,000 square feet for four of the proposed lots. The site plan included with the application show the proposed lot sizes of all the lots. Also included are example plans and elevations for the houses that will be constructed on these lots. This standard is met.

- B. *A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.*

Findings: The application fee for the Variance was included in the application fees and this standard is met.

- C. *Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.*

Findings: The grounds for the Variance are addressed below.

- A. *Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.*
- E. *For the purposes of this section, minor variances shall be defined as follows:*

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five percent;*
6. *Variance to lot coverage requirements of up to twenty-five percent;*
7. *Variances to the minimum required parking stalls of up to five percent; and*
8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
9. *Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

Findings: The requested variance is to minimum lot area and the request is to reduce the area more that 5% of the requirement. As follows:

Lot number	Proposed Size	Percentage of Reduction
Lot 2	1,724 sq. ft.	14%
Lot 3	1,636 sq. ft.	19%
Lot 8	1,790 sq. ft.	11%
Lot 9	1,790 sq. ft.	11%

Therefore, the requested variance is not considered a minor variance and must be processed as a Type III review.

17.60.030 - Variance—Grounds. *A variance may be granted only in the event that all of the following conditions exist:*

- A. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Findings: The requested variance is to reduce the minimum lot size of the four lots that will be constructed with townhomes located in the middle of the four-unit buildings, meaning that these lots will have adjacent units located on both side lot lines. As such, these lots do not require side yard setbacks so the reduce-sized lots can easily accommodate the townhome style development that is proposed. The average lot size for the overall development is 2,081 sq. ft. which is in accordance with the 2,000 sq. ft. minimum lot size of the R-2 zone.

This variance request will not result in the reduction of light, air, or access to any adjacent properties outside of the proposed subdivision site. The properties on all sides of the lot are developed with apartment buildings that are similar in size and mass as the four-unit buildings that are proposed on the subject site. Once built, the lot lines between the units will not be evident, so the buildings will appear to match the apartment style development pattern of the surrounding area. Within the subdivision site the smaller lots will not cause substantial damage to the other proposed lots, since the smaller lots will have identical homes as well as driveways and front and back yard areas that will match the other lots. As shown, there will be no impacts from the requested Variance and this criterion is met.

- B. *That the request is the minimum variance that would alleviate the hardship;*

Findings: The subject site is an infill lot, surrounded by development on all sides so the usable lot area is somewhat restricted. To provide adequate emergency services to the new lots the private street must have a minimum 20 foot wide driving surface and a large turnaround that further reduces the site area available for the new lots. Each of the new townhomes will be 20 feet wide, which dictated the necessary width for each of the lots. Therefore, the reduced lot sizes are merely function of the existing geometric constraints of the site, the need to provide adequate access to all the lots and the challenge of laying out uniformly sized the lots in the most efficient manner.

The density of the proposal (20.8 units per acre) is not excessive and is below the maximum density permitted in the R-2 zone of 21.8 units per acre. It should be noted that if the subdivision was reduced by one lot to increase the size of the smaller lots the overall density would drop to 13.6 units per acre, which does not meet the minimum density of the R-2 zone of 17.4 units per acre.

If the overall site was wider to begin with, the middle lots could meet the minimum lots size requirement by providing deeper back yards, but the existing geometry of the site prevents this. Therefore, the variance is the minimum necessary to create uniformly shaped lots that can each accommodate a 20 foot wide home and this criterion is met.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Findings: The proposed smaller lots will still meet the purpose of the minimum lot size standard, which is generally to assure that all lots have an adequately sized area to build on, while still allowing enough room for setbacks and yards. As described above, the proposed lots in the center of the 4-unit buildings do not need side yard setback since the townhomes are proposed as a zero lot line development. As shown by the building footprints shown on the plans, these reduced lots will still have an adequate building site for a townhome and will have a front and rear yard that will match the adjacent homes. Therefore, the purpose of this minimum lot size regulation is met, and this criterion is met.

D. Any impacts resulting from the adjustment are mitigated;

Findings: Several mitigation measures are proposed to off-set the reduced lot size of the four lots. All the buildings will be setback from the street to provide a front yard area large enough to include an off-street parking space and a yard area and tree planting. A common area is proposed at the end of the private street to provide additional outdoor recreation area and gathering space for the community. It is anticipated that this area will be furnished with either outdoor seating or children's play equipment. The streetscape of the buildings will also be enhanced by having the facades of the buildings staggered. Finally, the CC&R for the subdivision will require residents to store their garbage cans in their garages to avoid them cluttering up the front yards on the lots that have no side yards. With these proposed mitigation measures the units will have more of a neighborhood feel and the interior lots with less lot area will be able to enjoy the additional outdoor area provided by the common area. This criterion is met.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Findings: The proposed townhome development offers a housing type that is not currently represented in the surrounding neighborhood. Townhomes are an affordable entryway into home ownership and are a good option for small families, single-head households, and the

elderly. Though the existing lots could be developed with 3-4 unit apartment buildings without the requested variance, the neighborhood already has several apartment complexes that provide options for renters. Whereas small owner-occupied lots are under-represented in the neighborhood.

Though multi-family development options do exist that would not necessitate the requested variance, developing the site in this manner would mean that the neighborhood would miss out on having a wider variety of low-cost housing options available to residents. Since apartments would fulfill a different purpose than the proposed townhomes do this criterion is met.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Findings: The Comprehensive Plan designates the property as High Density Residential (HR) and states that the designation is appropriate for “high-density, multiple-dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.” Since single-family attached housing is listed as a permitted use in the HR designation, the proposed variance to reduce the minimum lots size to allow the development style conforms with the Comprehensive Plan and this criteria is met.

PRELIMINARY PLAN
FOR A PROPOSED SUBDIVISION
PARCELS 3, 4 & 5, PARTITION PLAT NO. 2005-98
DOCUMENT NO. 2018-009814

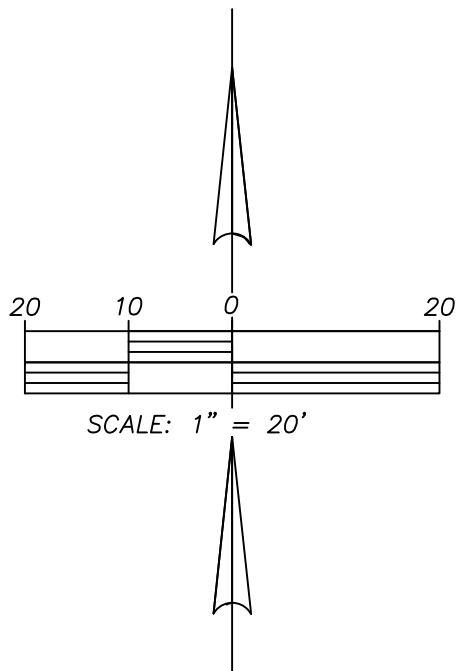
SITUATED IN THE N.W. 1/4 OF SECTION 5, T.3S., R.2E., W.M.
OREGON CITY CLACKAMAS CO., OREGON

MARX ASSOCIATES
18615 E. BURNSIDE STREET
PORTLAND, OR 97233
TEL: 503-667-5550
FAX: 503-666-8666
EMAIL: DON@MARXASSOCS.NET

DATE DRAWN: MAY 31, 2022
DRAWING NO. 22011PP
ACCOUNT NO. 22011

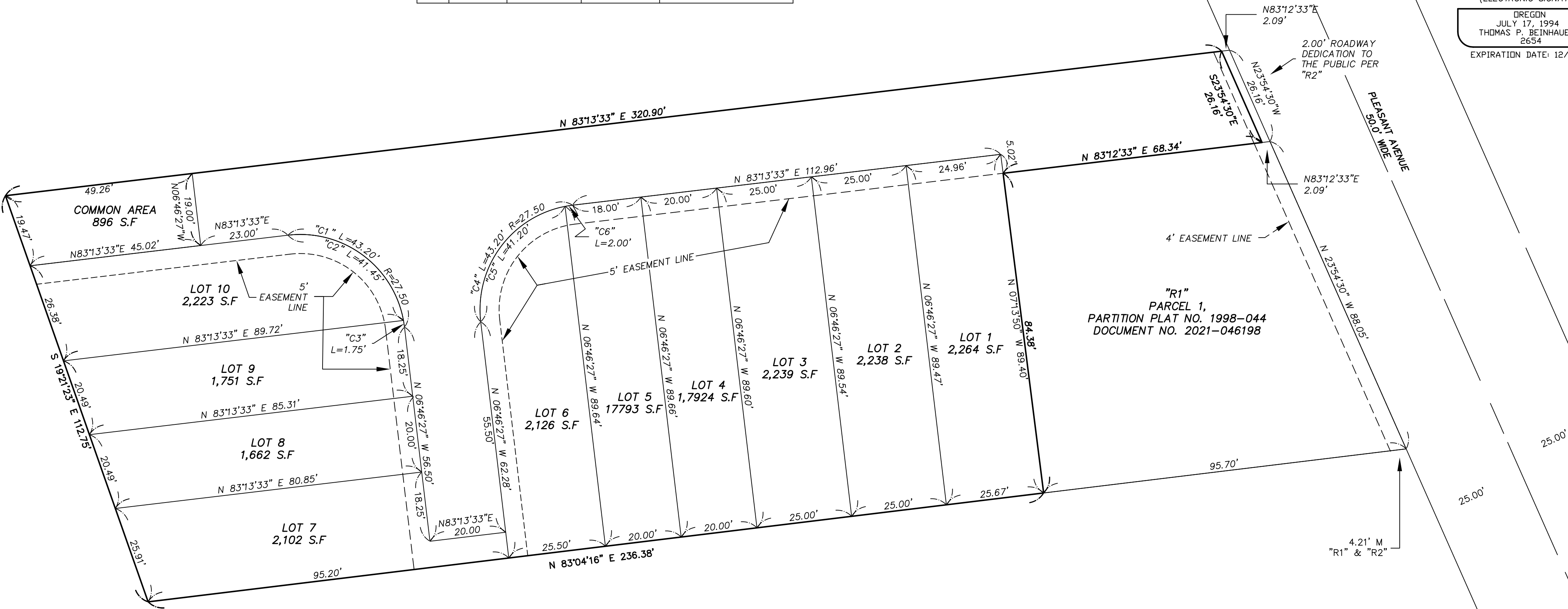
CURVE DATA:

NO.	LENGTH	RADIUS	DELTA	CHORD
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"C2"	41.45'	27.50'	86°21'05"	S53°35'59"E, 37.65'
"C3"	1.75'	27.50'	3°38'55"	S8°35'04"E, 1.75'
"C4"	43.20'	27.50'	90°00'00"	N36°13'33"E, 38.89'
"C5"	41.20'	27.50'	85°49'46"	N36°08'26"E, 37.45'
"C6"	2.00'	27.50'	4°10'14"	N81°08'22"E, 2.00'

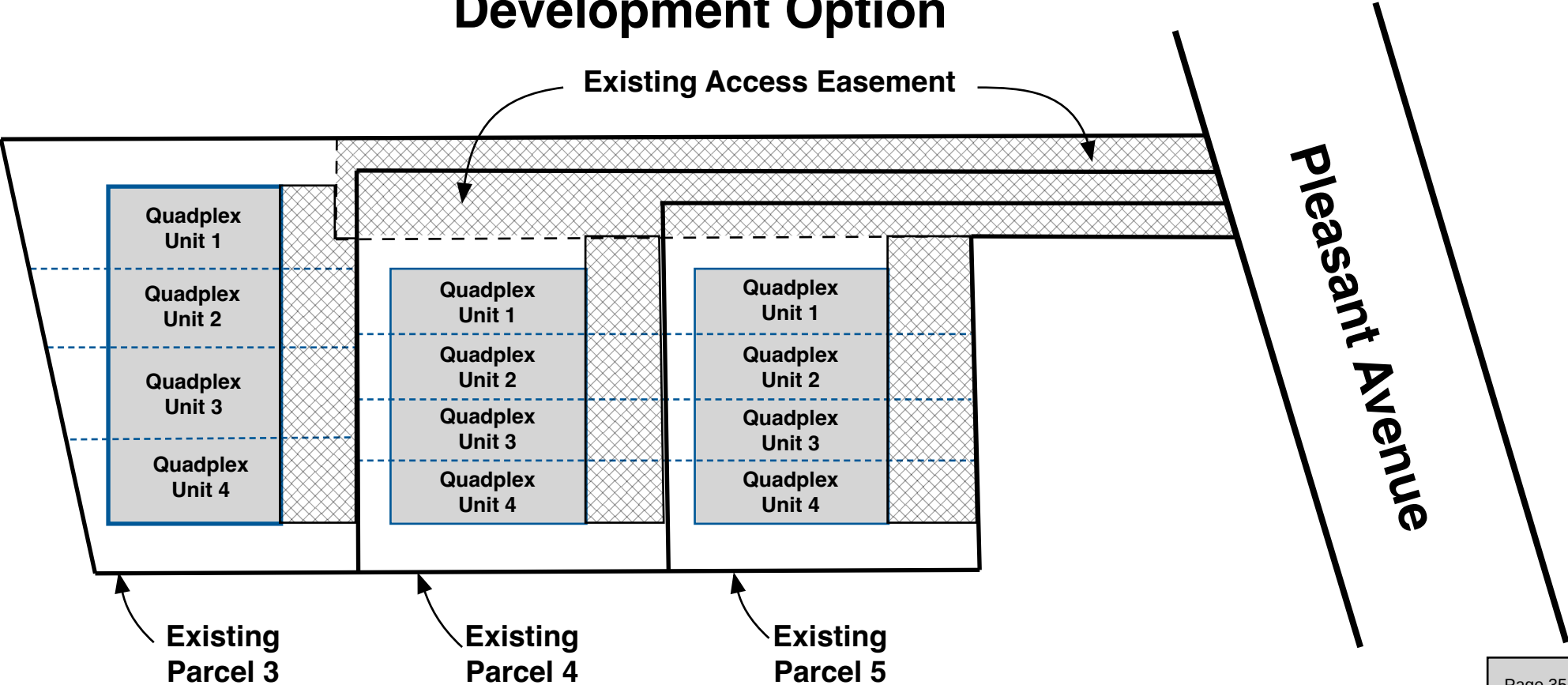


REGISTERED
PROFESSIONAL
LAND SURVEYOR

THOMAS P. BEINHAUER
(ELECTRONIC SIGNATURE)
OREGON
JULY 17, 1994
THOMAS P. BEINHAUER
2654
EXPIRATION DATE: 12/31/23



Middle Housing Land Division Development Option



Illustrative Rendering of Two-plex



Illustrative Rendering of Four-plex



From: Debbie Cleek cleek@bookinggroup.com 
Subject: Re: Request for a neighborhood meeting for a proposed subdivision
Date: January 26, 2022 at 1:06 PM
To: Karla Laws karla.laws@gmail.com
Cc: Dorothy Dahlsrud dorothydahlsrud@gmail.com, Aaron Wolf wolftune@gmail.com

I'm so sorry I forgot to attach the proposed plan. It is now attached. The lots that would be seeking the variance to minimum lot size are lots 2,3,8 and 9. I'm unsure what you mean by "formal announcement"? The City requirements state that the applicant shall request via email a request to meet with the neighborhood association. Do you have a copy of a "formal" notice that I could follow?

The March 8th date is further out than we would like because we are trying to submit the application to the City by the end of February. That is why we were hoping we could be included on the Feb 8th agenda?



P2698.Civil Pre-
App Sit...21).pdf

Debbie Cleek, Principal/Senior Planner
 The Bookin Group
 1020 SW Taylor Street, Suite 555
 Portland, OR 97205
 503.241.2423 (Office)
 503.789.3211 (Cell)

On Jan 26, 2022, at 12:27 PM, Karla Laws <karla.laws@gmail.com> wrote:

Debbie -

We need to do a formal announcement to present this land use properly to the neighborhood, we have March 8th. Can you make this date?

Also, you mentioned plans/diagrams, can you send this attachments please?

Kindest regards,
 Karla Laws
 Chair, Elyville NA

Sent from my iPhone

On Jan 26, 2022, at 12:00 PM, Dorothy Dahlsrud <dorothydahlsrud@gmail.com> wrote:

I would like to walk the site with our board, I have issues with reducing lot sizes even smaller than what our new code says. I've seen variants change at the time of building with no neighborhood recourse or input. That was recently too. So I'm skeptical.

Again, no green space for the occupants and where will they store their garage cans, recycling bins?

They are larger than the setbacks already.

I would also like to see the design of the buildings.

I did not see any attached diagram.

Thanks

Didi

On Wed, Jan 26, 2022 at 10:40 AM Debbie Cleek <cleek@bookinggroup.com> wrote:

Hello Elyville Neighborhood Association -

I represent the owner of the three vacant parcels of land located behind [700 Pleasant Avenue](#) in Oregon City. The owner would like to divide the combined parcels into 10 new lots to be developed with attached townhomes and a duplex. (See attached diagram). The lots will be served by a new private street that will connect to Pleasant Avenue. Some of the interior lots are below the minimum lot size of the R-2 (High Density) zone, requiring a Type III Variance.

I am writing to you to request your assistance in setting up a meeting with your neighborhood association to discuss

I am writing to you to request your assistance in setting up a meeting with your Neighborhood Association to discuss this proposal. From the City of Oregon City website, it looks like the Elyville Neighborhood Association has a general meeting bi-monthly (in January and March this year) however, we would like to submit our application to the City by the end of February. Therefore, we would like to meet with your organization sometime in early to mid-February and would like to work with you to find a date and time that works. Would it be possible for us to attend your Steering/Planning meeting scheduled for February 8th?

Please let me know the next step to coordinate a meeting with you either on February 8th or another date within 30 days of this request. I appreciate your help.

Debbie Cleek, Principal/Senior Planner
The Bookin Group
[1020 SW Taylor Street, Suite 555](#)
[Portland, OR 97205](#)
503.241.2423 (Office)
503.789.3211 (Cell)

BHNA General Meeting	
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March 8, 2022

[illegible]

Elyville / Barclay Hills Neighborhood Association Minutes

March 8, 2022

In-person at Saint John the Apostle Cemetery 451 Warner St & video-chat at meet.jit.si

Call to Order & Introductions 7:00PM

Oregon City Police updates: Officer Wadsworth came in person. No longer have a traffic officer (Officer Willard). 3 police officers and Police Chief plan to retire soon. A new system in electronic record-keeping does not coordinate with NAS. Concerns were brought up on traffic on Molalla and Linn used at a detour by Public Works. A resident wanted to know if the police plan on helping the school district with drug issues. Police are short and only have Officer Plummer for the high school.

BHNA reports and maintenance

1. approve minutes for Minutes for January 2022 & February 2022: motion by Brian Paulsen, 2nd by Kristina Franklin - approved, no opposed
2. Treasurer's report: \$84.50 cash & \$50 gift certificate at Grocery Outlet
3. Citizen Involvement Committee update - Public Works road improvements on Molalla, Grand Ronde Presentation, HB 2001

Presentation: Josh Wheeler, Assistant Director Public Works

Contact: jwheeler@orccity.org

Updates of projects in the area. Night work possibly. Areas of Peter Skene Way, Markham Ct, & Applegate Terrace. Refacing pavement in these areas. Roots within the payment will be removed. Work will start June 2nd and concerns need to be brought up now. Changes can only be made a month prior as neighbors need to bring up concerns or accommodations now. Other concerns brought need to be brought up, especially the night work and parking. Requesting road resurfacing can happen if called in throughout our neighborhood.

Land Use Discussion: Property behind 700 Pleasant Ave, presented by Principal/ Senior Planner Debbie Cleek of The Bookin Group

Contact: cleek@bookingroup.com

Blake Davis is a civil engineer and Bill Wikenbach is the owner. There will be a common open space on the property. Single-family residence, new private street. There will be a common open space for the property. Zoning is multi-use corridor. City requiring medium density. Mitigation measures all folks in the subdivision. Possibly a children's play area. Parking space one in front of a single garage with a large driveway. and one parking space, 2 for each unit. More than 2 spots will require street parking. Enhance front yard landscape. Small trees will be planted. CCR free to address trash cans. Dr Horton is a national builder will be doing construction. Early April is the application submission, Fall/Winter 2022 proposal, Summer 2023 planning construction. Considerationss/concerns from neighbors made were sewage infrastructure, traffic from the area onto Molalla, which is right only turn only. Concerns of traffic bottlenecks onto Molalla. Stormwater treatment and irrigation are a concern as well, especially with the road outlet on the area edging Singer Creek Basin. Width of the private road is a concern, 25ft or 19 ft of asphalt? Neighbors would like native trees and 12-13sq ft of common area.

Plans brought up in the future. A date for Farmers Market gathering and an ivy pull at Singer Creek Park. Ice cream social in the Summer of 2022.

Meeting Adjourn 8:17PM

Next Meetings (2nd Tuesdays), open to all:

Planning Meeting April 12 , 2022 7:00 pm

General Meeting May 10, 2022 7:00 pm

Any questions, comments, etc.

contact Karla Laws, BHNA Chair, 503.956.0634 or karla.laws+elyville@gmail.com

More details: <https://www.orccity.org/community/barclay-hills-neighborhood-association>

Arborist Report

GPS coordinates: 45.3452039;-122.5977927

Location: Flag lot behind 770 Pleasant Ave Oregon City, OR 97045

Property type: New Development/Construction

Contact Information: 524 Main St, Suite 2 Oregon City, OR 97045 | 503-659-2205

Species: Betula nigra X 1

Number of Trees affected: 1

Diameter at Breast Height: 29"

Approximate Height: 55'

Nature of Work to be performed: A new construction project on this flag lot that seeks to develop a multi-dwelling community. The birch tree on the North neighbor's property boundary is over 2 feet from the center of tree to the property line and over 2 foot 6 inches from the proposed roadbed. The roadbed and the underground utilities could expose the tree to potential damage to the root system. The proposed development activity include grading, trenching, utility installs and paving near the vicinity of this tree.

See attached development plan

Recommendation: My recommendation would be is to take steps to minimize damage to the tree, while at the same time allowing for the development of this site.

1. Design plans with as much buffer space as possible, as suggested in the attached plan.
2. Stack utilities to minimize large buttress root damage. Attached plan showing closest utilities a little over 6' to the center of the tree. This will provide the room needed to mitigate the potential root damage.
3. If large roots {6" dia. or bigger} are present, hand dig the trench and run utilities underneath. Note, it is not likely that there would be larger roots 6 feet from the tree.
4. Use flex fencing to protect tree trunk during construction

Summary: Developer will take as many precautions as possible to limit damage to the Birch.

Milton Lockwood, Certified Arborist PN-6629-AU

971-295-9879

miltlock@gmail.com

06-27-2022

I. SUMMARY OF PROPOSAL

Owner: Bill Winkenbach, BCCD Corp
410 High Street
Oregon City, OR 97045
Phone: 503-513-5113 Ex.1
Email: bill@bccdcorp.com

Planner: Debbie Cleek, The Bookin Group
1020 SW Taylor Street, Suite 555
Portland, OR 97205
Phone: 503.241.2423
Email: cleek@bookinggroup.com

Civil Engineer: Blake Davis, ZCS Engineering & Architecture
524 Main Street, Suite 2
Oregon City, OR 97045
Phone: 503-659-2205
Email: BlakeD@zcsea.com

Request: A Type III Variance to the minimum lot size for four lots in an approved 10 lot subdivision

Location: behind 770 Pleasant Avenue

Property ID: 3-2E-05BB Tax Lots 7201, 7202 and 7203

Site Size: 28,850 square feet (0.66 acres)

Current Zoning: R2 – High Density District

Summary: The applicant is seeking a Variance for four lots with in a 10 lot subdivision that was recently approved by the City (GLUA-22-00028/SUB-22-0000). These lots are the interior lots within two four-unit townhomes buildings. Because these lots are interior townhome lots no side setbacks are required on either side, therefore they are proposed to be less than the 2,000 sq. ft. minimum lot size required in the R2 zone and a Variance to this standard is requested.

Pre-Application Conference: A Pre-Application Meeting with Oregon City was held on October 27, 2021 under application PA 21-40. A copy of the Pre-Application Meeting Notes is attached as Exhibit A.

Neighborhood Meeting: A request to meet with the Elyville Neighborhood Association to discuss the proposal was sent via email on January 26, 2022 (Exhibit B). An email was also sent to Bob Lasalle, the Citizen Involvement Committee Chair on this same date. The project was presented to the neighborhood association at their regular meeting on March 8, 2022, and the neighborhood was supportive of the proposal. A copy of the sign-in sheet (Exhibit C) and meeting minutes (Exhibit D) from the meeting are included with this application.

Project Background: The subdivision application to divide the subject property into 10 lots was submitted to the City on August 23, 2022. At the Pre-Application Conference in October of 2021 City Planning staff advised the project team that a Variance for the four interior townhome lots would be required, since they were below the 2,000 sq. ft. minimum lot size of the R2 zone.

When the subdivision application was reviewed for completeness in September 2022, City staff determined that the changes to the Development Code made in the summer of 2022 to address Middle Housing requirements had changed the minimum lot size of the R2 zone, and the Variance that was included with the subdivision application was no longer necessary. Therefore, staff sent out the public notice for the subdivision without the Variance included.

Based on this information, the owner of the property spent significant money on civil engineering for the project to address issues about the proposed stormwater disposal system raised by the City as part of the review of the subdivision. It was not until staff was writing the final decision for the subdivision that they realized that they had made an error in reading the code, and the minimum lot size standards for the R2 zone had not changed, and the Variance was still necessary. Staff proceeded to approve the subdivision with a condition of approval that allowed the owner to request the necessary Variance after the subdivision review was complete.

Therefore, this application for a Variance to the lot size of the four interior lots is to resolve the misinformation provided by City staff to allow the subdivision to proceed to Final Plat. The scope of this review is limited only to the Variance request, and not to the subdivision itself since the subdivision was already found to meet all the applicable approval criteria through the previous review (GLUA-22-00028/SUB-22-0000).

Project Summary: The requested Variance is for Lots 2, 3, 8 and 9 of the approved subdivision. The ten lots in the subdivision are proposed to be developed with a duplex and two 4-unit townhomes. The lots requesting the Variance are the four lots that will be developed with the interior units of the townhomes. These lots do not require any side setback since the units will share a common wall with the adjacent unit and therefore do not need to be as large as the lots on the exterior of the townhomes.

The Middle Housing Code changes in 2022 have provided additional development options for this property. Because the site consists of three platted lots, it would be possible to develop each of these lots by-right with a quad-plex. A sketch of this potential development pattern has been provided as Exhibit A, which shows that more intensive development would be allowed on this site without requiring any Variance.

Additionally, it would also be possible to replat/reconfigure the three existing lots to correspond with the duplex and two four-plexes proposed to be developed on this lot with the approved subdivision. Permits for these buildings could then be submitted to the City followed by a Middle Housing Land Division to plat the lots into essentially the same configuration proposed with the 10-lot subdivision. This method of dividing the property would circumvent the need for a Variance. However, the owner of the property has not chosen this route because it would result in a less desirable development since the private street, sidewalk and open space area would all be eliminated.

The procedural route chosen – to develop the property with a townhouse subdivision – results in a better development both for the residents of the lots and the surrounding neighbors. The

residents of the development will benefit from the amenities of a street, sidewalk, and open space area. The surrounding neighbors will enjoy more light, space and air since only 10 units will be developed versus developing the existing lots with 12 units using the Middle Housing provisions. Therefore, the owner has chosen the Variance path to be a good neighbor.

The requested Variance will reduce the four lots to between 1,636 sq. ft. and 1,790 sq. ft. However, the average lot size for the overall development will be 2,081 sq. ft. which is in accordance with the 2,000 sq. ft. minimum lot size of the R-2 zone.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.

- A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*

Findings: This application is for a Type III Variance to reduce the minimum lot size below 2,000 square feet for four of the proposed lots. The site plan included with the application shows the proposed lot sizes of all the lots. Also included are example plans and elevations for the houses that will be constructed on these lots. This standard is met.

- B. *A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.*

Findings: The application fee for the Variance has been paid and this standard is met.

- C. *Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.*

Findings: The grounds for the Variance are addressed below.

- D. *Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.*

- E. *For the purposes of this section, minor variances shall be defined as follows:*

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five percent;*
6. *Variance to lot coverage requirements of up to twenty-five percent;*
7. *Variances to the minimum required parking stalls of up to five percent; and*
8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*

9. *Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

Findings: The requested variance is to minimum lot area and the request is to reduce the area more that 5% of the requirement. As follows:

Lot number	Proposed Size	Percentage of Reduction
Lot 2	1,724 sq. ft.	14%
Lot 3	1,636 sq. ft.	19%
Lot 8	1,790 sq. ft.	11%
Lot 9	1,790 sq. ft.	11%

Therefore, the requested variance is not considered a minor variance and must be processed as a Type III review.

17.60.030 - Variance—Grounds. *A variance may be granted only in the event that all of the following conditions exist:*

- A. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Findings: This Variance request will not result in the reduction of light, air, or access to any adjacent properties outside of the proposed subdivision site. The properties on all sides of the lot are developed with apartment buildings that are similar in size and mass to the four-unit buildings that are proposed on the subject site. Once built, the lot lines between the units will not be evident, so the buildings will appear to match the apartment style development pattern of the surrounding area. Within the subdivision site the smaller lots will not cause substantial damage to the other proposed lots, since the smaller lots will have identical homes as well as driveways and front and back yard areas that will match the other lots.

Additionally, approval of the Variance will assure that safe access to the site will be provided. The subdivision includes a 20 foot wide street with a hammerhead turn around to allow emergency vehicles, and particularly fire trucks to safely enter the property, and return to Pleasant Avenue without backing out onto the street. The private street and turn around was triggered by the subdivision proposal and would not be required by a Middle Housing development. Therefore, granting the Variance to allow the subdivision to be developed it assures that the development will continue to maintain safe access in the area. As shown, there will be no impacts from the requested Variance and this criterion is met.

- B. *That the request is the minimum variance that would alleviate the hardship;*

Findings: The subject site is an infill lot, surrounded by development on all sides so the usable lot area is somewhat restricted. To provide adequate emergency services to the new lots the private street must have a minimum 20 foot wide driving surface and a large turnaround that further reduces the site area available for the new lots. Each of the new townhomes will be 20 feet wide, which dictated the necessary width for each of the lots. Therefore, the reduced lot sizes are merely function of the existing geometric constraints of the site, the need to provide adequate access to all the lots and the challenge of laying out uniformly sized the lots in the most efficient manner.

The density of the proposal (20.8 units per acre) is not excessive and is below the maximum density permitted in the R-2 zone of 21.8 units per acre. It should be noted that if the subdivision was reduced by one lot to increase the size of the smaller lots the overall density would drop to 13.6 units per acre, which does not meet the minimum density of the R-2 zone of 17.4 units per acre. Additionally, the average lot size for the development is 2,081 sq. ft. which is in accordance with the 2,000 sq. ft. minimum lot size of the R-2 zone.

If the overall site was wider to begin with, the middle lots could meet the minimum lots size requirement by providing deeper back yards, but the existing geometry of the site prevents this. Therefore, the variance is the minimum necessary to create uniformly shaped lots that can each accommodate a 20 foot wide home and this criterion is met.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Findings: The proposed smaller lots will still meet the purpose of the minimum lot size standard, which is generally to assure that all lots have an adequately sized area to build on, while still allowing enough room for setbacks and yards. As described above, the proposed lots in the center of the 4-unit buildings do not need side yard setback since the townhomes are proposed as a zero lot line development. As shown by the building footprints shown on the plans, these reduced lots will still have an adequate building site for a townhome and will have a front and rear yard that will match the adjacent homes. Therefore, the purpose of this minimum lot size regulation is met, and this criterion is met.

D. Any impacts resulting from the adjustment are mitigated;

Findings: Several mitigation measures are proposed to off-set the reduced lot size of the four lots. All the buildings will be setback from the street to provide a front yard area large enough to include an off-street parking space and a yard area and tree planting. A common area is proposed at the end of the private street to provide additional outdoor recreation area and gathering space for the community. It is anticipated that this area will be furnished with either outdoor seating or children's play equipment. The streetscape of the buildings will also be enhanced by having the facades of the buildings staggered. Finally, the CC&R for the subdivision will require residents to store their garbage cans in their garages to avoid them cluttering up the front yards on the lots that have no side yards. With these proposed mitigation measures the units will have more of a neighborhood feel and the interior lots with less lot area will be able to enjoy the additional outdoor area provided by the common area. This criterion is met.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Findings: The proposed townhome development offers a housing type that is not currently represented in the surrounding neighborhood. Townhomes are an affordable entryway into home ownership and are a good option for small families, single-head households, and the elderly. Though the existing lots could be developed with three 4-unit apartment buildings through the Middle Housing provisions without the requested variance, the neighborhood already has several apartment complexes that provide options for renters. Whereas small owner-occupied lots are under-represented in the neighborhood.

Though multi-family development options do exist that would not necessitate the requested variance, developing the site in this manner would mean that the neighborhood would miss

out on having a wider variety of low-cost housing options available to residents. Since apartments would fulfill a different purpose than the proposed townhomes.

As described above, it would be possible to develop the property with a duplex and two 4-plexes using the Middle Housing provisions and then following up a Middle Housing Land Division that would result in essentially the same development as proposed with this Variance. However, this procedural route would be cumbersome and expensive since it would require the property to be platted twice but provide no added benefit to the City or the neighborhood. The owner of the property proceeded with the subdivision application based on inaccurate information provided by City staff and their confusion around the complicated new code standards. Significant time and investment has already been spent on the subdivision proposal, therefore, granting the Variance will remove unnecessary procedural steps and added expense and will get this much-needed housing built sooner. This criterion is met.

- F. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*
Findings: The Comprehensive Plan designates the property as High Density Residential (HR) and states that the designation is appropriate for “high-density, multiple-dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.” Since single-family attached housing is listed as a permitted use in the HR designation, the proposed variance to reduce the minimum lots size to allow the development style conforms with the Comprehensive Plan and this criterion is met.



CITY OF OREGON CITY

Staff Report

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

To: Planning Commission **Agenda Date:** 04/10/2023
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Planning Commission Minutes Approval

STAFF RECOMMENDATION:

Staff recommends Planning Commission approve the meeting minutes listed below and attached for your review

BACKGROUND:

Please find multiple meeting minutes attached for review to be approved at the next meeting. These are meeting minutes that have no record of being approved. Staff understands that previous Planning Commissioners may not have been on the Commission at the time, but we are asking that you review and agree to allow them to stand as written so that they can be published for the public to view as needed. A backlog of minutes that have not been approved exists because of insufficient staff time and turnover issues. In the past, an outside contractor was used to create the minutes for City Commission meetings only and as staff time became more and more limited the contractor took over this responsibility for other committees supported by Community Development including Planning Commission.

The City Recorder's office conducted an audit of all minutes for the City's public meetings and found there were a large number of minutes that were not drafted, were drafted but not approved, or were posted on-line and not approved. The City Recorder used the audit to create a tracking log of the disposition of each meeting. Based on this information staff will include minutes from previous meetings on each agenda until all drafted minutes are approved. The intention in the future is to bring minutes back for approval closer to the original meeting date.

Attached for your information is the Commission Policy and Procedure that applies to the City Commission and all other boards and committees of the City of Oregon City. Section 5.4 Meeting Minutes describes the essential elements that need to be included in each document. The minutes you are asked to approve meet these standards.

Minutes in this packet include:

1. 03/11/2013
2. 03/18/2013
3. 03/25/2013
4. 04/08/2013
5. 10/24/2016
6. 01/08/2018
7. 02/26/2018
8. 03/12/2018
9. 03/26/2018

NOTE: These can all be approved as a single motion and do not need to be approved individually. There will be additional sessions with multiple meeting minutes. The City is in the process of devising a plan to fill in the many meetings where minutes have not yet been transcribed.



Commission Policy and Procedure

SUBJECT: Public Meetings Policy and Procedure	EFFECTIVE DATE: November 15, 2017
POLICY NUMBER: Commission Policy 1-3	REVIEWED: Adopted March 5, 1997 Reviewed November 7, 2017 Revised November 15, 2017

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide guidelines for public meetings according to ORS 192.610 to 192.690.

2.0 APPLICABILITY

- 2.1 This policy applies to the City Commission, all city boards, commissions, and committees that serve at the pleasure of the City Commission, and any other body that requires a quorum in order to make a decision.

3.0 IN GENERAL

- 3.1 The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of the City of Oregon City that decisions of its governing bodies be arrived at openly according to ORS 192.610 to 192.690.

4.0 DEFINITIONS

- 4.1 Decision. A decision means any determination, action, vote, or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- 4.2 Executive Session. An executive session is any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- 4.3 Governing Body. A governing body means the members of any public body which consists of two or more members, with the authority to make decisions for or

recommendations to a public body on policy or administration.

4.4 Public Body. A public body is the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

4.5 Meeting. A meeting is the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. A meeting does not include any on-site inspection of any project or program. A meeting also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

5.0 PUBLIC MEETING GUIDELINES

5.1 Open Meetings. All meetings of a governing body of a public body must be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

No quorum of governing body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

All regular meetings will be adjourned no later than 10:00 p.m. unless extending the meeting until no later than 11:00 p.m. is unanimously agreed upon by the governing body present at the meeting.

5.2 Meeting Location. Meetings of a governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction; or at the administrative headquarters of the public body; or at the nearest practical location.

A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

5.3 Public Notice. The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

5.3.1 If an *executive session only* (according to 192.660) will be held, the notice

shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

- 5.3.2 No *special or emergency meeting* shall be held without at least twenty-four (24) hours notice to the members of the governing body, the news media which have requested notice and the general public. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than twenty-four (24) hours notice.

- 5.4 Meeting Minutes. The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting.

A minimum of action minutes shall be provided and include at least the following information:

- All members of the governing body present;
- All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- The results of all votes and except for public bodies consisting of more than twenty-five (25) members unless requested by a member of that body, the vote of each member by name;
- The subject of any items discussed; and
- A reference to any document discussed at the meeting.

Minutes of *executive sessions* shall be kept in accordance with the above five (5) points. Instead of written minutes, a record of any executive session may be kept in the form of a sound video tape or digital recording which need not be transcribed unless otherwise provided by law. Material, the disclosure of which is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, may be excluded from disclosure. However, excluded materials are authorized to be examined privately by court in any legal action and the court shall determine their admissibility. Any violation of these public meeting guidelines shall be subject to enforcement proceedings as specified in ORS 192.680 and 192.685.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, March 11, 2013

7:00 PM

Commission Chambers

1. Call To Order

Chair Kidwell called the meeting to order at 7:06 PM.

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

Absent: 1 - Paul Espe

Staffers: 4 - Tony Konkol, John Lewis, Christina Robertson-Gardiner and Laura Terway

2. Work Session

a [PC 13-018](#) Transportation System Plan Update (Ordinance 13-1002 and 13-1003)

John Lewis, Public Works Director, gave a presentation on the Transportation System Plan update. He introduced the project team and explained the public involvement process.

Carl Springer, DKS Associates, discussed the TSP update process, vision, trends, key changes, investments, funding, the Plan, outcomes, and next steps.

Paul Edgar, Land Use Chair of the Canemah Neighborhood Association, suggested reducing speeds in Canemah to 20 mph, putting yellow slow signs around the neighborhood, and ensuring the trail network and roads adapted to the interconnection need. There were many pedestrians on the street as there were no sidewalks and it was unsafe due to speeding. He then discussed South End Road and how it was not fixable. If the City expanded the travel on this corridor, there would be problems with the intersections of Warner Parrot and South End and 2nd and High Street. An alternative route off the bluff needed to be created.

Christine Kosinski, unincorporated Clackamas County, thought the people on Thayer, Maple Lane, Holly Lane, and Redland were the most affected by the TSP, but they had not been sent notification of the changes and how they would be impacted. Health and safety were issues that needed to be addressed.

Todd Last, resident of Oregon City and the Tower Vista Neighborhood Association, asked about growth projections and upzoning properties in the City. He thought there would be traffic impacts with the growth, but it was not shown in the TSP. He would like the Commission to consider retrofitting roads like Pease Road to make them more holistic instead of piecemeal.

Mr. Springer, Mr. Lewis, and Mr. Konkol addressed the citizen concerns including explaining the triggers for development, addressing increase in traffic with increase in growth, models for the transportation analysis and land use assumptions, mailing areas, traffic counts, and enforcement of speed limits.

Commissioner McGriff wanted to look at ways to move traffic in a manner that was conducive to a liveable community.

Commissioner Mabee suggested edits to the draft TSP document.

There was discussion regarding the funding and how growth would pay for the improvements.

Commissioner Mahoney wanted emphasis made on safety and speeding enforcement.

Commissioner McGriff suggested adding alternate designs and standards for new streets and retrofitting existing streets to make it safer for bikes and pedestrians and to slow down cars.

There was discussion regarding associating SDCs collected in a neighborhood with that neighborhood and ways neighborhoods could address road improvements.

Commissioner Geil thought there should be a better way to designate the projects that were expected to be funded. It looked like the City already had the funds to do the projects when actually they were subject to be funded.

The TSP document would come back to the next Commission meeting.

3. Adjournment

Chair Kidwell adjourned the meeting at 9:08 PM.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, March 18, 2013

7:00 PM

Commission Chambers

1. Call To Order

Chair Kidwell called the meeting to order at 7:04 PM.

Present: 5 - Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney and Charles Kidwell

Absent: 2 - Paul Espe and Tom Geil

Staffers: 4 - Tony Konkol, John Lewis, Laura Terway and Christina Robertson-Gardiner

2. Public Comments

Jackie Calwell, resident on Holly Lane, said any changes the City planned to make above and below Holly Lane would affect those in the middle. There was a plan to put in bike lanes and sidewalks and increase the street width. Adding 11 to 16 feet to the width of Holly Lane would put sidewalks in her front yard and driveway. If Holly Lane was extended to Holcomb it would increase traffic due to Park Place residents using Holly Lane rather than Highway 213 to access shopping at the top of the hill. If Holly Lane was extended to Thayer Road, it would increase traffic from Beavercreek residents and new Maple Lane and Thayer subdivision residents using Holly rather than Highway 213 to access I-205. These changes would reduce congestion on Highway 213, but it would be to the detriment of Holly Lane residents.

There was discussion about the location of the right of way on Holly Lane.

Paul Edgar, Land Use Chair of the Canemah Neighborhood Association, discussed public safety in Canemah. There were no sidewalks in Canemah and there was a lack of connection to Canemah from the rest of the trails in the City. He also wanted the travel speeds through Canemah reduced to 20 mph. This should be a high priority in the Transportation System Plan. He then discussed issues regarding the portion of South End Road that was in the slide zone. The road was already at capacity and high density residential units were being planned to go in along this road. Tri-Met would be reducing service and there was not a way to build more capacity.

John Lewis, Public Works Director, said in regard to the right of way width on Holly Lane, most of it was 40 feet.

A report from Scott Burns was submitted by Christine Kosinski and was entered into the record as Exhibit 2. Ms. Kosinski lived in unincorporated Clackamas County. She discussed Scott Burns, professor of geology at Portland State University, who in 1992 did a study on Newell Creek Canyon and recommended the site not be built upon. The City allowed construction of apartments, and there had been continuing problems with land slides. Homes on Holly Lane had also been destroyed by land slides. What happened in Newell Creek Canyon and in Holly Lane could have disastrous effects on Highway 213. She gave the example of Thayer Road which

had problems with land slides as well. The area planned for development in Park Place was in a sensitive area of waterways, flood plains, wetlands, and slopes. Did the City want the risk of bringing Holly Lane up to Holcomb in an area where development was limited? She also questioned construction of the Swan Road extension in an area where wetlands abound.

3. Work Session

3a. [PC 13-018](#) Transportation System Plan Update (Ordinance 13-1002 and 13-1003)

Mr. Lewis reviewed the Oregon City Municipal Code amendments associated with the Transportation System Plan update.

Laura Terway, Planner, discussed the reasons for changing the Code, highlighted the Code amendments proposed for applicability, modifications, street design, maximum street intersection spacing standards, minimum driveway spacing from street interesections, and pedestrian and bicycle accessways.

Suggestions were made by the Commission to bring more clarity in the Code.

John Ripplinger, transportation engineer with Ripplinger and Associates, gave a brief overview of the change from level of service standards for measuring traffic to a volume to capacity ratio standard. This would bring the City into uniformity with ODOT's expectations. It would be a significant change.

Mr. Lewis stated most of the critical signals in Oregon City were ODOT's signals and it made sense to use the same standard.

Mr. Ripplinger said the significant change was they would be allowing more intense development and more traffic before a developer had to mitigate for it.

There was discussion regarding the pros and cons of this new standard and how it was different from the previous level of service standard. There was concern about developers not implementing system improvements with the new standard. These concerns would be addressed at the next Planning Commission meeting.

Ms. Terway explained the changes in the Code for cul-de-sacs and dead end streets.

Christina Robertson-Gardiner, Planner, discussed the Parking Study recommendations and creation of a Downtown Parking Overlay District with a 50% reduction in parking and McLoughlin Commercial Parking Overlay District with a 35% reduction in parking.

Commissioner McGriff was concerned about increasing the amount of people parking in the McLoughlin neighborhood.

Mr. Ripplinger discussed the criteria for Planning Commission adjustments to the parking standards. The adjustment criteria were: function and use of the site, compatibility, safety, and services.

There was discussion regarding how the parking recommendations met the vision for mixed use and higher density and the problem of on street parking for residences.

Ms. Robertson-Gardiner compared the current parking requirements and proposed changes.

Mr. Ripplinger gave examples of how Oregon City compared with the City of Portland and City of Lake Oswego in how those cities were reducing parking. The current parking standards for Oregon City were for stand alone suburban communities and did not apply well to a regional center like Oregon City and they were trying to make advances along that direction.

Ms. Robertson-Gardiner gave examples of two projects on hold because the applicants did not want to move forward with a Planning Commission variance to the current parking standards, one on 7th street and one on 12th and Main.

Mr. Ripplinger discussed recommended literature regarding parking. There was discussion regarding the concept of paid parking in McLoughlin.

Ms. Robertson-Gardiner stated this was one way to create a multi-modal, mixed use, safe, amenity rich downtown and McLoughlin area. She had been working with Lloyd Purdy, Downtown Manager, and Blaine Meier, member of the Land Use Committee with the Chamber of Commerce, regarding the parking reduction. She invited them to the speak at the next meeting.

Commissioner Mabee asked for the numbers for 25% reduction in the McLoughlin District. He did not have a problem with the 50% reduction for downtown. Commissioner McGriff asked for numbers for 20% reduction.

Chair Kidwell thought people would go elsewhere if they could not find a place to park, and he wanted to know the current inventory of parking as a ratio to the businesses in downtown. One way to encourage a parking structure was charging for on street parking so people would want to pay for a less expensive parking structure. He suggested having metered parking in the business district that customers and business owners had to pay for and the surrounding areas have a permit only parking for residents.

The first Planning Commission public hearing on the TSP would be March 25.

4. Communications

There were no communications.

5. Adjournment

Chair Kidwell adjourned the meeting at 10:07 PM.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, March 25, 2013

7:00 PM

Commission Chambers

1. Call To Order

Chair Kidwell called the meeting to order at 7:04 PM.

Present: 5 - Zachary Henkin, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

Absent: 2 - Paul Espe and Damon Mabee

Staffers: 4 - Tony Konkol, John Lewis, Christina Robertson-Gardiner and Laura Terway

2. Public Comments

There were no public comments.

3. Public Hearing

[PC 13-021](#)

L 13-01: Transportation System Plan (TSP)

L 13-02: Associated Amendments to the Oregon City Municipal Code

Chair Kidwell opened the public hearing.

John Lewis, Public Works Director, introduced the topic for discussion and said the questions raised about the TSP earlier would be addressed that night.

Christina Robertson-Gardiner and Laura Terway, Planners, presented the staff report. They discussed what a Transportation System Plan was, criteria for the TSP, how the TSP update was different from the existing TSP, next steps, and recommendation to continue the hearing to April 8. The titles of the chart had been changed to Likely To Be Funded and Not Likely To Be Funded and the Code amendments had been updated. Items that had been changed were in red.

Carl Springer, DKS and Associates, discussed the TSP update process, vision, investments, funding, the Plan, and Code changes.

There was discussion regarding the Likely and Not Likely to be Funded projects, land use forecasts used for the TSP, and stakeholder meeting process.

Mr. Lewis stated the Transportation Advisory Committee reviewed and approved the draft TSP.

Christine Kosinski's written documents were entered into the record. Ms Kosinski, resident of unincorporated Clackamas County, said those representing Neighborhood Associations had five minutes to speak and those living on Holly Lane were not represented by a Neighborhood Association. She could speak for the hamlet of Beavercreek, but the hamlet was not recognized either.

Tony Konkol, Community Development Director, stated it was up to the Commission's discretion as to how they would like to afford the time.

The consensus of the Planning Commission was to allow Ms. Kosinski five minutes to speak.

Ms. Kosinski provided the preliminary geotechnical evaluation for the Park Place Concept Plan which included extending Holly Lane to Holcomb Boulevard and building the Swan Road extension. There were high slopes and flooding in this area as well as land slides occurring on the slopes. Holly Lane had steep grades with narrow shoulders and steep slopes and land slides were near where Holly Lane was proposed to be extended to Livesay. The GRI report recommended the City require a geotechnical evaluation as part of any future development in areas with slopes of 15% or steeper. She questioned why only steep slopes of 25% or greater were regulated in the Oregon City Municipal Code. She asked that the City undertake a full and complete geologic and geotechnical evaluation of the entire study area including all areas for roadways even if they were outside of the study area and to include Thayer Road before any approvals were made. She questioned the safety of the Swan Road extension over the river and landslides.

Tom O'Brien, representing the Hazel Grove-Westling Farm Neighborhood Association, discussed the overview map of the neighborhood. In his neighborhood about 85% to 90% had paid System Development Charges. A street extension on Westwood Drive from the south was shown on the Natural Resources Overlay District as a park. He asked for clarification whether it was going to be a City park when another map showed a street was going to be put there. He did not think the TSP was ready for approval. The neighborhood had paid Park SDCs and there was no park in the neighborhood.

Mr. Lewis agreed the street extension needed to be removed.

Mr. O'Brien had found other corrections that needed to be made, and he would email them to staff. He was concerned about the outcomes in Section 8. If the goal was to reduce the amount of time in peak hours for freight traffic by 10%, why were they increasing traffic another 14%? He also questioned inclusion of a short stretch on South End Road in the upcoming high volume traffic area as South End was a problem currently.

Dan Fowler, resident of Oregon City, discussed the map for minimum parking standards in the downtown district which currently stopped at 17th Street. He asked the Commission to extend it to the Amtrak station. In the street design chart, he suggested adding standards for design of a couplet and a one way. Regarding driveway spacing, if the distance was shorter would a ride in, ride out qualify for a smaller standard?

William Gifford, resident of Oregon City, said the proposed projects would be funded by growth. Urban Renewal might be able to address some of the deficiencies in funding. He thought there needed to be a plan to prioritize the projects beyond the cut line so when the money was available, there would be a plan. He had heard from citizens regarding the intersection of Molalla and Gaffney Lane about congestion and he did not see it included in the plan.

Mr. Lewis said the intersection would be included in the Molalla Boulevard project list.

A motion was made by Commissioner McGriff, seconded by Commissioner Henkin, to keep the record open and continue L 13-01: Transportation System

Plan (TSP) and

L 13-02: Associated Amendments to the Oregon City Municipal Code to April 8, 2013. The motion carried by the following vote:

Aye: 5 - Zachary Henkin, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

4. Work Session

[PC 13-022](#)

L 13-01 and L 13-02: Discuss outstanding items identified at previous Transportation System Plan Work Sessions.

Mr. Springer and Kevin Chewick?? discussed the comments from the last Planning Commission work sessions including funding mechanisms, what to do about speeding, truck routes, label colors, Figure 20 correct labeling, how land use forecasts were developed, alternate corrections to South End Road, and transportation solutions trade offs.

There was discussion regarding how this TSP correlated with the Clackamas County TSP and where they overlapped, proposed roadways and the need for improvements to Redland Road due to flooding, how those improvements would be triggered, and reduction of parking in the downtown and bringing those changes to the Amtrak station.

The Commission consensus was for staff to send them a link of the 2009 parking study for a statistical basis on the the 50% reduction of parking downtown, staff would also bring back a revised map including the northern border extending to Amtrak and a revised graph showing the option of 25% reduction of parking for the McLoughlin district as opposed to the proposed 35%.

Commissioner McGriff questioned the 2035 projections in the TSP. Mr. Springer explained this was to show the corridors that would be running slower during certain hours of the day. Mr. Lewis said growth was going to happen and this document planned for the growth.

Commissioner McGriff said if Beavercreek was recognized as a hamlet and people were speaking on behalf of the hamlet, those people should have the same courtesy as speakers representing neighborhood associations. She thought the residents of Holly Lane should organize themselves and get involved.

Commissioner Geil emphasized the importance of Redland Road and the need for improvements. There was discussion regarding the lack of funding for the project.

Chair Kidwell was concerned that the TSP would not be ready for approval at the next Commission meeting. If there were known issues, they needed to be addressed in order to have a clean plan.

Mr. Konkol said the focus was on the policies. He did not think it would be ready for approval at the next meeting. He asked if the Commission found errors to email staff.

Ms. Terway said at the next meeting staff would bring back information regarding parking reductions and percentages and levels of service and send a request to Clackamas County to come talk to the Planning Commission about the County's Transportation System Plan update. Staff would also send the Commission the link to the 2009 parking study.

5. Communications

There were no communications.

6. Adjournment

Chair Kidwell adjourned the meeting at 9:54 PM.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, April 8, 2013

7:00 PM

Commission Chambers

1. Call To Order

Chair Kidwell called the meeting to order at 7:06 PM.

Present: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

Staffers: 5 - Tony Konkol, Carrie Richter, Laura Terway, Christina Robertson-Gardiner and John Lewis

3. Public Comments

There were no public comments.

4. Public Hearing

[PC 13-027](#)

Pavilion Park 2: Request for an 11-Lot Subdivision, Zone Change and Geologic Hazards review.

Chair Kidwell reopened the public hearing.

Laura Terway, Planner, stated the applicant was requesting a continuance to April 22, 2013, to address concerns about storm water.

Tracy Owens, resident of Oregon City, lived across the street from the property. Her concern was about the smaller size lots which added more cars to the area and caused a safety issue. She had young children and there was already a problem with speeding. There were also issues with water drainage.

Linda Stroehecker, resident of Oregon City, lived adjacent to the property. She appreciated that City staff had come to look at the problems on her property that she discussed at the last public hearing on this application. She was concerned about chemicals in the water that ended up dumping onto her property. Regarding the rezoning to an R-6, the more houses that went up around her the more sunlight was blocked from her property in the backyard which kept it damper with the water.

Commissioner Geil was concerned about the driveways going onto Pease Road and suggested putting in a side road instead.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to continue TP 12-04, with public comment to remain open, to April 22, 2013. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

[PC 13-026](#)

Clackamas County Red Soils Master Plan: Planning Files CP 12-01 and DP

12-01.

Chair Kidwell reopened the public hearing. He 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.

Commissioner McGriff spoke with the County's representative for clarification on the proposed iron fence.

Commissioner Mabee visited the site.

Chair Kidwell was familiar with the site and had been to the site on several occasions.

Ms. Terway presented the staff report. She explained the subject site in the Redsoils campus off of Beavercreek Road owned by Clackamas County and adjacent properties, master plan amendment to include the Silver Oak site for the Sheriff's evidentiary storage facility, Detailed Development Plan, revision to the 12 foot chain link fence to an 8 foot wrought iron fence, landscape mitigation, and Oregon City Municipal Code adjustments. Staff recommended the applicant have three months after occupying the Silver Oak facility to complete all of the construction before occupying it for evidentiary storage use. The building could be used for office without any approval from the Planning Commission. Staff recommended approval with conditions.

Becky Epstein, SERA Architects, and Kevin Poppin, Clackamas County Sheriff's Department, were the applicants.

Commissioner Mahoney disclosed he was the next door neighbor of Mr. Poppin.

Ms. Epstein said there would be other tenants in the building, not just the Sheriff's department. The State's court records facility and emergency management would also use the building. She explained the wrought iron fence proposed and passed around a sample.

Mr. Poppin said the storage of evidence was vitally important and discussed how this site would have daytime shifts instead of 24 hour shifts and security was a concern. The fencing would not provide guarantees that there would not be a breaching of security, but it would provide additional deterrant as one of the security measures in place.

Commissioner Mabee was concerned about children running into the fence since the park was nearby.

Ms. Epstein said the colors for the fence would be black for the infill material and the columns would be painted the same color as the building. They could occupy the building now for office and other storage, but when evidence and State court records went in they would need the fence to be up.

Mr. Poppin said there would be many security measures and a monitoring system for the building.

William Gifford, resident of Oregon City, was the Land Use Chair for the Hillendale Neighborhood Association. He thanked the applicant for their response to the neighborhood's concern about the fence. He thought it would provide the security needed and with the additional landscaping in front of it, it would be adequate for the neighborhood. He asked about the conditions of approval regarding replacing

existing fencing that did not specify the material for the fencing.

Ms. Terway said it did not specify material because the applicant did not propose any adjustments and it would have to be a permitted material either in the current Code or the Code that was in place when the master plan was approved in 2005. Chain link was a permitted material in 2005.

Mr. Gifford asked if landscaping included fencing? Ms. Terway said all development proposed had to be completed within three months which would include the landscaping and fence.

Mr. Gifford clarified the fence columns would be every 48 feet. He discussed buildings 11 and 12 which were for retail and office, were those the areas not to be considered for a library? The County had said no to the City purchasing property here for a new library and he did not see any footprint that would not be eligible for a library. He asked the applicant if they would look at the possibility again.

Ms. Epstein stated the court records was going to move into the building in May/June of this year and would already be in place before the evidence area. Regarding the library, it was not a conforming use on the site.

Tony Konkol, Community Development Director, said the library was not included in the original master plan that was approved. Those two buildings were later phases of the whole master plan. There was no discussion regarding putting a City facility on the County property at the time the master plan was approved. The master plan could be amended to include a library if there were negotiations in the future.

Chair Kidwell closed the public hearing.

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, to approve CP 12-01 and DP 12-01. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

[PC 13-028](#)

L 13-01: Transportation System Plan (TSP)

L 13-02: Associated Amendments to the Oregon City Municipal Code

Chair Kidwell reopened the public hearing.

Christina Robertson-Gardiner, Planner, and Ms. Terway presented the staff report. Ms. Terway gave an overview of the Transportation System Plan update. She entered the PowerPoint presentation and public comments received on the website into the record.

Ms. Robertson-Gardiner gave an update on the parking code amendments. Two districts would be created, a McLoughlin Commercial Overlay District and Downtown Parking Overlay District. She entered the revised parking overlay map into the record to extend the Downtown Overlay to the Amtrak station. She discussed a letter from Rick Williams of Rick Williams Consulting who did the parking study for downtown. Mr. Williams looked at the proposed changes and he not only supported the changes, but also suggested to continually work with the City Commission, Code Enforcement, and parking management to keep on the pulse of how to actively manage the existing on street parking. She discussed what a 25% reduction would look like for the McLoughlin District as opposed to the 35% and what the 50% reduction for the Downtown District would look like. She then discussed the parking management for how they could be enforced. She explained these districts were for

new development for off street parking.

There was discussion regarding concerns about the parking proposal and clarifying the letter from Mr. Williams.

Commissioner McGriff was concerned about people parking in the McLoughlin neighborhood and suggested a neighborhood parking management plan before approval of the proposed change in McLoughlin.

John Ripplinger of Ripplinger and Associates gave an update on mobility standards. He discussed the shift to a volume to capacity ratio to determine the performance of an intersection and the increased congestion it would allow. There would be no performance standard applicable for minor streets. There would be more congestion than there was today during peak hours. The proposed recommendation was: where they were obligated to apply the Regional Transportation Plan within the regional center and designated arterials and corridors, the City would apply the volume to capacity ratio. For those entirely within the City's jurisdiction, the level of service standard would be retained.

Commissioner Mabee pointed out the boundary of the regional center was not adopted by the City and was something that needed to be done moving forward.

Mr. Ripplinger said they would be abandoning the am peak hour as a performance area to be analyzed and would need to change the Code language and traffic impact study guidelines to match what was adopted. The highest and second highest of the peak hours would be analyzed, which were typically the pm peak hours.

Ms. Terway said four intersections would not meet the mobility standards and were State facilities. Staff proposed to look at these four intersections in greater detail.

Gail Curtis of ODOT said the Highway Commission had recognized the problem with these intersections and had developed policy language that allowed for an alternative mobility standard. This was a region wide problem and it was possible there would be a region solution. She recommended adopting the TSP with the recommendations of staff and agree to a refinement plan effort for these State facilities that would not meet the current mobility standards in 2035. They could not build their way out of the problem and it was a balancing act between the local and State interest. The State was committed to working with the City and would help look for funding opportunities.

There was discussion regarding how the lack of capacity would affect development and the need for a refinement plan.

Ms. Terway then discussed the concerns regarding development of Holly Lane. Mr. Konkol explained what was meant by urban and rural reserve areas, Urban Growth Boundary, and City limits.

Ms. Terway said part of Holly Lane had been planned through the Park Place Concept Plan, but no planning had been done for the part outside of the Urban Growth Boundary and City limits. She said the question was how would it develop over time, was the City on the same page as the County, and how did it work with the TSP to the year 2035. Both the City and County designated the road as a minor arterial, but the County would have a rural minor arterial standard and the City would have an urban minor arterial standard. For all of Holly Lane to develop to City standards, the street would have to have a concept plan and come into the Urban Growth Boundary and be annexed.

Carl Springer, DKS and Associates, discussed the projects proposed for Holly Lane including sidewalks and better pedestrian facilities and the funding.

Paul Edgar, resident of Oregon City and representing the Citizens Involvement Council, discussed the downtown parking issue. The Clackamas County Courthouse was used by the whole county, people did not usually have a choice to come, and one in five were legally handicapped. There was no parking for the people coming to the Courthouse or the employees of the Courthouse and they wanted to reduce parking further. Tri-Met was reducing bus service and there were no handicapped parking spots downtown.

Bob Nelson, resident of unincorporated Clackamas County, submitted a letter into the record as Exhibit 2. He lived on Holly Lane and thought this would degrade the lifestyle of the current residents and increase the potential for traffic, safety hazards, and landslides. If the City upgraded the road to urban standards, 50 homes would be destroyed. He requested Holly Lane be taken out of the TSP, to stop putting more traffic on Holly Lane with other roads leading to it, and to work with the County to develop a good, viable alternative system.

Wendy Nelson, resident of unincorporated Clackamas County, submitted a letter into the record as Exhibit 3. She lived on Holly Lane and thought this fragile neighborhood needed to be protected. Increased construction and traffic would aggravate the known landslides in the area. There was already too much traffic on Holly Lane and it was too fast. It was a major route for school buses and she questioned the safety of the children. If the road did come into the City and was improved, the road would come 24 inches within her house.

Kristi Byer, resident of unincorporated Clackamas County, submitted a letter into the record as Exhibit 4. She lived on Holly Lane. Holly Lane was a narrow two lane road with no shoulder and deep ditches. It had severely limited sight distance and there had been numerous accidents due to speed and traffic flow. There were pedestrians on the road as well. Since the development on Maple Lane, the number of average daily trips had increased. She suggested checking again to make sure Holly Lane traffic was not surpassing what was originally predicted by the development and school. The County had reduced the speed to 40 mph and improved a sharp curve, yet the City had not improved conditions on their boundary. Newell Creek Canyon was a protected wetlands and there would be impacts if Holly Lane was improved. The TSP was lacking in very important data and she requested the Commission answer the questions presented before moving forward with the TSP.

Jackie Calwell, resident of unincorporated Clackamas County, lived on Holly Lane. She thought it was inconsiderate of Oregon City to plan changes to Holly Lane without consideration of the impact those changes would have on the residents on Holly Lane. Those changes would adversely affect the quality of life on Holly Lane. The increase in traffic would substantially affect them.

Christine Kosinski, resident of unincorporated Clackamas County, submitted a handout into the record as Exhibit 5. She was on the hamlet of Beavercreek board and read a letter from the hamlet. Most of Holly Lane was in the boundaries of the hamlet, yet there was no representative on the City's transportation committee from the hamlet of Beavercreek to represent their concerns. The City had not addressed the speeding on Holly Lane or discussed the dramatic impacts the proposed changes would have on the hamlet of Beavercreek. The extension of Holly to Henrici was based on a concept plan that had not been approved. The hamlet of Beavercreek voted for denial of the proposed changes to the TSP based upon the lack of safety.

Ms. Konsinski then read a portion of a letter she had written regarding the landslides in the area which could not be mitigated. She explained the landslide map she provided to the Commission and the effects of widening Holly Lane. A new north/south connector needed to be created. She requested keeping the hearing open until the DOGAMI susceptibility maps were released in May and a complete geologic study was performed for the entire length of Holly Lane and the proposed extension of Holly Lane to Holcomb. She did not think a decision on the TSP could be made without this new information. The two biggest threats to Holly Lane were landslides and safety. She thought the City was liable for anyone who might be hurt on Holly Lane due to the increased traffic and speeds.

Kevin Manning, resident of Clackamas County, lived on Holly Lane. Widening Holly Lane and putting in sidewalks would make him lose his front yard, he may be forced to hook up to City sewer, and backing out into more traffic would be a problem. Currently the livability was excellent and he had invested a lot of money into his house. Now he thought he might not want to live there anymore if this was what was coming down the pike. He was behind Ms. Konsinski and her recommendations.

Donna Gates, resident on Holly Lane, lived near Redland Road and had a lot of road frontage and canyon on her property. If it had not been for filling the canyon, Holly Lane would have been washed out. If Holly Lane was enlarged, the City would have to fill in the canyon first to stabilize the road.

Leslie Fish, resident on Holly Lane, said the school buses drivers told him that they had been told to use Holly Lane and not Highway 213. There was construction at the intersection of Holly Lane and Maple Lane. The trucks far exceeded the weight limit for the bridge at the bottom of Holly Lane.

Chair Kidwell suggested keeping the record open and postponing the Commission discussion until the next meeting.

Commissioner Geil suggested adding a project D48a, which would add a natural resources evaluation with a complete geotechnical survey and wildlife impact report.

The Planning Commission was meeting in a joint Work Session with the City Commission on April 9 to discuss the hot topic issues. The parking proposals and parking management plan, Courthouse parking, Holly Lane, regional center adoption, and refinement of the mobility standards would be issues brought back to the next Planning Commission meeting on April 22.

Commissioner McGriff encouraged the residents on Holly Lane to be involved in the County's Transportation System Plan update process as well. The County would be coming to the Planning Commission in May regarding the County's TSP.

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to continue the Transportation System Plan hearing to April 22, 2013. The motion carried by the following vote:

Aye: 7 - Paul Espe, Zachary Henkin, Damon Mabee, Denyse McGriff, Robert Mahoney, Charles Kidwell and Tom Geil

5. Communications

Mr. Konkol gave an update on the Blue Heron project and stated the RFP applications were due April 15. Commissioner McGriff volunteered to serve on the RFP review board.

6. Adjournment

Chair Kidwell adjourned the meeting at 10:38 PM.



City of Oregon City

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

Item #2.

Meeting Minutes - Final

Planning Commission

Monday, October 24, 2016

7:00 PM

Commission Chambers

1. Call to Order

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

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

Absent: 1 - Paul Espe

Staffers: 2 - Pete Walter and Carrie Richter

2. Public Hearing

2a. AN-16-0003: Annexation of Oregon City Golf Course

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

Commissioner Mahoney had been to the golf course many times. Commissioner Henkin visited the site often. Commissioner Geil drove by the site. Commissioner McGriff was familiar with the site. Commissioner Mabee played on the golf course several times and was a friend of the property owners. He was on the City Commission the last time he reviewed the application. Chair Kidwell used the golf course often as well.

Pete Walter, Planner, presented the staff report. There were additional items to submit into the record which included the applicant's memo with findings for SB 1573 and proposed condition of approval, the applicant's comments on the staff report, and the comments of Planning Commissioner Paul Espe. Staff was requesting a continuance of the hearing to November 14 as the public notice sign was not posted on the property per Code prior to the hearing. Mr. Walter showed maps and aerial photos of the site. The annexation proposal included the Oregon City Golf Course, club house, two existing homes, and Beavercreek Road right-of-way. The applicant was requesting annexation only without a zone change. The property was four tax lots totaling 117 acres and was contiguous to the City and did not create any County islands. He discussed the approval criteria which included adequacy of access to the site, conformity to the Comprehensive Plan, adequacy and availability of public facilities and services to service potential development, compliance with applicable sections of the Oregon Revised Statutes and Metro Code, natural hazards identified, and no significant adverse effects at the time of annexation. The applicant was proposing a condition of approval which stated the annexation would not be filed with the Secretary of State until the Beavercreek Road Concept Plan was acknowledged. Staff agreed with the applicant's comments on the staff report and would make the necessary revisions. Commissioner Espe had requested additional detail on the transportation facilities, sanitary sewer facilities, how the applicant would follow the

Beavercreek Road Concept Plan, status of the City's agreement with the County regarding jurisdiction of Beavercreek Road, water availability, future urbanization of the area, the burden on fire, police, and emergency services, amount of neighborhood contact, school capacity, and how the application met the criteria. He explained the Comprehensive Plan designations, zoning designations, and Beavercreek Road Concept Plan designations for the site and surrounding lots. He then discussed the Transportation Planning Rule issues and what needed to occur before zone changes and development could be approved in this area.

There was discussion regarding transportation improvements that would need to be done through future development and System Development Charges.

Carrie Richter, City Attorney, said no development could occur on this property at the urban levels identified in the Beavercreek Road Concept Plan until a zone change occurred. This was only bringing the land into the City. In order to develop it, it would need a zone change. This was one step in a multi-step process and they had to find the balance of how much detail they wanted in terms of utility demand as they moved through the process.

Mr. Walter said the Commission had to find that there was a positive balance of factors. Staff had 15 finding and 4 conditions for this application that they thought formed a positive balance of factors.

Randy Meyers, applicant, agreed with staff's findings and report. He also concurred with continuing this hearing to November at which time he would give a more comprehensive testimony.

Christine Kosinski, resident of unincorporated Clackamas County, requested the hearing be continued and left open for further testimony. The property owners on Holly Lane, Maple Lane, and Thayer Road should have received notice of this hearing as they sat within 300 feet of the area. The Beavercreek Road Concept Plan could not be developed without first developing all three of those streets. The following annexation factors should be considered: adequacy of access to the site, adequacy and availability of public facilities and services for potential development, adequate public information and sufficient time for public review, and maximizing city involvement in the annexation review process. She discussed how landslide insurance was expensive and how a person who lived near a landslide area could not get coverage. Damage to a home from a landslide was catastrophic as there was more than just the home to repair. Law suits regarding landslides were not being won.

Jason Pompel, resident of Oregon City, said he lived near the site. He thought this should go to a vote. There would be a large impact from this development and there needed to be a plan in place to mitigate those impacts.

Commissioner McGriff was not comfortable with the lack of adequate public facilities, the need to do the alternate mobility study, and the Beavercreek Road Concept Plan not being acknowledged. She did not think it was the right time for this annexation.

Commissioner Geil thought the infrastructure improvements should be done first before the annexation.

Commissioner Mahoney said this was an annexation application. The problem was lack of funding for the extension of services, but developers should not be penalized for that.

Commissioner Henkin said they should focus on the annexation, not development. He wanted to reserve his comments for the next hearing.

Commissioner Mabee said this was an annexation request. It was the first step in the process.

A motion was made by Commissioner Geil, seconded by Commissioner Henkin, to continue AN-16-0003: annexation of Oregon City Golf Course to November 14, 2016. The motion carried by the following vote:

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

3. Communications

Mr. Walter said the new Assistant Planner would begin on October 31.

Ms. Richter said all of the briefing had been done for the Beavercreek Road Concept Plan. Oral arguments occurred two weeks ago and the decision was due November 7, but LUBA could ask for an extension. LUBA's decision could be appealed to the Oregon Court of Appeals.

4. Adjournment

Chair Kidwell adjourned the meeting at 8:20 PM.



City of Oregon City

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

Item #2.

Meeting Minutes - Final

Planning Commission

Monday, January 8, 2018

7:00 PM

Commission Chambers

1. Call To Order

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

Present: 7 - Zachary Henkin, Paul Espe, Denyse McGriff, Damon Mabee, Tom Geil, Robert Mahoney and Vern Johnson

Staffers: 5 - Diliانا Vassileva, Laura Terway, John Lewis, Dayna Webb and Carrie Richter

2. Elections for Chair and Vice Chair

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to nominate Denyse McGriff for Chair and Paul Espe for Vice Chair for 2018. The motion carried by the following vote:

Aye: 7 - Zachary Henkin, Paul Espe, Denyse McGriff, Damon Mabee, Tom Geil, Robert Mahoney and Vern Johnson

3. Work Session

3a. Work Session: Alternate Mobility Targets Project for Hwy 213 Corridor

John Lewis, Public Works Director, and Dayna Webb, Project Engineer, presented information on the alternate mobility targets project for the Highway 213 corridor. They gave a background on the corridor and alternate mobility study and discussed what was included in the study and the plan outreach. They explained the recommended mobility target and improvements for the OR 213/Beavercreek Road intersection.

There was discussion regarding congestion at this intersection. Mr. Lewis did not think it was as bad as what was experienced in other cities.

Mr. Lewis then explained the recommended mobility target and improvements for the OR 213/Redland Road intersection.

There was discussion regarding the congestion at Redland, Abernethy, and Holcomb Boulevard.

Mr. Lewis discussed the projects that would need to be added to the Transportation System Plan and the next steps in the process.

Commissioner Espe explained where he would like to add more bike lanes near the high school.

The Commission asked clarifying questions regarding the analysis and proposed

improvements as well as the affect on future development.

4. Public Hearing

4a. Planning File NR 17-0010: Natural Resource Overlay District Review application for a Deck Expansion at 379 Barker Avenue

Chair McGriff opened the public hearing and read the hearing statement. 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 Johnson drove by the site, Commissioners Mabee, Espe, and Mahoney were familiar with the site, Commissioner Geil was familiar with the area, and Chair McGriff visited the site.

Diliana Vassileva, Planner, presented the staff report. This was a Natural Resource Overlay District (NROD) review for a deck expansion at 379 Barker Avenue. She gave a natural resources and property background and explained the proposed deck expansion. She then reviewed the public comments that had been submitted, none of which indicated an approval criterion had not been met or could not be met through the conditions of approval. She discussed the applicable criteria, proposed mitigation, and conditions of approval. Staff recommended approval with conditions. She clarified the alteration to the deck had already been made, and through the Code Enforcement process it was now coming before the Planning Commission.

The Commission asked clarifying questions regarding the application.

Kevin Dier, applicant, stated this was his forever home and part of that vision was transforming the backyard. He was told that he did not need a permit for the deck expansion and he did not know the NROD had been changed. He was trying to follow the rules and preserve the deck.

Tina Fairley, Pacific Habitat Services, had put together the application. She was there to answer any questions.

The Commission asked questions about the maintenance of the lawn by Coffee Creek, mitigation plan including removing the impervious surfaces and plantings, amount of water in the creek, and the creek buffer area.

Paul Edgar, resident of Oregon City, thought this was a thorough application and should be approved.

Doug Neeley, resident of Oregon City, asked if the number of plants were per property or per linear feet of stream. Ms. Vassileva replied it was based on the square footage of disturbance.

Mr. Neeley shared his concerns about the bank erosion and the location of the plantings as well as if the plantings died would they be replaced. Ms. Vassileva clarified there was a required five year plant maintenance report that went to the City.

Mr. Neeley pointed out Vine Maple needed shade to survive. He requested that when there was mitigation that involved plantings, that it would be reviewed by the Natural Resource Committee before it came to the Planning Commission.

Chair McGriff closed the public hearing.

A motion was made by Commissioner Mahoney, seconded by Commissioner Espe, to approve Planning File NR 17-0010: Natural Resource Overlay District Review application for a deck expansion at 379 Barker Avenue with conditions. The motion carried by the following vote:

Aye: 7 - Zachary Henkin, Paul Espe, Denyse McGriff, Damon Mabee, Tom Geil, Robert Mahoney and Vern Johnson

- 4b.** Request to Continue Planning File LE 17-02 to February 12, 2018: Legislative Amendment to Adopt the McLoughlin-Canemah Trail Plan, Amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan

A motion was made by Commissioner Mabee, seconded by Commissioner Johnson, to continue Planning File LE 17-02 to February 12, 2018. The motion carried by the following vote:

Aye: 7 - Zachary Henkin, Paul Espe, Denyse McGriff, Damon Mabee, Tom Geil, Robert Mahoney and Vern Johnson

5. New Business/Discussion Items

- 5a.** 2018 Planning Commission Goals

Laura Terway, Community Development Director, recapped what had been done so far with the Planning Commission goals. There were goals identified by the Planning Commission and they were on the list as well as items staff was working on to move forward the City Commission's goals.

The Planning Commission gave their top goals from the list. The top six were numbers 19, 20, 21, 22, 23, and 24. The Commission then prioritized the goals and specified the activities that would be done for each goal.

Chair McGriff would give the annual report to the Commission in February which would include these goals.

6. Communications

Bob La Salle, resident of Oregon City, discussed a typo regarding term limitations in the Planning Commission bylaws. He recommended the Planning Commission Chair serve for two years instead of reelecting the Chair every year.

Ms. Terway discussed the new policy for meeting times and minutes. She announced the Mayor reappointed Bob Mahoney for another term on the Planning Commission.

7. Adjournment

Chair McGriff adjourned the meeting at 9:50 PM.



City of Oregon City

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

Item #2.

Meeting Minutes - Draft

Planning Commission

Monday, February 26, 2018

7:00 PM

Commission Chambers

1. Call To Order

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

Present: 7 - Zachary Henkin, Paul Espe, Denyse McGriff, Damon Mabee, Tom Geil, Robert Mahoney and Vern Johnson

Staffers: 2 - Laura Terway and William Kabeiseman

2. Public Comments

Jennifer Osterick, resident of Oregon City, spoke about the issues on Roosevelt Street since Free on the Outside had leased a home in the neighborhood and felons including sex offenders had moved in.

Jennifer Lance, resident of Oregon City, was also concerned about the residents of the house on Roosevelt Street and how they had changed the neighborhood.

Martin Nimhoff, resident of Oregon City, gave an update on the activities of the house on Roosevelt Street since he had last spoken to the Commission. He appreciated the work of the Planning Department on this issue.

Carla Laws, resident of Oregon City, explained there were many children in this neighborhood and how she was fearful for their safety.

Laura Terway, Community Development Director, stated this issue was going through the Code Enforcement process.

3. Public Hearings

- 3a.** L 17-03: Legislative Amendment to amend to Chapter 12.04.205 of the Oregon City Municipal Code for alternative mobility standards for the Highway 213 intersection at Beavercreek, and to amend the Transportation System Plan project list.

Chair McGriff opened the public hearing.

Bill Kabeiseman, City Attorney, asked if any Commissioner had conflicts of interest to declare. There were none.

Kelly Reid, Planner, provided the staff report. This hearing had been continued from the January meeting. The legislative amendments would amend the Comprehensive Plan, Transportation System Plan project list, and City Code to adopt the alternative mobility standards for the Highway 213 intersection at Beavercreek. She then reviewed

the issues that were brought up at the last meeting and the changes that had resulted from those items.

John Lewis, Public Works Director, explained why Redland Road and Highway 213 was not part of the alternative mobility standards because it already allowed for more congestion as a regional center and met projection for full build out. It would be up to the City to push for funding for the project.

Ms. Reid discussed the new projects for the project list and proposed code amendments as well as the approval criteria.

The Commission expressed concern and some skepticism about the traffic projection numbers.

Mr. Lewis clarified why the displaced southbound left turns were not brought forward and why the half diamond interchange was not considered.

Ms. Reid gave a history of the 1993 agreement between the City, County, and ODOT for building a grade separated interchange and how subsequent plans identified different long term projects for the intersection ending with the 2013 updated Transportation System Plan where the original interchange was eliminated due to costs and the TSP called for alternative mobility standards for the intersection.

Mr. Lewis addressed the concerns regarding the Newell Creek fish passage, planned bike routes for the area, funding constraints and options, and volume to capacity ratio and travel time through the Highway 213/Beavercreek intersection.

Ms. Reid compared the City of Seaside's alternate mobility standards with Oregon City's standards.

3b.

Site Plan and Design Review and Variance for a 24 Unit Multi-Family Development at 314 Pleasant Avenue (Planning files SP 17-0119 and VR 17-0011)

Chair McGriff mentioned a staff report had been prepared and made available to the Planning Commission, as well as the public. She explained the public hearing process. She then questioned if any of the Commissioners had any ex parte contacts, bias, conflicts of interest or anything other statements to declare.

She further questioned if all Commissioners had visited the site.

None of the Commissioners had any bias or conflicts. Only Commissioner Johnson, Commissioner Mabee, and Chief McGriff had visited the site.

Ms. Terway began the presentation. The application was for a 24-unit multi-family development. She displayed the site plan. She mentioned following the presentation, they would be requesting a continuance to March 26, 2018 to gather additional information. She displayed a map which identified the subject site. She discussed the landscaping plan, which proposed above the minimum landscaping requirement and included preservation of the White Oak Heritage Tree. She displayed the elevations of the structure and briefly discussed the architectural materials.

Ms. Terway introduced the requested variances, but planned to discuss them thoroughly at the following meeting. The project proposed mitigation, which included a

large play area, additional landscaping, trees adjacent to the building and pedestrian amenities.

Chair McGriff questioned if there was an existing tree plan.

Mr. Terway replied there was an existing conditions plan, as well as a tree removal and mitigation plan.

Chair McGriff opened the public hearing for item 3b.

PUBLIC HEARING

Nicholai Ursen, Northwest Housing Alternatives, mentioned they were there to hear the public testimony and provide answers to any applicable questions.

Kevin Saxon, Applicant, stated he had prepared a presentation for the following meeting.

Cindy Sanders, resident of Oregon City, discussed traffic concerns believing that the surrounding intersections were dangerous. The addition of the 24 units, perhaps 30 vehicles, would perpetuate the current traffic issues.

Chair McGriff suggested at the following meeting, the maps would include a larger visible area.

Scott Woolay, resident of Oregon City, indicated he was concerned about drainage, traffic, and the preservation of existing trees. He was concerned that the units would house veterans and most veterans had guns, which he did not want in his neighborhood.

Rich Malloy, Housing Manager, Housing Authority of Clackamas County and a partner in this project, stated that they would develop, own, and manage the property. He supported the variances. The project would increase the availability of affordable housing for veterans.

Larry Mosely, resident of Oregon City, mentioned the concern of homelessness. He believed in order for the issue to be addressed, they needed to be allowed to construct the buildings, economically, that could accommodate the lower rent ranges.

Commissioner Mabee questioned Mr. Malloy what their current policy regarding weapons was.

Mr. Malloy responded they respected the 2nd Amendment, though occupants were closely screened.

Steven Morrison, resident of Colton, indicated he was a service officer. His job was to help veterans in need and direct them to necessary resources. He spoke on behalf of fellow veterans, stating that there were approximately 38,000 veterans in Clackamas County. He had spoken with 85 veterans that were considered homeless. 52 were unsheltered, 30 were chronically homeless. 10 of the 85 were families with children. He requested the Planning Commission help the veterans.

Paul Edgar, resident of Oregon City, mentioned he sat on the board of a Homeless Outreach Center and the Veterans Advisory Council for the County. He believed the plan was to charge the occupant a set percentage of their income. He requested they move the project forward and keep it affordable.

Commissioner Geil questioned Mr. Kabeiseman if they could legally limit the

occupants to only veterans to which Mr. Kabeiseman replied no.

Mr. Ursen mentioned the project had been fully funded, with one of the funding sources being a grant from the State of Oregon. Part of the grant put a restriction that they could only rent the units to veterans. They had a definition of what a veteran was and they were required to follow that restriction strictly.

Chair McGriff mentioned they were not going to close the record on the item. The public was welcome to bring testimony forward at the next meeting. She added the Planning Commission was not unsympathetic to the issues, but it had to meet the set criteria and standards.

Ms. Terway questioned if there were any particular issues, they would like special attention taken to at the next meeting.

The Commissioners discussed their various requests including a general cross section map of the area and more information regarding how the building design related to the surrounding neighborhood.

Commissioner Mabee questioned if there had been consideration to flip the parking lot and the building so the entrance was off Pleasant. He indicated that may help retain more of the old trees, as well. Potential solutions for the preservation of trees were also discussed.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney for continuance to March 26, 2018.

The motion carried unanimously by the following vote:

Aye: 5 - Commissioner Johnson, Commissioner Geil, Commissioner Mahoney, Commissioner Mabee, Chair McGriff

3c.

L 17-04: Proposed Amendments to the Development Sections of the Oregon City Municipal Code (Including Lot Averaging)

Chair McGriff opened the public hearing and requested a motion to continue.

A motion was made by Commissioner Mabee, seconded by Commissioner Geil for continuance to March 12, 2018.

The motion carried unanimously by the following vote:

Aye: 5 - Commissioner Johnson, Commissioner Geil, Commissioner Mahoney, Commissioner Mabee, Chair McGriff

4. Communications

Commissioner Johnson questioned if the City had made any comments regarding the article about the Legacy Project to which Ms. Terway responded that the City had not put out an article.

Ms. Terway reminded the Planning Commission they had a hearing scheduled March 26, 2018, which was spring break.

Commissioner Geil questioned if there was only one issue on the April 9, 2018 agenda.

Ms. Terway believed there would be more. But they could move the items around to accommodate any needs.

5. Adjournment

Chair McGriff adjourned the meeting at 10:14 PM.

City of Oregon City

Meeting Minutes

Planning Commission

Monday, March 12, 2018

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 7 - Denyse McGriff, Damon Mabee, Robert Mahoney, Tom Geil, Vern Johnson, Paul Espe & Robert Mahoney

Absent: 0

Staffers: 4 - Laura Terway, John Lewis, Kelly Reid, Bill Kabeiseman

2. Public Comments

SueAnn Imhoff, resident of Oregon City, a mental health professional for the Oregon Department of Corrections at the only women's prison in the state of Oregon. She described the increasing need for mental health resources. Although there were many proven organizations who worked with people and wanted to assist, based on what she had witnessed, she did not believe Free On the Outside was one of them. She implored Oregon City to carefully consider the future of the neighborhoods and those who needed assistance.

Commissioner Geil questioned if the State had any additional programs for those who needed mental health assistance but did not have an avenue to receive it.

Commissioner Mahoney questioned Ms. Terway if the group home required a business license to operate.

Laura Terway, Community Development Director, stated the City had received a code enforcement complaint for the property on Roosevelt Street claiming they had changed use without any change of permit. The City did not find enough evidence there was any care, treatment, or training going on, which did not constitute the need for a permit. The situation was not found to be any different than several individuals renting a home together.

Kimberly Walsh, resident of Oregon City, mentioned she had reviewed some of the codes. She questioned the use of a Bed and Breakfast or a Boarding House. Those uses were considered a conditional use within the code.

3. Public Hearings

3a. L 17-04: Proposed Amendments to the Development Sections of the Oregon City Municipal Code (Including Lot Averaging)

Chair McGriff indicated it was a legislative hearing and questioned if there were any potential conflicts of interest, including the lot averaging.

Commissioner Geil, Commissioner Mahoney, Commissioner Mabee, and Commissioner Henkin responded they had no conflicts. Chair McGriff also had no conflict.

Commissioner Johnson responded he may have a potential conflict of interest. He explained he owned property in the City of Oregon City, as well as property that was not in the City limits and outside of the Urban Growth Boundary. It was in the Urban Reserve Program, which was part of the 50-year outlook. According to the attorney, a potential conflict of interest did not require the individual to step aside or be recused. The Oregon Ethics Commission also considered the possible conflict to be very remote.

Chair McGriff questioned if there were any members of the public who wished to challenge their conflict statements.

Lynn Anderson, resident of Oregon City, questioned if Mr. Johnson could be objective. The property was close to the property he had previously developed. He could possibly benefit financially in the future, which she believed to be a conflict.

Carrie Richter, Assistant City Attorney, mentioned they had reached out to the Oregon Ethics Committee and received an informal opinion that the facts presented did not even rise to the level of a possible conflict of interest, much less an actual conflict of interest. The property would be developed in the next 50 years, but at the current time it was very speculative. It would need to be brought into the Metro Urban Growth Boundary and annexed from the City. Those two significant steps were not projected in the foreseeable future.

Chair McGriff noted the objection. She questioned if there was any chance the decision could be challenged, based upon an objection being filed to which Ms. Richter said it was possible, but not likely.

Kelly Reid, Planner, provided an updated Staff report. The purpose of the amendments was to revise the lot averaging, minor code clean-up and efficiencies while correcting some redundancies.

Chair McGriff questioned why a type two appeal was going directly to the City Commission.

Ms. Richter clarified type two reviews. They were typically design use related, but the request was for a design change. They could expedite the process under State Law. They did not need a public hearing, just a notice and comment. They were not proposing any amendments to that specific process, currently.

Ms. Reid gave a brief history of the process. Under the current amendment standards, the lot sizes may be up to 20% less than the zoning designation if the subdivision as a whole average the zoning minimum. She then began to provide and summarize six amendment options.

The Commissioners questioned the difficulty to justify to developers without a purpose for lot averaging and the belief that the lot sizes needed to reflect the zoning.

Ms. Terway responded that the intent was to allow increased flexibility, while looking for opportunities for infill development and transportation prioritization. She added Staff was not certain the exact issues, which was the reason they created the six options.

Chair McGriff mentioned that she heard from the community that all of the parcels that were easily developed had been developed. The remaining parcels were odd shaped and were considerably more difficult to develop.

Ms. Terway clarified the purpose of the amendments was to provide the ability to maximize the lot density on the physical piece of property by allowing a larger variation of lot sizes.

The Commissioners discussed compatibility with lot size and density, lot size predictability, the potential goals of these changes, and previous amendments and zone changes.

Commissioner Mabee spoke about the previous amendment, which occurred in 2004. He did not have an issue with the lot variations, but he did not agree with one extremely large lot to counterbalance multiple very small lots.

Commissioner Johnson stated his concern that if they took the code to the point that prohibited houses being built on smaller lots, it would be detrimental to the ability to provide affordable housing to which Chair McGriff, Commissioner

Henkin, and Commissioner Espe agreed, though Chair McGriff did not believe that this should be used as a basis for their final decision.

Commissioner Mahoney was concerned they were not addressing the impact that lot averaging had on the neighboring street system and wondered how it was going to collaterally impact an intersection half of a mile away.

The Commissioners discussed separating these issues into multiple agenda items, so that the pieces of the proposal could be more easily dissected and discussed as opposed to being bundled into one agenda item as they currently were.

Ms. Reid continued summarizing options two, three, and four, including the positive and negative impacts of each.

Commissioner Mahoney questioned what the legal guidelines were for eliminating the power line easements to which Ms. Richter mentioned they could use more clear and objective language that would eliminate the potential legal ramifications.

Ms. Reid continued with her presentation. She summarized options five and six.

Commissioner Mahoney suggested limiting the size of the subdivision that could qualify for lot averaging, while Commissioner Mabee stated that smaller subdivisions may require the lot averaging, more so than larger subdivisions.

Ms. Terway indicated based on the conversation, Staff would recommend option number six. The predictability and the variation between the smallest and largest lots seemed to be the main concerns.

Chair McGriff did not agree that all Planning Commissioners shared the same concerns and she personally did not agree with three times the size, because it is too large.

Debbie Derusha, resident of Oregon City, stated they owned several properties within Oregon City, some of which they had purchased with the intent to develop. The code change would negatively impact that ability. She requested the City's solution not inhibit smaller sites from being a viable component of the City's resources. Losing just one development lot could lead to financial demise of those owners. She requested a continuance of the process to allow for additional time to analyze options and explore possible consequences.

Mike Mitchell, resident of Oregon City, indicated he was pro-growth. He believed the power line easements should be excluded from developable area, as it could not be built on. He indicated the 25% cap seemed reasonable to him. He agreed with Ms. Derusha that the smaller subdivisions needed to be exempt from the cap of the undersized lots. He suggested a seventh scenario with a 20% lot reduction being allowed in 25% or less of the lots in R8 or larger, and only a 10% reduction being allowed in 25% or less of the lots in R6 and smaller. It would allow for flexibility. He also believed lot averaging should be required, or at least incentivized. He referenced the website strongtowns.org.

Lynn Anderson, resident of Oregon City, did not believe the options provided by Staff were unbiased or impartial. She did not believe it was about density or development, it was about transparency. The original intent was to be flexible for the developers, but they had taken advantage of that flexibility. She requested a clarification of the parking reduction adjacent to the transit route.

Chair McGriff questioned how "adjacent" was defined. Ms. Terway clarified adjacent, in that context, meant "touching" and reference page 15 for further clarification.

Commissioner Geil questioned if that would be in addition to the 50% reduction that was already in place for the downtown overlay district and Commissioner Henkin mentioned the code would help with the traffic issue.

West Richter, resident of Oregon City, appreciated that they were taking a serious look at the issue. The current codes allowed a lot of flexibility, which was what caused some of the issues they were facing. She agreed with option number one though she believed the developments needed to be labeled what they were, without an abundance of exceptions. She also agreed with option number five because the developers could accommodate.

Brenda Martin, resident of Oregon City, mentioned the public did not know what to expect based upon the zoning designation and would like more transparency for the public.

Doug Neeley, resident of Oregon City, mentioned the notion of livability was in the definition of the individual who was purchasing the property and residing there. He believed if they did not incorporate good policies for infill, they would be forced to bring land from the Urban Reserves into the Urban Growth Boundary earlier than anticipated, which would not help the traffic issues. He indicated Oregon City was becoming park deficient as increased growth occurred. He suggested the option of lower density, as long as the city received something in return to benefit the general public. Chair McGriff agreed with this statement Mr. Neeley.

Commissioner Mabee questioned if they were required to honor the request for a continuance to which Ms. Richter replied that they were not required to honor the request. It was the Planning Commission's choice to continue, if they chose to do so.

The Commissioners discussed the verbage of the code, ensuring that the Night Sky was addressed as well as the review of mechanical equipment and adding definitions for both "live-work unit" and "work-live" units.

Ms. Terway clarified the current proposed code changes were a quick look and they could defer the changes to the equitable housing discussion.

Chair McGriff suggested making a decision on all of the aspects besides the lot averaging and all other Commissioners agreed.

Commissioner Henkin suggested making a note that Commissioner Mahoney had excused himself from the meeting and postponing the item until the equitable housing discussion.

Commissioner Geil supported options one, three and four, while Chair McGriff supported one and four.

Commissioner Mabee questioned the shrinkage threshold for number six to which Ms. Terway responded it was in the existing code.

Commissioner Mabee stated he was in favor of number 4 and number six, but suggested it should only be two times, rather than three times because if a cap was placed on how large a lot could be, it would allow the smaller individuals to develop how they wanted to develop.

Ms. Terway requested a continuance so Staff could look at combining some options or rethinking number six.

Commissioner Geil stated that he was not in favor of number six.

Chair McGriff summarized they had consensus on number four, three were in favor of number one, and one for number six at two times.

Ms. Terway clarified Staff would bring back amended options with the combination of one, two, four and six. She suggested bringing the item back on April 9, 2018.

A motion was made by Commissioner Henkin, seconded by Commissioner Johnson to continue the discussion to April 9, 2018. The motion failed by the following vote:

Aye: 3 - Commissioner Henkin, Commissioner Johnson, Commissioner Mabee.

Nay: 3 - Commissioner Geil, Commissioner Espe, Chair McGriff.

A motion was made by Commissioner Mabee, seconded by Chair McGriff for option one and option four. The motion carried by the following vote:

Aye: 4 - Commissioner Espe, Commissioner Mabee, Commissioner Geil, Chair McGriff

Nay: 2 - Commissioner Henkin, Commissioner Johnson

A motion was made by Commissioner Mabee, seconded by Commissioner Espe to approve the package as presented with the options for lot averaging numbers one and four. The motion carried by the following vote:

Aye: 4 - Commissioner Mabee, Commissioner Espe, Commissioner Geil, Chair McGriff

Nay: 2 - Commissioner Henkin, Commissioner Johnson

3b. Adoption of Revised Findings for L 17-03: Legislative Amendment to Amend to Chapter 12.04.205 of the Oregon City Municipal Code for Alternative Mobility Standards for the Highway 213 Intersection at Beaver Creek, and the Transportation System Plan Project List.

Ms. Reid mentioned the Planning Commission voted to approve the amendment at the previous meeting and come back to adopt improved findings for Goal 5 and for safety impacts. Staff provided the findings and improved staff report. She stated they had received additional information regarding the expansion of Highway 213 at Redland Road. She believed it was likely enough to be funded in the future and that because of this, they did not need to raise the congestion limits at that intersection. Ms. Reid clarified they used the regional concept plan to calculate the density of the area and gauge the number of homes the new development would bring.

Chair McGriff reopened the public hearing.

Doug Neeley, resident of Oregon City, spoke about the Greater Oregon City Watershed Council Watershed Action Plan that was listed as exhibit 1e, as well as the same plan as exhibit 10. He questioned if there were two different attachments, or if it was a duplicate.

Ms. Reid clarified they were the same document. They were listed twice, referencing two different items.

Mr. Neeley stated there was an assessment completed in 2016, which was the plan attached. There was an additional assessment completed in 2017, which they did not yet have the results of. The Greater Oregon City Watershed Council was concerned if the developments came in to effect, it may result in an increase flow during water storm events. He requested the Greater Oregon City Watershed Council be invited to review the plans, as well as the Natural Resource Committee of Oregon City, Metro, and the Soil and Water Conservation District.

Ms. Reid responded that these groups had not yet been consulted about the project. At the time they began the design and plan process, they planned to involve the Soil and Water Conservation District.

Ms. Terway added the Natural Resource Committee; metro and the county received a copy of all land use applications.

Chair McGriff requested a copy of the updated 2016 assessment. She was concerned the updated assessment could impact the decisions made, though Mr. Neeley explained the 2016 assessment was primarily an assessment on water temperatures.

Chair McGriff closed the public hearing.

There was discussion about whether or not the Planning Commission should keep the record open until the 2016 assessment was provided.

A motion was made by Chair McGriff, seconded by Commissioner Mabee to continue the item for the addition of the 2016 only, review the assessment and vote on it on March 26, 2018. The motion carried by the following vote:

Ayes: 6 - Commissioner Henkin, Commissioner Johnson, Commissioner Mabee, Commissioner Geil, Commissioner Espe, Chair McGriff

4. Communications

Commissioner Mabee questioned what the pros and cons were of flipping the building and parking lot..

Chair McGriff presented a document to the Commissioners, which she found interesting.

5. Adjournment

A motion was made by Commissioner Henkin, seconded by Commissioner Johnson, to adjourn. The motion carried by the following vote.

Ayes: 6 - Commissioner Henkin, Commissioner Johnson, Commissioner Mabee, Commissioner Geil, Commissioner Espe, Chair McGriff

Chair McGriff adjourned the meeting at 10:00 PM

City of Oregon City

Meeting Minutes

Planning Commission

Monday, March 26, 2018

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 7 - Denyse McGriff, Zachary Henkin, Damon Mabee, Tom Geil, Vern Johnson, Paul Espe & Robert Mahoney

Absent: 0

Staffers: 4 - Laura Terway, Carrie Richter, Kelly Reid, Pete Walter

2. Public Comments

Carla Laws, resident of Oregon City, mentioned she was discouraged with the limited amount of support victimized women had received from their Neighborhood Association. She was also concerned that the home at 523 was becoming a rescue shelter for women, as well as a sobriety house. She mentioned the home did not appear to have any security besides two motion sensor lights. The neighborhood had also experienced increased crime since the last meeting she had commented at.

Commissioner Mabee suggested she be patient with the Neighborhood Association, despite her discouraging experiences.

Commissioner Mahoney questioned Ms. Laws if they had reached out to the organization that ran the operation in the home at 523 and attempted to have some dialogue.

Ms. Laws responded that Mike Cross, who ran Free on the Outside, was at the previous Neighborhood Association meeting and many of the neighbors expressed concern about safety and did not feel that they could reach out to the individuals that were occupying the home.

Commissioner Geil questioned Ms. Terway about her previous conversations with the owners of the home. He believed they should have been aware of the neighborhood's concerns and recommended that Ms. Laws get involved in the Steering Committee of the Neighborhood Association.

Laura Terway, Community Development Director, responded there was a code enforcement complaint and they had multiple conversations with Mr. Cross, as well as with their attorney.

Commissioner Mahoney explained if the owners and occupants of the home were in compliance with the law, they had every right to occupy the home. He suggested fostering a better relationship between the neighbors, the owners, and the occupants of the home.

Chair McGriff stated that from the public comments she heard, the neighbors would have appreciated the organization contacting them to inform them of what the intentions were. Instead, it seemed as though they were receiving the run around.

Commissioner Mahoney reminded Chair McGriff they were not legally required to do so and reiterated his suggestion to reach out.

Commissioner Espe mentioned the mediation service that Clackamas County offered to which Ms. Laws responded they were aware of the mediation services. She expressed concern that the function of the home was initially a sobriety house, but in the previous weeks, Mr. Cross had referred to it as a boarding house, a rescue shelter for women and children. She believed the use had changed to something that would require a special use permit, under the current code.

Commissioner Espe suggested advocating for more clarity in the code. They could create a list of items they would like to see amended or added to the code and present that to the City Council.

Commissioner Mabee suggested Ms. Laws review the letter from the attorney and the current city code to evaluate which portions could be amended, forcing Mr. Cross to provide more information, or require a permit.

Commissioner Mahoney questioned Carrie Richter, Assistant City Attorney, if an occupancy permit was required, due to the increased number of individuals residing there.

Ms. Terway responded they had referenced both the planning and building codes when researching the code enforcement complaint. The occupancy was stated at nine or under, with no care being given, which meant they were in compliance with all applicable codes.

3. Public Hearings

3a. Adoption of Revised Findings for L 17-03: Legislative Amendment to Amend to Chapter 12.04.205 of the Oregon City Municipal Code for Alternative Mobility Standards for the Highway 213 Intersection at Beavercreek, and the transportation System Plan Project List.

Carrie Richter, Assistant City Attorney, inquired regarding any potential conflicts of interest, as it was a legislative matter.

There were no conflicts of interest among the Commissioners.

Commissioner Mabee questioned if they had received the updated Greater Watershed Council assessments to which Ms. Terway confirmed that it was.

Commissioner Mabee questioned the date on the report

Ms. Terway clarified they had combined two reports.

The Commissioners discussed the exclusion of Redland Road.

Ms. Terway mentioned the solution and funding sources were already identified for Redland Road and 213.

Commissioner Geil believed nothing else would be done until after 2035, even if they added a note.

Ms. Terway clarified it was on the SDC (System Development Charge) list, which meant they were collecting funds for those projects.

Commissioner Mabee suggested proposing an annual traffic study to determine if the congestion was increasing faster than the correction horizon because they could use the justification as pressure to accelerate the utilization of funding to remedy the issue. He mentioned that using the rubber rope counters would give numbers to back up the request.

Commissioner Mahoney believed it was imperative to emphasize public safety. The greater volume of traffic, the more the safety was affected. To which Commissioner Mabee suggested the memorandum state, "Based upon our concerns of the volume of traffic at Redland and 213 and Holcomb, we request that public works do annual traffic counts of Holcomb Boulevard."

The Commissioners further discussed specific areas of concern regarding traffic congestion.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to approve L 17-03: Legislative Amendment to Amend to Chapter 12.04.205, with the added memorandum. The motion carried by the following vote:

Aye: 5- - Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Chair McGriff

Nay: 1- - Commissioner Espe

Abstained: 1- - Commissioner Geil

Commissioner Espe did not believe it went far enough to provide alternative modes. He also did not believe it had enough language to discuss the larger projects that were on the horizon.

Chair McGriff voted yes, with the caveat that her concerns about Holley Lane be included in the memorandum.

3b. Continuance of Planning file CD 18-01: Code Interpretation to Allow Structured Parking on a Pre-Existing Nonconforming Use for Lithia Subaru of Oregon City.

A motion was made by Commissioner Geil, seconded by Commissioner Espe, to continue CD 1801 to April 9, 2018. The motion carried by the following vote:

Aye: 7- - Commissioner Geil, Commissioner Mabee, Commissioner Henkin, Commissioner Espe, Commissioner Mahoney, Commissioner Johnson, Chair McGriff

3c. Site Plan and Design Review and Variance for a 24 Unit Multi-Family Development at 314 Pleasant Avenue (Planning files SP 17-0119 and VR 17-0011)

Chair McGriff stated it was a quasi judicial land use review. She read the rules which applied to the review and public hearing. She questioned all Commissioners if they had visited the site, had any ex parte contacts, conflicts of interest, bias or any other statements to declare.

The Commissioners did not have any ex parte contacts, conflicts of interest, bias, or any other declarations.

Glenda Gingris, resident of Oregon City, questioned if the Commissioners had driven down Caufield and around the block.

Chair McGriff responded she had. One of her friends lived on Caufield Street. She parked on the end of the street at Pearl and walked the entire site. She mentioned she had previously declared at one point in time, she had done some consultation for the Soil and Water Conservation District, who had owned the site. They asked her about land use planning procedures for Clackamas County. She inquired regarding all of the trees.

Commissioner Mabee clarified he drove up and parked on Myrtle. He walked the site but did not go down and around the block. Previously, he was not aware Caufield existed.

Chair McGriff added she drove down Myrtle and parked in front of 310 and walked in. She drove back down on Pleasant and drove down Caufield and into Dimick. She assured Ms. Gendriss she was very familiar with the area and questioned if she had any objections to the declarations.

Ms. Gendriss responded she did not.

Ms. Terway began the presentation of the staff report. She displayed a map which depicted the subject site.

Ms. Terway stated the applicant proposed a 24-unit multifamily development on the property. The access had been altered. The access had previously been solely from Myrtle Street. Now, the access would solely be from Caufield Street. There was a designated Heritage Tree, which would be preserved as part of the landscape plan. She displayed the elevations from all directions. Ms. Terway mentioned they had provided a staff report with recommendations that analyzed the applicable code criteria. They believed with the applicable conditions of approval, the application did comply with the approval criteria. She discussed the requested variances. The most important variance was for the building articulation and modulation. That variance required meeting three items off the list. The applicant had proposed two of the three. There was also a variance for the north and south façade. The last requested variance was for the ground floor height requirement. She added the findings of the variance criteria had been provided in the staff report. Ms. Terway explained the applicant had provided mitigation for the criteria, which was above and beyond what was required in the code. The mitigation included a large play area, additional landscaping in places where landscaping was not required, trees adjacent to the building as well as pedestrian amenities.

Commissioner Geil questioned what the current driveway was in the original plan.

Ms. Terway replied it was originally landscaping and the proposed driveway met all code requirements.

Commissioner Mabee questioned how far up Caufield the driveway was. He was concerned about the sight line.

Ms. Terway responded it was around 25 feet. She added there was a new transportation study completed on the new design, which had been reviewed by several engineers.

Chair McGriff mentioned she had previously requested a depiction of the proportionate scale, in relation to the buildings directly adjacent to the development.

Ms. Terway replied the applicant had submitted a packet of additional information. She was not certain if that had been included.

Commissioner Henkin clarified the building would not be used for business purposes in the near future.

Ms. Terway explained the applicant had identified it would have to remain with an income subsidy for 60 years. She added they had received an additional public comment, which was a petition.

Commissioner Mahoney questioned if all of the off-street parking requirements had been met.

Ms. Terway replied they had been.

Commissioner Espe questioned the reason why there was no outdoor living space.

Ms. Terway responded there was no personal outdoor living space requirement. However, the plan did include many common areas.

Commissioner Mahoney questioned if there was a marijuana retail outlet adjacent to the product.

Ms. Terway clarified there was no criteria regarding required distances between multifamily residential and marijuana facilities. They did have a code which included distances between daycares, schools and parks and marijuana facilities.

Chair McGriff invited the applicants up.

Nicholai Ursen, Northwest Housing Alternatives. He mentioned the proposed project was modeled after a 20-unit project in Washington County that had opened early in the year and also served Veterans. It had remained fully occupied. They had received funding from the State of Oregon, Clackamas County, as well as a couple of foundations including The Federal Home Loan Bank and Meyer Memorial Trust. A component of the Meyer Memorial Grant was to deliver housing at a lower cost per unit.

Kevin Saxton, representative for Casa Architects, discussed that due to the constraints of the site, as well as the preservation of the white oak tree, the building would face Caufield. The driveway access would be at the west end of the site. In the northeast corner of the site, there would be a storm water garden with a pond double the size it needed to be in order to accommodate the runoff. They would be releasing the water at a lower rate. There would also be two small rain gardens on Caufield and Pleasant Avenue. He reviewed the tree plan. They would be saving the White Oak and one Western Red Cedar tree. They would be removing all of the invasive species, as well as the remnant fruit trees. They proposed planting several trees to replace all of those they would be removing.

Mr. Saxton discussed the variances they were requesting. The first variance was for the building articulation and modulation. The requirement was 36 inches deep and four feet wide with a change of color and material. They were requesting a 24-inch-deep modulation with a four feet width, with a change of color and material. He displayed a photograph that depicted the modulation. They proposed the tall Italian Cyprus trees to offset modulation, as well as additional landscaped areas. He also explained most exterior construction materials were manufactured in 24-inch lengths, which would reduce cut waste and help minimize cost.

The second variance was for building length. The code requirement was a 30-foot-wide and 20-foot-deep modulation. They did not believe they had the space to allow for the modulation without losing units. Instead, a wooden trellis was proposed at the front of the building to break up the mass of the building, as well as providing a visual interest. There would also be a covered porch with built in seating. It would provide a transition between the indoor space and the outdoor patio play area. The intent was to break up the mass and provide a visual focal point, as well.

The third variance was for ground floor height. The code requirement was a 13-foot ground floor height. They were requesting an eight-foot ground floor height. They believed keeping the eight-foot ground floor height was important for compatibility with the surrounding homes. He displayed photographs of several surrounding properties.

Commissioner Henkin questioned if they were taking advantage of the parking requirement discount because they were on Molalla Avenue.

Mr. Saxton responded they were not. They were counting a portion of the on-street parking as part of the required parking.

Ms. Terway clarified there was no reduction to be utilized, just the ability to utilize the on-street parking as part of the requirement.

The Commissioners discussed their various questions and concerns about the specifics of the project, including shrubs, nighttime lights from traffic, the size of the project parking, fencing, cost, and the preservation of trees.

The Commissioners and Staff discussed other buildings with similar variances.

Commissioner Espe questioned if there would be a three to one slope on the detention pond.

Mr. Saxton responded it was a three to one on the side slopes and the grading was sufficient along the north side. He mentioned the highest retaining wall on site was six foot, which tapered down to one foot.

Commissioner Espe expressed the need for the walls to be constructed with mortar.

Chair McGriff questioned what compelled them to purchase the site, even with the known constraints.

Mr. Ursen believed the location between the two housing authority offices was appealing. They also purchased the property from the Clackamas Soil and Water Conservation District, with which they were familiar. He added many of the site constraints had been uncovered after the purchase, while working with the planning staff and Public Works.

Chair McGriff expressed concern with the color grey. She explained Oregon had grey skies the majority of the time. She questioned why they chose that color. She requested additional information regarding the proposed materials.

Mr. Saxton replied the main material was fiber cement lap siding with a seven-inch exposure. They chose grey to provide additional contrast. The windows would be high quality vinyl.

Chair McGriff expressed further concern of the proposed mitigation with the Cyprus trees in place of the modulation. She did not understand that, or believe it was sufficient.

Mr. Saxton reiterated they were trying to work with all of the constraints of the site, as well as the utility easements. He again explained the economic approach of utilizing the 24-inch materials. He believed the 24-inch modulation appeared deliberate.

Chair McGriff indicated she was concerned about setting the precedent. Other developers would have to meet the 36-inch modulation requirements. Although the applicant presented it partially as a financial hardship, the Planning Commission did not have any control over the financial impact.

Mr. Saxton mentioned hardship was not defined in the code. The intent of the articulation was to provide compatibility with the surrounding area. They believed they could achieve that with 24 inches, instead of 36 inches with enhanced vegetation.

Chair McGriff stated the requirement was for all five of the standards to be met in order for the variance to be granted and she did not believe they had met all of them. She agreed some of them had been met, but not all of them.

Mr. Ursen understood it could become a subjective decision for the Planning Commission to make. They were trying to meet the intent of the code, hoping they would approach the decision subjectively, as well as future proposals in the same manner. It would take into consideration all of the site constraints they had explained, as well as the mitigating factors they had incorporated into the plan.

Chair McGriff believed the site constraints were not in the Planning Commission's control, the applicant knew of them when they purchased the property. She opened up the public hearing.

Commissioner Mabee thanked the applicant for moving away from Myrtle.

Public Comment

Martha McClennon, Northwest Housing Alternatives, Executive Director, made herself available for questions. She stated she had no additional comments.

Paul Edgar, resident of Oregon City, mentioned he was on numerous boards that advocated for the needs of homeless veterans. He believed the housing was needed and applauded Clackamas County and Northwest Housing Alternatives. He indicated the funding sources eliminated any possible need for the 13-foot ground height. He stated the difference between two or three feet in the modulation was not visible from the road. He did not believe it should be a standard. He explained that funding sources for these types of projects was very hard to come by. He believed it was a good proposal and hoped they would arrive at a favorable recommendation.

Commissioner Mahoney questioned who was responsible for the ongoing maintenance of the site.

Ms. McClennon replied Clackamas County would be responsible for the site maintenance with periodic inspections by the funding partners.

Amy Kama, resident of Oregon City, mentioned she lived on Dimick Street and drove past the site daily. She stated she was in support of low-income housing but was concerned with the numerous amount of requested variances. She questioned if the site was appropriate for the scale of the project. She spoke about traffic and parking concerns.

Cindy [surname not stated], resident of Oregon City, mentioned she resided on Myrtle Street. They circulated a petition in the neighborhood and received 50 signatures against the project. The major concerns were the impact of the property values, traffic congestion, negative environmental impact of removing several large trees, storm water containment and the limited resources for families. She believed families would be better suited in an area with more amenities within walking distance. She mentioned the school bus stop was between the marijuana shop and the vape shop. Although she was not against those businesses, she did not believe it was the best environment to be introducing a large number of children. She agreed with Ms. Kama that the project was too large for the site and it did not fit in with the neighborhood.

Glenda Gingris, resident of Oregon City, expressed concern about the traffic congestion and on street parking. She stated Caufield was very narrow. She was not against building something for the veterans, but a much smaller building would be better suited to the property and neighborhood.

Scott Waldon, resident of Oregon City, expressed concern with drainage. He mentioned there had been, at one time, 40 inches of water in his basement. He questioned if there would be a fence along the back of the property. He indicated his property would be greatly impacted by the project. He enjoyed living in his home and was concerned about the continued ability to enjoy his home.

Judy Shaeffer, resident of Oregon City, mentioned her concern about traffic, parking, and size of the project. She did not believe 16 parking spots was sufficient for 24 units. She questioned how long the counseling services would provide for the veterans. She believed housing was not going to remedy all of their issues. Ms. Shaeffer spoke about the parcels directly behind her that had been subdivided and funded to provide three low income housing units. Following the 6-year stipulation, they were flipped and used as rental properties which created additional parking issues. She was concerned that would happen with the proposed project.

Chair McGriff questioned Ms. Terway what the right of way was on Caufield.

Ms. Terway responded it was more than a 40 foot right of way. Approximately 43 or 44.

Commissioner Mahoney questioned how many parking spaces were proposed on the site and how many were required by code, per unit.

Ms. Terway responded there were 20 proposed parking spots on site.

Commissioner Mabee added they had 12 proposed on the street. The code required 31. They had one additional spot proposed, but 12 of them were on the street.

Ms. Terway clarified allowed parking on the street was outright. It was not a discretionary standard. It was allowed, provided they meet the size limitations.

Mr. Saxton discussed the width of Caufield. Currently, it was narrow, but they would be widening the road as part of the project to accommodate the additional parked cars. It would be around a 60 foot right of way.

Commissioner Mabee clarified they would provide a half street improvement.

Mr. Saxton indicated they had 18,000 square feet of floor area. The zoning allowed 32,000 square feet, with up to three stories. He mentioned the project could have been larger, but they kept it smaller, which they felt was best for the site and location. Their funding was contingent upon 24 units.

Nicholai Ursen commented the vehicle ownership at their similar property was approximately two thirds. He believed there would likely be empty parking spots within the lot. He added they were mitigating with 57 additional trees on top of the two that were remaining on the property.

Chair McGriff mentioned the majority of the concerns about the trees were in reference to the size of the trees. She requested clarification regarding the offset intersection.

Ms. Saxton responded the traffic analysis addressed that intersection. They were in compliance with the code.

Ms. Terway requested the applicant clarify the fence. She explained the original application did not include a fence.

Mr. Ursen responded if it would help with the approval process, they would commit to constructing a fence along Myrtle Street. They would be willing to listen to and try to accommodate solutions to mitigate the concerns of surrounding neighbors.

Mr. Saxton continued to discuss the variance criteria standards. He did not believe their 24-inch articulation request would cause any damage to the surrounding properties. He explained the size of their units were already under the size requirement of the Oregon Housing Community Services. They worked with them to get the sizes approved. To squeeze an additional foot out of the units would make the units even smaller. He believed 24 inches was the maximum they could go. He believed 24 inches was a sufficient articulation to break down the scale of the building and create a residential feel. The proposed landscaping designs with the Italian Cyprus trees helped to emphasize the designed articulation and mitigate the impact of the 12-inch decrease. He mentioned there had not been any other practical alternatives identified.

Commissioner Mabee stated it was a good explanation. He questioned how large of a fence they could erect.

Ms. Terway clarified it could be between three and a half feet and six feet, up to eight and a half feet if there was a retaining wall involved.

Commissioner Espe mentioned he did not like designing buildings from the dais, as he was not a designer, he was a planner. He did not believe there was a defined entrance at the front of the building.

Mr. Saxton commented the rendering did not display the landscaping that surrounded the entrance. The entrance was also recessed two feet.

Chair McGriff agreed there was not a lot of depth involved.

Additional discussion between the applicant and commission occurred regarding the entrance articulation, including the size and design of the trellis.

Chair McGriff closed the public hearing and suggested deliberation among the commission.

Commissioner Johnson questioned if they were going to extend past 10:00 pm.

Chair McGriff believed they should complete the deliberation and make a decision.

Commissioner Geil agreed with Chair McGriff.

Commissioner Johnson reiterated they needed a vote to continue past 10:00, before they started the deliberation.

Commissioner Henkin stated he would stay past 10:00 if they were considering a motion, but not if they were still in deliberations.

Commissioner Mahoney agreed with Commissioner Henkin. He suggested they continue.

Commissioner Espe did not believe there was enough to approve a variance. He understood the financial hardship, but they did not meet all of the criteria. He did not enjoy the design, but was very torn on the issue. He was not in favor of the variances and was marginally in favor of the project. He suggested approving the project, but not the variances.

Ms. Richter clarified the project could not be separated. The project approval was contingent upon the variances being approved. The motion needed to be approval or denial of the site plan with variances.

Commissioner Espe made a motion to deny.

Commissioner Mabee questioned if they would be having any more discussion.

Chair McGriff stated she would second the motion for the purpose of discussion.

Commissioner Henkin commented he really wanted to like the project. He was alright with a couple of the variances. He did not agree with the maximum façade length.

Chair McGriff explained that she was not letting the occupants of the building make a determination about how she felt about the project. The emotional appealing comments did not bear on her decision. It was a residential project that needed to meet the standards. She was concerned about the precedent that could be set. She did not want to rely on plant materials to create building articulation. She did not believe they met the criteria standards.

Commissioner Johnson questioned if the variance for the lowered ground floor height helped with bringing the entire mass of the building down to be more compatible to the neighborhood. He believed he would be in support of the project. He agreed there were some issues, but overall none of them were a deal breaker for him.

Commissioner Mahoney explained he did not want the Planning Commission to deny the project. He believed they were very close to a great site plan. He suggested continuing the issue and request the applicant return

with a modified site plan that addressed the discussed issues. Then, they could make their decision based upon those changes. He believed they could get to the point of approval. The changes they may come back with could prove to be compatible with the neighborhood.

Commissioner Espe agreed with Commissioner Mahoney and withdrew the motion.

Chair McGriff withdrew her second.

Commissioner Mabee indicated there were portions of the building that did not require the articulation variance. He believed they had designed the building to require the least amount of variances possible. He also believed the spirit and the intent of the articulation had been met. It did contain ins and outs with paneling and line changes. He was prepared to vote on the item.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to approve SP 17-0119 and VR 17-001 with conditions as stated in the staff report. The motion carried by the following vote:

Aye: 5- - Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Commissioner Geil

Nay: 2- - Commissioner Espe, Chair McGriff

A motion was made by Commissioner Henkin, seconded by Commissioner Mabee, to continue AN 1705, ZC 1706 and TP 1709 to April 23, 2018. The motion carried by the following vote:

Aye: 6- - Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Commissioner Geil, Commissioner Espe

Nay: 1- -Chair McGriff

4. Communications

Ms. Terway stated they had the annual reporting of income for each of the Commissioners to fill out and submit.

Commented [CC1]: Kattie,

This item is not on the agenda? Number 4 is supposed to be Approval of Minutes.

5. Approval of Minutes

4a. Approval of Planning Commission Minutes for February 13, February 27, and March 13, 2017

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve all minutes, as specified. The motion carried by the following vote:

Aye: 7- -Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Commissioner Geil, Commissioner Espe, Chair McGriff

5. Adjournment

Chair McGriff adjourned the meeting at 10:13 PM