



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, March 13, 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 ocplanning@orc.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email ocplanning@orc.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: Community Development, 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. Recap of Joint March 7, 2023 Planning Commission/City Commission Worksession for Policy Recommendations (Package #2 of Legislative File: GLUA 22- 0002/LEG-22-0001- HB 2001 Housing Choice Code Update)

APPROVAL OF MINUTES

2. Approval of past meeting minutes

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 WFMC 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:** 3.13.23
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

Recap of joint March 7, 2023 Planning Commission/City Commission Worksession for Policy Recommendations (Package #2 of Legislative File: GLUA 22- 0002/LEG-22-0001- HB 2001 Housing Choice Code Update)

STAFF RECOMMENDATION:

Review and discuss the joint March 7, 2023 Planning Commission/City Commission Worksession and close the GLUA 22- 0002/LEG-22-0001 Legislative file.

EXECUTIVE SUMMARY:

On June 1, 2022, the City Commission voted 4-0 to approve the second reading of ORDINANCE NO. 22-1001 and remand LEG 22-001 to the October 24, 2022 Planning Commission Meeting to review a second package of outstanding policy questions.

The joint work session was intended to review the policy recommendations from the Planning Commission to expand housing options in Oregon City. Any policy items that the City Commission wished to pursue can be added to their goals for the next biennium.

Staff has provided an updated version of the policy table that captures the City Commission's direction. Staff will report back with a work plan approach for the identified topics at a future meeting.

Policy Topic	Should the City Commission pursue this topic in a future work plan? (Y/N)	Priority of topics	Does the City Commission need additional information before providing direction on this topic?
Land Use Affordability Incentives Should the city create flexible code provisions for middle housing selectively targeted at projects meeting affordability requirements to improve those projects' feasibility and explicitly encourage affordable housing development?	Yes- further investigate this topic	None given	Additional questions and details can be addressed during the workplan creation
Tiny Homes and Recreational Vehicle Occupancy Options Should the city expand options for housing that falls outside of traditional dwelling units that hook up to city utilities and pay System Development fees? Where and when are they of value to the City?	Tiny homes- Yes- further investigate this topic RVs No- do no further investigate this topic	None given	Additional questions and details can be addressed during the workplan creation
Micro Shelters Should the city create a work plan to research/investigate allowing micro shelter villages as a transitional housing option in Oregon City?	Yes- further investigate this topic	None given	Additional questions and details can be addressed during the workplan creation
Multiple Accessory Dwelling Units (ADUs) per Lot Consider permitting multiple ADUs per lot for greater parity with new provisions for (2,3,4) plexes, could offer additional rental housing opportunities in the community.	No- do no further investigate this topic	No	No
System Development Fees While not part of the initial list of topics, the Planning Commission found that the development cost associated with substantially smaller units contributed to the complexity of allowing them as a viable option in the city. The Planning Commission recommends the City Commission look into ways to creatively break up residential system development fees for unit size and location and better understand the proportional impact that much smaller units have on the system.	Table for larger SDC discussion	No	No

BACKGROUND:

[House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of middle housing types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods. The Planning Commission and City Commission held hearings in the Spring of 2022 to advance code revisions that met the requirements of HB 2001. These code revisions were required to be adopted by June 30, 2022, and effective by July 1, 2022. A second package of amendments was continued to the Fall of 2022 for code sections and policy questions that were not required for adoption but are still linked to the larger middle housing implementation discussion.



CITY OF OREGON CITY

Staff Report

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

To: Planning Commission
From: Kay Neumann, Administrative Assistant

Agenda Date: 03/13/2023

SUBJECT:

Planning Commission Minutes Approval

STAFF RECOMMENDATION:

Approve bulk minutes from past meetings

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. We understand that you may not have been at these meetings, 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.

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 needing to be approved to catch up as a result of an audit. The City is in the process of devising a plan to fill in the many meetings where minutes have not yet been transcribed.

1. November 10, 2008: [2008-11-10](#)
2. January 25, 2010: [2010-01-25](#)
3. October 11, 2010: [2010-10-11](#)
4. June 25, 2012: [2012-06-25](#)
5. July, 9, 2012: [2012-07-09](#)
6. July 23, 2013: [2012-07-23](#)
7. January 14, 2013: [2013-01-14](#)
8. January 28, 2013: [2013-01-28](#)
9. February 11, 2013: [2013-02-11](#)
10. February 25, 2013: [2013-02-25](#)
11. February 28, 2022

**CITY OF OREGON CITY
PLANNING COMMISSION
MEETING MINUTES**

November 10, 2008

Commissioners Present:

Chairperson, Tim Powell
Gardiner, Associate Planner
Commissioner Paul Carter Stein

Staff Present:

Commissioner Allan Dunn Christina Robertson-

Commissioners Excused:

Commissioner Chris Groener
Commissioner Dan Lajoie

1. Call to Order

Chair Powell called the regular session of the City Commission to order at 7:00 p.m. in the City Commission Chambers in City Hall, 320 Warner Milne Road, Oregon City.

Roll Call: Chair Powell and Commissioners Dunn and Stein

Staff Present: Christina Robinson Gardner

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

- **Paul Edgar, Oregon City, Canemah Land Use Chair**

Mr. Edgar addressed the need for concurrency and safe streets in Canemah. He was concerned both with the highway and how much more density and related traffic the narrow residential streets could accommodate. He had invited Betty Mumm of the Transportation Advisory Committee to attend a neighborhood meeting so she could hear the issues first hand. He was also addressing speeds with the Oregon Department of Transportation (ODOT).

Ms. Robertson-Gardiner noted there were many factors involved and suggested a work session. One of the issues was that Canemah was already platted so the subdivision process could not happen in the area. She commented on ODOT's STA requirements related to enhancement projects.

Commissioners recommended a joint meeting with the City Commission to discuss concurrency and in a second phase discuss transportation and specifically Hwy 99E and Hwy 213. They also wished to discuss roads under County jurisdiction.

- **Kathy Hogan, Clackamas County**

Ms. Hogan announced the Hazeldell / Westling Farm Neighborhood Association meeting where the controversial new pipeline would be discussed. She encouraged people to contribute to Fill a Stocking Fill a Heart.

3. ADOPTION OF PLANNING COMMISSION MINUTES

It was noted Commissioner Stein was absent for the September 22, 2008 meeting.

Planning Commission Meeting – November 10, 2008

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Commissioners Dunn/Stein m/s to accept the minutes of the August 11, 2008 and September 22, 2008 meetings as corrected. Motion passed: Commissioners Dunn and Stein and Chair Powell voting 'aye.' [3:0]

4. PLANNING COMMISSION HEARING

L 08-01 (Legislative Hearing): Applicant: City of Oregon City. Amendments to the Oregon City Municipal Code (city-wide)

- Discussion of Proposed Zone Changes
- Measure 49 Processing Ordinance
- Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments
- Demolition by Neglect

Ms. Robertson-Gardiner reported this was a continuation from the previous Planning Commission meeting and provided a recap of the zone change process which began last February. She noted staff still had work to do on the Nature in the Neighborhood portion and how to protect habitat and water resources.

This meeting would continue consideration of the upzoning of three areas which were generally called Central Point / Pease, Leland / Meyers, and Canemah Road / Warner Parrot. The Planning Commission also directed staff to look at underdeveloped tracts in the central Hilltop area where future and existing retail services were available. The three identified areas were county rural development encircled by new Oregon City urban development. None had adequate pedestrian or bike access, and all were minor arterials or neighborhood collectors in the transportation network. She discussed resolution of transportation issues through land use and / or capital improvement programs. Staff was seeking direction on moving forward with any of the three identified areas or others the Commission may identify. It hoped to prepare the final staff report and final recommendations for November 24 and move the package forward to the City Commission. She reviewed the comment period and public hearings.

Ms. Robertson-Gardiner described the areas and existing zoning. The Transportation System Plan (TSP) was last updated in 2001 with concept plan sections added as they were adopted. Each of the three sites had constraints and opportunities which staff would describe. She discussed Comprehensive Plan designations that incorporated multiple zones taking into account a broader view of compatible high, medium, and low density residential and single- and multifamily zoning designations. It was found in the 2004 housing inventory that Oregon City needed to increase its available housing sizes and types. Also there would be a discussion of being able to provide sidewalk within the capital improvement program (CIP). She discussed the concept of urban growth boundaries (UGB) and getting more density without expansion. There were cost savings with infill and capitalizing on existing infrastructure.

Chair Powell discussed the importance of looking at the issues of growth at not only the City level but also state and federal. It all came down to livability – did we want to live with sprawl and where did we look for infill opportunities?

Ms. Robertson-Gardiner noted this was a city-wide, legislative action. If the Planning Commission wanted to move forward a map change would be part of this amendment.

- **Kathy Hogan, Clackamas County**

Ms. Hogan asked if the maps were available.

Ms. Robertson-Gardiner replied they were available on the City website. She discussed potential consolidation of lots to create subdivisions. The only potential area for flaglots was Leland / Meyers because of access.

Ms. Hogan expressed concern with shared access and conflict. The roads should be taken into consideration when thinking about density.

- **Paul Edgar, Oregon City, Canemah Land Use Chair**

Mr. Edgar discussed traffic filtering to South End Road which was weight restricted and in a slide zone. Most of the new homeowners will be commuting to job centers. He cautioned against more density until there as a comprehensive transportation plan. He would not wish to add more concurrency problems.

- **Ingra Rickenbach, Warner Parrot Road**

Mr. Rickenbach expressed concern about additional density and traffic safety. She hoped the Planning Commission would not consider that area.

The Planning Commission held its discussion. They noted the voters did not support annexation, so density, according to the Metro 2040 Plan, would have to be identified elsewhere. There should be a mix of development and capital improvements paying for roads and sidewalks. Commissioners understood concerns with density but also saw this zone amendment as the best way to improve infrastructure and take advantage of what was already there. There was interest in mixed-use development to create jobs and sense of community. Chair Powell did not feel the Leland / Meyers area would really benefit the City and urged developing a comprehensive transportation plan. Commissioners felt it was important to encourage change and that there needed to be a holistic look at transportation and establish priorities.

Ms. Robertson-Gardiner suggested she could send the three areas forward and include the dissenting issues in the staff report. There would be a joint work session on the code changes likely in January where the issues could be highlighted. The Traffic Advisory Committee could also be brought into this process and confirm the amendments were understood by all.

Staff reviewed the Measure 49 processing ordinance to provide clear guidance and provided general background on the differences between Measures 37 and 49. This action met the requirement to have a process in place in the event a claim was filed and reflected Measure 49 language. The City Commission's decision was appealable to the Land Use Board of Appeals (LUBA). Staff described vested right issues and definitions.

The refuse and recycling standards for commercial, industrial, and multifamily developments supported a thoughtful approach to refuse and recycling enclosures that was compatible with the design and circulation of a site in short and long term. Developers would be aware of the City's expectations to create a space that was safe for the public and the hauler. Proposed code section 17.62.059 would provide an efficient, safe, and convenient enclosure. Staff reviewed the existing and proposed criteria. General requirements would be found in the code and more specific requirements would be adopted by resolution. Current sections of the code regarding trash enclosures would be repealed. Staff was working with the City Attorney's office and code enforcement to determine at what level nuisances could be cited. Visual screening can vary as long as it was appropriate to the site, and as multifamilies underwent renovation, they would be required to come up to the new code requirements.

Ms. Robertson-Gardiner summarized demolition by neglect that addressed concerns of the Historic Review Board (HRB) and discussed some of the problem encountered over time. The

amendment would be found in Title 15, Building Code and addressed buildings currently designated as historic structures. The demolition by neglect process was essentially a code enforcement process through which a stabilization plan was identified that would be approved by the HRB. If the property owner did not wish to cooperate with the plan, this code gave the City the ability to cite the property owner into municipal court. There were potential court fines and worst case scenario placing a lien on the property. The goal was not to rehabilitate the building but to resolve and stabilize the specific problem. It was possible for problems to be so severe that the property owner should apply for demolition. This amendment can open up dialogue for specific reasons and make it clear to property owners they cannot sit back and let their buildings deteriorate for the purpose of demolition. Staff will work with those who could not afford to keep up their properties and perhaps help them sell it to someone who could rehabilitate it. There was also a matching grant program through the HRB to give financial incentives up to \$3,000. Code enforcement would have printed material for outreach. Demolition by denial, demolition by neglect, and the grant program were important to historic preservation in Oregon City. This regulation would apply to every historic property in Oregon City. A Commissioner noted several small corrections. The group discussed regulating on buildings that had not gone through the inventory process with owner consent. Dangerous buildings were addressed by code compliance. The group discussed the pros and cons to being designated historic, owner consent, and the influence of the grant program.

Ms. Robertson-Gardiner provided a Main Street Program update.

Chair Powell spoke at a Chamber of Commerce Leadership Class at the request of Mayor Norris.

Commissioners Dunn/Stein m/s to hear testimony and continue the hearing on L 08-01 to November 24, 2008. Motion passed: Commissioners Dunn and Stein and Chair Powell voting 'aye.' [3:0]

5. ADJOURN

Chair Powell adjourned the meeting at p.m.

Respectfully submitted,

Laura Butler, Assistant Planner

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

July 9, 2012, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER AND ROLL CALL

Chair Kidwell called the meeting to order at 7:02 p.m.

Roll Call:

Paul Espe
Charles Kidwell
Damon Mabee
Denyse McGriff
Robert Mahoney

Staff Present:

Tony Konkol, Community
Development Director
Pete Walter, Associate Planner

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. PLANNING COMMISSION HEARING

AN 12-03: Annexation of 11.93 acres at 19314 Beaver Creek Road.

Commission Report

AN 12-03 Staff Report

1.a Application Form

1.b.i. Legal Description and Map

1.b.ii. Consent Form

1.b.iii. Certification of 100% Ownership of Land Area

1.b.iv. Certification of Legal Description and Map

1.b.v. Certification of Registered Voters

1.b.vi. Notice List1.b.vii. Boundary Change Information Sheets1.b.viii. Majority Worksheet1.c. Narrative1.d. Description of Site and Surrounding Area1.e. Responses to Approval Criteria1.f. Pre-Application Conference1.g. Title Trio Report1.h. Property Zoning report, Site Maps and Attachments1.i. Caufield Neighborhood Meeting Summary1.j Transportation Impact Study, dated June 25, 2012, Landcaster Engineering1.k. TPR Memorandum, dated June 28, 2012, Landcaster Engineering1.l. Other2. Letter from Caufield N.A.3. Replinger and Associates Review of Applicant's TIS and TPR Memo4. ODOT Comments5. Public Notices6. Permit Receipt for Review Fees7. UGMA8. Metro Ordinance79-77

Chair Kidwell 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 Mabee had driven past the site.

Chair Kidwell had driven past the site.

Commissioner Espe had driven past the site.

Commissioner McGriff knew the location.

Chair Kidwell opened the public hearing.

Pete Walter, Associate Planner, stated this was an application for 11.9 acres

on 19314 S Beavercreek Road. He explained the application details. If brought into the City, the property would be designated Campus Industrial. No development was being proposed at this time. He showed maps of the site and discussed the criteria for approval. Staff recommended forwarding a recommendation of approval to the City Commission for their consideration at the August 1, 2012 City Commission meeting. The neighborhood association had not given any input on the application.

There was discussion regarding the Beavercreek Concept Plan which was still in review by the State. Once that process was completed, the plan would be adopted. When there was a development application for this property, whatever was in place at that time would be what was applicable.

Mr. Walter explained how the Transportation Planning Rule had been amended to recognize properties that were consistent with the City's adopted Transportation System Plan and Comprehensive Plan designation and had not been changed were consistent with the Transportation Planning Rule. He thought the application was consistent with the new TPR compliance rules.

Mr. Konkol clarified this was a decision on the land use criteria and the City Commission would make the land use decision and decide to send it to the voters. The annexation requests were property owner driven and if they met the criteria, they were required to be sent to the voters.

Commissioner McGriff did not think that Beavercreek Road was currently adequate.

Mr. Walter described the improvements that were planned for Beavercreek Road. If this property was to be developed, a more detailed traffic study would be done.

Robert Price, consultant representing the applicant, said out of the 11.9 acres there was about 6 acres that could be developed. This annexation was requested because there was interest in the property which had been for sale for some time. Neighboring properties on both sides of Beavercreek Road were already in the City. They agreed to the Campus Industrial zoning and everything that was in the staff report. Once the annexation was approved, the site would be able to be planned. The Beavercreek Concept Plan had been included in the applicant's evaluations and analysis.

Chair Kidwell closed the public hearing.

Commissioner Mahoney stated applications like this helped keep the community growing in a healthy direction and once developed would offer employment for citizens.

Chair Kidwell said this closed the gap in the current City limits and created a contiguous area for industrial zoning along Beavercreek Road. This was an annexation he could support.

Commissioner Espe said it was important to have these properties come in so they could participate in future construction of infrastructure.

Motion by Paul Espe, second by Robert Mahoney to to recommend

approval of AN 12-03 to the City Commission at their August 1, 2012 meeting.

A roll call was taken and the motion passed with Paul Espe, Charles Kidwell, Damon Mabee, Robert Mahoney voting aye and Denyse McGriff abstained.
[4:0:1]

4. COMMUNITY DEVELOPMENT DIRECTOR UPDATE

Commissioner McGriff asked for an update on the request from the Barclay Hills Neighborhood Association and Ms. Kosinski's concern about the subdivision.

Mr. Konkol said the Neighborhood Association did not follow up with the Planning Department to provide more information. Commissioner McGriff would follow up with the Neighborhood Association.

Mr. Walter said regarding Ms. Kosinski's concern, the public hearing for the variance request was continued to the July 23 hearing and the applicant had prepared responses to her comments.

Mr. Konkol invited the Commission to a Volunteer Appreciation on August 9, a joint Work Session with the City Commission and Planning Commission was scheduled for August 14 to discuss the Transportation System Plan update, and he reported on the Blue Heron site investigations.

Mr. Walter gave an update on the South End Concept Plan.

Chair Kidwell asked about a survey regarding assessment of the goals for the plan. Mr. Konkol would look into it.

5. ADJOURN

Chair Kidwell adjourned the meeting at 8:04 p.m.

Roll Call:

Paul Espe
Zachary Henkin
Charles Kidwell
Damon Mabee
Denyse McGriff
Robert Mahoney

Staff Present:

Tony Konkol, Community Development Director
Pete Walter, Associate Planner
Laura Terway, Associate Planner
Christina Robertson Gardiner, Associate Planner
Jennifer Bragar, Assistant City Attorney
Carrie Richter, Assistant City Attorney

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

June 25, 2012, 07:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

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

Roll Call:

Zachary Henkin
Charles Kidwell
Damon Mabee
Denyse McGriff
Robert Mahoney

Staff Present:

Tony Konkol, Community
Development Director
Pete Walter, Associate Planner

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. ADOPTION OF PLANNING COMMISSION MINUTES

Adoption of January 9, 2012 Minutes.

Draft PC Minutes 01.09.2012

Motion by Denyse McGriff, second by Zachary Henkin to adopt the January 9, 2012 Planning Commission minutes.

A roll call was taken and the motion passed with Chris Groener, Zachary Henkin, Charles Kidwell, Denyse McGriff, Robert Mahoney voting aye and Damon Mabee abstained. [5:0:1]

4. PLANNING COMMISSION HEARING

TP 12-01 / VR 12-02: Request for Continuation to July 23, 2012.

Commission Report

Applicant's Request to Continue

Mike Robinson Continuance Request Letter

Chair Kidwell opened the public hearing. He asked if the Commission had any ex parte contact, conflict, bias, statement, or visit to the site to declare. There was none.

Pete Walter, Associate Planner, stated staff recommended public testimony be taken on the application and then continue the hearing to July 23, 2012. The continuance would allow staff additional time to review supplemental materials submitted by the applicant. The applicant would extend the 120 day deadline to October 15, 2012.

Mike Robinson, representing the applicant, was in attendance to answer any questions. He agreed with Mr. Walter's staff report.

Chair Kidwell asked for public testimony.

Christine Kosinski, resident of unincorporated Clackamas County, said there had not been a complete staff report, maps, or discussion regarding the traffic impact study. She assumed this would be done on July 23, which did not give citizens enough time to give informed testimony. She explained her concerns regarding street connections and how they would affect the residents in the Holly Lane and Redland areas. She discussed the Holly Lane petition in 2007 to protect the livability and safety of Holly Lane. She requested the application not be approved until the City met with the residents of Holly Lane to create a suitable plan for traffic flow.

Tony Konkol, Community Development Director, clarified staff had followed every requirement for public notification. The complete proposal was on the City's website and at the Community Development office. This was a subdivision within the City limits and the north/south connections were outside of the City limits.

There were no more public comments.

Commissioner McGriff wanted to make sure the City was doing what they could to notify people whether they were in the City or not about things that would affect them. She suggested looking into making an exception for the notice requirement for properties adjacent to the City limits to use a larger boundary.

Motion by Damon Mabee, second by Robert Mahoney to continue TP 12-01 / VR 12-02 to July 23, 2012.

A roll call was taken and the motion passed with Zachary Henkin, Charles Kidwell, Damon Mabee, Denyse McGriff, Robert Mahoney voting aye. [5:0:0]

5. WORK SESSION

Mr. Konkol reported on the South End Concept Plan, tour of the Blue Heron site, Transportation System Plan, retirement of David Wimmer, Finance Director, and announced Nancy Kraushaar, City Engineer and Public Works Director, was leaving to work for the City of Wilsonville.

Commissioner McGriff reported on the Willamette Falls meeting on June 20.

Chair Kidwell gave an update on the last TSP meeting.

Chair Kidwell adjourned the regular meeting at 7:29 p.m.

Joint Work Session with the Oregon City Natural Resources Committee regarding the Heritage Tree code.

12.08 Public and Street Trees

Chair Kidwell called the Work Session to order at 7:31 p.m.

Mr. Konkol explained one of the goals of the Planning Commission was to meet with other City committees to talk about what was being worked on in each committee and to discuss any issues.

The Natural Resources Committee and Planning Commission members introduced themselves.

The Natural Resources Committee had found that the Code needed to be rewritten regarding public and street trees.

Mr. Walter explained the Code that discussed the process for nomination of heritage trees and groves on public and private property. The City Commission had approved two heritage trees on private property. There was an application for a heritage grove that the Natural Resources Committee recommended approval that included Water Board Park and the Public Works Master Plan site. He reviewed the criteria for approval which needed to be better defined.

There was discussion regarding the ambiguity of the criteria for removal and replacement of trees and the intent of the Code.

The Natural Resources Committee reviewed their list of recommended changes including the definitions of "rare" and "grove."

Commissioner Mahoney suggested creating an inventory of potential heritage trees and groves in the City which could be done by volunteers. There was an established State list for rare species that could be included in the Code by reference and would help flesh out Criterion C. There was also a federal list that could be referenced.

Commissioner McGriff suggested amending Criterion B to add County and State heritage trees.

There was further discussion regarding using volunteers to do an inventory of trees in public right of ways, the need for complete applications, and lack of funding for processing the applications.

Chair Kidwell suggested getting back together with the Natural Resources Committee to discuss modifications that could be made to reduce the ambiguity and make it simpler to understand what constituted a heritage tree and put some teeth in the review process. There was further discussion regarding adding language that stated trees within the boundaries of a Charter Park were presumed to have heritage status.

The committees watched a movie of the Arbor Day celebration that was part of the requirements for Tree City USA.

6. ADJOURN

Chair Kidwell adjourned the meeting at 9:24 p.m.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

January 25, 2010, 07:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Tim Powell
Commissioner Dan Lajoie
Commissioner Carter Stein
Commissioner Chris Groener

Staff Present:

Laura Butler, Assistant Planner
Pete Walter, Associate Planner
Tony Konkol, Community
Development Director
Carrie Richter, Assistant City Attorney

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

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. ADOPTION OF MINUTES

a. Adoption of Draft Planning Commission minutes for 1/26/09, 5/11/09, 6/8/09, 6/22/09, 8/10/09, 10/12/09, 11/23/09, 12/14/09, and 1/11/10.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to approve the minutes for 1/26/09, 5/11/09, 6/8/09, 6/22/09, 8/10/09, 10/12/09, 11/23/09, 12/14/09, and 1/11/10.

A roll call was taken and the motion passed with Commissioner Chris Groener, Commissioner Carter Stein, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

4. PLANNING COMMISSION HEARINGS

AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan.

AN 09-02 PC Staff ReportExhibit 1Exhibit 2Exhibit 3Exhibit 4Exhibit 5Exhibit 6Exhibit 7Exhibit 8Exhibit 9Exhibit 10Exhibit 11Exhibit 11 RevisedExhibit 12Exhibit 13Exhibit 13 TIAExhibit 14 Rezoning RequestExhibit 15 Metro letterExhibit 16 CRW Comments

Chair Tim Powell read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There were none.

Chair Powell opened the public hearing.

Tony Konkol, Community Development Director, said this was a request to annex 53 acres with eight tax lots. The properties were in the Urban Growth Boundary and Comprehensive Plan designation was medium density residential. There were five single family residences currently on the tax lots. There were three properties located on Holcomb Boulevard which did not sign the petition either in support or against the application. If those properties were not included as part of the application, it would create a County island. The annexation was located within the Park Place Concept Plan. The applicant had 93% of the acreage sign the petition, 57% of the owners sign the petition, and 61% of the assessed

value represented sign the annexation application. He discussed the criteria for compliance with the Metro Code. If the annexation was successful, the applicant would need to have another annexation to bring the properties into the Tri City Service District. Staff entered Exhibits 13-16 into the record.

Clackamas River Water would maintain the water lines in the area and were responsible for providing water above 450 feet. Staff recommended continuing the hearing to February 8 in order to discuss the transfer of jurisdiction over the water lines in the area. The applicant would make a contribution for every single family home to the police fund. Staff recommended that the properties be annexed but maintain the County zoning while the applicant did the analysis necessary to show compliance with the Transportation System and utilities.

Mr. Konkol explained how the application complied with the Oregon City Municipal Code. This was the logical place for the beginning of annexing in the Park Place Concept Plan area. There were existing resources on the site and location of steep slopes and creeks. They had codes in place that did protect natural resources. There was no open space, scenic, or historic areas and no impact upon annexation. The larger impacts concerning transportation, land uses, and design were addressed in the Park Place Concept Plan.

Kirsten Vanloo, Land Use Planner with Emerio Design in Beaverton, OR, represented the Park Place Partners. The original application was for both annexation and zone change. They did a five year traffic impact analysis, and in order to meet State goals, they had to analyze to 20 years. For that reason, staff advised them to make it an application for annexation only. This was the first step to implementing the Park Place Plan. It was also the first step in developing inter-neighborhood vehicular and pedestrian connectivity. It would take 3 to 10 years to build the properties out. This request was not an application for a zone change or development application. They wanted to get the land inside the City limits because they had to do additional traffic and infrastructure analysis. They were anticipating a turn around in the housing demand in the next 3 to 5 years. She explained the planned timeline, with occupancy of the first phase in 2012. She showed them on an arial photograph the proposed annexation area. She asked rather than continuing the hearing, to mandate the applicant to meet with Clackamas River Water (CRW) between now and the City Commission meeting and go to the City Commission with an updated memo regarding CRW's concerns in order to get this on the May ballot.

Brian Dunn with Dunn Traffic Engineering of Portland, OR said they were actively putting together the analysis required by the State. They met with ODOT last week for information for the study and potential mitigation measures that both ODOT and the City could support. These changes would come with the zone change request. They did prepare a Transportation Impact Analysis Report that looked at short term conditions upon build out of this application to 2014.

Neil Fernando, Civil Engineer with Emerio Design, said they did not do a water design because they were not proposing a site plan at this time, but a water design could be done quickly. The biggest question was if

there was capacity and pressure and there was. 85% of the site was below 450 feet and the parcels above 450 feet were currently being served by CRW as they were existing homes.

Kent Ziegler of rural Clackamas County explained why they wanted to build this development in Oregon City during this economy. He felt comfortable that they could address CRW's questions prior to the next City Commission meeting. He discussed the concerns of the residents in the Lindsey Road area regarding flooding. He suggested they continue the infrastructure that already existed with the three road stub outs and construct an emergency vehicle access lane to connect to the existing road system on Lindsey and Frank roads.

Chair Powell asked for public comment.

Tom Geil, Park Place Neighborhood Association Vice-Chair, passed out a letter that was written in 2007 from the Park Place Neighborhood Association regarding the Concept Plan and was a place holder until the group could state their thoughts on the annexation. The Neighborhood Association had not yet had a meeting to discuss the application. Some of his concerns were the transportation analysis would be done after the annexation approval, the connection for drainage on Holcomb, flooding mitigation by raising the road, and if the traffic study took into account the Rivers project. The Neighborhood Association would like to look at these issues before the Commission made a decision. He was asking for a continuance. He also recommended the road for access to the annexation area be built first so that traffic was not diverted into the neighborhoods where many children played. This would be Exhibit 17.

Christine Kosinski, County resident, said the City needed to meet with the Holcomb Outlook CPO and Beavercreek CPO to discuss the traffic impacts of this development. If meetings could not be scheduled, she suggested sending meeting notices regarding this annexation to each resident of these areas. She also requested Oregon City have a geotechnical study done regarding the possible Swan Road extension. There were two more homes in the Oak Tree Terrace area that were experiencing slide problems. She also wanted the City to consider the cumulative traffic impacts with this project and the Rivers project. ODOT said they had no money to fix Highway 213 or build new roads, and the County had no money for roads. They needed to consider the traffic impacts, financing, and infrastructure needs for this annexation. This would be Exhibit 18.

Tod Townsend, County resident, said he had many questions about this application. Chair Powell directed him to discuss the questions with staff.

Kevin Miller, County resident, was not for this annexation. His concerns were financing for and maintenance of the sidewalks, the intersection on Barlow Crest Road and Holcomb was on a steep hill and traffic accidents could occur, water run off should be taken into consideration, wildlife should be addressed, geotech testing needed to be done, there was flooding on Redland and Holcomb creating passage problems, and he questioned a project like this during this economy where there were already a lot of empty houses.

Deanna Townsend, County resident, asked about the owners proposing to

pay \$3,500 per unit into a fund for the police, and if she did not sign the consent, what happened if her property was annexed. Mr. Konkol said it was not binding for those who did not sign the consent. She could talk with staff further about this issue.

Ms. Vanloo said she appreciated the citizen involvement in this hearing. They had an adopted Concept Plan that included this land with a significant amount of analysis that addressed every State wide goal and City planning goals. Notice was mailed on December 16 to the Neighborhood Association which should have been more than adequate time for a response. They had done significant traffic counts and a five year analysis. The City had detailed requirements in regard to storm drainage and before any development took place, it would be addressed. The voters did not support the original annexation proposal several years ago. Considerable work had been done since that time, and she felt confident that the Concept Plan addressed previous concerns. The part of the road that flooded was not under purview for this application. The three stub streets that stubbed into the property had always been anticipated for continuation. She understood that children played in dead end streets, but this was only an annexation application and was not an application for development or street connections or infrastructure. She understood two of the citizens in the island were not supportive of annexation, and she was not confident they would have been included in the annexation if they were not required to by City Code and State law. She asked that they forward this to the City Commission and ask the applicant to work with CRW and the Neighborhood Association to resolve concerns so they could meet the timeframes and get on the May ballot.

Mr. Dunn said the traffic counts were conducted in late 2009 and were 3% higher than counts done a year earlier. They did not take into account the Rivers project, but Rivers would have to do a study also and mitigate any traffic impacts that project would produce. They had not found a high frequency of accidents or severity of crashes on Holcomb based on the analysis.

Carrie Richter, Assistant City Attorney, said the Commission had received a request for continuance from a member of the audience in addition to staff and reading from the Code she was not sure if they had discretion to make a decision that night.

Mr. Geil said the Park Place Neighborhood Association had been dealing with other issues and because they didn't have all of the documentation, they were waiting for the information to be presented before making a recommendation.

Commissioner Stein asked staff to explain the City's new SDC fee charges and how they would be applied in this instance and the process for coming up with the proportionate share to meet the requirements that ODOT identified in their letter. He also wanted to have staff address the concerns of CRW before they moved forward.

Commissioner LaJoie said to build consensus between the applicant and Neighborhood Association would be important for the annexation because it would ultimately go to a public vote and having Park Place firmly behind it would be wise.

Commissioner Groener clarified CRW's concerns.

Commissioner Powell said though this was an annexation for five homes with no impact, it was also about future development and it would make an impact. He appreciated the need for speed, but the Commission had a request from staff and a citizen to continue the hearing and that fact plus the need for more understanding, he thought they should continue the hearing.

Motion by Commissioner Dan Lajoie, second by Commissioner Carter Stein to to continue AN 09-02 to the February 8, 2010 Planning Commission meeting with direction as stated in the record.

A roll call was taken and the motion passed with Commissioner Chris Groener, Commissioner Carter Stein, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

**Legislative (L 08-01). Oregon City Code Amendments:
6-month update.**

January 19, 2010 PC Memo

OCMC 17.49 Natural Resource Overlay District Exhibit A

OCMC 17.62 Site Plan and Design Review Exhibit B

OCMC 17.50- Administration and Procedures Exhibit C

OCMC 17.52 Off-Street Parking Exhibit D

OCMC 17.20 Res Des Stds Exhibit E

Chapter 17.54 Supplemental Zoning Regulations and Exceptions & 17.04 Definitions Exhibit F

Rezoning Request- Highway 213 & Meyers Exhibit G

Zoning Matrix Exhibit H

Pete Walter, Associate Planner, discussed the changes to L 08-01, including the procedure for pre-application neighborhood meetings, adding a purpose statement to the alternative landscaping plan, adding a number of design elements for corner side lots, adding a definition for membrane or fabric covered storage areas and drafted language for review of membrane structures, the use matrix would be taken off the website, and the Archeological Sensitivity Map would be brought back to the February 8 meeting. He recommended the rezoning request for the corner of Meyers Road and Highway 213 from R-2 residential to C commercial go through the applicant initiated rezoning process due to several issues needing analysis. The applicant would be informed of this recommendation and have the opportunity to respond.

Commissioner Groener asked about the number of complaints they

received regarding the membrane structures. Mr. Walter thought it was around 300, but he would bring back the number to the next meeting.

Commissioner Groener clarified that this included past, present, and future membranes and compliance was subject to civil action through the Municipal Court. This would be implemented over a period of time. There was discussion about what qualified as a membrane structure, and it was not a membrane structure if it was providing shade, but was if it was providing storage.

Commissioner LaJoie clarified that the visibility of these structures in the pedestrian right of way meant viewed from the front or side lot line of the house.

There was also discussion about language to allow illegally created tax lots into compliance through a partition or land division process. This would be reviewed further by staff.

Dan Berge of Clackamas County said he had a piece of property that was non-buildable and he was in the process of reducing the tax values. It was two tax lots owned by two different individuals, and the language was drafted off the State's ordinance to give them a starting point. He hoped they could solve the problem. This would be entered in the record as Exhibit I.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to continue L 08-01 to the February 8, 2010 Planning Commission meeting.

A roll call was taken and the motion passed with Commissioner Chris Groener, Commissioner Carter Stein, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

COMMUNICATIONS

Mr. Konkol gave a report on upcoming projects, such as Clackamas County's remodel to the existing jail facility, Cove Phase 3 apartments application, Tri Cities Master Plan amendment, Danielsons remodel of their site, the Housing Authority Park Place project, and the budget process had started.

Chair Powell suggested looking at prioritizing projects to get done within the next year.

ADJOURN

Chair Powell adjourned the meeting at 9:45 p.m.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, January 28, 2013

7:00 PM

Commission Chambers

1. Call To Order

Vice Chair McGriff called the meeting to order at 7:05 PM.

Present: 4 - Damon Mabee, Denyse McGriff, Robert Mahoney and Tom Geil

Absent: 3 - Paul Espe, Zachary Henkin and Charles Kidwell

Staffers: 2 - Tony Konkol and William Kabeiseman

2. Public Comments

Paul Edgar, resident of Oregon City, discussed the possibility of high speed passenger rail coming through Oregon City and what it meant to the City and the existing tracks. Most likely extra tracks would be put in along the I-5 corridor. Oregon City could become the south station with more people coming through. Canemah was a national register district and if it came through Canemah a lot of historic houses would have to be taken out. It would make crossing the tracks problematic and walls would need to be put up to make it safer for higher speeds. He thought it should be looked at by some experts who would be representing Oregon City and its neighborhoods. Both freight and passenger rail were needed and the City needed to think smart to make it happen, such as using the Canemah Bowl. He requested putting the topic on a future agenda for more discussion.

3. Public Hearing

3a. [PC 13-008](#) LE 12-1 Administration and Procedures Amendment

Bill Kabeiseman, City Attorney, explained the legislative public hearing process and asked if the Commission had any conflict of interest to declare. There was none.

Vice Chair McGriff opened the public hearing.

Tony Konkol, Community Development Director, said this hearing had been continued from December 2012. The City Commission had discussed this in a Work Session where the Commission decided not to pursue the option for a Hearings Officer and that proposal had been removed. If the changes were approved, they would be taken to the City Commission on February 20. The changes staff was requesting approval for were in regard to the appeal process for Type 2 decisions to be consistent with the Oregon Revised Statutes.

There was discussion regarding what constituted a Type 2 decision and how the hearing was noticed.

William Gifford, resident of Oregon City, questioned if there was a burden of proof for

claiming a person was adversely affected by the Type 2 decision.

Mr. Kabeiseman explained what State law required for proving one was adversely affected.

There was no further public testimony.

Vice Chair McGriff closed the public hearing.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to approve LE 12-01. The motion carried by the following vote:

Aye: 4 - Damon Mabee, Denyse McGriff, Robert Mahoney and Tom Geil

3b. [PC 13-007](#)

CP 12-01 and DP 12-01

Mr. Konkol stated the applicant requested the hearing be continued to February 25, 2013, for additional time to work on the outstanding issues specifically the fencing material, height, and size around the Silver Oaks building. An extension of the 120 day rule had also been granted. He entered an email into the record from Ms. Epstein, representative for the County, as Exhibit 1 which was the request to continue the hearing.

Ken, resident of Oregon City, thought a 12 foot fence was ridiculous, extreme, and in excess. He did not want a 12 foot fence in the neighborhood and thought there should be another option. He thought the fence should be placed two feet inside the curb.

William Gifford, resident of Oregon City, said the Neighborhood Association came to the conclusion that there was not a need for a 12 foot fence along a pedestrian walkway in that neighborhood.

A motion was made by Commissioner Mabee, seconded by Commissioner Geil, to continue CP 12-01 and DP 12-01 to February 25, 2013. The motion carried by the following vote:

Aye: 4 - Damon Mabee, Denyse McGriff, Robert Mahoney and Tom Geil

4. Communications

Mr. Konkol announced the State's Park and Recreation Commission was taking a tour of the Blue heron site on January 29. The South End Concept Plan meetings and process was ongoing. The land use process for the Transportation System Plan update was beginning with the goal for the Plan to be adopted in July. Staff had a pre-application meeting with Walmart, but no application had been submitted yet.

Vice Chair McGriff reported on Citizen Advisory Team meetings. There would be an Open House on February 27 to discuss the South End Concept Plan.

Commissioner Mabee said a meeting on the McLoughlin Phase 2 Gateway project would be held on January 29.

5. Adjournment

Vice Chair McGriff adjourned the meeting at 7:50 PM.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, February 11, 2013

7:00 PM

Commission Chambers

1. Call To Order

Chair Kidwell called the meeting to order at 7:02 PM.

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

Absent: 1 - Denyse McGriff

Staffers: 1 - Tony Konkol

2. Public Comments

There were no public comments.

3. Public Hearing

- a. [PC 13-009](#) Benchmade Request for Direct Access to Beaver Creek Road - Application Withdrawn

Tony Konkol, Community Development Director, said the applicant had withdrawn their application at this time.

4. Work Session

- [PC 13-010](#) Review Public Noticing Procedures for Planning Applications

Mr. Konkol reviewed the Oregon City Municipal Code that dealt with public noticing for land use applications.

There was discussion regarding emergency annexations, notification boundaries, appeals process, and lack of public interest.

The Commission then discussed ideas for getting the information out better such as adding notices on the cable TV channel and doing a better job of posting notices on the website where people could find them easily.

5. Communications

Mr. Konkol gave an update on the South End Concept Plan, Sign Code review, Blue Heron site visioning and master planning, and Transportation System Plan update.

6. Adjournment

Chair Kidwell adjourned the meeting at 8:27 PM.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

October 11, 2010, 07:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Tim Powell
Commissioner Dan Lajoie
Commissioner Carter Stein
Commissioner Chris Groener

Staff Present:

Tony Konkol, Senior Planner
Pete Walter, Associate Planner

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

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

William Gifford, Secretary of the Citizen Involvement Council, said that night there was a candidates forum for the new Mayor and Commissioners.

3. PLANNING COMMISSION MINUTES

Minutes from Public Hearings of August 23 and August 30, 2010.

PC Draft Minutes 8.23.2010

PC Draft Minutes 8.30.2010

Motion by Commissioner Carter Stein, second by Commissioner Dan Lajoie to to approve the minutes of August 23, 2010 as written.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein voting aye and Commissioner Chris Groener abstained. [3:0:1]

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to approve the minutes of August 30, 2010 as written.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner

Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye.
[4:0:0]

4. PLANNING COMMISSION HEARING

CP 10-01 / DP 10-02 / WR 10-03 Continuance of a Master Development Plan, Detailed Development Plan and Natural Resource Overlay District Review for Redevelopment of the Hilltop Mall, including a new Grocery Store and Retail, Parking Lot and Associated Improvements.

Commission Report

Continuance Request Letter / 120-day Extension

Pete Walter, Planner, said the applicant requested a two week continuance until October 25, 2010 for staff to review revisions to the plan. Staff was supportive of the continuance. The staff report would be ready the week prior to the public hearing.

Chair Powell opened the public hearing.

Mr. Gifford said this would reset the 120 day deadline. He asked when the Neighborhood Association would receive a copy of the staff report and timeline to submit additional written testimony if necessary.

Mr. Walter replied the Neighborhood Association could review the revised plan at any time. The modifications were to the parking lot and landscaping, not to the building. Comments would be due as soon as possible.

There was no further public testimony.

Motion by Commissioner Dan Lajoie, second by Commissioner Carter Stein to to continue CP 10-01 / DP 10-02 / WR 10-03 to the hearing on October 25, 2010.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye. [4:0:0]

6. ADJOURN

Chair Powell adjourned the meeting at 7:08 p.m.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, February 25, 2013

7:00 PM

Commission Chambers

1. Call To Order

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

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

Staffers: 2 - Tony Konkol and Laura Terway

3. Public Comments

Todd Last, Co-Chair of the Tower Vista Neighborhood Association, read the Comprehensive Plan regarding the policy of maximizing new public facilities and services by encouraging new development within the Urban Growth Boundary at the maximum densities allowed by the Comprehensive Plan. He thought this was a bad policy as it ignored the specifics of the situation. He shared the policy with the Neighborhood Association who were unanimously opposed. He gave examples of situations where the results of this policy led to large scale removal of old growth trees and high density to be built near low density. He requested the Commission review the policy and put in language to weigh and balance the many factors that needed to be considered in development density issues.

4. Public Hearing

4a. [PC 13-012](#)

19370 Pease Road: Request for a Zone Change and approval of an 11-lot subdivision and geologic hazards review. Planning Files ZC 12-01, TP12-04 and US 12-01.

Chair Kidwell opened the public hearing.

Jennifer Bragar, City Attorney, read the hearing statement describing the hearing format and correct process for participation. She asked if the Commission had any ex parte contact, conflict of interest, bias, statements to declare, or visit to the site. Commissioners Mabee, Espe, and Henkin visited the site.

Chair Kidwell used to live in the neighborhood, but had no conflict of interest.

Commissioner McGriff was familiar with the applicant's representative and the applicant as she had worked with them in the past.

Commissioner Espe had known the applicant for quite some time.

Laura Terway, Planner, presented the staff report for a zone change, 11 lot subdivision, and geologic hazards review for 19370 Pease Road. She gave a background on the subject site and adjacent properties. She then discussed the

zone change from R-10 to R-6 and zone change criteria, subdivision, geologic hazards, and approval criteria. Staff recommended approval with conditions. She submitted the staff presentation into the record.

There was discussion regarding the easement, fill on the property, retention of the trees, and lack of a tree mitigation plan.

Rick Givens, Planning Consultant, and Bruce Goldson, Civil Engineer, were representing the applicant. Mr. Givens explained the existing services to the area, the constraints for the design, transitioning from high density to lower density, and the reasons for the R-6 development. This was a dense development and there was no way to adapt for the existing trees. The trees along the north side of Pavilion Place were in the ten foot utility easement required by the City and had to be removed. There was no mitigation plan at this time as they were waiting for approval on the density before spending funds on a detailed mitigation plan. They would carry out that obligation if the plan was approved. Regarding the fill history, when the sewer was put in for Pease Road, the spoils excavated were put on this property. This was done without a permit, and the applicant had done an investigation on the lots. It was found the fill was not an engineered fill, and it would be excavated and replaced with engineered fill. He was in agreement with the staff report and conditions of approval with one exception. He questioned Condition 13 for frontage improvements along Pease Road. He asked that language be added that if the applicant came up with an acceptable plan with the city staff that the applicant could arrange one or two parking spaces on the northeast side of lot 9.

Mr. Goldson explained the shape of the easements on the property.

Commissioner Mabee questioned the lack of connection to Pease Road. Commissioner McGriff wanted to make sure the buildings on the property were properly deconstructed.

Mr. Konkol said the Code included residential yard landscaping to single family home design standards which included placement of trees within the front yard setback. The replanted trees as part of the mitigation would be protected by a covenant or easement. On street parking was allowed on a collector street.

Todd Last, resident of Oregon City, expressed concern over the transportation infrastructure. A lot of development had been happening on Pease Road and the mitigation for transportation had been the developer fixing Pease Road along the development. This application would add more homes. He referred to a map he submitted showing the typical travel patterns for residents in the area. There were different lane striping, widths, curve, and sidewalks on Pease Road. There needed to be a comprehensive approach to the increased vehicular and pedestrian travel with all of the new development. He did not think the public facilities and services were adequate.

William Gifford, resident of Oregon City, asked for clarification on shadow platting.

Nicole Last, resident of Oregon City, asked the Planning Commission to take a look at the piecemeal development that was occurring and that City staff make sure the most current zoning maps were on the City's website. She was concerned about realigning the road for one house. There needed to be a long term look at this road and she wanted the piecemeal to stop. She was also concerned about the safety of the road access and for pedestrians. Pease Road was a busy road and more houses were going in. She was not sure if adequate analysis was being done for the resources in the Tower Vista neighborhood especially due to the low water pressure

in the area and more research needed to be done before approval of anymore large developments.

Christine Kosinski, resident of unincorporated Clackamas County, discussed the importance of the drainage and stormwater retention due to the steep slopes and landslides in the area. She thought the Commission should require the Oregon City Geologic Hazards Chapter 17.44 apply to this application. She recommended the NROD designation not be removed from this property due to the fact that the intermittent ditch may point to underground water conditions. She was also concerned about the fill in a fragile location and drainage or water issues. DOGAMI would be releasing new susceptibility and land slide maps in May. The City may want to adopt them in their geologic hazard regulations. She entered a map of the property and cluster of landslides nearby into the record.

Mr. Konkol said the DOGAMI map was adopted into Chapter 17.44 and Chapter 17.44 was applied to the application.

Linda Stroehecker, resident of Oregon City, stated this land to be developed was filled illegally with any kind of land fill the previous owner was given. On the property line between her property and those to be developed were boulders which had been used to shore up the land. There was a storm ditch behind her home and there used to be very little water there even during the heavy rainy season, however since construction on Pease Road it had pooled out into her backyard. It wasn't always clear water and had brought mosquitos to her backyard. It had made her backyard unusable and the water was eroding her garage. She was opposed to building on this piece of land. Any kind of backup of water or sewer backed up into her property because it was a lower elevation than all the other properties around.

Tracy Owens, resident of Oregon City, lived directly across from the property. The prior owner did say he filled the property with many miscellaneous items. She questioned the ability to build on the property. There was a lot of traffic and speeding on the road and it was not being monitored by the police. She thought speed bumps should be installed. She was also concerned about where the road for the new development was coming out, which was at her driveway. All of the cars being added to this roadway needed to be addressed with some traffic calming device. The road didn't need to be wider, but sidewalks needed to be added.

Tom O'Brien, Co-Chair of the Hazelgrove and Westling Farms neighborhood, asked the Commission to deny the zone change. In 2004 the City envisioned this area in the Comprehensive Plan to be an R-10 community. It was important to develop in an appropriate fashion. If a person did not take into account the plans the City had put together for growth and appropriate design measures to move the City forward to answer Metro's needs, there would be a large number in the City who would be opposed to such things as the South End Concept Plan. Things like this were causing friction in the whole area because it was understood to be R-10. He thought the applicant planned to continue the development in the future to land that was not yet in the City limits, and that was the reason for the alignment of the road.

Mr. Givens stated regarding cohesive development for Pease Road, development paid for the improvement of the road to match City standard, and it was a hodge-podge system. The amount of traffic generated by this development was looked at by a traffic consultant and showed minimal added traffic impact during peak hours and the level of service met City standards. It was a necessary completion of the traffic pattern in the area, provided connectivity, and due to the riparian area and grade change it was not practical to run a street through it. They were doing nothing that would impact the landslide area.

Mr. Goldson explained the storm drainage for the area which was a natural, seasonal drainage way. They were not adding more storm water from impervious areas to the site as a result from this development.

Mr. Givens explained why they were requesting the change from R-10 to R-6. Low density residential included R-10, R-8, and R-6, and when annexed it came in as R-10 automatically. When developing the property, developers had to look at what made sense. He thought R-10 did not make sense due to the street pattern and depth of the lots which was already preset. There were also cost factors involved and the development pattern was already laid out for R-6. He did not think R-10 or R-8 made sense or fit here.

Mr. Givens also discussed the geologic testing for the fill. The area would be excavated and engineered fill put in. He presented the application to the Tower Vista Neighborhood Association in September and no objections were raised at that time. He explained the traffic study and projected extra trips this project would bring during peak hours and how the off site storm water impact would be addressed. The drainage basin and flow was not being changed and would be compensated for by the retention facility.

There was discussion regarding how the project would affect the Stroehecker's property. Mr. Goldson explained the water would no longer be on their property. There should be a decrease in the flow after the development. There was further discussion regarding the placement of the road.

Chair Kidwell closed the public hearing.

Commissioner McGriff did not agree with the findings regarding the storm drainage collection.

Commissioner Mabee was not convinced that R-6 was the only possible development. He did not have a problem with the road realignment request, but wanted to know what it would look like before approving it. He was also concerned about the storm drainage.

Commissioner Geil was concerned about Pease Road and the safety of pedestrians. He wanted to know what the alignment would look like as well.

Commissioner Espe was in favor of having a variety of different zoning types in a neighborhood. He weighed R-10 vs. R-6 in the retention of trees, fewer lots, and more room. He thought R-10 was good for areas with issues and lower density created a lesser impact on traffic. The storm water needed to be re-evaluated and geotechnical report did not include the peripheral area. He thought an alternative development size should be looked at. He did not think they should use public right of way for private parking, but it should be dedicated on the property itself and the lot size should be larger to accommodate for the parking. He was leaning more towards R-10 for the property.

Commissioner Henkin stated he liked the design and that R-6 fit in the area. There were issues with the property and neighborhood that were not improved upon by developing to R-6. The fill and drainage were concerning and he wanted to see how they would be abated at build out before he could recommend transitioning to an R-6 development.

Commissioner Mahoney said the Commission was uncomfortable with this plan. The

Commission had to take into consideration the comments that had been made by the public. He thought public safety, health, and welfare came first and he was concerned about the storm water run off. There were not a lot of alternative designs for the property, but the water needed to be dealt with. He was not in support of the application.

Chair Kidwell was concerned about the density of the development especially in light of the testimony of the applicant as they did not show the Commission an alternative development for R-10 or transitional R-8. This site had minimal impact on the traffic on Pease Road. The speed on Pease Road was the issue which was not relevant to this application. The traffic counts in the traffic study were not realistic. His major concern was the storm drain issue and lack of mitigation of the additional net run off from the site. An alternative R-8 or R-10 zoning and alternate road layout could be designed. He did not think the zone change was appropriate.

Commissioner Geil was concerned about the safety of people backing out of their driveways onto Pease Road.

The Commission discussed a continuance of the hearing to get more information on the storm detention system, transportation analysis, geotechnical analysis, and an alternative R-10 or R-8 design.

A motion was made by Commissioner McGriff, seconded by Commissioner Henkin, to reopen the public hearing. The motion passed unanimously.

Mr. Givens said if the hearing was continued to April 8, the applicant would extend the 120 day rule.

A motion was made by Commissioner McGriff, seconded by Commissioner Geil, to continue TP 12-04, ZC 12-01, and US 12-01 with the record left open, to April 8, 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

4b. [PC 13-011](#)

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

Mr. Konkol stated staff recommended continuing the hearing to April 8, 2013. The applicant had granted an extension for the decision deadline to May 31, 2013. Regarding the use of a chain link fence, it was prohibited if it could be seen from a visible location, and the City was not allowed to grant an adjustment. Staff was continuing to work with the applicant on alternatives.

William Gifford, Land Use Chair of the Hillendale Neighborhood Association, appreciated staff's recommendation that because it was a prohibited material, chain link would not be considered in the variance. He discussed the end of the staff report that stated the adjustment may be pursued for existing and future chain link fence on the original master plan tax lot. He thought they were looking at the entire master plan that was done in 2005 and if the entire plan was being reviewed, he questioned why they could pursue adjustments for future chain link fence on the property.

Mr. Konkol explained the safe harbors on the property and that even if the Code changed down the road the properties that were in as part of the master plan had the option of using the Code that was in place on the day they were approved or the newer Code. In this case they had an original master plan in 2005 which did not include the Silver Oaks property. The properties in the original 2005 master plan could use the Code that was in place in 2005 which did not have a prohibition on

chain link fence. The County planned to come back with an amended proposal.

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to continue CP 12-01 and DP 12-01 to April 8, 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 reported on a tour of the Blue Heron site with the Clackamas County Commission. Staff was working on an Intergovernmental Agreement with the County for the framework of the master planning process, planning agreement with the trustee, and the City would be the project manager for the planning process of the Blue Heron site.

Ms. Terway announced a Transportation System Plan Open House on March 7. Mr. Konkol announced a South End Concept Plan meeting on February 27.

6. Adjournment

Chair Kidwell adjourned the meeting at 10:36 PM.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

July 23, 2012, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Chair Kidwell called the meeting to order at 7:01 p.m.

Roll Call:

Paul Espe
Zachary Henkin
Charles Kidwell
Damon Mabee
Denyse McGriff
Robert Mahoney

Staff Present:

Tony Konkol, Community
Development Director
Pete Walter, Associate Planner
Laura Terway, Associate Planner
Jennifer Bragar, Assistant City
Attorney

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. PLANNING COMMISSION HEARING

VR 12-01: Sign Variance

Commission Report

VR 12-01 Staff Report

Vicinity Map

Applicant's Narrative and Submittal

Comments from Oregon Department of Transportation

Comments from Tom O'Brien

Chair Kidwell 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.

Chair Kidwell opened the public hearing.

All of the Commission had visited the site and had seen the signs in the exhibits.

Laura Terway, Associate Planner, said the application was for the Oregon City Shopping Center. She explained the subject site, adjacent properties, and gave a sign variance summary. There were three variance requests, one for a variance to the number of freestanding signs to add one more sign that would result in a total of six freestanding signs on site. The second was a variance to the height of the freestanding sign to allow a 57 foot sign instead of 30 foot as allowed. The third was a variance on the size of the freestanding sign to allow a 438 square foot sign with 219 square foot per face instead of 300 square foot sign with a maximum of 150 square foot per face as allowed. She discussed the criteria and how the proposal did not comply with four standards. There were other opportunities for signage on site and if the applicant intended signage to be visible from Highway 205, they could work with ODOT. Staff recommended denial of the application. She explained how in 1994 an amortization ordinance was adopted that gave everyone ten years if they had non-conforming signs to utilize those signs for ten years and then they were to be removed. Staff had not researched the validity of any existing sign on site.

There was discussion regarding whether or not there was a hardship.

Kristin Jones was representing the owner of the Oregon City Shopping Center. The Center was purchased two years ago and the new owner did not know about the non-conforming signs. They had tried several different tactics to get a freeway sign. There was a need for visibility from the freeway to draw potential customers. A lot of money had been spent to renovate the Center and another anchor tenant was in final negotiations. An ODOT sign would not be adequate. There were no other large strip malls right off the freeway in Oregon City, it was a unique property, and sat below the freeway which made visibility a problem.

Raymond Braden??, General Manager of Meyer Sign Company of Oregon, explained the need for a sign to show traffic on the freeway what the Oregon City Shopping Center had to offer and how the ODOT sign was not sufficient. Regarding the existing signs on the property, two were billboards which were not regulated in the Sign Code as they were off-premise permits with the State. There was one main sign in the front, but coming south on I-205 traffic could not see that sign. A lot of work had been done on the Center, and nothing else could be done with the current sign. The owner originally wanted a larger sign than proposed, but he thought this fit the right height and readability. It was not a sign for an individual business, but for a shopping center. Regarding pedestrians and bikes, the sign was in the parking lot towards the front and no bikes or pedestrians were allowed on I-205.

Commissioner Mabee said the location was an awkward spot as people would already be exiting before they saw the sign. He thought it should be on the north end of the center.

Mr. Braden explained the location was the first common area away from the building and it would not disturb any existing parking flow or spaces.

The sign would be illuminated and people would see it before reaching the off ramp.

Commissioner McGriff thought wall signage or an exit sign on the freeway would be better options.

Ms. Jones said the CIC unanimously liked the idea.

Tom O'Brien, resident of Oregon City, was a member of the CIC but was not in attendance when this application came to the CIC. He added to his written comments by saying signs could be positive for business when done properly. He referred to the United States Sign Council Rules of Thumb which discussed how large the letters needed to be on signs in order to be legible. He also displayed aerial photographs showing the areas where people would have to make the decision to get off the freeway in order to have enough time to make the exit. He thought it was not possible due to the size of the lettering proposed to have enough time to get over. He thought the solution should be signs placed on the roof.

Mr. Braden did not think rooftop signs were allowed. He knew the scale of the sign would be visible.

Ms. Jones stated there were 25 tenants in the Center, but only the four anchor tenants would be advertised on the sign. They were not trying to get people off the freeway coming north on I-205 because they could already see the Center. The concern was those already coming off the exit south on I-205 for them to know what stores were there.

Ms. Terway explained the requirements for wall and roof signs. The billboards were part of the sign inventory for the site and the City did regulate billboards.

Chair Kidwell closed the public hearing.

Commissioner Mabee thought the Center needed more visibility as it was a gateway to the north end of the City, however he thought the hardship to get the variance had not been proven. This was not a pedestrian area, so that criterion did not apply, but he thought the application did not meet the other three criteria.

Commissioner McGriff understood the issue of visibility, but did not think bigger would be better. She thought it was more pedestrian friendly. All the variance criteria had to be met, and she concurred with the staff's recommendation.

Commissioner Henkin thought pursuing an ODOT sign and embracing the walkable pedestrian friendly aspect was the way to go. He also concurred with staff.

Commissioner Espe concurred as well. There was a need for signage, but this application did not meet the criteria. He thought the sign plan for the Center should be reviewed.

Commissioner Mahoney was concerned about the scale of the sign and public safety. He did not think the criteria had been met.

Chair Kidwell also concurred that the sign did not meet the need of getting people off of the freeway. He thought an ODOT sign or wall or roof sign would be more appropriate. Since the Center already exceeded the signage regulations, the signs should be reviewed and reduced.

Motion by Denyse McGriff, second by Paul Espe to to deny VR 12-01 per staff recommendation.

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

AN 12-04: Annexation of 0.89 acres within the Urban Growth Boundary (Low Density Residential).

Commission Report

Staff Report

Applicant's Petition

Review of TPR Analysis

All Public Notices

Land Use Transmittal Form

Signed Affidavit of Newspaper Notice

UGMA

Metro Ordinance 79-77

Proposed Findings, Reasons for Decision and Recommendations

CRW comments

Chair Kidwell 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. There was none.

Chair Kidwell opened the public hearing.

Pete Walter, Associate Planner, gave a summary of the application, which had come before the Commission in 2011 but was not approved by the voters. If annexed, it could be zoned to R10, single family residential designation. The only thing that had changed from the original application was the Transportation Planning Rule had changed to provide that properties that had a Comprehensive Plan designation which was adopted in the City's Transportation System Plan and there had been no change to the designation since the TSP was adopted, applicants were not required to

show further compliance with the Transportation Planning Rule. The previous application was also found to be in compliance based on the designations. That had not changed, only the rules had changed. The R10 zoning would be compatible with the surrounding zoning. The utilities were nearby and before any development of the property they would have to extend service lines. He reviewed the approval criteria which staff believed had been met. He explained Exhibits 1-9. Staff recommended the Planning Commission determine that the proposed annexation demonstrated a positive balance of factors as set forth in the code, recommend the City Commission adopt the staff report, and recommend the City Commission send the application to the November 6, 2012 ballot.

Tony Konkol, Community Development Director, clarified the two separate actions that needed to occur. The Planning Commission needed to determine if a balance of the seven approval factors had been met and make a recommendation to the City Commission. If the City Commission made the same finding and recommended approval, a resolution would come back to set an election date. These were private property driven annexation requests and if an application was submitted and they met the factors, it would go to a vote. He emphasized that the land use was the focus and the politics were a separate issue.

Tom Sisul, consultant, explained why this annexation was coming back. He thought the placement of this annexation in the Voters Pamphlet confused voters with a controversial annexation. He hoped to make it clearer this time that it was less than an acre. This was the only parcel in the block that was not in the City limits. It was logical to bring it into the City to have a break between the City and County. Due to its triangular shape, this parcel could only be divided into two lots, although theoretically it could have three. He hoped there was a recommendation of approval to the City Commission again.

Gary Bowles, owner of the property, felt like he was already in the City and he would like to get the City utilities and increase the value of his property.

There was no further public testimony.

Chair Kidwell closed the public hearing.

Commissioner Mabee said this would close a gap in the area. It was unfortunate that the other annexation was controversial and affected this one.

Commissioner Espe asked about the process for a property with a failing septic system. Mr. Konkol explained if there was a failing septic system and the property was within 300 feet the City would extend it to the property. It would still need to go to a vote of the people. The property owner paid for the hook up and the application was put on the next available ballot. If it was voted down, there was an option for extra-territorial extension of the sanitary service to alleviate the safety hazard.

Commissioner Espe thought there should be relief for the smaller, less controversial annexations that had a septic hardship that they not have to go through the voting process.

Motion by Damon Mabee, second by Zachary Henkin to to recommend to the City Commission approval of AN 12-04 with staff recommendations 1 and 2.

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

**TP 12-01 / VR 12-02: Crabtree Terrace II - 30-lot Subdivision
with Variance Request from Alley Requirement**

Commission Report

Staff Report

Exhibit 1 Recommended Conditions of Approval

Exhibit 2 Vicinity and Zoning Map

Exhibit 3 Application Packet (Stormwater Report intentionally left out)

Exhibit 4 Grading Permit FP07-0006

Exhibit 5 Grading Permit FP07-0004

Exhibit 6 Comments on Applicant's Traffic Study - Replinger

Exhibit 7 Public Notices

Exhibit 8a Public Comment Support Letters

Exhibit 8b Kosinski Comments 6 11 2012

Exhibit 8c Kosinski Comments 6 25 2012

Exhibit 9 Additional Variance Responses, AKS Engineering

Exhibit 10 Technical Memo Todd Mobley

Exhibit 11 Project Timeline Milestones, AKS Engineering

Exhibit 12 Mike Robinson letter to Chair Kidwell including responses to Christine Kosinski

Exhibit 13 OCMC 1204255 Alleys

Exhibit 14 LL 12-02 Property Line Adjustment Staff Report and Plans

Chair Kidwell 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 Mahoney recused himself from the hearing due to a potential

conflict of interest.

Chair Kidwell opened the public hearing.

Mr. Walter stated this request was for approval of a 30 lot subdivision and variance of alley requirements to allow direct garage access to local streets in the R3.5 zone. The property was located at 14616 Maple Lane Road. This was the second phase of a subdivision. He gave details of the site and proposed subdivision including existing conditions, shadow plat, and timeline of development approvals. Staff was not able to approve a subdivision without alleyways, and he summarized the applicant's justification for the variance. He then reviewed the variance criteria and how he thought the application met the criteria. He entered Exhibits 1-4 into the record. These were an addendum submitted by the applicant of crash history for the four key intersections, and the findings showed no safety issues needed to be further studied or mitigated. There were also letters submitted by residents of Holly Lane in opposition of the application. Staff recommended approval with conditions. He said Christine Kosinski provided two sets of written comments and verbal comments for this public hearing. He explained her concerns and staff's response to those concerns.

John Jones, applicant, had owned the property for 18 years. The first phase, Crabtree 1, of the subdivision was started in 2007, and the second phase, Crabtree 2, was put on hold due to the economy. He was trying to complete the subdivision and keep the housing the same as the first phase.

Michael Robinson, representing the applicant, clarified the subdivision could have been 41 houses, but the applicant was going to develop 30. He explained the applicant had already graded the property pursuant to an approved grading plan issued by the City. The fact that it might be a self-created hardship was not relevant to the Code. The grading permit had been submitted in 2007 and the Code changed in 2009 and in that year there was a recession. Mr. Jones did not know the Code would be changed to require alleys in every circumstance in the R3.5 zone. He could have submitted an application to avoid having to meet the requirement in 2009, but it was the worst time of the recession for construction of homes people would not buy. The first phase was not built with alleys and it would not make sense to do so for the second phase plus there was not enough room to do alleys on all of the lot rows and they would only be able to do them in the middle row of lots. Mr. Jones would like to finish the way he had started. He had not seen in any other jurisdiction where every lot in every subdivision in a single zoning district had to be served by alleys. He thought this was an appropriate candidate for a variance. They agreed with the staff report and conditions of approval. This was a 30 lot subdivision in the R3.5 zone which was appropriate zoning and the lots were allowed outright. It was not a discussion about use or what the zoning should be. They could do more lots if they wanted, but they wanted wider lots with more separation between driveways. In terms of traffic, all of the four intersections met the threshold and City standard and there was no adverse operational or safety impact. Regarding the traffic impact analysis, he discussed the number of trips the application would add in the morning and the afternoon, level of service, volume capacity ratio, and percentage of trips for three of the four intersections. If the application was approved and built by 2014, there would be less than 1% increase in traffic at the intersections. This was a continuation of phase 1 and the intent was to build the same type of

subdivision in phase 2. He did not think alleys were appropriate for every circumstance. The applicant had already graded the property and had intended to develop it but was delayed due to the recession. If that had not happened, it would have come in before the Code change in 2009. There were nine letters signed by 11 people in the record who were in support of the variance. He then discussed the variance approval criteria and how the application met the criteria.

Commissioner McGriff questioned if there were other layouts for the property that would allow the alleys.

Monty Hurley of AKS Engineering said multiple layouts had been tried, but none worked well with the Code and the site due to the constraints on the property.

Jane Davidson, resident of Oregon City, said the idea of adding more traffic to Holly Lane did not make sense. Speed was an issue and it was a dangerous road without adding more cars. There were many accidents already, why add more traffic to the quotient. Adding neighborhoods with easy access to Holly Lane would be hazardous to the health and safety of families and pets.

Donna Gates, resident of Oregon City, gave examples of traffic problems on Holly Lane due to speeding. There might not be a lot of accidents at the intersections, but there were many around the curves on Holly Lane. Children could no longer walk to school due to the traffic and it was difficult to get out of her driveway. There were also many accidents on Redland Road. She thought safety should be taken into consideration.

Clinton Hodson, resident of Oregon City, said the plan was to widen Holly Lane for the development, and that was not reasonable. Widening the street, adding sidewalks and bike lanes to Holly Lane took land away from the existing property owners and made Holly Lane more attractive to use. The speed had just been reduced to 40 mph and it was not patrolled. Adding more traffic would cause bottlenecks at many intersections. He did not think it was right to penalize existing home owners for this development.

Kirk Hansen, resident of Oregon City, said there was an imbalance between the County and City in regard to traffic control and safety. He recommended the Commission not approve the variance for balance of control.

Shawn Wisenhauer, resident of Oregon City, thought the alleys should not be allowed. Alleys would not look good and were not conducive to the neighborhood. With the alleys, the cars would not fit in the garages and people would park on the street. He did not want this type of development in this neighborhood.

Christine Kosinski, resident of unincorporated Clackamas County, entered a letter into the record from the Oregon City School District dated November 2007 declaring Holly Lane as hazardous for the health and safety of students. Speeding and unsafe travel conditions already existed and adding more traffic would only exacerbate the situation. There was no bike and pedestrian infrastructure for the residents. She compared the traffic impact analysis from 2007 and 2012 and questioned the analysis for Thayer Road and Holly Lane. The residents on Holly Lane should have been able to

comment on the impact of the added traffic.

Les Fish, resident of Oregon City, was opposed to the variance due to the traffic control and public safety on Holly Lane. Speeding was common and there was no safe place for bikes and pedestrians. He gave examples of accidents that had happened on the road. The increased traffic impacted the current residents. He was in favor of growth, but there needed to be growth with thought that did not impact those around the growth.

Ms. Davidson discussed the speed and dangers on the road and the only way to make it safer was to limit the amount of traffic.

Mr. Robinson introduced Todd Mobly??, traffic consultant with Lancaster Engineering. Mr. Mobly responded to the comments on the traffic impact study. He reviewed the traffic volume numbers and how little the traffic would impact Holly Lane. All intersections operated acceptably. The 2007 numbers were for the first phase and 2012 were updated numbers. Holly Lane was a county facility and the impacts were very minor. He then explained the trip generation numbers.

Mr. Robinson understood the concern regarding the traffic. Holly Lane was a County facility and there was not a lot the City could do about it. This situation was typical in a rural area close to urban development. It was not the applicant's responsibility for fixing problems that existed before them and would exist after them regardless of whether the subdivision was built. The application would not generate 1,100 trips a day, it was 288 trips. The level of service was acceptable by the standards. Holly Lane was not going to be widened. There would be no street improvements except the internal streets in the subdivision. All of those who testified against the application lived on Holly Lane, not in the subdivision. This application would not make the traffic worse. Holly Lane took 10% of the trips from the subdivision, six trips in the morning and eight in the afternoon. It was not relevant to the approval criteria and it met level of service D. There was no testimony about the variance except the neighbor who wanted to see the same type of development that he lived in. He thought it was fair to give those in phase 1 what they expected in phase 2. He thought they met the variance criteria and requested approval of the variance.

Chair Kidwell closed the public hearing.

Mr. Konkol hoped the issues on Holly Lane would be taken to the Clackamas County Commission who could affect change and have it patrolled by County police. Speed was an enforcement issue.

Mr. Walter said it would take annexation followed by zoning followed by development to get urban level street improvements that met City standards.

Commissioner Mabee recognized the speeding on Holly Lane was a problem. He did not have an issue with the variance as alleys were not appropriate and did not create a cohesive community plan.

Commissioner Henkin was sensitive to the traffic problems. The Commission was only looking at this due to the alley situation. If it wasn't for the code change in 2009, they would never have seen this. The development worked better without the alleys and he agreed with staff's

assessment.

Commissioner Espe said this property was annexed and zoned R3.5. The applicant met the burden of proof regarding traffic. He thought it was good urban form to have alleys and traffic calming strategies. The grading had painted them into a corner for a certain subdivision design. He did not think alleys would be good in this setting. He supported the application.

Commissioner McGriff said there was potential for the property to the north to request a variance. She thought they would be setting a precedent for this to continue on adjacent properties. She read from the staff report that stated prior approval of the grading permit did not create a basis for approval nor relieved the applicant of compliance with the Code.

Mr. Mabee did not think that applied given this was an in progress development. The grading was done prior to the Code change, and should be looked at as an existing topography not a created topography.

Chair Kidwell concurred that this development anticipated using the same groundrules as phase 1. The grading was in conformance at the time. The rules were changed in the middle of the game for this developer. The variance was the only matter that was relevant. The continuity of the development without alleys made sense. The next development would have to conform to the current Code. Regarding the traffic on Holly Lane, he said the speed was the problem more than the traffic. It needed to be brought to the County Commission. He thought the variance was consistent with phase 1 and was in support.

Motion by Paul Espe, second by Zachary Henkin to to approve TP 12-01 / VR 12-02 with conditions recommended by staff except to strike Condition 16 which had been met.

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

4. COMMUNITY DEVELOPMENT DIRECTOR UPDATE

Mr. Konkol said the County purchased the West Linn Blue Heron property.

Commissioner McGriff suggested writing a letter from the Planning Commission to the County regarding the need for mitigation of the traffic issues on Holly Lane.

5. ADJOURN

Chair Kidwell adjourned the meeting at 10:58 p.m.



City of Oregon City

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

Item #2.

Meeting Minutes Planning Commission

Monday, January 14, 2013

7:00 PM

Commission Chambers

1. Call To Order

Chair Kidwell called the meeting to order at 7:01 PM.

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

Staffers: 1 - Tony Konkol

2. Approval of the Minutes

- a. [13-063](#) Approval of Planning Commission Minutes for September 10, 2012.

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve the Planning Commission minutes for September 10, 2012. The motion carried by the following vote:

Aye: 5 - Paul Espe, Zachary Henkin, Damon Mabee, Robert Mahoney and Charles Kidwell

Abstain: 1 - Tom Geil

3. Public Comments

Todd Last, resident of Oregon City and Co-Chair of the Tower Vista Neighborhood Association, asked for help in addressing two problems in the rezoning and subdivision on Pease Road. The proposal was to put 13 R-6 homes directly across the street from R-10 homes. Neighbors were not noticed properly and the text of the letter did not address specific zoning proposals for the property. He did not think the process met the criteria for informing the maximum number of people for participation. He requested the Commission review the zoning for the Pease Road property and the perimeter area of the Nadine Joy Acres and address the rules for notification for future rezoning to better include the citizens. He then discussed the subdivision plan. The building of R-6 homes on the opposite side of the street from existing R-10 homes with no accommodation to minimize the impact to the existing neighborhood was an example of what should not be done. He was concerned it would make the property values decline and would not address the low water pressure of the area. He thought the zoning should be R-8 or if it must be R-6, create a subdivision that blended in with the existing homes.

Nicole Last, resident of Oregon City, said there was no due process for notification for them to determine they were going to be purchasing land across the street from R-6 zoning. Equity had already been lost in their home and more would be lost if R-6 went in across the street.

Ann Meter, resident of Oregon City, supported the comments made by Mr. and Mrs.

Last. She questioned why the City was allowing high density housing in the more rural areas that were not served by transportation. This would increase traffic and decrease property values. It was also not conducive for people aging in place.

Commissioner McGriff arrived at 7:10 PM.

Glen Richardson, resident of Oregon City, was surprised at what was being planned for the property. Many homes were going up in the R-10 zone a block away from this development. He did not think R-6 fit the area. He asked for review and reconsideration of the R-6.

William Gifford, resident of Oregon City, was in support of what had been said. This would have been reviewed better had the Neighborhood Association been active at the time. The process was not done as well as it could have been done. There needed to be a transition as R-10 across from R-6 was a big jump.

Tony Konkol, Community Development Director, stated the subdivision application was a Type 2 decision made by staff. The decision could be appealed to the City Commission. At this time there was no zone change being requested. The upzoning was done through a City-wide Code update.

There was discussion regarding the low water pressure issue in the area and the noticing process.

Mr. Last said when they moved in there were no blue notices on the property and he checked the GIS maps. The zone change was not posted on the blue signs. He agreed more participation of the citizens was needed.

Mr. Richardson clarified it was too late except to appeal to the City Commission.

There was Commission consensus to review the land use noticing process and what was done for the Code update.

4. Public Hearing

a [PC 13-001](#) CP 12-01 and DP 12-01

Mr. Konkol stated this was the application for the Red Soils Master Plan. The applicant was requesting a continuance to January 28, 2013.

William Gifford, resident of Oregon City, said as Land Use Chair of the Hillendale Neighborhood Association, the neighborhood did not know an additional continuance was requested by the applicant and the steering committee met last night to discuss it. He would not have rescheduled the meeting had he known it was to be postponed. One of the core issues was the fencing. The city ordinance said no chain link and a maximum of six feet high. He did not think there were any compelling arguments for a variance. There was also a question of whether the County paid franchise fees for the dark fiber cable. The County's Library District asked to purchase a piece of the campus, and they said no because they did not have a Master Plan yet. Now the Master Plan was developed, he thought they should be able to negotiate a deal with the Library District.

A motion was made by Commissioner McGriff, seconded by Commissioner Henkin, to continue CP 12-01 and DP 12-01 to January 28, 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. Planning Commissioner Training

Jennifer Bragar, City Attorney, presented training on the legal limitations for decision making, types of land use review in Oregon City, quasi-judicial vs. legislative decision making, quasi-judicial hearing disclosures, impartial tribunal, public hearing procedures, public meetings and records requirements, and deliberation and the decision.

There was discussion regarding the pros and cons of conference calls. Staff would bring it back for further discussion. There was also a suggestion of providing a Land Use 101 to the CIC and Neighborhood Associations so they would understand the process better.

6. Communications

Mr. Konkol reported on proposed legislative text amendments. In order to get information for meetings sooner, when staff sent out the public notice of the hearing date, staff would also forward the application to the Planning Commission. He gave an update on the Blue Heron site and visioning process and the update to the Sign Code and lack of current enforcement.

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, for Charles Kidwell to continue as Planning Commission Chair. The motion carried by the following vote:

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

6. Communications

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, for Denyse McGriff to continue as Planning Commission Vice Chair. The motion carried by the following vote:

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

Abstain: 1 - Denyse McGriff

7. Adjournment

Chair Kidwell adjourned the meeting at 10:02 PM.



CITY OF OREGON CITY PLANNING COMMISSION MINUTES

Monday, February 28, 2022 at 7:00 PM

CALL TO ORDER

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

Present: 7 - Chair Dirk Schlagenhauser, Commissioner Daphne Wuest, Commissioner Patti Gage, Commissioner Mike Mitchell, Commissioner Christopher Staggs, Commissioner Gregory Stoll, and Commissioner Bob La Salle

Staffers: 2 - Community Development Director Aquila Hurd-Ravich and Senior Planner Christina Robertson-Gardiner

PUBLIC COMMENT

None

PUBLIC HEARING

None

COMMUNICATIONS

OC2040 Comprehensive Plan Update – Input on Draft Goals and Policies

Aquila Hurd-Ravich, Community Development Director, discussed Comprehensive Plan streamlining, understanding equity in the context of planning, and Comp Plan application during land use reviews. She reviewed the draft goals and policies with the Commission along with Sarah Breakstone from OTAK.

The Commission made suggestions for changes to the goals and policies.

Oregon City Economic Development Strategic Plan (Executive Summary)

This item was not discussed.

Middle Housing Code Update- Next Steps

Christina Robertson-Gardiner, Senior Planner, gave an overview of HB 2001, middle housing types, what was included in the legislative package, example policy questions, next steps, and other tools to help with middle housing. The code would be discussed further at the March 14 Planning Commission Work Session.

ADJOURNMENT

Chair Schlagenhauser adjourned the meeting at 9:52 PM.