



City of Oregon City

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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.