



City of Oregon City

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Oregon City, OR 97045
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Meeting Minutes - Final Planning Commission

Monday, February 24, 2014

7:00 PM

Pioneer Center, 615 5th St., Oregon City, OR

Note Revised Location

Work Session (6:30 p.m.)

Chair Kidwell called the meeting to order at 6:30 PM.

Present: 5 - Paul Espe, Damon Mabee, Denyse McGriff, Charles Kidwell and Robert Mahoney

Absent: 2 - Zachary Henkin and Tom Geil

Staffers: 2 - Tony Konkol and Laura Terway

PC 14-018

Sign Code Update

Laura Terway, Planner, presented the Sign Code update. The current standards had not been significantly updated for more than 20 years. She explained the project goal, project team, community engagement, Community Advisory Team (CAT), open houses, CAT split issues, and CAT final recommendations. The legislative approval process would soon come before the Planning and City Commissions. The next Planning Commission work session on the Sign Code would be on March 24 to discuss the proposed Code changes.

There was discussion regarding the need for enforcement, fees, signs in the right of way, historic district guidelines, existing non-conforming signs, and coupling the Urban Renewal facade grants and signage regulations.

Chair Kidwell adjourned the work session at 6:49 PM.

Public Hearing (7 p.m.)

1. Call to Order

Chair Kidwell called the meeting to order at 7 PM.

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

Absent: 1 - Tom Geil

Staffers: 3 - Tony Konkol, Laura Terway and John Lewis

2. Public Comments for Items Not on the Agenda

There were no public comments on items not on the agenda.

3. Public Hearing

3a. [PC 14-017](#)

Portland Metro Men's Center -
Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11) and Lot Line Abandonment (LL 13-04)

Chair Kidwell opened the public hearing and read the hearing statement. He asked if the Commission had any new ex parte contact, conflict of interest, bias, or statement to declare.

Commissioner Mabey was not at the last meeting where this was discussed. About a month before he knew it was going to be on the agenda, he received an email from a concerned citizen. He did not read the enclosed letter, but forwarded it to Tony Konkol, Community Development Director. He responded saying he could not look at it. He had driven by the site as well.

Commissioner Mahoney also was not at the last meeting. He watched the last meeting on television, read the staff report, and visited the site. An acquaintance had made a passing remark regarding the application, and Commissioner Mahoney told him he couldn't discuss it.

Ms. Terway said this was an application from the Portland Metro Men's Center for a Christian recovery program located at 405 Warner Parrott Road. She explained the proposed use and development, location, zoning designation, criteria for the decision, and application of the criteria. She then responded to comments received at the last hearing. There was a question as to whether the proposed uses qualified as conditional uses in the R-10 single family dwelling district. The conditional uses were for religious institutions and a group home. The categories were general in nature and they did not have to have specific licensing requirements to qualify for each of the application criteria. There was also discussion regarding the Good Neighbor Agreement. She explained the provisions that would be in a Good Neighbor Agreement, which was an avenue of communication between the two groups. Another question was whether the density proposed complied with the Comprehensive Plan and Municipal Code. There were some codes that encouraged the proposed density and some that did not, so it was up to the discretion of the Planning Commission. She gave examples of methods to analyze density. She then discussed the mitigation proposed for traffic, noise, visual look of the site, and expectations.

John Lewis, Public Works Director, discussed the sanitary sewer master planning and how it might impact this project. Staff was currently working on updating the Sanitary Sewer Master Plan. There was testimony at the last meeting regarding concerns about sanitary sewer flows in this area. He had looked at the results produced in the Plan and there might be capacity problems in front of and downstream of this particular development that might or might not be easily resolved. It was too early in the process to conclude. This development was relatively built out with the exception of these in fill redevelopments, but his initial review showed that it was problematic and would need to work with the applicant to resolve.

Gordon Monroe, Kennedy Jenks Engineering, discussed the storm drainage issues. There were existing improvements on site that had pervious and impervious area, and the proposed improvements would increase the impervious area. The applicant put together a system that collected the storm drainage on site and put it in detention and treatment facilities. There were three proposed storm drainage facilities on site, and it was discharged to the pipe in the street. With this on site detention there would

not be a net increase to the off site discharge. He showed where the facilities would be placed on the site. The detention ponds should be sized to take all of the flow from on site.

Mr. Lewis said improvements to the storm drainage system had been made on Warner Parrott so that condition was no longer problematic.

Commissioner McGriff commented it would be helpful in the future for applicants to put in a summary of the storm drainage on the site.

Ms. Terway discussed the options the Commission could take on the application. If the application was denied, but they wanted to continue the church use on site, the church would need either an approved Conditional Use or to be determined a lawfully non-conforming use.

Jennifer Bragar, City Attorney, said the City received a comment that staff treated as a Code Enforcement complaint regarding overnight use of the property. The applicant responded that no one was sleeping on the site.

Ms. Terway said staff recommended approval with the revised conditions. She entered the PowerPoint presentation, supplemental staff report, and new written testimony received into the record.

Ms. Bragar said City staff would like to allow the applicant and Public Works time to review the new information regarding sewer capacity and determine if there was a condition of approval to propose to the Commission before a decision was made. She recommended the hearing be continued to March 10.

Ken Walton, pastor in Oregon City, was part of a coalition of pastors in the City. What had been going on since 2010 was not illegal, but was what the church did in the City. Other recovery facilities were not reflective of what Teen Challenge was all about. He encouraged them to become familiar with the program. They who pastored knew the drug and alcohol addiction problem in the City, and it was not a small concern.

Brenda Wheeler, resident of unincorporated Clackamas County, was a retired special ed teacher. She knew there was drug and alcohol abuse going on right now, but none of it happened at Teen Challenge. She had been volunteering at Teen Challenge for over a year and felt completely safe. She would be glad to speak to anyone who doubted the sincerity of those who were there. They were trying to improve themselves. She thought the swearing was from community middle school children not from Teen Challenge students. She thought the clients were well supervised.

Sandra Jelnick, resident of Oregon City, had been getting acquainted with Teen Challenge and worked with some of those in the program. She thought the people in the program deserved a chance to have a place to learn and grow to become better citizens. They were extremely well supervised. She discussed the last graduation ceremony she attended. These were all young men who desired to better their lives and they deserved a safe place to do it.

John Rudy, resident of Oregon City, owned eight rental units bordering this property. He opposed the application and did not want any change to the zoning. He was in favor of the boys and improvement of their lives, but not in this location. He did not think there was room between the property lines for the six foot fence. There was a drainage problem in the area due to too much underground water. The facility was

too noisy for the neighborhood and most of the boys were not from Oregon City, but from Portland. The traffic, sewer system, and safety of the women and children in the area were concerns as well.

Paul Bell, resident of Oregon City, was opposed to the application. No legal decision to grant a Conditional Use Permit could be emotionally based on whether a person liked or disliked a specific group or individual. The property was in an R-10 zoning designation, and when the church was granted an exception by way of the Conditional Use Permit in 1973, not one person ever lived on the property. This request was a totally different context as they proposed to erect a dormitory for 60 troubled men in the middle of an area specifically zoned for single family homes. The primary issue was one of residency. People in the area bought their homes thinking they would get more privacy and spacious living.

Bill Ramsour, resident of Oregon City, was opposed to this application. He looked at the Teen Challenge website and looked at where their other facilities were located. Almost none of them were in a setting like this neighborhood. This was a bad location for this type of facility. It was a property value and public safety issue.

Amy Mueller, resident of Oregon City, was opposed to putting in the dormitory. It was much too dense to be consistent with the existing neighborhood as it was currently zoned which was R-10. The facility would be over 10,000 square feet and the neighborhood typically had 2,000 square foot homes. The center did not fit into the discretionary description of being a suitable site due to the size, shape, and location. She called the Linn County Sheriff's office and Spokane police and explained the emergency calls history for these facilities. She asked that the application be denied and the Portland Metro Men's Center find a more suitable place for their facility.

Bruce Danielson, resident of Oregon City, was concerned about water run off and sewer. The Rivercrest neighborhood had surface run off and did not have a storm drainage facility. The run off on this site would make the problem worse. There was also a problem with the down flow of the sewer. This development would tax the sewer system especially if there was build out to the east.

Tony Paola, resident of Oregon City, stated his main concern was the density of the facility. Putting a 60 person dormitory in the middle of a residential area was not a good idea. He related an incident that happened that day where one of the residents knocked on his door asking for a lighter and then went down to the next door through the yard instead of back to the church. If they could not supervise the 15 people they had now during the daytime, they could not supervise 60 overnight. They were not regulated by the State and could do whatever they wanted. His road would not be fenced off and the residents could come and go. He thought this was the wrong place for this facility.

Luke Lopez, resident of Oregon City, had no problem with the Teen Challenge organization. It was all about the location. Regarding the criteria for the Conditional Use, the proposed use was not supposed to alter the character of the surrounding area and would not impair the surrounding properties. The Portland Metro Men's Center had only discussed the transportation impact and landscaping, but had not addressed how the proposed facility would impair the neighborhood and diminish the character value that it had. He discussed the definition of character and how this site already had a negative impact on the neighborhood. The proposed building would change the look of the area. It would be the largest housing unit and would change the noise level dramatically. He requested the application be denied.

Ms. Bragar said the applicant requested 10-15 minutes of rebuttal to provide the

Commission adequate information. The Commission agreed to 15 minutes.

Mike Reeder, attorney for Teen Challenge, emphasized this would not be a treatment center. It was a faith based recovery program where there was no medical supervision. This was a different way to provide services to people who were recovering from drugs and alcohol. The people in the program were considered disabled under the Fair Housing Act under Federal law. Congress had taken affirmative steps through two federal statutes to provide opportunities for people who were disabled to go through a religious based recovery program and to live in the neighborhood of their choice. This was not a matter of whether or not these people should be in the neighborhood. The question was did they meet the criteria for approval. They were not asking for an exception to the rule, as a Conditional Use Permit was a permitted use subject to the conditions related to the criteria for approval. He referred to the storm water report which confirmed there would be no net increase in flow. Regarding the non-conformity of the site, the property had been used for religious institutions since 1963 and that use had not been discontinued or abandoned in any way. He thought the current use of the property was a lawful use.

Rick Givens, planning consultant, responded to the density issues. There was no criteria for density in the Conditional Use Permit. He did not think looking at the size of the site in relation to the intensity of the use was an appropriate way of looking at size. They had to make sure that everything would fit on the site in a reasonable manner that did not violate code provisions and was consistent with the character of the area. The lot coverage standard for this area was 40% and for this property it was 20%. He thought the size was appropriate for the proposed use. If this property was to be developed with residences, it would be developed at the R-3.5 density which would have 21 lots and with three people per house, roughly 60 people living on the lots. There was a group home on Warner Parrott that was on half an acre, and this development was four times that size. The application was consistent with other things the Commission approved in size of facility and relation to the site.

Joe Kraus, architect, discussed the scale, size, and general context of the dormitory. The height and footprint of the dormitory was comparable to the height and footprint of most of the homes in the neighborhood.

Mr. Reeder clarified the decision could not be based on stereotypes and fear about the particular individuals who would reside there. Teen Challenge did have other locations that were not in this type of residential area, but that was not relevant to the decision. This location allowed the people in the program to thrive.

Mr. Givens discussed the plan for putting a gate on Shore Pine Place so people would not drive onto the facility and working with the Fire Department for a site obscuring fence.

There was further discussion regarding how this application would or would not fit in with the neighborhood and how it related to the Conditional Use criteria.

Commissioner Espe thought the R-3.5 density would have an impact and it should be left as more of a buffer for the other R-3.5 in the area.

Mr. Reeder said the primary use was a religious institution and the dormitory was an accessory use.

Chair Kidwell said what was being proposed was a significant change of use from the previous use and they had to look at how the use impacted the site. They could not look at the fact that it was operated by a religious institution as justification for the

dormitory. If the dormitory did not stand the test for use on the site, then he could not justify the use.

Commissioner McGriff did not think the R-3.5 zoning was relevant to the decision because it was not being rezoned. It was not typical for churches in Oregon City to have dormitories.

Mr. Reeder said they had to look at the group housing separate from who was living there.

Commissioner McGriff said the proposed building did not look residential in nature. She thought reducing it to half of the size would be more palatable to the community and fit in better. She suggested a residential looking gate be used.

Mr. Kraus had worked with the City on the design of the dormitory to scale it down.

Commissioner Mabey did not have a problem with the massing of the building. He was concerned about storm water detention.

Mr. Reeder thought the high ground water issues did not relate to this site, and they had been working with staff on the storm water for the site.

There was discussion regarding the Good Neighbor Agreement. Mr. Reeder said the applicant was very uncomfortable with a condition that required entering into an agreement that was undefined. They wanted to be a good neighbor and were open to communication.

Mr. Reeder said they were not State certified because they did not provide treatment that was normally associated with rehab. It was an alternative method for helping people recover. He explained how the people in the program were supervised and how this was not a treatment facility. The dormitory was not locked down, people could come and go at any hour. There was supervision and alarms on the doors and windows to help people abide by the rules.

Gary Wallace, Executive Director of Teen Challenge, said there was no fee for the program, however they asked for support from family members. They also raised funds and were definitely a non-profit organization. He explained how Teen Challenge had been a program going on for years, and had a long track record of people turning their lives around. Being State certified was not the program of Teen Challenge.

Mr. Reeder said the applicant was requesting a continuance of the hearing for further discussion with staff on the storm water and sewer issues. Regarding the condition for the Good Neighbor Agreement, two of the provisions were unacceptable to the applicant and needed to be rewritten to have definite terms. He was concerned about the opposition in the neighborhood for the agreement and discussed how it could be problematic.

There was discussion regarding leaving the record open or limiting the public testimony to storm water and sewer issues and the Good Neighbor Agreement.

There was consensus to leave the record open, but the Commission encouraged the public to avoid redundancy of testimony.

Mr. Reeder said the applicant agreed to extend the 120 day requirement for another 30 days.

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to continue the Portland Metro Men's Center Conditional Use Permit (CU 13-01), Site Plan and Design Review (SP 13-11) and Lot Line Abandonment (LL 13-04) to March 10, 2014. The motion carried by the following vote:

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

4. Communications

There were no communications.

5. Adjournment

Chair Kidwell adjourned the meeting at 9:37 PM.