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:	**Staff Present:**
Chair Tim Powell	Laura Butler, Assistant Planner
Commissioner Dan Lajoie	Pete Walter, Associate Planner
Commissioner Carter Stein	Tony Konkol, Community Development Director
Commissioner Chris Groener	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 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 Report

Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

Exhibit 9

Exhibit 10

Exhibit 11

Exhibit 11 Revised

Exhibit 12

Exhibit 13

Exhibit 13 TIA

Exhibit 14 Rezoning Request

Exhibit 15 Metro letter

Exhibit 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 concering 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 annexatoin. 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 purvue 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- Highhway 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 langauge 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.