



City of Oregon City

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

Meeting Minutes - Final Planning Commission

Monday, January 13, 2014

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7 PM.

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

Staffers: 4 - Tony Konkol, Carrie Richter, Pete Walter and Laura Terway

2. Approval of the Minutes

[14-059](#)

Approval of Planning Commission Meeting Minutes for November 25, 2013

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to approve the Planning Commission meeting minutes for November 25, 2013. The motion carried by the following vote:

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

3. Public Comments on Non-agenda Items

There were no public comments on non-agenda items.

4. Public Hearing

4a. [PC 14-001](#)

L 13-03 - South End Concept Plan (Ord. 13-1016)

L 13-04 - Oregon City Municipal Code Amendments (Ord. 13-1017)

Chair Kidwell opened the public hearing.

Pete Walter, Planner, said this was the third hearing on the South End Concept Plan. The Comprehensive Plan amendment and Zoning Codes had been entered into the record. The public hearing had been continued to respond to requests for further information regarding the Plan including Title 11 compliance, transportation analysis and methodology, landslides and drainage concerns, compliance with national standards for parks and open space, density, natural resources, water availability, and map legibility. He gave an overview of the Plan's vision and values, benefits, and diagram. He then gave a recap of the last two hearings and discussed how the Plan complied with Title 11. He explained the issues that had been raised regarding the transportation methodology, geologic hazards overlay zone, drainage conditions, sewer comments, water demand, density, natural resources, and map legibility. He reviewed the implementation diagram and public hearing schedule. He recommended approval of the Plan.

There was discussion regarding water rights, future Tri-Met service, updating the Storm Water Master Plan and looking at wetlands, drainage, and geologic hazard areas as a whole, not just parcel by parcel.

Ray Valone, Planner with Metro, served as Oregon City's liaison to Metro and was a member of the Technical Advisory Team for the South End Concept Plan. Metro staff believed the City had proposed a Plan that substantially complied with Metro's policies and requirements for new urban areas. Regarding density, Metro thought the City's planning for the greater area showed it was a well integrated plan and achieved a higher density given the constraints and transportation issues. The seven to eight units per acre substantially complied and met the intent. He commended the City and citizens for getting to this point.

John Replinger, Transportation Consultant, thought this was a good, solid plan with appropriate methodology. The work that was done by DKS and Associates used the most relevant and most recent information. There was a higher intensity of development in the South End area than what was in the TSP, but that did not mean there would be a greater transportation impact as there would be neighborhood commercial areas that would reduce travel and be within walking distance. The operational standards that were adopted in the TSP and South End Concept Plan were the new standards based on volume to capacity ratio. These standards allowed for more congestion than before, and there might not be a need for as many transportation improvements. There was a need for a highly interconnected street network so not all the traffic would be on South End Road or Central Point. He thought the work had been technologically and professionally done and provided a good level of specificity as they moved forward.

There was discussion regarding ways to reduce speeding, need for public transportation, impacted intersections, increased traffic, and transportation analysis zones.

Tom O'Brien, resident of Oregon City and member of the Community Action Team, said at the last City Commission meeting representatives from Tri-Met discussed service in Oregon City. The Commission directed staff to look into a feasibility study for opting out of Tri-Met. He thought the Plan was good, but his issues were traffic and density. He thought the traffic movement within the Concept Plan area would be good, but there was a bottle neck at Warner Milne and South End roads. He discussed the traffic counts and volume through that intersection and possible number of new residential units. It would roughly double traffic volume, and he did not see that reflected in the projections. He did not think all of the traffic would go to the local commercial districts.

Paul Edgar, resident of Oregon City, discussed the traffic counts and the Concept Plan projections. He thought the number of trips corresponding to the number of residential units was too low in the Plan. He thought 2,000 trips were left out and the numbers needed to be re-analyzed.

Kathy Hogan, resident of Oregon City, had concerns about density, hydrology changes when the dirt was moved around during construction of the new homes, and landslides on South End Road.

Christine Kosinski, resident of unincorporated Clackamas County, did not see this Plan as being right for the people. She thought they were rushing development in an area that was not ready for the density. She thought the density requirements could be met in other ways in order to keep the rural character of the area, a wetlands

analysis needed to be done, and landslide and hazard regulations needed to be written. She requested the hearing be continued and that an overlay be done of the detention ponds in the area. There needed to be more jobs in the City and they needed to disclose to future property owners the landslides in the area.

Jim Hall, resident of Oregon City, said transportation in this area had always been a problem. There was one road in and one road out. He had worked for the County and at that time they looked at options, which were all very costly. He suggested if there was going to be development in this area that there be some way to get the traffic in and out. The drainage basin in its entirety needed to be evaluated, not just parcel by parcel. Soil types and underlying geology also needed to be looked at. There was a lot of traffic on 99E during peak hours already and dropping a road from this area to 99E would require 99E to be expanded.

Mr. Konkol said it was up to the Commission whether or not to continue the hearing.

Commissioner McGriff said this Concept Plan was one step in a much bigger picture.

Commissioner Geil thought there had been good outreach to the community. It had been years since the Park Place Concept Plan was adopted and nothing had changed there. This was just a Concept Plan and there were many steps to development.

Mr. Konkol said there were options for a connection from South End to 99E, but it was not currently in the City's TSP.

Commissioner Mabee was concerned about traffic impact when there was a diversion off of 99E onto South End.

Mr. Walter said edits could be made to the Plan to include these larger outstanding issues or adding an addendum which summarized the Planning Commission's action items they wanted incorporated into the Plan.

Commissioner Henkin also had concerns regarding traffic. He recommended putting a priority on establishing public transportation in this area.

Commissioner Espe thought the Plan met Metro's Title 11 compliance. Metro had been understanding in terms of how many units per acre and the density this area could handle. He thought there was different methodologies being used for the traffic counts, and the Metro Regional Travel Demand model was more appropriate for reaching compliance. This was a master plan and only generalized where the drainage basins would go. Landslides and slope stability should be looked at in terms of areas that would be developed. There should be some language and policy direction asking for additional code language to address the landslides with connection to the DOGAMI maps. There might be trouble with water demand when development occurred and he questioned if there were adequate water facilities currently to accommodate the plan and how much more would be needed. However, if they did nothing, things would be a lot worse than if the Plan was adopted.

Commissioner Mahoney thought everyone was right to a certain degree, but they had to embrace change. If they did not grow, the City's tax base would erode and public services would decline. Growth was the only way to have a healthy tax base. They had to move forward and not be paralyzed by analysis. He supported the plan with all of its defects and all of its perfections.

Chair Kidwell agreed with the comments made by the Commission. There were

unique land use laws in Oregon to prevent haphazard development and protection of natural areas. This was an opportunity to provide controlled growth. They did not have the option to do nothing. This was a long term plan and had an orderly process with public participation at each step. Even though the plan may need more refinement, it was worthy to go to the next step in the process.

Mr. Walter said there was a list of public comments which staff would address and a set of topics for recommendations from the Planning Commission. If the Commission wanted to continue the hearing, he suggested continuing it to February 10. He could bring back the Commission recommendations to the January 27 meeting.

There was discussion regarding the topics the Commission wanted in the addendum.

Mr. Konkol entered Exhibits 1-4 into the record.

Commissioner Espe encouraged the public testimony be limited to the new information submitted into the record.

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to continue the South End Concept Plan hearing to February 10, 2014, leaving the record open and staff would return with an addendum of Planning Commission comments and concerns to be attached to the Concept Plan. The motion carried by the following vote:

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

4b. [PC 14-002](#)

ZC 13-02: Zone Change from R-10 Single-Family Dwelling District to R-6 Single-Family Dwelling District for multiple properties located on Woodlawn Avenue.

Chair Kidwell opened the public hearing. He explained this was a quasi judicial hearing and reviewed the process for participation. He asked if the Commission had any ex parte contact, conflict of interest, bias, or statement to declare including a visit to the site.

Commissioner McGriff visited the site and was familiar with the Brookside Estates subdivision.

Commissioner Mabee was familiar with the general area.

Commissioner Henkin visited the site.

Commissioner Espe had friends who lived on Woodlawn and he walked his dog there and lived nearby.

Chair Kidwell was familiar with the site and had driven through it on some occasions.

Laura Terway, Planner, presented the staff report. This was a request for a zone change from R-10 to R-6. No development was proposed at this time. There were a variety of different properties being combined for this proposal. She described the subject site and adjacent properties, Zoning Map, and Comprehensive Plan Map. She then explained how the application met the zone change criteria and Comprehensive Plan goals and policies. Staff recommended that the Planning Commission recommend approval of the zone change to the City Commission. The application would come before the City Commission on February 5. She then entered items into the record.

Mark Westerman, applicant, explained the reason for the change to R-6 was to be able to make the most use of some of the parcels. He was the only one planning to develop his property at this time. He had gone around to his neighbors to see if they wanted to be included in the application and some did and some didn't. He stated R-6 instead of R-8 mattered to one property in particular as it would substantially affect what they could do in the future. There was a development to the north and the road extended to his property line. The reason to do the zone change now was that the road was in place to develop his property.

Marv Webkey, applicant, had no intention of developing now. He thought R-6 would go along with the surrounding neighborhoods.

Jim Hall, resident of Oregon City, asked who benefitted from this. He thought it would be the developer and the neighborhood would get the worst end. This was a nice neighborhood and he wanted to see it continue as it was. He was concerned about individual partitions and lack of infrastructure. There was insufficient land for the amount of homes that would be crammed in. He thought it was unfortunate that the applicant wrote a letter on behalf of the neighborhood association endorsing the application. He thought that would be a conflict of interest. He thought it should be R-8 at the most.

Andrea Marek, resident of Oregon City, thought this would affect Clearbrook Drive and punching it through to these other properties. It was R-8 on Clearbrook Drive and thought the R-8 should be extended in this area. She did not want Clearbrook to go all the way to Warner Parrott but to be connected back to Woodlawn Avenue. She also requested that inappropriate cut through traffic be minimized.

Richard Winemiller, resident of Oregon City, was concerned Clearbrook Drive would go all the way through. If it was changed to R-6 or R-8, rowhouses could be developed behind his home and his property value would go down. He was against the zone change. He did not think there was enough room between his property and Clearbrook Drive to put an R-8 lot in. He was opposed to any zone change.

Nicole Pucci, resident of Oregon City, said right now there was room, trees, and wildlife between her and her neighbors, but the zone change would allow a two story house looking down into her backyard. It would change her property values and essential character of her house. If the zoning change happened, there was no controlling what could happen.

Stacie Hall, resident of Oregon City, understood the desire to develop the lots. She thought the parcels should be R-8, not R-6, to be in keeping with the neighborhood. She wanted to maintain property values, livability, and the character of the neighborhood. She also valued the tree canopy and wanted to preserve the trees in the area. She was also concerned about increased traffic on Clearbrook. She encouraged the street to come back from Clearbrook and connect to Woodlawn as opposed to going through to Warner Parrott. She wanted to make sure sidewalks were included on Woodlawn and Clearbrook.

George Kuchler, resident of Oregon City, thought the area should be rezoned to R-8 to be similar in size to the established neighborhood. He thought Clearbrook should be continued to make a loop to Woodlawn. He did not think there should be flag lots created and there needed to be good road access. He was against R-6. There was a solid tree canopy that was important to the wildlife there and he did not think it should be removed.

Ingra Rickenbach, resident of Oregon City and treasurer of the South End Neighborhood Association, stated Mr. Westerman came to the Neighborhood Association meeting and got approval for the zone change. She thought it strange that some people wanted their property value kept up by other people's property rather than their own property. These were nice big lots and there was a need for more density in the neighborhood and she thought it was a good place to put it.

Mr. Konkol read the notes from the Neighborhood Association meeting.

Bill Kemnitzer, resident of Oregon City, asked if there were parcels that did not develop at this time, how would the road be developed.

Ms. Terway responded as the properties came in they would have to do a shadow plat to show how the road connection would occur through the area. The shadow plat would have to comply to City standards.

Mr. Kenmitzer said the setbacks of some of the properties were so small that there was not even a backyard. For R-6 the houses could be built very close together and could be several stories high and if the road went to Warner Parrott the houses would be built right next to the property line. Developers would maximize the possible square footage that they could build and he was concerned about the density. He thought it should be R-8 at minimum.

Mr. Konkol clarified both R-8 and R-6 had a 20 foot rear yard setback, 10 foot front yard setback for R-6 and 15 foot front yard setback for R-8, and a height maximum of 35 feet or two and a half stories.

Mr. Winemiller was concerned the builder would maximize the square footage and he would have 35 foot rowhouses behind his property. He would end up with a whole bunch of people behind him and lose the natural setting that was there now.

Ms. Terway said the analysis showed the worst case scenario would be 11 houses could be built in R-10, 16 houses in R-8, and 25 houses in R-6.

Mr. Westerman gave a rebuttal. He thought the road had to come out to Woodlawn. There was no interest for a road going to Warner Parrott. The R-6 would allow for a cul-de-sac with a road going off of it to Woodlawn. The R-8 would not allow for enough lots on one side for the cul-de-sac. The road could also curve back to allow for more property to fit the setbacks. If his property was to develop, most of the trees would have to be removed. Only zoning to R-8 did not really affect his property, but would affect others on down the line.

Chair Kidwell closed the public hearing.

Commissioner Mahoney thought the neighborhood wanted to hold onto a livable, safe environment and the zone change would create some problem lots. There were too many negative comments and he thought the Planning Commission should protect neighborhoods as much as possible. He was not in support of the zone change.

Commissioner Espe said if the City had strict design standards and minimum open space requirements and planned development requirements, and the applicant was looking for cluster development and concentrating the density that would save the trees, he would probably be in favor. There were not enough tools to do that, and at the very least he would consider R-8. People needed to come in with more than just a zone change and have a good plan that supported the neighborhood.

Commissioner Henkin did not think R-6 would fit the neighborhood. It was an old neighborhood with big lots and part of why people liked Oregon City. He could be supportive of R-8, but it was sad to lose the trees. However, they did not have a say in the trees right now.

Commissioner Mabee was not concerned about the trees. King School was nearby, which closed because there was not enough people. Having more people present could potentially reopen one of the core City schools. He supported increased density. The lots were incongruous with the rest of the developments in the area. He recommended rezoning to R-8.

Carrie Richter, City Attorney, said the request was for an R-6, and she was not comfortable with changing the proposal without a request from the applicant. She recommended if the Commission did not feel the Comprehensive Plan criteria were satisfied for R-6, the recommendation should be for denial. The applicant could revise their application and resubmit it.

Mr. Konkol stated if the Planning Commission denied it, it would not go to the City Commission.

Commissioner Mabee said within the application and the applicant's testimony, there was no opposition to an R-8.

Chair Kidwell said the request for zone change was specifically written as R-6.

Commissioner Geil was inclined to say no to the R-6 for the reasons given and more inclined to the R-8.

Ms. Richter said the Commission could continue the hearing and the applicant amend the application and it could be re-noticed. The issues were the notice and owner consent. The Planning Commission had to decide if the R-6 or R-8 met the Comprehensive Plan goals and policies. If this area was not up-zoned, the density would have to go somewhere else in the City.

Chair Kidwell agreed an R-6 in this area did not fit. He thought R-8 would be appropriate.

Commissioner McGriff was not in support of the R-6. She found the testimony very compelling and did not think the application met Goals 5, 6, and 11.

Commissioner Mahoney thought the application should be denied, not continued. He thought they should deny it based on the fact the applicant did not submit supportable evidence that there was a need for an R-6 zone.

Commissioner Mabee thought they should allow the continuance and not have the applicant spend more money on a new application for R-8.

Commissioner Henkin said it was already in the application that R-8 was a possibility, and that it should have been more clear that the application was only for an R-6, and no chance for an R-8. He thought if there was ambiguity in the application, that it be cleared up.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to continue the hearing for ZC 13-02 to January 27, 2014, to allow the applicant to decide whether or not to amend the application to R-8 or leave it at R-6. The motion carried by the following vote:

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

Nay: 1 - Robert Mahoney

6. Communications

Mr. Konkol stated the Planning Commission would have a work session on the Willamette Falls Legacy Project on February 10. The land use application for the project would be submitted on February 14 and another Commisison work session on March 10. There would also be work sessions on Code updates and the Sign Code. He announced on February 6 there would be a celebration event for the Willamette Falls Legacy Project.

8. Adjournment

Chair Kidwell adjourned the meeting at 11:10 PM.