



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, January 11, 2016

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:05 p.m.

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

Absent: 1 - Damon Mabee

Staffers: 3 - Tony Konkol, Pete Walter and Laura Terway

2. Public Comments

Betty Mumm, Oregon City, requested that Commissioners speak directly into the microphones so their comments will be clearly recorded. She suggested that the rules for public comments be consistently applied to all speakers and the length of speaking time enforced equally. Chair Kidwell explained the rules for public comment and noted that the Commission makes every effort to enforce them. He noted that the Commission had the authority to extend a speaker's time allowed as needed.

3. Public Hearing

3a. [PC 15-251](#)

Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

Chair Kidwell called for the staff report for Planning file LE 15-03.

Pete Walter, Planner, presented the staff report for the third public hearing on the Beavercreek Road Concept Plan. He recapped the issues presented at the November 23, 2015 public hearing. He stated that revised findings and a new staff report had been prepared. An issues matrix had been prepared in response to the public comments received on November 23, 2015. He stated that new exhibits had been received following the November 23rd meeting and they include the following:

- 1. Revised findings and staff report*
- 2. Issues matrix*
- 3. Letter from John Collins, South Fork Water Board*
- 4. E-mail communications from Clackamas County staff, Karen Buhrig on transportation concerns, and Linda Preisz on historical resources.*
- 5. Various public comments from Paul Edgar, Christina Kosinski, and the Hamlet of Beavercreek.*
- 6. Letter from James Nicita*

Mr. Walter gave a PowerPoint presentation describing the outstanding issues raised during the public hearing process including the issues and the City's response and recommendations. The issues addressed on the matrix include the following topics:

- 1. Job creation*

2. Citizen involvement
3. Need for additional industrial land
4. Hwy. 213 / Beavercreek congestion
5. Goal 6 OARs regarding air and water quality
6. Landslide and slope risk
7. Water supply, pressure, jurisdiction
8. Reservoirs
9. Sewer system capacity and connections

Mr. Walter discussed implementation and how to move forward offering the following comments:

1. Alternative mobility targets for ODOT intersections need to be addressed prior to any rezoning.
2. Comprehensive Plan designations are needed to implement the concept plan.
3. Zoning code amendments are needed to implement the concept plan.
4. These will be achieved through a separate public legislative process
5. Annexations and zoning of property will be owner initiated when conditions are suitable.

Mr. Walter stated the issues matrix, revised findings, and additional testimony showed that all concerns had been addressed and that additional steps and implementation items need to be taken. The Plan adoption is the first step. He asked that the Planning Commission find that File LE 15-03, the re-adoption of the Beavercreek Road Concept Plan and appendices meets the requirements of the statewide land use goals, Metro Title XI, Metro Title IV as well as the applicable concept plan criteria. Staff requests the Planning Commission forward the file to the City Commission with a recommendation for approval with the implementation steps outlined by staff as discussed in the Plan.

Tony Konkol, Community Development Director, referred to the letter from James Nicita on cottage manufacturing in the west and east mixed-use neighborhoods of the concept plan (the yellow areas on the concept plan map). He discussed the limitations for home occupation in those areas and explained that staff proposed to address this concern in the implementation of the zoning. He stated Mr. Nicita's letter indicated that the Commission provided a directive to staff at the July 20, 2011 meeting to add cottage manufacturing to the east and west mixed-use neighborhoods. He reviewed the video of the July 20, 2011 meeting discussing cottage manufacturing, and he said the City Commission motion was to reconsider the yellow areas for greater cottage manufacturing. He stated there was question whether cottage manufacturing should be allowed in those residential zones and asked the Commission whether they wished to reconsider adding cottage manufacturing to the Code. Chair Kidwell recommended that public testimony be received before the Commission makes a decision.

Commissioner Geil asked Assistant City Attorney, Carrie Richter, to clarify what information the Commission would be considering this evening. Ms. Richter replied that staff's responsibility was to respond to all the evidence and comments received thus far. She clarified that the issues were largely the Title IV land use issue and infrastructure. She added that the City was in a remand position where the City Commission's instruction to the Planning Commission was to revisit the Title IV lands issue and note the revised utility master plans.

Commissioner Espe asked if there had been response from TriMet on the issues, and Mr. Walter replied that the City had not received a response from TriMet.

Chair Kidwell opened the public hearing and explained the speaking rules.

Christine Kosinski, unincorporated Clackamas County, stated that the City had no plan to move traffic from the hilltop to the transportation corridor. She stated that traffic would be routed to a roundabout at Maplelane Road and Holly Lane, and residents of Holly Lane have repeatedly requested that Holly Lane be removed from the Transportation System Plan due to the heavy traffic being routed there and the potential for landslides along Holly Lane. Residents of Holly Lane cannot obtain landslide insurance to protect their property from landslides in that area. She stated that because of the lack of a transportation plan for the area, the City cannot meet State Goal #12 and #7, and asked that the Planning Commission deny the approval of the Plan. She asked that Holly Lane be removed from the Transportation System Plan.

Jon Makler, ODOT, Portland, Oregon, addressed the transportation issues concerning the Plan. He understood the public's concerns and affirmed the letter he submitted that expressed ODOT's lack of objection to the staff findings. He agreed the sequence of events appeared confusing, which were approving the Plan and then addressing the transportation and other issues after the approval. He stated ODOT is comfortable with the approach staff proposed.

Commissioner Mahoney responded to Mr. Makler that the City must comply with the regulations of many agencies, and he was glad that ODOT understood those challenges and the public's concerns. Mr. Makler stated the City would have the staffing of other collaborating agencies to work through transportation concerns and other issues of concern to the public. He acknowledged the requirement to meet the statewide goals during the process, and that ODOT communicates with Metro during its transportation analysis in employment zones. He offered to help bring TriMet to the table.

Paul Edgar, Oregon City, distributed a document related to Statewide Goal #6. He believed that the City must approve a transportation plan before the concept plan was adopted.

James Nicita, Oregon City, questioned whether Betty Mumm's intent at the beginning of the meeting was an attempt to intimidate the Commission, and if so, he hoped the Commission would reject that attempt. He referred to the City Commission's directive to staff at the July 20, 2011 City Commission meeting and stated there had been time to consider whether there was a demand for cottage housing and how it would relate to whether it was appropriate for neighborhood density. He noted that directive was not mentioned in this proceeding and to his knowledge it had not been discussed since that directive. He would like to see an amendment to the plan adding the words "cottage manufacturing" into the types of uses that were authorized in those zones. During the zoning and comprehensive plan development process, the zoning specifications could be considered in the zoning and comprehensive planning process.

Elizabeth Graser-Lindsey, Beavercreek, Oregon, noted the transportation studies done ten years ago were out of date. She felt a new transportation study should be done to learn what the issues are due to extensive development approved in the Beavercreek Road/Hwy. 213 corridors. She recommended the City purchase land in the Thayer Road/Holly Lane area to build an adequate junction. She stated that no funding was available to address the road concerns on Holly Lane.

Commissioner McGriff asked to invite Jon Makler from ODOT to the speaker table to address her questions, and Mr. Makler came forward. Commissioner McGriff stated that transportation was a major issue. She did not understand how the transportation

issues would be resolved and asked how to get those issues addressed sooner rather than later. Mr. Makler responded that the path the City was on was the right one. He explained that the sequence of actions the City would take if the Concept Plan was approved included a refinement plan to determine several months down the road how much could be squeezed out of the supplementary actions at the intersection. The plan would adopt the Alternative Mobility Standards, and this would clear the way for the City to adopt the zoning and the comp plan designations which represent the implementation of the plan. The logical sequence was to first approve the Concept Plan, then the transportation refinement plan, and then the implementation actions. He does not characterize the sequence as kicking the transportation issue down the road. The refinement plan would provide opportunity to explore other traffic options that ODOT could consider at the intersection. He stated these are prudent steps that include satisfying the industrial lands requirement, make the change in the Concept Plan, and resolve the key issue with Metro.

Commissioner McGriff stated the City would not be immune to pressures in the concept plan area and other areas affected by the intersection. She wanted to see an increase in employment in the plan area, but she felt that businesses might consider other location options due to the traffic problems.

Mr. Konkol stated that, being a regional center, the City had concerns about the intersection whether or not the Concept Plan was in place. He added that 50% of the trips do not start or stop in Oregon City. He asked to what extent does the City continue to raise System Development Charges in Oregon City to pay for improvements that are on a state facility that serves a larger region. He added that efficiency and safety were top priorities.

Chair Kidwell closed the public hearing.

Motion by Commissioner Tom Geil, second by Commissioner Denyse McGriff, to continue the hearing to the next available date.

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

Laura Terway, Planner, stated the next available date is January 25, 2016, and the Commission agreed to this date. The Commission agreed that the record was closed, and the Commission was continuing the hearing for further discussion and decision.

The meeting was recessed at 8:40 p.m. and reconvened at 8:50 p.m.

Chair Kidwell confirmed that the record was closed and no further testimony would be received on the Beavercreek Road Concept Plan hearing at the Planning Commission level. Carrie Richter, Assistant City Attorney, clarified that testimony would be received when the item is reviewed at the City Commission.

3b. [PC 15-247](#)

ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

Chair Kidwell read the standard hearing procedures for a quasi-judicial hearing for agenda item 3b. He asked if Commission members had any ex parte contacts, conflicts of interest, statements to declare, and he asked if Commissioners had visited the site. Commissioner McGriff stated she had been in the area of the hospital and that she attended a neighborhood meeting where a representative from Willamette Falls Hospital was present for an agenda item, but she left the room for that discussion. No other Commissioners had any statements to declare or ex parte contacts. The audience did not have any comments on these declarations.

Laura Terway, Planner, presented the staff report which included a PowerPoint presentation. She stated a master plan for the hospital had been approved in 2012, including a 3-phase implementation. She gave a brief description of the goals of the three phases. She stated the applicant desired to amend the master plan, and she described the changes in detail. She stated the applicant desired to amend the phase plan, eliminating Phase 3 by including the construction of two additional medical office buildings in Phase 2. The end date is 2021 for all phases. She indicated a zone change was required from R6 to MUE, Mixed Use Employment District, which also required an amendment to the City's Comprehensive Plan from LR, Low Density Residential, to MUE. She reported that the staff report from previous meetings on this application had been amended to show compliance with state goals, and that a noticing error had been remedied. She recommended approval with conditions and entered the PowerPoint presentation into the record.

Commissioner Mahoney asked that when the residential use was eliminated, was that made up elsewhere in the Comprehensive Plan. Ms. Terway referred to the Findings that discussed the reduction of the half acre, and steps had been taken to allow for many opportunities for housing and housing types and affordable housing throughout the City. She described other actions taken by the City to provide for residential use.

Commissioner McGriff asked how all the actions for additional residential use apply to the neighborhood being discussed, since the application creates a loss of housing stock in that neighborhood. Ms. Terway replied that near the hospital there would be mixed use zoning designations including multi-family residential as a permitted use. Ms. Richter stated there was no criteria requiring the City to consider neighborhood specificity.

Commissioner Espe asked for the building height for MUE, and Ms. Terway replied it could be very high. However, she stated the applicant proposed limitations such as, 1) property in pink on the map is a parking lot, eliminating a tall building in that space; 2) the new medical office building in the neighborhood would be only two stories.

Chair Kidwell invited the applicant to speak. Present were Stefanie Slyman of Harper Houf Peterson Righellis Inc., the land use planner representing Willamette Falls Hospital; Russ Reinhard, CEO of Providence Willamette Falls Hospital, who would discuss the need for the request; Josh Kolberg of PKA Architects who would discuss the site analysis for the proposed medical office building (MOB) and parking; and Sherri Paris, the hospital's Chief Operating Officer who would conclude the presentation discussing the community benefits of the proposal.

Mr. Reinhard stated the current two buildings were 100% full, and the hospital was growing, especially requiring access to primary care. He explained some of the proposed changes to reduce the crowded facilities and to bring in new services to Oregon City.

Mr. Kolberg presented a PowerPoint summarizing the scale of development. The request was for a reduction in the total number of office square feet from 50,000 sf to 35,000 sf and a reduction in the number of required off-street parking from 100-200 to 70-140 spaces. He explained that one building that would co-locate as many services as necessary would best fit on the west site. History had shown the importance of a parking lot adjacent to the medical office building.

Commissioner Mahoney asked what consideration had been given for safety in the off-street parking lot. Mr. Kolberg stated the MOB would include a patient drop-off

point, and that safety in the parking lot was being considered in the lot's design. Commissioner McGriff asked where the employees would park and if the medical staff would be commuting to various medical facilities throughout the metro area or if they were full time at the Oregon City facility. Mr. Reinhard replied that the staff would be full time at the Oregon City facility since the facility is being built for primary care offices. He added that employee parking will be at the back of the lot.

Ms. Paris described the impact and services the hospital had provided to the community over the past 60 years. She stated that employees are asked not to park on the street within three blocks of the campus, and hospital security monitors this rule. Employees are offered free TriMet passes. She stated that as the City and the region has grown, the hospital was proposing the expansion to accommodate the need.

Commissioner Geil asked how far into the future the growth would accommodate. Mr. Reinhard replied the master plan included growth up to 2021 and should serve the community adequately up to that point in time.

Commissioner McGriff asked why a parking structure was not included in the plan. Ms. Paris stated it was not in the plan at this time. Mr. Reinhard added that the cost of the structure and its maintenance was high and budget constraints and stewardship did not allow for a structure.

Chair Kidwell opened the public hearing.

Amber Holveck was present representing the Oregon City Chamber of Commerce and spoke in support of the master plan expansion request and the land use zoning change. She noted the growing community would benefit from the added services. She stated a strong medical facility for the growing community was a critical need. Businesses that bring living wage jobs want good schools, parks, infrastructure, and medical care. She stated the Oregon City Chamber of Commerce urged the Planning Commission to support the zone change and master plan amendment as proposed.

Francesca Anton, Oregon City, secretary of McLoughlin Neighborhood Association, was present on the neighborhood's behalf. She read a letter from the neighborhood and presented it for the record. The association felt that the entire neighborhood integrity would be compromised by Providence's further expansion across Division St. They were sincerely frustrated and without malice with their inability to control their own ability to provide community safety and livability where they live. The association felt that Providence's decision to build across Division St. rather than use its existing property for financial reasons should be carefully considered by the Planning Commission. The association was concerned that it was being asked to accommodate yet another public building in the neighborhood that reduced the amount of residential dwellings. They believed the neighborhood should not have to compromise its residential dwellings for a medical facility desiring to keep its costs down and yet make a profit. The Comprehensive Plan required affordable housing, but the expansion would cause the loss of six affordable housing units. Why was our small neighborhood being asked to shoulder the burden of a growing rural population outside the City?

Tiffany Gillespie, Oregon City, was a homeowner in the McLoughlin Neighborhood near the hospital. She felt the hospital was conducting its expansion proposal in a responsible and thoughtful manner. She reviewed the staff report and Findings that indicated a negligible impact on traffic and housing with the changes. She and her husband are satisfied with the evidence and wanted to voice their support for the change.

Karin Morey, Oregon City, resident of the Rivercrest Neighborhood, was a former volunteer of the hospital. She pointed out that the hospital was previously a part of the Buena Vista Neighborhood Association which, due to lack of neighborhood interest, was merged into McLoughlin NA. She believed there was additional room to develop in the area where the hospital wished to expand. She noted the homes in that area were very small and sitting on very large lots. She believed the neighborhood needed the jobs, the accessibility of the hospital services, and the hospital has done an excellent job in creating a minimum impact on the neighborhood.

Jay Pierce, resident of the McLoughlin Historic Neighborhood, took exception to the notion that there is a reference in the Comprehensive Plan to preserving the residential character of a historic neighborhood as the basis for the objection presented by the neighborhood association this evening. He supported the proposed change on the edge of the association on the applicant's own property. He stated new housing was underway in the historic neighborhood and did not think it was a valid comparison. He felt the master plan amendments and new zoning application should be granted.

Michael McCully, resident of Trillium Park Estates located behind the hospital in the landslide area, expressed his traffic concerns at 15th and Division and at the Division and Anchor Way hairpin turn. He asked when these traffic issues would be addressed. He also asked if the second medical office building identified on the drawings as deleted would be removed from the zoning.

Betty Mumm, Oregon City, a former employee of Willamette Falls Hospital, encouraged approval of the application and reminded the Commission that the hospital served the rural areas such as Molalla, Canby, and Estacada.

Dorothy Dahlsrud, Oregon City, expressed her concern for water run-off from surface parking lots. She asked if the residents in the rezoned area would incur an additional tax burden.

Stefanie Slyman of Harper Houf Peterson Righellis Inc., the land use planner representing Willamette Falls Hospital, and Russ Reinhard, CEO of Providence Willamette Falls Hospital, returned for rebuttal and to answer questions. Regarding the lack of citizen involvement, she noted that Statewide Goal #1 did not apply to private developers, but Providence held three neighborhood meetings, presented to the Citizen Involvement Council, and held an open house for the neighborhood. They believed they went above and beyond to communicate with the neighborhood. Concerning structured parking, she pointed out that for the zone, the minimum FAR is 5.2 and Providence was exceeding that standard, a rate of 5.6. Regarding expansion of the hospital into the neighborhood, she pointed out that the west side of Division was already predominately mixed use employment. The homes currently in the area were non-conforming uses and could not be built there today. The 4 homes owned by Providence are considered MUE and are not considered part of the City's residential inventory. As Providence moved forward with development, all development plans would be reviewed by the City, a new traffic study would be submitted, and the issue of stormwater run-off into Trillium would be addressed. The Master Plan was through the year 2021, it removed the second MOB, and any future changes after 2021 would need a new master plan and approval by the City. Mr. Reinhard shared the traffic concerns at Division and Anchor Way and 15th and Division. He stated they planned to add sidewalks along 15th and Division, but road changes were costly and will need to be addressed at that time. He wanted to be a good neighbor.

Chair Kidwell closed the public hearing.

Commissioner Geil asked staff whose responsibility it was for improvements at the intersection of Division and Anchor Way. Ms. Terway said it depends on the size of the development, but the traffic study done at that time would provide direction.

Commissioner McGriff stated for the record that the applicant had more than adequately met Statewide Planning Goal #1, and that Renee King went out of her way to schedule meetings with the McLoughlin Neighborhood Association.

Commissioner Mahoney stated he would support the project, and the hospital had made a reasonable request. The Findings, the testimony, and the collective wisdom of the Planning Commission would bear this out.

Commissioner Henkin stated it was a good application, and though he did not like losing the homes, he felt the project would be good for the City.

Commissioner Espe stated the loss of the affordable housing was disconcerting, but the hospital had been a part of the neighborhood for many years. He wanted to ensure the neighborhood compatibility and building design would be appropriate, including building height. He acknowledged the hospital's efforts at citizen participation, and stated he would support the project.

Commissioner McGriff appreciated the efforts of the hospital to involve the neighborhood association. She supported the construction of the OMB and did not believe the impact would be great. She was not supportive of the surface parking lot and would not support the zone change. She did not believe the loss of the affordable housing was diminimis. She affirmed that the property was not in the McLoughlin Historic District.

Chair Kidwell said he generally supported the project. He felt the loss of the housing was a concern, but housing relocation could be an option.

Motion by Commissioner Tom Geil, second by Commissioner Robert Mahoney, to approve PZ 15-02, amendment to Comprehensive Plan; ZC 15-04, Zone Change; and CP 15-02, Master Plan Amendment.

Aye: 5 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin and Paul Espe

Nay: 1 - Denyse McGriff

Chair Kidwell recessed the meeting at 10:15 pm. The meeting was reconvened at 10:20 p.m.

3c. [PC 15-248](#)

ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

Chair Kidwell dispensed with the reading of the standard hearing procedures. He asked if Commission members had any ex parte contacts, conflicts of interest, or statements to declare, and whether Commissioners had visited the site.

Commissioner McGriff stated she had been by the site on numerous occasions. Commissioner Espe said he had been by the site, but he had not had ex parte contacts. Chair Kidwell stated he drives by the site nearly every day but nothing to declare. He asked the audience if there were any questions or concerns for the Commissioners' declarations and there were none.

Laura Terway, Planner, gave the staff report and provided a PowerPoint

presentation. She explained the details of the application and stated that the applicant wished to change the current residential designations at the site to Mixed Use Corridor (MUC) and the current zoning designations to MUC-2. She explained the applicant's proposed limitations and the proposed trip caps of 128 AM peak hour trips and 168 PM peak hour trips. She stated if the applicant desired to amend the trip cap after the Alternative Mobility Standard or corridor study had been adopted, they could increase the trip cap as a Type 2 or Type 3 process. She stated the applicant withdrew that request and they have the trip cap. If an Alternative Mobility Standard or corridor study was done in the future by another agency or developer, the request would go before the Planning Commission and City Commission for adoption. If the applicant chose to change the trip cap at that time, the application would need to go before the Planning Commission and City Commission for approval. The applicant is not planning to develop on the property with this application. Since no turning of the dirt is planned, no environmental review is required. The application is solely for an amendment to the Comprehensive Plan and the zone change. Ms. Terway stated due to the trip cap, the applicant did not propose to increase the traffic impact at the site. Staff recommends approval of Planning File ZC 15-03 and PZ 15-01 with conditions. She entered into the record a packet of materials including the PowerPoint presentation, additional information from the applicant and the public, and additional Findings that did not make it into the original packet.

Commissioner McGriff asked about the red-lined changes in the packet, and Ms. Terway responded that there were four conditions of approval provided in the most recent staff report. The fourth condition was removed, which was the request to amend the trip cap from the process because the applicant no longer had the request. Carrie Richter, Assistant City Attorney, added that the trip capacity would be reviewed via land use applications and building permits.

Commissioner McGriff asked why the zone change and plan amendment were being requested if no development was being proposed?

The applicant, Dan Fowler, Historic Properties, LLC, and Michael Robinson, Attorney from Perkins Coie, were present to address the Commission. Mr. Robinson stated that the trip cap may be mitigated through the Transportation Planning Rule (TPR). He stated there would not be a net increase or vehicle trips through the intersection; the TPR required that the project not make the traffic worse. He addressed Commissioner McGriff's question on the reason for the applications when no development was proposed and replied that, according to ORS 227.178, the plan map and zoning need to be in place and effective before the development application can be submitted. He stated the applicant agreed with the staff report and the amended conditions for approval. Mr. Robinson distributed an exhibit from the Hart Crowser study, a geotechnical study explaining why there was no risk of landslide on the site. The exhibit showed the site was above the landslide area. He reviewed the statewide planning goals listed in his report and explained how the applicant had satisfied them - Goal #1, Goal #5, Goal #6, Goal #7, and Goal #12.

Mr. Robinson stated that James Nicita submitted a document with his comments on the applications, and he had reviewed it and provided a summary. Concerning the plan policy, he noted that they were either mandatory, where it needs to be addressed, or aspirational, where it does not need to be addressed. Most plan policies were aspirational. The mandatory policies were addressed in the revised staff report and had been satisfied.

Chair Kidwell opened the public hearing.

Mike Mitchell, Oregon City, stated he lives two blocks from the site. He expressed

concern for more development at the site of a failed intersection at Hwy. 213 and Beavercreek Road. He feared that a future development of homes where the residents worked outside the City would create a community empty of activity during the day. He was encouraged to learn the developer was proposing something different. His greatest concern was with the trip cap and the usages that would be restricted and hoped the caps would be fully enforced.

Christine Kosinski, unincorporated Clackamas County, asked if Mr. Robinson was aware that Lloyds of London, the only underwriter of landslide insurance, would not issue a policy for anyone who lived within one mile of a landslide. She noted that the bus administration building on the site is 57 feet away from the landslide, and City regulations required that development must be 200 feet away from the toe of the landslide. She expressed her water detention pond concerns and the release of water into landslide area. She commented on Dr. Burns' warnings from 1993 and his recent visit to the Canemah Neighborhood Assn. meeting and encouraged the Commission to pay attention to his comments.

Jon Makler, ODOT, stated he had great sympathy regarding the trip cap and the citizen's questions. He stated that ODOT assumed that the traffic predicted from the land use as zoned would hit the intersection in the future, so when a trip cap is adopted, the expected traffic is assumed. He encouraged the City to explore enforcement of trip caps. He affirmed that ODOT does not object to the rezone, including the staff methodology that followed, and the Findings were valid.

Bob Nelson, unincorporated Clackamas County, expressed concern for potential landslides near the site. He predicted if the landslide was activated, Hwy. 213 would be damaged. He preferred the site be donated to Metro for control. He stated that landslides can creep uphill. He stated he submitted a letter to Mayor Dan Holladay and admitted there was an error in the letter. He corrected the error saying there are landslide ordinances that are very limited. He felt many questions were unanswered, and he did not support approval of the applications.

Elizabeth Graser-Lindsey, Beavercreek, stated the zone change was based on a trip cap that ignored the Transportation System Plan. The City's TSP provides that 50% of trips in 2035 will be by alternative transportation, and therefore the trip cap should be at 50% of the current level, which is 722 trips per day instead of 1,444. She noted that all building applications would be accepted without considering the road capacity or consideration of the recent landslides. She noted that the applicant's geologic report indicated the property needs to be totally covered with an impervious surface. This concerned her because water should not be collected in landslide areas and results in the plat being totally erroneous for housing count in a landslide area. She added that she submitted documentation showing there was not adequate sewage capacity for the sewage created from the housing area.

Paul Edgar, Oregon City, expressed concern that there was not an adequate transportation master plan for the area with set-asides for the needed capacity for right-of-way requirements.

James Nicita, Oregon City, asked the Commission if they received his submittal and the supporting exhibits and the Commission said yes. He asked that the record be held open if the Commission continued the hearing this evening. He referred to the trip cap and stated he did not see how the map used to establish the trip cap could apply when there was a substantial Goal #5 resource area. He did not believe a trip cap could be calculated based on a shadow plat unless the plat went through a full review based on the current zoning. He felt the application was incomplete because the Goals had not been adequately addressed, and that the applicant should be the

party to remedy the application. He recommended the Commission deny the request.

Dan Fowler, in his rebuttal, confirmed that his research determined that landslide insurance was available for purchase on Maplelane Court.

Tom Sisul, Civil Engineer at Sisul Engineering, referred to the map of water resources and 200 feet beyond. He confirmed that an environmental scientist visited the area to check what jurisdictional waters were onsite. There was a very narrow drainageway that would have the minimum buffers permitted by City. In addition, the City Code allowed lots to extend the rear part of the yard into the water resource. He noted the cul-de-sac area on Thayer Road with a potential right-in, right-out only that resulted in loss of density. The water detention areas near a landslide area did not require water infiltration, and the water infiltration system did not have to be part of the water quality retention system. The road configuration was set up to meet all City requirements for a subdivision configuration.

Tim Blackwood, Geotechnical Engineer with Hart Crowser, stated he conducted a comprehensive review of the site to determine the risk of a landslide. He looked at the potential of a large landslide to move the highway down to the creek and shallow landslide. He stated the potential for the large landslide is very low. The potential for the shallow landslide was low-to-moderate, and mitigation methods were provided to avoid a landslide, such as: 1) Not infiltrating water on the site; 2) Avoid placing large fills on the slope; 3) Include a slope setback for development. The development would be adjacent to the landslide area, not on the landslide. He recommended a detention area rather than infiltration. Water collected needs to be detained and routed off the site, and the site does not need to be covered entirely with impervious materials.

Michael Robinson stated in order to remove the trip cap, the applicant must return to the Planning Commission for a recommendation to the City Commission. Referring to Ms. Kosinski's comments regarding detention ponds on landslide areas and referred back to Mr. Blackwood's comments regarding the water mitigation. Regarding ODOT's testimony, as opposed to a proposed use subdivision, there was more review and control with the current application because of the required trip review. Regarding Ms. Graser-Lindsey's testimony on consideration of the TSP, he stated the developer did not need to consider the TSP in the trip cap. He referred to Mr. Nicita's testimony and said the applicant was subject to the 120-day clock and a completeness review which determined when the 120-day clock began. He stated there was ample criteria to show the applicant met the approval criteria. He noted that goals in Oregon generally do not apply to permits. He noted page 15 of the staff report citing evidence from the fire district that there were no concerns for fighting fires in the site area. He affirmed that the applicant believed the application was sufficient for approval.

Chair Kidwell closed the public hearing.

Ms. Richter asked if the Commission would like to continue the deliberation to January 25th, 2016 and the Commission said yes.

Motion by Commissioner Zachary Henkin, second by Commissioner Paul Espe, to continue the hearing to January 25, 2016 for the purpose of deliberation and for the applicant to be authorized to submit final written argument to be received by Planning staff by 5:00 p.m. on January 18, 2016, and that no new evidence shall be submitted.

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

4. Communications

5. Adjournment

Chair Kidwell adjourned the meeting at 12:05 a.m. on January 12, 2016.