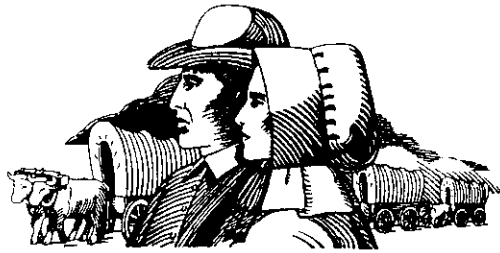


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall

March 8th, 2004 at 7:00 P.M.

The 2003 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

Please note, the March 22nd Planning Commission Meeting and the March 3rd and March 17th Planning Commission Work Sessions are cancelled.

REMINDER: ON MARCH 17th, 2004 AT 5PM THE CITY COMMISSION WILL BE CONDUCTING A WORK SESSION IN THE CITY HALL CHAMBERS WITH STAFF TO REVIEW THE PLANNING COMMISSION'S COMPREHENSIVE PLAN RECOMMENDATIONS.

PLANNING COMMISSION MEETING

1. **CALL TO ORDER**
2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
3. **APPROVAL OF MINUTES:**
December 8, 2003, December 18, 2003, February 11, 2004 & February 23, 2004.
4. **OLD BUSINESS:**
Wal-Mart update
5. **NEW BUSINESS:**
Planning Commission Chairperson election
6. **ADJOURN**
7. **PLANNING COMMISSION WORK SESSION:**
Review and discuss Planning Commission Goals and Objectives

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

Planning Commission Goals 2003-2005
Revised 7.14.03

1. Adopt the Comprehensive Plan, including:
 - a. Added emphasis on economic development such as increasing Oregon City's competitive position in the regional economy including attracting new industry and businesses.
 - b. Code changes to implement the Downtown Community Plan.
 - c. Comprehensive Plan Map with new designations for Blue Heron.
2. Review development fees and adjust to better reflect actual costs.
3. Address future growth and development issues by developing and implementing long range plans and policies including:
 - a. Concept plans for new urban growth boundary areas, particularly the Beaver Creek industrial area.
 - b. Recommendations for future urban growth boundary expansion. (Where)
 - c. Urban growth boundary expansion decisions, based on the ability to provide infrastructure and city services (particularly police/fire) needed to accommodate growth. (When)
4. Improve development code by drafting new language for:
 - a. Single family design review
 - b. Street connectivity/traffic calming
 - c. Home occupations
 - d. Tree protection
5. Promote and review master/ sub area plans for:
 - a. Willamette Falls Hospital and surrounding area.
 - b. Clackamas Community College
 - c. Clackamas County (Red Soils)
 - d. Lower downtown/Washington Street including redevelopment and infill strategies.
6. Implement a program to acknowledge/reward good design.

OREGON CITY PLANNING COMMISSION BYLAWS

Article 1. Name

The name of this commission is the Planning Commission (PC).

Article II. Purpose, Authority and Duties

- A. The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Commission in land use matters.
- B. ORS 227 and the Oregon City Municipal Code Chapter 2.24 authorize the Commission.
- C. The Commission's duties include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Oregon City Comprehensive Plan and ancillary documents.

Article III. Membership

- A. The Mayor with the consent of the City Commission shall appoint each Commission member, and those members shall serve at the pleasure of the Commission. Terms are for a period of four years. Planning Commission members shall serve no more than two, consecutive full terms. The City Commission may waive this limitation if it is in the public interest to do so.
- B. The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Oregon City officer, agent, or employee.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend three consecutive meetings, the Planning Commission may recommend termination of that appointment to the City Commission, and the City Commission may remove the incumbent from the Planning Commission and declare the position vacant to be filled in the manner of a regular appointment.

- E. All members shall serve without compensation.

Article IV. Officers and Staffing

- A. **Officers.** The officers consist of a chairperson and a vice-chairperson who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chairperson.** The chairperson shall have general supervisory and directional powers over the Commission. The chairperson shall preside at all Commission meetings and review Commission agendas with the staff liaison. The chairperson shall also be an ex-officio member of all subcommittees and shall be the designated spokesperson for the Commission unless this responsibility is delegated in writing.
- C. **Vice-Chairperson.** The vice-chairperson, in absence of the chairperson, shall have general supervisory and directional powers over the Commission. The vice-chairperson shall preside at all Commission meetings and review Commission agendas with the staff liaison, and generally conduct all business delegated to the chairperson, in his or her absence.
- D. **Staff.** The City of Oregon City will provide staff support to the Commission for meeting notification, word processing, minutes preparation, copying and information gathering to the extent the City budget permits.

Article V. Organizational Procedures

- A. The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Commission shall constitute a quorum. The concurrence of a majority of the Commission members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled.
- C. All members who are present at a Commission meeting, including the chairperson and vice-chairperson, are allotted one vote each on all motions.
- D. These Bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Planning Commission on its own initiative.

- E. The parliamentary authority for this Commission is Robert's Rules of Order Revised except where superseded by these Bylaws or local, state, or federal law.
- F. Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.
- G. Individuals being considered for appointment to the Planning commission must be willing to dedicate to, at a minimum, two meetings per month. A scheduled Commission meeting may be set aside upon agreement of a majority of the Commissioners and upon compliance with applicable land use laws and procedures.

Article VI. Duties of Officers

- A. The chairperson or vice-chairperson, in addition to the duties in Article IV, shall preserve order and decorum at Commission meetings.
 - 1. The chairperson may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
 - 2. The chairperson shall summarize the issues to be addressed and the criteria to be applied prior to the public hearing testimony.
- B. The chairperson shall ask for response and opinion from the members of the Commission.
- C. The chairperson may mentor the vice-chairperson.
- D. The chairperson may appoint Commission members to specific projects or committees.
- E. The chairperson or vice-chairperson shall confer with the Community Development Director on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- F. In conjunction with the Planning Manager, the chairperson shall orient new members.

Article VII. Duties of the Commission

- A. Planning Commission members are encouraged to address all those who come before the Commission by the last name only, and common title (Mr., Mrs., Miss, Ms., etc.), not by first name.

- B. If a member is unable to attend a meeting, it is that member's responsibility to inform the Planning Divisions staff and/or the Commission chairperson of that fact prior to the meeting to be missed.
- C. Prior to Planning Commission meetings, members are encouraged to read all information packets and visit sites that are subjects of land use action.

Article VIII. Goals and Objectives

- A. The Planning Commission shall review the City Commission goals annually for establishment of Planning Commission goals that enhance and augment those of the City Commission
- B. The Planning commission shall establish goals, at a minimum, annually.

Adopted this 24th day of January, 2000

Gary Hewitt, Chairperson
Oregon City Planning Commission

CITY PLANNING COMMISSION

227.010 Definition for ORS 227.030 to 227.300. As used in ORS 227.030 to 227.300, "council" means a representative legislative body. [Amended by 1975 c.767 s.1]

227.020 Authority to create planning commission. (1) A city may create a planning commission for the city and provide for its organization and operations.

(2) This section shall be liberally construed and shall include the authority to create a joint planning commission and to utilize an intergovernmental agency for planning as authorized by ORS 190.003 to 190.130. [Amended by 1973 c.739 s.1; 1975 c.767 s.2]

227.030 Membership. (1) Not more than two members of a city planning commission may be city officers, who shall serve as ex officio nonvoting members.

(2) A member of such a commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.

(3) Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office.

(4) No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. [Amended by 1969 c.430 s.1; 1973 c.739 s.2; 1975 c.767 s.3]

227.035 [1973 c.739 s.5; renumbered 244.135 in 1993]

227.040 [Repealed by 1973 c.739 s.13]

227.050 [Amended by 1969 c.430 s.2; repealed by 1975 c.767 s.16]

227.060 [Repealed by 1975 c.767 s.16]

227.070 [Amended by 1969 c.430 s.3; 1973 c.739 s.3; repealed by 1975 c.767 s.16]

227.080 [Repealed by 1973 c.739 s.13]

227.090 Powers and duties of commission. (1) Except as otherwise provided by the city council, a city planning commission may:

(a) Recommend and make suggestions to the council and to other public authorities concerning:

(A) The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;

(B) Betterment of housing and sanitation conditions;

(C) Establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development;

(D) Protection and assurance of access to incident solar radiation; and

(E) Protection and assurance of access to wind for potential future electrical generation or mechanical application.

(b) Recommend to the council and other public authorities plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.

(c) Recommend to the council and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.

(d) Advertise the industrial advantages and opportunities of the city and availability of real estate within the city for industrial settlement.

(e) Encourage industrial settlement within the city.

(f) Make economic surveys of present and potential industrial needs of the city.

(g) Study needs of local industries with a view to strengthening and developing them and stabilizing employment conditions.

(h) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.170, 227.175 and 227.180.

(i) Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area within six miles thereof.

(2) For the purposes of this section:

(a) "Incident solar radiation" means solar energy falling upon a given surface area.

(b) "Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour. [Amended by 1975 c.153 s.3; 1975 c.767 s.4; 1979 c.671 s.3; 1981 c.590 s.8; 1987 c.447 s.118]

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
December 8, 2003**

COMMISSIONERS PRESENT

Chairperson Linda Carter
Commissioner Renate Mengelberg
Commissioner Lynda Orzen
Commissioner Tim Powell

STAFF PRESENT

Bob Cullison, Engineering Manager
William Kabeiseman, City Attorney
Tony Konkol, Associate Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

Commissioner Dan Lajoie

1. CALL TO ORDER

Chair Carter called the meeting to order at 7:04 p.m., acknowledging that Lajoie would not be in attendance.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: None.

4. HEARINGS:

Chair Carter gave the parameters and procedures for the six quasi-judicial hearings listed on this evening's agenda. Powell and Orzen said they had visited the sites for these hearings, and there were no reports of ex parte contacts regarding any of the hearings.

VR 03-22 (Quasi-Judicial Hearing), Applicant: Steve Rhodes/Jonathan Mantay. Request for the approval of a Variance to the pedestrian lighting standards. The parcel is located at 2051 Kaen Road and identified as Clackamas County Map 3S-2E-5C, Tax Lot 0812.

Konkol said that the applicant had requested a continuance of the public hearing for file VR 03-22 to the date certain of Dec. 18, 2003 to make adjustments to the application in order to conform with the lighting Code standards.

Powell moved to continue the hearing to a date certain of Dec. 18, 2003. Orzen seconded the motion, and it passed unanimously.

(Chair Carter noted that Dec. 18th is a Thursday to accommodate the Christmas schedule.)

Note: Full copies of all applications on this agenda, related staff reports, and other related documents are available for review through the Planning Department.

AN 03-01 (Quasi-Judicial Hearing), Applicant Daniel Kearns/Tom Gentry. Request to annex 3 parcels totaling 4.29 acres into the city limits. The parcels are located at 19391 Leland Road (3-2E-7DB, Tax Lot 6300), 19411 Leland Road (3-2E-7DB, Tax Lot 6400, and 19431 Leland Road (3-2E-7DB, Tax Lot 6500).

Cullison gave the staff report, saying that this request for annexation is for three properties on Leland Road. The territory is generally located on the south/central side of the city on the northwest side of Leland Road, as depicted in Exhibit A. It is 4.29 acres, it currently has three single-family residences with a population of five people, and it is valued by the County at \$470,048.

The site characteristics generally slope toward Leland Road and are comprised mostly of grassy fields with a few scattered trees around the three existing houses and outbuildings. The property is in the Mud Creek Drainage Basin. The southern half of these properties is mapped under the Water Quality Resource Area Overlay District on Oregon City's Water Quality and Flood Management Areas Map, but it would appear, without the benefit of a Water Resource Report, that this inclusion would not hinder any future development as the water resource is on neighboring property.

Because the report itself is fairly lengthy, **Cullison** briefly summarized the following highlights:

- The Metro Boundary change criteria (1-6) and a second set of 10 factors are to be considered where 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. These are not applicable at this time.
- The Regional Framework Plan is in effect. The city also coordinates with Clackamas County Planning, which has adopted our Comprehensive Plan for the Future Urbanized areas. In this case, the territory is an FU-10 County zoning, which would, upon annexation, automatically convert to R-10, after which the owners can apply for other zoning if they so desire.
- We also coordinate with the County on the Urban Growth Management Agreement (UGMA), which requires that when people annex, the streets are also annexed in front of their property(ies). In this case, the streets have already been annexed into the city, so no action is necessary.
- Under City Planning, and particularly utilities, **Cullison** noted that sanitary sewer is available across the street where a subdivision is currently in process which would provide a deep enough sewer line in Leland Road to eventually connect to these properties.
- Under Facilities and Services, he noted that there is an existing 12-inch water line in Leland Road which fully covers anticipated needs. Storm water would most likely be taken care of onsite with a detention system which would then connecting through existing storm water lines that would take it through a swale in the recent completed subdivision called Leland Run and eventually drain directly to Mud Creek.
- Fire protection is currently covered through Clackamas County Rural Fire Protection District (R.F.P.D.) #1 and, upon approval of this annexation, that territory would automatically be withdrawn from the district.
- The same would apply to the police protection through the Clackamas County Sheriff's Department, which would be covered through the city upon approval of this annexation.
- Regarding parks, open space, and recreation, the future Wesley Lynn neighborhood park is just within a quarter of a mile of these properties.
- Regarding transportation,
 1. Access is provided from a Gentry Highlands street (Kafton Terrace), which connects to Carmelita Drive which connects to Leland Road. A future subdivision, Coho Court, which is north of the site, is in Design Review with the city and will extend Carmelita Drive to Pease Road. Leland Road is a county arterial and Kafton Terrace and Carmelita Drive are city local streets, while Pease is a neighborhood collector. As stated earlier, UGMA requires the annexation to include the adjacent portion of Leland Road, but that is not necessary as this road portion is already in the annexed territory.
 2. The applicant has not completed a traffic impact study for any future projects, although some intersections in the area would be impacted by future development of this site. The applicant states that all three appear to be functioning at acceptable levels of service in the peak hour, and staff review confirms this position.
 3. Regarding specific concerns that exist about Hwy. 213/Beavercreek Road, staff has provided the same data as has been presented in the past which outlines the improvements currently underway. Any future buildout of these sites would benefit from the same.

Based on those facts and the Proposed Findings and Reasons for Decision attached in Exhibit B for this annexation, **Cullison** said staff recommends that the Planning Commission recommend approval of proposal 03-01 to the City Commission, and further recommend that the City Commission withdraw the territory from Clackamas County (R.F.P.D.) #1 and the County Service District for Enhanced Law Enforcement as allowed by statute.

Powell asked if Leland is a city-owned street, not a county road. When **Cullison** said this portion is still county road, **Powell** asked if we would have to take that portion. **Cullison** said no because we annex it in but we don't take operational jurisdiction over it until we actually make a trade with the County (in which they would give us money and we would take over the operation). At this point, there have been no discussions about this section of road.

Powell then asked if we have any idea of the county's strategy for improving Leland or if the city has anything in our Transportation Safety Plan that discusses Leland Road. **Cullison** said any development of any of these three properties proper would incur a half-street improvement of that section of Leland Road, regardless of whether it is county road or not, but he doesn't think either party has any hard plans for improvement at this time.

Chair Carter noted that the recommendation on the face of the staff report says "Approval with conditions," which she could not find. **Cullison** said that was a misprint and there are no conditions.

Chair Carter also noted that there were two item #7's in Exhibit B, so they need to be changed accordingly to items 7, 8 and 9.

Representative **Dan Kearns** and applicant **Tom Gentry** said they really had nothing substantive to add to the staff report, but they were available to answer questions. **Kearns** said, though, that he thinks the fundamental issue for the Planning Commission is whether or not the application meets the approval criteria, which primarily address the provision of public services. He reiterated that they are all available adjacent to the site via other subdivisions that have recently come in. Furthermore, he added that this seems to create a logical boundary because it comes a little closer to making a straight edge to the boundary. It is an area of higher density these days so it makes sense to put residentially developable property within the city limits in this area.

Mengelberg read from the staff report that the reason for the annexation is "to facilitate single-family subdivision development" and she asked, if this were successful through the annexation process, whether the applicant has a timeframe in mind or any ideas of the type of development that might occur. **Gentry** said if it were approved in March, they would probably submit plans to the Planning and Engineering Departments, and would anticipate beginning a project in early 2005.

Orzen asked if the applicant would be asking for any zone changes from R-10, and **Gentry** said they would probably ask for R-8, which is what the lots are next to it.

There was no public testimony for or against the application, and the public hearing was closed at 7:25 p.m.

Powell said his biggest concern is Leland Road. He believes the proposal meets the requirements that are needed for a subdivision, but he is concerned that Leland is already busy and very narrow along that section, and this will only add to the traffic. He acknowledged that half-street improvements would be beneficial, but he felt he must express this concern. He didn't feel he could hold up this request because of it, but this is an issue that needs serious consideration for the long term in the Transportation Plan.

Orzen seconded **Powell's** concern, noting that Clairmont Way, Leland Road, and others in the area are all old country roads and as more development occurs, the problems will increase. She also voiced concern about getting a handle on growth inside the city limits and how it is affecting schools, police, fire, etc. However, she agreed that the application itself meets the criteria.

Chair Carter said she had no additional comments and agreed with an earlier comment by **Orzen** that it is up to the City Commission to pass it on to the voters.

Based on the study and the proposed Findings and Reasons for the Decision attached in Exhibit B for this annexation, **Orzen** moved that the Planning Commission recommend approval for AN 03-01 to the City Commission. The Planning Commission further recommends that the City Commission withdraw the territory from Clackamas County R.F.P.D. #1 and the County Service District for Enhanced Law Enforcement as allowed by statute. **Mengelberg** seconded the motion, and it passed unanimously.

AN 03-02 (Quasi-Judicial Hearing), Applicant: Vern Johnson/Mark Handris. Request to annex 3 parcels totaling 9.18 acres into the city limits. The parcels are located 300 feet northwest of the Renee Way and White Lane intersection and identified as Clackamas County Map 3-1E-12D, Tax Lots 1503, 1593, and 1600.

Konkol entered into the record a petition to the Planning Commission (Exhibit A) and a Pre-application Form 03-57 dated 9/10/03 (Exhibit B), which he then distributed. He noted that part of Exhibit A includes minutes from the neighborhood association. Basically, they are requesting that this remain as R-10, that all setback requirements of R-10 be met, and that it should only be considered for single-family residential. He also noted that these only seem to be addressing subdivision review rather than annexation.

Chair Carter reminded the audience that county FU-10 would automatically come in at R-10 and any other zone would have to be requested afterward through a zone change application.

Cullison gave the staff report, stating that this is listed as one address on White Lane but consisting of three tax lots, all owned by the same couple. The territory to be annexed is generally on the south/central side of the city on White Lane off Central Point Road (see Exhibit A). It contains 9.1 acres, has one single-family residence with a population of two, and is valued at \$372,263.

It generally slopes east and west about 6%, and has grassy fields for cattle with a few scattered trees around the existing homes and outbuildings. The property is in the Beaver Creek Drainage Basin. The northern half of these properties is mapped under the Water Quality Resource Area Overlay District and it would appear, without the benefit of a Water Resource report, that this inclusion would not hinder any future development, as there is no visible water resource in this area. He noted that, although the map shows such, there is no stream or drainage that he could see and staff expects that a report would reflect the same.

Cullison continued, noting the following highlights:

- As stated earlier, this is currently County FU-10 and would come into the city designated as R-10, which can be requested to be rezoned to R-6 or R-8 upon annexation.
- It does not include the adjacent right-of-way of White Lane because, as in the last case, this has been annexed already as part of Payson Farms.
- Under Facilities and Services,
 1. It has an 8-inch sanitary line and an 8-inch water line in White Lane as a result of Payson Farms, but future development would have to convey site storm water runoff to Beaver Creek via the storm water lines in White Lane and a storm water detention system would need to be constructed.
 2. As in the prior application, fire and police protection are currently taken care of by Clackamas County, and in both cases staff would recommend removal from those districts and, when annexed, they would be covered by the city contracts for services.
 3. There is no city park within one-quarter mile.
 4. Regarding transportation, White Lane was recently upgraded all the way to Central Point with the Payson Farms subdivision. White Lane is a city local street and Central Point is a minor arterial. The same comments about Hwy. 213/Beaverton apply to this application as were stated in the previous case. The applicant has not completed a traffic impact study for any future project at this point. Although several intersections will be impacted by future development, staff has reviewed other recent transportation analysis studies which all indicate that the potential small increase in traffic will not deteriorate any of these intersections to a critical situation. However, the traffic increase will contribute to the need for a solution to the multiple intersections, as addressed in the TSP for projects R-35, R-71, and R-72. The proposal is to completely change the intersection of Leland Road and Warner-Parrott/Warner-Milne/Linn Avenue to a roundabout.

Based on these facts and the Proposed Findings and Reasons for Decision stated in Exhibit B for this annexation, staff recommends that the Planning Commission recommend approval of AN 03-02. Staff further recommends that the City Commission withdraw the territory from Clackamas County R.F.P.D. #1 and the County Service District for Enhanced Law Enforcement as allowed by statute.

Powell said the map is a little unclear about where the city actually ends, and he asked if that is Central Point Road, then down White Lane. **Cullison** said yes.

Powell said it appears that these lots are surrounded by county. **Cullison** said yes, explaining that visually it looks like an island but there are no islands per se.

Powell then asked if Payson Farms is zoned R-8, and **Cullison** said that was a Planned Unit Development so, although it is zoned R-8, the lots tend to be smaller.

Powell asked what the new Comp Plan zoning is for that area, and **Konkol** said it is still Low-density Residential.

Representative **Matt Sprague** of SFA Design Group, 9020 S.W. Washington Square Drive, Portland, OR 97223, Suite 350, said, in light of the positive staff report, he had no additional information to add. He noted, though, that White Lane has recently been improved to about a three-quarter street improvement. Also, regarding the question about the water resource overlay, he thought it was mapped on one side of the site because that area is on top of the hill and there are ground undulations that make it appear as though there might be drainage there. However, the water doesn't actually tend to collect and form a drainage until it is quite a ways down the hill.

Powell asked if the applicant has any specific intent, such as a subdivision. **Sprague** said there are no formal plans at this time. He said the idea is that it would ultimately be a subdivision, perhaps with a similar timeline to the previous application, but it would probably remain at a standard R-10 subdivision.

Kathy Hogan, 19721 S. Central Point, introduced herself as a representative of the neighborhood association. She noted, however, that the petition was signed by everyone in complex next it (Payson Farms). She explained that the purpose of the petition was to express the feelings that:

1. The properties remain as R-10, single-family residential and remain as R-10 with all the setbacks and requirements, and
2. The properties should only be considered for single-family residential uses to fit the character of the surrounding area, livability, and the well-being of the surrounding neighborhood and community.

Although she had not indicated whether she was for or against the application on the testimony form, she said this petition is asking for denial of the application. The initial concerns were raised because:

- There was discussion in the pre-application (conceptual maps) about three sets of duplex dwelling units, but the neighbors would like single-family dwelling units.
- The desire to get away from cul-de-sacs.
- According to the map at the back of the pre-application, the front half of those properties will probably be annexed in, and part of the tree farms will be annexed in. The neighbors would like consideration now for a better ingress/egress design adequate for the future so the developer wouldn't have to build a 300-400 foot lane, as currently proposed.

Hogan noted that the neighborhood association minutes also reference discussion about the upcoming White Lane annexation, which include the issues stated above, and she said she entered those minutes as an exhibit in order to express the details of those concerns. For instance, when Payson Farms came in, the previous board of Commissioners kept it as R-10 in the sense of all the setbacks even though PUD lots are smaller lots. Therefore, the neighborhood is submitting this to encourage the applicants to plan now for a good subdivision for the future.

Chair Carter clarified that the neighborhood is weighing in on development issues, even though they don't exactly pertain to the annexation request, and she encouraged developers to meet with neighborhood associations when they are doing their planning because such discussions generally tend to produce a better project with much less angst when coming before the Planning Commission.

With no other testimony, the public hearing was closed at 7:45 p.m.

Orzen said again that she had visited the site and couldn't help but be concerned about the traffic situation. She was also concerned because the placement of this property is a little further out of the city, noting that there was only one other

development next to it. This raised a big concern for her about connectivity, and she wasn't sure it would be a good annexation for this area.

Mengelberg said she understands that concern, although this property lies within the UGB so it is eligible for inclusion into the city, and eventually, she said, connectivity will be provided as annexation and development occur. She also said she appreciates Hogan having expressed her concerns, but the applicant has said that he anticipates R-10 use, not anything smaller, which addresses one of their main concerns. Overall, she said she doesn't see a reason to deny this request.

Powell said, with the continuing market growth, he doesn't anticipate this being a small piece out in the middle of the country for very long, although traffic is still a concern. Although White Lane has been improved, Central Point has not, which continues to be an issue for him.

Also, he understands what the neighborhood association is looking for in keeping the character of the area, and he feels that the Planning Commission agrees with those related issues and will consider them if and when an application is submitted for development.

Finally, although a traffic study has not been done yet, he can't help but be concerned, so he wanted that stated for the record. He then encouraged staff to look at this issue long-term.

Chair Carter said that the submission of two properties annexing in back to back provides an opportunity for a little more cohesive development than generally occurs, and the Planning Commission generally looks for development on the outskirts of town to retain a rural character that is in keeping with R-10. Finally, the traffic issues will continue to be issues until they get resolved.

Powell moved that, based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit B for this annexation, the Planning Commission recommends approval of Proposal No. AN 03-02, and further recommends that the City Commission withdraw the territory from Clackamas County R.F.P.D. #1 and the County Service District for Enhanced Law Enforcement as allowed by statute. **Mengelberg** seconded the motion. The motion passed 3:1. (Ayes: **Powell, Mengelberg, and Chair Carter**; Nay: **Orzen**.)

AN 03-03 (Quasi-Judicial Hearing), Applicant: David and Nancy Wheeler. Request to annex 4 parcels totaling 7.62 acres into the city limits. The parcels are located on the west side of Leland Road at the intersection of Silverfox Parkway and Leland Road. The parcels are identified as Clackamas County Map 3-2E-7DB, Tax Lots 6600, 6700, 6800, and 6900.

Konkol had two exhibits to enter: 1) Exhibit A, which was a letter from Steven Vannoy requesting that his property (identified as 19525 S. Leland Road and identified as Clackamas County Map 3S-2E-7B, Tax Lot 4000) be included as part of this annexation request; and 2) Exhibit B, which will be a map identifying the property.

Chair Carter asked how much the Vannoy annexation would include and **Konkol** said it consists of 4.77 acres, for a total request of 12.39 acres.

Cullison said Vannoy's representative has submitted to staff an entire packet as if he were doing a separate annexation, so staff has a complete certification by the County Elections Office as well as the assessor making the proper certifications. **Cullison** said he has also verified with the area's resident expert on annexations, Ken Martin, that it is within the capabilities of the Planning Commission and the City Commission to accept such a request wherein a "person off the street" requests to join an annexation. Therefore, he (**Cullison**) would make the presentation this evening to include all five properties as opposed to the four in the staff report, acknowledging that some of the figures would change to include the Vannoy property.

Mengelberg asked, based on Cullison's knowledge of the area, if staff's recommendation for the previous proposal would extend to this new property as well, and he said yes. In fact, he said Vannoy was extended the offer to participate originally but only just recently decided to join in the application. Therefore, staff had looked at the package, including his property, in their considerations.

Kabeiseman concurred that there is nothing in the city's Code, Metro regulations, or State law that prevents Vannoy from joining the application at this time. His (**Kabeiseman's**) one concern was that adding this new parcel expands the notice area, so he suggested that if the Planning Commission were to decide to include this parcel and if it were recommended to the City Commission for approval, those new properties could be noticed as quickly as possible in order to alert neighbors to the City Commission hearing.

Mengelberg asked how many properties would need this additional notice. **Cullison** said he didn't know exactly, but the adjacent sites on the side adjoining had already been noticed of the annexation request, so we would only be looking at the outer fringes of those five acres. He confirmed that staff would re-notice all affected properties, and **Chair Carter** noted that the City Commission hearing is also a public hearing at which the public could testify. **Cullison** added that, assuming the recommendation for approval goes forward, he would write the Vannoy parcel as part of this request.

Cullison then gave the staff report, saying that the parcel is for 12.39 acres total with the inclusion.

He pointed out that James and Debra Griffin are listed as property owners and voters (see top of page 2 of the staff report), but they chose not to participate and weren't part of the application, so this annexation falls under the double majority rule. He explained that we generally have 100% [participation], but in this case we have a double majority whereby the property owners and the voters are both in the majority.

He said this territory is generally located on the south/central side of the city on Leland Road across from Caddis Place as depicted in Exhibit A and as modified by Exhibit B. It has five single-family residences with a population of 12, and the combined property value is probably over \$1 million (including Vannoy's).

The properties slope gently southeast toward Leland Road at less than 2%. The site has predominantly grassy fields with a few scattered trees around the existing houses and outbuildings, and four acres of Christmas trees on the Vannoy property. The property is in the Mud Creek Drainage Basin. Almost all of these properties are mapped under the Water Quality Resource Area Overlay due to a water resource that appears to begin on the largest property which runs through all of the four eastern properties and touches the northeastern edge of Vannoy's property. However, it would appear that, without the benefit of a Water Resource Report, this probably would hinder future development. In other words, they will have to work around it to provide a proper vegetative corridor, etc., although it shouldn't be a huge issue.

As with the earlier proposals, these properties are FU-10 and will come in as R-10, for which requests can then be submitted for rezoning.

The majority of this property is being proposed in the new Comp Plan for R-3.5, which is proposed to replace the RD-4 designation. (**Konkol** explained that the proposed R-3.5 includes minimum 3,500 square foot lots which would include single-family detached, single-family attached, and duplexes on 7,000 square foot lots.)

Cullison continued, saying that under Facilities and Services:

- Sanitary sewer will be brought in from a subdivision that is currently in planning. There is a dip in that area of Leland Road which will need a good, deep sewer, and this new subdivision will provide that.
- There is an existing 12-inch water line in Leland Road, which they would have to extend.
- Any development would incur onsite stormwater drainage, water quality, and detention facilities, and they would eventually convey their site stormwater runoff to Mud Creek through the stormwater lines connected to the swale in Leland Run.
- Fire and police protection are currently under the county, and the proposal would include a recommendation to take this area out of those territories and add them to city service contracts.
- These properties are directly across from the future Wesley Lynn City Park.
- Regarding transportation, access is provided from Leland Road (a county arterial), and the TSP provides for a neighborhood collector in the general area of these properties from Leland Road to Pease Road. Any future developer must take into consideration the fact that "The City-County UGMA requires the annexation to include the adjacent

portion of Leland Road but only a 20.5-foot section is necessary...." (**Cullison** noted that this does not include Vannoy's frontage so staff will change that verbiage to include his additional 330 feet of property.) The applicant has not completed a traffic impact analysis study for any future project(s). Several intersections will be impacted by any future development, but staff review of recent TIA studies indicates the potential small increase in traffic from any future development of this site will not deteriorate any of these intersections to a critical situation. However, the traffic increase will contribute to the need for a solution to the multiple intersections, as mentioned before, resulting in a roundabout under the TSP projects R-35, R-71, and R-72. Staff also noted the Hwy. 213/Beavercreek improvement currently underway.

Therefore, based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit B for this annexation, the staff recommends that the Planning Commission recommend approval of AN 03-03 as amended by Mr. Vannoy's submittal. Staff further recommends that the City Commission withdraw the territory from Clackamas County R.F.P.D. #1 and the County Service District for Enhanced Law Enforcement as allowed by statute.

Dave Wheeler, 19455 S. Leland Road, spoke as the principal applicant. He said he and his wife were motivated to come into the city because of the services. He acknowledged that his legs are bad and they live in a two-story house. With that said, he said he and his wife will not be developing the property, although if someone made them an offer to help them build a single-story house, they may consider it. However, those people would have to do all the work necessary in presenting such a proposal to the city.

He said they are also driven somewhat because of the traffic on Leland. He said he would much rather be in an area that has a lot better design and engineering/permitting controls than the county currently has (particularly regarding speed of traffic).

Also, personally, he would also appreciate additional police density and a quicker 9-1-1 service.

Wheeler said he is supportive of Vannoy's request to join in this annexation request, and he agrees with the staff report.

Steven Vannoy, 19525 Leland Road, said the whole idea originally started with Wheeler and himself talking about developing their properties as one piece, especially with the new rezoning density. He said he is a tree farmer and, although he has lived there since 1979, the area is getting drier, so he will have to move. However, his primary concern is to see it developed as one piece as much as possible, and hopefully with a medium-density development.

When **Mengelberg** asked if there had been any discussion with Gentry about doing a combined development of all three properties, **Vannoy** said no.

Wheeler explained that originally they had wanted 100% participation of all the neighbors for this annexation, but **Tom Gentry** chose not to participate, nor has he heard from the Griffins as to whether or not they are in support of this annexation. He reiterated that the original intent was for 100% participation by having one annexation pass to avoid a potential voter island creation.

Wheeler then reiterated Vannoy's comments that the applicants are hoping that their lands will provide a sufficiently large annexation in part to give the Planning Commission the best opportunity to appropriately control that design.

With no public testimony offered, the public hearing was closed at 8:15 p.m.

Powell complimented the applicants for their combined effort. He then stated his traffic concerns again for the record.

Orzen echoed **Powell's** concerns about the traffic, but said she likes the idea of concurrent annexation requests that can allow for good design and good connectivity.

Chair Carter agreed, expressing her appreciation for citizens responding in this way to the needs of the community.

Powell moved that, based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit B for this annexation, the Planning Commission recommend approval of Proposal No. AN 03-03, and further recommends that the

City Commission withdraw the territory from Clackamas County R.F.P.D. #1 and the County Service District for Enhanced Law Enforcement as allowed by statute. **Orzen** seconded the motion, and it passed unanimously.

PD 03-03 (Quasi-Judicial Planned Unit Development Hearing), Applicant: Brian D'Ambrosio, Representative: Monty Hurley. Request for the approval of a 27-lot PUD on the properties identified as Map 3S-2E-16B, Tax Lot 100, located at 14490 Glen Oak Road and Map 3S-2E-16B, Tax Lot 501, located at 14468 Glen Oak Road.

WR 03-16 (Quasi-Judicial Planned Unit Development Hearing), Applicant: Brian D'Ambrosio, Representative: Monty Hurley. Request for the approval of a Water Resource Determination on the properties identified as Map 3S-2E-16B, Tax Lot 100, located at 14490 Glen Oak Road and Map 3S-2E-16B, Tax Lot 501, located at 14468 Glen Oak Road.

Following a brief recess, the Chair asked **Konkol** to present the staff reports on these related applications concurrently.

He said the applicant has proposed a 27-unit Planned Unit Development (PUD) consisting of 19 detached housing units and 8 attached housing units. The property is about 6.34 acres. Tax lot 100 is zoned R-10 and tax lot 501 is zoned R-6/MH (Manufactured Housing). The property is south of Glen Oak Road, west of Glen Oak Meadows PUD, and north of the new Centex Meadowood development, with single-family residential (large lots) to the west.

Konkol entered into the record Exhibit A, which was a letter to the Planning Commission from himself, dated 12/8/03, amending four of the Conditions of Approval (COA's), to be explained later in his staff report presentation.

He then used maps and visual aids to give a description of the property and the project. He said the initial application was recommended for denial but this reflects a revised plat that includes a parallel street route (running east to west) consistent with the Meadowood subdivision, which is more appropriate. That change resulted in a reduction of lots from 28 to 27 units.

Konkol said Caufield Creek comes through the Glen Oak Meadows PUD to approximately 37 feet east of this property line, then underneath Glen Oak Road, then continuing on and coming back down further to the west. There would be approximately 13 feet at its maximum distance of the water resource vegetated buffer located on the property which the applicant has identified and addressed in the Water Resource Review. The applicant has proposed 20% open space on this site. There is approximately a 100-foot easement that runs in a diagonal direction across the open space on the property. There is also open space from Glen Oak Meadows PUD to the property to the east.

After proper notification, comments were received from various city departments and from Mr. and Mrs. Malin of 14491 Glen Oak Road, who were concerned about the traffic increase and lights affecting their property, and about the amount of increased storm water into Caufield Creek from the proposed PUD.

The applicant has proposed a mix of attached and detached housing units ranging from approximately 3,400 square feet to just over 8,000 square feet.

The stormwater is proposed to be captured in a detention pond. The applicant will be required to over-detain or redesign because some of the stormwater was not being captured and put into stormwater drainage, so this would compensate for the stormwater they were not capturing before.

Per Code, they are reducing the storm peak flows for the 2-year, 5-year, and 25-year event, which should reduce the amount of water coming off their property (not the amount, but the speed at which it runs off).

Police indicated that increased densities and increased subdivisions increase the demand on their services, which are being negatively impacted. While staff realizes that development does have that effect on the Police Department, Glen Oak Road is a collector with very good access, and this PUD will have direct access off Glen Oak Road. Therefore, while they understand that police services are being stretched, this is an appropriate location for development and that it has reasonable access to the site for emergency services.

Glen Oak Road intersection is approximately 470 feet from the High School Lane intersection with Glen Oak Road. Our Code calls for a 500-foot intersection separation on a collector unless the decision-maker finds that it is safe. After reviewing this with the City Engineer, it was determined that 470 feet is an adequate separation on this street, especially since the intersection at High School Lane has a speed bump, which will slow traffic.

Staff has added COA's which include:

- A provision for correcting a particular intersection which does not meet the Code requirement of "no greater than 80 degrees."
- A condition that sidewalks be provided along the entirety of the open space rather than having the sidewalk coming through the open space and over.
- Full half-street improvements, of which the applicant has proposed a standard local street of 53 feet of right-of-way with 32 feet of pavement, a 5-foot planter strip, and a 5-foot curb. The majority of the half-street improvements have already been done as part of the Glen Oak road project, so the applicant will be putting in the sidewalk and street trees.
- A requirement that the 40-foot street tree spacing be met, since some of the proposed spacing was in excess of 40 feet.
- A requirement for replacement or replanting of approximately 20 trees that are proposed for removal from this site that are not located within a right-of-way or a building footprint. (These will probably be required in the open space so that they will be protected as future homes are built.)

Moving to Exhibit A (the revision of some of the COA's), **Konkol** explained that, after meeting with the applicant, the following changes were made:

- Staff would recommend removing COA 19. Staff had originally required that traffic calming be provided at the intersection of Street "C" with Street "B", the intersection of Street "B" with Brittany Terrace, and the intersection of Street "B" with Glen Oak Road. However, in discussing this with the City Engineer, it was determined that it was not necessary for the curb extensions at Glen Oak and Street "B" intersection, nor a traffic circle at the Brittany Terrace/Street B intersection due to the design of the road with the curves in it, which, in fact, act as traffic calming, especially with the proposed on-street parking. A curb extension at the intersection of Streets "B" and "C" would still be required on the north side to provide pedestrian connection into the open space.
- Staff would recommend amending COA 29, which addresses the setbacks. The applicant requested that the detached housing have side yard setbacks of 5 feet and 5 feet. However, throughout the city there are side yard setbacks that meet the R-6 setback standard, which is actually 9 and 5. Their properties are R-6/MH, which has a 7 and 5 side yard setback, and staff felt it was not appropriate to reduce it to 5 and 5 since there was no backing for the request other than for putting a larger house on a small lot. Thus, the requirement for detached housing would remain at 5 and 7. Further, staff recommends that the attached and detached housing unit front yard setback be reduced from 20 feet to 15 feet, and that the attached and detached housing unit garage setback be 20 feet, which allows a car to be parked in a driveway without covering up the sidewalk. The reason for reducing the front yard setback from 20 feet to 15 feet is to get the houses closer to the sidewalk/public street and because the applicant would like the ability to put a two-car garage on the detached housing units, which would require a 20-foot wide garage consisting of a 16-foot door with two feet on either side if that was set back 5 feet from the front façade. This offers the flexibility in the housing design of either leaving it at 20 and moving the garage back to 25 or moving the front of the house up to 15 and putting the garage at 20.
- Staff would propose to amend COA 30 dealing with the size of the driveway and have removed the reference to the attached housing, which goes to Site Plan/Design Review. The applicant asked that we review the driveway in relation to the proposed attached housing that will be on the property rather than conditioning something without seeing the final design to ensure that everything matches up appropriately.
- Regarding COA 31, staff recommends removal of the reference to attached housing since it is reviewed under Site Plan/Design Review. Staff has also added Option A, which would allow the 20-foot long garage with the 16-foot door if the garage is recessed 5 feet behind the street-facing façade, or they could do a street-facing garage that is up to 40% of the length of the street-facing façade.

Konkol continued, saying the site has adequate storm, sanitary sewer, and water, which will be connected to existing services in Glen Oak Road, Glen Oak Meadows, and Meadowood, and continue by stubbing to the properties to the west.

Chair Carter noted that COA 12 asks the applicant's traffic engineer to provide an addendum to the TIA addressing crash history, access spacing, and sight distance, and she asked what addendum is being required. **Konkol** said it would be a memo from the traffic engineer (David Evans & Associates). He explained that when they did the traffic report, Glen Oak Road was under construction so they weren't able to get to the site to look at distances from the proposed intersection east and west on Glen Oak Road.

Regarding COA 10 (revision of the stormwater pond), **Chair Carter** asked if the idea was to enlarge it more than was originally proposed. **Konkol** said it provides options, such as through an enlargement or how the water is retained or what size orifice is used to release flows from the pond.

Chair Carter asked for clarification about COA 16 and the 80 degree angle at Streets "B" and "C", which **Konkol** explained is currently less than 80 degrees. This condition would call for a realignment to ensure at least 80 degrees, and preferably 90.

Chair Carter referred to his comment that the power lines go through the greenspace and then out to Glen Oak Road, and she asked what happens to the power lines related to the street that goes through there. **Konkol** said there is no impact because the street goes underneath the power lines, which is allowed by PGE.

Konkol added that PGE also has a list of allowable street trees underneath their power lines, none of which are on our Oregon City recommended street tree list. Staff would propose to work with the applicant to find appropriate street trees from their list, even if they are not on our recommended list.

Konkol had mentioned that the sidewalk would run along "B" Street along the open space and **Powell** asked if the sidewalk that runs through would remain, to which **Konkol** said yes.

Powell asked, as that sidewalk comes out along "B" Street and Brittany Terrace, what is the plan for traffic calming and pedestrian access. **Konkol** said COA 32 says that the "Applicant shall provide a marked street crossing of Street "B" from Street "C" to the sidewalk on the east side of Street "B". The applicant shall provide a curb extension and handicap ramp on the east side of Street "B".

Powell asked about consideration of a raised crossing, as was done in the approval of a previous PUD, and **Konkol** suggested changing the wording to leave it somewhat general to allow staff and the applicant to working with the City Engineer to come up with an appropriate pedestrian crossing. **Powell** was agreeable as long as the wording were to somehow identify a well-defined raised crossing.

Powell expressed some concern about the blindness that occurs on curves, especially as a person would come around "B" Street toward Brittany Terrace at night.

Mengelberg said she thought the city was encouraging a street, then a planting strip of trees, then a sidewalk to provide additional protection and buffering for pedestrians, but the proposed COA's suggest a sidewalk and then trees along Glen Oak Road. **Konkol** said this is a unique situation in that we have Pioneer Place, Glen Oak Meadows PUD, and then this proposed PUD, all of which have a water resource directly adjacent to the road. In order to get more landscaping between the road and the water resource, staff has proposed putting it on the other side of the sidewalk.

Monty Hurley of AKS Engineering and Forestry, 13910 SW Galbreath Drive, Suite 100, Sherwood, Oregon identified himself as the applicant's represent and the project engineer. He introduced others on the team: Jim Hensley with Perron Collaborative (the landscape architect), Todd Mobley with Lancaster Engineering (the traffic engineer), Dana Krawczuk with Ball, Janik (land use attorney), and members of Pacific Landmark Development (the applicant), all of whom were available for questions.

Hurley said they concur with the staff report and support the COA's as revised in the memo dated 12/8/03. He said they believe the project meets and exceeds the requirements of a PUD in Oregon City and they recommend approval.

In giving some background, he said they were originally scheduled on the agenda of the Nov. 10th, but they requested a continuance to work out some subdivision layout issues in order to reconfigure the single-family detached lots and to provide a more standard street pattern, which ultimately resulted in the loss of one lot. He said revised plans were provided to city staff on Nov. 11th and the staff report, for the most part, reflects the revised plans and these issues.

The PUD development was essentially proposed by the applicant in order to provide usable open space in the PGE easement and turn it into something positive for the community. For instance, **Hurley** said when he met with the applicant originally, they only proposed a sport court in the open space, but the neighbors said they would like some play equipment, which the applicant added. They also proposed lot and landscape amenities with the trees and bushes, etc.

Hurley said he met with the Caufield Neighborhood Association on Nov. 22nd, and they were generally supportive of the project. They liked the open space and the proposed amenities, and particularly liked the idea of another connection onto Glen Oak Road. He said their concerns were about traffic and about the price range and types of homes that would be in the neighborhood, and he thinks the applicant has addressed all of these concerns.

He said the applicant believes all the utility issues have been addressed since sanitary sewer, storm drainage, and water are all available to the site, leaving, they believe, no major issues with these. Additionally, power, telephone, cable, and gas are available to the site. Additionally, he said they are not aware of any downstream deficiencies or any other issues related to utilities.

Hurley concluded by reiterating that they do agree with the staff report and support those conditions as revised, and would request approval of this PUD.

Mengelberg noted that the proposal includes the removal of a vast majority of the existing trees and she asked if more trees could potentially be saved with the new design. **Hurley** said they revised the tree removal plan but he didn't believe they saved any more trees. He noted that most of the trees being removed are either because of the location of the storm water facility, which is at the low point of the site, or due to the grading for the street that connects to Glen Oak Road.

Chair Carter asked how many trees are being saved, and **Hurley** said only about three or four that he could see, noting that they would be removing about 15 or 20.

Jim Hensley, Perron Collaborative, 800 NW 6th Avenue, Suite 326, Portland, Oregon, used visual aids to explain the landscape concept. He said they tried to provide a fairly inviting open space within the context of the subdivision, including a sport court and play structure, which are located outside the power lines. There would also be a meandering sidewalk through the site, which was purposely done to pull pedestrians away from the street environment. This was put as far into the site as possible to provide more open space for lawn games, etc. He said the applicant will revise their plan to provide a sidewalk along that area but they would still like to pull it a little way from the street if possible, and perhaps compromise a little bit by changing the configuration of the path system so they are not providing a double path system through an open space because there is only a distance of about 120 feet.

Hensley explained that there will be an entry water feature which will identify the PUD. It will have a columnar basalt with water cascading down over the basalt into a gravel which is non-water. In other words, the water drops into the ground and disappears to re-circulate, but there is no standing pond to attract children.

A path will meander through the vegetation and the berming.

Regarding the street trees, the revised plan brings the applicant's project within conformity. They took a lineal measurement of all the streets and they are now providing more than the required number of street trees by 14 extra trees. They have been unable to plant street trees under the PGE right-of-way because of their requirement to keep trees low. In fact, he said, there might be some conflict between using trees from the PGE list along the street because they would be low-growing and spreading, which might be in opposition to the traffic along the street. Therefore, the applicant is proposing to use a number of evergreens and deciduous trees in the water detention area.

Regarding totals, **Hensley** said they are putting 22 trees in the public part of the open space in addition to 67 street trees, for a total of 89 (15 more than the 74 required by Code). In addition, they would provide 23 additional trees in the water quality area, so they are actually exceeding the required number by 38 trees.

He noted that the trees along the street are 45 feet on center, although there are some setbacks for driveways and intersections. Still, the total quantity far exceeds that required by the city.

Mengelberg asked if there would be fencing around the storm drainage area, or just vegetation, and **Hensley** said there would be a security fence around the detention area.

Powell referred to a note that says "common park area to be watered by common irrigation" and he asked if that includes the monument area. **Hensley** said yes.

Orzen asked who would maintain the water feature, and **Hensley** said the PUD homeowners association would maintain it. He said it would be a self-contained system of pumps and a filter which is fairly easy to maintain.

He also noted that there would be uniform plantings in front of the apartment complexes and benches along the walkway, near the water feature, and along the path that meanders through the parkway.

Mengelberg asked if there is any lighting proposed for the pathway, and **Hensley** said no.

Orzen asked how big the play equipment area will be, and **Hensley** said it is a 30 x 40 foot space that is designed for 3-8 year old children. (See picture in packet of proposed equipment.)

Powell said his plan shows Crimson Century Maple along "B" Street (from the entrance at Glen Oak and down the street). He said he has heard that it might be better to change those to two or three types of species in case any sort of disease might hit, and he asked if **Hensley** thought that to be valid. **Hensley** said it is a fairly short street, and he noted that they have proposed to use some Armstrong Reds and some Central Maples within the PUD and that all the trees in the PGE area would be from their plant list. Furthermore, there would be a mix of cedars and firs (a mix of evergreens) outside of the actual right-of-way. He then said they could consider a mix of trees if it were a big issue. **Powell** said he was making the suggestion for discussion purposes, mainly to raise the concern of possibly losing a whole group of trees at once if disease were to strike.

Orzen suggested using a pervious surface in the walkway within the green space rather than concrete. **Hensley** said they would probably need to do that for economic purposes if they put a sidewalk along the street, and he agreed that it would be good for walking and jogging and also for the environment.

Jerry Malin, 14491 Glen Oak Road, said he had several concerns that he felt hadn't been addressed adequately. The first was that it appears as though those roadways would be picking up about three other subdivisions and dumping them in front of his house (right across from the entrance to the PUD). He said it appears that "B" St will pick up traffic from the new Centex subdivision, possibly from the mobile home park, and other points south. Another street would be picking up traffic from Pioneer Place (Osprey Glen) in order to avoid the volume of traffic exiting the high school.

Malin also said that it appears to him visually that the slope of this land is to the northwest so the water from this subdivision would be rerouted into a pond, into Caulfield Creek, across Glen Oak Road, behind his house, and then on down the road. He said he is fearful of flooding from this increasing amount of water flowing behind his house.

Chair Carter said the idea of the detention pond in the corner is to catch a lot of that water that currently goes across the street and causes some of this flooding. **Malin** said he doesn't know about the detention ponds, but once they are full, they're full.

He added that he is concerned about mosquitoes and who is going to spray for them, to which **Chair Carter** said they seem to be working fine in other parts of the city, but his concern is duly noted.

Malin said he is also concerned about accesses to land that is identified as potentially Industrial.

Powell asked staff how deep Caulfield Creek is and what its water resource is. **Cullison** said the headwaters are generally up near the golf course towards Henrich. It flows through Fairway Downs, goes underground and comes back out at Pioneer Place, where it flows through Pioneer Place and Glen Oak Meadows, crosses the street coming out of Glen Oak Meadows at the west end, and then proceeds behind Malin's house.

He said our criteria for the stormwater detention system requires pre-development/post-development such that the flow is detained and then trickles out over time. The result will be more total volume because there would be an average of 2,640 square feet per house of impervious surface as well as streets. Therefore, the pond must detain that and the theory is that, because of the orifice size required, the flow is stretched out over time even though the total volume is increased. For instance, what might have flowed from the undeveloped ground over 30 minutes might now take three hours to flow through the trickling out of the detention pond.

Powell asked what the worst case would be for the design of this pond, and **Cullison** said it is designed to hold 25-year storms. He said it is not required, though, to withstand a 100-year storm so, in such a case, the overflow would go into the creek.

Powell asked if there would be some way to put up some kind of visible or reflective barrier to cue the end of the road directly across from "B" Street pointing at Malin's house without impacting his property very much. **Konkol** said such could be considered, but since Glen Oak Road has just been rebuilt the city has probably already maximized the right-of-way available to us. **Chair Carter** said she understood Malin to be concerned about headlights and suggested something more dense, such as an arborvitae hedge.

Konkol said it is important to note that there is no other north/south connection at this time for quite a distance (from Coquille Drive to this stub in Meadowood). If a connection is ever made through the trailer home park, it would require redevelopment of that site, and the next roadway would still be quite a ways over.

Bill Holden, 20000 S. Ferguson Road, wanted to follow up on Mengelberg's concern about the removal of the trees, saying he agrees that this might be worth further consideration.

He said the 25-year storm conditions were for the size of the pond itself, based on past statistics, but the statistics don't really reflect future environmental reflection. He said as global warming progresses, this is slated to be a drier region, and, he said, NOAA and the EPA are indicating that when storms do come, they will come more often and be more intense.

Therefore, he asked if it might be possible to enlarge the pond to accommodate for the trees that will be planted. He also asked if there might be consideration for more and/or larger trees, or perhaps for relocating the pond to allow for the keeping of some of the existing trees. He said a large tree can absorb 100 gallons a day, and 20 trees could handle a lot of water in addition to that in the pond itself. He noted that they also have scenic value and oxygen-producing values that would be lost if they were removed.

Regarding Powell's suggestion for a variety of trees, **Holden** said he thinks it is a good idea. For example, he noted that a disease is moving northward from California that is currently affecting fir trees, rhododendrons, etc., and as the climate warms, the ability for disease to migrate will also increase. He also cited that another virus has destroyed six trees along the frontage at the golf course, so he speaks from experience in concurring that destruction from disease is a valid concern and a variety of trees is a valid recommendation.

Ron Wasch, 18913 South Central Point Road, said he is an employee of a local utility (Beaver Creek Telephone), and he concurred that Glen Oak Road has gone through large reconstruction during the past year, for which Beaver Creek Telephone has done a lot of work to rebuild their facilities to facilitate that road improvement. With the growth along Glen Oak Road, Beaver Creek Telephone has provided service to all the new customers in that area, and he said the placement of this new subdivision fits ideally for the company to be able to provide service. In summary, he said they are in favor of the subdivision.

In rebuttal, **Hurley** said they share some of the traffic concerns of the neighboring citizen, but the Traffic Engineer, the City Engineer, and the neighbors at the Caulfield Neighborhood Association are all supportive of seeing that street go through in

order to reduce traffic flow in some of the other local neighborhoods, so this proposal seems to be the best for getting the traffic from this new subdivision out onto Glen Oak Road.

Regarding the stormwater issues, he said they have designed many detention ponds in Oregon City which seem to be working fairly effectively. He said the City of Oregon City standards are the toughest he knows of in the Metro jurisdiction in that they actually require you to detain from the two-year post-development to one-half of the pre-development flow, so you are actually reducing the amount of peak flow that comes off the property. He said Cullison gave a good example of how that flow might work over a longer duration, but it is actually a lower peak that was previously in the pre-developed conditions. The pond will raise up to offset that difference, which is why there is the volume storage. Additionally, on the 25-year post-developed flow, it is detained to the 10-year pre-developed flow, so it is over-detaining the stormwater, which is about the best mitigation he is aware of to handle stormwater situations.

He then explained that the difference between post-developed flow and pre-developed flow actually becomes very small in a 100-year storm event because the ground is very saturated. In this case, the ground is predominantly field, which would result in high runoff in such an event. For the two-year storm event, the difference between post-developed and pre-developed conditions is substantial, but in a 100-year storm event with saturated-type conditions, the result would be almost 100% runoff whether pervious or impervious area. They're not exactly the same, but they are getting much closer.

Regarding the question of trees, **Hurley** said they have to put the stormwater facility in this location because it is the low point on the site. Although they are taking down trees, the total number of trees being proposed far exceeds current Code requirements. Furthermore, although they are smaller now, they will grow.

Finally, he said again that they support staff's recommendation and would encourage approval of the project.

Referring to the tree removal plan, **Mengelberg** suggested that it appears there might be a way to save a row of trees and she asked why they are asking to remove those. **Hurley** said they would be cutting into the roots fairly substantially because they are so close to the road. He said an arborist from their firm looked at them and said they would need to cut the roots on one side, which would give them a strong tendency to lean and fall, which could cause damage to the new homes. He said they could propose to have an arborist on-site to look at those trees individually while they are working, but he has already said he thinks they have to go. Therefore, they would still want to have the option to remove them if that is the determination.

When **Chair Carter** asked how far the tree trunks are from the road, **Hurley** said they are about 10 feet from the setback (just about in the middle between the house frontage and the sidewalk), and the roots are sizable, so they would go quite a ways into the street site.

Powell asked if "B" Street goes all the way to the property line on the west side, and **Hurley** said yes. **Powell** noted that, in fact, cars exiting would be aimed at trees across the street and not at the neighbor's house at all (in fact, about 25 feet from the end of the house).

With no other public testimony, the public hearing was closed at 9:27 p.m.

In deliberations, **Mengelberg** said she appreciated the applicant's willingness to look at the revised conditions and work with staff and neighbors to resolve their concerns, saying that it appears they have tried to present a good development with good landscaping and some open space and amenities in response to the neighbors' request. She said she would like to see them preserve as many trees as possible as long as it doesn't endanger the health of the trees or create a danger to property. Therefore, she would support approval of the request.

Powell said he likes the new road design, he is very pleased with the open space, he agrees with Orzen's suggestion about keeping the path impervious, and he agrees with keeping as many trees as is feasible without causing danger. He encouraged them to consider further whether a variety of types of trees makes sense but said he, too, would support approval of the application.

Orzen thanked the applicant for working with staff in redesigning the street and for presenting a good landscape plan. She said she could appreciate the fact that they had lost one lot yet continued with the project, so she, too, was in support of the project.

Chair Carter proposed that the arborist look at the trees along the road to see if any of the trees along the road could be saved because, as stated earlier, mature trees and mature tree canopy do help filter the water and it is important to try and save what we can. In compensation for that, she suggested that the open space under the PGE lines be allowed to remain as open space. She said there is a nice view down the road into the open space and she doesn't think there needs to be trees on all of the street frontage.

When **Konkol** asked for clarification, **Chair Carter** said she was referring to earlier discussion about planting trees under the PGE lines, but she would propose to leave that area as open space, without trees, because it is visually attractive for those coming down the street to be able to see into the open space. It also provides a safety feature for the neighborhood to be able to monitor what is happening in the park. In exchange, she was asking for a condition that the applicant's arborist be onsite when they are cutting the road in to see if any of the mature trees can be saved. If they cannot be saved and remain in reasonably good health, they could be removed. Otherwise, she said she applauds the developers for saving at least three trees because many people have simply removed every tree on their lots, which the city greatly opposes. She said this looks like a beautiful project which has been well planned, which includes a lot of amenities, and which builds in the livability we're looking for in Oregon City.

Konkol said our Code requires that a street tree be planted for every 40 linear feet of street frontage, and he asked if we would be exempting the applicant of the responsibility of that 200 feet of plantings for what would be required along that easement, or if they would still be responsible for those trees (to plant the same number of trees elsewhere on the site).

Chair Carter said she was suggesting that they be exempt for that section because they are already exceeding the required number of trees overall.

Konkol asked if this would be a "best effort" situation with a request that the applicant save as many trees as possible. **Powell** said yes, because there will be a benefit if any of the existing trees can be saved and they are already exceeding the requirement overall, and **Chair Carter** reiterated that it is a nice visual into open space.

Konkol noted that staff hasn't reviewed their stormwater pond landscaping plan and our Code requires (he thinks) five coniferous trees, three deciduous, and ten shrubs for 1,000 square feet of stormwater pond. He said this to clarify that it is not part of what is reviewed at this point.

Powell moved to approve PD 03-03 and WR 03-16 with the Conditions of Approval as recommended and amended by staff, including the flexibility in COA 32 for pedestrian access. **Orzen** seconded the motion.

Regarding COA 32 which currently states, "The applicant shall provide a marked street crossing of Street 'B' from Street 'C' to the sidewalk on the east side Street 'B'. The applicant shall provide a curb extension and handicap ramp on the east side of Street 'B'," **Konkol** noted that this was for the southern street to get across Street "B" at the open space. His understanding was the **Powell** would like to see some type of pedestrian crossing at Street "B" and Brittany Terrace.

Powell said if there can't be a four-way, he would to have a raised pedestrian crossing "B" and "C" Streets. If the Commission were to agree, he would also like some sort of pedestrian crossing at "B" Street and Brittany Terrace, but that is secondary to his main goal. He clarified that the first request was included in his motion and the second one was up for discussion.

Chair Carter said she thinks a four-way crossing is pretty standard, so something different on one side might be more confusing than helpful. She agreed that the suggestion for the other end would be a good way to delineate that this is a not at a four-way crossing where a person would normally expect it to be. **Cullison** said that would be a mid-block crossing where it would not be obvious that there would be a crossing, whereas at a normal crossing there would be handicap ramps at all four corners.

Powell wanted to use the same terminology as was used in a prior approval. **Konkol** said he thought they left out the word "raised" and left it up to the City Engineer. He then suggested the following wording: "The applicant shall provide a safe

pedestrian crossing of Street 'B' from Street 'C' to the sidewalk on the east side of Street 'B'. The pedestrian crossing shall be approved by the City Engineer."

Chair Carter concurred with that wording, but **Cullison** said he still wanted to keep the handicap ramp wording, noting that we are deleting the wording about the curb extension, and **Powell** concurred.

Konkol then suggested: "The applicant shall provide a safe pedestrian crossing of Street 'B' from Street 'C' to the sidewalk on the east side of Street 'B'. The applicant shall provide a handicap ramp on the east side of Street 'B'. The pedestrian crossing shall be approved by the City Engineer."

As maker and seconder of the motion, **Powell** and **Orzen** concurred with amendments as last stated.

Cullison also felt that COA 17 should be addressed because it says the applicant shall install sidewalks along the entire frontage of Glen Oak Road, but after clarification that we are still requiring sidewalks all along that street, he agreed that 17 was fine as proposed.

Regarding the issue of exempting the applicant from planting street trees along that section, **Chair Carter** suggested adding a sentence to COA 25 that says, "The arborist would make a best judgment effort to save those trees possible on the east side of 'B' Street."

Cullison noted that they are essentially providing a brand new street for the two adjacent property owners who would only have to add a sidewalk. He said he isn't sure those two properties are developable because they are very small and probably already have homes on them, so he suggested that, in order to save the trees, one solution might be to narrow the street. He asked the applicants how this would affect their on-street parking, which may not be needed on the west side of the street if those properties are not developed. **Cullison** said we would normally require a non-access strip along there on the plat to prevent those two people from having access to the public street until they come in for redevelopment.

Although the public hearing had been closed, **Hurley** was granted permission to answer. He said there might be some potential for redevelopment on those lots, but they are not big lots so it is hard to plan for such. However, they didn't want to push any of the street or right-of-way dedication onto those properties. He said, though, that while it could be to the applicant's advantage, he wasn't sure if it would really be good for the city.

Hurley then suggested that another option for saving the trees would be to put the sidewalk curb-tight in that area, which would give another five feet at least.

Because Hurley had been allowed to speak, **Kabeiseman** said others should probably also be allowed to speak. Applicant **Brian D'Ambrosio**, 4020 SE International Way, C101, said they are extremely motivated to keep the trees if it is at all feasible, noting that mature trees have aesthetic value to the property.

Cullison applauded this idea and suggested giving city staff, the applicant, and their arborist the flexibility to be creative on the street design in order to see if those trees can be saved. However, he noted that they are required to share a driveway between the first two houses, and he asked if the trees are in the way there at all. **Hurley** said no.

Cullison suggested adding language to COA 20 that would exclude street trees along the open space on the southeast side (underneath the PGE lines).

Kabeiseman proposed a new COA #33 that would read, "Notwithstanding any other Condition of Approval, the applicant shall work with staff to preserve the existing grove of trees on the east side of the northern portion of Street 'B'. Actions under this condition may include the removal of sidewalk on the west side of the street, narrowing the street width or elimination of the planter strip along the east side of Street 'B', or such other actions as still meet minimum street requirements for traffic safety that result in the saving of those trees." Then he acknowledged that we can't "eliminate" the sidewalk so he took out the wording "removal of sidewalk on the west side of the street."

Powell accepted that wording.

Konkol proposed amending COA 20 to read, "The applicant shall adjust the proposed street tree plan in accordance with the Oregon City Municipal Code 12.08. The applicant is not responsible for providing street trees for the new section of street located under the Portland General Electric easement."

The applicant had no objections to the new and amended COA's, and **Powell** and **Orzen** confirmed these as amendments to the motion.

Upon voting on the motion to pass PD 03-03 and WR 03-16 with conditions and amendments as described above, the motion passed unanimously.

5. BUSINESS FROM STAFF

None.

6. BUSINESS FROM THE PLANNING COMMISSION

Chair Carter asked staff to confirm the upcoming dates for meetings and work sessions, and **Konkol** confirmed the following:

- Regarding Comprehensive Plan Amendments that were discussed at the Nov. 24th hearing,
 1. Dec. 10th is the last day for acceptance of written testimony for the Planning Commission. However, written testimony will still be accepted after that date, which will be entered at the City Commission hearing.
 2. Jan. 12th is proposed for a Planning Commission work session at which the public is welcome to attend but no public comments are allowed unless they are invited by the Commission.
 3. Jan. 26th is set for deliberation and decisions on the proposed Comprehensive Plan by the PC and a recommendation to the City Commission.
 4. Feb. 18th is tentatively set for the first City Commission public hearing.

Mengelberg said it would be helpful to her if staff could group like concerns/comments by tax lot or zone in order that the PC might work through them one by one (i.e., Beavercreek issues, South End Road issues, etc.) **Konkol** said staff would try to do so.

Chair Carter reiterated that the second December Planning Commission meeting will be held on Thursday, Dec., 18th and the regular meeting on Monday, Dec. 22nd is cancelled.

Konkol said the work session on Jan. 12th is scheduled to be held here in chambers at 7:00 p.m.

Orzen how soon staff could provide the information for the Jan. 12th work session because she is going on vacation on Jan. 6th but would like to submit some written recommendations before she leaves. **Konkol** said it is usually available seven days in advance, but staff could try for earlier. However, he noted that there is a lot of information to compile.

7. ADJOURN PUBLIC HEARING

With no other business at hand, the meeting was adjourned at 10:00 p.m.

Linda Carter, Planning Commission
Chairperson

Tony Konkol, Planning Associate

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
December 18, 2003**

COMMISSIONERS PRESENT

Chairperson Linda Carter
Commissioner Dan Lajoie
Commissioner Renate Mengelberg
Commissioner Lynda Orzen
Commissioner Tim Powell

STAFF PRESENT

Chris Cocker, Consulting Senior Planner
Tony Konkol, Associate Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

None

1. CALL TO ORDER

Chair Carter called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: October 27, 2003.

Although it wasn't a change to the minutes, Powell noted a reference on page 16 about the special transportation area (relating to the original Transportation Plan update) and he said that was supposed to come back to the Commission prior to writing a letter of support to the City Commission. He asked if that was yet to happen since he hadn't seen anything yet. Konkol said he would check with Kraushaar and staff would bring something back to the Planning Commission.

Powell moved to approve the minutes as submitted, Mengelberg seconded the motion, and it passed unanimously.

4. HEARINGS:

Chair Carter gave the parameters and procedures for the four quasi-judicial hearings listed on this evening's agenda. Mengelberg declined to sit in on item VR 03-22 (a variance to the pedestrian, bicycle parking, and entryway lighting standards), noting a conflict of interest since she is a County employee and she said she could not be unbiased in this decision. There were no other comments or declarations, and there were no challenges against the Planning Commission or against any individual member of the Planning Commission to hear these applications.

(Note: Full copies of all applications on this agenda, related staff reports, and other related documents are available for review through the Planning Department.)

VR 03-22 (Quasi-Judicial Hearing), Applicant: Steve Rhodes/Jonathan Mantav. Request for a Variance to the pedestrian, bicycle parking, and entryway lighting standards. The parcel is located at 2051 Kaen Road and identified as Clackamas County Map 3S-2E-5C, Tax Lot 0812.

Konkol gave the staff report, saying this variance is being requested by Clackamas County for the Red Soils site. The Site Plan and Design Review was approved on July 9, 2003 as (SP 03-08) for approximately a 109,000 square foot municipal building with an associated parking lot, pedestrian amenities, and landscape improvements. The site is approximately 57 acres and the applicant is requesting a variance to the pedestrian lighting standards for pathways and the bicycle parking which requires a 3-foot minimum foot candle and a building entrance lighting standard which requires a 4-foot foot candle minimum.

The applicant has indicated that the variance request is to help obtain certification that demonstrates compliance with the Green Building design concepts of the "Leadership in Energy and Design" (LEED) program. Meeting these requirements ensures that a building's construction enhances the occupant's well-being, environmental performance, and economic returns by use of established and innovative practices, standards, and technologies.

Regarding zoning and the surrounding land uses, the subject site is zoned M-1 Campus Industrial. The properties to the north are a combination of Multi-family, RA-2, and Limited Office; to the east is additional Campus Industrial land and a Limited Office business park; to the south is R-10 single-family; and to the west is R-6 MH and R-10 Single-family Residential.

Notice of this proposal was sent to neighbors within 300 feet and other agencies on Oct. 31st, the site was posted on Nov. 3rd indicating that there would be a hearing, and it was advertised in the *Clackamas Review*. Comments were received from the Oregon City Police Department and Oregon City Building Official indicating that they have no conflict with this proposal, and there were no other comments received concerning this application.

The variance criteria include:

- A. That the literal application of this provision would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title or extraordinary circumstances apply to the property. The extraordinary circumstance involves the fact that this is an Industrial Campus site within a residential area and the County's desire to meet this LEED certification rating, which would allow a lower lighting standard than our Code currently allows. Another extraordinary circumstance is that the County has had facilities on this site prior to our Code for the lighting standard being implemented.
- B. The requirement is not likely to cause substantial damage to adjacent properties. **Konkol** said the design of reducing the lighting standard to a safe level to be able to move around this site and other elements of the design (i.e., shielding, etc.) will reduce the impacts on neighboring properties over what a standard 3-foot candle minimum and a 4-foot candle minimum at building entrances would provide.
- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship. As stated earlier, the applicant has owned the property since prior to our lighting standard being implemented and the actual up-front costs of meeting LEED certification are more expensive than applying standard lighting, so this doesn't represent a monetary inconvenience on the behalf of the County.
- D. No practical alternatives have been identified which would accomplish the same purpose. The 3-foot candle and the 4-foot candle are numeric standards. There is no other way to adjust them other than applying another numeric standard, so they have met this standard as well.
- E. The variance request is the minimum variance which would alleviate the hardship. After reviewing the application, the applicant and staff have come up with a lighting stand which is similar to that being implemented by the City which provides safe pedestrian movement throughout this facility as well as meeting the County's objective of obtaining the LEED certification for lighting reduction.
- F. The variance conforms to the Comprehensive Plan and the intent of the ordinance being varied. Site Plan and Design Review requires that lighting be provided that enhances public safety, and staff believes that this lighting variance achieves that as well as providing less light pollution not only to the skies but to the surrounding neighborhoods. It also accomplishes a reduction of energy consumption, which is a goal identified in the Comprehensive Plan through utilizing proper lighting on the site rather than just a blanket 3-foot candle and 4-foot candle throughout the site.

Therefore, based on the findings presented in the staff report, staff recommends that the Planning Commission approve the requested variance to reduce the pedestrian and bicycle lighting standards to a 1.5-foot candle average, 0.5-foot candle minimum, and a maximum-to-minimum ratio of 7:1, and that the building entrance lighting standards decorative lighting is provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on the surrounding properties.

Powell said he is confident that staff knows what they are doing but he said it is hard to look at the drawing and really understand the implications about the parking lot. Therefore, he wanted to be sure that there wouldn't be a lot of blind spots in the parking lot, especially because it is so big. **Konkol** said there is a distinction between the parking lot and the pedestrian pathway system, and he noted that this is primarily talking about reduction from the 3-foot candle standard along the pathway system linking Beavercreek Road and the front of the building. The parking lot standards are completely separate, simply stating that they need to be provided "in a safe manner." There is no lighting standard for parking lot lighting, thus the focus on the entrance to the building, the bicycle parking, and the pathway connections.

Steve Rhodes, 270 Beavercreek Road, Suite 200, introduced himself as the project manager for the public services building being discussed and thanked staff for the work they've done with the applicant on this project. He said all along they have intended to have a LEED-certified building but they discovered that if they tried to comply with the City lighting requirements, they couldn't get the LEED certification. Therefore, it was good to work with staff in an effort to find a solution that benefited everyone concerned. He said they believe this is actually better than what the current Code provisions provide because lowering the lighting levels slightly actually reduces the contrasts so people can actually see out into the dark areas from the light areas better, thus making the security even better. He said they have put a lot of time into this facility to make it a Green Building, so this is very important to them.

Lajoie asked what level of LEED they are attempting and if that level needs this credit. **Rhodes** said they are hoping for the silver and they need every credit possible. He noted that this is also an energy-saving issue for them, which is a significant issue on this building as they try to achieve a great amount of energy efficiency and save the taxpayers energy costs.

There was no public testimony, nor were there any questions for staff.

The public hearing was closed at 7:17 p.m.

Powell said he could see no reason not to approve this application, noting that it would be nice to have a model project to show people coming into the area, and he applauded the County's efforts in constructing this Green Building.

Lajoie and **Orzen** concurred with **Powell's** comments, as did **Chair Carter**.

Powell moved to approve file VR 03-22. **Lajoie** seconded the motion, and it passed unanimously.

CU 03-03 (Quasi-Judicial Hearing), Applicant: Willamette Falls Hospital and Mountain View Avamere Properties. Request for a conditional use permit for a Hospital Building expansion with Hospital and Nursing Home site improvements. The properties are located at 1500 Division Street and 1400 Division Street and identified as Clackamas County Map numbers 22E 32AB Lots 1900, 1900E2, 1900E3, 2000,2100; 22E 32AA Lot 400 and 22E 32AC Lots 101, 103, 200, 201, 300.

SP 03-19 (Quasi-Judicial Hearing), Applicant: Willamette Falls Hospital and Mountain View Avamere Properties. Request for site plan and design review approval for the expansion of the Hospital, Hospital site improvements, and Nursing Home site improvements. The properties are located at 1500 Division Street and 1400 Division Street and identified as Clackamas County Map numbers 22E 32AB Lots 1900, 1900E2, 1900E3, 2000,2100; 22E 32AA Lot 400 and 22E 32AC Lots 101, 103, 200, 201, 300.

WR 03-16 (Quasi-Judicial Hearing), Applicant: Willamette Falls Hospital and Mountain View Avamere Properties. Request for an Exemption from the Water Quality Resource Area Overlay District for the proposed expansion of the Hospital, Hospital site improvements, and Nursing Home site improvements. The properties are located at 1500 Division Street and 1400 Division Street and identified as Clackamas County Map numbers 22E 32AB Lots 1900, 1900E2, 1900E3, 2000,2100; 22E 32AA Lot 400 and 22E 32AC Lots 101, 103, 200, 201, 300.

Konkol asked to give the staff reports concurrently although he knew the Commission would vote on them separately, and the Chair concurred.

Mengelberg declared that she is a resident of Trillium Park Homeowners Association and that her home is within a block of the hospital. She also said she had met with Scott Palmer about two months ago with her associate in a work-related meeting to talk about general hospital expansion plans, at which time they briefly discussed this application, but nothing was said that is not reflected in the staff report so she had no additional information. Also, she deliberately did not attend the meeting that was held this past Tuesday because she didn't want to create any perception of ex parte contact. There were no questions for or challenges against her in hearing these applications.

Powell said he had visited the site and the surrounding residential area in the past two days to get a feel for the site, but had not spoken with anyone.

Lajoie said he, too, had visited the site to get a feel for what the impact of this project on the site might be.

Konkol noted that he had distributed a packet of paper prior to the start of this meeting, which he asked to enter into the record. Included were:

- Exhibit A, a memo dated Dec. 9, 2003 from the Trillium Park Estates Homeowners Association, signed by Kelly Springer as president of the association.
- Exhibit B, a memo dated Dec. 10, 2003 from Mr. and Mrs. Dresdow of 17426 Trillium Park Drive.
- Exhibit C, a response to Mr. Dresdow from himself (Tony Konkol, Associate Planner, Oregon City) dated Dec. 16, 2003.
- Exhibit D, a memo dated Dec. 17, 2003 from Mr. Levy of 17210 Trillium Park Drive.

Chris Cocker of Planning Livability (Consulting Senior Planner), gave the staff report, saying that he wrote both of the staff reports and he wrote the review for the Willamette Falls Hospital expansion and site improvements and the Mountain View Avamere Properties site improvements.

He said there are a number of lots involved with this application. The existing uses on these properties, and particularly those on the hospital site, reflect a more campus-type use. Also, many of the existing hospital buildings are physically connected to one another and they cross property lines. For these reasons, the project area was considered as the lots south of Davis Road that are contiguously own by the applicants. The non-conformance to setback requirements for the hospital buildings has led to a recommended condition of approval that will require that the lot lines either be moved either partly by some necessary lot line adjustments or by some other method.

In addition, conformance with Water Quality Resource District requirements is addressed under a separate review.

He said surrounding zoning includes: to the north, R-10, Single-family, and residential County properties; to the east, R-10 Single-family dwellings; to the south, Limited Office; and to the West, R-6 Single-family dwellings.

Cocker said it became obvious during this review that there really is a need for a master plan for this site, and it is apparent that a complete and well-constructed review of the entire hospital campus functionality will be needed at some point in time, which would greatly benefit the applicant in planning for and implementing some of the future land use needs that they envision. For now, this review establishes some of the levels of conformance for the contiguous portion of the hospital site. As a condition of approval, any future hospital land use reviews other than those addressed here must follow a city-approved master plan approval.

Both the hospital and the nursing homes are conditional uses in the Limited Office zone.

Cocker used an overhead to show the site plan and explained that the Willamette Falls Hospital is requesting a building expansion of 29,300 square feet. This includes a new emergency room, imaging and diagnostic facility, and undetermined use area at this time. The improvements for the property also include a shared new access road with the nursing home to the south.

The request includes some new landscaping, pedestrian improvements, and the addition of 27 new parking spaces. That is in contrast to taking out 84 parking spaces in total, including the Mountain View medical offices just to the south of the new proposed addition where 47 spaces will be coming out as a result of the removal of that building. Within those 47 spaces, 19 are in an easement for the nursing home, and those are also being removed. In replacement, Mountain View Nursing Home is adding 15 new parking spaces, landscaping, and pedestrian improvements.

Cocker said approval of the project requires the approval of both the Conditional Use Permit (CUP) and a Site Plan and Design Review permit, and he noted that the Site Plan Design Review cannot be approved prior to the approval of the CUP, so they should be voted on in that order. He said the property owners applied jointly for these permits because one project

does not happen without the other and many of the improvements are contingent upon one another, and he said the Commission would find that the appropriate findings have been made for both properties in the report.

Regarding the conditions in the staff report, **Cocker** said most of them arise from zoning criteria that are associated with both permits. In addition, there are conditions associated with right-of-way dedication and improvements, and these are meant to be proportionate to the requested improvements for the site and are upheld by the city's Transportation System Plan (TSP). Some of the conditions also improve safety on the site.

Cocker said the hospital was originally opened in 1961 and numerous improvement have occurred over the years. It is anticipated that many of the site's improvements are illegal and non-conforming with the current City standards. This report does not and cannot review the status of all the property improvements, but staff did require a review of the existing heli-pad due to the requirements in the City Code. The applicant was asked to either establish the legal status of the existing heli-pad or add it to the Conditional Use review. No conclusive information was derived that demonstrated that the heli-pad was built prior to the City's heli-pad criteria being adopted. Therefore, the Conditional Use report also addresses the criteria for the heli-pad.

Cocker said one key issue became apparent early in the process due to the applicant's proposal of a truck route access via Trillium Park Drive and Gilman Road to the south. Staff determined that the local street system would not safely accommodate the trucks that service the nursing home property with the proposal and, as a result, a new concept was suggested for a two-way access with the two properties and a direct connection to Division Street. (He noted that it was originally proposed as a one-way access from the south but it is now proposed as a two-way in both directions.) He said the applicant has agreed to this and provided the concept drawing being shown, which was also included in the staff report package.

Powell asked if the access is shown in the lower left-hand corner, and **Cocker** said that was one access and that the trucks would come in off Division Street at the new south entrance (between the two buildings) and would egress the site via the north entrance of the hospital site (the existing entrance south of Davis between the medical center and the hospital).

When **Chair Carter** asked if it stays completely off Trillium Park Drive and Davis, **Cocker** said yes.

In addition, **Cocker** said there were some last minute word changes to some of the conditions in the Site Plan and Design Review, which he and **Konkol** read into the record as follows:

- COA 8 (page 51) regarding Performance Bond for Site Improvements: **Konkol** read, "An extension of time, not to exceed one year, may be granted by the building inspector providing that a performance bond or its equivalent is posted equaling one hundred fifty percent of the cost of completion of the improvements...." He said it should read, "...or its equivalent is posted equaling one hundred ten percent of the cost of completion" (110%, not 150%).
- COA 9: **Konkol** said the last sentence should read, "These landscape improvements will be provided prior to temporary or final occupancy, or by providing assuery. (See Condition 24.)" (not "whichever, comes first.")
- COA 16: The last sentence of paragraph one should read, "These landscape improvements will be provided prior to temporary or final occupancy, or by providing assuery. (See Condition 24.)"
- COA 39: The sentence should read, "Lighting shall be installed prior to final or temporary occupancy of the building, or by providing assuery. (See Condition 24.)"
- COA 12: A new sentence shall read, "Bicycle parking areas shall have the minimum lighting level required by City Code."
- COA 49: The sentence should be changed to read, "All on-site utility lines shall be placed underground" (inserting "on-site").

Cocker said staff has carefully reviewed this project and recommends approval of the proposal with the COA's as listed in the staff report and with the revisions just outlined.

Chair Carter referred to COA 4 (about consolidating the lots or making lot line adjustments) and asked if we have any indication of which way the hospital is leaning. **Konkol** said they held a meeting with the hospital representatives to discuss a combination of both, specifically leaving the condition to allow as much flexibility as possible to allow the hospital to do whichever works best for them.

Cocker said there are a number of ways to do it, perhaps including applying for a minor partition. **Chair Carter** said in her opinion lot line adjustments seem really complicated and consolidation seems really simple. However, **Cocker** noted that they will probably have to do some lot line adjustments related to the nursing home, so there may be other combinations as well, thus the reason for allowing for such flexibility.

Powell asked staff to explain a little more about the consequences of, for instance, not finishing the landscaping on time and then allowing a surety, noting that in the case of landscaping it might be hard to plant at certain times of the year. **Cocker** said there are a number of issues related to why a surety might be put in place. He said that because of the nature of what is being done in this project, there will be some phasing of construction so, in order to provide some assurance that things will be done properly and that they will be completed, the assuery was added to the conditions as noted. Regarding landscaping, he said there are no specific timeframes other than what are agreed to in the assuery agreement, so anything further would have to be negotiated with the city.

Powell said his concern was about landscaping contiguous to a neighborhood not being finished, whether it might be not aesthetically pleasing or it might be causing runoff because it is not completed, especially because there is no timeframe.

Konkol said, though, that the required timeframe is final occupancy. If the landscaping is not completed by the time they request final occupancy of the building, the city could at that point use that surety to contract it out ourselves in order to make sure it is completed. He said current city policy is to tie it to occupancy of a building and we don't usually have benchmarks set up in our system to have landscaping put in earlier than final occupancy, although the applicant certainly could do it earlier. He noted that part of it becomes a timing issue, i.e., in the case of replacing asphalt. That is why a year's time is given for making improvements to the site.

Cocker noted that there should also be an erosion control permit in this process so that will be reviewed as well.

Lajoie asked for clarification regarding the conditions relating to the new right-of-ways and improvements (page 18 of the CUP staff report), saying the applicant thought they were using one set of right-of-ways but staff is now suggesting another set, so **Cocker** briefly reviewed what they had proposed and what staff is proposing, as follows:

- On Division Street, they will be building a half-street improvement. In the package, they proposed the half-street improvement and there was only one minor change, which was that staff expanded the sidewalk by a foot and took out a foot utility easement for a slightly expanded sidewalk (although it will still be within the utility easement). It will be an 8-foot wide sidewalk with 4-foot tree wells. There is a 34-foot half-street associated with that, so the dedication would accommodate that.
- At Davis Road, there was a COA that was actually part of the original Medical Plaza Building, so there is a chunk of right-of-way that is 12 feet wide and staff is asking that the dedication take place. There is currently an existing sidewalk that runs into the property, so this is just cleaning up the prior condition.
- Regarding the parking structure north of Davis Road, the issue is that sidewalk comes onto the site, so staff is asking that public access easements be provided for that.
- No dedication is required on Trillium Park Drive. He explained that, starting at the corner, there is no spot for refuge for a pedestrian crossing the street, so staff has asked for sidewalk improvements which would continue to the end of the retaining wall (approximately where the grade starts changing and heading downhill). Currently, the sidewalk at that location is built of asphalt and it is cracked because it was improperly installed. Staff, then, is asking the applicant to re-lay the asphalt properly. He explained that they felt this was appropriate there in order to avoid disturbing the root base of the existing trees in the area, so it would extend to the concrete sidewalk located in the next (nearby) project.

Mengelberg asked if there had been any discussion about undergrounding utilities along Division Street, and **Cocker** said he thought it was requested but it is not a requirement. **Chair Carter** clarified that it is required on-site but not off-site, and he concurred.

Powell asked if we are doing anything about lighting on Division, and **Cocker** said the current lighting standards requirements will be required.

Chair Carter clarified for the public that this is a little confusing because there are some old issues which are being cleaned up with this application, and **Cocker** said this oftentimes happens, in this case because of the building connections, etc., and we can't just leave the 12-foot dedication as it was. It is simply a cleanup issue.

Lajoie asked about the calculation of parking stalls as it relates to 30,000 square feet. He said a part of the program (15,000 square feet) is called "undetermined" or "future space", and he asked if this has been accounted for in the parking numbers. **Cocker** said yes, explaining that the actual status of both properties is that they are both over the now-allowed maximum for parking, either way. The net result is that there will be a reduction in parking spaces for the project, so staff felt the applicant is moving more toward conformance, even though they are legal non-conforming.

Regarding what was accommodated in that use, **Cocker** said he thought a worst case scenario was used, and he recalled that the calculation for a hospital is based on the number of beds in the hospital which, in this case, included the new beds being added.

Lajoie asked how the number of parking stalls for the undetermined area is calculated since it wouldn't be on beds. **Cocker** said the hospital is considered one big facility and, unfortunately, the Code just calculates based on the number of beds.

Referring to the comment that the hospital is already over the maximum allowed parking for the site, **Lajoie** asked how the hospital is performing parking-wise. Is it over-parked, or underparked? **Cocker** said a master plan would help because he thinks there are issues involved regarding why people are parking in certain places and not parking in other places, and **Konkol** said this is why staff included COA 4 calling for a master plan. He said they are requesting a Site Plan and Design Review for a building addition, but there had to be a stopping point somewhere. In this case, staff asked them to do a parking lot count, but not a full parking lot survey since this request isn't looking at the whole site. In other words, they had to draw some limitations based on this specific proposed project.

Cocker added that the master plan itself should encompass the hospital properties in total so there is more of an understanding of what is going on north of Davis Road and even on the other side of Division.

Orzen said she read in the write-up that this is needed simply because the hospital needs more room but it also said, "to keep it within Code compliance" and she asked for an explanation. **Cocker** deferred this question to the applicant.

Regarding the truck traffic path, **Powell** said it seems fairly narrow and he asked if that would be expanded. He also asked what kind of truck traffic would really be going through there. **Cocker** said he understands that there are one or two large semi-type trucks coming through per week, and the applicant reviewed this and they feel that this makes sense. **Powell** noted that it just seemed narrow, especially around the heli-pad. **Cocker** said there are two awnings, one at the current ER and one at the nursing home, but he said he thinks ultimately the ER one will go away once the improvements are done, so perhaps there will be a little more room to make that turn. **Powell** said his only concern is that they would find out it really won't work and the trucks will still use Trillium.

Cocker thought he recalled staff having added verbiage about "no truck traffic" signage for Trillium Park Drive, and **Konkol** confirmed that it is part of the Site Plan and Design Review COA 6.

Chair Carter asked what is meant by "covenant execution". **Cocker** said our City Code says conditions or requirements can be added into the covenants that run with the properties, so they actually get written in as requirements.

Corey Morris of Clark Kjos Architects, 333 NW 5th, Portland, Oregon 97209, speaking on behalf of the applicant, Willamette Falls Hospital, introduced **Jon Flanders** of Willamette Falls Hospital.

Morris thanked staff for working with them so well on this project, saying it is a really important project for the hospital and they have been trying to move it along as quickly as possible with staff's help, including their efforts to work through the COA's.

Regarding COA 31 (which requires the hospital to receive a comprehensive city master plan approval prior to any future city land use approval or site development permit issuance), **Morris** expressed a little concern because it is their understanding that the city doesn't currently have a formal process for reviewing and accepting master plans. Therefore, he is unsure of the consequence if, for instance, three years from now the hospital wants to do a project but the city still doesn't have a process.

Powell said this has been one of the issues in the discussions of the amendments to the City's Comprehensive Plan. He said we want to get away from piecemeal development and this requirement is not just for the hospital. It also includes the paper mill and the industrial sites. He emphasized that the hospital is a great employer and the city wants to support it. We just need to avoid doing the piecemeal planning that has occurred thus far all over the city simply because it makes sense for everyone. He said he hopes the formal process will be more defined in the new Comprehensive Plan.

Morris agreed that it makes sense and he said it hasn't been done in the past simply because there hasn't been a mechanism to do that.

Cocker said that the mechanism at this point is the conditional use process, noting that things can be done in phases through that process. Therefore, that is what would be used until such time as a formal master plan process is adopted.

Konkol noted that the drafts for such a process are in process now. When **Chair Carter** asked what it would include, **Konkol** said a lot of flexibility is written into a master plan which allows the applicant and the city to work together to determine the details. He said it usually includes a timeframe (perhaps 5, 10, or 15 years); it is very flexible; and it would be a Type III decision which would come up through the PC for approval. For instance, if they were to do a master plan with four or five buildings, the buildings usually are specified in the master plan and would simply go through Site Plan and Design Review at the staff level, but the major site-wide improvements (i.e., transportation, public—water/sewer) would all be addressed on the large scale.

Cocker added that it improves the timing of everything so not only is the city understanding of the plans, but the applicant would understand where the COA's would come in based on certain desired activities. He said it also provides the applicant with more assurance so the process of approval for a site plan and design review should be a lot simpler at that point in that it gets rid of redundancy. In short, it should be a win/win for the applicant and the city as well.

Powell said this will also be a tremendous improvement because as master plans are approved they can be put into the Comp Plan, rather than waiting 10 or 20 years.

As a side note, **Cocker** noted that the previous applicant (Clackamas County) was conditioned with the same thing so they are now working on putting together some ideas for their master plan.

Chair Carter asked if we need any kind of city ordinance other than the requirement in the Comp Plan that we are requiring master plans, and **Cocker** said we are requiring it as part of a conditional use in order to evaluate some of the things not included in this review. He said the city doesn't have any proportional requirements for some of the review that we do, so in this case we did the best job we could to be fair about all the improvements we have asked for. However, at this point and until such time as other mechanisms are adopted, the CUP is the legal process applicable here.

Flanders noted that the hospital has had long range plans and its own master plan for years, but there has been no process to synchronize the hospital's master plans with the city's plans, so it has been a source of some frustration. He said that everything has to be conditioned in some way, so by necessity it has been piecemeal.

Mengelberg asked if **Flanders** had had a chance to review the changes that were discussed this evening (to the COA's), and he said they have been working very closely with staff, so the revisions submitted this evening are the results of those discussions regarding the impacts on the applicant, the city, and the surrounding neighborhoods.

Orzen read in some of the materials that some of the expansion is due to Code compliance and she asked for an explanation. **Flanders** said the facilities were built in the 1970's and he said nothing in healthcare today is the same as it was then, so many of the changes are for things such as support space for staff, management of patient flow, infection control issues, and simply more space for the size of equipment (i.e., CT scanners, MRI's, etc.) Some of the changes are also for coming up to internal Code levels that have been issued by State and Federal government and the Joint Commission.

Lajoie asked if the neighborhood meeting occurred this week and **Flanders** said they met two nights ago. He said they had a great discussion, and he said some neighbors raised the issues about the traffic on Trillium Park and the back driveway out of the campus. He said they agreed in principle that the hospital would consider blocking that off except for emergencies (in the case of losing access from Division Street into the hospital). However, there wasn't time for the administrative staff to study it in detail right then.

Powell noticed five big evergreens at the entrance to the hospital (on Division Street) and he asked if those would be taken down or if the new building would abut those. **Morris** said the hospital will lose quite a bit of landscaping in the front, some of which is caused by the building expansion, although he thinks they can save two of those trees in question. Also, the street trees will have to be removed to do the street widening, which they are not real happy about. He said they are proposing to relocate some of the smaller trees and landscaping elsewhere on campus, including quite a few to the back to mitigate some of the neighborhood effect back there.

Moving to public testimony, **Andy Ewing**, 1213 15th Street, said he came in support of the project. He said he and his family have used the facility over years and he supports the hospital becoming as high quality as possible. He also said he lives on the street that the traffic frequents (including buses), and he is familiar with pros and cons of having such a facility in our town, so he wanted to express his support.

Jack Dresdow, 17426 Trillium Park Drive, said he lives two blocks from the back access to the parking lot. He said he had sent a letter which should be in the packets, but he came to express his position. He said he is in support of expansion but his concern is that the construction will be at our expense unless certain modifications are made. Trillium Park Estates is a fairly quiet family neighborhood. The homes are probably four to ten years old and people purchasing those homes usually do so for consideration for the green spaces and the quietness of the neighborhood.

He came to ask the Planning Commission to consider tabling all the issues until the neighbors can resolve all the issues they have with the hospital, particularly concerning traffic and the access to the back area. He said his concerns are more than speculative because they do have some history of hospital expansion in the past. He said a few years ago the hospital was going to construct their parking garage and a building for their medical providers and at that time they took their plans to a homeowner association meeting and then to a public meeting to include others in the area as well. He said it was well-planned and he thought they got their questions answered, and the project was done.

He shared about some of the questions and answers at that time, which included:

1. Q. What could be expected about the construction noise and the inconvenience.
A. Most of the construction activity would be through the Davis area.
2. Q. After the expansion, what would the parking, the noise, and the traffic be like?
A. Most of the construction activity would be through the Davis area.
3. Q. What are the hospital long-range plans?
A. They had no long range plans at that particular time that they could share.

In fact, he said, as soon as they got their approvals, the construction traffic started going down past Trillium Park Drive; a common area was torn up (see letter from Mr. Levy in packet); and there was a lot of disruption in the neighborhood because of the traffic that remained.

Since then, he said there has been a route of choice by hospital employees and others who go down Gillman Drive, through Trillium, and through the back entrance rather than what he thinks the hospital planned for, which was to come in through the normal (front) entrance area off Division Street.

He said that has basically turned this into a transportation street rather than a residential street and that it is particular noticeable during the employee commute time. Some of the traffic includes ambulances, taxis, shuttle vans, semi-trucks, and urology trucks.

In conclusion, he said it is a busy street, particularly through shift-change times, and their concern today is what is going to happen in the future due to this expansion.

Dresdow said he is concerned, particularly after this evening's testimony, about the parking and the over-parked situation. He said they were advised that this is basically a technology expansion of the hospital, but they had not been advised there were going to be more beds, which would likely create more traffic. He noted they must now keep their windows closed during the summers because of the traffic noise.

He said Division Street is listed as a collector street under the County function classification plan and the streets he and his neighbors live on are local streets designed for residential use. However, because of the last changes, he said they have become more like a collector street, or at least a traffic street, because of the vehicles entering and exiting the hospital site.

He said there has already been some trenching in the back area of the hospital and a construction trailer has been on site for a couple of months, and he understands there will be more trenching across from where he lives.

Dresdow said last Friday (Dec. 10th) he received a letter from the hospital stating that there would be a community meeting on Tuesday, Dec. 16th, to explain what was going to be done out there, thus giving those people within 300 feet three business days to prepare for it, so he notified the Board of Directors of his homeowners association, who willing participated in that meeting.

He said his observation of that meeting was that although they were given an explanation of what was to occur, there seemed to be a line drawn in the sand. He said the hospital didn't seem very willing to change their plans or to consider the neighbors' concerns. However, as the meeting progressed and as the dialogue developed, it seemed that they had certain areas of agreement, especially about the back access area. For instance, the hospital did say that with the redesign of the traffic through the hospital ("the loop"), that should eliminate the need for access to the parking lot being discussed. He said the neighbors' response was that if it is no longer needed, perhaps they could curb in and landscape that accessway in order to keep the neighborhood as a residential neighborhood, but he said they weren't very receptive to that because they said they needed it for emergency vehicles in the event of a catastrophe out front. When asked for an example of a catastrophe, the hospital representative said it might be such as a water main break, to which the neighbors said they would be willing to let ambulances use the access in such a case of emergency. However, their desire is to close off that entrance so that all traffic, including employees and commercial vehicles, will go through the main entrance, as it was designed to do.

In conclusion, **Dresdow** said they have a record of promises to the homeowners in previous expansion which has not been very good in terms of noise, traffic, etc., but he thinks the current condition with traffic, parking, and other matters that he thinks can be corrected. He said he thinks they have made some progress in their dialogue with the hospital to build upon, but he would request tabling of deliberations on these matters until they can have further discussion with all homeowners to resolve their differences successfully so they can return to this Commission with more informed recommendations for the success of the hospital and the livability of the local neighborhood.

Kelly Springer, 17373 Wake Robin Circle, and **Evan Schmidt**, 17421 Wake Robin Circle, introduced themselves as speaking on behalf of the Trillium Park Homeowners Association, noting that they both live directly behind the hospital.

Springer said they want to be good neighbors with the hospital and want to have a good line of communication with them as well. Their key items of concern are based on their history with the hospital at the time of the last expansion when they were given one picture but the result was quite different as the expansion occurred. Then, as the expansion was concluding, it became harder and harder to get them to complete some of the things they had promised the homeowners association.

The result was a running battle with a homeowner directly behind them regarding a sewer line easement project, which went on for several years and included several letters and litigation, and the involvement of the homeowners association. The result was that the hospital spread bark dust and called it sufficient, so the homeowners association had to do a lot of landscaping on its own to appease some of those homeowners. **Schmidt** added that the homeowners association actually spent about \$4,000 on that back section to get the common area back into shape and are now spending \$160 per month for maintenance. He said the hospital provides nothing, noting that it is mostly for the common area and the easement area that runs along Trillium Park but some of it also runs up the hill and borders into the parking lot rear area (near the driveway of concern).

Springer said one of their biggest concerns is that in their latest easement work they have trenched down through the common area to join into some new sewer section onto Trillium Park. Approximately three years ago Trillium Park had a slide issue in that exact section they have connected into. The road actually shifted six inches so the developer at the time incurred all costs to fix that. The concern is that he is no longer there and the homeowners association now owns the common area, thus, any issues associated with the problems. The question now is whether the homeowners association would have to bear the brunt if another slide were to occur, even though the hospital did the trenching. He said they simply don't have the money that the developer or the hospital would have to correct such a problem.

Chair Carter asked staff to show the location of the trenching being discussed on the map and **Mengelberg** asked for the newest version of the map. **Cocker** said the document they were referring to was for discussion in concept only and he said the map being used was good except for the section between the two buildings and perhaps some slight modification for truck traffic to circulate through the back. **Konkol** said there are no updated site plans available yet because the truck traffic issue was added after the application was submitted, although that would be required later in the process (after this approval).

Konkol then showed the location of the rear exit from the parking lot onto Trillium Park Drive and the landscaping area being discussed. He explained that there was once a water line that looped around the facility that came directly across the proposed location for the new building. He said this is a public facility so no approval is necessary to update a public water line, so the hospital received the plumbing permit and rerouted that water line to connect to the water line in Trillium Park. The result is that if there were a rupture in one area, water could still be obtained from the back side, as opposed to the old scenario where it was all coming off Division. Therefore, the construction that has occurred included a cut down the hill into Trillium Park Drive (down a steep slope that is landscaped), and placement of a storm water tank in the ground in that area as well.

Powell asked if geologists look at the location in such a situation, especially if it involves a steep slope, before trenching is done, or if it is left up to the contractor. **Konkol** said an erosion control permit is issued through the City, which is reviewed through the Engineering Department. Therefore, under normal circumstances, one would not expect further erosion of the road under normal circumstances. In fact, he thinks the slide actually occurred a little further down the street and the assumption is that it was fixed correctly. Also, at this point, it is a public road.

Springer said another issue they were not told about was that of more beds being added, which leads to the question of how they can be assured that the parking plans are sufficient so that this won't turn into a problem of overflow parking in Trillium Park or along Davis, as it is today.

Schmidt said he thinks the goal in building the parking structure before was to bring people off Davis and other street parking into a controlled parking environment, but a lot of people still choose to park on Davis, which creates a side issue. He said he doesn't think the hospital is directly at fault, but it is occurring. Thus, he thinks they have a reason to be concerned about this rear entrance/exit area.

When **Powell** asked if there is currently a parking problem on Trillium, **Springer** said people are parking on Davis now, but the concern is that if there is not enough parking, people will start parking on Trillium if it is easily accessible.

Dresdow noted that the parking lot usually has some open area during the day but with the new configuration, it is likely to fill the lot up even more, which in turn will make the traffic route even more unacceptable. That dialogue is what the neighbors want to continue with the County and the hospital.

Mengelberg asked if Springer and Schmidt had received notice and **Sprague** said no, noting that they found out about the meeting through Dresdow.

When **Mengelberg** asked what their assessment was of the meeting, since the hospital reps said they thought it went well, they said that they thought from communication with Flanders, that it went well and that there is good, open communication with the hospital now. He said the Board's position after the meeting was that if they can gain approval by the hospital to block the rear entrance, they would probably go on record as not being against the proposed construction. He said he understood that the hospital has taken this under advisement but has not yet come to a final decision.

Mengelberg asked if it would be acceptable to the neighborhood association if the hospital were to agree to a gate that would be closed most of the time but would be available for emergency situations, and was told yes.

In applicant rebuttal, **Morris** clarified that the proposal is not to add any beds. He said they are adding treatment space, but, according to application of the Zoning Code regarding beds, they are not adding any inpatient beds. He isn't sure how parking spaces are counted, but this particular Code requirement is only talking about inpatient beds.

Cocker said he doesn't see any distinction in the Code regarding the kind of beds, but he thought Morris had mentioned that some emergency beds only were being added. He said personally he doesn't think the standard is very good, but the only consideration can be that of the existing Code, which only considers the number of beds.

As **Morris** said there is some discrepancy if they are talking about emergency room beds because typically codes, particularly building codes, refer to "beds" meaning an overnight stay, not treatment spaces.

Chair Carter asked if parking isn't generally based on square footage of the area of the building. **Cocker** said oftentimes that is true, but not in this case. He said he assumed that in the case of a hospital they based it on the number of beds and, along with that, a certain number of services are needed, for which the square footage is needed for those services. Therefore, it is more an average figure. **Konkol** noted that the function of a hospital has changed dramatically from when the Codes were written to what it is today, that being more of a daily service provider (i.e., emergency room, pharmacy, offices, etc.) as opposed to the typically defined "hospital" of old.

Flanders said one of the discussion items at the recent meeting was about the addition of two-way traffic lane for a redirection of the circulation within the campus, which he believes resolves the issue of the exit to Trillium Park. He said they (the hospital) are not sure how many (or even if) employees actually come through Trillium Park and into the back part of the lot because there have been no data provided nor complaints submitted to the hospital from the Homeowners Association. He said he thinks they have agreed that, as good neighbors, they need to develop good communications, then the hospital can work with their employees and service providers as issues are made known.

He said they think the new driveway on the south side of the campus provides access to the parking lots. He said the only access to the parking lot right now is between the hospital and the medical office buildings to the north, so he is not surprised that employees coming from the south might cut through the neighborhood. However, he thinks the two-lane road would correct that situation.

Furthermore, he said they agree with the idea that the circulation should remain within the campus but that is not without peril to the hospital because it is such a busy campus. He said they agree that the roads are narrow and they must all be reconfigured to be wider, including reconfiguration of the planter strips, to allow for the truck turns on the campus site.

He said their remaining concern is about the emergency access to the campus. He said they provide an important service to the community and if patients can't get to the facility, their lives are threatened, so it is important to consider the consequences. He said it is realistic that we live in an earthquake environment and an environment where there is a lot of water at the top of that hill, so it is conceivable that some natural disaster could occur that would result in the need of an emergency access. However, he thinks common traffic in that back area will disappear or dramatically reduce with this new circulation plan.

He noted that the City has provided other avenues for neighbors and neighborhood associations to assess traffic impacts, one of which is the Traffic Advisory Committee, through which traffic studies can be done. He said they were required to

pay for one as part of this whole assessment and nothing in that study identified issues with Trillium Park or Davis that the hospital was asked to address for the city.

Mengelberg said the neighbors had expressed concern that they had very short notice about this application and requested more time to think about it as an association. She asked (1) if the hospital would be willing to hold another meeting and (2) if such a delay would cause a problem with the construction schedule.

Flanders said first of all that they have agreed to attend the Board meeting and a neighborhood association with all the neighbors to talk about this project and future plans for the hospital. Then he said he thought one of the reasons the neighborhood association was not notified was because they are not on record as a neighborhood association with the City of Oregon City and the noticing was done in good faith based on the list they received from the City.

Regarding her second question, **Flanders** said there has already been a delay in construction because of all the discussions and planning that are required. He said we are in a winter season right now, but every day of delay costs more money, which is a significant issue. He said they have limited resources which they want to use prudently. He said they are bringing in new technology to the community and the only way to use that technology is to build the facility in order to provide it. He said it doesn't compromise patient care today, but they could certainly provide a better and more current standard of care. Furthermore, any delays also effect equipment providers, delivery dates, and work by contractors and subcontractors. He said the hospital doesn't want to presume approval, but it certainly is a hardship and it would be a difficulty to be delayed.

Orzen asked if he would address the landscaping issue that was raised, so **Flanders** explained that the back area on Davis used to be covered by blackberry cane, so they removed that and landscaped the area. However, that area became overgrown with weeds and it took some time to sort out with the landscaper who would make those repairs. He said they have agreed with the contractor who did this new pipe cut in the track just cut today to have the area repaired as quickly as possible but definitely within a month's time from now. He said they told the neighbors at Tuesday's meeting that they will stay on top of that as well as any additional changes to make sure it is repaired to last. He said he wasn't sure they didn't keep their commitments in the past but he could understand that is not easy to do when it is uncertain who is responsible, etc.

Kelly Springer of the Trillium Park Estates Homeowners Association reiterated that they are not trying to stop the hospital from becoming a better facility. They are just asking that the hospital be a better neighbor because they are neighbors. He said what the hospital does definitely does have an impact on surrounding property values so it is important to have good communications with the neighbors.

Mengelberg asked, based on the testimony he had heard this evening from the hospital, if Springer was comfortable with proceeding or if felt more discussion with the neighborhood was still needed. **Springer** said he thinks more discussion is warranted because they have had similar discussions in the past but there was no follow-through.

The applicant chose not to rebut, and the public hearing was closed at 8:45 p.m.

In deliberations, **Powell** said he appreciated the citizens' testimony, noting that he, too, was a little concerned about the traffic on Trillium and the parking. He suggested that it might be in everyone's best interest for the city to make one side of that street "no parking" to ensure that there wouldn't be problems with overflow parking.

He also had some concern about advocating the installation of a gate, saying it is a hospital and it will have traffic. He said he believes this is a technology expansion and he doesn't see this as a huge problem with more people at the conclusion of the project. In fact, he said he feels the hospital is trying to be a good neighbor in that they are willing to talk and are open to discussion. Therefore, he would prefer to move forward with this and he encouraged communications to continue between the neighbors and the hospital. Then, if a problem actually results at the access from Trillium, the matter of a gate can be reconsidered.

He said he was a little concerned with the reduction of parking spaces, saying that 1.5 spaces per bed is not realistic today, but that would be changed in the Comp Plan.

In summary, he thinks many of the issues that were voiced have been resolved and although some issues are still be worked on, he is fully supportive of the project.

Lajoie said he also supports the project with the conditions attached. He said he thinks two key factors for him are:

1. Exhibit 11, which identifies the new flow through the site, should also improve general vehicular access into the site and probably help resolve the problem at the back. Also, not only can traffic circulate through and back out the other side, but one of the conditions is for a left and a right turn lane on Division, which should help a lot.
2. Staff's recommendation for the master plan, which should be of great benefit in the long-term in satisfying these problems.

Orzen also supported the application, noting that the applicant has done a lot of work on the application and is starting to work with the homeowners association. She said traffic is always an issue, and she is not comfortable about closing the back accessway because there are other considerations, such as fire engines, that might need access. She agreed that there is parking is an issue, but she noted that there was plenty of parking available in the lot when she was there recently.

Mengelberg said she, too, supports the hospital. She said they are a great employer and they provide an important service, and she is encouraged that it is expanding and keeping up with technology. She said she had some reservations about the short notice and lack of opportunity for neighbors to comment and to absorb a very complicated proposal with 50-plus COA's. She encouraged the hospital to seriously consider the concerns and to consider modifications to address those, and, reluctantly, she would support proposal.

Chair Carter agreed with the prior comments, saying she thinks the new circulation pattern will resolve many of the existing problems. Personally, she has experienced confusion about where parking is available, but she thinks good signage will alleviate many of the parking problems and the overflow.

She also said she thinks it is unfortunate that the neighborhood was notified rather late in the game, but she said cost is an important consideration for all involved and, as an advocate of the city and the city's needs, she said the city cannot afford to delay this project further. She thinks good effort has been made and it is important to remember that as good neighbors we must live and work together, so she thinks it is important for this neighborhood association to get on record with the city so they can be properly notified in the future.

Powell was granted permission by the Chair to ask a question of staff, that being: Could the Planning Commission add a condition of approval to review the back access issue six months after occupancy? **Konkol** said per Code 17.56.070 regarding periodic review of conditional use permits, it would be a review at the City Commission level, but yes, the PC could make that a condition of approval. **Powell** said on behalf of the neighbors, he thinks that would be a fair consideration since by then they would have experienced whether or not it is an issue.

Mengelberg said she would support adding that as a condition and making sure that everyone within the Trillium Park Homeowners Association be notified (not just the Board).

Powell noted that the McLoughlin neighborhood just expanded their boundary to Division Street but they did not include the area behind the hospital. However, there is discussion going on about how to integrate the Trillium Estates area into the recognized neighborhood associations.

Konkol asked if the Chair might reopen the public hearing for the specific purpose of discussing whether an additional COA for review of the traffic/back entrance six months after occupancy is acceptable, and the public hearing was reopened at 8:59 p.m.

Flanders said they really believe the recirculation will improve this whole issue, and his only concern was what the baseline would be. Also, how would it work? **Cocker** said if there were still concerns, he thought the applicant would have an opportunity to request an extension of the timeframe for further review/resolution.

Chair Carter said, personally, she thought adult discussion between the neighborhood and the hospital should be possible for remediation in the best interests of both without requiring arbitration by the City Commission. **Konkol** clarified that a

hearing before the City Commission would not have to occur if an agreement could be reached between the hospital and the neighborhood, and **Chair Carter** said the neighborhood needs to understand that they have the right to dialogue with the hospital about legitimate issues, not petty gripes.

Powell clarified that this six-month review would only apply to the issue of the back access—not landscaping, the heli-pad, or anything else.

Schmidt asked for clarification of the six-month period, and **Powell** said it would be six months after occupancy, to which **Schmidt** agreed.

Konkol said he had recalled that they had done a Conditional Use Permit for a church which was conditioned to come back to the Planning Commission and if they could, staff would write this condition up to do the same. However, if not, it will go to the City Commission for review six months after final occupancy.

After a brief break for staff to write the condition, **Cocker** suggested the following (noting that the refinement of it could occur within a day or so): “Regarding the potential closure of the Trillium Park driveway access and within six months of final occupancy, either a letter of agreement signed by the Trillium Park Homeowners Association and Willamette Falls Hospital will be provided to the staff or the issue will be reviewed by the Planning Commission or the City Commission as determined by the City Attorney.”

Mengelberg asked that it include verbiage that public noticing will be provided to Trillium Park Neighborhood Association and all on that association’s mailing list, which they will provide to the city. **Cocker** added, “Trillium Park homeowners will be included with the public notice for any public hearings.

Powell moved to approve CUP 03-03 with the conditions and amendments from staff, including this new condition.

Mengelberg seconded the motion, and it passed unanimously.

Powell moved to approve SP 03-19 with conditions. **Orzen** seconded the motion, and it passed unanimously.

Chair Carter opened the public hearing for file WR 03-15.

Konkol gave the staff report, saying the applicant is requesting an exemption from the Water Resource Overlay District for the expansion of the hospital, hospital site improvements, and nursing home site improvements. The applicants have received approval for a conditional use permit and site plan improvement for expansion of the hospital. The proposed approximate 29,000 square foot building will provide for new emergency rooms, imaging and diagnostics, and an undetermined use above.

The site includes all contiguously owned Willamette Falls properties south of Davis Road, which is approximately seven acres and the three acres representing the nursing home. The subject site is located within the Water Resource Overlay District identified in the Water Quality and Flood Area Management Map. Applications for development in the Water Quality Resource Overlay District may request a determination that the proposed development will not impact the identified water resource. He noted that the water resource being discussed is located on the east side of Trillium Park Drive in two locations. The resource is in excess of 100 feet from the top of the bank to any site improvements on the site. The Water Resource Code would require a maximum buffer of 50 feet from the top of that bank. Thus, staff has found that an exemption is appropriate for the site improvements, which the applicant is requesting.

The site is identified on the Water Quality Resource Map; however, no historic drainages were located on the site in that area. There is a man-made drainage which is part of the stormwater facility. There are no signs of inundation, flooding, or debris associated with water flow.

Staff performed a site visit which identified that some hydraulic features had been changed in the area, specifically with the placement of Trillium Park Drive through that area, as well as the drainage courses described earlier and the man-made drainage features being provided. However, there is no physical evidence that this area is inundated at any time or part of that stream system. It is a drainage to it, but it’s not within that vegetated buffer above the resource, and there is the physical barrier in between, which is the street.

Also, near where the project site construction will occur, there is a large area of landscaping as well as large trees and existing vegetation which will provide an increased buffer from that site well in excess of standards required by our Code. The applicant would be required to review this site as part of their master plan; however, there are no perceived impacts to the water quality resource.

There were no questions for staff, no applicant comments, and no public testimony. The public hearing was closed at 9:15 p.m.

Orzen moved to approve WR 03-15. **Mengelberg** seconded the motion, and it passed unanimously.

5. BUSINESS FROM STAFF

Konkol said the Transportation Advisory Committee has started to look at pedestrian and bike trails throughout the city and would like to have a representative from the Planning Commission participate. **Chair Carter** asked when they would be meeting, and staff said they would get more information.

Konkol noted that a work session is tentatively scheduled for Monday, Jan. 12, 2004 regarding the Comprehensive Plan and Code amendments since there was no other business on the agenda as yet.

Powell said he had watched the City Commission meeting on cable the evening before and they had asked if they could have meeting with us after our recommendation to them regarding the Comp Plan and prior to their meeting in order to better understand our thoughts and to get our input prior to their first public hearing, and Drentlaw had said he would try to arrange that. **Powell** said if they do meet, he would like to take the opportunity to talk with them about development, which also came up in that meeting. He said Comm. Bailey asked specifically that we not to take any more property into the city for at least a year because they, too, are concerned about growth and other issues.

Mengelberg asked if this work session would be after the Planning Commission's work session but before their deliberations. **Konkol** said hopefully the PC would have deliberations and make a recommendation at the Jan. 26th meeting with the aim to take it to the City Commission on the third Wednesday in February, so the work session would be in between.

He also noted for the public that the Planning Commission public record is closed but citizens are welcome to attend the work sessions. Also, citizens can still submit comments to the Planning staff, who will forward those to the City Commission, and they can also participate orally at those hearings. He said there was not a lot of comment submitted after the public hearing at the PC level was closed, and he was just clarifying that there was still opportunity for citizens to participate in the process at the next level.

6. BUSINESS FROM THE PLANNING COMMISSION

Chair Carter thanked our Public Works Director, Nancy Kraushaar, for a card she sent with very encouraging sentiments towards the Planning Commission and the work we do. She then wished the citizens of Oregon City a happy Christmas and a good, prosperous, and livable New Year. **Orzen** added to that wishes for a Happy Hanukkah as well.

7. ADJOURN PUBLIC HEARING

With no other business at hand, the meeting was adjourned at 9:23 p.m.

Linda Carter, Planning Commission
Chairperson

Tony Konkol, Planning Associate

**CITY OF OREGON CITY
JOINT WORK SESSION OF THE
PLANNING COMMISSION AND THE CITY COMMISSION
February 11, 2004**

PLANNING COMMISSIONERS PRESENT

Chairperson Carter
Commissioner Lajoie
Commissioner Mengelberg
Commissioner Orzen
Commissioner Powell

STAFF PRESENT

Lelani Bronson-Crelly, City Recorder
Dan Drentlaw, Dir. Of Planning Commission
Tony Konkol, Associate Planner
Nancy Kraushaar, City Engineer
Christina Robertson-Gardiner, Assoc. Planner
Pat Johnson, Recording Secretary

CITY COMMISSIONERS PRESENT

City Commissioner Bailey
City Commissioner Hewitt
City Commissioner Lemons
City Commissioner Neeley

OTHERS PRESENT

Dee Craig, Parks Director
Bob Cullison, Engineering Manager
Larry Patterson, City Manager

ABSENT

Mayor Norris

OPENING: City Commission President Lemons opened the meeting at 5:35 p.m., noting that Mayor Norris had some personal business to attend to and might come late or might not be able to attend at all and that Commissioner Bailey would be a little late in arriving.

Ordinance No. 03-1014, Adoption of Legislative File L 03-01: Amendments to the Oregon City Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map, and the Water and Sanitary Sewer Master Plans.

Mr. Drentlaw distributed a memo from himself to the Mayor and the City Commissioners dated Feb. 11, 2004 which was a summary of the big topics he wanted to cover this evening, noting that this project covers amendments to the Comprehensive Plan, the Comprehensive Plan Map, the Zoning Map, and other Code changes. He noted that there were a few individual issues to be discussed as well.

Mr. Drentlaw said this process has been going on for more than two years, explaining that several in attendance this evening actually started working on this on a citizen task force along with staff. In 2002 there were three open houses at the high school and the Planning Commission has held, at staff's count, twelve meetings on this topic.

He said one of the goals regarding the Comprehensive Plan was to include many of the concepts that were included in the Downtown Community Plan and the Waterfront Master Plan. The result is three new Comp Plan designations and corresponding zone districts: (1) for the Downtown, (2) for the corridors, mainly 7th Street and Molalla Avenue, and (3) a new zone called Mixed Use Employment, which focuses on Red Soils, the hospital, Clackamas Community College, and the old mill site.

The first big issue the Planning Commission dealt with regarding the Comprehensive Plan was the Blue Heron site. Initially, it was proposed as part of the Downtown area (meaning a higher intensity Office, Commercial, and High-Density Residential area). However, representatives of the mill expressed serious concern at a public hearing that such a designation would affect their ability to expand and continue into the future, particularly regarding financing for improvements. After further consideration, the decision was to keep it as Industrial in the Comp Plan with an overlay zone with a requirement for a Master Plan to address how that use would transition from Industrial to more of a Mixed Use Downtown development.

Another big issue regarding the Comprehensive Plan was that the Natural Resource Committee (NRC) provided comments on the whole Plan, many of which have been incorporated into the Plan. Probably one of the biggest contributions was the Introduction, which talks about planning principles and overriding guidelines that can be seen throughout the Plan. For example, the term "sustainable development" came from discussions with them. There were also many changes in the Open Space and Natural Resource chapters as a result of their suggestions.

Moving to the Comp Plan Map, **Mr. Drentlaw** said one of the requirements of the Plan was to meet Metro's functional plan, so initially the focus was to look at areas of the city where it might be possible to increase densities. The focus was along 7th Street, Molalla and just south of Clackamas Community College. (These are shown in dark brown for high density and medium brown for medium density on the proposed map.) He noted that "medium density" would be a range of about 3,500 to 6,000 square foot lots.

City Commissioner Hewitt asked who "we" is because Mr. Drentlaw was frequently saying, "We looked at" or "We decided", etc., and he said it would be helpful to know which ideas came from staff and which came from the Planning Commission. **Mr. Drentlaw** said it was a very collaborative effort, explaining that "we" at this point is representative of the combined efforts of the Planning Commission, staff, and the Committee. **Planning Chair Carter** concurred.

Mr. Drentlaw said another area is the Downtown area, which corresponds closely to the regional center. This area includes the landfill site and the Cove. It is proposed as High-density, Residential, Commercial, and Office. The idea is to have a framework for a more streamlined process when a developer comes in.

Referring to the map, **Mr. Drentlaw** noted the following areas:

- The green area, which represents Mixed Use Downtown (MUD).
- The orange areas, which are Mixed Use Commercial (MUC) for two- and three-story buildings, in which the intent is retail on the first floor and apartments above. The area between Newell Creek Canyon and Beavercreek is also part of the MUC (higher Floor Area Ratios—FAR's—and higher intensities), thus it is designated MUC-2 rather than MUC-1.
- The pink area, which is the Mixed Use Employment (MUE) zone, written so that things like hospitals, institutional uses, etc., are permitted outright (which is not the case currently). This is specifically applied to Red Soils and Willamette Falls Hospital. The focus is to allow a mixture of supportive retail but it is primarily industrial and employment based, with a maximum of 20% allowable retail.
- The purple areas designate the Industrial zone. This was rewritten to fit Metro's new requirements for the Industrial classification.

Mr. Drentlaw said one of the biggest issues was the question of what to do with the new areas that were just brought in through the Urban Growth Boundary (UGB) expansion in December, 2003. He said they worked initially with Kent Ziegler (one of the primary landowners in the Park Place area) and he had some specific ideas about the area. At one point it was thought that perhaps those land uses could be fit into this Comp Plan, but after looking at the Park Place neighborhood and after receiving input at the public hearings, it was decided that it would be best to keep the area (shown in gray) off the map. The recommendation, then, is that concept plans be done for those areas in the future and once done, they could be used to amend the Comp Plan, which would then show specific land uses.

He said this was pretty much the same situation on Beavercreek Road, which was originally designated Industrial, but the people in that area have, in fact, hired a consultant who has begun to work on a concept plan for that area.

He said he thinks that area will be very important because Metro requires a certain number of housing units and a certain number of jobs (employment), which will be reduced if that industrial area is taken off the map, which in turn means figuring out where else those can be added.

City Commissioner Neeley said when both the Planning Commission and the City Commission identified that land, it was for industrial purposes. He said he understands the concerns of the Caufield Neighborhood Association and he suggested that perhaps we can identify an Industrial/Residential transitional area there, but he would be very disturbed if we don't identify the areas directly east of the high school and directly east of the college campus as industrial. He said this was the specific reason we asked Metro for that expansion.

Mr. Konkol said the Planning Commission inserted an action item under Land Use which specifies that the majority of this land does need to be Industrial, and preferably zoned as such, and **City Commissioner Neeley** said he is uncomfortable that the map doesn't reflect this intent in some way.

Planning Commissioner Powell said one of the challenges was in just calling it "Industrial" because throughout the three-year process this has been discussed as Campus Industrial, which has a whole different look than Standard Industrial. One suggestion prior to the public hearing process was to get some photographs of what Campus Industrial means, and he would suggest that this be done for the City Commission hearings so people can see the difference.

Furthermore, he asked the consultant that group has hired if Campus Industrial would fit into what they are thinking, and he said it would fit very well. He said he thinks they would like some housing but he also thinks they will understand that it should be Campus Industrial. He (Powell) said personally (not speaking for the Planning Commission), he thinks they all agree that it should be Campus Industrial so that it is more attractive, ecological-friendly environment.

Planning Commission Chair Carter said the property owners have taken a big step to hire their own consultant to do a master plan, which usually doesn't happen but which is very encouraging. They have some kind of biology- or agriculture-oriented biotechnology idea, and that doesn't seem to fit Industrial but it would fit in well with the college and the high school.

Mr. Konkol noted that under the current Code, if a Comprehensive Plan designation were Industrial for lands annexed into the City, they would not automatically receive a City designation. There are choices of Heavy Industrial, Light Industrial, or Campus Industrial. He said this has been changed so that an annexation is automatically zoned Campus Industrial, after which someone would have to apply for change to a different designation.

Mr. Drentlaw said another big issue that came out of the hearings was the whole concept to provide neighborhood centers to define different neighborhoods, and specifically South End, which currently has very few services. Staff carefully considered and identified three potential sites for Neighborhood Commercial in the South End area, which included an undeveloped site at Warner Parrott, a fairly large site (about nine acres) just north of Gentry Way on South End Road, and a site on Partlow Road. As they worked through the process, the Planning Commission eliminated the church site (the largest of the three, and the middle site choice).

Planning Commissioner Lajoie said the community voiced some resistance, so the Planning Commission discussed having either the one larger central parcel or the two on either end, which combined to a total of about the same amount of space and seemed to be a reasonable distance apart. They opted for the two at either end.

Planning Commissioner Powell added that the one on Partlow would be closer to any potential expansion and would not be so congested, which was one of the big concerns of the neighborhood.

Mr. Drentlaw said an earlier option was to consider something outside the city limits but inside the UGB (across from Finnegan's Way) because it is a relatively flat piece of property and further south where future development will occur.

City Commission President Lemons asked if this is being designated MUC, and **Mr. Drentlaw** said yes.

City Commissioner Neeley suggested that the new addition to the UGB at the south end also be designated Future Urban Holding (FU) (shown in gray, as suggested for the area by the high school and the college), which would make it clear if some concept plans come into being that it would be part of the MUC intentions.

He also expressed concern about some of the policies as written. Specifically, Policy 2.5.2 (page 2-7) says, "...site should not include more than one quadrant of an intersection or result in undue traffic congestion." He said both of those points violate the first half of the sentence because it means you would almost have to guarantee there would be no increase in traffic congestion, which is probably not possible.

Mr. Drentlaw said during the process, the Planning Commission received several requests from individuals to have the City initiate a rezone of their properties in the implementation of the new Comp Plan and Zone Changes. They include:

1. Property owned by Mr. Dan Berge, who owns an existing business off Hwy. 213. Staff originally designated this area as High-density Residential and the Planning Commission decided to keep it that way. Mr. Berge was interested in some Commercial zoning, not necessarily for his existing business but perhaps for the future if he ever decided to sell his property.

Planning Commission Chair Carter said the reason they decided as they did was because it is Residential all the way around it and it didn't make sense to have one small Commercial piece in the middle of it all.

City Commissioner Hewitt explained that this was a non-conforming use that was a business in Clackamas County prior to its coming into the City, and it came into the City as an existing non-conforming business to the underlying zone. He said Mr. Berge has been somewhat representing it as a Commercial piece of property, but he (Hewitt) has had lengthy discussions with Mr. Berge explaining that it is not a commercial piece of property—rather, it is a non-conforming use, and that he needs to stop representing it as such. He said this can be very confusing, but he thinks the PC made a good call.

2. The Younger property. Staff is proposing to rezone that to Mixed Use Corridor (MUC), which would not allow "big box." Mr. Younger wanted to retain this as General Commercial, but the PC supported the proposed change to MUC.

Planning Commission Chair Carter said part of the reason is that there is a beautiful view corridor there and we have lost many of our view corridors. That is one parcel that could be built with some height to it to provide great views of the canyon, etc.

Planning Commissioner Powell added that it is near the commercial corridor, and people who live nearby could walk to the local businesses there, which is one of the city's goals, and it a perfect opportunity to develop multi-family housing and/or retail.

City Commissioner Hewitt noted that this is the proposal for this Comp Plan, but he asked, If an applicant wanted to use the current Commercial designation, would that mean he couldn't? He noted that the newspaper has reported that another application is coming for that property and that even though this is a wish from this group, it could be moot.

Ms. Kraushaar noted that it could still be a non-conforming use, even if the zone were changed, and **City Commissioner Hewitt** agreed that it is important to note this.

3. Property owned by Clackamas Community College. **Mr. Drentlaw** said this is currently designated as Limited Office, but staff had initially proposed it as Industrial. However, it was later decided that perhaps it might be more appropriate to zone it Commercial, partly because of the desire of the college since they said they have potential buyers for commercial uses, and, **Planning Commission Chair Carter** noted, it also fits in with the existing commercial businesses in the area.

City Commissioner Neeley asked what the area around Fred Meyer is zoned, and **Mr. Konkol** said it is zoned Commercial.

4. Rose Road Property (identified as 3S-1E-1CD). **Mr. Drentlaw** said the front part of this property is zoned R-10 but the back is zoned R-6/MH. The Planning Commission decided to rezone it as R-8, giving a little lower density for that property.

Having concluded his general presentation, **Mr. Drentlaw** opened the discussion for general questions on the Comp Plan.

City Commissioner Neeley said he would prefer to hold his specific comments until after the public hearings, but he had a general question regarding functional plan minimum densities within the city. Specifically, he asked what those are—i.e., how many residential units per acre?

Mr. Drentlaw said he believes eight per net, but they have been using that number for analyzing areas that are brought into the UGB, not the existing cities. He said, through a process of analyzing how much vacant land we have and based on the zoning, staff has done an estimate of how many more housing units could be extracted within the existing city limits and came up with a number that Metro was satisfied with, so he thinks we are okay regarding the number of housing units.

City Commissioner Neeley said he was asking more about the new Urban Growth areas and whether we will be able to meet those requirements, especially since some of these areas, particularly in the Park Place area, are probably natural-resource challenged, and he asked if we will be permitted to subtract out those areas. **Mr. Drentlaw** said yes.

City Commissioner Neeley said he thinks the City actually agreed to all of those expansions, although several were kicked out in the process of what is being recommended by Metro at one point or another. He said he also thinks many of them had the backing of the City Commission, but he is concerned that, in those areas, we would probably be hard pressed because of either adjacent use or because of natural constraints to meet those requirements. **Mr. Drentlaw** said Metro does

recognize the resource areas and steep slopes, and he doesn't think that will be an issue, especially in South End, but also probably not in Park Place. Thus he thinks we can pursue trying to work through the concept plans in those areas.

Planning Commissioner Chair Carter said we are trying to make up some of that density along the corridor in the Mixed Uses areas, where we can pack in a lot of residential density that will count in our Metro numbers, which will in turn allow us to keep the rural areas more rural.

Regarding that very idea, **Mr. Drentlaw** said he had actually asked Metro if they would consider such if we were to bring in higher densities in different parts of the city, but he never really got a straight answer.

City Commissioner Neeley said, even if we could meet our average density requirements that way, including the expanded areas, the pressure will still be on us at some point to expand further. He said we will eventually use up the areas in which we can practically have higher densities, and to say that we are trying to have a more rural nature when lands are being brought into the city is just an invitation, ultimately, to sprawl. He thinks what is identified in the corridors is great, and the redevelopment strategy is really great. However, he doesn't think we will see much of the objective because there will be a real benefit to the existing commercial entities along the corridor, but there is a limit to how far we can go.

Planning Commissioner Mengelberg said in another part of the Zoning ordinance there is an additional opportunity for infill throughout the city through accessory dwelling units that we haven't had before.

Planning Commission Chair Carter said there was also much comment from the citizens that people move into Oregon City because they like the rural feel that exists here. Therefore, the idea of building and options is part of the sustainable balance.

City Commissioner Neeley said he wouldn't argue with that but there are responsibilities to urban growth and we should be approaching what we regard as a buildout scenario in terms of how far out we've expanded. He said we are an urban center. For example, people come here rather than Portland for various reasons and our daytime population is twice that of our nighttime population. He doesn't know how we can do it, but we need to say that we aren't willing to go much further in UGB expansion. We need to define the size of city we want and need to fight to the extent we can to hold it. This Plan, he said, gives us the opportunity to do so.

Planning Commissioner Powell said we if could utilize Code properly and more efficiently, we could do a lot of high-density housing—more than we had originally planned. Therefore, he thinks we should reevaluate the Cove area to see what the potential is for high density there because it is near a transportation hub, it doesn't affect the main city, and it doesn't affect 7th and Molalla to a great extent. Again, he reiterated that this is a long-term plan.

(**City Commissioner Bailey** arrived at 6:15 p.m.)

Regarding the Cove, **City Commissioner Neeley** said a Master Plan is very specific, and for specific reasons, about how the area around the Cove is to be handled with the exception of the south side. Personally, he said he doesn't think it fits the Orenco Station concept of the Hillsboro area, and he thinks there are many restrictions that will prohibit the east side of the Cove area from developing into that kind of area, including the existing sewer plant, the old Rossman's landfill, and the fact that it is in the flood plain. Furthermore, we already know from just trying to build a simple 8-foot pathway through there that there are areas of hazardous waste requiring mitigation. He thinks it would be extremely expensive to redevelop that area that was actually the gravel pit site, and he thinks it would be best to have that as an open space. He noted that the Parks Master Plan shows that people argued for the procurement of additional open space and they gave a priority to the Cove area.

City Commissioner Hewitt said if the assumption that property comes in at R-10 (10,000 square foot lots) and at the same time that density could be built up in the Cove area, this also assumes a philosophy change at both the Planning Commission and City Commission levels, which seems unlikely. In other words, some people have come in for R-8 or R-6 and have argued that there is R-6 next to them, but the question becomes, When do you draw the line, and where is the transition area? It seems like there should be a natural progression for where each line stops, eventually reaching the outlying boundary where it is rural. Therefore, when we look at the Comp Plan, where does R-6 end? He said this is a policy issue

that will be important to him in planning the future of Oregon City and determining what we want Oregon City to look like, with the caveat that Beavercreek doesn't want us to go beyond Henrici.

Planning Commission Chair Carter said this has been the very issue the Planning Commission has been discussing for months—the determination of where to stop. Then master planning makes sense to determine where to place higher or lower densities, where to place Commercial, etc.

City Commissioner Hewitt asked what a city like Milwaukie does when it is pretty well locked in but is still being forced by Metro to meet some sort of 20-year plan. **Planning Commission Chair Carter** said one option is to build upward, and **Mr. Drentlaw** said it is based on underdeveloped and vacant lands, and each of those cities, even if they are hemmed in, go through that exercise and negotiate with Metro to come up with numbers.

City Commissioner Hewitt said if we draw those boundaries, we will eventually have an end-time and we will then be at the same point because we can only do so much infill. For that reason, he is concerned about negotiating with Metro and having them apply pressure to move outside what we determine is our limit.

Planning Commissioner Mengelberg asked if we can just say no to Metro or if they ultimately decide where the UGB is since it is their plan. **Mr. Drentlaw** said it is negotiated. Every five years they go through this exercise and it starts out academic. They don't look at city boundaries, rather they just look at lands. Then the cities get involved and the negotiations begin, at which time some cities get none and some cities get lots. For instance, Clackamas County got a lot the last time.

City Commission President Lemons said we are not here to make decisions this evening but we are here to have a work session, and he asked that the main direction be to have the discussion center around what the Planning Commission felt was important to express to the City Commission.

Planning Commissioner Powell asked what population is being projected with this proposed Comp Plan, including City Commissioner Neeley's suggestion of the addition at the south end. **Mr. Drentlaw** said about 46,000 people, which is about the size of Tigard. He said we are currently at about 27,000.

Planning Commission Chair Carter said, along with the issue of determining where our natural boundaries are and where we want to go, another issue is that of being able to have control of what we want to do, saying she is always frustrated with the legal constraints of being able to control our own destiny.

She said Governor Kulongoski has put together a new Land Use Committee to review the land issues for the State, and she thinks Oregon City probably faces every single issue (with the exception of a coastline). She suggested that it might be worthwhile to write to the governor and invite this new Land Use Committee to come discuss these very real issues before they try to decide the direction we need to go.

City Commissioner Bailey said he works with the department that is going to be doing that, and he said they have been talking about the exact same problem. He said he thought it would be best to hold a series of workshops with real city planning commissions and city councils to see what works and what doesn't.

City Commissioner Hewitt asked if either of them has some specific ideas. **City Commissioner Bailey** said we are constantly being pressured to expand the UGB but people hate sprawl. The flip side is to determine how to build density and build a community that functions, so he asked if the Planning Commission has gotten any sense from the public meetings about how the people are asking for control between sprawl and density. Then, within that boundary, we need to ask what we can do as a city about annexation policies and ways to make a desirable community yet meet the required densities.

City Commission Chair Carter said that was the whole point of the Rose Road development when the whole neighborhood, it seemed, came in to argue against increased density in that area, which, she said, reiterates her earlier comment that people move to Oregon City for a more rural lifestyle. We need to find a new balance, including giving a high consideration of all of our natural resources and environmental features.

Planning Commissioner Mengelberg said there are also market forces to be considered. For instance, there is an aging population wherein people want smaller houses and they don't want to maintain large lots. Therefore, it may no longer be true that we need to maintain so many 10,000 square foot lots.

Planning Commission Chair Carter said we must maintain a balance, and when **City Commissioner Bailey** asked if that is in the proposed plan, the answer was yes.

Planning Commissioner Powell said there is also a cost consideration to keep in mind so that people can make their own choices regarding the size of house or lot they want and what density they choose to locate in. Thus, the resulting plan to provide a mix, with infill and higher volume density houses on the corridors and more rural lands where appropriate. Again, he said, as a planning organization, we must listen to the citizens but we must also plan for changes because this is a long-term plan.

Regarding the proposed high-density areas, **City Commissioner Neeley** said we must make sure we get the amenities that attract people who want to be there, and he said the riverfront is an important area. Also, regarding high-density, he said he presumes it is easier to develop on new land than to redevelop on old land. If we continue to expand the area, we won't attract developers to the areas we need to redevelop. This is a region-wide problem, but if we restrict our expansion outward and others don't, the attraction for developers will be to go to other areas.

City Commissioner Hewitt said there is much talk about the Metro 20-year vision and many people feel that in one sense it is causing sprawl because it brings in too much at once without adequate time and budgets to implement plans. Therefore, he thinks it might be good to ask the new Land Use Committee why we have to look 20 years out, and what affect such a required demand has on cities to deliver service (for things like rezoning, Comp Plan changes, etc.). Perhaps a 10-year plan might be more reasonable and realistic.

City Commissioner Bailey said that is the planning horizon that was negotiated years ago through a public process, and he doesn't think planning drives growth. **City Commissioner Hewitt**, however, said some people would contend that it drives sprawl, not growth.

City Commissioner Bailey said he would argue the opposite, citing the large amounts of farm land right next to I-5, which is due in large part to planning.

Moving forward, **City Commissioner Bailey** asked what the Planning Commission's view was on the process of establishing the Future Urban holding areas.

Mr. Drentlaw explained again (because Planning Commissioner Bailey had not yet arrived when this was explained earlier) that some residents along Beavercreek had hired a consultant to work on a concept plan for them and this would hold that area until the plan is done and can be reviewed through the legislative process, after which amendments could be made to the Comp Plan as appropriate. The issue is that we are losing some of our job base with the recommended changes in zoning. For example, the Parker Landfill site is currently zoned Industrial but we are changing it to Downtown, which means a potential loss of jobs. The proposal for a place to make that up is in Beavercreek.

City Commission President Lemons said the key issue is whether it would be designated Industrial or Campus Industrial.

Returning to the idea of densities, **Planning Commissioner Lajoie** said we are currently trying to get our hands around Oregon City in terms of design, perimeters, etc., and one of the results was this new designation of Mixed Use. We need such a designation but he asked how we actually go about implementing it and, specifically, how the City can help start the process.

Mr. Drentlaw said the first step is to remove impediments, and **Planning Commission Chair Carter** said it will start to happen when landowners have an ability to develop their land in a manner that is economically feasible. She cited her own situation in explaining the plight of many who own land but are having difficulty in developing their land further.

City Commissioner Neeley said it seems like we need to figure out what to do when opportunities arise. For instance, Krueger's Lumber is going to be sold, Copeland's (Brown's) is vacant, and Oregon City Plumbing is probably soon to be

on the market. So there are several opportunities of fairly large parcels of land coming available. He said he thinks we have taken some actions by, for instance, making the corridors more attractive. He said there are limited things we can do with regard to public monies, but those are some of them.

Planning Commissioner Powell agreed that we need a strong economic development. If we look at just the north downtown area, there is great opportunity, but it will take someone to generate interest, and he thinks the City needs to hire someone to do economic development (sell it).

City Manager Patterson said it is a difficult task. He has spent a lot of time talking with experts about redevelopment, and Oregon City has some challenges. One of the first steps is to create an environment for such, which he thinks is partially accomplished with some of the rezoning. However, it is a fact that density will be an issue.

He said staff is in the process of working out a Scope of Services contract with the Leland Group to review our various plans and trying to bring those into a concentrated strategy. He has also been talking to several people about filling an Economic Development Coordinator's position, and he has talked to a number of development interests about some major areas. We will have to figure out how create some incentives—for example, some Urban Renewal monies, some creative types of tools, and working with some public/private partnerships. The issues are: What are the strengths of this community, and how do we enhance those and build up the weaknesses?

He said Downtown is one of those areas and one of the questions is how to really build it up. He said mention was made of things done along 7th Street, but some things are driven by market forces so we are looking at a slower buildout in some areas.

City Commissioner Hewitt said Brian Nakamura suggested a concept about the question of how a city changes the rules and how to spur certain development and revitalization of a downtown area. He (Hewitt) said other municipalities have pretty much forced Retail/Commercial on the first level, which forces the landowner to do something. So not only is landowner looking, but commercial real estate people and others are all converging on this new potential area. He said he thinks Oregon City is ripe for redevelopment on a ground level approach in downtown Oregon City, but it will take time, and he thinks this Comp Plan has addressed the downtown area well.

Ms. Kraushaar said there have been many studies to understand how regional centers could redevelop more quickly with higher densities, etc., and they have shown that some public investment is required, after which private investment generally follows. She said this is already happening in Oregon City, although it is not so readily visible because it is such a long process. However, we have done the Regional Center Plan, the Downtown Community Plan, the Waterfront Master Plan, and the McLoughlin Boulevard Enhancement Plan (not yet adopted). She noted that the City is contributing \$2 million and the Federal government through Metro is contributing \$3 million to the latter.

She also said the City owns properties and perhaps we need to set an example. For instance, the City owns a property between Main and 99 at 12th and this would be an ideal site, even with the topography, for underground parking, McLoughlin Boulevard level Commercial, and Office and Residential above that. This type of project, she said, could be a great example if we were to find a partner to work with us on it.

City Manager Patterson said we are currently in the slowest part but we are beginning to build a foundation. The early part is laying the groundwork, but development will come.

City Commission President Lemons said many people have worked very hard to get where we are and this is something to build on. He, too, said he would hold his comments until after the public comments are made in the public hearings, but he thinks this is a good plan and a good starting point.

Planning Commission Chair Carter said the fact that it has taken so long to re-do the Comp Plan has allowed a lot of construction in the interim that we might not have wanted, but **City Commission President Lemons** said it has made for a better plan.

City Commissioner Bailey added that the old Plan was so outdated that it took a huge effort to get this much done, and **City Commissioner Neeley** added his appreciation for all the work that staff, the Planning Commission, and the various groups and individuals have put so much into the effort, noting that every version has been much better than the one before.

Regarding Code, **Mr. Drentlaw** noted that there were many small housekeeping issues, but he would mainly cover the big issues.

He said Section 16.12.065 (page 13) is a new section, noting that we have not had a formally adopted Level of Service (LOS) Standard for traffic, but these Code amendments will provide such. This proposal is consistent with the Regional Transportation Plan (RTP). It recognizes that traffic in the regional center will get a little worse, so this recommends a LOS "D" for intersections and a LOS "E" at any single approach. He said we need this because it will provide a way to require improvements or it may provide a basis for denial when a development application comes in and either situation is deemed appropriate.

City Commissioner Neeley asked what our current authority is for approving or denying a project, and **Mr. Drentlaw** said it depends on the type of project, but this gives a more objective standard.

Ms. Kraushaar noted that staff has sent this to Metro for their approval because we need to comply with the LOS Standards set forth in the RTP and they have not had time to reply, but she doesn't expect any problem.

Mr. Drentlaw referred to Section 16.12.232, Minimum Density, (page 13) which was one of the issues with Metro that kept us out of compliance. It says that a subdivision must build to at least 80% of the density of the zone. **Mr. Konkol** said we don't expect to see a big difference because we have not run into this problem (since developers generally want as much density as they can get), but Metro wanted to see this in writing. **Ms. Robertson-Gardiner** noted that this is net developable land.

Referring to page 14, paragraph 1, **Mr. Drentlaw** said this is a way to deal with infill and higher densities on properties that might have restrictions due to irregular shapes, natural restrictions, or an existing house. Oftentimes in such cases, the property can't always be divided evenly into 10,000 square foot lots, so this allows the developer to go 10% lower on a lot as long as it made up somewhere else within the subdivision. For example, if one lot is 9,000 square feet, another must be 11,000 square feet.

Mr. Konkol said this, in conjunction with lowering the required width and depth, should offer the needed flexibility that is currently such a problem for developers in Oregon City.

Ms. Kraushaar said sometimes we end up putting sidewalks in easements, but we would prefer to have public facilities in the right-of-way rather than in easements, and she thinks this will help a lot in these situations as well.

City Commissioner Neeley asked if, based on staff's experience, 10% will correct most of these problems, and **Mr. Konkol** said yes.

City Commission President Hewitt noted the comment about lowering the minimums and he asked if they were lowered or simply given some flexibility. **Planning Commission Chair Carter** said they lowered the minimums, and **Mr. Konkol** said he would explain that further in discussion about the zoning standards for R-10.

On the same page, **Mr. Konkol** said 16.12.290 talks about setbacks and building locations. Currently, we require all lots on a collector or minor arterial to locate the front yard setbacks and orient toward the front (to that street). However, there is some conflicting language and pre-existing development patterns make this type of design difficult. For example, there might be a lot on South End Road and a local street right behind it. The developers would prefer to have the house front to the local street, but this requires them to face towards South End. This proposal would provide an alternative either to face it to the minor arterial or provide an acceptable landscaping or fencing, which would avoid having a six-foot fence right against it. In other words, it would provide a buffer rather than a fence.

Referring to page 24, **Mr. Drentlaw** said Section F is about garage standards. He said we are getting a lot of snout houses (a "garage with an attached house"). This new standard requires that the garage wall cannot exceed more than 40% of the façade.

City Commission President Hewitt asked about the new paragraph E, Access Dwellings, specifically whether they have to meet the same setbacks as the dimensional standards for a house. **Ms. Robertson-Gardiner** said the current accessory dwellings code says if the structure is 500 square feet or less it can be built within 3 feet of the side and rear lines. The new standard says if the accessory dwelling unit fits under the Code of 500 square feet or under and only one story it may be built within 3 feet of the side and rear property lines. If the ADU is over 500 feet or if it is two-story, it must meet the underlying zoning setbacks.

He asked if it has to be behind the face of the house, and she said yes. She noted that there is a special section for accessory dwellings, and he said he would wait for that discussion.

Mr. Konkol said 17.08.040 (page 24) gives the dimensional standards. He said "B" used to say, "The minimum average lot width needs to be 75 feet." Now we are saying the minimum lot width is 65 feet. Furthermore, the minimum lot depth was 100 feet and now it is 80. These provide the flexibility referred to in earlier discussion.

City Commissioner Hewitt asked if this will work for most developments, and **Mr. Konkol** said yes, based on the setbacks, etc.

He noted that the lot width and lot depth setback changes have been incorporated throughout all of the zones, but for the R-8, R-6 Single-family, and R-3.5, the proposal is to provide a maximum building coverage (maximum footprint) permissible on the lot. This provides for flexibility in lot sizes, lot dimensions, and setbacks, but this avoids the building of an R-10-size house on an R-8 or R-6, mathematically. The reasons are to (1) to keep the house in proportion to the lot size, and (2) to protect some affordable housing. (It didn't seem necessary to apply this to R-2 or R-10 for obvious reasons.)

City Commission President Lemons asked if that isn't the whole reasoning behind setbacks, and **Mr. Drentlaw** said that is one method but this gives people a little more flexibility to move their house on the lot (perhaps to not be right next to the neighboring house), and does not allow huge houses.

Mr. Konkol also noted that building permits are not required for accessory buildings under 200 square feet (for example, a shed) so they are not included in the maximum footprint calculation.

City Commissioner Neeley asked for clarification that this means that one-third of the area could be covered by a house and the other two-thirds could be a detached garage, a driveway, or other things. **Mr. Konkol** said one-third of the lot area can be covered by a building but the other two-thirds includes setbacks, the driveway, sidewalks, etc. Furthermore, a detached garage (or any other accessory building) would be included in the one-third calculation if it is over 200 square feet in size.

Planning Commission Chair Carter asked if **City Commissioner Neeley** was concerned that 33% doesn't seem like enough, and he concurred.

City Commissioner Hewitt said he just built a house on a piece of property that is two-story and 2,500 square feet, with 1,386 on the main floor, and an attached garage of 750 square feet. In other words, whether you consider the 1,300 square foot footprint of the house or the combined total footprint of 2,000 (under the new scenario) the calculations on a 10,000 square foot lot equal either about 13% or 20% respectively. The conclusion, then, would be that 33% is quite a bit.

Ms. Robertson-Gardiner said **Mr. Konkol** and she had done some calculations on some of the very large homes on R-10's that are just over what would fit on R-8, so the issue is really a matter of keeping things to a proportionate size.

Moving to page 45, **Mr. Drentlaw** said there are three new zone districts, as follows:

1. Mixed Use Corridor (MUC), which is actually comprised of MUC-1 and MUC-2. The uses are essentially the same, but the density is higher in MUC-2. This zoning allows for Office and many kinds of Retail. **Mr. Konkol** said the MUC-1 is limited to 10,000 square feet and limits the retail stand-alone buildings, and the MUC-2, which allow up to

60,000 square feet. **Mr. Drentlaw** said "big box" would not be allowed in either zone unless it was by Conditional Use. Also, the MUC-1 is basically along the 7th Street corridor and MUC-2 is along Beavercreek (based on lot sizes). **Mr. Konkol** added that some of the existing businesses along Beavercreek, namely Les Schwab and Jiffy Lube, would become a pre-existing non-conforming use in the new MUC-2. He explained that they could maintain their current use as long as the use is not discontinued for more than one year, nor could they change the use or make improvements. Furthermore, if a fire were to destroy more than 60% of the market value, they would have to change to a conforming use.

City Commission President Lemons asked if there is a need for that and if it would need to be replaced elsewhere if it were taken away from there. **Mr. Drentlaw** said such types of businesses would have to go to General Commercial, and he identified the areas designated for such on the map (shown in red).

City Commissioner Neeley said it sounds like non-conforming use is basically the same as it was before, which staff confirmed. He asked if this would deny a good existing employer the opportunity to expand if, perhaps, new standards for the business might require expansion or if the employer chose to expand and, in turn, create more jobs. **City Commission President Hewitt** said he was unaware of anybody in that area that meets this scenario and new businesses could simply locate in the Commercial zone. **Mr. Drentlaw** added that if someone decided they wanted to expand, they could still come in for a rezone or a Comp Plan amendment.

Mr. Konkol noted that the Motor Vehicle Service Repair/Sales is not only Commercial but they are also a conditional use in our Mixed Use Downtown (MUD).

City Commissioner Neeley asked about gas stations, and was told they, too, are a conditional use in the MUC.

2. Mixed Use Employment (MUE) zone. This would apply to areas such as Willamette Falls Hospital and the Red Soils campus and would allow those current uses to be permitted outright. It would also allow up to 20% of the area to be Retail. This seems to be a really good solution to the industrial flex space (east of the Red Soils site), which is currently zoned Industrial but which actually contains some retail now.
3. Mixed Use Downtown (MUD), the restrictions for which are listed on page 55. **Mr. Konkol** said that the list of conditional uses (page 57) includes courts, libraries, and general government offices. He noted that these are all currently in the downtown area but they would require a conditional use for expansion.

City Commissioner Neeley asked why these would be listed only as conditional uses in an area we are calling a regional center when Metro calls for public office space in regional centers. **City Commission President Lemons** said this is only referring to government offices, not offices in general, but he (Neeley) asked why government offices are called out as a separate issue. **Mr. Konkol** said the potential impact of putting a large government office downtown could, for instance, dramatically increase traffic and parking, so staff felt that additional scrutiny would be necessary.

City Commissioner Hewitt asked if a corporation headquarters wanted to put in their offices downtown, would they have to put Commercial on the ground floor and their head offices above. Staff said yes.

City Commissioner Neeley asked if corporate offices would be a conditional use because they could have traffic impacts, but staff said no.

City Commissioner Bailey said it is a legitimate point to debate, but perhaps at a later time, and **City Commissioner Neeley** suggested that perhaps the permitted uses should be determined by office size rather than the specific kind of office. **Mr. Konkol** said another consideration is not just the number of employees but the number of trips generated.

City Commissioner Hewitt said he would also ask about retail not being required or mandated downtown, and **Planning Commission Chair Carter** said she thought the Planning Commission's intent was to have retail on the ground floor no matter what, and **Planning Commissioner Powell** agreed, saying that was the intent.

Mr. Drentlaw also noted that there is an overlay in Downtown for the traditional historic area in which the height restrictions are more restrictive (58 feet maximum—the height of the Masonic Lodge—as compared to 75 feet in the other locations.) **Planning Commission Chair Carter** said there was a lot of discussion about this, resulting in the requirement that the tall buildings would have to be on the bluff side and the smaller buildings would be on the river side to give a view corridor.

Mr. Drentlaw said there are two new concepts under the heading "Dimensional Standards except for the Historical District" (page 57), the first of which is a minimum building height which says that if a person is building upward, they must go at least two stories; and the second of which is a minimum Floor Area Ratio (FAR) in this Zone for a minimum density of .35. In other words, at least 35% of the ground floor on the site must be building. For example, an FAR of 1 means that 100% of the site would be covered with a one-story building.

Mr. Konkol said 17.34.050 – Pre-existing Industrial Uses indicates two specific businesses that will maintain their Industrial use and can expand, this does not include the Glazier site.

Noting a few other changes, **Mr. Drentlaw** said the section for Campus Industrial (page 63) is so it conforms with Metro's recommendations for Industrial. He said it doesn't meet the recommendations for regional significance, but it does meet the definition for Industrial.

Mr. Drentlaw referred to page 80 which shows a complicated table for parking stalls. He said the current standard parking stall size is 9 feet wide and 20 feet long and the compact size is 8 feet x 16 feet. After much discussion, the result was to eliminate the compact spaces and only have one standard that is in between the two. In reality, one standard is simpler and is more realistic in terms of who parks where anyway.

Moving back to page 72, **Mr. Konkol** said wording has been added that says, "For proposals of a Conditional Use Permit, a subdivision, or a commercial office or industrial use over 10,000 square feet, the applicant shall schedule and attend a meeting with the Neighborhood Association prior to submitting an application for development."

Regarding accessory dwelling units (page 86), **Mr. Drentlaw** said this section was added as a requirement of Metro to meet our functional plan requirements. He said this basically allows a property owner to add an additional dwelling unit on a single lot with a separate kitchen as long as it meets the requirements listed. He said the most significant requirement is on page 87, paragraph 9, which limits the size of an accessory dwelling unit to no more than 40% of the principle dwelling or a maximum of 800 square feet.

City Commissioner Neeley asked if "ownership" refers to the primary property owner, not a different owner, and the answer was yes. In fact, **Ms. Robertson-Gardiner** said the property owner must live in the main house or ADU at least seven months of the year.

She noted that this would be good for density and also for providing more affordable housing because the rent is generally less for such housing. Another issue is that the accessory dwelling unit has some compatibility standards (see #10) which would be done during the building planning process.

Also, if there is a new house and a new accessory dwelling unit, off-street parking must be provided, but if it is an existing house and a new accessory dwelling unit, that is not required.

City Commissioner Neeley asked if separate utility meters are required. **Ms. Kraushaar** said this is determined by the Building Code but another consideration is what is cost effective for the builders. She said installing a larger water meter means paying a higher SDC. She said it is being proven that it is more cost effective to get one 1-inch water meter than two 5/8-inch meters, which, quite frankly, makes the SDC's more affordable, and we don't want these to be economically difficult for the builders. Therefore, staff has tried to find something that makes a lot of sense using what they believe are the actual demands on the system.

City Commission President Lemons said he has some concerns with the parking issues related to accessory dwelling units and he asked for clarification. **Mr. Drentlaw** said there would probably only be one car for one individual because of the small size of these units. However, **City Commissioner Hewitt** said he could see this becoming an issue in the Historic district, wherein the site space available is already limited, so he thinks they should be able to use the street if there is space available. He said he hasn't seen an over-use of on-street parking, so apparently there is still capacity available. However, if it were full, that neighborhood would be singled out to not be able to build accessory dwellings units because this provision would require parking on site. However, it was noted that on-site parking is only required if it is a new house and a new accessory dwelling unit, not where an accessory dwelling unit is being added to the lot of an existing house.

Planning Commission Powell said he thinks the McLoughlin and Canemah neighborhoods are probably the most limited areas, and anywhere else parking could probably be provided onsite.

Mr. Konkol said the new language on page 89 refers to fence heights. Currently there is no limitation except that a building permit is needed for fences taller than six feet. However, this limits the height to 6 feet in general and 3 ½ feet on the long right-of-ways, with some higher fences allowed if on a berm.

Mr. Drentlaw said there is a new process for "minor Site Plan review" (page 92). For instance, a grocery outlet might want to move their entrance and install a small awning or perhaps re-stripe their parking lots. Thus, this abbreviated process addresses those situations, and includes a new lower and more appropriate fee.

Mr. Konkol said there is a new proposal for tree replacement requirements (page 93, #11) that would be applicable in Site Plan and Design Review, and also for a new commercial or retail building as well as for subdivisions. This clarifies that in a subdivision if a tree is outside of the street right-of-way, outside of any utility easements, and outside of the allowed setbacks, that tree needs to be replaced. If trees are removed outside of any of those three places or if a storm pond is put in, the developer is now responsible to replace any trees that are removed. Furthermore, currently we require a 1:1 replacement so, regardless of the size of tree, the developer is required to replace it with one 2-inch tree. This proposal is to equate the number of trees to be replaced to the size of the tree being removed. In other words, if a 6-inch tree is removed, the requirement would be for three 2-inch trees to replace it.

City Commissioner Neeley said if there were a Douglas Fir that was more than 31 inches in diameter, that would require fifteen 2-inch trees to replace it, but there might not be sufficient space to plant that many trees. In such a case, he asked if the property owner/developer could mitigate and plant trees elsewhere. **Mr. Konkol** said the existing language says, "Where these requirements would cause an undo hardship, the deciding authority may modify the requirement which, in its judgment, reasonably satisfies the purpose."

City Commissioner Hewitt asked if this is for development (yes) and he asked if the developer were to level the property before applying for development, would there be any restrictions? **Mr. Konkol** said no, there would not be.

Planning Commission Chair Carter said she is really upset about the lack of control regarding trees in the UGB areas because we as a city have no right to stop property owners from taking out trees if they so choose. She said Portland requires a tree inventory prior to the issuance of a building permit.

City Commissioner Hewitt agreed but said that would probably be a discussion for the future. He noted that such tree ordinances are horrendous to administer because they require a huge staff and a lot of money. He said he understands the concern, but we must consider the economic impacts related to taking such a step.

City Commissioner Neeley said this would be hard to do unless it were to apply to everyone. For instance, we would have a hard time proving that a property owner was planning to develop his land when he cut trees two years ago.

City Commissioner Bailey said the Oregon White Oak is an endangered resource and he noted that we are at the northern end of the range, so he would be interested in protecting those.

Returning to the subject at hand, **City Commission President Lemons** said he had some concern about the numbers quoted for replacement in this text because, as was already mentioned, some lots might not have room for that number of trees and still allow for the building of a dwelling, which would create a hardship for the property owner in that he could not develop the land as he might wish.

Mr. Konkol said hopefully this will start some conversation about conservation.

Mr. Drentlaw said this proposal eliminates the PUD ordinance because it is not written well and it is not used to the City's advantage in Oregon City. He said a rewrite of the PUD ordinance may be a valid future project, but for now it seems best to eliminate it.

Mr. Drentlaw also said that he and Mr. Kabeiseman have been working on language to add to the Code that relates to Master Plans, although that is not complete and has not yet been distributed yet for consideration. He said he hopes to have

a draft in the next City Commission packets. Basically, it sets forth the process wherein the property owner can establish his own development wishes as long as it is adopted through a legislative process.

Mr. Konkol noted that there was a Master Plan designation on the Comp Plan and the Zoning Map, which was placed on Blue Heron, Red Soils, Clackamas Community College, and Willamette Falls Hospital and the contiguous pieces they own on the west side of Division. He said all but Blue Heron are already required through previous Land Use decisions to do Master Plans as a Condition of Approval.

City Commissioner Hewitt asked how a person who comes in with a challenged piece of property deals with it regarding density if we do away with the PUD. Can he transfer density and can he go to a smaller lot size through another portion of the ordinance, or is that just eliminated?

Mr. Drentlaw said it is pretty much eliminated. He said if a person has a protected resource on the property, he basically can't use it.

City Commissioner Hewitt asked if a person had, for example, wetlands on his R-8 property with 24,000 square feet, is he limited to three lots with no transfer for the unusable portion? **Mr. Drentlaw** said that is correct.

Mr. Konkol clarified that three or less is a partition, per our Code, and a density transfer would be allowed in a partition.

Returning to the subject of PUD's, **City Commissioner Neeley** said we need to get conservation easements in place or require perhaps some condition of the natural resource so that some quality of that natural resource be established, but they, in fact, get a tax break on it because if they were annexed in expecting to benefit from having city centers and then they were only able to build on one-fifth of their property simply because of their location, we need to recognize their situation. For instance, perhaps someone is forced to annex in, which constitutes a taking. **City Commissioner Bailey** said it is not really a taking because of the double majority rule for annexation, but **City Commissioner Neeley** said if someone is pulled in and then finds out he can't develop, that would become a real issue.

City Commissioner Neeley then said it appears that there is some agricultural use on some of the land across Beavercreek, and he asked if there are any restrictions on size or anything else in our Code regarding agricultural land. For instance, can they still use it for agricultural purposes? **Mr. Drentlaw** said he thought there was some limit on livestock, but **City Commissioner Neeley** said Mr. Sullivan once told him there was no ordinance against animals except, perhaps, under the nuisance law.

Mr. Konkol said agriculture would be a pre-existing condition which would be allowed as a continued use.

City Commission President Lemons asked for closing comments.

Marcia Sinclair of the Natural Resources Committee said the Soil and Water Conservation District received a grant to develop a Watershed Council, so the resulting Multi-creek Watershed Council is interested in recruiting people.

Planning Commissioner Powell asked when the first public hearing at the City Commission level would be held, and he was told it would be Feb. 18th.

He then asked what the City Commission's pleasure was regarding the transfer/recommendation of this from the Planning Commission to the City Commission, and **City Commission President Lemons** asked them to lay out an outline which Planning Commission Chair Carter or some other designated person could present at that meeting.

Planning Commission Chair Carter said again that this has been a very huge project because it was so out of date and that this has taken monumental effort by staff and the Planning Commission to attempt to address everyone's concerns.

Staff confirmed that the meeting on Feb. 18th will be held at the Pioneer Center at 6:00 p.m., with regular business starting then and this agenda item being scheduled to begin at 7:00, and **City Commission President Lemons** confirmed that this would go through the normal process for noticing, noting that this would be a public meeting with opportunity for public input.

Mr. Konkol noted that the Commissioners should be forewarned that this would be a very large package, including all Planning Commission minutes and all public written testimony submitted thus far relating to this subject. However, staff would prefer not to resend the Comp Plan and Maps that were distributed this evening because there would be no changes to them before the next meeting.

ADJOURN

With no other business at hand, the meeting was adjourned at 8:15 p.m.

Linda Carter, Planning Commission
Chairperson

Tony Konkol, Associate Planner

**CITY OF OREGON CITY
PLANNING COMMISSION**

February 23, 2004

COMMISSIONERS PRESENT

Chairperson Linda Carter
Commissioner Dan Lajoie
Commissioner Renate Mengelberg
Commissioner Lynda Orzen
Commissioner Tim Powell

STAFF PRESENT

Sean Cook, Associate Planner
Tony Konkol, Associate Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

None.

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: January 12, 2004, January 21, 2004, and January 26, 2004

- Regarding the minutes of Jan. 12, 2004, **Mengelberg** noted that her actual wording was "a very rare commodity," not "good commodity" (page 4, paragraph 2, last sentence). Also, on page 14 she was quoted as saying, "...they could go toward Newell Creek Canyon..." but she said she didn't say "Newell Creek Canyon." She meant the canyon between the high school and Division Street (the canyon behind some housing which is across Division from the hospital), although she didn't know the name of it. **Konkol** said he would find out the name of that area.
- Regarding the minutes of Jan. 21, 2004, **Orzen** noted that the name "Herrman" should be spelled "Herrmann" throughout.
- Regarding the minutes of Jan. 26, 2004 (page 11, paragraph 8), **Powell** had moved to forward the amendments of the Comprehensive Plan, et al, to the City Commission and he read, "It was clarified that this is to include everything except the Comp Plan text, which will be reviewed once more after this evening's suggested changes are typed in." He asked if we need to formally approve that. **Konkol** said no, because that ended up being approved at the end with a final motion to recommend with the amended text as stated this evening. (See page 22, paragraph 13.)

Mengelberg noted that the grammar on page 6, paragraph 4, line 2 should be "made consistent", not "make consistent".

Powell moved to approve the minutes of Jan. 12, Jan. 21, and Jan 26, 2004 with the corrections stated. **Mengelberg** seconded the motion, and it passed unanimously.

4. HEARINGS:

ZC 03-02 (Quasi-Judicial Zone Change Hearing), Nancy and Mark Travers; Request for a Zone Change of 4.18 acres zoned "FU-10" Future Urbanizable - 10 acre to "C-I" Campus Industrial for the property identified as Map 3S-2E-09A, Tax Lot 700.

Chair Carter gave the parameters and procedures applicable to this hearing. She asked if any members had any conflict of interest, bias, or ex parte contact regarding this application. **Powell** said he had visited the site, as had **Lajoie**. There were no challenges against the Planning Commission or any individual members of the Planning Commission to hear this application.

(Note: Full copies of the staff report, application, and all related documents are included in the public record and are available for review through the Planning Department.)

Konkol noted that the exhibits that would be viewed on the overhead would be entered into the record as Exhibit A, noting that they are similar to the ones distributed in the packet.

Cook gave the staff report, saying that this request is for a zone change on the property at 19262 S. Beaver Creek Road from FU-10 to Campus Industrial (CI). It is currently designated Industrial on the City's Comprehensive Plan, and that there are three specific types of Industrial zoning in the City: Light, Heavy, and Campus. The applicant is choosing Campus Industrial. This property is currently zoned FU-10, which is a County zone, and the process is that if a zone change is not forwarded, the land will remain essentially Residential. He noted that the FU-10 actually has a 10-acre minimum but this would be a non-conforming situation.

The subject property is 4.18 acres and was annexed into the City following the election in November, 2002. Prior to the annexation, the subject property was also identified on Clackamas County's Comprehensive Plan as Industrial. At the time of this report, the property owner does not have any proposal for development on the property. Prior to any actual development, she would need to go through Site Plan and Design Review with the City to get approval. She is taking this step to secure a zone so she can look forward to development in the City.

Cook said staff has analyzed the site and found it adequate with public facilities and services available.

The decision-making criteria for a zone change are basically consistency with the Comprehensive Plan. The staff report addresses each one in detail, but for the purposes of this hearing **Cook** chose to limit his discussion to a couple of the relevant points.

- **Citizen participation:** Provide an active and systematic process for citizens and the public to be involved in the Land Use decision-making process. This application complies with this standard. Staff sent public notices to property owners within 300 feet, a notice was placed in the newspaper and posted at the site, it was posted on the City's website, and people could inquire at City Hall. Additionally, notice was sent to the CIC (Citizen Involvement Committee) since there is no neighborhood association for this area.
- **Commerce and Industry:** Maintain a healthy and diversified economic community for employment opportunities. The applicant has proposed to change to Campus Industrial, which will obviously allow Campus Industrial uses, which can provide employment opportunities for the area.

An inventory study was conducted by Ed Murphy & Associates as part of the new Comprehensive Plan which showed that as we are moving along, we could hit roughly 75% of our employment goals, assuming a couple of factors. One of the main factors is that all of the properties inside the UGB that are zoned FU-10 will become Campus Industrial. This application supports those assumptions and assists us in working toward providing more employment in Oregon City.

- **Policy 5 under Commerce and Industry:** Promote the expansion of industrial development within the community's ability to provide services. This proposal clearly promotes expansion of industrial development in Oregon City. This proposal is supported by the fact that Metro is working toward expanding Urban Growth areas for industrial lands and job-generated purposes, and this application complies with those goals.
- **Transportation.** David Evans & Associates conducted a needs study on this property to find out the level of information needed at the zone change level for this property. It was determined that this property was included in our Transportation System Plan (TSP) and it has basically already been assessed as if it were going to be developed Industrial. Any future traffic impact studies will apply through Site Plan and Design Review at such time when a development is proposed.
- **Neighborhood Plan Maps:** The City is charged with maintaining and revealing the Comprehensive Plan Map as the long-range planning guide for the City. As such, the Comprehensive Plan shows this property as Industrial. Therefore, this application supports that Industrial designation.

In closing, **Cook** said staff reviewed the applicable criteria for the proposed zone change and recommends that the Planning Commission forward the zone change request to the City Commission with recommendation of approval.

Cook then introduced **Mary Inman**, who was present to represent the applicant.

Chair Carter asked what the small parcel directly to the north is zoned. **Cook** said it is actually a County island (not in the City).

Mengelberg asked if were not developed as CI, could it be developed as a house as long as it were under the 10-acre size? **Cook** said there are actually two residences on the property as is. Under the FU-10 (which the City does not have in place

because it is a County zone), we would let the existing houses remain. There has been some leeway to allow for remodeling and expansions, but it is essentially non-conforming, especially with two houses on the lot.

Lajoie said it seems that this comes at an unusual time, considering the rather large pending changes to the Zoning Ordinance and the Comprehensive Plan, and he asked if the applicant is aware of the proposed zoning. **Cook** said yes, noting that most of the major changes are south of Loder Road, but, he said, they are definitely aware of the pending actions.

Lajoie asked if they are specifically aware of the changes being suggested for Campus Industrial, which will probably apply by the time they are ready to do some development. **Cook** said yes.

Mengelberg noted that as long as they were to put in their application before the new zoning goes into effect, they would be under the old rules.

Orzen asked if they would still need to apply for a zone change under the new Comp Plan designation if they didn't do it now. **Konkol** said yes, confirming that the City is not doing the zone change on this property as part of the Comprehensive Plan updates.

Mary Inman, 8504 SW 54th, Portland, Oregon, said, regarding the question about the island, that man is very elderly and the applicant has had long discussions with him in the past but he is simply not ready to do anything, even though he will probably be annexed in later.

She added that the applicant has no plans to develop, but they know it has been in the Comprehensive Plan as Campus Industrial. She said they were annexed in as a proactive move and then realized that they don't have a valid zone so they decided to get a zone that is valid for the City.

There were no public comments.

The public hearing was closed at 7:25 p.m.

In deliberations, **Mengelberg** said she is personally delighted to see someone want to come in as Industrial because many times the City is asked to rezone from Industrial to something else. **Chair Carter** concurred.

Ozen said she thinks it is a very logical sequence, with the surrounding area being Campus Industrial.

Orzen moved to recommend approval of File ZC 03-02 to the City Commission. **Mengelberg** seconded the motion, and it passed unanimously.

5. NEW BUSINESS:

Konkol said Metro will be visiting Oregon City regarding two issues:

- One consideration is Measure 26.29, an Industrial Lands Expansion Report, for which Metro is currently studying 29,000 acres near the existing UGB throughout the region.

In June, 2004, the Council will identify approximately 3,000 acres that are most suitable for conversion from rural to urban uses. During April, May, and June, public hearings on an ordinance to expand the UGB will be held and the final hearing will be scheduled for June 24th. They will hold a meeting at the Pioneer Community Center on Tues, March 2nd from 4:30 - 7:30 p.m.

They are currently studying what they have called "Oregon City North," which is north of the Park Place neighborhood; "Oregon City East," which would be east of the city limits along Holcomb Boulevard; "Oregon City South," which is east of the Maple Lane area near the mobile home park (currently in the County); and "Beavercreek," which is everything south of our current city limit. He said they have identified approximately 690 acres in Oregon City North, 510 in Oregon City East, 411 in Oregon City South, and 2,540 in Beavercreek.

They have broken it down into public services (transportation, sewer, water, and stormwater) and the feasibility of getting these services out to those areas. All four sites ranked easy for stormwater. The north and south ranked easy for getting water services to those facilities. All four ranked difficult for sewer, and Oregon City East and Beavercreek ranked difficult for transportation.

Chair Carter asked if these are areas they are studying for UGB expansion four years from now, but **Konkol** said they are for Industrial uses.

Konkol said that was a review of the brochure, which would be available for public review at City Hall, and that there should also be information about this on the Metro website.

Mengelberg asked if Metro is anticipating a presentation at a particular time or if this would be an open house format. **Konkol** said it is listed as an open house. **Chair Carter** said she has attended Metro open houses before which actually had a beginning, a middle, and an end, so this is a valid question.

- Regarding a second issue, protection of Fish and Wildlife habitat, **Konkol** read from a brochure: "In 2002, the Council approved an inventory of 80,000 acres of regionally significant fish and wildlife habitat. This inventory is the basis for the next phase of analysis, which is to develop a regional fish and wildlife protection plan. After a regional plan is adopted, cities and counties will be responsible for implementing a local habitat protection plan."

He said that in the spring of 2004 Metro will complete an EESE analysis (an environmental, economic, social and energy analysis) of six possible protection options.

They will hold another open house at the Pioneer Community Center on Monday, March 15th from 4:00 - 8:00 p.m.

Chair Carter said we can probably assume that is a real open house since it covers so many hours.

- **Powell** said he had heard that there is more discussion about the Wal-Mart application and whether or not there will be another public hearing regarding it, so he asked staff for an update.

Konkol said Wal-Mart has reapplied (as of last week) for approximately the same size building on the same site, minus the multi-family residential properties. The property is zoned General Commercial, which allows Wal-Mart's application as an outright permitted use. Therefore, the only thing they need is Site Plan and Design Review with the City. That is a Type II application that is handled administratively at the staff level. He said written comment is accepted during the comment period, but there will not be a public hearing on it. The decision of staff is appealable within 10 days, based on criteria, to the City Commission.

A second issue being reviewed is that a provision in our Code prevents an application that has been denied or withdrawn after the close of a public hearing from being resubmitted within one year unless it is found that is not substantially similar to the original application. He said, unfortunately, that is about as specific as it gets about how to deal with "substantially similar", so our attorneys are putting together how we handle a "substantially similar" finding. Preliminarily, the "substantially similar" review would be encompassed in the Site Plan and Design Review done at staff level.

Chair Carter reiterated that Wal-Mart could submit a new application on the existing 10 acres of Commercial property that would not require any hearing before the Planning Commission or the City Commission. It is a Type II application that would be processed straight through City staff, as would any other Commercial application on standard Commercially zoned property. Therefore, any feelings about it would have to be brought forth by the citizens.

Orzen asked if written comment is the main source of citizen input, and **Konkol** said yes.

Konkol said notice for comment is sent out to all property owners within 300 feet of the site and the property is posted with the comment dates. There will be no newspaper advertisement, although it will be on the City's website.

Chair Carter said it can be very difficult to understand but, legally, any feelings need to be applied to the criteria that relate to the application. She knows many people have a moral issue with Wal-Mart, but moral issues are not part of the criteria. Therefore, we are unable to address anything other than the legal criteria.

Powell said he asked his question because one of the attorneys' comments was that we potentially could, in fact, have a public hearing in front of the Planning Commission but it would not be a quasi-judicial public hearing. Therefore, he was not sure whether that would legally even occur. **Konkol** said he could look into that. He said he is not running the file, but he knows one request has been received that this be a Type III application in front of the Planning Commission, although he doesn't know if it can be done any other way than as the applicant has requested.

Chair Carter asked if the Planning Commission members are free to participate in submitting comments as citizens since it is not likely to come to the Planning Commission. **Konkol** said he would ask the City Attorney and get back to them with an answer.

Lajoie asked when public comment is due. **Konkol** said staff had just received the application a week ago and they have 30 days to deem it complete. After an application is deemed complete, then staff will put together the public notice. He said **Christina Robertson-Gardiner** will be the planner working on this project, and he didn't know if an actual timeline for public comment had been determined yet, but he would keep the Commission informed.

Chair Carter thought it would be good to do so at the PC meetings, both to keep track of the process and to give the citizens another avenue for keeping informed about it.

Orzen noted that Wal-Mart's Good Sam Club allows people to park their RV's in the store parking lots, and she asked how City Code would apply to that since she assumed there would probably be security issues, health issues, and environmental issues. **Cook** said he thought that was discussed before and he didn't think it would be allowed because our City Code doesn't provide for that, although the discussion didn't go very far because of the result of the application.

- **Chair Carter** said she would be calling Mr. Drentlaw to begin planning for use of the work session times again, since the big project (the Comp Plan amendments) has been moved forward to the City Commission.

- **Konkol** gave an update on the Comp Plan process, saying the first public hearing at the City Commission level was held on Feb. 18th. The public hearing is still open for written comment, and hopefully the preliminary schedule will be accepted or refined at the March 1st study session of the City Commission, which will only be to talk about the process—there will be no substantive discussion at this study session. The tentative schedule is that Wednesday, March 10th at 5:00 p.m., will be the last day for written comments to be included in the March 17th work session packet. He clarified that written comments will still be accepted, but this is a cutoff date to get them in the packet for distribution in a timely manner. All information received after that date will be included in the March 29th packet for the April 7th public hearing. He said the March 17th work session will be at 5:00 p.m. at City Hall, and the second public hearing is scheduled for Wednesday, April 7th at 7:00 p.m., and is tentatively scheduled for the Pioneer Community Center. All written comment received after the 5:00 p.m. cutoff on March 29th will be entered into the record at the April 7th hearing.

Konkol reiterated that this is the tentative schedule and staff would let the PC know of any changes.

- **Mengelberg** asked when the next Planning Commission work session would be held. **Konkol** said it would normally be on March 3rd or March 17th, but he was unaware of any topics for discussion. **Chair Carter** said she would discuss this with **Mr. Drentlaw** and notify them at the next meeting.

6. ADJOURN PUBLIC MEETING

With no further business at hand this evening, the meeting was adjourned at 7:40 p.m.

Linda Carter, Planning Commission
Chairperson

Tony Konkol, Associate Planner