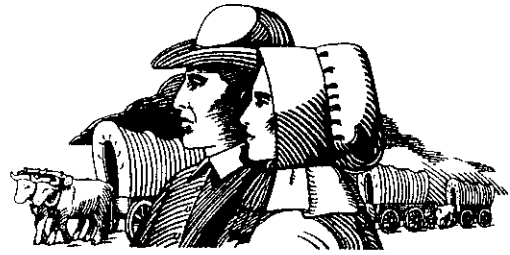


CITY OF OREGON CITY

PLANNING COMMISSION

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AGENDA

City Commission Chambers - City Hall

February 23, 2004 at 7:00 P.M.

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

PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:02 p.m. 3. **APPROVAL OF MINUTES:** *January 12, 2004, January 21, 2004, and January 26, 2004*
- 7:05 p.m. 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.
- 7:45 p.m. 5. **NEW BUSINESS:**
- 7:50 p.m. 6. **ADJOURN**

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.

**CITY OF OREGON CITY
PLANNING COMMISSION**

**WORK SESSION MINUTES
January 12, 2004**

COMMISSIONERS PRESENT

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

STAFF PRESENT

Dan Drentlaw, Planning Director
Tony Konkol, Associate Planner
Nancy Kraushaar, City Engineer
Ed Sullivan, City Attorney
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

Commissioner Lynda Orzen

The meeting was called to order at 7:05 p.m. **Chair Carter** reminded the public in attendance that this is a work session—a time for the Planning Commission (PC) to work but at which no public comments are allowed.

Drentlaw added that this is a public process which will also go before the City Commission (currently scheduled for Feb 18th), at which time there will be more opportunity for the public to speak.

I. Comprehensive Plan Update.

Drentlaw reviewed that the public hearing on this matter was closed on Nov. 24th, 2003 and written testimony was taken until Dec. 10th. He said staff had distributed a packet to the commissioners which included letters that had been received since Nov. 24th and Dec. 10th; a memo dated Nov. 11th; some notes from Orzen, who was unable to attend this evening; and a submission of comments from the Transportation Committee and several comments from the Natural Resources Committee.

(Note: Full copies of the staff reports, proposed plan amendments, maps, and other related documents are available for review through the Planning Commission.)

He began by saying that staff, in reviewing the discussions, saw seven major issues as they pertain to this evening's discussion (see handout attached to the agenda dated Jan. 12, 2004), and he addressed those as follows:

1. Plan designation for the new Urban Growth Boundary (UGB) areas. **Drentlaw** used a map to show the new UGB areas that were brought into the city in December, 2002, noting that there are basically three areas: the South End area, the Livesay Road area, and the Beavercreek area. He said the first Comprehensive Map showed those areas and that staff had actually assigned uses to those areas, but they had received many comments through the public hearing process about concerns that perhaps some of those designations weren't the right designations and that many people wanted to see more time taken to study those. The new map, then, shows two of those new UGB areas as Future Urban Holding and staff's question for the Planning Committee (PC) was whether they should actually show designations or hold off until concept plans can be done for those areas.

He explained that several neighbors in the UGB east of Beavercreek had recently hired Cogan, Owen, Cogan (a planning consultant) to start putting together a concept plan, which is a little more detailed than a comprehensive plan because it is a smaller area but addresses many of the same issues. He said Metro has required that the City of Oregon City adopt these concept plans within four years of when the UGB was brought in, which would be 2006. He said staff sees this action as a positive thing, explaining that a concept plan, upon completion, would

come before the Planning Commission and the City Commission to become adopted as an amendment to the Comprehensive Plan.

Drentlaw said a similar process is happening to the north in the Redland Road/Livesay Road area, although it is being initiated by a property owner who has some interest in developing the area he is calling Park Place Village. **Drentlaw** said staff has asked the man to work with the Park Place neighborhood in developing a plan that hopefully could be used as a concept plan for that whole area. (He noted that the Park Place neighborhood may apply for some Metro enhancement funds for the city to help the planning effort there, which could also be a real positive thing.)

Powell said we must look at the purpose of the Comprehensive Plan, which is to help generate ideas, and the ideas that are starting to come up are great, especially for the area along Beavercreek. He said he is always concerned when we are talking long-term that we remember that we need to plan. He said on the one hand he hates to leave things out, yet on the other hand these properties haven't even been annexed into the city yet. Therefore, although we need to start planning for twenty years out, it might be good to mark this area as Future Urban, which would give us the opportunity to study it better in order to zone it appropriately.

Mengelberg asked what the minimum lot size would be in the Future Urban designation, and **Drentlaw** said until it is annexed into the city, it would be 10 acres (which is, actually, the same as it is now).

In an effort to better understand the concept plan issue, **Powell** asked, If the Redland/Livesay area were annexed into the city as FU-10, would we still be delayed from doing anything until a concept plan was done? **Drentlaw** said yes, explaining that when Metro included several areas in the whole region into the UGB, they established a process whereby, within a certain period of time (four years for Oregon City), concept plans must be completed and that they address all the functional plan items that Metro has (i.e., housing, natural resources, hazards, etc.) He noted that they could be done by the city, they could be private plans, or they could be a group effort. Because this is a new process, they haven't specified any strict guidelines at this point.

Powell asked if the city could suggest what it perceives as appropriate zoning to an individual or group of citizens working on a concept plan. **Drentlaw** said the idea is to identify land uses (as is done in the rest of the Comp Plan) whether that be Industrial, Commercial, Single-family, Multi-family, etc., so that would provide the impetus for the city to apply new Comp Plan Map categories, which would be adopted as an amendment to our Comprehensive Plan. Then, once the property was annexed, the city zoning would be established.

Powell asked, If a property were brought into the city and a property owner in the middle of that area chose to sell his property to someone who was interested in bringing it in as FU-10, could they do that? His concern is that if there were a plan in process and someone decided in the middle of the process that he had to sell, could that impact the whole plan?

Drentlaw said ownership of the property doesn't affect the categories to that assigned area in the Comprehensive Plan, or the zoning. He said if there were a change in ownership and someone decided they wanted to change the zoning, there is a process to do that.

Powell asked, If someone wanted to buy the property with the intention/understanding that it be FU-10 (as it is now) and then a week later it was changed to R-6 by the city, that could result in the same problems some of the property owners are facing today. So, he asked, is there a process to put an overlay on it so people aren't caught by surprise?

Drentlaw said that is the purpose of labeling it Future Urban Holding, but **Chair Carter** asked, In the case of the Beavercreek area, would it be Future Urban Holding with an Industrial designation, or Future Urban Holding

with no designation, or perhaps Future Urban Holding with an Industrial overlay designation, for the moment anyway?

Drentlaw said what she was describing is basically a combination of what was proposed originally and what is being proposed now, and he asked the City Attorney if there was any reason something of that nature could not be crafted. **Sullivan** said no, but he cautioned that the assigned designations must make sense out of the whole plan. For instance, if we have a shortage of Industrial lands but we don't designate anything as Industrial, that could become a problem. The same would be true if we had a Residential shortfall. In short, the numbers must come out right.

Chair Carter said, for example, the Beavercreek area was brought into the UGB by Metro because we need industrial land in Oregon City and Clackamas County. Therefore, if we designate it FU for now, it seems like it would still have to carry with it the Industrial zoning.

Sullivan said they might want to deal with it that way because if someone were to challenge the Plan on the fact that the numbers don't add up (for example, not enough Industrial lands), that challenge might be well taken.

Chair Carter asked how citizens could possibly come up with a plan if they don't know what the zoning will be.

Sullivan said he thinks the theory is that it stays FU-10 until the concept plan is put together. He reiterated that the PC has the option to plan the zoning now or, to some extent, of deferring it, but they still have to have the numbers work.

Drentlaw said he has talked with the consultants who are working for those property owners and part of their analysis is to see how removal of the Industrial zoning designation would affect the city's overall acreage numbers as it relates to Metro.

Mengelberg noted that their concept plan also needs to meet Metro standards as well as the city's vision planning. **Sullivan** added that any amendment of the Plan to include the new areas would need to be consistent with statewide planning goals as well as Metro's, and consistent with the unamended portions throughout the City's plan.

Chair Carter said she recalled there had been some discussion of that area being something other than Industrial, such as Mixed Use or a combination of Commercial/Residential, and **Sullivan** said the numbers still have to come out right.

Powell asked what Metro means by "Industrial." Is it strictly Industrial, or is Campus Industrial included in Industrial, because he thinks it makes sense to have that area as more Campus Industrial, which would allow more uses than standard Industrial. **Sullivan** said yes, it would be included, and **Drentlaw** said it basically means employment jobs, which is a pretty broad category. However, he said we must also remember that the work done on the Comp Plan so far in terms of analyzing Metro's numbers for both Residential and Employment did *not* include this recent amendment, so the Beavercreek area is not even in the mix yet as far as Metro is concerned, thus he thinks we have some latitude about what we do there.

Chair Carter recalled that there was some discussion about having Mixed Use Employment in that area, but **Drentlaw** said that is for the Red Soils area and the hospital.

Since people don't particularly like the term "industrial," **Chair Carter** asked if "Mixed Use Employment" might be a better designation that is more citizen friendly, and **Powell** asked if Metro recognizes it as Industrial. **Drentlaw** said they probably wouldn't because it allows a significant amount of retail.

Powell said he isn't sure Retail would be the right designation either, but perhaps a Campus Industrial environment would be better, citing examples of successful areas (for example, Redmond, Washington). He said we have to meet our Metro numbers, but he wants to make sure that whatever we do in these areas, and particularly if we call them Future Urban Holding, that (1) the property owners won't get stuck with something they can't get out of, and (2) that we have some flexibility in zoning it. **Drentlaw** said we and they would have flexibility and we would basically be allowing some more time to pass before we determine the designation. Furthermore, he said he thinks both the City and the property owners would want to see action before the maximum four-year time limit is up, and this year if possible.

Mengelberg said she would probably be in favor of using the interim step of the Future Urban Holding zone to give the neighbors and the planning organizations more time to look specifically at these sites, especially in the Park Place area which has some more complicated issues, such as riparian areas, slopes, etc. She said more time might allow for some more creative ideas for more acceptable solutions. However, she would want to caveat especially the Beavercreek area—that it is one of the few Industrial areas we have left in the city and we really need to safeguard it. She said she knows people like housing better, but this area is flat, it's got good access, and it has good infrastructure, which is a very good commodity in Oregon City.

Chair Carter said there seemed to be some agreement in favor of designating those areas as Future Urban Holding, and she is in favor of anything that helps us slow down and build a better project in the end.

Kraushaar asked what the possibilities would be for someone who wanted to develop those parcels in six months because they are not annexed yet. **Sullivan** said they would need to apply for a Plan Amendment and Zone Change because this is within the city's Planning jurisdiction. In other words, they would have to get both until they are annexed into the city, which is a very expensive and long process, which would probably be prohibitive for small parcels.

When she asked if the request would be held up until the concept plan was actually adopted, he said there are no 120-day limits on a Plan amendment and if the applicant had to go through both the city and the county, it would probably not be worth it unless it involved a whole area.

Powell asked what would happen if the county were to approve it but the city didn't, and **Sullivan** said if either one says no, the answer is no.

Kraushaar asked if a finding for that "no" could simply be that we haven't completed the concept plan so we're not aware of the needs in terms of infrastructure, etc. **Sullivan** said the short answer is yes but it is not immune from challenge.

2. Master Plans. **Drentlaw** said there have been a number of discussions with the Blue Heron Mill, Willamette Falls Hospital, Clackamas County Red Soils site, and Clackamas Community College, all of which have a number of site development requirements do to the large size and campus atmosphere that are really not standard developments in terms of what we have seen historically.

He said [the goal for master planning development is that] it is a campus-style development that is phased over several years, and staff hopes to have a draft prepared for review at the next meeting for establishing a master planning process. He said, depending on how the Code language is crafted, it could get as specific as we want it to. It would address uses and could cite specific development standards that differ from our existing Code, which has been a problem with the college and the county in terms of them meeting some of our setback requirements because they're not always in a campus setting up against the street and they need more flexibility in terms of parking and building layout.

Drentlaw said one of the really specific issues raised during the public hearing was that of the Blue Heron site, so staff has proposed several options for that property. He said originally the Comp Plan showed changing that site into the new Mixed Use Downtown zone, but Blue Heron wants to see it remain Industrial. They feel that any sort of change could affect their ability to gain financing for improvements and potential expansion. He said staff met with them recently and discussed that perhaps there could be a special designation in the Comp Plan that calls this a special master plan area which would include some kind of redevelopment or phasing program. In other words, perhaps it could be kept as Industrial with an overlay that says master planning needs to be done.

Another option would be to keep it as originally proposed--that of Mixed Use Downtown.

Regardless, staff has listed this as a separate issue because it is a pretty important issue.

Powell said he heard at the hearing that they felt a change of the Comp Plan designation would impact their ability to expand, which he could understand and thinks we could work around. What he didn't hear was anything about a master plan or long-term plans for the mill 10 or 20 years from now. He said it makes it hard for the city to plan unless we understand their plans as well. He said we definitely do want the mill to continue—it is a great employer and we don't want to see them leave, but the reality is that it could happen and the city must be prepared for such an event.

Therefore, he asked if we could keep the Mixed Use Downtown (MUD) designation there and include a note for them such as the master planning program that would allow them to perhaps expand, as opposed to not doing anything and perhaps having them sell out to a chemical manufacturing plant or something. He admitted that this is an example of a worst-case scenario, but the point is that we need to plan for the future.

Sullivan said he doesn't think the issue is so much that of a non-conformity use, but the issue he heard was that of financing—whether or not a bank would believe that this is still a viable use and isn't just a "non-conforming waiting to happen."

He said he thinks staff has presented an appropriate alternative in that he thinks we can put a designation on the property. He would recommend, though, that we make it clear that the mill knows it can stay so long as it can stay as a mill and can expand and do the types of things other businesses can.

The question for the long-term, **Sullivan** said, is how this fits into the long-range plans for downtown if the mill ceases to exist, but he said he thinks staff could definitely work with them in writing appropriate language if that is the direction of the Commission.

Powell reiterated that he fully supports the mill—he just feels we need to have a long-range plan and he wants to make sure something can't happen in meantime until that master plan gets done.

Mengelberg asked if Powell was advocating for option 1 (to assign the MUD designation) or 2 (to keep the Industrial designation with a master plan overlay) because option 2 does allow for transitioning to mixed use.

Powell said he was for option 2.

Mengelberg agreed that option 2 is a better way to go. She said she thinks the mill made convincing argument about how important this site is to them and why the Industrial zoning is important to them. She agreed that it has a river view that has value, but it is also right next to the railroad, it is across the river from another mill, and it is on basalt, so it is a difficult piece of property to redevelop. It also has some special attributes that are especially attractive for a mill in the water rights and the power. Therefore, she wouldn't want to do anything

that would jeopardize the mill's long-term success at this site, and she thinks option 2 allows for them to remain where they are and it also provides the opportunity for transition.

Lajoie asked if it were to lose the Industrial designation at this point, do the numbers still work? **Drentlaw** said it would obviously reduce the total, but he would have to check the exact numbers. He said one of the considerations is the possible loss of employment in the Beavercreek area, which must then be balanced against Blue Heron and some of the other sites. That, then, is part of the reason option 2 make some sense—we're still retaining that designation but we're saying we need to realize that at some point the mill may not be there so we need to look at uses that fit better with downtown.

Chair Carter said it seems like we are saying this site could be Industrial purposes indefinitely, but it really seems like it is "indefinite" as long as it is the mill. In other words, it can't transition from the mill to some other industrial use indefinitely. It is either the mill or it becomes Mixed-Use Downtown. **Sullivan** concurred, saying that is why the master plan requirement is included—so that it can't switch uses without public process.

Mengelberg asked if could be another paper mill, but not another kind of manufacturing, which was confirmed.

Chair Carter clarified that the purpose of this issue is because that particular piece is probably the most valuable property in the state, and Oregon City needs to make sure that if that property ever were to transition, it would transition to the best and highest use for the city and its citizens. Therefore, we are protecting that asset for future use.

She concluded that there appeared to be agreement on that issue.

3. South End Neighborhood -- Mixed-Use Corridor. **Drentlaw** said this issue is about Neighborhood Commercial in the South End neighborhood and he noted that there has been considerable discussion about potential locations for such.

He used the map to show three areas that are still open for consideration, the first of which was a site just north of Gentry Way off South End Road. He said that parcel is approximately 9 acres of contiguous land, it is a nice shape, and it is flat, so a vast majority of it would be developable for Commercial. In comparison, he said the Haggen's shopping center is about 11.25 acres, so he estimated you could probably get about 80-90,000 square feet of Commercial on this site, and probably a combination of a grocery store and some other local uses. The designation being proposed for this area is Mixed-Use Corridor 1 (MUC-1), which doesn't allow drive-through uses. Therefore, there wouldn't be things like drive-through auto repair, banking or fast food restaurants.

Another site, just to the south of the site described above, is located at Partlow and South End Road. He said it is a good location but it would be a little harder to develop because, although the total acreage is similar, it is divided up by the road system. He explained that this is zoned for Single-family and he said that having single-family lots at the intersection of an arterial and a collector (such as first described) is not conducive to a very pleasant environment, so this could be an advantage for this site.

The third site is to the north on Warner-Parrott across the street from where the South End Market currently exists.

Kraushaar said she worked with the Transportation Advisory Committee (TAC) at their request regarding what kind of development could occur on parcels of this size. She said they used a lot of information from the book, "Shopping Centers" to summarize the types of neighborhood commercial that could be located on sites of this size. She agreed that good examples would be the kinds of uses that are at the Haggen's site.

She said the TAC supports the MUC at these locations as well as some of the others because some of these new Comp Plan designations support what was already in the Transportation System Plan (TSP), which they worked on. However, they also recognized that if these are not done well, the result will be things that are not appealing to the neighbors. Their concern was that the demand for services in large residential areas will increase, so there is a need to provide them so people don't continually use other streets to get to existing commercial zones. They also wanted the PC to consider the positive impacts of reducing motorists' dependencies on the existing routes that are being used and they wanted to spread the demand throughout the system for these needs. However, they also felt that consideration be made (either now or when zoning is being done or when design standards are being set) for the potential negative impacts on the community, including the traffic volumes. For example, the traffic demands are much higher for a fast food restaurant than for a quality restaurant. Another consideration is that a mixture of needed uses can play on one another, which can also cut down on the amount of traffic.

She said they also discussed the sense of community that can develop when there are different kinds of service uses within a large residential area (i.e., meeting neighbors for coffee or getting to know the shopkeepers).

They, too, were very concerned about having all Single-family Residential uses on arterials. For instance, the fact is that the single-family residences at Partlow and South End Road could end up being very undesirable. She said typically Single-family Residential on arterials tends to be more successful if there are very deep setbacks for the front yards and/or a parkway-type frontage road.

They also discussed that the people who tend to speak up on issues (traffic, speeding, etc.) are often those who live in the Single-family Residential houses on arterials, so if some of that single-family on arterials could be limited, that would be good.

She said they are supportive of all three areas, with the realization that it needs to be designed and planned to reduce the negative impacts in terms of traffic on the neighborhood.

Chair Carter said she had heard a fair amount of citizen concern about the truck traffic needed to service these areas and South End Road not being sufficient to serve that kind of truck traffic. She also recalled the overwhelming testimony that people said they don't feel they need it in that area because it isn't too far to get to Haggen's or Danielson's from that area.

Therefore, she said, this is one of the trickier issues—to figure out what is in the best interests of the city and yet think long-term, because this is long-term planning for the needs in the next 10-20 years. She said there are definite disadvantages, such as those identified in comments about having houses on the main arterials becoming undesirable, and the noise and traffic issues. However, there are also advantages to having some commercial available if it is needed, which becomes the question. She would ask, then, if there will be enough density in the area to require such and if it will take away more traffic than it brings in to serve the commercial area.

Kraushaar said documentation shows that this size parcel tends to draw customers from a mile and a half radius. She noted that, particularly considering the UGB expansion to the south, there is going to be a very large residential area to the south with no services. Therefore, she said the TAC thinks these commercial areas should be spaced out in large residential areas so there is some accessibility for services.

Chair Carter asked, then, If we are going to be building residential farther to the south, would the Commercial be better placed farther to the south than to the north?

Drentlaw said staff tried to consider an area that is more central to the whole residential area, even with the new UGB expansion to the south, which these proposed sites seem to accommodate. Upon questioning, it was noted that it is more than two miles from the proposed sites to Haggen's.

Kraushaar agreed that the question of truck traffic is of some concern, and she said she thinks it would be appropriate for the city to establish some truck routes, even for the single-unit trucks that deliver to these places (perhaps Warner-Milne, Warner/Parrott, or 213 to Beavercreek). She said that although that might be out of the way for some, it would eliminate trucks using South End Road or Center Street, which aren't good for trucks anyway.

Chair Carter asked if would be better to design one commercial area to be the collector for that area and then perhaps do more Mixed-Use/Residential on some of the corners like those designed on the 7th Avenue/Molalla Avenue Corridor. Also, could it support having that many parcels of Commercial? For example, she noted that the two proposed sites to the north are only a few houses apart from each other.

Drentlaw said the one farthest north is only partially zoned for Commercial and the piece across from it is vacant. He noted that MUC allows residential and office, in particular noting that if it is zoned MUC4 it is equivalent to R-3.5, which is 3,500 square feet per unit (recommended).

Mengelberg asked about the earlier comments that it is undesirable to have Single-family on an arterial, and **Kraushaar** said some of the issues center around fencing, front yard space, multiple driveways, etc. She said Multi-family can work better because the grounds are kept by the developers, access is better, etc. She said the TAC really felt that there is a need for services, and it is appropriate to spread out the services for large residential areas so they have areas to call their own, and also to cut down on traffic.

Lajoie said these proposed areas seem to be in close proximity to each other, so it seems logical to reduce the amount of Commercial in this area. He thinks it is the right idea, but there is simply too much. Therefore, he would suggest either keeping the one large parcel, or the two farthest apart.

Powell suggested that perhaps there is one parcel that could be brought into the UGB specifically for that purpose. He also said he sees the need for some neighborhood commercial, citing the example that in the McLoughlin neighborhood the residents are upset because they lost their store because of the flood. However, he agreed with Lajoie that we don't need all three options and he said he would probably recommend the large parcel for South End and then see if there is a separate appropriate location for the new area in the south end when it comes into the UGB.

Regarding the busy intersection at Partlow and South End that will probably only get busier, **Kraushaar** asked what kind of land uses would be complementary to it. **Konkol** noted that alignment is usually done better with bigger development and he noted that an alignment for that intersection is already in place in the TSP.

Mengelberg said it seems like the neighbors were saying they wanted something on a smaller scale so developing the land to the south might be more acceptable to the neighborhood, although it might limit the types of stores or services because they would have to be small.

Powell then noted that if someone like Trader Joe's came in on the larger lot, that would attract traffic from all over the city, perhaps to a much greater extent than would be anticipated or desired. He asked what kind of trips would be generated by something like Haggen's versus a Residential 3.5.

Kraushaar said the p.m. peak hours usually generate the highest trips for most of these places and she gave some examples. For instance, a 24-hour convenience market generates a net of 20.5 p.m. peak trips per 1,000

square feet (including pass-by trips); a grocery/supermarket generates 7.4; a quality restaurant, 4.2; and a shopping center with multiple tenants/multiple destinations, 2.4. (Source: the Engineers' Trip Generation Manual.)

Powell asked what an estimate would be if this were located in a high residential zoned area, and **Kraushaar** said for Single-family Residential, daily trips are 10.5 trips per day per site per. The question becomes, What is more beneficial overall to the city and to the neighborhood?

Kraushaar said the TAC also noted that we need to consider other neighborhoods as well because sometimes people just need to go through other neighborhoods to get to other areas. For instance, right now the connectivity between the south portion of Oregon City and Molalla is disrupted in several locations, such as the large Red Soils county site, and there is a fair amount of cut-through through the Clairmont neighborhood and Gaffney Lane.

Chair Carter said she liked Lajoie's approach about the area to the south because it seems to lend itself to more of the neighborhood commercial we are striving for, and although no one specifically came and testified that they wanted that kind of development, she did have a customer who said this. If there is a destination people can walk to, it makes the neighborhoods much more user-friendly. Therefore, she agrees that the far north and the far south parcels make more sense than the 9-acre parcel that could develop into anything from housing to apartments to most anything.

Powell said part of the problem is that we didn't have a good plan and South End just kind of erupted. There aren't sidewalks all along South End, so that is part of the problem as well, and that will be an impact.

Kraushaar said sidewalks for both of those streets are already identified in the TSP, although funding sources for sidewalks are not very strong.

Powell reiterated that this is important in the long-term plan, adding that we need to make sure there is access to the neighborhoods for bikes and pedestrians.

Kraushaar noted that there was a letter of support from the Rose Road area pointing out that with the flexibility in the MUC, not only could it support some commercial uses but also open space parks and neighborhood center uses. They supported this tentatively, with a note of concern regarding traffic.

Konkol added a note that those are seven individual property owners at the corner of South End and Partlow versus one at the middle site.

Chair Carter asked if there are any other areas further north or south that could be designated and fill this need, and do it better, than this particular corner of mixed parcels.

Kraushaar said staff had originally considered one farther to the south, but it seemed too far out, which could then start attracting people up South End Road, which has already been described as unable to handle much more traffic. It might also be hard to attract a developer that far out. **Drentlaw** said staff was also trying to plan locations where there are already intersections, and there really weren't any other major intersections farther south.

Chair Carter asked if there would be new major intersections if there were future development, but **Kraushaar** said probably not because the area is so narrow. **Drentlaw** said the area between South End Road on the south and all the way over to 213 is basically resource land, so there isn't really much chance that the city will expand to the south.

Powell said he thinks they are too close. If we keep that type of designation, he would like to see it be either the location on Warner/Parrott and on Partlow, leaving the large one out of the mix, or keep the large one and ignore the one down Partlow.

Taking it a step further, **Lajoie** said he thinks using the smaller parcels to the north and south is more in keeping with the character and desires of the citizens as well, as opposed to having another large anchor or intense development on the large piece.

Chair Carter also liked the idea of the north and south parcels, as did **Mengelberg**.

Chair Carter asked if we could put a master plan overlay on that to ensure that it gets planned as a cohesive piece around those corners. **Drentlaw** said it is small, and **Mengelberg** noted that there are multiple property owners.

Mengelberg asked if staff was thinking of it as MUC-1 with the potential for offices on the second stories, and **Drentlaw** said perhaps so.

Chair Carter said there seemed to be a general consensus for option 2 (the north and south parcels). However, when **Drentlaw** pointed out that option 3 takes it a step further and actually rezones it, everyone agree with that option.

4. City Initiated Rezones. **Drentlaw** noted that the proposed Plan rezones were fairly limited and mostly housekeeping items. He then used the chart to show the following proposed areas (which are also defined in the chart in the handout):

- All areas zoned R-6 Manufactured Home, would be changed to R-6. Any impacts would be fairly insignificant. **Chair Carter** noted that manufactured housing is actually allowed anywhere in the city, which **Drentlaw** said is the reason for eliminating that zone from the Code.
- The RD-4 (a two-family zone) is proposed to be changed to R-3.5 to allow a little more flexibility and a little smaller lot size. **Chair Carter** asked what kind of house could be built on a Single-family 3,500 foot lot. Staff said it would definitely be a small house that is more affordable or a house without much yard, or perhaps attached housing. **Kraushaar** noted that these options could appeal to different sets of the population, such as retirees who don't want the upkeep of a large house and who want to be on a transit street so they can take the bus when they don't want to drive.
- The RA-2 Multi-family dwelling District is being changed to a new designation of R-2 Dwelling District.
- The M-1 Light and M-2 Heavy Industrial zones are being combined into a General Industrial (GI) since they were almost identical.
- The Central Business District and Tourist Commercial is proposed to be replaced by the Mixed-Use Downtown.

Then, based on discussions at various work sessions and with staff, **Drentlaw** said there are some additional potential rezones. Option 1 is to only make the changes as outlined in the chart, which are driven by amendments to the Municipal Code. However, option 2 takes things a step farther and looks at the entire downtown area, which pretty much coincides with our designation as a regional center. Therefore, the proposal is to rezone the whole downtown area to our new Mixed-Use category. Apart from the discussion about the Blue Heron Paper Mill, this would include our current zoning, which now includes the central business district downtown, some commercial from Washington to 99-E, an area of R-6 Single-family, Limited Office at the

corner of Apperson and Washington, a mix of Light Industrial and Heavy Industrial (the landfill), and Tourist Commercial in The Cove area, all of which would be changed to Mixed-Use Downtown (MUD) except Blue Heron.

Mengelberg said there was some testimony by the End of the Oregon City Trail Center who had concerns about some more intensive driving issues that didn't seem consistent with what we are planning to do. **Drentlaw** said they testified that the MUD allows auto repairs, but, in fact, it doesn't. He noted that he got a call later from that person saying that he misread the restrictions, so it sounded like they were okay with that part of the proposal.

Chair Carter said she likes the idea of the rezone, saying that she thinks it gives the most flexibility and that people who look at the proposed theme would do well to join in.

Powell said he has some concern that we manage it properly, especially with the new Amtrak station, because it will be a gateway to the community. He said the MUD seems to cover most of the issues that were identified early on about this, so he is comfortable with the proposal to rezone to MUD.

Mengelberg said staff and the Commission had gone to great lengths to talk about how the Historic Downtown core is different than other areas, assigning different height restrictions and setbacks and different design ideas for a more urban setting versus that further to the north. **Chair Carter** recalled that the Downtown Historic District would have an overlay of its own, which would cover those issues. **Konkol** confirmed, for instance, that there would be a maximum building height of 45 feet for properties between Main Street and McLoughlin Blvd, and 11th and 16th.

Mengelberg asked for confirmation that the consensus was to actually rezone the downtown area to MUD, not just do the housekeeping items in the Comp Plan, which was confirmed.

Lajoie asked how we would handle the additional parking, although that is a good problem to have. **Drentlaw** said he would liken it to a shopping mall that needs two anchors, in this case, one being in The Cove end or the landfill area and the other being something in the future of Blue Heron. He also noted that the City owns some property which is a possibility for a parking structure.

Kraushaar said there is already a fair amount of parking, although a lot of it is tied up in private ownership. But as things pick up or additional planning is done, we would most likely need to do a parking study, especially once we know of some uses. She also said the parcel the city owns is, at this point anyway, envisioned as several layers of parking below with perhaps some Commercial on the McLoughlin level. There is also another parcel the city is considering purchasing which could have parking on the top couple of levels, although this is an ongoing discussion. Also, she noted, the lot at 12th is underutilized but perhaps at some point a shuttle service could be put into service.

Chair Carter noted that there have been some letters to *The Oregonian* lately about the concept of the city using Urban Renewal dollars to buy real estate to build parking garages or something else, expressing that it is not in the city's best interest to use Urban Renewal dollars to buy property. She said that, speaking personally as a business person and an entrepreneur and not on behalf of the Commission, she thinks we must be forward-thinking and use dollars when the opportunity presents itself for future development. Although we may not have a need for a parking garage now, we know we will have a need for it in the future. Therefore, she thinks it is very important to keep an open mind and to allow the City Manager, the City Commissioners, and the Urban Renewal Commission to be able to do what they believe is in the best interests of the city and to use our Urban Renewal dollars as wisely as possible.

Drentlaw said it seemed like there was consensus for the Downtown area, which others confirmed.

He then explained that option 3 is the rezone to Mixed-Use Corridor (MUC) along 7th Street and Molalla and also along the north side of Beavercreek, between Beaver Creek and Newell Creek Canyon. He said the suggestion is to rezone to MUC-1 (the less intense zone) all the way from the bottom of the hill up to the intersection of Molalla and Beavercreek, and then designate the corridor from Molalla to Hwy 213 along Beavercreek to MUC-2, which is a little more intense. He also said there was a lot of discussion that some of the uses along Newell Creek Canyon weren't necessarily taking advantage of some of the nice views and amenities that Newell Creek Canyon offers. (He noted that the MUC-2 designation does allow for both offices and residential.)

He said one issue is that we currently have a lot of uses such as tire shops, muffler shops, etc., which could result in some potential non-conforming use issues to deal with.

Powell noted that those non-conforming uses would still be good until the owners decided to leave or expand.

Konkol noted that Steve's Marketplace and the Canemah area along 99E were inadvertently left off the zoomed in map but are also included in this proposal (five pieces comprised of eight tax lots).

Powell said he thinks we should make the effort and do the zoning right now along with the Comp Plan changes. He said he sees more opportunity there than anywhere else, and he thinks it is an immediate opportunity. For example, houses could be converted into restaurants in the McLoughlin District and, with the Molalla and 7th Street improvements, it is perfect for that type of application. He agreed that there are some incredible views of Mt. Hood and Newell Creek, and he thinks some real positive things could happen in that area such as Residential or Office, as opposed to Industrial or Commercial. Furthermore, he thinks this is the perfect application for developing a walking community, which has been discussed for years.

Chair Carter noted that the maximum height in MUC-2 is 60 feet (4 stories).

Kraushaar said the higher density of MUC on Beavercreek Road is very consistent with the street itself because as it gets urbanized, it will become five lanes and will have sufficient capacity. Also, she said the TAC addressed the MUC along Molalla specifically, basically saying that is what is recommended in the TSP and it is a transit corridor all the way from downtown to the college, thus creating great synergy between using transit and providing the ability for people to walk between where they live and where they shop.

Mengelberg asked if a mixed-use type of development would create more access points than already exist on Beavercreek. **Kraushaar** said some driveways would be consolidated, and she agreed that we wouldn't want a lot more driveways but she said consideration is being given as to where perhaps one more intersection would fit that would allow appropriate access.

Chair Carter said when we think of downtown as a valuable place with the falls and things, we tend to forget about Newell Creek Canyon and our views of Mt. Hood, and she thinks that it is a shame such under-utilization was allowed in the past. She said this Commission is trying to capture and create that natural beauty, and it would be fantastic to have beautiful office buildings or beautiful residential areas, such as condos, etc., that take advantage of the views. She said it is important to remember that the currently existing businesses which are under-utilizing their area are allowed to continue to exist until they try to change from the current use. Then they must transition to what is a higher and better use, and a maximum value of the real estate.

Regarding development along the edge of Newell Creek Canyon, **Kraushaar** added that staff understands from citizen comments and from the Newell Canyon study that we need to be very careful about how we handle the stormwater from such development and how we handle the edge of the development in the canyon.

Mengelberg asked about real estate value impacts, specifically from the existing General Commercial to the real estate values of Mixed-use Corridor. **Drentlaw** said the existing zoning allows things like auto repair, heavy equipment storage, and drive-through uses, which wouldn't be allowed in the MUC zone. The advantage from a real estate point of view in the MUC zone is that you could go higher. **Chair Carter** noted that in going higher, a person would get more value for the dollars spent than just building single-story.

Drentlaw said one thing to consider is that there are a number of different zones on 7th Street today. For instance, there is some Limited Office Conditional along 7th, which is an oddity because it only allows commercial uses as a conditional use and it is pretty strict. By rezoning to MUC, it would be considerably easier for retail to occur there.

Chair Carter said that would give more options to property owners, which encourages the development we all need and want in order to get some vitality in the area. **Powell** noted that a good example is the Sellwood area wherein businesses have moved into the houses that are along the busy streets, which has certainly enhanced the neighborhood. Besides along 7th Street, there is also great opportunity for development up Molalla and with the economic development program we're trying to develop in this community, we need all the opportunity we can get to bring folks in. He said we are a historic city and we should take advantage of our historic structures.

Konkol said there are a couple of properties that don't show on this map and his question was whether we want to rezone them all or just focus on the ones along the transportation corridor. Specifically, there is a group along the intersection of Glen Oak and 213 (currently zoned Limited Office), some smaller pieces along Linn, and a small piece along Holcomb (Steve's Market).

Chair Carter said it stands to reason that if we're designating Mixed-use Corridor, those parcels that are on the corridor should be rezoned to the MUC designation for continuity, specifically for MUC-1 in the smaller areas and MUC-2 in the Beavercreek area.

Moving on, **Drentlaw** said Option 4 is for MUE with a focus on office development but including allowance for up to 20% of associated retail/commercial-related uses. Examples for this zoning would be the Red Soils/Clackamas County development and the Willamette Falls Hospital, and associated uses might be a pharmacy for the hospital or restaurants for both sites.

When **Mengelberg** asked if these areas are required to develop master plans, **Drentlaw** said we are writing a mechanism to allow master plans, but it hasn't been crafted to require them. **Konkol** said, though, that through their recent land use actions, both sites are required to provide master plans.

When **Chair Carter** asked why the hospital is not shaded yellow, **Konkol** said the map shows the existing zones. He then identified the specific properties that would be rezoned to MUE.

Mengelberg asked how Metro would react to the idea of rezoning some of the current Industrial to these new zones. **Drentlaw** said the only area that would really affect is the "area in brown (Industrial zone)," which has already been developed (south of Beavercreek Road and west of Molalla). He said there has been a lot of demand for retail, so this would allow about 20% in retail. Thus, the numbers would have to be reduced by about 20% in those areas.

Chair Carter said another good example of an under-built portion is the area in Beavercreek where the bottom floor has all become retail, which she said would be fine if there were also second or third stories that could be used for office space or something else. The result is that it is already built out but it is underbuilt and under-

utilized on property that economically doesn't bring in the tax dollars to the city that it needs for a healthy general fund. Therefore, trying to plan better for the long-term has benefits all along the way.

Also, she said that citizen comment revealed that some people are not in favor of re-designating some of the houses around Division Street and around the hospital, but it is very important for our community to accommodate the needs of the hospital, which serves all of Oregon City and the outlying and surrounding areas. In fact, she said it could be very beneficial to the neighborhood to allow the office buildings to be a barrier between the heavy residential street and the neighborhood behind it. Again, she said, the question is about what is the highest and best good for the community.

Powell said he doesn't have a problem with the Red Soils area, but he is having a hard time envisioning along the hospital, perhaps because it is bordering the neighborhood, and the canyon on the other side. He noted that they have the ability to put in a pharmacy with the current zoning. However, **Konkol** noted that the hospital is a conditional use in the current Limited Office zone.

Kraushaar said another issue is that the next time we review the TSP, we need to start looking at other routes through town, noting that 15th Street seems like the next natural place to have more activity. Also, in terms of employment, there is an indication that service-related jobs will continue to increase, so providing a location for that is probably good for our economy.

Mengelberg added that projections for health care services are very strong, and she said she can see the need for services in conjunction with the hospital.

Also, staff said the retirement facility is a conditional use and it is included in this.

Konkol said that existing single-family homes are still an allowed use, but this would give the ability to develop a work/live space for businesses related to the hospital.

Powell said that, especially after having heard recent testimony that the hospital does have a master plan, it would be nice to see it so the hospital and the city could work together.

Powell had some concern about the traffic. He said he has lived near a large hospital and the traffic is 24-hour. He wasn't saying their plans are right or wrong—rather, he would just like to see their master plan to understand what they want to do in the future.

Lajoie asked if the hospital has made comment about what they think we ought to do there, and **Drentlaw** said he had met with their staff and the hospital likes this proposal.

Kraushaar said they are feeling a lot of pressure so they can remain a viable, full-service hospital facility. They need to be able to add services and have an opportunity to grow because all of the hospitals are competing and Willamette Falls Hospital wants to stay in business as a viable entity.

Lajoie asked if this proposal, then, is sufficient/adequate. He said it seems about right, but are there other things we should be doing to help them? **Drentlaw** said they may find they need more when they complete the master planning process, but if that is the case, they could apply for a rezone or an amendment to the Plan at that time.

Mengelberg said if the hospital were to need more expansion, it seems like a logical plan that they could go toward Newell Creek Canyon, which would eliminate neighborhood conflicts.

Chair Carter said for now the proposed amount for MUE seems sufficient.

Drentlaw said Option 5 addresses individual requests that were submitted during the public hearing for city-initiated rezones. He said staff had attached a copy of the letter Drentlaw sent to Mr. Berge regarding his request, in which Drentlaw tried to explain that staff's position was that of looking at rezones that directly related to the policies in our Comp Plan, which was different than property owners' personal requests.

However, there were four individual sites requesting Commercial zoning, the first of which was for changing Berge's property on the east side of 213, just south of Glen Oak Road, from Low-density Residential to High-density Residential. **Konkol** said it is contiguous by property lines. However, all the MUC has access to Glen Oak Road and this is a lot separated to the south.

Drentlaw said they had wanted to limit any sort of linear commercial zoning because of the problems of getting individual access off Highway 213. He said it does not abut Glen Oak, but it has a driveway access onto 213.

Drentlaw noted that Berge can continue as a non-conforming use, which is a fairly low-intensity use. However, if this were changed to a Commercial or a Mixed-use Corridor designation, he wouldn't be able to expand under that non-conforming use, and staff was concerned about the potential redevelopment and additional related access needs.

Powell said he was a little confused because he had heard testimony that the county had zoned his property Commercial, and **Konkol** confirmed that it is actually currently zoned R-10 Single-family and the Comprehensive Plan designation is Low-density Residential.

Berge asked to speak and said he had brought copies of the filings and the commercial building permit issued by the County in 1989 showing the new 7,400 square foot building. He has been told that he can't add a new building later on as his business grows if he comes into the city. The confusion is that the city says he can't expand but the county has already said he could. He was also told by the State that because there is a street across from him, he could abandon two of his existing 40-foot driveways and put a street across the existing street to come into his property.

Powell asked if we can legally do anything to keep the zoning the way it is but grandfather in to allow...

Sullivan said we could change the zoning and, assuming Berge has a valid non-conforming use, he doesn't lose that because of a zone change. He would only lose it if he wants to expand or change the use in a way that is otherwise regulated by a non-conforming use.

Powell asked if we could write in a caveat that would be for his use only in an expansion but if he were to sell to someone else, that person couldn't expand. **Sullivan** said it is possible but he wouldn't recommend it because he thinks the issue is the land use, not the person who is there.

Powell said he would prefer that the City Commission make this particular determination.

Chair Carter said she knows there are other property owners who bought property along there thinking they could develop commercially on Molalla Avenue only to find that they can't because of that access situation, which is a pretty serious situation/concern.

Drentlaw asked if there was a consensus to keep the Comp Plan the same, but that the owner or staff could contact the City Commission about being able to expand Berge's non-conforming use. **Powell** reiterated his feeling that such a decision should be made at the [City] Commission level.

Chair Carter said she is concerned that there is commercially zoned property right next door to him and it is contiguous so, from that point of view, it makes sense. Also, if there is a possibility to eliminate two driveways

and connect to the roadway across the street, that does eliminate some of the safety concerns. However, this is one of those situations where there is no good answer.

Powell asked why we would want to put High-density Residential on that corner, but **Kraushaar** said it is not on the corner. Rather, it is the rectangle that fits in with what is south of Glen Oak Road.

Chair Carter said another problem is that if it remains R-10 and he wants to sell his property, it would have to be sold as residential, but he already has a business and business buildings on it. Therefore, it makes it really difficult to transition this property at all because it would be a big expense to take down the commercial buildings. **Sullivan** noted, though, that the new owner could continue the use and wouldn't have to take down the buildings unless he changed the use. He said it is similar to the Blue Heron situation in that people would consider the kind of investment and whether or not it is viable to get financing for anything on that site if the uses are non-conforming.

Chair Carter said she would lean toward the zoning being Commercial because it is contiguous if he could get a letter from ODOT signing off on the driveway issue.

Kraushaar said they would also want to look at somehow requiring cross-over easements so that parcel could also access Glen Oak Road, although that could not be done in the Comp Plan, and which would also require cooperation with the adjoining property owners.

Drentlaw noted that as the property owner, Berge could apply for a rezone at any time, and **Konkol** said what he wants would require a straight Commercial zoning because it would not be allowed in the MUC-1 or MUC-2, which would result in a spot zone of Commercial. **Chair Carter** said it would probably be better to leave it as R-10 and have it continue as a non-conforming use.

Powell said in looking long-term, we don't want another spot zone, which is what we have been trying so hard to get out of. He said he feels for the property owner and there must be a way to work this out, but the issue this evening is a long-term strategic plan and he doesn't think it is this Commission's place to get specific at this point.

Mengelberg agreed, saying we should go with the adjacent Residential uses in the proposed Comp Plan and allow him flexibility to expand his site somehow.

Moving forward, **Konkol** said the second request refers to the Younger Family property on Molalla. The proposal is for MUC-2 but they are requesting Commercial because they feel the MUC-2 is too restrictive. **Chair Carter, Powell, and Lajoie** all said they are in support of the MUC-2 zoning for that location. **Powell** specifically said he thinks it will give us residential, ease of access, it is on the transportation corridor, and it is a pivotal corner. He said he thinks a lot of beneficial things could come out of it and he thinks it would be very beneficial to the property owner other than as a commercial site.

Kraushaar said the Mixed-use Corridor probably supports the transit nature of Molalla Avenue as well.

Konkol said the third request is from Clackamas Community College regarding two pieces they own which are currently zoned Limited Office. The proposal is to change them to Industrial to make one contiguous piece of Industrial (with the exception of the fire station and an existing church behind the fire station). The applicant wishes that it either remain as is or that it be changed to Commercial because, **Drentlaw** noted, they apparently have a potential purchaser or developer for office.

Chair Carter said it is contiguous to Industrial but it also has street frontage on Molalla Avenue, and she said this is another tough decision.

Mengelberg said this is almost a mixed-use area in itself with the surrounding uses (commercial, industrial, and residential), and she asked what the immediate neighbors are adjacent to this parcel. **Konkol** said they are the fire station, the post office, a church, and mini-storage.

When asked if the Commission recommends doing both the Comp Plan change and the zone change, **Chair Carter** said since we are doing all the others, we should probably do this zone chg as well, and she recommended the MUC-2 zoning designation.

Powell asked how big the property is and **Drentlaw** said it is probably about three or four acres in size.

Chair Carter said she would support the MUC designation because this is an entryway to the city. All agreed.

Konkol said the fourth request was made by the neighbors in South End and along Rose Road to rezone the piece they believe was brought in as Low-density Residential and zoned as R-6 MH to R-10 or R-8. **Konkol** said all the R-6 MH pieces in the city are being changed to R-6 Single-family, and there are only two left that are undeveloped, this being one and the other being a large area that is part of the recent annexation. He said the neighbors say changing to R-10 or R-8 would provide for conformity to area and they think this was an error in the past.

Drentlaw asked if Reeder is in LUBA and if that has any effect on this. **Sullivan** said yes it is in LUBA but it is in denial and he thinks the denial will probably be upheld.

Chair Carter said she thinks R-6 is too dense for that location. **Powell** agreed, and asked if R-8 would be a good transition.

Kraushaar said, considering the shape of this parcel, it might be better to put it as R-8 in order to get lots to fit.

In conclusion, there was consensus for R-8.

Konkol asked for confirmation that the proposal was to do both the Comprehensive Plan change to Mixed-use Corridor (MUC-2) and the zone change for Clackamas Community College, which **Chair Carter** confirmed.

Drentlaw said the next topic was the Natural Resource Committee input, which included a huge number of comments, and he asked how the Commission would like to proceed with the suggested changes. When he asked if they wanted to go through it page by page, **Lajoie** said yes. He said there is a lot of good stuff as an overview, but line by line there are a lot of things to review. He noted that staff had done a very good job compiling it all.

Chair Carter suggested taking a brief break, after which she hoped to quickly review the document. She said they had submitted some valid issues and a lot of what addresses the natural resource issues is very accurate and well-done but some of the suggestions are not accurate from a legal standpoint. However, she acknowledged that we also still need to review the Levels of Service Standards and a couple of other issues.

After further discussion, **Chair Carter** said the Commission would allow two participating members of the Natural Resources Committee to attend the continued work session on Wednesday, Jan. 21st at 5:00 to explain their position on the proposed amendments to the Comp Plan. She noted, though, that no time would be given to discuss the material that is not legal.

Lajoie asked if that meeting would require public notice, but **Sullivan** said if it was a continuation of this work session, it wouldn't require new notice. He also clarified that anyone could attend because it is a public meeting, but only the two participating members could speak.

Powell noted that the single triangular piece of commercial property (comprised of three tax lots) at the intersection of Molalla and Beavercreek is currently three different zones: a County FU zone, Commercial, and Residential, and he suggested that it might be good to change the zone to Commercial on all three when we do the Comp Plan designation, and do the zone change at the same time, since we are making all these other changes as well.

Konkol returned to discuss of the college request, asking for confirmation that the decision was to change it to MUC. **Powell** asked how it would impact potential commercial usage on that corner, and **Konkol** said it limits drive/auto-oriented and footprinted building to 60,000 square feet. **Drentlaw** noted that drive-through could be done as a conditional use.

Chair Carter again noted that this is an entryway to the city so it seems better to have something nicer. **Powell** said he wanted to consider it further before making that decision. Then he said if it doesn't impact the potential commercial usage and drive-through is the only major issue (which could be a conditional use), he would agree to MUC-2. However, he wanted to know the effect on the Metro numbers.

Drentlaw also noted that in Commercial there is no limit on big box development but big box is not allowed in a Mixed-use Corridor.

After acknowledging that the mini-warehouse is currently zoned Industrial but that it isn't actually industrial but it would still be grandfathered in until (or when) they decide to leave, the decision was to designate the area as MUC-2 all the way through.

5. ADJOURN

With no further business at hand this evening, the work session was adjourned at 9:38 p.m. to be continued on Wednesday, January 21, 2004.

Linda Carter, Planning Commission
Chairperson

Tony Konkol, Associate Planner

**CITY OF OREGON CITY
PLANNING COMMISSION**

WORK SESSION MINUTES

January 21, 2004

COMMISSIONERS PRESENT

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

STAFF PRESENT

Sean Cook, Associate Planner
Dan Drentlaw, Planning Director
Tony Konkol, Associate Planner
Nancy Kraushaar, City Engineer
Ed Sullivan, City Attorney
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

None.

The meeting was called to order at 5:04 p.m. **Chair Carter** reminded the public in attendance that this was a continuation of the work session from Monday, Jan. 12, 2004, and that two participating members of the Natural Resources Committee were invited to this work session to explain the position of their group on various issues regarding their proposed amendments to the Comprehensive Plan.

1. Comprehensive Plan Update.

Kraushaar said she had met with the Traffic Engineers that are under contract with the City to understand what they are proposing for Level of Service Standards. However, there is a little discrepancy about what staff believes we need to adopt in order to be compliant with Metro's Regional Transportation Plan and she is not comfortable making their recommendation until she is comfortable that Metro will find it compliant. Therefore, contact is being made with Metro for clarification and staff anticipates bringing an answer to the Commission at the next meeting (Monday, Jan. 26th).

Chair Carter asked **Drentlaw** for confirmation that we are on schedule to finish this review tonight in order to hear it on Monday, and he said Monday, Jan. 26th, is our last scheduled meeting regarding review of the Comprehensive Plan. He said the City Commission date for hearing this proposal has been continued to Feb. 18th, and he has tentatively scheduled Feb. 11th as a joint work session with the Planning Commission and the City Commission for discussion about the process thus far and some of the issues involved so they will have the benefit of that discussion before opening the public hearing on the 18th.

He also noted that there was a time constraint for the Planning Commission to be finished by 6:45 p.m. this evening, or to perhaps move from Council Chambers to the lunch room at that time to continue, due to a regularly scheduled meeting of the City Commission at 7:00 p.m.

Drentlaw said the focus for today was to look at the comments received from the Natural Resource Committee (NRC) and he noted that at the last meeting it was agreed that two representatives from that committee could participate in this work session discussion. Thus, **Marcia Sinclair** and **Ralph Kiefer** were present to speak on their behalf.

He noted that the NRC didn't just focus on the natural resources section, but made comments on the whole plan. He said staff thinks they have presented some great ideas but we don't have the resources (time or money) to do them all, and the City Attorney had expressed the same thing in a memo dated today which was just distributed.

Staff was also concerned that there are some definitions of some new terms (for example, "sustainability concepts"), but the question is where we want to focus that discussion. He said typically it is good to have that discussion in the Environmental or Natural Resource chapter of the Plan, but they have gone an extra step and spread it throughout the Plan which, in some cases, lessens the direction of other chapters and the concepts they are dealing with.

Chair Carter said she felt the need to preface this discussion with some comments because the Natural Resources Committee has included so many things that are not necessary, not legal, and not clear, and there appears to be much confusion between what are goals, policies, and action items. Therefore, it has been very difficult to identify and apply the actual Natural Resource pieces. It also made it confusing to decide whether to work off their altered document or our original document, but she thought we would probably need to work off their document and refer to the original as needed. She expressed support of the committee's enthusiasm but said she was disappointed that they had addressed so many things they were not charged to do, thus creating more work to review.

Drentlaw noted that their draft has the original text as well as their edits and additions since they had used the manuscript editing tools within Microsoft Word, so it would be possible to use that document.

Mengelberg asked the City Attorney if there was any process or equity to be considered regarding testimony by the general public (who testified at the public hearing) since there were so many dramatic changes to the document. **Sullivan** said the process is for a full opportunity at the City Commission level for a full public hearing, so there is no legal issue.

Konkol asked if staff could work on the premise that the Planning Commission was accepting various individual items within the Natural Resources Committee's proposals if they were not specifically discussed. **Chair Carter** did not answer specifically. Rather, she chose to begin reviewing the document (the Committee's proposed changes dated Dec. 10, 2003) to see how it would go.

(Note: Because of the size of the entire Proposed Amendments to the Comprehensive Plan document and the size of the NRC's submission for further consideration, these minutes were prepared noting the specific page numbers and items within as discussed, to best be followed/interpreted with direct reference to copies of the documents used. The referenced documents are available for review through the Planning Commission.)

Goal 1.1: Citizen Involvement Program (Page 1-1)

Chair Carter thought Goal 1.1 was okay.

Mengelberg said she thought the NRC's new Policy 1.1.1 ("Encourage citizen participation in all functions of government and land-use planning") was too broad, saying that is what elected officials and committees are for.

Drentlaw said staff also had a question about the phrase "all functions of government". **Sullivan** said Goal 1 says, "...citizen involvement in all phases of the planning process".

Powell said the committee that rewrote this wanted it to go beyond the land use process and so citizens would be involved in other issues that are relevant to the quality of life in Oregon City, which expands the State requirement that citizens be involved in land use planning. **Konkol** read the original wording as follows: "Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land use process to enable citizens to consider and act upon a broad range of issues affecting the livability and quality of the neighborhood and the community...."

Mengelberg wanted to keep the original wording.

Powell asked the representatives if the original wording is too broad and why they felt compelled to put in the conservation decision-making process. In other words, did they not feel it was included?

Sinclair began by saying that the committee agreed among themselves that a community is built upon its natural resources, which create its quality of life, so that was the rationale for them to go through the entire plan and build in language that addresses natural resources. She said it was their intent to make sure that citizens have every opportunity to be involved in land use and other decisions within the community because so many of them affect natural resources. So, she said, it was their intent to strengthen this, but she said they are very much in an advisory role.

At this point, **Chair Carter** suggested going back to the original document and reviewing the categories where committees had already done the work because those committees basically have the expertise for their particular sections. Then if the NRC thinks more needs to be added, they could discuss it and add it if appropriate to the original document. (It was noted, however, that not everyone had brought their copies of the original proposal.)

Drentlaw asked for confirmation that if issues in these chapters were brought up to be added, okay. If they weren't brought up, we would go with the original proposals. **Chair Carter** agreed.

Regarding Policy 1.1.3, **Mengelberg** noted that the issue was raised several times about homeowners associations not being included, so she thought it might be good to add wording to require that the homeowners association presidents be included for receiving information/notification.

Powell said the challenge is that they have to be "recognized neighborhood associations" to participate in this, and while some homeowners associations are within the neighborhoods, there are some that are outside a neighborhood association, and those could get missed. He said he would be concerned about specifying homeowners associations because that is outside what the neighborhood program is designed for at this time. He agreed that it is important to notify them in some fashion and generally on land use issues they would get notice, but on general issues they get notified like everyone else does—through newsletters, the city web site, etc.

Mengelberg said she only raised this issue because as new developments occur in the city, typically they have a homeowners association, so if there isn't more effort to reach out to them and include them, we will have more problems such as just became apparent with those near Willamette Falls Hospital, although she said this might not be the time for such discussion.

Powell said he thinks the CIC (Community Involvement Council) is on top of that in their planning to make sure everybody is involved.

Powell said he was somewhat confused by the NRC's new policies 1.1.1, 1.1.2, and 1.1.3 because they appear as new additions but they sound very familiar to what the PC wrote before.

Sinclair agreed that they could have been in different locations in the original document and simply moved to a different order in the NRC's document.

Mengelberg had written herself a note that she thought all of the policies in the first section were okay except 1.1.5 ("Define and articulate those elements of significant staff or commission land use decision[s] over which citizens may exert influence and/or in which they may share in decision making"), which seemed like a big

burden on staff since the criteria are outlined in the staff report and that is what the decision is based upon. She said she wouldn't want to put staff to additional work if it isn't needed.

Chair Carter agreed, noting that this runs throughout their changes and is not considered [the effect on staff], and **Powell** said the current process is to go through the Land Use Chairs, so this is redundant.

Lajoie said he agreed with Mengelberg that he thinks all of the policies relating to Goal 1-1 in the NRC draft except 1.1.5 are okay to add.

Powell again said he thinks they are redundant because they are already stated elsewhere. However, he did recall from public testimony that a church group had asked to be added to the list for notification.

Sinclair said when she was personally working on the Newell Creek project, she found that many of the neighborhood associations on the list were not active so they were not representing the citizens; hence it was very challenging to figure out how to get the word out. So, she said, this was intended to make sure that there are avenues for notifying those who are not actively involved in neighborhood associations or those who live where there are no active neighborhood associations.

Powell said he believed this was addressed in the original document, specifically saying that the CIC would be that body specifically identified for land uses if there was not a neighborhood association either within that area or active within that area.

Orzen recalled some discussion but said she doesn't think it was actually written into the original document, and **Lajoie** said he thinks it appropriately belongs in this section.

Sinclair confirmed that the NRC had worked from the latest version of the proposed amendments and she explained that they had rearranged some of the materials in an effort to make it flow.

Chair Carter said she knew their intent was to be as helpful as possible. Unfortunately, coming in so late in the game and not being involved earlier, thus not understanding the entire scope of it, has made their work have less value than it might have had earlier in the process. She reiterated that the PC would try to take out of their document what is pertinent and fold it into the existing document.

Powell asked if it would make sense to work on the chapter they (the NRC) were chartered to resolve this evening because there wouldn't be enough time to review everything this evening. However, **Mengelberg** reminded him that the PC was scheduled to come to a resolution/recommendation the following Monday.

Drentlaw recommended that they review the NRC proposal page by page and identify what the PC wanted to add to the original document, but **Powell** reiterated his point that he thought much of this was already in the original. However, without having his original document with him, he couldn't confirm things.

After confirmation about their editing process and that the original wording was within that document, it was agreed that the PC would work off the NRC document.

Lajoie asked for confirmation that Policies 1.1.1 through 1.1.6 were new suggestions by the NRC, which **Drentlaw** confirmed, saying that the PC only had Goal 1.1 in the original document.

Mengelberg said again that Policy 1.1.1 seems like too broad a mandate, and **Konkol** noted that Policy 1.2.1 in the original document already said, "Encourage citizen participation in all functions of government and land use planning." **Drentlaw** noted that this was not a new policy; rather, it simply got moved from another section.

Orzen said she would like to insert, "community sustainability and quality of neighborhoods and the community as a whole" to the last sentence of Goal 1.1. (**Drentlaw** clarified that this basically just added "community sustainability" to the old language, which she confirmed.)

Goal 1.2: Community Engagement and Comprehensive Planning (Page 1-2)

Powell said he thinks the NRC's suggestion to add "and affected property owners" is a good addition to the wording in Goal 1.2 and recommended that it be added to the original wording ("Ensure that citizens, neighborhood groups, and affected property owners are involved...").

Regarding suggested Policy 1.2.2 ("Initiate citizen involvement activities at concept stage of a project or proposal), **Mengelberg** suggested changing the wording to say, "Encourage developers to provide input at the concept stage." She said if we were to require the developer to do this, especially if there is a competitive environment, it could be very stifling.

Powell said we've addressed that, but **Konkol** said it relates to subdivisions, conditional uses and Site Plan and Design Review in the new Code language and it is done at the application rather than pre-app level. He said it is required before they submit an application for development, which is different than a pre-app. He noted that the city reviews more than 100 pre-apps per year and this would be a new layer of notification if it were added.

Powell concurred that the CIC agreed that this applies to subdivision applications and is written as such in the Code.

Sullivan suggested changing "concept stage" with "pre-application stage", and **Sinclair** agreed to that.

Mengelberg said her issue is "at the concept stage" and after further discussion, Policy 1.2.2 was not added to the original document.

Goal 1.3: Community Education (Page 1-2)

Powell said he thinks Policy 1.3.3 is good, but **Mengelberg** suggested a modification to say, "Support provision of training courses and workshops..." because she knows there are a number of good private and other university offerings that exist. She said we want to use the best and we don't want to necessarily buttonhole the Clackamas Community College on this.

Lajoie suggested saying, "Provide training courses and workshops for elected officials, appointed committee members, etc....on land use planning and land management."

Chair Carter confirmed with the group that we would add a new Policy 1.3.3 as worded above. (Yes.)

Orzen asked if it needs a corresponding action item, and **Drentlaw** said staff would add it.

Regarding Policy 1.3.5 ("Work with Oregon City Schools to incorporate citizen involvement instruction into school curriculum"), **Lajoie** said we can't mandate that but perhaps we could use the word "encourage" and change it to be an action item.

Chair Carter said the original document already says, "Work with local schools to develop a community involvement program" and she agreed that we can't tell the School District what to put in their school curriculum.

Sinclair said the intent was to recognize how few citizens have any idea how to participate in the public processes and it would be helpful to learn that as part of a civics course.

Chair Carter suggested, then, that perhaps it should be an action item rather than a policy.

Powell noted that it is already addressed in Action Item 1.5.1, and **Chair Carter** suggesting adding the words "and student education program" to the end of the sentence. Agreed.

Powell asked what the NRC had in mind regarding the city's involvement when they suggested Policy 1.4.2 ("Work with local news media to provide regular public updates, news articles, and feature material on planning processes and decisions, and identify timely opportunities for citizen engagement"). **Sinclair** said they were simply suggesting using a multi-media approach, perhaps expanding beyond the current noticing venues (i.e., internet, etc.).

Powell said he thinks it is a good idea but he thought we were already there with the current mailing list and the city's web site. With that in mind, he read this to mean that we need to be presenting the news/information all the time, and he wasn't sure what they were asking the city to do beyond that.

Drentlaw suggested that this is already covered under Action Item 1.4.1.

Powell asked if they were talking about land use issues only. If yes, he thought Policy 1.4.2 could be edited slightly and combined with Policy 1.4.1, but if they are referring to more than land use, we couldn't do that.

Chair Carter said she doesn't think we have to spell out everything in detail. We need to read this document with some understanding that the city will provide complete information in as many opportunities as the city can afford to do. We know that individual noticing works the best, but it is also very expensive. There is also the overriding factor that if citizens want to be involved, it is their responsibility to find out how to become involved.

In conclusion, she said she would favor leaving Policy 1.4.1 as it is stated in the original document.

Lajoie agreed, saying he thinks it already sufficiently states our responsibility and our intent.

Returning to the question of Policy 1.4.4, **Mengelberg** said she had made a note to say "Encourage developers to work with adjacent..." rather than "Notify adjacent public and private landowners...", but that gets back to the concept stage again, which has already been discussed. Therefore, she would propose to not include this new policy.

Powell said the same applies to Action Plan 1.4.3, stating that he thinks our language in the Code is strong enough. He said it sufficiently identifies the problems and challenges and, after much discussion, we had determined that that was an effective way to do it. He said basically it means that every developer must participate through the public process and must get the recognized neighborhood association involved early on, before they even make application (for those specific applications as identified).

Konkol confirmed that it is proposed to be codified.

Drentlaw noted that there was no input regarding Policy 1.3, to which the **Chair** agreed.

Regarding page 1-4, **Chair Carter** said she had crossed out the entire upper half of the page (**Goal 1.5: Government/Community Relations**), saying she agreed with **Powell** and **Orzen** that we could cover this by adding the NRC's suggested new Policy 1.6.3 ("The by-laws of the CIC and Neighborhood Associations shall govern their formation and operations").

However, **Mengelberg** thought their Policies 1.5.2 and 1.5.3 and Action Item 1.5.3 sounded pretty good because it has been an issue that people outside the city limits haven't had a voice. **Chair Carter** said it is a legal issue because they are outside the city limits, and **Powell** noted that the CIC is rewriting their by-laws to allow CPO's into the CIC to participate in the planning processes that affect them, which the CIC can do legally through their by-laws.

Sinclair asked what the legal concerns are, and **Chair Carter** said Oregon City has jurisdiction within the city limits but we're not responsible for the citizens outside the city limits and we don't have the budgetary means to take on the burden of notifying people outside the city limits.

Sinclair said it seems like it would be the responsibility of the city to notify people when the city is contemplating expanding the UGB to include property outside the current city limits and UGB that affects their property. **Drentlaw** said Metro notifies those property owners, and **Chair Carter** said this is one of those ticklish situations that is very hard to resolve.

Mengelberg suggested dropping the recommendation for Policy 1.5.2, which talks about notification, and keep Policy 1.5.3 because it says, "...provide information..." She noted that we already provide information on our web site and have articles in the newsletter, and she suggested we could ask a reporter if his or her paper would cover issues as they arise. In these ways, we are making a good faith effort but without incurring the expense of sending a letter to each household.

Konkol said that, other than the UGB expansion done by Metro, we currently notify everybody within 300 feet of a land use action regardless of whether they are in the city or not.

Chair Carter said we can't afford to provide notification to all those people, and **Mengelberg** said Policy 1.5.3 doesn't talk about notification—it only says "provide information."

Sinclair asked if the CPO is an avenue for providing information to those outside persons, and **Powell** concurred, noting that CPO's will be included in the neighborhood process, even if it is an information process. He admitted that he didn't know what could legally be done but said they would look into that.

Kraushaar asked if **Mengelberg** suggested keeping Policy 1.5.3 (yes), and she said it seems like the city's role as a regional center is kind of irrelevant because the regional center really has to do with the Downtown area. Therefore, she suggested deleting the first portion of the sentence ("Recognizing Oregon City's role as a regional center") and start the sentence with "Provide information". Agreed.

Chair Carter summarized that the suggestion is to add the new Policy 1.5.3 to the original document and delete the first half of the sentence (as stated above). However, she said that seems like an oxymoron because those people outside the UGB boundary are not city citizens; thus, they don't have a stake in the city policies.

Powell said she is correct legally, but we are talking about long-term planning. **Mengelberg** suggested it say, "outside the current UGB...", which could include possible expansion areas, because those who might be included in the next round of UGB expansion are the ones who will really care about this. **Chair Carter** noted that Metro would notify those people.

Sinclair said another part of the regional center concept is that these people are also shopping and doing business in Oregon City and they may not be within the city limits but they are very much using Oregon City as their city center. So, she said, they may not be taxpayers, etc., but they are very much supporters of the economy of this community and they have a very strong interest in what happens within Oregon City. She acknowledged that this is not true of every community but that is certainly what she has heard from these folks.

Chair Carter said the question becomes whether it is our responsibility to notify them, or their responsibility to become notified and become involved about their topics of interest. Or is it, in fact, the county's responsibility? **Kraushaar** said it is more a matter of establishing good relations/goodwill.

Chair Carter said she doesn't have a problem with including this, but she thinks we already do a good job of having information available to the best of our ability. **Lajoie** agreed, saying this is just putting it into a policy, and he thinks it is a good policy to have.

Chair Carter concluded that we would include Policy 1.5.3.

Sinclair clarified that the NCR was definitely seeing these as goals but they know there will be times when the city has budget restraints and/or not all goals may be reached. She said some may have precedence over others and suggested that the language may need to be edited to something like "where economically feasible". But it seems that having higher goals is not a bad thing.

Powell agreed, saying again that this document is intended to be long-term, with adjustments every five years or so as needed.

Regarding Policy 1.6.3 about the by-laws, **Powell** agreed that it should be included, but he thought it was already there. **Sinclair** said it was in a different section (Policy 1.2.2) but it seemed to make more sense to have it in the CIC section. **Powell** said okay.

Regarding Policy 1.7.1, **Lajoie** said he had no problem with adding the phrase "natural resource protection" to the first sentence.

Mengelberg said she would agree to adding all the policies in Goal 1.8: Advisory Committees, and **Lajoie** concurred.

Powell read from Policy 1.8.3, "...recruit citizen participants from the broader Portland area" and he said he thinks it is good to bring in resources when we can get them. However, he asked if a member of a city committee has to be a citizen. **Sullivan** said no.

Chair Carter asked why we would have a goal to establish and support citizen participation when we already do that, and **Sinclair** said it is not currently stated in the Comp Plan, so this simply provides the language.

There were no changes to page 1-7.

Referring to page 2-1, **Mengelberg** said she liked the first quote but she thought the second one was too wordy. **Kiefer** said the NRC thought they were both appropriate, but **Lajoie** said we haven't done that in other sections. After some discussion, the decision was to include both.

Drentlaw noted that the last paragraph on this page was simply moved from above to the bottom of the page. **Mengelberg** said she liked the original order, but **Kiefer** said it was in response to the Statewide Planning Goal, which is explained in the prior paragraph.

Lajoie noted that the NRC had added the phrase "and which should be left undeveloped" to the very end.

Lajoie asked if the definitions about "Carrying Capacity," "Sustainable Development," and "Future Urban Holding" that are included in the NCR's proposal (i.e., Goal 2.1) were in the original, and was told no. (**Kiefer** clarified that the NRC had added the entire first four pages, and that in the editing format, they should probably have been shown in blue. However, they didn't show them that way because they were a change to the existing document.)

Lajoie said he liked the definition as stated on page 3 for "Carrying Capacity" but he was unsure how to quantify that (i.e., when impairment occurs).

Sinclair asked if it would be acceptable for others to speak since the various members of their committee had each taken different sections to work on due to the limited time, and she didn't feel qualified to answer some of the questions, for instance, any relating to this section. The **Chair** granted permission because she said the idea of only two representatives was to try to limit testimony, but she understood the circumstances.

Jerry Herrmen, said he thinks the intention was to suggest that impairment occurs when the typical level is no longer sustainable or can be reproduced. The action would be to seek mitigation before getting to that level because at that level the resulting impact is severe.

Sha Spady, asked to explain a little about why the committee did what they did, saying she thought it would help make better sense of several of the other chapters.

She said they chose to look at it that, in terms of creating a future for the citizens of the city, the children, and our world, we must consider the broader concept of life and the fact that natural resources are not separated out of that broader concept. She said these new concepts have to do with parks and recreation but they also have to do with, for example, how buildings are made and how roads are created, and incorporating the environment into this kind of context. In other words, the natural resources are a part of the integrated whole of everything we're doing and how we think about our world.

Therefore, the committee put in the vision statement (an approved document) because it places the city in the context of the natural environment in which it occurs, which is a historical place where streams and rivers meet, as opposed to the flat cornfields of Kansas. So, to support the use of the phrase "sustainable development" in some of the other chapters, they simply used those words to explain comprehensively what and how the city felt about how they were doing in business and painting a picture of a larger concept. In order to do that, they introduced phrases like "Smart Growth," "Green Building," and "Sustainability" in the explanation section. They then defined "Carrying Capacity" (which came directly out of the Land Use Goals book), "Sustainable Development," and "Future Urban Holding." They also included verbiage in their explanation (page 2, paragraph 3) that says, "For the purposes of this document the term, 'sustainable development,' shall be inclusive of the definitions and applications of 'smart growth' and 'green building' as well as 'sustainable development.'" In other words, terms such as "Green" and "Green Building" are included in their definition of "Sustainable Development" throughout the document. (She noted that they included this to define the term "sustainable development" for legal purposes in the document.)

Then, she said, because of the shortage of time, everyone's work on the various chapters was included in this document because they didn't have time to meet again and review all of the work that had done, but, she said, had they been given a little more time they could have produced a more cohesive and compact work.

Powell said strategically the PC has talked about almost all of these things and agreed that these are key elements of the Comprehensive Plan, also agreeing that they should be introduced in some manner into our Code.

Lajoie concurred, saying he thinks it is good to say at the Comp Plan level that this is what we're all about. He also agreed that these concepts ("Green," "sustainable," etc.) are related to every chapter in some way, so he could understand their approach.

Regarding carrying capacity, **Drentlaw** said, being a student of planning, he believes that a city is incompatible with that definition of "carrying capacity". He said you can't build a city and expect to have no impact to the eco-system, so he is a little leery of incorporating that term in the Land Use section. For instance, we have Urban Development that is 80% site impervious, which is not even close to meeting the natural carrying capacity of the land, so then the question is, How rural can one be?

Powell said we already afford protection for things such as steep slopes and water quality as much as possible, and **Lajoie** said, given the fact that it is in an urban context, the purpose is to minimize (mitigate) the impacts to our environment as we grow.

Drentlaw agreed with Lajoie and said those of the kinds of things should be focused in the Natural Resources chapter (how to minimize or mitigate or deal with the impacts on urban development).

Mengelberg said if we leave the wording in **Goal 2.1: Efficient Use of Land** as is, we are trying to be efficient with the land, which is getting at the goal to the extent possible of preserving carrying capacity and sustainable development by being efficient (i.e., by not allowing installing parking lots when they're not needed, etc.)

Drentlaw said efficiency in the sense of land use is having a good mix of uses and densities.

Regarding the issue of carrying capacity, **City Commissioner Neeley** said if something like this had been implemented years ago we would probably have less issues of brown fields and super sites than we do now, and he thinks carrying capacity really is an issue. He said the issues of carrying capacity will challenge the urban growth sense, but he doesn't think this has to be an irreversible issue. We can see the results of failures to address these issues in our historical development.

Sinclair said it also seems that more and more people are addressing these issues by making surfaces more permeable, and this seems to be a worthwhile goal.

Drentlaw clarified that he isn't saying it's not important. He just thinks the focus of that should be in the Natural Resources chapter, and **Powell** said the PC had included it there because it is such an important aspect (unless the NRC had taken it out).

Chair Carter asked if we want to include these first four pages, including the definition for sustainable development. **Powell** said we could leave it as a definition but the question then is whether it should be included in Goal 2.1

Konkol was somewhat concerned about the words "irreversible impairment" in the definition, and **Chair Carter** reiterated that anything we do in development will be somewhat damaging and, therefore, irreversible.

Sinclair said the definition came directly out of the State verbiage.

Herrmen said another factor is that it doesn't imply a species, rather it implies all the elements in the system that support fish and wildlife.

Chair Carter suggested that since "sustainable development" carries so many elements within it, we delete "in harmony with the 'Carrying Capacity' of the land" from Goal 2.1 and say "following the principles of 'Sustainable development.'"

Lajoie said these terms are scattered throughout the rest of the document and he suggested that it could be covered broadly at the goal level in one big sentence about sustainability without detailing all the line items. **Charter Carter** concurred, noting that it is redundant to keep repeating it all. **Powell** agreed.

Lajoie said he liked their new Policy 2.1.6, as did **Mengelberg**.

Chair Carter summarized that we would add the words "sustainable development, smart growth," and "other" in Policy 2.1.5; add Policy 2.1.6 in its entirety; and delete the suggested phrase "consistent with sustainable building practices" in Action Item 2.1.2.

Orzen asked if Goal 2.2: Downtown Oregon City was already covered and was told yes, and we would keep it.

Chair Carter noted that we would also delete the last phrases in Policies 2.2.2 and 2.2.3 ("consistent with sustainable development practices"), and staff said they will make these changes in the other places throughout the document as appropriate (where "development" means "sustainable development").

Mengelberg said she was okay with adding the word "natural" as opposed to "office/retail" because that is typically how it is talked about in the environment. Agreed.

Referring to Policy 2.2.11, **Powell** read, "...to develop site redevelopment plans in collaboration with the City at such time as owners are transitioning..." He said he doesn't like that because we need to have that planned before we get there. That is why we decided it is necessary to adopt a redevelopment plan for the Blue Heron site, the hospital, and other places as well. In his mind, planning is, "Let's do it now and when things happen, we'll be ready." So he suggested simply adding the proposed words "Any redevelopment plans should encourage access to natural resource lands" to the original wording of this policy.

Mengelberg said there might be a safety issue if people would be encouraged to cross in an area where there are big trucks, but **Powell** said this would only apply to redevelopment. For instance, if Blue Heron were redeveloped into some other type of property, people would want to take advantage of the views and the trails if possible, which was his intent with the words "should encourage".

Chair Carter noted that we are calling these "Master Plans", not "Site Redevelopment Plans" and we need consistency throughout for these terms.

Mengelberg said she wasn't sure we would want to delete the reference to the Blue Heron site since there has been so much discussion about it, and **Konkol** noted that we are adding a Master Plan overlay to our Comp Plan and Zoning Codes specifically on that site.

In conclusion, it was agreed that the wording for Policy 2.2.11 would be, "Adopt a Master Plan for the Blue Heron site that will complement and energize the redevelopment of downtown. Any Master Plans should encourage access to natural resource lands."

Sinclair said the NRC was concerned that this specifically calls out Blue Heron but they don't have plans to leave. However, **Chair Carter** said Blue Heron is cited because it is the only industrial site downtown and this is the Downtown section.

Powell said he thinks the PC addressed the other sites as well where appropriate, but he could understand the NRC's concern because they are the only industrial site, unless we are also talking about The Cove with the cement plant. However, he noted that the cement plant is also actually referenced somewhere in the document.

Herrmen said he understood the concern about putting Blue Heron's name in a document such as this because it seems rather presumptive. However, **Sullivan** pointed out that it is not about the individual plant; rather, it has to do with changing to another manufacturing process, and **Chair Carter** clarified that Blue Heron could sell to another paper mill and remain Industrial, but not to ABC Corporation and have it become a shoe factory as Industrial. **Sullivan** also confirmed that the idea was that the existing use could stay and be financed, but the Downtown goal generally was for transition to the downtown uses, thus the request for a Master Plan for the existing Blue Heron as noted in this section for Downtown.

City Commissioner Neeley asked if Glacier (the concrete batch plant) is part of the Downtown plan and if it should be identified as well in this section. **Sullivan** noted that it was referenced in the original Policy 2.2.11, which the NRC crossed out.

City Commissioner Neeley then asked if the word "Adopt" (in Policy 2.2.11) makes it an action item rather than a policy. **Sullivan** suggested that it read, "Strive for" or "Provide for" because it is a policy.

Chair Carter noted that the NRC had added the phrase "including input from the Natural Resources Committee" to Action Item 2.2.3, but **Lajoie** said it is a given because we would be getting input from them as well as others so it is unnecessary.

Regarding **Goal 2.4: Neighborhood Livability**, **Chair Carter** suggested that we add the new NRC-proposed language. **Lajoie** suggested, since this is a goal, adding "consistent with sustainable development practices" to the end of it.

Powell asked the City Attorney how we can put "sustainable development" in a definition and make "development" mean that throughout this process to make it "have teeth."

Sullivan said first of all that most of the residential development will be a limited land use decision to which the Plan policies do not apply, only the Code applies. So in most of those cases we would not be looking at these policies.

Secondly, he was concerned about whether we have clear and objective standards for anything that does apply to development because we are obliged to deal with clear and objective standards. We don't have to do it for Commercial or Industrial, but we do have to do it for Residential. For that reason, he said he would look carefully at this issue before it is sent to the City Commission.

Chair Carter noted that this particular goal (2.4: Neighborhood Livability) is basically talking about the existing neighborhoods, which were built to the standards at the time. It is not addressing new construction.

Sullivan said his concern is that someone might say, "You can't have the density that is required by your Plan because it is incompatible with the existing neighborhood"

Mengelberg asked if Sullivan preferred the original language ("Provide a sense of place and identity for residents and visitors.") **Sullivan** said he would probably add some language that says something like, "bearing in mind the Plan densities or intensities of use" to the end of the goal sentence.

Chair Carter then restated Goal 2.4 as follows: "Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City, bearing in mind the provisions of this plan", and asked if this would suffice. **Sullivan** said it would deal with the new changes being made and with public policy, and staff will refine it a bit further.

Regarding Policy 2.4.5, **Chair Carter** noted that the NRC had added the words "including pathways for walking and bicycling" but she said that intent is already included in the preceding words "a variety of transportation modes."

No changes were noted for page 2-7 except that we would be adding "consistent with sustainable development" in the goal. **Lajoie** said it seems worthwhile to add that to each goal heading because there is some sustainable aspect to each goal. **Chair Carter** concurred.

On page 2-8, **Mengelberg** wanted to include the NRC's suggested additions to Policy 2.5.5 regarding L.E.E.D. additions, environmentally-responsible landscaping, and native vegetation wherever possible.

Chair Carter noted the change from "living wage jobs" to "family wage jobs" on Policy 2.6.1, which is more correct.

Regarding Policy 2.6.5, **Mengelberg** said she preferred the original language. She said we have talked a lot about industrial land being encroached on by other uses and the need to protect it, so she likes the fact that it is included in this verbiage.

Powell was concerned about the NRC's suggestion to say "Provide flexible zoning" because he thinks that is illegal.

Chair Carter affirmed that Policy 2.6.5 would retain the original language with the addition of the suggested words "undeveloped and underdeveloped" in the first line.

Returning to Policy 2.6.2, we would also add the phrase "giving priority to redevelopable land" to the original language.

Chair Carter said she thinks Policy 2.6.6 is an action item rather than a policy. **Powell** suggested leaving it as originally stated and then add the NRC's verbiage ("Incorporate use of a mechanism...") as a new action item for that policy. Agreed.

Regarding Policy 2.6.8 (regarding preserving industrial sites), **Powell** read the inserted phrase, "while providing a mechanism to allow modification" and said he is not sure that is legal. The decision was to keep the original wording.

Mengelberg said she was not comfortable with the NRC's wording, "Provide for mixed use development while maintaining the overall industrial orientation" in Action Item 2.6.4. She said we need to preserve our Industrial zoning as much as possible and if we allow wiggle room, we will lose it. The decision was to keep the original wording.

Lajoie said Action Item 2.6.5 talks about the concept of temporary holding zones, which goes back to the definition. **Powell** said we have already addressed it under Future Urban Holdings, and **Drentlaw** suggested keeping the action item but changing to this terminology.

He said the same applies for Policy 2.6.6.

Konkol said he thinks the last part of the new sentence in 2.6.6 is redundant because it is already covered in our Code.

Regarding the new section "11. Publicly-owned open space not identified in the City Charter as a City Park" (page 2-14), **Kiefer** said there was some question as to how to identify those publicly-owned spaces that are not parks. Someone said those could include stream corridors or various subdivision open areas, but **Konkol** said those subdivision open spaces are usually private. **City Commissioner Neeley** said some lands have been dedicated to the city that don't show on the maps. For instance, there are several city-owned parcels in Newell Creek Canyon that are not flagged on the Comp Plan Map.

Sinclair said this is something that needs to be researched and **Drentlaw** said staff would look at it.

At this time, **Chair Carter** called for a short break in order to move to the lunch room in order to continue since the City Commission was scheduled for a hearing in these Council Chambers at this time.

Commissioner Neeley stated that he thought the NRC had done a lot of work and a commendable job, and that he was sorry some of the opening comments by the Chair could not be retracted because he felt they were somewhat critical and too strongly worded.

The meeting reconvened shortly thereafter.

Chair Carter noted the addition of the sentence beginning "Watered by western Oregon's ample rain..." to the description paragraph about Open Spaces and Historic Areas (page 3-1).

Sinclair noted that she had changed the order of the policies in this section, putting habitat first, then open spaces, for what she felt was a more logical progression.

Mengelberg said **Goal 3.1: Natural Resources** sounds great in concept but if we are really trying to "restore" Oregon City's natural resources, we might as well get rid of all development that has ever happened. She said we can identify and try to preserve what is remaining, but we won't be able to restore it.

When asked if this was the original wording, **Chair Carter** read from the original: "Retain an open space system that conserves fish and wildlife habitat, and provides recreational opportunities, access to natural resource lands and other community benefits." This, then, is not the original wording.

Konkol added that the original 3.5 reads, "Conserve, protect, and restore *important* ecological resources", not "all."

Mengelberg said she likes the original wording.

Konkol asked if the PC liked the NRC's format for this section. For instance, the original 3.5 is their 3.1.

Powell said he didn't think we did the original in any particular order, so he would suggest using their order.

Sinclair said part of the wording in the goal is to actually define what the natural resources are. She said she thinks the city had alluded to restoring some areas (including Newell Creek and some wetland areas), so it wouldn't be that they (the NRC) are suggesting destroying the entire city, but it might be worth softening the language in Goal 3.1.

Mengelberg suggested, "Identify and, where feasible (or where practical, or where resources permit), conserve and restore..."

Lajoie said in a goal at a Comp Plan level, he thinks the word "restore" is a good word, and **Orzen** noted that the original goal actually says, "Conserve, protect, and restore important ecological resources, functions, and values..."

Mengelberg suggested that saying, "Identify, conserve, and restore Oregon City's important natural resources..." as opposed to "all natural resources" might clarify it sufficiently.

Chair Carter wanted to take out the words "those attributes of the city which are not of human making" and perhaps say, "those attributes of the city which are of nature's making..." Also, she didn't think the words "and visitors" further along in the sentence were necessary.

Mengelberg suggested saying "natural resources, including air, surface..." and delete "those attributes of".

Chair Carter concurred with that wording (minus the words "and visitors").

Konkol noted that if we have a goal and a policy for development and one of the goals is to restore natural resources, those can't be done at the same time. In other words, this is very, very broad.

Mengelberg said that's why she was uncomfortable about softening it. However, she said we can "Identify and, where practical..." **Chair Carter** agreed, saying that conserving handles new development, but "restoring" means restoring something that has already been destroyed, so perhaps we could say, "Identify, conserve, and restore where possible Oregon City's natural resources..."

Mengelberg said if we say "where possible" that is saying that in every instance where it is possible the city will step up and do it, but we simply don't have the money.

Orzen noted that this might possibly be done by developers, and **Herrmen** said he could cite at least 18 areas/projects over the past several years that were restored at little or no cost to the city. He said to him this means, "Seek strategies that will restore or enhance areas."

Chair Carter said she doesn't think restoration occurs at the point of new development because at that point it is conservation, not restoration.

Mengelberg suggested, "Identify and seek strategies to conserve and restore Oregon City' natural resources..." (with the rest as modified above).

Sinclair said the NRC is aware that the city doesn't have a natural resources staff, so it will require partnering.

Lajoie asked if it should read "fish and wildlife". **Sinclair** said she thinks of wildlife as inclusive of fish, but it could be added for clarification. **Chair Carter** said she thinks of wildlife on the land and fish in the water, so there is a difference.

Mengelberg said she liked Policy 3.1.3, but she had concerns about 3.1.1 and 3.1.2.

Powell said he wasn't familiar with the Urban Growth Management Agreement mentioned in Policy 3.1.3, and he doesn't know if that is something we can enforce. **Chair Carter** said it is an action item anyway, and **Mengelberg** noted that it is an agreement between the city and the county, so the city does have input on it.

Regarding Policies 3.1.1 and 3.1.2, **Mengelberg** said the issue is that of an unfunded mandate expense, which is a real burden. She said it is great to have an aspiration toward that, but it just seems too broad. **Powell** reiterated that this is a plan, not an action item, and he would consider it as an opportunity in that if we can get partners, we have something to work toward. Then we could proceed because we would already have a process in place.

Konkol asked for confirmation that we are adding Policies 3.1.1, 3.1.2, and 3.1.3, but **Orzen** said 3.1.2 is very similar to 3.5.3 in the original document. **Sinclair** reiterated that it was basically just moved from another section to another and perhaps reworded a bit.

Orzen also noted that the old 3.5.4 is very similar to the new 3.1.3.

Powell reiterated that he had no problem with this if they were just moved and the meaning wasn't really changed.

Konkol was concerned about the words "all city actions" in Policy 3.1.6 ("Include natural resources and their contribution to quality...when planning, evaluating or assessing costs of all city actions"), and **Mengelberg** said she had in her notes that this could be very burdensome.

Lajoie agreed. He said he also had concerns about 3.1.5 ("Offer incentives to encourage private landowners to conserve and restore natural resources") because he doesn't know how we could mandate that as a policy. **Chair Carter** agreed, saying it should be an action item or it should be deleted.

Lajoie said he liked it as an action item, but **Mengelberg** asked if that is something the city is comfortable with, considering it is basically saying we will devote resources (dollars) to it. **Chair Carter** said we need to come up with incentives that don't cost the city money.

Powell said as an action item, it means we will consider it, but we may find there is no way to do it.

Konkol suggested, "Investigate offering incentives...." Agreed.

Chair Carter said she agreed with the earlier comment that Policy 3.1.6 should be deleted. General consensus to delete.

Mengelberg asked if (NRC) Action Item 3.1.1 ("Maintain an inventory of ecological resources with the city...") already exists or if this is new. **Cook** said it is an old action item.

There was general consensus to keep the new Policy 3.1.7 ("Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value....").

Regarding Policy 3.1.8 ("Protect unique habitats within Oregon City limits and urban growth areas..."), **Chair Carter** said this is another legal issue because we have no jurisdiction in the UGB until those properties are annexed, thus we can't protect the trees, which has been an issue of concern.

Orzen noted that the first part is already in our existing document, and **Powell** said he could understand the purpose (to look long-term at the things we need to protect), but we can't really mandate that. Also, he doesn't think we need to get that specific.

Sinclair said it appears we are already talking about Urban Growth Management going into Clackamas County in Policy 3.1.3 ("...to identify habitat, corridor..."), so we are already looking outside the city.

She noted that we have already lost almost all of our prairie habitat and perhaps all of our Savannah oaks habitat, which is a major part of the Willamette Basin. She said Oregon City still has the structure of those oak trees, it has Prairie, and it has these very unique eco-systems, so it seems like, as a community, those would be things we would really want to hold onto. She wasn't sure how to get the mechanisms into this document, but she said this is a treasure that exists in very few places in the Willamette Basin.

Powell said he thinks that is already covered in Policy 3.1.3 where it says, "Cooperate with Clackamas County, Metro and other agencies to identify wildlife habitat, corridors and linkages...", so perhaps we could just add something to that wording.

Mengelberg said "wildlife habitat" might be different than the "unique habitat" **Sinclair** is describing.

Sinclair said she thought the wording was from the original language, but she thinks Newell Creek is a classic example because the creek is actually outside the city limits and we would have to cooperate with Clackamas County to be able to deal with that area.

Powell asked if **Sinclair** would agree that Policy 3.1.3 would suffice if the wording were changed slightly. **Sinclair** said 3.1.3 only identifies it and 3.1.8 protects it. **Powell** suggested changing 3.1.3 to say, "Identify and protect..." and drop 3.1.8 completely. Agreed.

Mengelberg suggested adding "unique habitats" in 3.1.3 as well. **Powell** concurred.

Herrmen suggested "distinctive natural areas", which could cover natural areas and wildlife habitat. **Sinclair** agreed.

Mengelberg restated the possible wording as, "Identify and protect wildlife habitat, distinctive natural areas, corridors..." Agreed (deleting 3.1.8).

Regarding Policy 3.1.10, **Powell** said he isn't sure the city can acquire lands, partly because there is no money available for such. **Orzen** suggesting changing it to be an action item by saying "Attempt to identify and acquire..."

Sinclair suggested consulting with the City Commissioners before finalizing this because some have expressed an interest in this in the past. **Powell** said that since it includes donors in the verbiage, it might be okay, since we have done that many times.

The decision was to add Policy 3.1.10.

Mengelberg asked if the section "Open Space" was moved elsewhere rather than simply deleted (see pages 3-2 and 3-3), and **Sinclair** said yes.

Chair Carter said she thinks Policy 3.2.4 under Goal 3.2: Wetlands ("Develop requirements for incorporation of updated wetland analyses...") is an action item rather than a policy.

Regarding **Goal 3.2: Wetlands** ("Identify, conserve and protect the ecological, habitat, water quality, water quantity, aesthetic, and other functional values of wetlands in Oregon City"), **Chair Carter** said she thought "ecological habitat" should be one phrase (no comma), but **Lajoie and Powell** pointed out that each of those words are values (i.e., ecological value).

When **Mengelberg** asked if Policy 3.2.1 ("The city shall emphasize preservation over mitigation when making decisions that affect wetlands and adopt a "no net loss" approach to wetland protection") is an original statement that has been moved or if it is new, **Lajoie** said it is new.

Konkol said if you've got a highly degraded system, you can reduce that provided you mitigate for it (enhance it). A "no net loss" blanket statement means that if we are going to put in a road in an area over wetlands, the city would have to acquire other lands to replace the wetlands. Or if a developer were to put in a public road in a new development, he, too, would have to purchase land elsewhere to mitigate, so it would be an additional cost to him as well.

Herrmen said this would be in line with State Land Division requirements, but when **Konkol** said State Lands doesn't require "no net loss," **Herrmen** corrected his statement to say they require 3:1 enhancement, which, in response, **Konkol** said is not what this policy says. **Herrmann** said if you can't create as valuable an asset as what was there naturally, they might require you to do three times a mitigation strategy somewhere else. **Konkol** said another option is that they may allow you to fill in a wetland and provide an enhanced mitigation plan. But to say "no net loss" at the city level would be higher than the State requires.

After further discussion, **Chair Carter** suggested we change "emphasize" to "encourage" and strike the word "adopt", to be replaced with "and encourage a 'no net loss' approach." Then the appropriate decisions can be made on a case-by-case basis.

Mengelberg said this will be a barrier to development. She said that is not to say that it is a bad idea, just that we need to make a conscious decision about what it is we really want.

Konkol noted that this policy was recently written in 1999 and it is relatively current and aggressive. Furthermore, he thinks we already have Code language in place that would support the use of the word "encourage". When **Chair Carter** asked if that still means we encourage "no net loss", **Powell** said we could still encourage it even if we may not be able to meet it, which would still allow for some flexibility.

Regarding Policy 3.2.2 ("Restore historic natural wetlands within the city and avoid disturbing their function through inundation of new stormwater"), **Mengelberg** said she would insert "where practical" somewhere in the sentence.

Konkol asked what the "new" stormwater would be because the city does not add or remove natural stormwater from one watershed to another. **Sinclair** said it is a situation where there is an existing wetland and you are shifting the pattern of water by introducing a greater amount of water from a development. An example would be that a small wetland sits in that area behind City Hall where the Clackamas County Administrative Offices are coming in. So one of the things they were exploring, because it is in the Newell Creek headwaters area, was whether that could be used as part of the stormwater facility. Part of the issue is that there are restrictions as to whether you can bring new water into existing wetlands. But, she said, if you try to use wetlands to take in more water, you can destroy the function of the wetland because it can't handle the inundation.

Konkol said our Code doesn't allow storm ponds to be put in wetlands. The water needs to be captured on-site and metered out.

Sinclair said wetlands function in the same way, so it would be nice if you could emulate stormwater facilities in the same way. She concluded that the main purpose here was to not degrade the wetlands by using them as a stormwater detention facility because that is inappropriate.

Powell said that doesn't mean we don't allow flow into wetlands, and **Konkol** agreed, saying we do allow it but only as metered flows according to Code standards.

Mengelberg said she was most concerned about the wording "Restore historic natural wetlands", which seems to be saying, "Developer, pull up your parking lot," which is simply not going to happen.

Chair Carter said she thought it was already stated that we were going to delete this entire policy (3.2.2) because it is covered in our Code. The same applies to 3.2.3. However, 3.2.4 could be changed to an action item; and we could keep 3.2.5 and 3.2.6.

Sinclair said she was thinking of this as tiered, so she asked, If it is already covered in Code, should it also be stated in the Comp Plan? **Chair Carter** said the Comp Plan is the vision and the Code is the implementation, and since some of this is already stated in the goals, this is repetition. **Konkol** affirmed that it is already codified that we preserve wetlands and if we are using the Code, we wouldn't refer back to the Comp Plan.

Moving on, the consensus was to add Action Items 3.2.1 – 3.2.3.

Regarding **Goal 3.3: Streams** ("Protect and enhance the function of streams within and bordering Oregon City"), **Lajoie** asked about the words "and bordering", noting that, again, this is out of our jurisdiction, but **Powell** said that could be part of our work with the County.

Chair Carter suggested it read, "Protect and enhance the function of streams within Oregon City and the UGB", which would keep it within our bounds of the UGB.

Sinclair again noted that Newell Creek is within the Clackamas County unincorporated area (outside the UGB) but very much a resource to the city.

When **Konkol** suggested, "Protect and enhance the function of streams within Oregon City and work with Clackamas County and Metro...", **Chair Carter** noted that this is already stated in Goal 3 (Policy 3.1.3: Cooperate with Clackamas County, Metro and other agencies to identify wildlife habitat, corridors and linkages and other ecological resources with the urban growth area...").

Mengelberg said if we were to add "streams" to that list (in 3.1.3), it would be covered.

Chair Carter said she thought that the PC's thinking in the construction of the original document was that wetlands, habitat, and streams were all related and all treated the same, and breaking each one down into its own category becomes redundant. However, **Lajoie** said they were broken down in the original document (page 3.7 of the original), although some of this (the NRC's proposal) is more detailed.

Mengelberg retracted her suggestion of adding "streams" to the list in Policy 3.1.3 since we are going to keep them separated.

Sinclair suggested "streams within city limits" and perhaps something about "those streams downstream" because the activities of the city very much contribute to the value of the streams lower down.

Lajoie suggested that Goal 3.3 read, "Protect and enhance the function of streams within Oregon City" because if we take care of our part, anything that goes downstream should be taken care of.

Mengelberg asked if we want to say something about working with Metro and the County on protecting streams in the Future Urban areas, and **Sinclair** said they have the resources to assist with this. **Konkol** suggested perhaps something like, "Cooperate with Clackamas County, Metro, and other agencies...." Staff will rewrite this.

Regarding the last sentence in Policy 3.3.4 ("Require developers to identify both upstream and downstream ecological effects of their actions as it relates to stormwater management"), **Mengelberg** asked if we can do that. **Chair Carter** said it seems that we are already doing that because they already have to do stormwater management. **Konkol** reconfirmed that they are required to retain it onsite and meter the outflow.

Sinclair suggested that the high school is a really good example with the amount of water that flowed from that site into the environmental learning center, which then flows into Newell Creek Canyon. Thus, the intent of this policy is to look at the effects downstream.

When **Lajoie** asked if we don't do that now, **Konkol** said no—it is restricted to each person/developer being responsible for his own property, but according to Code. He said the question becomes, How far do we go? Newell Creek? The Willamette River? He said he could understand the issues, but if you take into account pre-existing development, then you have to take into account development that was put in prior to our current standards. He said you can't deny an application because of development over the preceding 50 years that wasn't done to current city standards which negatively impacted a system, and then hold that on the property owner who is trying to develop the property today under current city standards. He said the system may already be broken and, in fact, the new development may enhance it.

Mengelberg suggested, "...identify additional downstream ecological effects of their actions" and **Chair Carter** suggested that it be an action item.

However, **Konkol** said if you are taking stormwater from a pond on a "high and dry" site and you make the owner or developer review ecological impacts somewhere downstream...again, where does it end? If they are not in a water resource zone, they're not in a natural resource area, they're not on steep slopes, and they're not in a high groundwater table, yet the finding is that it is degraded, are they responsible to upgrade it?

As a side note, **Chair Carter** said one of the problems is that land use at the State level doesn't allow us to do what **Sinclair** is asking us to do here—to look at the bigger picture and have some analysis and maybe some control of what is coming in and going out. Until it changes at the State level, we cannot make these people be accountable for something that the State doesn't make the whole state be accountable for. She said she understands the intent, but we can't do it.

Mengelberg suggested striking the last sentence in Policy 3.3.4 ("Use a watershed-scale assessment in reviewing and planning for the potential effects from development....") because it is already basically covered in the first sentence, which **Orzen** said is indeed the original policy.

Lajoie asked what the technical apparatus is for determining all the upstream/downstream issues.

Chair Carter said, using Rose Road as another example, we basically turned down that PUD because they are trying to build it in a wetland and the City Commission upheld our decision, yet now they are at LUBA, which costs the City more money to uphold our position. She said we need to be cognizant of the whole picture and she thinks we need to delete that.

Sinclair said one of the challenges is to trade off what we do now with what we leave for later. She knows there are challenges, some financial, but, she asked, if we put our systems within the city and on the outskirts of the city at risk, what is going to happen in 50 years? She said the current fiscal shortfalls are a reality, but we need to balance that against the long-term planning in our thinking.

Konkol said he thinks that is what our Stormwater Code is written to do. It is an engineering-based mathematical formula—It's a scientific approach that has standards.

Sinclair started to bring up the high school as an example again, but **Konkol** said he didn't think that was a fair example to use because that project was not well-planned from the beginning. Therefore, he said we should look at other projects that were designed and approved before construction began. He acknowledged that the high school was not done well, but he said that shouldn't be what we're writing Code to.

Sinclair said we need to be able to enforce whatever is written. **Powell** said we already have this in our current City Code, and he said he thinks we have seen some real beneficial projects that have actually enhanced the areas.

Mengelberg suggested a less burdensome approach might be to consult with the Watershed Council, which has that technical expertise and a broader-picture approach, to solicit their input on these applications rather than require the developer to do it. (It was noted that the Water Conservation Services (state-level) is now charged with sponsoring the formation of Watershed Councils.)

Chair Carter suggested that the last sentence of 3.3.4 be deleted. Agreed.

Regarding Policy 3.3.1, **Kraushaar** (who had to leave this meeting but who had left notes) asked to add the words "provide shade." Agreed.

Regarding Policy 3.3.5 ("Allow no net increase to stormwater entering Newell Creek Canyon..."), **Konkol** said under current Code, no new stormwater is being added, although the rate [of flow] may be different. He said all the stormwater is already in that canyon. But **Sinclair** said the exception is when it is held in detention facilities above the canyon. **Konkol** said it would eventually flow into the canyon, but **Herrmen** said not always because it could incorporate into the soils and detention areas. **Konkol**, however, reiterated that there is no net increase to stormwater.

Richard Craven, asked if Sinclair was talking about peaks or flows, and she said yes, acknowledging that it would make more sense with a modifier in the sentence. After some discussion, the suggestion was that it read, "Reduce potential peak flow net increases for stormwater entering Newell Creek" and delete the rest of the sentence.

Herrmen noted that current Code requires that the runoff of new development not exceed pre-development amounts, and it was required of Fred Meyer as long as 20 years ago. It can be stored and metered out, but it cannot increase the net flow amount.

Sinclair asked what happened to the NEMO proposal because she recalled that many of the components of it encompassed many of these issues. She was told that they ran out of funding before it was completed, but that many of those ideas have been discussed and incorporated into these proposals.

Policy 3.3.6 is okay as written.

Powell suggested that Policy 3.3.7 (NEMO) should either be deleted since NEMO is no longer active or it could be changed to an action item to review the outcome of the work already done. Agreed to change to an action item.

Chair Carter said Policy 3.3.8 is also more appropriate as an action item.

Regarding Action Item 3.3.2 ("Assess city practices as they relate to streamquality including all aspects of park maintenance..."), **Konkol** said the word "all" should be deleted.

Chair Carter that there is no goal statement for **Goal 3.4: Wildlife Habitat**. She also noted that the section should be called "Fish and Wildlife Habitat", based on earlier discussions, and that the numbering on these policies is incorrect (they should be 3.4.11, etc., rather than 3.1.11).

Mengelberg suggested that Policy 3.1.11 could be stated as the goal (resulting in a renumbering of the rest of those goals). Agreed.

Returning to "Wetlands," **Orzen** said the original action items were not incorporated in the NRC's section on Natural Resources, but she really likes these action items. However, it was noted that these were moved and are actually included on page 3-4.

Konkol also noted that the word "impervious" in Policy 3.3.6 should be corrected to read as "pervious."

Returning to Wildlife Habitat (page 3-5), Policy 3.1.12 ("Develop a management strategy for protecting, conserving and restoring habitat"), **Chair Carter** asked who would develop the management strategy and who would be doing the managing, saying she thinks it is already covered in the Comp Plan and in the Code. **Powell** said the strategy is stated in Policy 3.1.13 and the action item should describe the activity to make that happen.

Sinclair suggested that Policy 3.1.13 is addressing things that are already declining and this idea here is to identify, conserve and restore (reclaim) them along with others that are not necessarily declining yet.

Chair Carter said part of the problem is that there is too much description in the policy so the key meaning/point gets lost, so she suggested it might be more clear to simply say, "Reclaim threatened areas...."

Herrmen said he thought it should also include the words "and distinctive natural areas" (Savannah's, etc.).

Powell said he thinks Policy 3.1.12 ("Develop a management strategy for protecting, conserving and restoring habitat") already covers the whole issue. However, when **Sinclair** said that does not look at declining areas in a specific manner, **Powell** said he thought that would be part of the responsibilities of the Natural Resources Committee.

After further discussion, a suggestion was made to keep Policy 3.1.12 and delete 3.1.13 and 3.1.14. However, **Mengelberg** suggested changing 3.1.13 and 3.1.14 to action items and identify the Natural Resources Committee as the active group.

Regarding 3.1.12, **Chair Carter** suggested changing the word "habitat" and to "threatened, endangered species, and critical habitat". **Kiefer** noted that this is the "Habitat" section.

Mengelberg noted that we can't protect everything, and **Chair Carter** agreed, saying we must work within the confines of what is legal, not dreams.

Orzen asked if this is a new goal, and was told yes.

The consensus was to keep Policy 3.1.15 as proposed.

Given the lateness of the hour, **Drentlaw** said perhaps we should consider whether in reality we could complete this review this evening or whether this should be continued to another evening. He noted that, although the NRC had made some suggestions for major changes to those chapters, the Park Advisory Committee has already reviewed and blessed the chapter pertaining to Parks, and the same is true of the Housing and Transportation chapters. He said he was hesitant to make changes to their work without further discussion with them since they are the experts in these fields.

For example, in Economic Development (page 7-1), he read from **Goal 7.1: Improve Oregon City's Economic Health**, "Provide a diversified, innovative economy including an adequate supply of goods and services and employment opportunities...." He said this is a really big statement. He said if he were an advocate of economic development, he would ask that that statement be tacked onto every goal item in Natural Resources. In other words, he was asking that they try to balance this to be consistent with the whole format of the Plan. He said it is simply too "muddy" to try to add sustainability, L.E.E.D., and carrying capacity to every chapter.

He said he thinks some of those concepts are pretty good in Land Use and Sustainability, but they are not so clear in Economics and Housing. For instance, in Housing we are trying to focus on affordable housing and we're not focusing on L.E.E.D. or something else. Therefore, he said, it is good to make those statements in the appropriate chapters but we should be careful about repeating them everywhere.

Chair Carter agreed that we need to honor the work the other people have done and we need to acknowledge that we cannot create a perfect document this time around. It is a living, breathing, working document that will be upgraded, edited, and changed as we go through the process, so if we could just get the Natural Resources portion done and take the rest as written, we could come to a conclusion and forward this to the City Commission.

Powell concurred, noting that if we were to review all of the NRC's suggestions for those areas, we would also need to bring in those people to participate in the discussions, and we simply don't have time for that in light of the current timelines, or, **Drentlaw** said, we would have to push the timelines back. **Chair Carter** added that we simply don't have the staff time to keep going over and over everything, and we need to come to a conclusion, and **Mengelberg** noted that there is still opportunity for more input and consideration at the City Commission level.

Sinclair said they (the NRC) would like to take their suggestions to the other committees for their consideration, but agreed that it might need to happen before the City Commission hearing occurs.

Craven said he thought the NRC was given the task of reviewing the whole plan, but **Chair Carter** said the PC thought they were only charged to look at the Natural Resources chapter. However, **Herrmen** said it is in the charter of the NRC to review the whole plan as it relates to Resources issues, and they were specifically given that instruction by Doug Neeley. For instance, he said Chapter 13 (the Willamette Greenway) is based on State standards but it is not functioning well along the Willamette because there is no enforcement. Therefore, the NRC suggested some ideas to make it better in Oregon City, and perhaps it might even become a model to be used throughout the valley. In summary, he said their charter says to work with PRAC and to work with the Planning Commission on issues that come before them (including the Comp Plan), and then approach the City Commission on other issues such energy, recycling, etc.

Powell said it makes perfect sense that they be involved but the problem is the timeline because the PC was not aware that this was their charge, and the PC has been working on this now for two years.

Chair Carter apologized that she had hurt their feelings but she felt it was not fair that they should come in now and completely re-do everything the PC had worked for two years to get it to this point, also saying that is not fair to the many people who have worked on the process for so long.

Sinclair said she thinks there was a lack of clarity but they thought they were operating under the charge given to them. She felt they had been somewhat attacked this evening, but it was not their intent to overstep their bounds or to create so much extra work for the PC.

Powell said he could see how the misunderstandings had occurred, but he, too, was unaware that the NRC had been given that direction.

Sinclair said she was appointed to this committee a year ago but their first meeting on this issue was held in October because, although they had called and asked for information throughout the year, they weren't given a copy of the proposed Comp Plan until then. Therefore, at that time, they had to push hard to review it and do what they thought they were charged to do, the result being their proposal.

She agreed that timing and bulk are real issues and she asked how they might now proceed to work with other committees before the City Commission meeting.

Mengelberg asked if staff has this in a form that could be e-mailed to PRAC and the other departments, and was told yes.

After further discussion about (1) the PC not feeling comfortable about making changes to other departments' work without their input, (2) how the NRC might meet with the other committees for discussion prior to the City Commission's first hearing, and (3) about whether or not the calendar would have to be moved backward to accommodate such, **Mengelberg** suggested that the PC make its decision on Monday night about those issues not touched by the NRC's additional comments. In addition, **Kiefer** offered to send the Parks section to the chairman of PRAC with a note explaining the circumstances and asking if the NRC could meet with them to discuss this, perhaps at their next meeting. **Drentlaw** suggested doing the same for the Transportation Advisory Committee also.

Chair Carter said it appears that there are only two options: (1) either move the calendar back to allow time for these additional reviews and revisions, or (2) make the edits agreed upon in this discussion for recommendation and forward the rest of the document to the City Commission without the NRC's recommendations, since the PC is not comfortable making edits on the chapters other than "Natural Resources" without the other folks' input who have worked on them for so long.

In reviewing the calendar, **Powell** said he thought the Planning Commission could still meet on Jan. 26th (and Feb. 9th if necessary) to complete our review and formulate a recommendation, then meet in the joint work session currently scheduled with the City Commission for Feb. 11th to give them some background and an overview of the PC's recommendations, and the Proposed Amendments could still go to the City Commission on Feb. 18th. However, it was noted that we probably wouldn't want to wait until the 9th because that would push staff too hard to have a finished document ready for the joint session on the 11th.

There was some concern about whether or not the NRC would have time to meet with them and get everything prepared in time for the City Commission hearing, but various members of the Planning Commission, including

the Chair, agreed that they had serious concerns about turning over an incomplete document after this length of time.

When asked if it would be a big issue with Metro if this were delayed further, **Drentlaw** said we need to complete it as quickly as possible, but he thought if it were just delayed by a couple of weeks it would probably be okay.

2. ADJOURN

With no further business at hand this evening, the work session was adjourned at 8:27 p.m. to be continued on Monday, Jan. 26th.

Linda Carter, Planning Commission
Chairperson

Tony Konkol, Associate Planner

**CITY OF OREGON CITY
PLANNING COMMISSION
January 26, 2004**

COMMISSIONERS PRESENT

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

STAFF PRESENT

Sean Cook, Associate Planner
Dan Drentlaw, Planning Director
Tony Konkol, Associate Planner
Nancy Kraushaar, City Engineer
Christina Robertson-Gardiner
Ed Sullivan, City Attorney
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

None.

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: November 10, 2003 and November 24, 2003

Orzen moved to approve the minutes of both Nov. 10, 2003 and Nov. 24, 2003 as submitted. **Mengelberg** seconded the motion, and it passed unanimously.

4. HEARINGS:

Chair Carter noted that the order of the agenda items be reversed in order to hear the quasi-judicial hearing first and then proceed with the Comp Plan discussion.

VR 03-23 (Quasi-Judicial Hearing), Applicant: Mark Herring of 923 Clearbrook Drive. Request for the approval of a variance to the minimum lot area for two residential lots. The properties are located at 418 Dewey Street and identified as Lots 9 and 10 of Darnell's Addition and as Clackamas County Map 2S-2E-32CC, Tax Lot 1600.

Chair Carter gave the parameters and procedures applicable to this hearing. She asked if any members had a conflict of interest, bias, or ex parte contact regarding this application. **Lajoie** said he knows both the applicant and the renters of this property, but he has not spoken to either and feels he could render an impartial judgment. He also noted that he has visited the site. 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 Document.)

Robertson-Gardiner gave the staff report, saying that this request is for approval for a variance to the minimum lot size for both Lots 9 and 10 from 6,000 square feet to 5,000 square Feet.

The property is zoned R-6 Single-Family Dwelling District and is designated Low-Density Residential in the City's Comprehensive Plan.

The subject property abuts the Molalla Avenue Commercial District to the west and other R-6 Single-Family properties to the east. Notice of the proposal was sent to property owners within 300 feet of the subject property and the Mt. Pleasant Neighborhood Association, and no written comments were received.

The existing house and accessory garage are located on the east side of the 100 x 100 foot tax lot, but are built over the line which separates the original lots of record, Lots 9 and 10 of the subdivision. Darnell's Addition was platted in 1891 and in this particular case, the existing house had two lots of record on it.

The applicant wishes to re-recognize Lot 9 and perform a lot line adjustment to move the horizontal line separating Lots 9 and 10 to a vertical line. (See sketch.) She said once a Lot of Record line is removed, it no longer retains the status as a pre-existing lot.

Type I Ministerial Lot Line adjustments cannot be approved if the resulting lots do not meet the minimum lot size standards for the underlying zone, in this case 6,000 square feet in the R-6 Single-Family District.

The existing 5,000 square foot lot arrangement of the neighborhood would not change if the variance is granted, only the orientation (east/west vs. north/south).

Per Code 17.12, Lots of Record are recognized as buildable lots.

Robertson-Gardiner said staff recommends approval of the requested variance VR 03-23 with the following findings:

- That the variance for the lot area is needed to make the lots conform to the existing development on the site.
- That the existing 5,000 square foot lot of the neighborhood would not change, only the orientation.
- That the request should not likely reduce light, air, safe access, or other desirable qualities.
- No practical alternatives were found.
- The reduction of the lot area standard will allow the applicant to build a new house on a newly created Lot of Record and is the minimum variance needed to resolve the situation.
- If approved, the applicant would not be forced to demolish the existing house.

She then showed photos of the site, which correspond to the map in their packets, for those who had not been able to visit the site.

In summary, she said again that staff recommends approval of this variance.

Orzen asked if the new house would face Dewey Street, and **Robertson-Gardiner** said yes.

Chair Carter asked for clarification of the dimensions of the finished lots, and **Robertson-Gardiner** said they would remain at 5,000 square feet—just the orientation would move from an east/west to a north/south direction.

Lajoie asked about the setbacks, and **Robertson-Gardiner** said all R-6 setbacks for any new construction would need to conform.

Applicant and property owners **Mark Herring**, 12100 Hazel Dell Avenue (new since the application) and **Jessie Davalos**, 929 Clearbrook Drive, were both in attendance but had nothing to add to the staff report and presentation, saying they thought it was covered well, but they were available for questions.

There were no public comments regarding this application.

Konkol noted that he had entered the Power Point presentation (the photos) as Exhibit A.

With no other questions or comments, the public hearing was closed at 7:10 p.m.

Powell said he doesn't see any real problem with this, noting that the Commission has been discussing the issue of higher density over the last year or so and this seems to fit in. Therefore, he would support the variance.

Lajoie concurred, saying this seems to be in keeping with the neighborhood which was created with 5,000 square foot lots, and he, too, would support it.

Orzen moved to approve VR 03-23 for a variance to Lots 9 and 10 of Darnell's Addition based on the findings of staff. **Powell** seconded the motion, and it passed unanimously.

L 03-01 (Legislative Hearing), Applicant: City of Oregon City, Request for the approval of amendments to the Oregon City Comprehensive Plan, Oregon City Comprehensive Plan Map, Oregon City Zoning Ordinances: Chapters 12, 16 and 17, Oregon City Zoning Map changes from R-6/MH to R-6 Single-Family, RD-4 Two Family to R-3.5 Dwelling District, Central Business District and Tourist Commercial to Mixed Use Downtown, and M-1 Light Industrial and M-2 Heavy Industrial to GI General Industrial, Adoption of a new Water Master Plan, and Sanitary Sewer Master Plan.

Chair Carter reminded the public in attendance that this was a continuation of discussion/deliberations from the work session of Monday, Jan. 21, 2004, and that specific participating members of the Natural Resources Committee were invited to that work session to explain the position of their group on various issues regarding the proposed amendments to the Comprehensive Plan.

Konkol noted that he had distributed a thick packet which contains the written comments received by staff after the close of the public hearing, which would be entered into file L 03-01 as Exhibit A. He was also entering a write-up regarding the Intersection Level of Service Standards as Exhibit B.

Kraushaar presented the proposed Intersection Level of Service Standards to be adopted with the Comprehensive Plan as part of the Transportation Plan.

She explained that staff has looked at both the Regional Transportation Plan standards, which the City's Transportation System Plan (TSP) is required to comply with, and also what staff believes are appropriate standards based on many conversations with the Transportation Advisory Committee (TAC) as well as a sense of desire from the community.

She said they are proposing to set a different Level of Service standard within the regional center than that outside, the latter of which would consist of a Level of Service standard (LOS) D for the intersection as a whole and no approach could be operating at worse than LOS E.

She explained that the traffic engineers look at an intersection overall and they can also break down each turning movement or through movement within the intersection. She said staff believes that, given the fact that often the side streets are expected to experience more delay than the collector, we need to give the overall intersection priority and require a LOS D on that, but we can allow a lower LOS for some of the turning movements, but not less than E.

She said there are also LOS standards for stop-controlled intersections. For that, we would want a LOS of E or better for the poorest approach and with no movement serving more than 20 peak-hour vehicles. So we are recognizing that with stop signals with very, very little traffic, those will be fairly delayed. Then for stop-controlled intersections with higher levels of traffic, there will be a higher LOS to keep those four-way or two-way stops moving.

Kraushaar then used an overhead to explain what Metro has adopted for motor vehicle performance measures on the regional system, noting that Oregon City does have some regional routes identified on Metro's regional maps (for example, Highway 99E, Highway 213, Molalla Avenue, and Warner-Milne).

She said one of the policies in the Regional Transportation Plan (RTP) says that the regional motor vehicle system "will maintain an acceptable level of service on the regional motor vehicle system during peak and off peak periods of demand as defined in Table 1.2."

She showed that table and said there are some reasons we don't want to accept this table fully, one of which is because the table is recognized as being predominantly for planning purposes and for the links in the system. The RTP tends to address the links from Point A to Point B (for example, where to add an extra lane on big streets). In other words, the Metro standards are to be applied to the links of the system, not to intersections. However, they also want the cities to recognize that congestion is to be more expected within regional centers because there are higher densities, and the policies and goals of the region are not necessarily to build more capacity just for very limited time periods during the day. So, she said, what these standards tend to do for the links and for planning purposes is to say they will accept much lower levels of service in areas of regional centers, town centers, etc.

Kraushaar said staff is proposing to reduce the LOS standard just within the regional center for the worst peak hour of the day. Then, for the second peak hour (the next most heavily trafficked hour of the day), we would go back to LOS D. In other words, staff is saying they recognize that in the regional center, there will be one peak hour during which there will be much more congestion, which will be allowed. However, that will only be for one hour, after which it returns to LOS D or it becomes intolerable for our community.

She said staff has submitted this to Metro for their approval but they haven't had time to give it a final review

Powell asked to discuss some specific streets, for instance Warner-Milne and Molalla. He said, If that intersection (for purposes of this example) is Level D, is the suggestion that we could continue to "load up" Warner-Milne in its approach all the way up to a Level E, if development were to continue all the way up to Linn, as long as we don't go over the Level E, and that intersection would not be considered as failing?

Kraushaar said no. She said it is saying that LOS D is okay but LOS E is not okay unless it is just for one of the turning movements because that particular intersection is not within the regional center.

Powell asked if the volume is what translates to defining it as D, E, F, or whatever. **Kraushaar** said volume, turning movements, and other factors are all used in determining the LOS.

Mengelberg asked for clarification of whether this would be an addition to the TSP or part of the proposed amendments to the Comprehensive Plan. **Kraushaar** said the TSP is one of the elements of the Comp Plan so this would be added as a part of the Comp Plan through the Transportation element.

Mengelberg asked if the timing would work out that Metro will be able to review it and respond before we send our recommendations to the City Council. **Kraushaar** said she thinks so, but if they don't, she still thinks we should recommend its adoption because it is a good standard for Oregon City and we can always go back to

Metro to work it out later if necessary. She noted that she thinks a lot of cities are struggling with this because there is such a difference between local intersection requirements and the huge regional picture, and we are trying to comply but at the same time make sure it fits in our community.

Powell said the only problem he had was regarding the many unsignalized intersections onto the 7th Avenue and Molalla Street corridor, which is getting busier and busier, and an acceptance of LOS E means we will be farther out from fixing the problem, which is planned for even more expansion.

Chair Carter confirmed that we would be adopting two Levels of Standards, and the LOS will be a little lower than inside and that we are willing to accept higher congestion during the peak hour, not the second peak hour.

When **Chair Carter** asked what hour would be the peak hour, **Kraushaar** said it would probably be between 4:30 and 5:30 p.m. or perhaps 4:45 and 5:45 p.m. She said, though, that the corridor can be developed so there is no second hour that exceeds LOS D. It will peak and then, because of the way it is designed, it will settle out again within an hour.

Chair Carter said we know our Downtown area as our regional center, and **Kraushaar** said the boundaries are shown in the Downtown Community Plan. She said it goes over to Apperson Bluff (to include Hwy. 213) to Jefferson and then to Abernethy. It also includes the downtown area and the mill. **Drentlaw** said it pretty much covers the whole area designated as Downtown Mixed Use.

Lajoie said it seems like there is still one piece of information missing. He understands that they are recommending a LOS for the regional center (essentially downtown). Then there is a minimum acceptable LOS for unsignalized intersections throughout the remainder of the city. However, he asked what happens with signalized intersections outside the downtown area.

Kraushaar said the first portion of her write-up is for signalized intersections of the city that are located outside the regional center. The second section is for stop-controlled intersections, and the last section is for inside the regional center.

Mengelberg asked what happens if an intersection falls below the tolerable standard, whether it is E or F. Does that mean that no more development could occur near that intersection until transportation improvements are made?

Kraushaar said she believes that depends on the type of land use application. For example, for a Zone Change/Comp Plan amendment, the finding could be made that there is inadequacy, but for regular-type Site Plan/Design Review, there would have to be some sort of mitigation made but not necessarily requiring repair of the entire intersection. **Sullivan** agreed, adding that it would also depend on how the Plan standards are made applicable in Site Plan and Design Review. He said he had just been discussing that with staff and they would try to make a suggestion about this before the evening was over.

Chair Carter asked if the traffic analysis assumes and factors in continued buildout, and **Kraushaar** said yes. She noted, though, that for the development itself, you can only expect them to mitigate for their development to their buildout. In other words, you can't make one developer mitigate for some other big, future developments that are anticipated later.

Konkol noted again that Kraushaar's memo about LOS Standards was entered into the record as Exhibit B.

With no further discussion on this matter, the conversation moved to the continuation of deliberations of the proposals from the Natural Resources Committee (NRC). However, before proceeding, **Drentlaw** said that staff

had included Version 6 (the latest version of all the Code amendments, dated 1/20/04) in the packets. He asked if anyone had questions about any of the changes that had been made before moving into the review of the NRC proposals.

Mengelberg said they had specified, particularly on page 9, "Groundcover Covering 100% of Exposed Ground: No bark mulch shall be allowed except under the canopy of shrubs within two feet of base of trees." She said it is only mentioned here and in a few other places, not throughout, so she asked the PC if that is something we wanted to encourage because it helps storm drainage, it looks more attractive, etc. She thought it was a good concept—to encourage ground cover.

Drentlaw said he thought they tried to use that standard in all the sections. **Mengelberg** had some suggestions as to where she thought it might fit, which she would provide to staff later.

Mengelberg said there is a reference on page 31 to the "McLoughlin Conditional District" but on page 21 it called the "McLoughlin conditional residential district" and she thought those should be make consistent. **Konkol** he believes the correct zoning designation is "McLoughlin Conditional Residential District."

Mengelberg suggested that the bark dust provision could be inserted on page 45 under "J. Minimum landscaping requirement...." **Drentlaw** said he thought they had handled that under a special section that applies to landscaping in a generic sense. He said the item she just cited only has to do with the percentage, after which the details would be found in the "landscaping" section that outlines the form of the landscape. He said **Konkol** would confirm that the groundcover provision is included.

Orzen noted that there was no definition for "auxiliary dwelling unit." Staff will look at adding it.

Orzen moved to page 60 and said that 17.37.020.N under "Permitted Uses" ("Financial, insurance, real estate, or other professional offices necessary to a permitted industrial use") and 17.37.030.B under "Conditional Uses" ("Financial institutions, as an accessory use to a permitted use located in the same building as the permitted use... Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited") seem very similar, and she asked what the difference is.

Powell said he read it to mean that one might have a credit union, for instance, within a store (with no drive-through capability) and the other could have a credit union with a drive-through within the industrial area. In other words, N would be a stand-alone and B would be within the store. **Drentlaw** confirmed that understanding as correct.

Chair Carter said she thought inserting a comma in B after the word "use" ("...to a permitted use, located in the same building...") would help clarify it.

Mengelberg said she wasn't making a suggested change, but she had a note to herself that the Natural Resources group could look at the Oregon City Public Works Standards for Erosion and Sedimentation Control (page 65, 17.44.050, c and d) and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan (17.44.090). **Chair Carter** asked if that isn't more of an Engineering thing, but **Mengelberg** said it seems like standards are continually changing and methodologies evolving and perhaps there are things that could be looked at.

Konkol deferred to **Kraushaar** for comment, who said that the Standards for Erosion Control document is very technical and she thinks our erosion control standards are really quite good, with perhaps the one exception of some slope protection, which our erosion control office is actually working on for adoption as soon as possible.

She also said that the Stormwater manual is fairly up to date but it wouldn't hurt for folks to review it to see what we are trying to achieve in our city. **Chair Carter** said that could be done as an action item after the Comp Plan.

Moving to page 69, **Mengelberg** said there was discussion at our last meeting about where to weave in homeowners associations, and it seems like 17.50.050.A might be the appropriate place. She read, "The applicant shall send, by certified mail, return receipt requested, a letter to the Chairperson of the Neighborhood Association and the Citizen Involvement Committee Council describing the proposed Project." She suggested that "and Homeowners Association Board within 300 feet of the project" or similar wording might be inserted into this sentence. **Konkol** said this goes back to the discussion of a pre-app versus an application, the difference being that staff receives 100-200 pre-app applications per year, but the notice within 300 feet goes out when we actually receive a land use application, which is the next step.

Mengelberg agreed that we don't need to send out the 300-foot notice for pre-apps, but said she would like to make sure this gets in for the application part of it, wherever the appropriate place is, and asked if staff could recommend where that would be.

Powell said the real challenge is that we have a neighborhood program and some neighborhoods have not been brought into a neighborhood association for one reason or another, or there are neighborhood associations that are not functioning for some reason at this time. So, he said, the Citizen Involvement Council (CIC) is the "umbrella" and it is up to them to get notice to those people. He said we need to be careful because there are a lot of homeowners associations that are imbedded in neighborhood associations and the neighborhood associations are trying very hard to include everyone, so he would worry that this might cause confusion. He understood that Mengelberg was thinking of a specific neighborhood on top of the hill, which just happens to be outside an area right now but which will be included soon.

Mengelberg said her suggestion is for just one more letter to the president of that homeowners association along with the notice to the neighborhood because they are organized with boards and they care. **Powell** said they are generally notified through the neighborhood associations, but he understood her concern about the one in particular that she is concerned about, which is outside the neighborhood association. In such a case, he suggested that perhaps the neighborhood association on the edge could take responsibility for that or perhaps the Land Use Committee might take responsibility.

Konkol suggested putting an action plan in the Comprehensive Plan to incorporate homeowners association and get them involved in the neighborhood associations. He said he thinks we are trying to focus on getting the neighborhood associations to get them to act as a whole rather than adding another list of homeowners associations that aren't affiliated with a neighborhood association.

Powell added that there are some legal issues as well, and **Sullivan** said the State program recognizes neighborhood associations or citizen planning organizations, etc., and requires them to register. He said the whole idea behind that is specifically for the purpose of getting notices out appropriately. He said if you do it by homeowners associations and they don't register, then there are notice problems and questions about whether or not citizen involvement actually occurred.

Regarding his use of the word "register", **Mengelberg** said her homeowners association registers with the Secretary of State, but **Sullivan** said that is very, very different. He said for land use purposes, the neighborhood association has specific boundaries and the whole process of recognition is that the city knows that this is the area wherein the neighborhood association will get notice. The homeowners association doesn't have status before the city although it does have control over its own internal organization and may maintain

things like open space, but unless it is recognized by the city, there is no real trigger to make sure that those people get notified.

In conclusion, he thought he would put the emphasis on the neighborhood associations, and he liked staff's recommendation to *encourage* homeowners associations to be part of neighborhood associations so they can get notified.

Chair Carter said if the CIC is doing their work as the overriding organization that develops the neighborhood associations, there should be some effort to go out and canvas new neighborhoods to get them into the neighborhood associations. **Powell** said they have a person on staff person to do just that and he said it is in the Comp Plan. Furthermore, he noted that part of their goal is that every home in the city would be represented by a neighborhood association, and they have action items in place to reach that goal.

Moving to page 77, **Mengelberg** said she thought the word "impervious" in 17.52.030.C should be "pervious". Agreed—staff will correct.

Lajoie said he had a general question about the General Industrial section (page 58). He said one of the concepts that seemed to emerge at some of the public hearings was for a Mixed Use Industrial, and he asked where we are on that idea. Specifically, is it allowed to have Residential with Industrial?

Drentlaw said it is allowed, so it is the city's option to come up with a zone that is crafted that way. However, it is not necessarily consistent with Metro and their titles regarding industrial lands. He said the whole philosophy on industrial lands right now, because there is a shortage, is to protect what industrial lands we have rather than allowing a number of uses like residential or institutional or even commercial. He said it isn't something we can't do, but staff hasn't proposed it.

However, he noted that staff is working on a provision for master planning and through that process, we could define development regulations that are tailored to a particular piece of property that could allow mixed use. He said staff is hoping to have that proposed language for consideration before the Feb. 9th meeting.

Mengelberg noted that, traditionally, residences have not wanted to be inter-mixed with industrial (i.e., young children and big trucks are not a good mix), but there have been areas where there can be housing across the street from an industrial area with trees and sidewalks buffering, which tends to be enough. She said one might think there might be a lot of complaints about noise, etc., but it's not always a problem.

Moving to a general question, **Powell** noted that we had changed all references of "Planning Managers" to "Community Development Director" (CDD) but he asked why we would not use a more general term such as "decision maker". He said he questioned this because of possible changes within organization which could mean having to rewrite the whole thing again if titles are changed.

Sullivan said you still have to designate who the decision maker is. For example, in Lake Oswego it is the City Manager, who can then delegate it to the CDD. He said it could be any person or office we might choose and that if there were a change (to either a person or the nature of the title), we would also make a global change within the Code. He said he would advise the use of a discreet office rather than saying "decision maker" as the title.

Powell said in some places we say "Community Development Director" but in other places we have crossed out "decision maker" and replaced it with "Engineering Manager" or some other designation.

Sullivan said sometimes in going through the process, the decision maker changes (i.e., it might go from the Director to the Planning Commission or from the Director to the City Commission).

Chair Carter said this at least makes somebody accountable, and **Powell** said that was okay as long as it didn't tie anybody's hands for decision or overload any one person, but if that person had the ability to assign authority, it shouldn't be a problem. Agreed.

Moving to the maps (both Comp Plan and Zoning maps), **Mengelberg** said it seems like we have discussed requiring master plans on a number of locations that aren't reflected on the maps (i.e., the hospital, the County office, the community college), and she wondered if we should also consider it for the former landfill site.

Drentlaw said staff had specifically limited the Future Urban Holding designation that was basically blank to the new UGB areas because we don't have an existing zoning category on the ground.

Mengelberg said there is only a "hatch mark" on the map for the mill site (Blue Heron), but she said it seems that some of the past decisions for the community college, the hospital, and the County have required that they do a master plan, and it seems like we would want to show those on the maps.

Drentlaw said staff focused on Blue Heron because it is in a unique situation of a possibility of transitioning to something else, whereas the hospital and the County are most likely going to stay for a long time. He said one of the new zoning categories, the Mixed Use Employment zone, was specifically tailored for those two uses, which should address a lot of questions.

However, the mill was an especially sensitive issue with the owners, who wanted to retain their Industrial use and Comp Plan designation through this process, and he thought the Master Plan requirement was put on because we recognize the need to consider some of the potential transitional uses.

Regarding the hospital and Red Soils sites, **Drentlaw** said the master plan process is important for a little bit different reason in that it will help staff in reviewing individual site plans for individual buildings as they come to see how they all fit together. In other words, those master plans are more tailored to the specifics of a Site Plan/Design issue rather than the mill, which is more a general discussion of use.

Mengelberg said she didn't feel that strongly about it—she just recalled that we had asked the hospital, the community college, and the County to provide master plans. **Chair Carter** said that she thought Drentlaw's point was that the mill is the only site that has the potential to change to a completely different use.

Powell asked if a master plan is required only if the mill changes the designation or if a master plan is required anyway. He said the others have to come up with a master plan even though they are staying with their current uses, but he feels we should require the same of the mill, not only if they decide to change.

Drentlaw said he thought that was how it was addressed in the policy portion of the Comprehensive Plan (to require it for the mill).

Powell asked if there could be any legal problems if someone were to say that it doesn't say a master plan is required, and **Sullivan** said if there is a plan policy on master planning, he thinks it's fine. He said his only concern would be if there were a Site Plan review where a plan is not a criterion because it is a limited land use decision, or a land division. He said the problem is that unless it is specific said in the Code, the plan doesn't apply for these two instances—Site Plan and Design Review and a land division. **Konkol** said it is identified on the zoning map (with a legend and a set of criteria that applies to the legend), in which case, **Sullivan** said, it is fine.

Powell said he was especially concerned about the land across from the hospital so that a new buyer would be aware that there could be potential plans relating to the hospital.

Konkol clarified that the Master Plan Overlay designation is on both maps only for the Blue Heron site, but that master plans are included in the Conditions of Approval (COA) for the hospital, the community college, and the County site before they can move forward. **Sullivan** suggested they may want to consider putting a designation on the maps for the other sites as well, which was **Mengelberg's** point, but **Chair Carter** said it would be redundant if they are already requirements within the COA's.

Konkol agreed, though, that something visible on the maps would make it visible to someone new to the area, and **Powell** said it is a fact that people don't read the Comprehensive Plan for details unless they have to. He felt that we should make this document as clear and concise as possible, noting that it could be beneficial and it would not hurt. **Mengelberg** thought it might also help the neighbors to these areas understand that there is going to be a bigger vision and it might give them some comfort level. **Chair Carter** agreed, saying the map would simply be a reflection of the existing requirement. Agreed.

Mengelberg said there had been previous informal discussion about a master plan for the former dump site as well, but that is a different issue completely. **Orzen** said part of the issue is that it is privately held, but **Mengelberg** said some of others are as well (i.e., the hospital).

Drentlaw said there are three other issues regarding the map that had occurred since our last discussion about the map and he wanted to make the Commission aware of them. They include:

- A clarification of the Beavercreek industrial area, specifically the golf course parcel. He said staff believes they made a mistake, but would like confirmation or clarification. He said they showed the area north of the golf course (the new UGB area) as a Future Urban Holding Zone. He said that area was designated because it was brought into the UGB in December of 2002. The golf course area (in purple on the map) is also in the UGB (outside the city), but it was brought in earlier, which is why it didn't show up as the Future Holding Zone. However, staff thinks this was a mapping mistake on their part and they believe the golf course should also show as part of the Holding Zone. He noted that the property owners there are currently working on a concept plan that will be brought to the PC eventually and would be an amendment to the Comprehensive Plan as it designates uses. **Chair Carter** asked if the entire swath along Beavercreek that currently shown as purple would be changed to white (the east side of Beavercreek), which **Drentlaw** confirmed. **Chair Carter** said that seems correct.
- A resounding feeling of no Neighborhood Commercial along South End Road, which was again discussed at a neighborhood association meeting he had recently attended in South End.
- Considerable discussion amongst staff regarding the proper designation for the intersection of Hwy. 213 and Molalla. He said they talked about MUC-1, MUC-2, and Commercial. Part of the concern about MUC-2 is that it requires at least two stories, but there is some interest for one-story restaurants, and the possibility of simply a General Commercial designation.

Chair Carter asked, If something is designated differently than what a property owner would like to develop the property as, can they still request a zone change. **Drentlaw** said yes, although it might require a Comprehensive Plan Map change as well, but, he said, a Comp Plan Map change and a Zone change could be done together (through public hearings with the Planning Commission and the City Commission).

Chair Carter said part of the challenge is knowing how to assign certain zones because the property owner might have certain needs and plans for development and city has needs for a certain amount of density. Thus, it becomes very tricky to balance.

Powell said he felt, after looking at this again, that the level of traffic on 213 doesn't seem to make it very feasible for second-story residences, although that would seem to make perfect sense along Beavercreek with Newell Creek behind it. Therefore, he thinks Commercial would fit better on that peninsula than MUC1 or MUC-2, but MUC-1 would probably be better if there is a need for a low-rise building. He said he understands the need for increased density, but this just doesn't seem like a good location for it.

Chair Carter agreed, adding that one requirement is that they must blend with the surrounding area and, she noted, that area is mostly comprised of one-story buildings.

Mengelberg also agreed, saying that it seems like most of the commercial is located in this area, with Haggen's down below and the Fred Meyer up above. She said General Commercial is a good neighbor with Industrial, as opposed to having the Mixed Use Corridor hanging out all by itself, separated from everything else.

Chair Carter and others agreed, as did staff. Confirmed.

Powell asked if would include all eight parcels there, including the storage (to be turned into Commercial).
Drentlaw said yes.

Mengelberg said she is not willing to revisit the South End Commercial. She thinks there is going to be additional demand as the UGB area expands. She said those voices haven't been heard and won't be heard because they're not here yet, but over time, there will be demand for that and she wants to provide for it, so she would vote to keep it.

Chair Carter agreed, saying she said thinks we made a good compromise in trying to cut down and minimize it as much as possible and we are trying to provide a convenience for the neighborhood. She noted that **Kraushaar** had suggested that there be designated truck thoroughfares to these sites, which helps to minimize the truck traffic, which was a big concern. Again, she (**Carter**) said this is long-term planning and the property may not develop that way—it will only develop when the demand is there because people are not going to build commercial and have it sit empty and un-rented or build it and then have the tenants fail.

Powell moved to recommend for approval by the City Commission the amendments for the Oregon City Municipal Code, the proposed Zoning Map, the proposed Comprehensive Plan Map, the Intersection Level of Service Standards, and the Water and Sewer Master Plans, including amendments made this evening. 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. **Orzen** seconded the motion, and it passed unanimously.

After a brief break, the PC picked up discussion of the recommendations which had been made by the Natural Resources Committee (NRC), continued from the work session on Jan. 22nd.

Marcia Sinclair, 23850 SE Borgess Road, Gresham, Oregon 97080, and **Ralph Kiefer**, 15119 Boyer Drive, identified themselves as the representatives for the NRC.

Konkol said he had handed out copies of "Proposed Comprehensive Plan" dated "XXXXXXXX, 2004" which is the result of staff's having reviewed all the proposed changes by the NRC and incorporating them into this new document, as well as the changes made thus far. He used a Power Point presentation to show portions to the audience as they were discussed.

Drentlaw said the NRC suggested many excellent concepts, which staff tried to incorporate into what they felt were the appropriate chapters. For instance, a lot of the information seemed to logically fit into Chapters 3 & 4

(regarding environmental issues), so those chapters are pretty much as suggested by the Committee. There are some chapters, for instance Citizen Involvement and Land Use, that bridge all the different elements of a Comprehensive Plan, so some of their recommendations have been incorporated into those as well. However, in some of the other chapters that weren't really targeting environmental issues, such as Economic Development or Public Facilities, staff took out references to some of the concepts (i.e., carrying capacity and sustainability), and only applied them where they seemed to fit most appropriately.

Moving into the review, **Drentlaw** said staff kept most of the NRC's suggested verbiage for the introductory pages, although staff inserted some different headers. For example, they put the concepts of "smart growth" and "sustainability" under a new section called "Plan Principles" as the overriding mantra of the Comprehensive Plan. He said they (staff) incorporated some of the more specific items into the environmental section since they didn't seem to fit most appropriately in the overview, and they took some things out since they were already included in other policies.

Drentlaw then began reviewing the document from the beginning, noting that staff hadn't made any other changes besides those the PC had previously agreed to (page 1-1).

In Chapter 2, Land Use (page 2-1), **Konkol** referred to the prior discussion about General Industrial and allowing the use of Mixed Use and Residential in that zone and writing it in the Comprehensive Plan. He said initially Policy 2.6.6 from the NRC included, "Incorporate use of a mechanism that will allow for the enhancement of areas of mixed use character where such areas act as a buffer and where opportunities exist for creation of nodes or centers of Mixed Commercial, Light Industrial, and specific Residential development." He said this is currently not backed by our Code for General Industrial use. As **Drentlaw** had said, we could get to it through a Master Plan, but this is something we need to discuss further—whether to add the inclusion of residential use for Industrial lands, although it doesn't meet our Code, or that of Metro.

Chair Carter said she thought the PC decided against that in the earlier conversation, and **Konkol** said we had made it an action item. However, upon review, he said it doesn't necessarily blend with the zoning of the General Industrial or Campus Industrial zones.

Mengelberg said what happens when commercial and residential uses are allowed within Industrial land is that people looking for low-cost land tend to gobble it up, and then the resource is lost. She said we probably don't want to open that door, unless there is an issue of a steep slope or something else that would make the land undevelopable for Industrial. But she would really caution against giving away the prime Industrial away for anything else.

Chair Carter agreed, saying it is too little and too late, and it must be protected so we can have jobs in the community.

Sinclair reminded the PC that individual members of their Committee took on different chapters, so she asked permission to confer with other NRC members to see if they had a rationale for this. She then said this is a concept that is being explored by the NRC and it might be more appropriate to bring that concept before this group rather than trying to address it in the Comp Plan as an action item. **Chair Carter** agreed, noting that since that area has been designated Future Urban area, the designation is unknown and undesignated as yet.

Konkol said Action Item 2.6.5 (revised) was initially intended to indicate that the city had a desire to zone everything east of Beaver Creek Road as Campus Industrial. However, he said since we're going to go to Future Urban Holding, he isn't sure this is necessary anymore, unless the Commission still has a desire for the majority of the property to the east to go to Campus Industrial.

Chair Carter said it can't be "either/or." **Konkol** said this is talking about the zoning but we're not going to zone any of that property—it is going to be identified as Future Urban Holding. So the question is, Do we still want an action item or statement that says we would still like to see Campus Industrial for some of it?

Mengelberg suggested perhaps saying, "The majority be zoned for Industrial uses", which gives flexibility and makes the intent clear, thus leaving some room for other uses. **Lajoie** agreed, as did **Powell** and **Chair Carter** also.

Powell said calling it "Industrial" is what got us into trouble originally. He said he likes the idea of calling it Campus Industrial because it denotes mixed use. He said he doesn't see it as an area for traditional industrial, which is what many people think of, and Campus Industrial gives an entirely different picture, which seems to be more acceptable.

Konkol said it could be, assuming a master plan is developed for properties to the south, more palatable for compatibility with residential than a straight General Industrial.

He noted that the original intent was for Campus Industrial to support Clackamas Community College. **Powell** said to him Campus Industrial denotes walking paths, park space, picnic areas, etc., so it is not all paved industrial.

Mengelberg agreed to the idea of Campus Industrial.

Sullivan said the question was whether or not there was any issue about not being specific enough on the designation of Industrial. He said he thinks the PC doesn't know exactly what the uses are to be. The only direction they have given, to his understanding, is that the majority of it is to be Industrial without categorizing it further. He said we don't need the numbers to make the Industrial numbers work, but what we should foresee is a small tract Plan amendment and rezoning of this site once the concept plan is put together.

Chair Carter asked if we really need this action item (2.6.5) at this point. **Konkol** asked if it is an action item that if they come in, it will be, or is it a policy that we would like to see Campus Industrial? **Chair Carter** said she thinks action items are things we want to see happen at a later date—not a public action. **Powell** said it sounds like a policy to him. He said he thinks we are a planning agency and our goal is to look long-term. We need to leave some legacy of our vision so future groups can understand what we talked about and are hoping to achieve.

Drentlaw suggested staff re-write this as a general policy to indicate the intent that a vast majority of this area be Industrial but also recognize that a concept plan is being done.

As a matter of consistency, **Chair Carter** noted that in Mixed Use Employment we have a ratio of 80% employment and 20% retail, and she asked if this should be similar with 80% Campus Industrial as the underlying designation and up to 20% Mixed use. **Drentlaw** reiterated his suggestion to keep this as a general policy rather than getting too specific before working through a concept plan.

Powell reiterated his preference for Campus Industrial, not General Industrial, to show the intent for a mixed-use environment. **Chair Carter** noted that there could also be partnership possibilities between the high school and the college.

The consensus was for Campus Industrial. Staff will make it to be a policy and renumber the rest, and delete the action item.

Drentlaw noted that the discussion of groundwater was for some reason removed from the background section of Chapter 3. Open Spaces, Scenic and Historic Areas, and Natural Resources (page 3-11). However, he reviewed the State Planning Goals and he said this really is the appropriate chapter in which to address the stormwater issues (groundwater and water quality). (**Konkol** said discussion of water quality is on page 3-21 and groundwater is on 3-22.)

Drentlaw said staff recommends re-inserting the background information about groundwater and water quality and keeping the policies which were recommended from the NRC but putting them back in the original order to be consistent with the State Goal (Open Spaces first, then Scenic and Historic, then Natural Resources).

Sinclair said it made logical sense to the NRC to move the water quality/quantity piece to that chapter since that Goal 4 is about water, air, and land uses. However, she doesn't know why it's not that way in the Land Use laws.

Konkol said staff had moved some policies in Chapter 3 into Action Items because it seemed more appropriate, and they combined some policies. He said some of the more significant changes begin in "Vegetation" where it talks about logging plans (page 3.9). He said staff removed some of the logging requirements because they seem rather specific for a Comprehensive Plan and they might be more appropriate as an actual ordinance to be implemented once an actual tree preservation plan is in place. For instance, discussion about the percentages of tree canopy seems inappropriate at the Comprehensive Plan level.

When **Powell** asked why reference to the Tree Committee was taken out, **Drentlaw** said the City Commission decided that those issues should go to the NRC.

Konkol reiterated that many of the policies were moved to action items (i.e., identify management strategies, work with power providers, etc.).

Powell said we had talked at the last meeting about who would do the action items, and he asked if we were going to make some note about whether the committee would do this or whether it would fall to staff. His concern is that it would be all put on staff or all on the NRC. **Drentlaw** suggested that it would be best to leave it open because if we get too specific, we run an even greater risk of tying someone down.

Powell said he would like to see the NRC identify what they are chartered to do, and **Sinclair** said it is probably not possible for the NRC to do everything so it will probably require partnering, although the NRC could probably identify a number of opportunities for such and assist with the process.

Lajoie concurred with the idea of leaving it open, suggesting that we might establish the priority order of the action items but not specify how they get done.

Chair Carter read from Goal 3.8: Vegetation (page 3-9), "The city shall protect trees and other vegetation within the community." She said we still have the issue about the UGB area and she asked if anything can be done about it, such as include anything about the UGB area. **Sullivan** said within the UGB, it's whoever can contract to take the lead. He said he understands that these are future city designations but the County runs it. So, unless we change the contract with the County (the Urban Growth Management Agreement, or UGMA), it will stay like that. He noted that at a recent meeting some folks expressed concern that there was no control over forest practices in the county except in the Oregon Forest Practices Act because State law pre-empted it.

Lajoie asked what other jurisdictions do or if they are all fairly independent. **Sullivan** said it's "all over the map." He said it is possible to change the UGMA but it would require having agreement between the two governing bodies.

(Goal 3.8 was left as is.)

Regarding stormwater as it relates to streams, **Sinclair** said she had distributed some correspondence between herself and Paul Heimowitz from a time when she was preparing testimony on the Wal-Mart proposal, specifically about how to protect Newell Creek from stormwater inundation. She said the specific terminology she was looking for was "effective impervious surface", which simply means not sending any more stormwater into pipes into the canyon. She said there is some information in the Heimowitz correspondence about how watersheds begin to get degraded when there is a certain percentage of impervious surface, and it starts to degrade, she thinks, at 10% and once it gets to 25% it is really starting to look a little worse. She said Newell Creek watershed is at 38% so we've got a serious issue with impervious surface. She also said Heimowitz says that managing stormwater effectively does not preclude development, which would indicate that we need to be smarter about how we do it.

She also cited some information from Scott Burns, who participated in a presentation on the subject the week before, at which he said that about 60% of the year-round water in the creek is actually from ground water. She said there is a lot of spring water in the creek that keeps it flowing, so it is very important for us to continue having water infiltrating to feed that groundwater system because is what keeps the creek running.

Sinclair said there was an article in the paper just last week that Metro had completed its purchases of land in the canyon, including a critical piece in the center for salmon habitat.

She also noted that there has been \$6 million of public funds invested in Newell Creek Canyon, so it is worthwhile for everyone to do what we can to protect it.

Mengelberg said it appears to be included in the first sentence of #1 ("Increasing the percentage of pervious surface in watersheds has been demonstrated to relate directly to declining health of watersheds. Watersheds begin to show some loss in natural function when impervious surfaces exceed 10% and begin to exhibit serious impacts above 25%.")

Sinclair said she was actually referring to #4, which says "The most proactive approach to reducing stormwater inputs from a new or existing development is to use design and landscaping techniques that result in very little effective impervious surface." Therefore, she suggested that we add, "Allow no additional effective impervious surface in Newell Creek Watershed" to the new Policy 3.6.5. She noted that this would be referring to the watershed (as opposed to the canyon), so it is the area around the canyon that feeds water into the canyon.

Chair Carter asked if the wording should be something opposite of "effective" because that words seems contrary to what Sinclair is trying to accomplish, but **Sinclair** said she is simply using existing terminology that is used to people who are managing stormwater as it relates to habitat.

Sullivan said that wording seems fairly radical. If she is saying there can be no increase in impervious surface in an area in the canyon that has been designated for commercial or residential or other things, that seems to veto any real development.

Sinclair clarified that she was not saying no more impervious surface; rather, she was saying no more effective impervious surface, meaning that we are not feeding stormwater into pipes going directly into the stream. The idea is to divert the water so it can be held and percolated into the soil rather than flowing into the stream.

Lajoie thought we already had something along those lines, but **Konkol** said we do not. We require on-site detention and metered (controlled) outflow. He said prior discussions have included the fact that a lot of that

soils in Oregon City are hard clay and it is hard to infiltrate into those soils, which was also identified in the NEMO project. Thus, the proposed language would require such as green roofs, infiltration into the soil (which could involve replacing some of the clay with good soil), etc.

He said there are multiple options but such a requirement would call for green development on every site in the Newell Creek Canyon Watershed, which is, quite simply, economically infeasible.

Chair Carter asked if the detention ponds could be dug deeper into the clay soil, but **Konkol** explained that the detention ponds are for water quality and flows. He said the water is still released into the stream system of that development, although it is at a lower rate, and the purpose of holding it is to drop the sediment and pollutants in the pond not infiltrate 100% of the site water back into the site.

When **Chair Carter** asked if that is water that would flow into the stream anyway, whether there is development or not, **Konkol** said not necessarily. He said he couldn't answer specifically without an engineering study, but there is probably some natural retention on the site because of a certain amount of saturation, even in clay. However, if you put in impervious surface, that is now being collected in a pond until it is released into a stream.

Chair Carter asked if the problem is the toxins that flow into the creek, noting that if the toxins are filtrated out, the water could still go into the creek. **Sinclair** said that is part of it, but a lot of what is happening with Newell Creek in particular is that the sides of the stream are getting scoured so it is eroding the banks of the stream and stirring that silt into the water, which is what destroys salmon habitat.

She suggested that the NRC collect some appropriate language for consideration in the next round and that they address the specifics of where it is appropriate to do various kinds of stormwater management in the Stormwater Management Plan because it will vary in different parts of the city, because of different types of soil, a percolation issue, and some places of potential landslides.

Lajoie said he doesn't think we can say that in a general statement because of the soils, so he agrees it needs to be more specific.

Back to the policy, **Chair Carter** suggested that we leave this as is and perhaps address it in the "stormwater" section, perhaps saying, "Reduce and preserve...."

Drentlaw suggested accepting the NRC's offer to craft some language, after which staff could meet with the City Engineer to discuss it and bring it back to the next meeting. Agreed.

Konkol noted that we are talking about a Comprehensive Plan for the entire city but we are being very specific to Newell Creek. Thus, he asked if we should address other areas as well (i.e., Abernethy Creek, the Willamette River, etc.) Yes.

Mengelberg suggested taking out the reference to Newell Creek Canyon at the policy level, but in the action item list the specific areas that are particularly sensitive. **Chair Carter** agreed, and **Konkol** said they understood the importance of Newell Creek Canyon and would find a way to address it specifically, perhaps in an action item. **Chair Carter** said she thought it could still be referenced directly in the policy by saying something like, "Control stormwater flow rates city-wide, such as Newell Creek Canyon, to reduce potential...."

Chair Carter said if we are going to incorporate the NEMO recommendations before we complete the document, we don't need Action Item 3.6.3. **Powell** said he thinks we should leave it as an action item because it is still somewhat open. **Chair Carter** said okay.

Chair Carter read the header, "The City of Oregon City Will:" (page 3-11) and she asked what the city will do. **Lajoie** suggested simply deleting that underlined phrase (the header) and moving directly into the next paragraph. Agreed.

Sullivan asked if this is a policy, a goal, or an action item. **Lajoie** said it is just in the background—it's not a finding, and **Drentlaw** said it is an explanation of sustainable development and green buildings.

Sinclair recalled an earlier suggestion that every reference to "development" would be changed to "sustainable development" and she asked if that is still happening.

Also, she said she thinks the wording "Sustained development" at the top of the page preceding page 1-1 should read "Sustainable development." Staff will correct.

Powell also recalled that we had discussed what we wanted development to be and we identified "sustainable development" as meaning our intention for "development." He recalled that we were going to go back and identify what "sustainable development" meant.

Drentlaw said that is what this paragraph (on page 3-11) was getting at, and he said perhaps it would be more appropriate to put that paragraph back into the introduction somewhere.

Powell asked how we make "development" become "sustainable development"—just by our definition?

Sullivan said we need to say what we mean to enforce in either a goal or a policy. He said he is the city's lawyer and he has to think about the "What if's" that someone might bring in and question. Then he has to worry about the business community and other lawyers who will say we can't do this. Thus, he said he will give this a good, strong review. In particular, he is concerned about putting in valualational terms that could be interpreted in many different ways because his obligation is to make sure the city meets its housing obligations and other statutory obligations that call for clear and objective standards.

Powell said he would hope that the current Code and Comp Plan do contribute to what we're asking for (protection of the quality of water, air, etc.) **Sullivan** said the current Plan is very out of date (having last been done in 1982), but he thinks the NRC has tried to talk with the PC about what they think the citizens want. His job is to make sure we meet our other obligations at the same time.

Powell said he thinks we can work together to define what "sustainable development" means that is functional and that will work for everybody, and part of the challenge is that we must look far ahead.

When **Drentlaw** said staff tried to describe this in the introduction, **Powell** asked if it is noted throughout the rest of the document that "development" means "sustainable development." He said it is defined, but we need to say that specifically elsewhere in the text. Along with that, he agreed with **Sullivan** that we need to look carefully at it so that we don't end up with lawsuits because we don't state it clearly enough that "development" means "sustainable development."

Drentlaw said part of the question is whether this is aspirational or if it is specific (a Code requirement).

Powell said he hoped it would come down to a Code requirement, and **Drentlaw** said it does in some ways but it encompasses so many things, from impervious cover restrictions to fixing uses to reducing vehicle miles traveled. **Powell** said he thinks we are doing a lot of that, so if he could give a charge to this committee it would be to work together with staff to come up with Code that fits within those requirements. Again, he noted that

this is not a stand-alone document that is never going to change because it will be changed often. So, he said, let's put the basic information in here (what we believe and what we want to pursue) then start pursuing them.

Sha Spady, 17855 Alden Street, said the NRC was really concerned that we get an appropriate definition into the Comprehensive Plan that made "sustainable development" really mean something—that it could actually empower the codes that come from this plan.

Sullivan said he fully understands that but he must be concerned about the person who has a permit yet comes in asking what "no irreversible changes" means. He asked if we would buy ourselves more challenges, more LUBA, or lack of any development in the city if anybody is smart enough to say the right words. He asked them to think about making sustainable development the "goal in the sky" but put in specific policies as to how to do it and make them do-able so that the Code can carry them out. He said we need to get a code we can all live with.

Mengelberg asked if **Sullivan** had some suggested wording, and he said we should make standard development the "desa darata" of the plan. However, he thinks we need to go a step lower than that and a step more specific than that to say, What do you mean by "sustainable development" in the context of Oregon City? He said he had no problem if we want to say, "Do everything you can to make sure you don't add more pollutants into streams" and then make a Code provision that explains how to get there. What he doesn't like is the "pie in the sky" because this is not just theory.

Sullivan said staff will work on some language, with the idea in mind to step down from desa darata to goal to policy to Code provisions.

Mengelberg said she was concerned about the words "irreversibly impairing" (at the top of the page preceding page 1-1) and she suggested that it might be changed to say, "to reduce or mitigate impacts on the quality of air, land, and water resources...."

Moving to Chapter 4. Air, Water, and Land Resources Quality, **Drentlaw** said the staff draft included most of the NRC's recommendations. The only policy they removed was Policy 4.2.3 ("Encourage businesses and individuals to install on-site stormwater retention systems such as cisterns.") **Konkol** said the reason was because currently businesses have to deal with stormwater on site and it doesn't seem necessary to refer to the current method in the Comp Plan and in Code.

Konkol said staff added the phrase "when economically feasible" to Action Item 4.3.2, so it reads, "When economically feasible, the City shall convert street lighting...."

Moving to Chapter 5. Natural Hazards and Natural Disasters, **Konkol** said the proposal talks about Goal 5.1, which talks about the protection of the natural environment. Then Goal 7 includes policies and measures "to reduce risks to people and property from natural disasters." He said when he reads this, he looks at protection of the natural environment and "natural environment" could be read as property, but he doesn't know if it needs to be broken out. If it is broken out, he thinks it should at least be moved behind human life and property.

Sinclair said she doesn't think these reflect what the committee had intended and she would like an opportunity for the committee to rework this rather than debating it at all this evening. She said the intent was that in avoiding natural hazards, thought would also be given to how they exacerbate damage to the environment, which doesn't come through in this writing. Staff accepted her offer for the NRC to review and resubmit this portion.

Konkol said staff did not address any proposed changes to Chapter 6. Parks and Recreation since that was going to go to that committee (PRAC).

Sinclair noted that they had hoped to meet with PRAC before this evening but that was not possible because they already had a full agenda for this evening's meeting, but they would get together sometime soon.

Konkol suggested that the Planning Commission could either wait until the NRC and PRAC can meet or we can just use the PRAC language. **Powell** said he would like to use the current PRAC language for recommendation to the City Commission because changes could be made at the City Commission hearing level should the NRC and PRAC choose to do so after their meeting.

Sinclair said she understood that PRAC had taken quite a bit of language out of the Comp Plan and they were using the Master Plan document as their way to capture more of the detailed information. She said she was still somewhat confused about how much needs to be captured in the Comp Plan to then be more detailed in the Master Plan. She said this could be discussed later, but it was her understanding that we need to address the goals and policies in the Comp Plan, which then directs the Master Plan.

Powell confirmed that understanding but said the Master Plan is usually identified as one of the action items in the Comp Plan.

Konkol said staff would re-insert the original language from the Nov. 3rd draft (taking out the bold that was inserted in this version).

Regarding Chapter 7. Economic Development, **Drentlaw** said the only thing staff included from the NRC's recommendations was the introductory paragraph. Other than that, it is the original language.

Regarding Chapter 8. Housing, **Drentlaw** said the same thing applies: Staff added the introductory paragraph and left the language as is. **Konkol** noted that a lot of what was removed referred to sustainable development.

The same applies to Chapter 9. Public Facilities.

Mengelberg thought there was an addition to the NRC's version of Policy 9.4.2 about "rainwater catchment systems and other innovative methods" of stormwater retention, which made sense to her, but she didn't know if that thought got captured or not under 9.4 in this newest draft. **Powell** also liked that wording, so staff will add that back into the policy.

Mengelberg then asked the NRC how important the phrase "into catchment systems" in their proposal of Action Item 9.4.3 is, since it was not included in staff's latest draft. **Sinclair** said, given the issue of the permeability and/or instability of soils, it would seem appropriate to add it. Agreed.

Spady noted that the issues about sustainable development are in the various paragraphs in Transportation and Natural Resources, but she asked if it must be in a goal as well in order for the definition to be enforceable. **Sullivan** said as he understands it, goals and policies are binding, so if it is stated in one or the other, he would be satisfied.

Spady said she would feel better if it were also put into the goal, and **Lajoie** recalled prior discussion that this would be stated in the overall goal.

Staff will review this, but **Drentlaw** said that staff's intent was to explain what sustainability is and then add in the goals in those sections where we're focusing on that rather than putting it in every goal in the Plan. **Lajoie** concurred with that, but felt it should be in the goal headings where it is appropriate.

Konkol said he thought everyone was saying the same thing. For example, staff removed it from Goal 10.1 for Transportation because it was not appropriate there. **Drentlaw** added that many of the goals are sustainable development anyway.

Sullivan said the difficulty he has in putting it in the Housing goal, for example, is that it gives a club to anyone who wants to stop needed housing because they could say that "in these particular circumstances" it is inconsistent. That's why the legislature said Plan policies don't matter when it comes to needed housing. You have to have it in the Code and it is to be clear and objective. He said there are also two other areas, Land Division and Site Plan and Design Review, whereby statute says Plan policies drop out unless specifically placed in the Code.

Drentlaw noted that Goal 10.7 (page 10-5 of the new draft), which is language we've had for quite awhile, talks about sustainable approaches in transportation and it lists a number of policies that support it.

Returning to Storm Drainage (page 9-11, paragraph 1), **Mengelberg** said she had spoken with Kraushaar about the NRC's proposal for the wording, "However, a single site or on-site detention may be preferable" (also on page 9-11 of the NRC document). She said **Kraushaar** wanted to strike the rest of that sentence and say instead, "because of local drainage characteristics" because she felt it was important to mention the single site or on-site detention. **Konkol** said the proposed new sentence would read, "However, single site or on-site detention may be preferable because of local drainage characteristics." Agreed.

Regarding Chapter 10. Transportation, staff said they made no changes except the deletion of the references to sustainable development.

Orzen noted a correction on page 10-10, last paragraph, about the "floating commercial dock at the end of 8th Street near downtown" because that probably won't happen at that location. Staff will fix this.

Regarding Chapter 11. Energy Conservation, **Drentlaw** said staff included all of the NRC's suggestions.

Lajoie noted that the NRC's proposed Policy 11.2.14 was eliminated (not in the newest draft), but he said he liked most of the wording in it. It said, "Encourage location of firms that promote, develop, and apply green technologies such as renewable energy, recycling systems, and other eco-friendly products and services." He edited it slightly to say, "Encourage and promote development and apply green technologies...."

Mengelberg had also looked at rewording that and suggested "Encourage firms to develop and apply green technologies such as...", but she said Lajoie's wording was probably broader. **Lajoie** said it doesn't really need to talk about firms—it can be a more general statement as a policy—that "the city encourages...."

Mengelberg suggested, "Encourage and promote the development and application of green technologies." Staff will add this as a new Policy 11.2.14.

Mengelberg said she was expecting to see references to hooded street lights as a result of recommendations from Dark Skies (to capture the light and force it downward), but there aren't any. **Konkol** said Goal 4.3 (page 4.2 of the new document) talks about light, although it doesn't specifically say "hooded lights." **Mengelberg** said it is kind of covered in the "reduce glare from reaching the sky" phrase in Policy 4.3.1, but she thought that was a major point of discussion.

Chair Carter read from Policy 4.3.2, "Encourage existing development to retrofit when feasible." **Spady** said the NRC recommended adding "non-glare light fixtures" in Policy 11.2.6 under Energy and also in Transportation, and they are happy with those additions.

Regarding Chapter 12. Urbanization, **Drentlaw** said staff added the introductory paragraph. However, they would recommend that the new "Goal 12.0. Orderly Development—Provide for orderly redevelopment of existing downtown commercial area and neighborhood areas to meet Metro 2040 goals" be removed because it is a pretty tough standard to meet and he doesn't know how we would go about enforcing it.

Konkol noted staff doesn't have a problem with the "orderly redevelopment" but he isn't sure we want to say, "before we annex another piece of property into the city" (translated by Konkol from the NRC's proposed verbiage in their document).

Drentlaw asked if the NRC was proposing a complete redevelopment of downtown, and **Spady** clarified that the proposed language actually said, "...before annexation and conversion of land around the city is developed." She said they tried to encourage redevelopment of already-existing land within the city for things that could be done rather than continuing to expand and expand out into the rural areas.

Sullivan noted that the language says "Provide for...", which he believes means that before annexation can occur, redevelopment must occur inside the city, and unless we have a very aggressive Urban Renewal Agency, there will never be another annexation.

Chair Carter said this goes back to the issue of property owner rights and we can't stop someone from annexing into the city just because downtown isn't redeveloped yet, which will only occur when the property owners of the downtown properties are ready to redevelop.

Sullivan suggested that the wording could say, "Consider redevelopment opportunities as an alternative to annexation", which would raise a level of consciousness about the issue. Agreed.

Lajoie understood Spady's concern that we sprawl where appropriate, and he said he thinks we are accomplishing that to some degree at a regional level.

Staff will review this language.

Kiefer noted that **Kraushaar** had given him a copy of Metro's policies regarding the natural environment and water quality and asked that the NRC study them. He said realistically that would probably need to be done between the PC's recommendation and the City Commission hearings, but he wanted to mention that as an "f.y.i."

Drentlaw said staff left in the first sentence of Goal 12. 1 but following the wording "conserving a variety of civic natural values" they deleted "and without irreversible impairment of the quality of air, land, and water in their natural systems." Again, he said he doesn't know if we could meet that bar. He also said staff made no other changes to that chapter.

Mengelberg asked if we want to include "open areas" in the litany of Policy 12.2.4, and **Konkol** said staff left it in.

Regarding Chapter 13. Willamette River Greenway, **Drentlaw** said staff included all of the NRC's recommendations in this chapter.

Mengelberg read their proposed Action Item 13.1.3, which says, "Discourage activities such as gravel extraction (except where necessary to site or protect facilities), removal of bankside vegetation, stream course diversion, filling and pollution." She said she didn't understand "except where necessary...."

Orzen said the entranceway to Clackamette Cove has a lot of gravel that keeps building up so that it becomes inaccessible for boat traffic and it will eventually need to be dredged because it will affect the cove itself.

Kiefer said this was mostly Jerry Hermann's wording, so he probably had that in mind as he wrote it.

Konkol said staff changed the word "Establish" to "Investigate" in Action Item 13.2.6 ("Investigate a 'Greenway Monitoring Program'...." **Konkol** said he is not even sure what this action means, so we should probably investigate it before we establish it.

Sullivan suggested "Consider establishment...."

Kiefer said he thinks **Hermann** included this because the Willamette River Greenway is actually one of the State goals (Goal 15), and **Spady** noted the specific reference to it in the introductory paragraph of this chapter (page 13-1).

Mengelberg asked if there is a similar program elsewhere or if this is a brand new effort. **Kiefer** didn't know for sure, but thought that **Hermann** probably just invented that term.

Chair Carter said "establish" isn't the right word because it seems that what we want to do is "Investigate utilizing greenway monitoring program to ensure...."

Spady said she would find out what Hermann is referring to, and staff will work on this wording.

Having reached the end of the document, **Lajoie** complimented staff for their work in consolidating the NRC's suggestions into yet another compilation of the proposed amendments for an easier review, especially considering the short time they had to do it in.

Chair Carter echoed his comments of commendation for a job well done. Then she asked if we were ready to make a recommendation, and **Drentlaw** said he thought the only outstanding issue was to work out the language regarding the storm drainage issue, after which we could present this to the City Commission.

Powell said this has been a two-year-plus process with many people involved, and that it was driven by the people for the people. He said it is the best thing he has seen occur in this city in a long time, and he, too, thanked staff for all their work. He said he believes we have made an effective document that will be of benefit to the entire community.

That said, **Powell** moved to recommend to the City Commission the adoption of the Comprehensive Plan text as revised up to and including the comments made this evening. **Mengelberg** seconded the motion, and it passed unanimously.

Konkol noted that the City Commission is scheduled to meet on Feb. 18th at the Pioneer Community Center for a public hearing on this subject. He said public comment is still being accepted and will be forwarded to the City Commission until they close the public hearing.

He also noted the joint work session scheduled for Feb. 11th at 5:30.

Chair Carter asked if the Planning Commission should make some kind of presentation at the meeting on the 18th as we turn this over to the City Commission, and **Powell** suggested we discuss that at the meeting on Feb. 11th.

Chair Carter acknowledged again the hard work by staff on this very involved, very challenging, and very lengthy project, and extended a hearty thanks once again.

Powell asked, if this is approved by the City Commission, will it be posted on the city web site? **Drentlaw** said yes.

5. ADJOURN PUBLIC MEETING

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

Linda Carter, Planning Commission
Chairperson

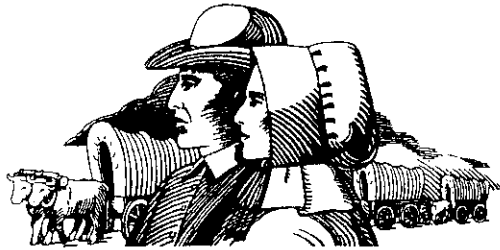
Tony Konkol, Associate Planner

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



Staff Report

Date: February 12, 2004

FILE NO.: ZC 03-02: Zone Change

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: February 23, 2004 (Planning Commission)
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Mark Travers
2315 E. Pike Street
Seattle, WA 98122

OWNER: Nancy Travers
208 S. Meridian Street
Newberg, OR 97132

REQUEST: Zone Change from "FU-10" to "C-I" Campus Industrial.

LOCATION: The property is located at 19262 S. Beaver Creek Road and identified as Clackamas County Map 3-2E-09A, Tax Lot 700 (Exhibit 1).

REVIEWER: Sean Cook, Associate Planner
Bob Cullison, Engineering Manager
Dan Drentlaw, Community Development Director

RECOMMENDATION: Approval

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

I. PURPOSE AND BACKGROUND:

The purpose of this application is to establish which type of Industrial zone to apply to the subject property. The process for this establishment is the zone change process. The subject property currently has a Comprehensive Plan designation of Industrial. There are three types of City Industrial zoning designations, which are derived from the Industrial designation on the Comprehensive Plan. These types are M-1- Light Industrial, M-2- Heavy Industrial, and C-I Campus Industrial. The applicant and owner have selected Campus Industrial as the requested zone for the subject property. Several of the adjacent and nearby properties are similarly zoned Campus Industrial. Currently, the subject property is retaining its Clackamas County zone FU-10 (Future Urban), which is basically a holding zone in the City until the property owner applied for the zone change to establish the exact type of industrial zoning to be applied to the property.

The subject property is a 4.18-acre parcel identified as Clackamas County Tax Assessor Map 3-2E-09A, Tax Lot 700 (Exhibit 1). The subject property was annexed into the City limits following the approval by Oregon City voters on November 5, 2002. Prior to annexation, the subject property was also identified on Clackamas County's Comprehensive Plan as Industrial.

At the time of this report, the property owner and applicant have not proposed any development for the subject property. Site Plan and Design Review approval would be required prior to any development on the subject property.

II. BASIC FACTS:

1. **Zoning/Permitted Use:** The subject property is currently zoned "FU-10" (Future Urban) and is designated as "I" Industrial on the City's Comprehensive Plan Map. The applicant has applied for a zone change to "C-I" Campus Industrial for the subject property.
2. **Surrounding Uses/Zoning:**
 - North:** Directly north of the subject site is property zoned Campus Industrial.
 - South:** Directly south of the subject site is land that is outside the Oregon City City Limits. Further to the south along Beavercreek road is other properties zoned Campus Industrial.
 - West:** West of the subject site across Beavercreek Road is property zoned Campus Industrial.
 - East:** East of the subject site is land that is outside the Oregon City City Limits.
3. **Comments:** Notice of this proposal was sent to property owners within three hundred feet of the subject property, various City departments, and other relevant agencies. Additionally, the proposal was noticed in the Clackamas Review and a posting sign was placed on the subject property giving details about the proposal. Comments were received from the Engineering Division and the Building Department. Both indicate that the proposal does not conflict with their interests (Exhibit 3a). David Evans and Associates performed a Traffic Analysis for the site (Exhibit 3b). Comments were also received from the Oregon City Police Department (Exhibit 3c). Relevant comments received were incorporated into the analysis and findings sections below.

As of February 12, no public comment was received from interested parties, nearby property owners, or the CIC (Citizen Involvement Committee).

III. DECISION-MAKING CRITERIA:

Chapter 17.68, "Changes and Amendments"

17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

- A. A resolution request by the commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.*

All requests for amendment or change in this title shall be referred to the planning commission.

Finding: Initiated. The applicant submitted a complete application to the Planning Division, thereby initiating the amendment in accordance with 17.68.010.C.

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

- A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Finding: Complies. Consistency with Comprehensive Plan policies and goals are addressed in Section B on page 6 of this staff report.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Water

Finding: Complies. There is an existing new 20" water main in Beaver Creek Road. Future water service to the subject site will be provided via this existing water line that will have to be extended into the subject site. Based on the information and comments from the City's Engineering and Public Works Departments during the pre-application conference, there is sufficient capacity in the existing system to provide water service to the site at the densities allowed under the C-I zone.

Sewer

Finding: Complies. There is an existing 12" sanitary sewer main located in Beaver Creek Road north of the property that will provide service to the site through an extension across the property's frontage. Based on the information and comments from the City's Engineering and Public Works Departments during the pre-application conference, there is sufficient capacity in the existing system to provide sanitary service to the site after extension to the end of the property frontage at the densities allowed under the C-I zone.

Storm Drainage

Finding: Complies. There is an existing 12" stormwater main located in Beaver Creek Road that will provide service to the site. Any future development must construct a stormwater detention/water quality facility on the subject site that will detain and treat on-site storm water and release the treated water into the existing stormwater system in Beaver Creek Road.

Transportation

Finding: Complies. An assessment for the need of a traffic analysis was conducted by David Evans and Associates, the City's Traffic Engineering consultant. According to comments provided by David Evans and Associates (Exhibit 3b), the subject property was included in the adopted Oregon City

Transportation System Plan (April 2001), in the City's urban growth boundary and was designated for industrial use. It appears, therefore, that the traffic analysis that was a part of the Transportation System Plan assumed industrial development for this entire area. A specific traffic analysis for rezoning of the parcel would appear to be redundant and unnecessary. Waiving the requirement for an analysis for the impact of the rezoning appears to be appropriate in this circumstance. Additionally, the City finds that any issues on the actual site development will be addressed at the time of Site Plan and Design Review, when actual development is proposed.

Schools

Finding: **Complies.** A transmittal requesting comments was sent to the Oregon City School District concerning this application. No comments were received. Campus Industrial does not include residential as a permitted use. Therefore, the change of this property to Campus Industrial shall not be adding housing stock, which adds to the number of students in the school district. Campus Industrial development may create new jobs for Oregon City, which could potential bring new families to the City. However, this proposed change is expected to have minimal to no impact upon the school district.

Police and Fire

Finding: **Complies.** Transmittals were sent to the Fire Department concerning this application. No comments were received.

The Oregon City Police Department indicated that the proposal does not conflict with their interests (Exhibit 3c).

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Finding: **Complies.** This criterion was addressed above (Transportation).

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed zone change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section B on page 6 of this staff report.

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area. . .

Finding: The subject site is already within the city limits. This criterion is not applicable.

17.68.030 Public hearing.

A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

A. Quasi-judicial reviews shall be subject to the requirements in Sections 17.50.210 through 17.50.250. (Note: the section numbers cited in the Code are incorrect and should be Sections 17.50.120 through .160.)

Finding: **Complies.** According to Section 17.50.030 of the City Code, zone changes are reviewed through a Type IV process. Therefore, the requirements of Sections 17.50.120 through .160 apply.

The application was deemed complete on December 19, 2003. The Planning Division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for February 23, 2004. The second hearing, should the Planning Commission recommend approval, is scheduled for March 17, 2004 before the Oregon City City Commission. Notice of the hearings was sent to properties within 300 feet and the hearing was noticed in the Clackamas Review on January 21, 2004. Additionally, the property was posted with a Land Use Action sign (with details) more than 21 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160.

17.68.040 Approval by the commission

If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body.

Finding: **Complies.** If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. The City Commission public hearing has been scheduled for March 17, 2004.

17.68.050 Conditions.

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:

A. Such conditions and restrictions shall thereafter apply to the zone change

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50-.330.

Finding: Staff has not recommend any Conditions of Approval at this time. Conditions of Approval would be attached to any proposed development of this site should it be found necessary during the Site Plan and Design Review process. This section is currently not applicable.

17.68.060 Filing of an application

Applications for amendment or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50.

Finding: **Complies.** The applicant has submitted the appropriate application forms and fees.

B. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(B) Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: **Complies.** The City's process includes public notice, public hearings, and notifying surrounding neighbors, the neighborhood association, and the CIC. Public notice was mailed to property owners with 300 feet of the subject property, advertised in the Clackamas Review on January 21, 2004, and the subject property was posted on December 30, 2003. The subject property is not currently located inside a Neighborhood Association. Therefore, on December 19, 2003 transmittals were sent to the Citizen Involvement Committee (CIC) as the next appropriate citizen body.

Policy #1

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: **Complies.** As noted above, the CIC was notified. This staff report and the file containing project information were available for public review and posted on the City's website seven days prior to the first evidentiary hearing.

(D) Commerce and Industry

Goal: Maintain a healthy and diversified economic community for the supply of goods, services and employment opportunity.

Finding: **Complies.** The applicant's proposed change to Campus Industrial will allow the subject property to be developed for "Campus" industrial uses. The uses identified for Campus Industrial can provide a variety of goods and services as well as providing employment opportunities to the area. An inventory study entitled *Commerce and Industry Resource Document*, dated October 2002, was conducted by Ed Murphy and Associates for the Commerce and Industry section of the new proposed Comprehensive Plan. The results of this study indicate that Oregon City can roughly accommodate 75% of the employment target for the City assuming a variety of factors. One of the main factors is the assumption that all properties inside the UGB that are currently zoned FU-10 will be rezoned Campus Industrial. This application supports this assumption and assists in attainment of the City's efforts to provide employment areas in Oregon City.

Policy #5

Promote expansion of industrial development within the community's ability to provide adequate facilities and services.

Finding: **Complies.** This proposal clearly promotes the expansion of industrial development in Oregon City. The subject property is also located in an area, which has existing Campus Industrial properties present. Additionally, this proposal is supported by the fact that Metro is currently working on Urban Growth Boundary Expansions in Oregon City for the purpose of allowing additional land to be added to the City for industrial and job generating purposes.

(F) Natural Resources, Natural Hazards

Goal: Preserve and manage our scarce natural resources while building a livable urban environment.

Finding: **Complies.** No natural resources designations have been found on the site. The subject site is not located in a water resource overlay district or an unstable slope district.

(G) Growth and Urbanization

Goal: Preserve and enhance the natural and developed character of Oregon City and its urban growth area.

Finding: **Complies.** The Comprehensive Plan Map shows the subject property as industrial. The zone change is simply the process to choose which type of industrial designation will be applied to the subject property. This goal discusses enhancing the developed character of the city. Future industrial development in an area designated for industrial use and growth meets this standard.

Policy #1

Provide land use opportunities within the City and the Urban Growth Boundary to accommodate the project population increase....

Finding: **Complies.** As previously described in the Commerce and Industry section, Industrial development provides employment opportunities for Oregon City as the population increases.

(I) Community Facilities

Goal: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. Urban services are available or can be extended and made available to the site.

Policy #5

The city will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

Finding: **Complies.** The subject site has the necessary urban services available to development on the mostly vacant 4.1 acres of land. Currently two houses and an accessory building are present along the front of the subject property near Beaver Creek Road. Prior to actual development of the subject property and after Site Plan and Design Review approval, these structures will be removed for industrial development.

Policy #7

Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Finding: **Complies.** The existing urban facilities and services can be provided to the site. The development of this property as industrial will promote the maximum efficiency for urban services, which are reportedly available.

(L) Transportation

Goal: Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Finding: **Complies.** As previously discussed, an assessment for the need of a traffic analysis was conducted by David Evans and Associates, the City's Traffic Engineering consultant. According to comments provided by David Evans and Associates (Exhibit 3b), the subject property was included in the adopted Oregon City Transportation System Plan (April 2001), in the City's urban growth boundary and was designated for industrial use. It appears, therefore, that the traffic analysis that was a part of the Transportation System Plan assumed industrial development for this entire area. Any issues on the actual site development will be addressed at the time of Site Plan and Design Review, when actual development is proposed.

(M) Neighborhood Plan Maps

Goal: Maintain and review the Comprehensive Plan Map as the official long-range planning guide for land development of the City by type, density and location.

Finding: **Complies.** As the official long range-planning guide, the subject property has an Industrial Comprehensive Plan designation. The applicant's request for Campus Industrial is consistent and appropriate based on its Industrial designation.

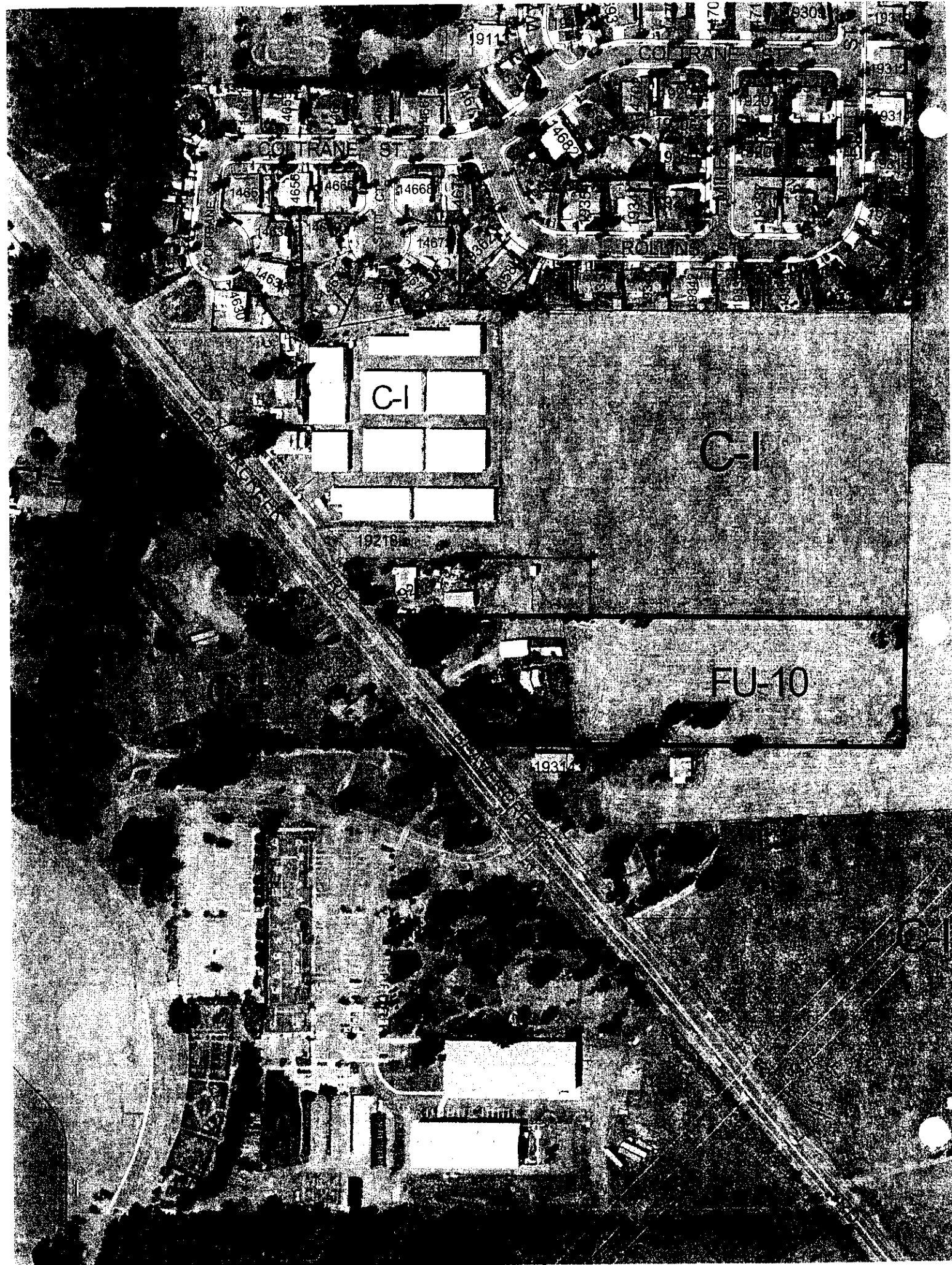
RECOMMENDED CONCLUSION AND DECISION

Staff recommends that the Planning Commission forward the proposed Zone Change, Planning File ZC 03-02, to the City Commission with a recommendation of **approval**.

EXHIBITS

1. Vicinity map
2. Applicant's narrative
3. Comments:
 - a. Oregon City Engineering and Building Division
 - b. David Evans and Associates
 - c. Oregon City Police Department
4. Oregon City Zoning Map





45

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | Type II | Type III | Type III / IV |
|--------------------------------------------------|----------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Partition | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input checked="" type="checkbox"/> Zone Change |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | |
| <input type="checkbox"/> Modification | | |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # 7C03-02 (Please use this file # when contacting the Planning Division)
APPLICANT'S NAME: MARK TRAVERS ARCHITECT
PROPERTY OWNER (if different): NANCY TRAVERS
PHYSICAL ADDRESS OF PROPERTY: 19262 S. BEAVERCREEK RD.
DESCRIPTION: TOWNSHIP: _____ RANGE: _____ SECTION: _____ TAX LOT(S): _____
PRESENT USE OF PROPERTY: SINGLE FAMILY RESIDENCES (2)
PROPOSED LAND USE OR ACTIVITY:
RE ZONING TO CI - CAMPUS INDUSTRIAL

DISTANCE AND DIRECTION TO INTERSECTION:

CLOSEST INTERSECTION: MAPLE LANE & BEAVERCREEK

PRESENT ZONING: FV-10

TOTAL AREA OF PROPERTY: 4.18 ACRES

Land Divisions

PROJECT NAME: _____

NUMBER OF LOTS PROPOSED: _____

MINIMUM LOT SIZE PROPOSED: _____

MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER

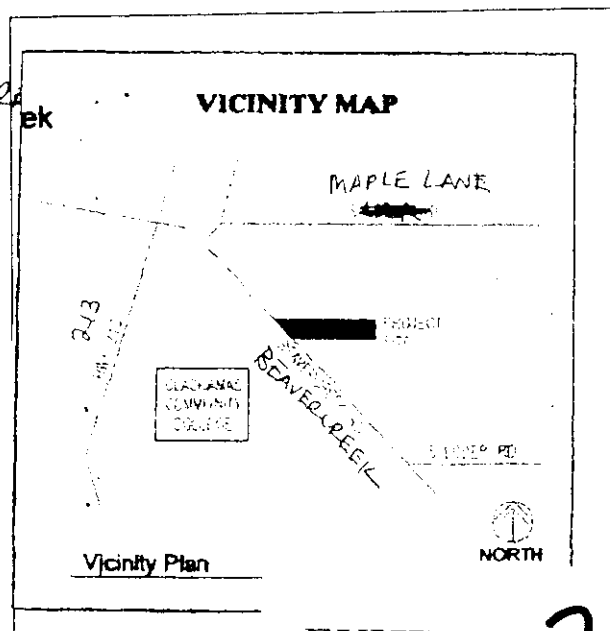


EXHIBIT 2

Application Narrative for Zone Change

Introduction

This introduction provides a brief description of the proposal to serve as the public notice for surrounding parties and other interested parties in compliance with item #5 on the Application Submittal Check List.

The 4.18 acre site has FU-10 zoning under the County System. It was annexed into the City of Oregon City in 2003. It is imperative that we have a City of Oregon City zone applied to the property. We have met with Dan Drentlaw to discuss the re-zoning options for this property and understand them fully. We wish to stay within the suggested zone according to the comprehensive plan, which is CI (Campus Industrial). Dan Drentlaw has waived our Pre-Application meeting requirement, due to the fact that we met and understand the situation fully.

17.68.020 Criteria: The criteria for a zone change are set forth as follows:

- A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

Response: See Below.

Comprehensive Plan Goals

Citizen participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Response: Not Applicable

Housing

Not Applicable

Commerce and Industry

Goal: Maintain a healthy and diversified economic community for the supply of goods, services, and employment opportunity.

As funds and opportunities become available, transportation access to industrial and commercial areas shall be improved to facilitate flow of goods and increase potential customers. Particular attention will focus on relieving congestion on McLoughlin Blvd and Cascade Highway/Molalla Ave.

Response: Not applicable

Use of mass transit will be encouraged between residential and employment areas through coordination with Tri-Met and local employers.

Response: The location of this site is near the bus line at Clackamas Community College, making it convenient for employees and clients to use Tri-Met.

Industrial and commercial operations will meet local, regional, State and Federal water and air quality standards, as required by law.

Response: The commercial operations allowed in Campus Industrial should allow for compliance with all requirements.

Encourage new non-polluting industrial uses (such as those on the State's Target Industries List), particularly along Fir Street

Response: Not applicable

Promote expansion of industrial development within the community's ability to provide adequate facilities and services.

Response: Changing the zone to CI- Campus Industrial will clearly promote expansion of industrial development, consistent with the community's goals.

Development of industrial areas will include planning for increased truck traffic, landscaping, and buffers to separate industry from other land uses.

Response: Not applicable.

Permit industrial development in the flood plain and on landfills only when the structures are above the one-hundred year flood level or adequately protected, and when specific engineering studies determine structural adequacy on landfills.

Response: Not applicable

Encourage continued retail growth by:

Response: Retail uses are allowed in the Campus Industrial Zone

The City will continue to encourage the retention of Clackamas County as a major employer inside the City.

Response: Campus Industrial Permitted Uses will allow many opportunities for the County to take up space on this parcel in the future.

Continue an on-going review of City regulations and procedures affecting business operation, development, and expansion in order to reduce staff review time and financial constraints.

Response: Not applicable

Community Facilities

Goal: Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

Response: Rezoning the property is consistent with the overall policies contained in this goal, because the development will be consistent with the City's Comprehensive Plan for the area.

Transportation

Goal: Improve the systems movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies

Response: Rezoning to Campus Industrial will allow the uses consistent with the Comprehensive Plan for this parcel and it's future growth and development. Any development of the land will be consistent with the permitted uses.

Citizen Involvement

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Response: Public notices and public voting has taken place on the annexation of this parcel. Any future public involvement required will be followed if development is proposed.

Community Facilities

Goal: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

1. The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:
 - a. street and other roads and paths.
 - b. Minor sanitary and storm water facilities
 - c. police protection

- d. fire protection
- e. parks and recreation
- f. distribution of water
- g. planning, zoning, and subdivision regulation

Response: Noted as outlined.

- 2. Public facilities and services provided and maintained by the city shall be consistent with the goals, policies and implementing measures of the Comprehensive Plan.

Response: Noted and agreed.

- 3. Urban public facilities and services shall be confined to the incorporated limits.

Response: noted as outlined.

- 4. The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services:

- h. major sanitary and storm water facilities and treatment
- i. water supply and treatment
- j. public schools
- k. public health services
- l. justice services
- m. solid waste disposal
- n. energy and communications services
- o. transit services

Response: noted as outlined.

- 5. The city will encourage development on vacant buildable land within the city where urban facilities and services are available or can be provided.

Response: noted as outlined.

- 6. The extension or improvement of any major urban facility and service to an area will be designed to complement the provision of other urban facilities and services at uniform levels.

Response: not applicable

- 7. Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Response: The rezoning of this parcel to Campus Industrial is in accordance with the Comprehensive Plan designation.

8. A coordinated Capital Improvements Plan will be developed and maintained, which provides a framework, schedule and cost estimate for the provision of urban facilities and services within the City of Oregon City and its Urban Growth Boundary.

Response: Noted as outlined.

Sanitary Sewers

1. The Sewerage Facilities Plan will be implemented under the management of the Tri-city Service District to ensure adequate sanitary sewers and treatment services for Oregon City.

Response: Noted as outlined.

2. The City will coordinate with the Tri-City Service District to ensure adequate siting and maintenance of major trunk sewer lines and treatment facilities.

Response: Noted as outlined.

3. The City shall maintain responsibility for siting and maintenance of minor sewer lines within City limits.

Response: Noted as outlined.

4. Urban development within the City's incorporated boundaries will be connected to the Tri-City sewer system with the exception of buildings that have existing sub-surface sewer treatment, if service is not available.

Response: Noted as outlined.

5. The Tri-City Service District will be encouraged to improve service in those areas impacted by an overloaded sewer system.

Response: Noted as outlined.

6. The Tri-City Service District will be encouraged to give priority to new areas slated for development at urban densities consistent with the City's Comprehensive Plan.

Response: Noted as outlined.

7. The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.

Response: Noted as outlined.

8. Oregon City will cooperate with the Tri-City Service District to plan, operate, and regulate wastewater systems that are consistent with MSD's Waste Treatment Management component.

Response: Noted as outlined.

Water

1. Through management of the South Fork Water Board, The City will help ensure that an adequate water supply system is maintained.

Response: Noted as outlined.

2. The City will coordinate with Clackamas County and Clairmont Water District to provide an efficient and orderly water system in the urban growth area.

Response: Noted as outlined.

Storm Water Drainage

1. The city will coordinate with the Tri-City Service District to ensure adequate storm water drainage facilities within the City Limits.

Response: Noted as outlined.

2. City development standards will continue natural storm water run-off where environmentally feasible.

Response: Noted as outlined.

3. The City will coordinate with Clackamas County to ensure that adequate storm water drainage procedures are followed for new development in the urban growth area.

Response: Noted as outlined.

Solid Waste

1. Oregon City will cooperate with affected public and private agencies to determine the feasibility of the construction of the METRO Resource Recovery Plant.

Response: Not applicable

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 722-3880

TRANSMITTAL
December 19, 2003

V-HOUSE DISTRIBUTION

☒ BUILDING OFFICIAL
☒ ENGINEERING MANAGER
☒ FIRE CHIEF
☒ PUBLIC WORKS- OPERATIONS
☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
☒ TECHNICAL SERVICES (GIS)
☒ PARKS MANAGER
☒ ADDRESSING
☒ POLICE
☒ TRAFFIC ENGINEER
☒ Mike Baker @ DEA

MAIL-OUT DISTRIBUTION

☒ CICC
☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
☒ N.A. LAND USE CHAIR
☒ CLACKAMAS COUNTY - Joe Marek
☐ CLACKAMAS COUNTY - Bill Spears
☐ ODOT - Sonya Kazen
☐ ODOT - Lorietta
☐ SCHOOL DIST 62
☐ TRI-MET
☐ METRO - Brenda Bernards
☐ OREGON CITY POSTMASTER
☐ DLCD

RETURN COMMENTS TO:

Sean Cook, Associate Planner
Planning Division

COMMENTS DUE BY: January 7, 2004

HEARING DATE: February 16, 2004 (Type IV)
HEARING BODY: Staff Review: ___ PC: X CC: ___

HEARING DATE: March 17, 2004 (Type IV)
HEARING BODY: Staff Review: ___ PC: ___ CC: X

REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:
LOCATION:

ZC 03-02: Zone Change
Sean Cook, Associate Planner
Mark Travers Architect
Zone change from Clackamas County FU-10 to
M-1 (CI) Campus Industrial
19262 S. Beaver Creek Road
Clackamas County Map 3-2E-09A, Tax Lot 700

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☒ The proposal does not conflict with our interests. ☐ The proposal conflicts with our interests for the reasons stated below.
☐ The proposal would not conflict our interests if the changes noted below are included. ☐ The following items are missing and are needed for review:

Signed _____
Title _____

Robert C. Cook
Eng MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

EXHIBIT 3a

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
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TRANSMITTAL

December 19, 2003

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Title _____

April
6.0

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.



DAVID EVANS
AND ASSOCIATES INC.

January 19, 2004

Mr. Sean Cook
City of Oregon City
PO Box 351
Oregon City, OR 97045

**SUBJECT: ASSESSMENT OF THE NEED FOR A TRAFFIC ANALYSIS FOR A REZONING
REQUEST – ZC 03-02**

Dear Mr. Cook:

In response to your request, David Evans and Associates, Inc. (DEA) has assessed the need for a traffic analysis for the proposed rezoning of a parcel on Beavercreek Road. The proposal involves rezoning a parcel of 4.18 acres from Clackamas County FU-10 to M-1 (CI) Oregon City's Campus Industrial zoning.

Based on maps in the adopted Oregon City Transportation System Plan (April 2001), the parcel was included in the City's urban growth boundary and was designated for industrial use. It appears, therefore, that the traffic analysis that was a part of the Transportation System Plan assumed industrial development for this entire area. A specific traffic analysis for rezoning of the parcel would appear to be redundant and unnecessary. Waiving the requirement for an analysis for the impact of the rezoning appears to be appropriate in this circumstance.

There are, however, some transportation issues that will need to be addressed including access management, driveway spacing, sight distance, frontage improvements and other issues needed to protect the functionality of Beavercreek Road. These can be addressed at the time of site plan review.

If you have any questions or need any further information concerning this project, please call me at 503-223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

John Replinger, PE
Senior Transportation Engineer

JGRE:pao

o:\project\lorct0009\correspo\technical reviews\2003 reviews\ZC03-02.doc

EXHIBIT 3b

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 722-3880

TRANSMITTAL
December 19, 2003

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- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

Sean Cook, Associate Planner
Planning Division

COMMENTS DUE BY: January 16, 2004

HEARING DATE: February 16, 2004 (Type IV)
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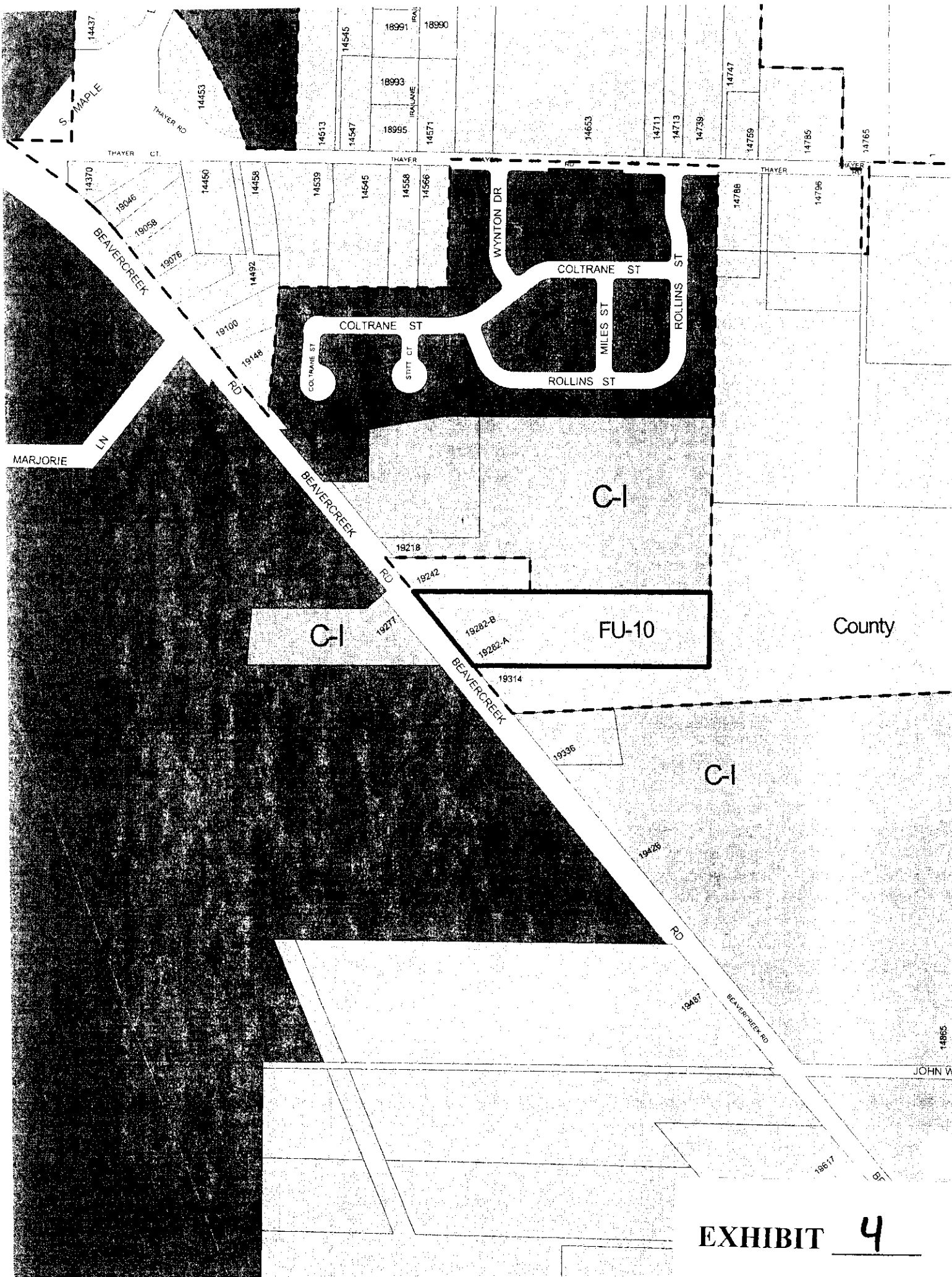
☐ The following items are missing and are
needed for review:

Signed
Title

Gordon Hines
Dir. of Public Safety

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

EXHIBIT 3c





PC Mailing List

Meeting Date: _____

Sent On: _____

Number	Recipients	Sent
10 5	Copies for Front Table	F
1	PC Binder	F
1	Front Counter	F
1	Dan Drentlaw	F
1	Tony Konkol	F
1	Christina Robertson-Gardiner	A
1	Sean Cook	A
1	Larry Patterson	F
1	Bob Cullison	F
1	Nancy K	A
1	City Recorder	A
1	Fire Department	A
1	Public Works	A
1	Police Department	A
1	Library	F
1	Carnegie Center	F
1	Pioneer Center	F
5	City Commission	A

*In addition to the names on the following page

Total:

$$A = 17 + 8 = 25 + 1 = 26 + 4 = 30$$
$$F = 24 + 3 = 27$$



CITY OF OREGON CITY

P.O. Box 3040
Oregon City, OR 97045-0304
Address Correction Requested

Mark Travers
2315 E. Pike Street
Seattle, Washington 98122

F

PRESERVING OUR PAST, BUILDING OUR FUTURE



CITY OF OREGON CITY

P.O. Box 3040
Oregon City, OR 97045-0304
Address Correction Requested

Nancy Travers
208 S. Meridian Street
Newberg, Oregon 97132

F

PRESERVING OUR PAST, BUILDING OUR FUTURE



CITY OF OREGON CITY

P.O. Box 3040
Oregon City, OR 97045-0304
Address Correction Requested

Mary Inman
8504 SW 54th
Portland, Oregon 97219

F

PRESERVING OUR PAST, BUILDING OUR FUTURE

CICC Chairman/Hillendale Nbrhd
Julie Hollister
13304 Clairmont Way
C n City, OR 97045

F

Barclay Hills Nbrhd Assoc.
Elizabeth Klein, Land Use
13569 Jason Lee Drive
Oregon City, OR 97045

Canemah Nbrhd Assoc.
Howard Post, Chairman
302 Blanchard Street
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Cathi VanDam
15092 S. Persimmon Way
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Mike Mermelstein, Land Use
20114 Kimberly Rose Drive
Oregon City, OR 97045

Gaffney Lane Nbrhd Assoc.
Joan Schultze
19413 Stillmeadow Drive
Oregon City, OR 97045

Hazel Grove / Westling Farm N/A
Kathy Hogan, Chairman
19721 S. Central Point Road
Oregon City, Oregon 97045

Hillendale Nbrhd. Assoc.
Debbie Watkins, Co-Chairman
13290 Clairmont Way
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.
Denyse McGriff, Land Use
815 Washington Street
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.
Dean Walch, Co-Chairman
516 Madison Street
Oregon City, OR 97045

Park Place Nbrhd. Assoc.
Ralph and Lois Kiefer
15119 Oyer Drive
Oregon City, OR 97045

Park Place Nbrhd. Assoc.
Don Slack
16163 Widman Court
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Diane McKnight, Chairman
161 Barclay Avenue
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Patti Brown, Land Use
P.O. Box 1222
Oregon City, OR 97045

South End Nbrhd. Assoc.
Karen Montoya, Chairman
137 Deerbrook Drive
Oregon City, OR 97045

So . End Nbrhd. Assoc.
Kathy Robertson, Land Use
210 Elmer Drive
Oregon City, OR 97045

Garvey Schubert Barer
Bill Kabeiseman
121 SW Morrison Street, 11th Floor
Portland, Oregon 97204

F

Planning Commission
Linda Carter
1145 Molalla Avenue
Oregon City, Or 97045

F

Planning Commission
Lynda Orzen
14943 Quinalt Ct.
Oregon City, Or 97045

F

Planning Commission
Dan Lajoie
143 John Adams Street
Oregon City, OR 97045

F

Planning Commission
Tim Powell
819 6th Street
Oregon City, OR 97045

F

Planning Commission
Renate Mengelberg
2263 South Gilman
Oregon City, Or 97045

F

Transcriptions
Pat Johnson
10214 SW 36th Court
Portland, Oregon 97219

F

DJC
Kurt Shirley
PO Box 10127
Portland, OR 97296

Oregonian Metro South-News
365 Warner-Milne Road, Ste. 110
Oregon City, Oregon 97045
Attn: Steve Mays

Don Vedder Real Estate
1.erry Avenue
Oregon City, Oregon 97045
Attn: Karen Slemp

Rene Hinneberg
AV Tech
2580 Cambridge Street
West Linn, OR 97068

Clackamas Community College
Community Relations Department
19600 S. Molalla Avenue
Oregon City, OR 97045



PC Mailing List

Meeting Date: 3/8/04

Sent On: 3/11/04

Number		Recipients	Sent
105	F	Copies for Front Table	
1	F	PC Binder	
1	F	Front Counter	✓
1	F	Dan Drentlaw	✓
1	F	Tony Konkol	✓
1	A	Christina Robertson-Gardiner	✓
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1	F	Larry Patterson	✓
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1	A	Fire Department	✓
1	A	Public Works	✓
1	A	Police Department	✓
1	F	Library	✓
1	F	Carnegie Center	✓
1	F	Pioneer Center	✓
5		City Commission <i>A+2/11/04 min</i>	✓

F - 22

A - 25

A + 2/11 = 5

*In addition to the names on the following page

Total:

CICC Chairman/Hillendale Nbrhd
Julie Hollister
13304 Clairmont Way
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