



City of Oregon City

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Meeting Minutes - Final

Planning Commission

Monday, January 25, 2016

7:00 PM

Commission Chambers

1. Call to Order

The meeting was called to order by Chair Kidwell at 7:00 p.m.

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

Absent: 1 - Tom Geil

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

1a. Public Comments

Chair Kidwell added the Public Comment agenda item to the agenda and invited the public to speak.

Betty Mumm, Oregon City, stated that her comments at the previous Planning Commission meeting were not intended to be threatening, and she wanted to express her deepest appreciation and respect for the efforts of the Planning Commission. She apologized for any misconceptions that may have occurred.

Dan Holladay, Mayor, stated that at the previous Planning Commission meeting, Jim Nicita stated that he felt that Mayor Holladay had sent Betty Mumm to speak at the last meeting in his stead. He pointed out that he had never acted in that way in the past. He respected the separation of the Planning Commission's responsibilities and the decision-making responsibility of the City Commission, and he understood the importance of seeing each agenda item on the City Commission agenda without having heard any of the Planning Commission's deliberations. He was offended by Mr. Nicita's comments, and he commended the Planning Commission for their work and efforts.

2. Public Hearing

2a. ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment for Property Located near Beaver Creek Road, Highway 213 and Maple Lane Road

Chair Kidwell introduced agenda item 2a and asked the Commissioners if there had been ex parte contacts or any biases to declare. There were none. Commissioner Mabee, who was absent at the last meeting, had reviewed the discussion and felt prepared to address tonight's item.

Carrie Richter, Assistant City Attorney, noted that the public testimony was closed at the January 11th meeting and tonight's meeting was for deliberation only. An exception was made to allow the applicant to submit their final written argument,

which was submitted on January 18, 2016. This is the last document the Commission received for the record. She stated that a request by Mr. Nicita was received today to reopen the record to receive a Metro Code provision related to corridors and the 20/40 growth concept map. After review of the request, Ms. Richter believed Mr. Nicita's claim was without merit and Mr. Nicita had an opportunity before the January 11th meeting to raise the issue. Ms. Richter explained to the Commission that they could decide to reopen the record or not. There were two other requests received to reopen the record. One from Mr. Robinson and one from Ms. Graser-Lindsey. Ms. Richter's recommendation was to reject the requests, but if the Commission decided to reopen the record, the hearing would need to be re-noticed and held at a later date.

Chair Kidwell opened the discussion to the Commission. Commissioner McGriff preferred to reopen the record only to obtain the information on the Metro Code provision. Commissioner Espe felt that the opportunity to present the information had already passed, noticing was proper, and the last-minute attempt to delay the process was not necessary. He preferred to move forward without reopening the record. Chair Kidwell and Commissioners Henkin, Mahoney, and Mabee agreed with Commissioner Espe. Ms. Richter confirmed that the City Commission's review of the project is on the record.

Motion by Commissioner Zachary Henkin, second by Commissioner Bob Mahoney, to maintain the record as closed and reject the four e-mails received on January 25, 2016 to reopen the record.

Aye: 5 - Charles Kidwell, Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

Nay: 1 - Denyse McGriff

Chair Kidwell opened the discussion to the Commission.

Commissioner Mahoney supported the application due to its proximity to a major intersection and the probability of resolution to the transportation issues, drainage, and water issues. The application meets general values of the comprehensive plan.

Commissioner Henkin stated that the intersection was the linchpin of the application, and he noted that staff had identified how to address the issues through the mobility study. He felt it was good use of the property and liked the variety that it would bring to that area of the city.

Commissioner Espe stated he was on the fence because the mitigation of the traffic issue was unclear to him. He felt there may be fewer vehicles due to the potential of non-driving residents at the assisted care facility. He stated he was still undecided, and felt his two choices were between a full subdivision plat and buildout or this project.

Commissioner Mabee said the recent landslide concerns in the City near this project caused him to review mapping of the area. He felt that retention walls would be necessary. He drove down the highway and stopped to notice slide evidence from ancient slides. He felt better about proceeding with the project, but emphasized that the City needs to seriously monitor the trip counts.

Commissioner McGriff stated that she had concerns about any kind of development on the property. Her two main concerns were: 1) Traffic. She preferred that there was more certainty that the future traffic fix would occur. The mobility study should be done now, not later. 2) The moderate hazard that the headslope slope poses to the development. She is not convinced that the conditions of approval are strong

enough to help with her two concerns.

Commissioner Mabee felt that over time, the roadway would be more stable due to the anticipated reduction of heavy equipment and vehicles on the road.

Commissioner Henkin added that the management of the water infiltration would add to the stability of the project.

Chair Kidwell stated that no development was not an option because the developer could go in there and build something that meets zoning and not require the Commission's approval. He liked that the developers agreed to a trip cap where the City could limit how much traffic would contribute to the intersection. He felt that would mitigate the potential for growth in traffic. He stated that traffic would not come from the project site, but the traffic was coming from south of Oregon City. He's satisfied that as the applicant moves into the permitting process, they need to show they have met all the City requirements including storm drain mitigation. He liked that the developers included a list of prohibited development on the site and that gives some confidence that the traffic will be limited.

Laura Terway, Planner, distributed the recommended conditions of approval that were revised from the January 4th staff report and entered into the record at the January 11, 2016 Planning Commission hearing. She described the changes to the conditions. She noted that tracking of the trips was also a priority for staff. She identified how that would be accomplished and that the applicant would be required to give a full account at each stage.

Chair Kidwell stated he was fine with the language on revised condition #2 if the first sentence remained.

Commissioner McGriff asked for clarification on when the alternative mobility study would take place. Ms. Terway replied that the first permitted use in the Code allows a significant amount of trips through this intersection or else a traffic study is required. The Code includes reference to the TSP (Transportation System Plan) that lists required improvements. The TSP identifies three projects for this intersection: 1) Lengthening of a left turn lane; 2) Signage; 3) Alternate Mobility Study. Ms. Richter added that when the applicant comes forward through the site plan review, they will need to contribute some part of those three items identified in the TSP. Commissioner McGriff asked that these requirements be included in the conditions, and Chair Kidwell suggested adding language to condition #4 such as, A new development would trigger the compliance with TSP projects that are identified for that intersection, as per City Code.

Ms. Richter offered the following sentence to be added to the conditions of approval: Prior to any future development of the site where a Traffic Impact Study is required, the applicant shall provide for the improvements identified in the TSP.

Pete Walter, Planner, stated there are two levels of traffic impact studies in the guidelines, so both could be specified - the Traffic Analysis Letter and the Traffic Impact Study.

Ms. Terway re-read the revised sentence for #2 conditions of approval: Future development of the site shall be limited to the uses in the aggregate that produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value. All applicants seeking to develop new or alter existing uses on the property shall submit an accounting of trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and

demonstrate that the proposal complies with both maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either, 1) as part of the land use review required in cases where no business license is required; 2) as part of reviewing an application for business license in cases where no land use is required; 3) or both, where land use approval and business license are required.

Taking into consideration Mr. Walter's comments, Ms. Richter re-read condition #4 into the record: Prior to approval of any development of the site where a Traffic Impact Study or a Traffic Analysis Letter is required, the applicant shall provide for the improvements identified in the TSP to offset the impacts or resulting from development.

Commissioner McGriff asked to address her concern of the moderate hazard that the headslope slope poses to the development. Ms. Terway replied that the applicant is not proposed to turn any dirt at this time or proposing any construction. When construction is proposed, they will go through a public review process to verify that they demonstrate compliance with the City's standards, including the adopted Geologic Standards Code, Chapter 17.44 that requires studies to be vetted. There is no condition of approval provided because there is no impact at this time.

Motion by Commissioner Damon Mabee, second by Commissioner Bob Mahoney, to approve Planning Commission file ZC 15-03 and PZ 15-01, with four conditions of approval as modified.

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

Commissioner McGriff stated her support the motion, but for the record expressed her concerns for slope, hazard and potential.

Ms. Terway announced the application would move forward to the City Commission on February 17, 2016.

2b.

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

Pete Walter, Planner, provided the staff report to the Planning Commission. He stated that staff recommends approval of the Beavercreek Road Concept Plan and its appendices. Findings have been provided that meet the statewide land use goals, Metro Title I, Metro Title 4, and applicable Comprehensive Plan criteria based on the record and findings. He addressed the issues related to TriMet, Holly Lane, alternative mobility, open space, cottage manufacturing and employment, and home occupation. Mr. Walter referred to a letter to TriMet from John Lewis, Public Works Director, addressing its service enhancement plan. The letter included recommendations from Mr Lewis to request further planning for service from Meyers Road to Clackamas Community College and the Beavercreek Road Concept Plan area. The service would increase safety and efficiency by routing busses through the college and spur development of sites to foster family wage jobs and support economic growth. In addition, the letter addressed other matters. Mr. Walter stated that the draft Southeast Service Enhancement Plan had not yet been received.

Commissioner Kidwell stated he would like to see tangible evidence that TriMet is being responsive to the City's concerns, and he suggested they provide a plan of action if a full response was not yet available. Mr. Walter explained that a response to Mr. Lewis' letter has not been received from TriMet, but he was confident that one would be received at the City Commission level during the hearing process.

Commissioner Espe stated that he did not expect to have a full plan from TriMet, but he was not able to make a decision tonight because he felt some key components were missing.

The Commission discussed how to proceed in obtaining TriMet's plan.

Carrie Richter, Assistant City Attorney, stated that no development can happen until the alternative mobility standards are adopted. Those standards will come before the Planning Commission and the City Commission as an amendment to the Transportation System Plan.

Chair Kidwell responded that the Commission was not asking for the alternative mobility standards to be adopted first, but for a commitment from TriMet to improve service in Oregon City. Commissioner McGriff added that TriMet should be told that Oregon City was delaying its approval of the Beavercreek Road Concept Plan until a commitment for improved service was received from TriMet.

Mr. Walter continued his discussion of the issues and distributed a functional cross section of Holly Lane to the Commissioners. He stated staff does not think it should be removed from the TSP. Regarding alternative mobility targets, the City will work with ODOT, the college, and other stakeholders to develop the refinement plan in the short term, as it's the only way to accommodate further growth within the existing city limits and the Urban Growth Boundary. Mr. Walter addressed the open space issue, stating that the standard of 16 acres per 1,000 population was amended to a standard of 6 to 10 acres per 1,000 population. PRAC (Parks & Recreation Advisory Committee) was involved in the determination, and on October 22, 2015, PRAC voted unanimously to support the parks, open space, and recreation elements of the Beavercreek Road Concept Plan. Mr. Walter addressed the cottage manufacturing and employment and home occupations issues related to testimony from James Nicita that the City Commission directed staff on July 20, 2011 to include greater cottage manufacturing in the yellow zones. Staff reviewed the testimony from that time period and did not find a specific determination by the Commission that the plan document must be modified to include the provision of greater cottage manufacturing in the yellow areas. Staff believed it was a zoning issue to be addressed when the city adopts zoning to implement the plan through a separate process. Ms. Richter clarified that staff would first study cottage manufacturing during the implementation of the zoning. Mr. Walter added that the findings state that the study will be addressed at a later time.

Mr. Walter summarized that the concept plan provides a good mix for today's needs, includes elements of sustainability, is supportive of campus industrial zoning and the college relationships and Oregon City High School, and the potential of increased public transportation via TriMet. The area is a corridor and will bring about rezoning, providing the public with opportunities to walk and live closer to where they work.

Commissioner McGriff referred to page 15 of the findings, and stated she preferred to revert back to the tracked changes version of this section related to the Goal 5 inventory. The Commission agreed to reverting back to the tracked changes version, and Mr. Walter agreed. Commissioner McGriff referenced page 17 of the findings specific to the geologic hazard zone and asked if development would happen in those areas. Mr. Walter said the Plan does not envision development in the geologic hazard zone, except for stormwater outlet areas and non-habitable structures.

Commissioner Mahoney asked if the City was on track with the instructions on the remand and Ms. Richter replied, yes, the purpose was to revisit this service and facility component, although she was unsure of TriMet's status at this point in time.

Commissioner Mahoney was concerned whether the Planning Commission had done its due diligence prior to sending the plan to the City Commission. Chair Kidwell reiterated that the motion could include that the TriMet issue would be brought to the City Commission's attention to specifically include as part of their review via a cover letter. Commissioner Mahoney suggested Chair Kidwell give testimony on this subject to the City Commission. Chair Kidwell preferred to have a more tangible memorandum to present, but he agreed to go with Commissioner McGriff to make a presentation. The Commission agreed that staff would create the memo, bring it to the Planning Commission at the next meeting for review, and then move it forward to the City Commission. The memo would address four main points: 1) Specific response from TriMet with respect to the southeast corner service; 2) Mobility standards; 3) Clarification on cottage manufacturing and implementing zoning; 4) Status of Holly Lane inside the UGB in terms of it being reconsidered in the TSP as far as its classification.

Motion by Commissioner Denyse McGriff, second by Commissioner Zachary Henkin, to recommend approval and final adoption of the Beaver Creek Road Concept Plan, modifying the findings related to Goal 5 resources, and for staff to create a memorandum addressing the four topics discussed, including an attempt to contact TriMet, and bring the memo back to the Planning Commission for review on February 22, 2016.

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

3. Communications

Ms. Terway invited the Commission to a Meet-and-Greet event this evening for the city manager candidates. She announced she has been named Interim Planning Manager. The Planning Division is hiring for a half-time planner and full-time assistant planner for a two-year period using grant funds while Christina Robertson-Gardiner and Kelly Reid are focusing on the Willamette Falls Legacy Project. She stated that the February 8, 2016 Planning Commission meeting will likely be cancelled.

Commissioner McGriff reported that communication had been received from a resident of Park Place Neighborhood regarding continued and ongoing flooding on their property allegedly due to the new development adjacent to the elementary school. She asked how the City would respond. Mr. Walter responded that the developer had installed extensive piping around the property, and staff believed the flooding was not related to the Sunnybrook II development. Oregon City Public Works is reviewing the data and analyzing the area to determine the cause. He agreed to report back to the Commission on the findings. Commissioner Mabee added that the connector road to the school property is experiencing traffic issues for the busses in conjunction with the development activity. Mr. Walter said he would look into the concern.

4. Adjournment

Chair Kidwell adjourned the meeting at 9:16 p.m.
