



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, November 18, 2019

7:00 PM

Commission Chambers

Special Date

1. Call to Order

Chair Mitchell called the meeting to order at 7:00 PM.

Present: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser and Greg Stoll

Staffers: 4 - Laura Terway, Carrie Richter, Christina Robertson-Gardiner and Diliانا Vassileva

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. Planning Files GLUA 19-0006 / CI-19-00002: Code Interpretation for Multi-Family on Beaver Creek Road

Chair Mitchell opened the public hearing and read the hearing statement. He asked if the Commission had any conflicts of interest, ex parte contacts, bias, or any other statements to declare including a visit to the site.

Chair Mitchell and Commissioner Stoll drove by the site.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. This was a code interpretation for a site plan and design review from 2014 for a property located on the corner of Meyers and Beaver Creek Roads. The applicant requested that the Planning Commission determine that a demolition permit was the same as a building permit, that the demolition/building permit issued by the City had the effect of vesting the approval such that the applicant may obtain other building permits and any other necessary approvals to develop the subject property according to the approval, and any building permits necessary to construct the project as provided in the approval cannot be disturbed by subsequent changes to the Municipal Code or the Oregon Structural Specialty Code. If the Planning Commission did not concur, the 2014 approval became void and any development onsite would require a new review process. She explained the timeline of the approval, rationale for considering a demolition permit the same as a building permit, and public comment from the Hamlet of Beaver Creek. Staff recommended approval of the application, but to include a condition that the interpretation related to the Oregon Structural Specialty Code was not approved as it was a decision for the Building Codes Division or the Building Official.

There was discussion regarding the timeline, why this decision was before the Planning Commission, how demolitions were regulated by the Building Code, the code that was enacted at the time this was approved, and changing the process so a demolition permit was not considered a building permit going forward.

Mike Greeter, attorney representing the applicant, said they were asking the Commission to make this call because this property had been under severe scrutiny and subject to litigation and the question of whether a demolition permit was a building permit was germane and important to any potential buyer. If they approved the code interpretation as recommended by staff, then it became a vested decision that could be relied on.

Chair Mitchell closed the public hearing.

A motion was made by Commissioner Geil, seconded by Commissioner Schlagenhauser, to approve Planning Files GLUA 19-0006 / CI-19-00002: Code Interpretation for Multi-Family on Beavercreek Road. The motion carried by the following vote:

Aye: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser and Greg Stoll

3b.

Planning Files GLUA-19-00017 (General Land Use Application), SP-19-00053 (Site Plan and Design Review), PARK-19-00002 (Parking Adjustment) - Milner Veterinary Clinic Parking Lot and Parking Adjustment

Chair Mitchell opened the public hearing. He asked if the Commission had any conflicts of interest, ex parte contacts, bias, or any other statements to declare including a visit to the site.

Commissioner Johnson toured the site, Commissioner Stoll drove the site and applicable neighborhood streets, Commissioner Schlagenhauser visited the site, Commissioner Geil drove by the site regularly, and Chair Mitchell visited the site.

Diliana Vassileva, Assistant Planner, presented the staff report. This was a request for site plan and design review and parking adjustment for the Milner Veterinary Clinic on Molalla Avenue. The applicant proposed a new 18 stall parking lot and associated landscaping on the property across the street from the clinic. That would result in a total of 39 parking stalls which exceeded the maximum number of parking stalls allowed per code which was 15. She explained the parking requirements in the code, reasons for parking maximums, approval criteria, results of the client and staff parking study, and on-street parking availability. Staff recommended denial of the application. Alternatively, the applicant could extend the 120-day review period and the Planning Commission could continue this hearing to a future date to give the applicant time to complete the study of on-street parking availability.

There was discussion regarding how site plan and design review did not allow the opportunity to overbuild parking in anticipation of future expansion, how the application did not meet the criteria, if the criteria applied to veterinary clinics, safety of crossing the street with an animal, and the parking analysis.

Steve Milner, applicant, said at the time this building was built, there was not a definition of land use for veterinary clinic and there still was not a definition. The vacant lot had been an eyesore for a long time and his business had been growing so much

that they had outgrown their building. They would either have to expand or move. If he expanded, eight parking spots would be removed. The extra parking lot would be for employees so the clients could park in the parking lot. His clients would not be able to walk across the street and on-street parking caused safety hazards. He did not agree with the City's parking study and he thought he had identified all of the realistic parking spaces in his analysis. He had already invested money into the new parking lot and did not want to do additional parking studies.

There was discussion regarding the maximum distance between parking stalls, how much the dog wash stations contributed to the parking problem, and how two more parking stalls would be allowed if it was in the hospital category.

Chair Mitchell closed the public hearing.

There was deliberation on how the criteria that was being used for this application was not appropriate, the threat to public safety of customers crossing the street, and property owner rights.

Chair Mitchell re-opened the public hearing.

Commissioner Stoll stated based on his site visit, he thought it was unreasonable to expect people to park on both sides of the neighborhood streets and still allow two-way traffic. There was no sidewalk and the pavement was narrow with gravel shoulders. He disagreed that there were 102 spots available.

Chair Mitchell said based on his site visit, he also did not think it was reasonable to expect people to park on the residential streets. He did not think residents should have to bear the burden of a business parking on their residential street especially when it was not an improved street. He did not see a reason why they would not allow the business owner to build the number of parking spaces he thought was right for his business.

Mr. Milner said his appointment book was full every day and he was adding staff. They were living wage jobs and they did good things here.

Chair Mitchell closed the public hearing.

Chair Mitchell said the Commission found that the categories of usage contained in the City code did not accurately reflect the parking needs of this type of business.

Laura Terway, Community Development Director, pointed out the applicant said he only needed 32 spaces, but was proposing 39. They could not leave space open for the extra parking spaces to be striped later, as it would need to be landscaped.

There was discussion regarding the parking lot and on-street parking standards and how the applicant had to show there was no available on-street parking.

Chair Mitchell said the Commission also found that counting on-street parking in a residential neighborhood on an unimproved street was an undue burden on those neighbors and not counting those spaces was beneficial to the City.

Carrie Richter, City Attorney, said they could make the finding that available on-street parking did not include under-improved streets, but not because they were residential streets. They had to apply the code evenly and with the same regulatory strictness in

every circumstance. She could see a strategy for 32 parking spaces, but it did not solve the on-street evidentiary hole. They had to show that there was no on-street capacity. The job of the Planning Commission was to apply the applicable approval criteria.

There were some on the Commission who thought following the criteria would put people at risk.

Ms. Terway suggested re-opening and continuing the hearing for additional evidence.

Chair Mitchell re-opened the public hearing.

Elizabeth Graser-Lindsey, resident of Beavercreek, thought findings could be found to achieve what they wanted. They could say the on-street parking was inadequate and an addition to this business would justify the additional 7 parking spaces.

Mr. Milner said if he did not have an additional parking lot he could not expand the building. Before he spent the time and money engineering an expansion, he wanted to get the parking lot in place. He might only need 32 spaces now, but he would need more in the future and it would be expensive to put in more parking later. He thought putting in additional landscaping would be too expensive. He did not think every law fit every situation and that was why there was a Planning Commission.

A motion was made by Commissioner Johnson, seconded by Commissioner Stoll, to continue Planning Files GLUA-19-00017 (General Land Use Application), SP-19-00053 (Site Plan and Design Review), PARK-19-00002 (Parking Adjustment) - Milner Veterinary Clinic Parking Lot and Parking Adjustment to December 16, 2019. The motion carried by the following vote:

Aye: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser and Greg Stoll

3c.

Planning Files: LEG 19-00003 - Beavercreek Road Concept Plan- Code and Zoning Amendments- (Parks, Enhanced Home Occupation/Cottage Industry)

Ms. Robertson-Gardiner presented the staff report on the Beavercreek Road Concept Plan zoning and code amendments. The topics for tonight included parks and expanded home occupation: cottage industry. In October, the Planning Commission recommended that the conservation area located near Thimble Creek should be added as a City park and for staff to look at park descriptions to be added to the Parks Master Plan. She explained the linear park elements, Thimble Creek conservation area elements, and park code amendments. Regarding the expanded home occupation, the Commission wanted some additional opportunities for retail. The proposed code would allow one commercial vehicle between 8,000 and 26,000 pounds could be stored on-site outside of an accessory building, no restriction on number of commercial vehicles under 8,000 pounds, no commercial vehicles may be stored in the right-of-way, up to three off-site employees allowed to work at the residence during certain hours, all business would be conducted within the home or accessory structure, no outdoor storage of materials, not more than one-half of the square footage of the primary dwelling would be used, retail of items associated with the service was allowed on site, and any dedicated retail space could be no larger than 300 square feet and be the same as employee hours. She asked if there should be any changes to the proposed code.

Elizabeth Graser-Lindsey, resident of Beavercreek, said these residential areas would be on the small side and if they were trying to accommodate a wide variety of businesses, it would be good to allow lot averaging options to have some bigger properties in this area as well.

There was discussion regarding the weight of the commercial vehicles allowed in a neighborhood, changing the wording that one commercial vehicle over 8,000 pounds that did not require a commercial drivers license would be allowed, the allowed employee hours should match the allowed construction hours, and that retail hours should be the same as employee hours.

There was unanimous agreement to continue with the meeting even though it was after 10:00 PM.

The Commission discussed the 300 square foot limitation for retail, whether the retail should be related to the service or whether to allow walk-in retail, and that there was no need to differentiate the uses in the R-2 and R-5 zones.

Ms. Robertson-Gardiner reviewed the next steps for this project.

4. Communications

Ms. Terway announced upcoming meetings.

There was consensus not to pursue making a demolition permit a separate process from a building permit.

Chair Mitchell discussed the Planning Commission's annual report to the City Commission which would happen in December.

5. Adjournment

Chair Mitchell adjourned the meeting at 10:10 PM.