

City of Oregon City

Meeting Minutes

Planning Commission

Monday, March 12, 2018

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 7 - Denyse McGriff, Damon Mabee, Robert Mahoney, Tom Geil, Vern Johnson, Paul Espe & Robert Mahoney

Absent: 0

Staffers: 4 - Laura Terway, John Lewis, Kelly Reid, Bill Kabeiseman

2. Public Comments

SueAnn Imhoff, resident of Oregon City, a mental health professional for the Oregon Department of Corrections at the only women's prison in the state of Oregon. She described the increasing need for mental health resources. Although there were many proven organizations who worked with people and wanted to assist, based on what she had witnessed, she did not believe Free On the Outside was one of them. She implored Oregon City to carefully consider the future of the neighborhoods and those who needed assistance.

Commissioner Geil questioned if the State had any additional programs for those who needed mental health assistance but did not have an avenue to receive it.

Commissioner Mahoney questioned Ms. Terway if the group home required a business license to operate.

Laura Terway, Community Development Director, stated the City had received a code enforcement complaint for the property on Roosevelt Street claiming they had changed use without any change of permit. The City did not find enough evidence there was any care, treatment, or training going on, which did not constitute the need for a permit. The situation was not found to be any different than several individuals renting a home together.

Kimberly Walsh, resident of Oregon City, mentioned she had reviewed some of the codes. She questioned the use of a Bed and Breakfast or a Boarding House. Those uses were considered a conditional use within the code.

3. Public Hearings

3a. L 17-04: Proposed Amendments to the Development Sections of the Oregon City Municipal Code (Including Lot Averaging)

Chair McGriff indicated it was a legislative hearing and questioned if there were any potential conflicts of interest, including the lot averaging.

Commissioner Geil, Commissioner Mahoney, Commissioner Mabee, and Commissioner Henkin responded they had no conflicts. Chair McGriff also had no conflict.

Commissioner Johnson responded he may have a potential conflict of interest. He explained he owned property in the City of Oregon City, as well as property that was not in the City limits and outside of the Urban Growth Boundary. It was in the Urban Reserve Program, which was part of the 50-year outlook. According to the attorney, a potential conflict of interest did not require the individual to step aside or be recused. The Oregon Ethics Commission also considered the possible conflict to be very remote.

Chair McGriff questioned if there were any members of the public who wished to challenge their conflict statements.

Lynn Anderson, resident of Oregon City, questioned if Mr. Johnson could be objective. The property was close to the property he had previously developed. He could possibly benefit financially in the future, which she believed to be a conflict.

Carrie Richter, Assistant City Attorney, mentioned they had reached out to the Oregon Ethics Committee and received an informal opinion that the facts presented did not even rise to the level of a possible conflict of interest, much less an actual conflict of interest. The property would be developed in the next 50 years, but at the current time it was very speculative. It would need to be brought into the Metro Urban Growth Boundary and annexed from the City. Those two significant steps were not projected in the foreseeable future.

Chair McGriff noted the objection. She questioned if there was any chance the decision could be challenged, based upon an objection being filed to which Ms. Richter said it was possible, but not likely.

Kelly Reid, Planner, provided an updated staff report. The purpose of the amendments was to revise the lot averaging, minor code clean-up and efficiencies while correcting some redundancies.

Chair McGriff questioned why a type two appeal was going directly to the City Commission.

Ms. Richter clarified type two reviews. They were typically design use related, but the request was for a design change. They could expedite the process under State Law. They did not need a public hearing, just a notice and comment. They were not proposing any amendments to that specific process, currently.

Ms. Reid gave a brief history of the process. Under the current amendment standards, the lot sizes may be up to 20% less than the zoning designation if the subdivision as a whole average the zoning minimum. She then began to provide and summarize six amendment options.

The Commissioners questioned the difficulty to justify to developers without a purpose for lot averaging and the belief that the lot sizes needed to reflect the zoning.

Ms. Terway responded that the intent was to allow increased flexibility, while looking for opportunities for infill development and transportation prioritization. She added Staff was not certain the exact issues, which was the reason they created the six options.

Chair McGriff mentioned that she heard from the community that all of the parcels that were easily developed had been developed. The remaining parcels were odd shaped and were considerably more difficult to develop.

Ms. Terway clarified the purpose of the amendments was to provide the ability to maximize the lot density on the physical piece of property by allowing a larger variation of lot sizes.

The Commissioners discussed compatibility with lot size and density, lot size predictability, the potential goals of these changes, and previous amendments and zone changes.

Commissioner Mabee spoke about the previous amendment, which occurred in 2004. He did not have an issue with the lot variations, but he did not agree with one extremely large lot to counterbalance multiple very small lots.

Commissioner Johnson stated his concern that if they took the code to the point that prohibited houses being built on smaller lots, it would be detrimental to the ability to provide affordable housing to which Chair McGriff, Commissioner

Henkin, and Commissioner Espe agreed, though Chair McGriff did not believe that this should be used as a basis for their final decision.

Commissioner Mahoney was concerned they were not addressing the impact that lot averaging had on the neighboring street system and wondered how it was going to collaterally impact an intersection half of a mile away.

The Commissioners discussed separating these issues into multiple agenda items, so that the pieces of the proposal could be more easily dissected and discussed as opposed to being bundled into one agenda item as they currently were.

Ms. Reid continued summarizing options two, three, and four, including the positive and negative impacts of each.

Commissioner Mahoney questioned what the legal guidelines were for eliminating the power line easements to which Ms. Richter mentioned they could use more clear and objective language that would eliminate the potential legal ramifications.

Ms. Reid continued with her presentation. She summarized options five and six.

Commissioner Mahoney suggested limiting the size of the subdivision that could qualify for lot averaging, while Commissioner Mabee stated that smaller subdivisions may require the lot averaging, more so than larger subdivisions.

Ms. Terway indicated based on the conversation, Staff would recommend option number six. The predictability and the variation between the smallest and largest lots seemed to be the main concerns.

Chair McGriff did not agree that all Planning Commissioners shared the same concerns and she personally did not agree with three times the size, because it is too large.

Debbie Derusha, resident of Oregon City, stated they owned several properties within Oregon City, some of which they had purchased with the intent to develop. The code change would negatively impact that ability. She requested the City's solution not inhibit smaller sites from being a viable component of the City's resources. Losing just one development lot could lead to financial demise of those owners. She requested a continuance of the process to allow for additional time to analyze options and explore possible consequences.

Mike Mitchell, resident of Oregon City, indicated he was pro-growth. He believed the power line easements should be excluded from developable area, as it could not be built on. He indicated the 25% cap seemed reasonable to him. He agreed with Ms. Derusha that the smaller subdivisions needed to be exempt from the cap of the undersized lots. He suggested a seventh scenario with a 20% lot reduction being allowed in 25% or less of the lots in R8 or larger, and only a 10% reduction being allowed in 25% or less of the lots in R6 and smaller. It would allow for flexibility. He also believed lot averaging should be required, or at least incentivized. He referenced the website strongtowns.org.

Lynn Anderson, resident of Oregon City, did not believe the options provided by Staff were unbiased or impartial. She did not believe it was about density or development, it was about transparency. The original intent was to be flexible for the developers, but they had taken advantage of that flexibility. She requested a clarification of the parking reduction adjacent to the transit route.

Chair McGriff questioned how "adjacent" was defined. Ms. Terway clarified adjacent, in that context, meant "touching" and reference page 15 for further clarification.

Commissioner Geil questioned if that would be in addition to the 50% reduction that was already in place for the downtown overlay district and Commissioner Henkin mentioned the code would help with the traffic issue.

West Richter, resident of Oregon City, appreciated that they were taking a serious look at the issue. The current codes allowed a lot of flexibility, which was what caused some of the issues they were facing. She agreed with option number one though she believed the developments needed to be labeled what they were, without an abundance of exceptions. She also agreed with option number five because the developers could accommodate.

Brenda Martin, resident of Oregon City, mentioned the public did not know what to expect based upon the zoning designation and would like more transparency for the public.

Doug Neeley, resident of Oregon City, mentioned the notion of livability was in the definition of the individual who was purchasing the property and residing there. He believed if they did not incorporate good policies for infill, they would be forced to bring land from the Urban Reserves into the Urban Growth Boundary earlier than anticipated, which would not help the traffic issues. He indicated Oregon City was becoming park deficient as increased growth occurred. He suggested the option of lower density, as long as the city received something in return to benefit the general public. Chair McGriff agreed with this statement Mr. Neeley.

Commissioner Mabee questioned if they were required to honor the request for a continuance to which Ms. Richter replied that they were not required to honor the request. It was the Planning Commission's choice to continue, if they chose to do so.

The Commissioners discussed the verbage of the code, ensuring that the Night Sky was addressed as well as the review of mechanical equipment and adding definitions for both "live-work unit" and "work-live" units.

Ms. Terway clarified the current proposed code changes were a quick look and they could defer the changes to the equitable housing discussion.

Chair McGriff suggested making a decision on all of the aspects besides the lot averaging and all other Commissioners agreed.

Commissioner Henkin suggested making a note that Commissioner Mahoney had excused himself from the meeting and postponing the item until the equitable housing discussion.

Commissioner Geil supported options one, three and four, while Chair McGriff supported one and four.

Commissioner Mabee questioned the shrinkage threshold for number six to which Ms. Terway responded it was in the existing code.

Commissioner Mabee stated he was in favor of number 4 and number six, but suggested it should only be two times, rather than three times because if a cap was placed on how large a lot could be, it would allow the smaller individuals to develop how they wanted to develop.

Ms. Terway requested a continuance so Staff could look at combining some options or rethinking number six.

Commissioner Geil stated that he was not in favor of number six.

Chair McGriff summarized they had consensus on number four, three were in favor of number one, and one for number six at two times.

Ms. Terway clarified Staff would bring back amended options with the combination of one, two, four and six. She suggested bringing the item back on April 9, 2018.

A motion was made by Commissioner Henkin, seconded by Commissioner Johnson to continue the discussion to April 9, 2018. The motion failed by the following vote:

Aye: 3 - Commissioner Henkin, Commissioner Johnson, Commissioner Mabee.

Nay: 3 - Commissioner Geil, Commissioner Espe, Chair McGriff.

A motion was made by Commissioner Mabee, seconded by Chair McGriff for option one and option four. The motion carried by the following vote:

Aye: 4 - Commissioner Espe, Commissioner Mabee, Commissioner Geil, Chair McGriff

Nay: 2 - Commissioner Henkin, Commissioner Johnson

A motion was made by Commissioner Mabee, seconded by Commissioner Espe to approve the package as presented with the options for lot averaging numbers one and four. The motion carried by the following vote:

Aye: 4 - Commissioner Mabee, Commissioner Espe, Commissioner Geil, Chair McGriff

Nay: 2 - Commissioner Henkin, Commissioner Johnson

3b. Adoption of Revised Findings for L 17-03: Legislative Amendment to Amend to Chapter 12.04.205 of the Oregon City Municipal Code for Alternative Mobility Standards for the Highway 213 Intersection at Beavercreek, and the Transportation System Plan Project List.

Ms. Reid mentioned the Planning Commission voted to approve the amendment at the previous meeting and come back to adopt improved findings for Goal 5 and for safety impacts. Staff provided the findings and improved staff report. She stated they had received additional information regarding the expansion of Highway 213 at Redland Road. She believed it was likely enough to be funded in the future and that because of this, they did not need to raise the congestion limits at that intersection. Ms. Reid clarified they used the regional concept plan to calculate the density of the area and gauge the number of homes the new development would bring.

Chair McGriff reopened the public hearing.

Doug Neeley, resident of Oregon City, spoke about the Greater Oregon City Watershed Council Watershed Action Plan that was listed as exhibit 1e, as well as the same plan as exhibit 10. He questioned if there were two different attachments, or if it was a duplicate.

Ms. Reid clarified they were the same document. They were listed twice, referencing two different items.

Mr. Neeley stated there was an assessment completed in 2016, which was the plan attached. There was an additional assessment completed in 2017, which they did not yet have the results of. The Greater Oregon City Watershed Council was concerned if the developments came in to effect, it may result in an increase flow during water storm events. He requested the Greater Oregon City Watershed Council be invited to review the plans, as well as the Natural Resource Committee of Oregon City, Metro, and the Soil and Water Conservation District.

Ms. Reid responded that these groups had not yet been consulted about the project. At the time they began the design and plan process, they planned to involve the Soil and Water Conservation District.

Ms. Terway added the Natural Resource Committee; metro and the county received a copy of all land use applications.

Chair McGriff requested a copy of the updated 2016 assessment. She was concerned the updated assessment could impact the decisions made, though Mr. Neeley explained the 2016 assessment was primarily an assessment on water temperatures.

Chair McGriff closed the public hearing.

There was discussion about whether or not the Planning Commission should keep the record open until the 2016 assessment was provided.

A motion was made by Chair McGriff, seconded by Commissioner Mabee to continue the item for the addition of the 2016 only, review the assessment and vote on it on March 26, 2018. The motion carried by the following vote:

Ayes: 6 - Commissioner Henkin, Commissioner Johnson, Commissioner Mabee, Commissioner Geil, Commissioner Espe, Chair McGriff

4. Communications

Commissioner Mabee questioned what the pros and cons were of flipping the building and parking lot..

Chair McGriff presented a document to the Commissioners, which she found interesting.

5. Adjournment

A motion was made by Commissioner Henkin, seconded by Commissioner Johnson, to adjourn. The motion carried by the following vote.

Ayes: 6 - Commissioner Henkin, Commissioner Johnson, Commissioner Mabee, Commissioner Geil, Commissioner Espe, Chair McGriff

Chair McGriff adjourned the meeting at 10:00 PM