

City of Oregon City

Meeting Minutes

Planning Commission

Monday, March 26, 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, Zachary Henkin, Damon Mabee, Tom Geil, Vern Johnson, Paul Espe & Robert Mahoney

Absent: 0

Staffers: 4 - Laura Terway, Carrie Richter, Kelly Reid, Pete Walter

2. Public Comments

Karla Laws, resident of Oregon City, mentioned she was discouraged with the limited amount of support victimized women had received from their Neighborhood Association. She was also concerned that the home at 523 was becoming a rescue shelter for women, as well as a sobriety house. She mentioned the home did not appear to have any security besides two motion sensor lights. The neighborhood had also experienced increased crime since the last meeting she had commented at.

Commissioner Mabee suggested she be patient with the Neighborhood Association, despite her discouraging experiences.

Commissioner Mahoney questioned Ms. Laws if they had reached out to the organization that ran the operation in the home at 523 and attempted to have some dialogue.

Ms. Laws responded that Mike Cross, who ran Free on the Outside, was at the previous Neighborhood Association meeting and many of the neighbors expressed concern about safety and did not feel that they could reach out to the individuals that were occupying the home.

Commissioner Geil questioned Ms. Terway about her previous conversations with the owners of the home. He believed they should have been aware of the neighborhood's concerns and recommended that Ms. Laws get involved in the Steering Committee of the Neighborhood Association.

Laura Terway, Community Development Director, responded there was a code enforcement complaint and they had multiple conversations with Mr. Cross, as well as with their attorney.

Commissioner Mahoney explained if the owners and occupants of the home were in compliance with the law, they had every right to occupy the home. He suggested fostering a better relationship between the neighbors, the owners, and the occupants of the home.

Chair McGriff stated that from the public comments she heard, the neighbors would have appreciated the organization contacting them to inform them of what the intentions were. Instead, it seemed as though they were receiving the run around.

Commissioner Mahoney reminded Chair McGriff they were not legally required to do so and reiterated his suggestion to reach out.

Commissioner Espe mentioned the mediation service that Clackamas County offered to which Ms. Laws responded they were aware of the mediation services. She expressed concern that the function of the home was initially a sobriety house, but in the previous weeks, Mr. Cross had referred to it as a boarding house, a rescue shelter for women and children. She believed the use had changed to something that would require a special use permit, under the current code.

Commissioner Espe suggested advocating for more clarity in the code. They could create a list of items they would like to see amended or added to the code and present that to the City Council.

Commissioner Mabee suggested Ms. Laws review the letter from the attorney and the current city code to evaluate which portions could be amended, forcing Mr. Cross to provide more information, or require a permit.

Commissioner Mahoney questioned Carrie Richter, Assistant City Attorney, if an occupancy permit was required, due to the increased number of individuals residing there.

Ms. Terway responded they had referenced both the planning and building codes when researching the code enforcement complaint. The occupancy was stated at nine or under, with no care being given, which meant they were in compliance with all applicable codes.

3. Public Hearings

3a. 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.

Carrie Richter, Assistant City Attorney, inquired regarding any potential conflicts of interest, as it was a legislative matter.

There were no conflicts of interest among the Commissioners.

Commissioner Mabee questioned if they had received the updated Greater Watershed Council assessments to which Ms. Terway confirmed that it was.

Commissioner Mabee questioned the date on the report Ms. Terway clarified they had combined two reports.

The Commissioners discussed the exclusion of Redland Road.

Ms. Terway mentioned the solution and funding sources were already identified for Redland Road and 213. Commissioner Geil believed nothing else would be done until after 2035, even if they added a note.

Ms. Terway clarified it was on the SDC (System Development Charge) list, which meant they were collecting funds for those projects.

Commissioner Mabee suggested proposing an annual traffic study to determine if the congestion was increasing faster than the correction horizon because they could use the justification as pressure to accelerate the utilization of funding to remedy the issue. He mentioned that using the rubber rope counters would give numbers to back up the request.

Commissioner Mahoney believed it was imperative to emphasize public safety. The greater the volume of traffic, the more the safety was affected. To which Commissioner Mabee suggested the memorandum state, "Based upon our concerns of the volume of traffic at Redland and 213 and Holcomb, we request that public works do annual traffic counts of Holcomb Boulevard."

The Commissioners further discussed specific areas of concern regarding traffic congestion.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to approve L 17- 03: Legislative Amendment to Amend to Chapter 12.04.205, with the added memorandum. The motion carried by the following vote:

Aye: 5- Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Chair McGriff

Nay: 1- Commissioner Espe

Abstained: 1- Commissioner Geil

Commissioner Espe did not believe it went far enough to provide alternative modes. He also did not believe it had enough language to discuss the larger projects that were on the horizon.

Chair McGriff voted yes, with the caveat that her concerns about Holley Lane be included in the memorandum.

3b. Continuance of Planning file CD 18-01: Code Interpretation to Allow Structured Parking on a Pre-Existing Nonconforming Use for Lithia Subaru of Oregon City.

A motion was made by Commissioner Geil, seconded by Commissioner Espe, to continue CD 1801 to April 9, 2018. The motion carried by the following vote:

Aye: 7 - Commissioner Geil, Commissioner Mabee, Commissioner Henkin, Commissioner Espe, Commissioner Mahoney, Commissioner Johnson, Chair McGriff

3c. Site Plan and Design Review and Variance for a 24 Unit Multi-Family Development at 314 Pleasant Avenue (Planning files SP 17-0119 and VR 17-0011)

Chair McGriff stated it was a quasi-judicial land use review. She read the rules which applied to the review and public hearing. She questioned all Commissioners if they had visited the site, had any ex parte contacts, conflicts of interest, bias or any other statements to declare.

The Commissioners did not have any ex parte contacts, conflicts of interest, bias, or any other declarations.

Glenda Gingris, resident of Oregon City, questioned if the Commissioners had driven down Caufield and around the block.

Chair McGriff responded she had. One of her friends lived on Caufield Street. She parked on the end of the street at Pearl and walked the entire site. She mentioned she had previously declared at one point in time, she had done some consultation for the Soil and Water Conservation District, who had owned the site. They asked her about land use planning procedures for Clackamas County. She inquired regarding all of the trees.

Commissioner Mabee clarified he drove up and parked on Myrtle. He walked the site but did not go down and around the block. Previously, he was not aware Caufield existed.

Chair McGriff added she drove down Myrtle and parked in front of 310 and walked in. She drove back down on Pleasant and drove down Caufield and into Dimick. She assured Ms. Gendriss she was very familiar with the area and questioned if she had any objections to the declarations.

Ms. Gendriss responded she did not.

Ms. Terway began the presentation of the staff report. She displayed a map which depicted the subject site.

Ms. Terway stated the applicant proposed a 24-unit multifamily development on the property. The access had been altered. The access had previously been solely from Myrtle Street. Now, the access would solely be from Caufield Street. There was a designated Heritage Tree, which would be preserved as part of the landscape plan. She displayed the elevations from all directions. Ms. Terway mentioned they had provided a staff report with recommendations that analyzed the applicable code criteria. They believed with the applicable conditions of approval, the application did comply with the approval criteria. She discussed the requested variances. The most important variance was for the building articulation and modulation. That variance required meeting three items off the list. The applicant had proposed two of the three. There was also a variance for the north and south façade. The last requested variance was for the ground floor height requirement. She added the findings of the variance criteria had been provided in the staff report. Ms. Terway explained the applicant had provided mitigation for the criteria, which was above and beyond what was required in the code. The mitigation included a large play area, additional landscaping in places where landscaping was not required, trees adjacent to the building as well as pedestrian amenities.

Commissioner Geil questioned what the current driveway was in the original plan.

Ms. Terway replied it was originally landscaping and the proposed driveway met all code requirements.

Commissioner Mabee questioned how far up Caufield the driveway was. He was concerned about the sight line.

Ms. Terway responded it was around 25 feet. She added there was a new transportation study completed on the new design, which had been reviewed by several engineers.

Chair McGriff mentioned she had previously requested a depiction of the proportionate scale, in relation to the buildings directly adjacent to the development.

Ms. Terway replied the applicant had submitted a packet of additional information. She was not certain if that had been included.

Commissioner Henkin clarified the building would not be used for business purposes in the near future.

Ms. Terway explained the applicant had identified it would have to remain with an income subsidy for 60 years. She added they had received an additional public comment, which was a petition.

Commissioner Mahoney questioned if all of the off-street parking requirements had been met. Ms. Terway replied they had been.

Commissioner Espe questioned the reason why there was no outdoor living space.

Ms. Terway responded there was no personal outdoor living space requirement. However, the plan did include many common areas.

Commissioner Mahoney questioned if there was a marijuana retail outlet adjacent to the product.

Ms. Terway clarified there was no criteria regarding required distances between multifamily residential and marijuana facilities. They did have a code which included distances between daycares, schools and parks and marijuana facilities.

Chair McGriff invited the applicants up.

Nicholai Ursen, Northwest Housing Alternatives. He mentioned the proposed project was modeled after a 20-unit project in Washington County that had opened early in the year and also served Veterans. It had remained fully occupied. They had received funding from the State of Oregon, Clackamas County, as well as a couple of foundations including The Federal Home Loan Bank and Meyer Memorial Trust. A component of the Meyer Memorial Grant was to deliver housing at a lower cost per unit.

Kevin Saxton, representative for Casa Architects, discussed that due to the constraints of the site, as well as the preservation of the white oak tree, the building would face Caufield. The driveway access would be at the west end of the site. In the northeast corner of the site, there would be a storm water garden with a pond double the size it needed to be in order to accommodate the runoff. They would be releasing the water at a lower rate. There would also be two small rain gardens on Caufield and Pleasant Avenue. He reviewed the tree plan. They would be saving the White Oak and one Western Red Cedar tree. They would be removing all of the invasive species, as well as the remnant fruit trees. They proposed planting several trees to replace all of those they would be removing.

Mr. Saxton discussed the variances they were requesting. The first variance was for the building articulation and modulation. The requirement was 36 inches deep and four feet wide with a change of color and material. They were requesting a 24-inch-deep modulation with a four feet width, with a change of color and material. He displayed a photograph that depicted the modulation. They proposed the tall Italian Cypress trees to offset modulation, as well as additional landscaped areas. He also explained most exterior construction materials were manufactured in 24-inch lengths, which would reduce cut waste and help minimize cost.

The second variance was for building length. The code requirement was a 30-foot-wide and 20-foot-deep modulation. They did not believe they had the space to allow for the modulation without losing units. Instead, a wooden trellis was proposed at the front of the building to break

up the mass of the building, as well as providing a visual interest. There would also be a covered porch with built in seating. It would provide a transition between the indoor space and the outdoor patio play area. The intent was to break up the mass and provide a visual focal point, as well.

The third variance was for ground floor height. The code requirement was a 13-foot ground floor height. They were requesting an eight-foot ground floor height. They believed keeping the eight-foot ground floor height was important for compatibility with the surrounding homes. He displayed photographs of several surrounding properties.

Commissioner Henkin questioned if they were taking advantage of the parking requirement discount because they were on Molalla Avenue.

Mr. Saxton responded they were not. They were counting a portion of the on-street parking as part of the required parking.

Ms. Terway clarified there was no reduction to be utilized, just the ability to utilize the on-street parking as part of the requirement.

The Commissioners discussed their various questions and concerns about the specifics of the project, including shrubs, nighttime lights from traffic, the size of the project parking, fencing, cost, and the preservation of trees.

The Commissioners and Staff discussed other buildings with similar variances. Commissioner Espe questioned if there would be a three to one slope on the detention pond.

Mr. Saxton responded it was a three to one on the side slopes and the grading was sufficient along the north side. He mentioned the highest retaining wall on site was six foot, which tapered down to one foot.

Commissioner Espe expressed the need for the walls to be constructed with mortar.

Chair McGriff questioned what compelled them to purchase the site, even with the known constraints.

Mr. Ursen believed the location between the two housing authority offices was appealing. They also purchased the property from the Clackamas Soil and Water Conservation District, with which they were familiar. He added many of the site constraints had been uncovered after the purchase, while working with the planning staff and Public Works.

Chair McGriff expressed concern with the color grey. She explained Oregon had grey skies the majority of the time. She questioned why they chose that color. She requested additional information regarding the proposed materials.

Mr. Saxton replied the main material was fiber cement lap siding with a seven-inch exposure. They chose grey to provide additional contrast. The windows would be high quality vinyl.

Chair McGriff expressed further concern of the proposed mitigation with the Cyprus trees in place of the modulation. She did not understand that, or believe it was sufficient.

Mr. Saxton reiterated they were trying to work with all of the constraints of the site, as well as the utility easements. He again explained the economic approach of utilizing the 24-inch materials. He believed the 24- inch modulation appeared deliberate.

Chair McGriff indicated she was concerned about setting the precedent. Other developers would have to meet the 36-inch modulation requirements. Although the applicant presented it partially as a financial hardship, the Planning Commission did not have any control over the financial impact.

Mr. Saxton mentioned hardship was not defined in the code. The intent of the articulation was to provide compatibility with the surrounding area. They believed they could achieve that with 24 inches, instead of 36 inches with enhanced vegetation.

Chair McGriff stated the requirement was for all five of the standards to be met in order for the variance to be granted and she did not believe they had met all of them. She agreed some of them had been met, but not all of them.

Mr. Ursen understood it could become a subjective decision for the Planning Commission to make. They were trying to meet the intent of the code, hoping they would approach the decision subjectively, as well as future proposals in the same manner. It would take into consideration all of the site constraints they had explained, as well as the mitigating factors they had incorporated into the plan.

Chair McGriff believed the site constraints were not in the Planning Commission's control, the applicant knew of them when the purchased the property. She opened up the public hearing.

Commissioner Mabee thanked the applicant for moving away from Myrtle. Public Comment

Martha McClennon, Northwest Housing Alternatives, Executive Director, made herself available for questions. She stated she had no additional comments.

Paul Edgar, resident of Oregon City, mentioned he was on numerous boards that advocated for the needs of homeless veterans. He believed the housing was needed and applauded Clackamas County and Northwest Housing Alternatives. He indicated the funding sources eliminated any possible need for the 13-foot ground height. He stated the difference between two or three feet in the modulation was not visible from the road. He did not believe it should be a standard. He explained that funding sources for these types of projects was very hard to come by. He believed it was a good proposal and hoped they would arrive at a favorable recommendation.

Commissioner Mahoney questioned who was responsible for the ongoing maintenance of the site.

Ms. McClennon replied Clackamas County would be responsible for the site maintenance with periodic inspections by the funding partners.

Amy Kama, resident of Oregon City, mentioned she lived on Dimick Street and drove past the site daily. She stated she was in support of low-income housing but was concerned with the numerous amount of requested variances. She questioned if the site was appropriate for the scale of the project. She spoke about traffic and parking concerns.

Cindy [surname not stated], resident of Oregon City, mentioned she resided on Myrtle Street. They circulated a petition in the neighborhood and received 50 signatures against the project. The major concerns were the impact of the property values, traffic congestion, negative environmental impact of removing several large trees, storm water containment and the limited resources for families. She believed families would be better suited in an area with more amenities within walking distance. She mentioned the school bus stop was between the marijuana shop and the vape shop. Although she was not against those businesses, she did not believe it was the best environment to be introducing a large number of children. She agreed with Ms. Kama that the project was too large for the site and it did not fit in with the neighborhood.

Glenda Gingris, resident of Oregon City, expressed concern about the traffic congestion and on street parking. She stated Caufield was very narrow. She was not against building something for the veterans, but a much smaller building would be better suited to the property and neighborhood.

Scott Waldon, resident of Oregon City, expressed concern with drainage. He mentioned there had been, at one time, 40 inches of water in his basement. He questioned if there would be a fence along the back of the property. He indicated his property would be greatly impacted by the project. He enjoyed living in his home and was concerned about the continued ability to enjoy his home.

Judy Shaeffer, resident of Oregon City, mentioned her concern about traffic, parking, and size of the project. She did not believe 16 parking spots was sufficient for 24 units. She questioned how long the counseling services would provide for the veterans. She believed housing was not going to remedy all of their issues. Ms. Shaeffer spoke about the parcels directly behind her that had been subdivided and funded to provide three low income housing units. Following the 6-year stipulation, they were flipped and used as rental properties which created additional parking issues. She was concerned that would happen with the proposed project.

Chair McGriff questioned Ms. Terway what the right of way was on Caufield.

Ms. Terway responded it was more than a 40 foot right of way. Approximately 43 or 44.

Commissioner Mahoney questioned how many parking spaces were proposed on the site and how many were required by code, per unit.

Ms. Terway responded there were 20 proposed parking spots on site.

Commissioner Mabee added they had 12 proposed on the street. The code required 31. They had one additional spot proposed, but 12 of them were on the street.

Ms. Terway clarified allowed parking on the street was outright. It was not a discretionary standard. It was allowed, provided they meet the size limitations.

Mr. Saxton discussed the width of Caufield. Currently, it was narrow, but they would be widening the road as part of the project to accommodate the additional parked cars. It would be around a 60 foot right of way.

Commissioner Mabee clarified they would provide a half street improvement.

Mr. Saxton indicated they had 18,000 square feet of floor area. The zoning allowed 32,000 square feet, with up to three stories. He mentioned the project could have been larger, but they kept it smaller, which they felt was best for the site and location. Their funding was contingent upon 24 units.

Nicholai Ursen commented the vehicle ownership at their similar property was approximately two thirds. He believed there would likely be empty parking spots within the lot. He added they were mitigating with 57 additional trees on top of the two that were remaining on the property.

Chair McGriff mentioned the majority of the concerns about the trees were in reference to the size of the trees. She requested clarification regarding the offset intersection.

Ms. Saxton responded the traffic analysis addressed that intersection. They were in compliance with the code.

Ms. Terway requested the applicant clarify the fence. She explained the original application did not include a fence.

Mr. Ursen responded if it would help with the approval process, they would commit to constructing a fence along Myrtle Street. They would be willing to listen to and try to accommodate solutions to mitigate the concerns of surrounding neighbors.

Mr. Saxton continued to discuss the variance criteria standards. He did not believe their 24-inch articulation request would cause any damage to the surrounding properties. He explained the size of their units were already under the size requirement of the Oregon Housing Community Services. They worked with them to get the sizes approved. To squeeze an additional foot out of the units would make the units even smaller. He believed 24 inches was the maximum they could go. He believed 24 inches was a sufficient articulation to break down the scale of the building and create a residential feel. The proposed landscaping designs with the Italian Cyprus trees helped to emphasize the designed articulation and mitigate the impact of the 12-inch decrease. He mentioned there had not been any other practical alternatives identified.

Commissioner Mabee stated it was a good explanation. He questioned how large of a fence they could erect.

Ms. Terway clarified it could be between three and a half feet and six feet, up to eight and a half feet if there was a retaining wall involved.

Commissioner Espe mentioned he did not like designing buildings from the dais, as he was not a designer, he was a planner. He did not believe there was a defined entrance at the front of the building.

Mr. Saxton commented the rendering did not display the landscaping that surrounded the entrance. The entrance was also recessed two feet.

Chair McGriff agreed there was not a lot of depth involved.

Additional discussion between the applicant and commission occurred regarding the entrance articulation, including the size and design of the trellis.

Chair McGriff closed the public hearing and suggested deliberation among the commission. Commissioner Johnson questioned if they were going to extend past 10:00 pm.

Chair McGriff believed they should complete the deliberation and make a decision. Commissioner Geil agreed with Chair McGriff.

Commissioner Johnson reiterated they needed a vote to continue past 10:00, before they started the deliberation.

Commissioner Henkin stated he would stay past 10:00 if they were considering a motion, but not if they were still in deliberations.

Commissioner Mahoney agreed with Commissioner Henkin. He suggested they continue.

Commissioner Espe did not believe there was enough to approve a variance. He understood the financial hardship, but they did not meet all of the criteria. He did not enjoy the design, but was very torn on the issue. He was not in favor of the variances and was marginally in favor of the project. He suggested approving the project, but not the variances.

Ms. Richter clarified the project could not be separated. The project approval was contingent upon the variances being approved. The motion needed to be approval or denial of the site plan with variances.

Commissioner Espe made a motion to deny.

Commissioner Mabee questioned if they would be having any more discussion. Chair McGriff stated she would second the motion for the purpose of discussion.

Commissioner Henkin commented he really wanted to like the project. He was alright with a couple of the variances. He did not agree with the maximum façade length.

Chair McGriff explained that she was not letting the occupants of the building make a determination about how she felt about the project. The emotional appealing comments did not bear on her decision. It was a residential project that needed to meet the standards. She was concerned about the precedent that could be set. She did not want to rely on plant materials to create building articulation. She did not believe they met the criteria standards.

Commissioner Johnson questioned if the variance for the lowered ground floor height helped with bringing the entire mass of the building down to be more compatible to the neighborhood. He believed he would be in support of the project. He agreed there were some issues, but overall none of them were a deal breaker for him.

Commissioner Mahoney explained he did not want the Planning Commission to deny the project. He believed they were very close to a great site plan. He suggested continuing the issue and request the applicant return with a modified site plan that addressed the discussed issues. Then, they could make their decision based upon those changes. He believed they could get to the point of approval. The changes they may come back with could prove to be compatible with the neighborhood.

Commissioner Espe agreed with Commissioner Mahoney and withdrew the motion. Chair McGriff withdrew her second.

Commissioner Mabee indicated there were portions of the building that did not require the articulation variance. He believed they had designed the building to require the least amount of variances possible. He also believed the spirit and the intent of the articulation had been met. It did contain ins and outs with paneling and line changes. He was prepared to vote on the item.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to approve SP 17- 0119 and VR 17-001 with conditions as stated in the staff report. The motion carried by the following vote:

Aye: 5 - Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Commissioner Geil

Nay: 2- Commissioner Espe, Chair McGriff

A motion was made by Commissioner Henkin, seconded by Commissioner Mabee, to continue AN 1705, ZC 1706 and TP 1709 to April 23, 2018. The motion carried by the following vote:

Aye: 6 - Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Commissioner Geil, Commissioner Espe

Nay: 1- Chair McGriff

5. Approval of Minutes

4a. Approval of Planning Commission Minutes for February 13, February 27, and March 13, 2017

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve all minutes, as specified. The motion carried by the following vote:

Aye: 7 - Commissioner Mabee, Commissioner Henkin, Commissioner Mahoney, Commissioner Johnson, Commissioner Geil, Commissioner Espe, Chair McGriff

5. Adjournment

Chair McGriff adjourned the meeting at 10:13 PM.