



City of Oregon City

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

Meeting Agenda Planning Commission

Monday, February 13, 2017

7:00 PM

Commission Chambers

1. Call to Order

2. Public Comments

3. Public Hearing

- 3a.** Request for Continuance to February 27, 2017: AN-16-0004 /
ZC-16-0001: Annexation and Zone Change of 35.65 Acres North of
Holcomb Boulevard

Attachments: [Commission Report](#)
[Applicant's Continuation Request and 120-Day Extension](#)

- 3b.** Proposed Sign Variance an existing sign at 19352 Molalla Ave.in the
General Commercial (C) Zoning District (Planning File VR 16-03).

Attachments: [VR 16-03 Commission Report](#)
[VR 16-03 Staff Report](#)
[Vicinity Map](#)
[Land Use Application](#)
[Sign Drawings](#)
[Code Responses - Sign Variance Narrative](#)
[Public Meeting - Gaffney Lane Sign-in Sheet](#)

4. Approval of the Minutes

- 4a.** Approval of Planning Commission Minutes for June 13, 2016, June 27,
2016, July 11, 2016, July 25, 2016, August 08, 2016, and September
26, 2016.

Attachments: [PC Draft Minutes 06.13.2016](#)
[PC Draft Minutes 06.27.2016](#)
[PC Draft Minutes 07.11.2016](#)
[PC Draft Minutes 07.25.2016](#)
[PC Draft Minutes 08.08.2016](#)
[PC Draft Minutes 09.26.2016](#)

5. Communications

6. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.



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City of Oregon City

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

Staff Report

File Number: PC 17-016

Agenda Date: 2/13/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Pete Walter

File Type: Planning Item

SUBJECT:

Request for Continuance to February 27, 2017: AN-16-0004 / ZC-16-0001: Annexation and Zone Change of 35.65 Acres North of Holcomb Boulevard

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission accept testimony and continue the public hearing for AN-16-0004 / ZC-16-0001 to February 27, 2017.

BACKGROUND:

The applicant requested a continuance of the Planning Commission public hearing to February 27, 2017. The applicant is preparing a transportation analysis in support of the proposed zone change portion of the annexation for compliance with the State of Oregon Transportation Planning Rule (TPR). Additional time is needed to facilitate further discussion between the Applicant, City staff and the Oregon Department of Transportation (ODOT), and to allow adequate review time of the analysis.

This proposal is for annexation and rezoning of property north of Holcomb Boulevard (35.65 acres) into Oregon City. The property is located at Clackamas County Map 2-2E-28A, Tax Lots 500, 580, and 590 and 2-2E-21D, Tax Lots 2100, 2190 & 2100 and is within the Oregon City Urban Growth Boundary.

With this request, the applicant has granted an extension of 34 days to the 120-day decision deadline until May 17, 2017.



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RECOMMENDED ACTION (Motion):

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BACKGROUND:

The applicant requested a continuance of the Planning Commission public hearing to February 27, 2017. The applicant is preparing a transportation analysis in support of the proposed zone change portion of the annexation for compliance with the State of Oregon Transportation Planning Rule (TPR). Additional time is needed to facilitate further discussion between the Applicant, City staff and the Oregon Department of Transportation (ODOT), and to allow adequate review time of the analysis.

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With this request, the applicant has granted an extension of 34 days to the 120-day decision deadline until May 17, 2017.

February 6, 2017

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL

Ms. Denyse McGriff, Chair
City of Oregon City Planning Commission
221 Molalla Ave, Suite 200
Oregon City, OR 97045

Re: City of Oregon City File Nos. AN-16-0004 and ZC-16-0001

Dear Chair McGriff and Members of the Oregon City Planning Commission:

This office represents the Applicant, Serres Family H, LLC. After consulting with Oregon City staff, the Applicant requests that the Planning Commission continue the public hearing from February 13, 2017 at 7 pm to the date and time certain of February 27, 2017 at 7 pm. The reason for this continuance request is to allow consultation between the Applicant's traffic engineer, the City's traffic engineer and ODOT.

I have asked Mr. Walter to place this letter in the official Planning Department file and before you at the public hearing on February 13, 2017.

Very truly yours,



Michael C. Robinson

MCR:rsr

cc: Mr. Mark Handris (via email)
Mr. Darren Gusdorff (via email)
Mr. Rick Givens (via email)
Mr. Pete Walter (via email)
Ms. Laura Terway (via email)
Ms. Carrie Richter (via email)
Mr. Michael Ard (via email)
Mr. Seth Brumley (via email)
Mr. Avi Tayar (via email)
Mr. John Replinger (via email)



City of Oregon City

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

Staff Report

File Number: PC 17-017

Agenda Date: 2/13/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Planner Trevor Martin

File Type: Planning Item

SUBJECT:

Proposed Sign Variance an existing sign at 19352 Molalla Ave.in the General Commercial (C) Zoning District (Planning File VR 16-03).

RECOMMENDED ACTION (Motion): Staff recommends Planning Commission Approve Planning file VR 16-03, Sign Variance for property located at 19352 Molalla Ave.

BACKGROUND: The applicant has proposed a Sign Variance to increase the overall permitted size of the existing sign located at 19352 Molalla Ave. from 50 square feet to 80 square feet.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



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625 Center Street
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Staff Report

File Number: PC 17-017

Agenda Date: 2/13/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Planner Trevor Martin

File Type: Planning Item

SUBJECT:

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RECOMMENDED ACTION (Motion): Staff recommends Planning Commission Approve Planning file VR 16-03, Sign Variance for property located at 19352 Molalla Ave.

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BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



TYPE III – PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Recommended Findings

Date of Staff Report Issuance: February 6, 2017

FILE NO.: VR 16-03: Variance

HEARING DATE / LOCATION: February 13, 2017 – Commission Chambers
625 Center Street, Oregon City, Oregon 97045

OWNER Mark Handris
1980 Willamette Falls Dr.
Suite 200
West Linn, OR 97068

APPLICANT / REPRESENTATIVE: Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045

REQUEST: Variance application to expand an existing sign beyond dimensions specified by the General Commercial (C) District. Adding 30 square feet to an existing 50 square foot sign for a retail development along Molalla Ave.

LOCATION: 19352 Molalla Ave., Oregon City, OR 97045
Clackamas County Map 3-2E-09B Tax Lot: 2100

NEIGHBORHOOD ASSOCIATION: Gaffney Lane Neighborhood Association

REVIEWER: Trevor Martin, Planner

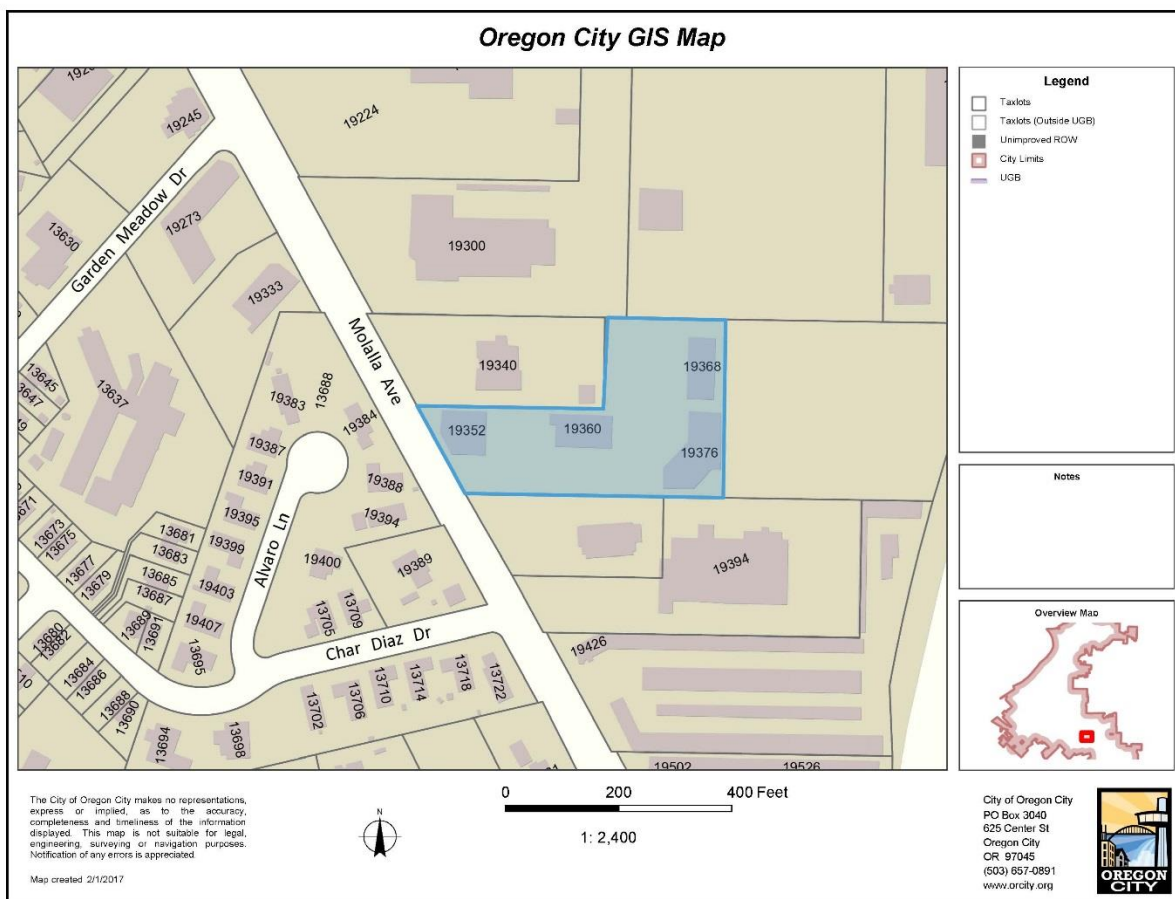
Process: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised

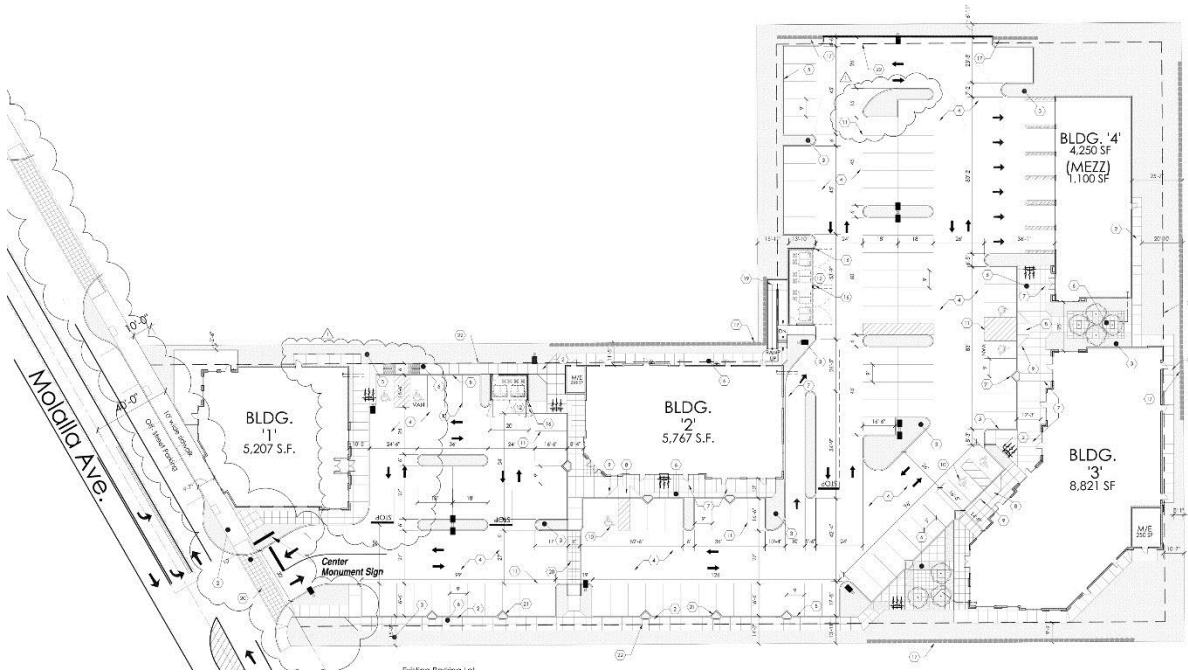
either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission 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. BACKGROUND:

1. Existing Conditions

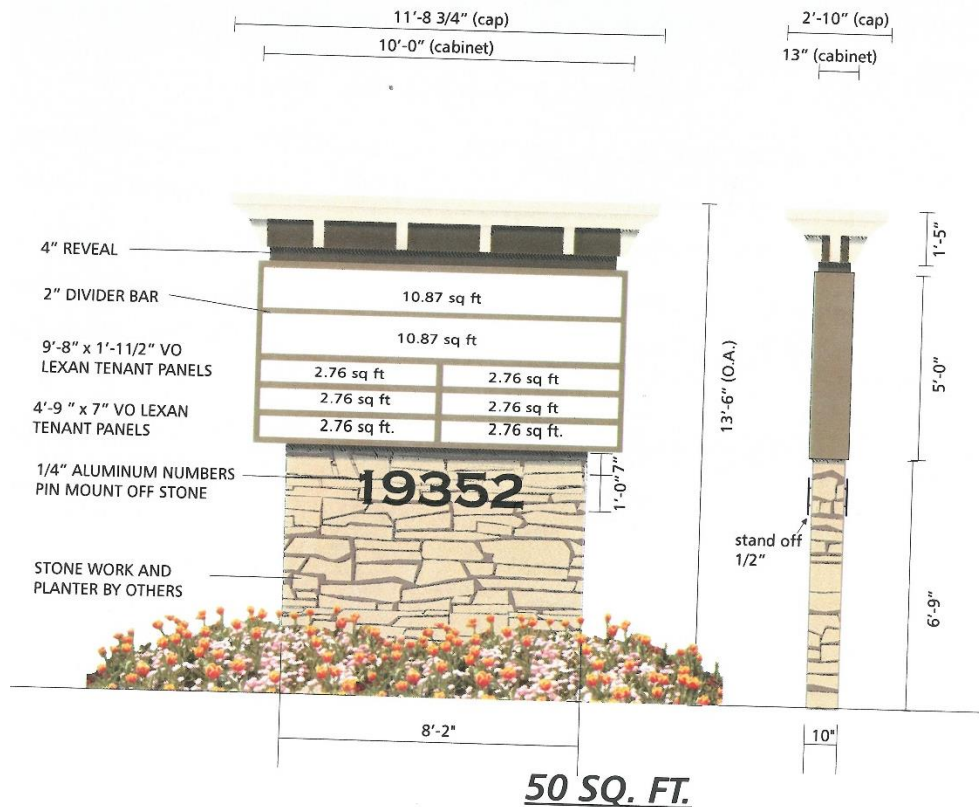
19352 Molalla Avenue is the location of the Settlers Square retail development, which is a 2.58 acre site that is L-shaped in configuration, being approximately 154 feet in width near Molalla Avenue, widening to 316 feet on the rear portion of the property. The property is developed with four commercial buildings. The Li'l Cooperstown Pub and Grill occupies a 5,207 sq. ft. building along the Molalla Avenue Frontage. Three other buildings on the rear portion of the site provide another 18,838 sq. ft. of retail space (plus an additional 1,100 sq. ft. mezzanine area in Building 4). The property has 176.81 feet of frontage on Molalla Avenue, which is relevant to the amount of sign area allowed by Article 15 of the Oregon City Municipal Code (OCMC).





Site Plan

The existing free-standing sign is located at the southwest corner of the subject property, adjacent to the Molalla Avenue frontage. Its original design had a sign area measuring approximately 5 feet high by 10 feet wide, with 50 sq. ft. of sign area on each side of the sign.



2008 Sign Permit Dimensions



Existing Sign

As shown in the photographs above, an additional panel measuring approximately 3 feet high by 10 feet wide has recently been added to the sign. The applicant stated they intended to provide needed signage for new tenants and was unaware that this addition would violate the provisions of Article 15. After being informed by the City of a code violation, the applicant began this process to obtain a variance and approval of the addition to the sign.

2. Zoning and Land Use

The subject property is zoned General Commercial (C).

The abutting land uses consist of the following:

Direction	Zoning	Use
North	GI & C	Storage & Emergency Services – Fire & Postal Service
South	C	Church
East	C	Parking
West	C	Molalla Ave.

3. Municipal Code Standards and Requirements: Staff has provided recommended findings for compliance, where applicable, with the following sections of the Oregon City Municipal Code for the proposed land use:

15.28 – Signs

17.50 – Administration and Procedures

17.60 – Variances

The City Code Book is available online at www.orcity.org.

4. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.
5. **OCMC 17.50 Notice and Public Comment:** Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. Staff received no public comments prior to the issuance of the staff report.

II. ANALYSIS AND FINDINGS

Oregon City Municipal Code

15.28.080 - Signs in office, commercial, mixed use and industrial zones.

- C. *Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:*
 1. *A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.*
 2. *Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.*
 3. *Maximum display area:*
 - a. *Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.*
 - b. *Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.*
 - c. *Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.*
 - d. *In no case shall any sign have a display area in excess of three hundred square feet.*
 4. *The sign width shall not exceed twenty linear feet.*
 5. *Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.*

Finding Complies as Proposed: The applicant indicated that the frontage of the subject property has frontage on one street, Molalla Avenue, which measures 176.81 feet in length. Per the provisions of this section, one free-standing sign, a maximum of twenty-five feet in height and having one hundred sq. ft. of sign display area (with a maximum of 50 sq. ft. per face) is allowed. The freestanding sign, as originally approved, complied with the standards of this section in that the display area consisted of two 5' x 10' (50 sq. ft.) faces, for a total of 100 sq. ft. The height of the sign is less than 25 feet. The proposed additional display area will increase the display area by adding two 3' x 10' faces on each face of the sign (30 sq. ft. each) below the existing signage. The overall height of the sign will not be increased. With the additional

display area, the total sign faces will have approximately 80 sq. ft. of face area and the total display area for the site will be approximately 160 sq. ft. This additional square footage is approved only if the proposed sign variance is approved.

Staff agrees with the applicant's finding. As demonstrated within this report, staff supports the proposed Variance.

15.28.130 - Variances.

All of the following standards apply to variances to this chapter:

A. *Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:*

1. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Finding Complies as Proposed: The applicant indicated that:

There will be no significant damage to adjacent properties caused by the proposed increase in sign display area. The sign is located at the southwest corner of the subject property. Property to the north is separated from the sign by the Li'l Cooperstown building on the subject property and, thus, will have no impacts from the proposed change. The property adjacent to the south of the subject property, at 19394 Molalla Ave., is developed with the Followers of Christ church and offices. The parking lot for the church is immediately adjacent to the sign and no buildings are located within the area that would be potentially impacted by the signage. Being to the south of the sign, the shadow pattern from the sign does not fall onto the church property. The location of the sign does not impact access to the church.

The Oregon City Municipal Code regulations for free standing signs are based upon the amount of frontage on a site. In this instance, the subject property contains several buildings and businesses. The allotted amount of frontage is smaller than typically found for the number of tenant spaces onsite. The applicant has proposed a minimal sign increase to appropriately accommodate for the existing business that does not encroach in the public right-of-way and does not create any visual hazards for motorists and pedestrians (See permits and site plan above). In addition, the square footage primarily covers the signage structure and thus minimally effects the overall dimensions of the sign. Note that the City does not regulate the content on any proposed signs, what the property owner chooses to display is at their discretion.

2. *That the request is the minimum variance that would alleviate the hardship;*

Finding Complies as Proposed: The applicant indicated that:

Site development consists of four separate buildings. Building One contains Li'l Cooperstown Bar and Grill, which is the sole building to have frontage on Molalla Avenue. The signage for this business is provided with on-building signs. None of the display area on the freestanding sign is used for Building One. Building Two contains Le Croissant, Pine Garden restaurant, and Oregonians Credit Union. Building Three contains a surveying company (Centerline Concepts, Inc.) Oregon City Barber, Building Blocks 4 Kids/Bloomin Clothes Closet and newly leased space that will become Cider Works, a tasting room for hard cider. As shown on the photograph of the sign, four of the existing businesses are constrained to a very small space that does not provide

for signs that can be seen effectively from the road. Le Croissant is new to the development and needs larger signage to advertise its business. There is no room for signage for the new Cider Works. The new sign will provide for sufficient room for larger signage for Le Croissant and Cider Works and will allow for the signs for the other four existing businesses to be somewhat increased in size so that they are readable to passing motorists. The proposed additional sign area is the minimum that will alleviate the hardship of having insufficient space to effectively advertise these Oregon City businesses.

As mentioned above, a site of similar size and with similar number of tenants would typically have more frontage and a larger size freestanding sign would be permitted. The subject site is approximately 25 feet from being able to install the next size up of permitted signs.

Per OCMC 15.28.080(C)(3):

- b. Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the *sign* face shall not exceed fifty square feet.
- c. Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the *sign* face shall not exceed one hundred fifty square feet.

Staff agrees with the applicant that the requested 30 square foot sign increase variance is appropriate for the subject property. The subject site is already landscaped and the proposed sign does not encroach into the public right-of-way and does not adversely impact motorists and pedestrians.

- 3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

Finding Complies as Proposed: The applicant indicated that:

The purposes for sign regulations as listed in OCMC 15.28.010 include:

- A. *Allows signs compatible with the character and uses allowed in the zoning district in which they are located;*
- B. *Maintains the effectiveness of traffic control signs throughout the city;*
- C. *Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;*
- D. *Maintains and enhances the scenic and other aesthetic qualities of the city;*
- E. *Supports the economic development of Oregon City businesses;*
- F. *Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and*
- G. *Is not intended to regulate the content of signs in any way.*

The proposed sign, as shown in the photograph on Page 2, is compatible with the character and uses allowed in the City's General Commercial Zone, in which the site is located. Similar signs advertise businesses in retail developments along the length of Molalla Avenue. The proposed sign would be beneficial to the effectiveness of traffic signs in that it will make it easier for motorists to find the businesses that they are looking for without slowing traffic to read too small of signage. The proposed sign would have no impact upon the safe movement of pedestrians or emergency services, or constitute a nuisance or hazard. The sign has existed safely in its present location for several years since the Settlers Square development was constructed and has caused no such negative impacts.

Presumably the most significant reason for the limitations on sign sizing is to maintain the scenic and aesthetic qualities of the city. Too much, or too large of signage can impact these qualities. In this instance, however, the proposed increase in signage is modest in scale, adding only 30 square feet to the sign face. It should be noted that if the site had street frontage that was only an additional 24 feet in length, the permissible sign face would be 150 sq. ft. The proposed variance would result in only 80 sq. ft. of sign face area. This modest increase is more than offset by the fact that there is minimal signage found in this section of Molalla Avenue.

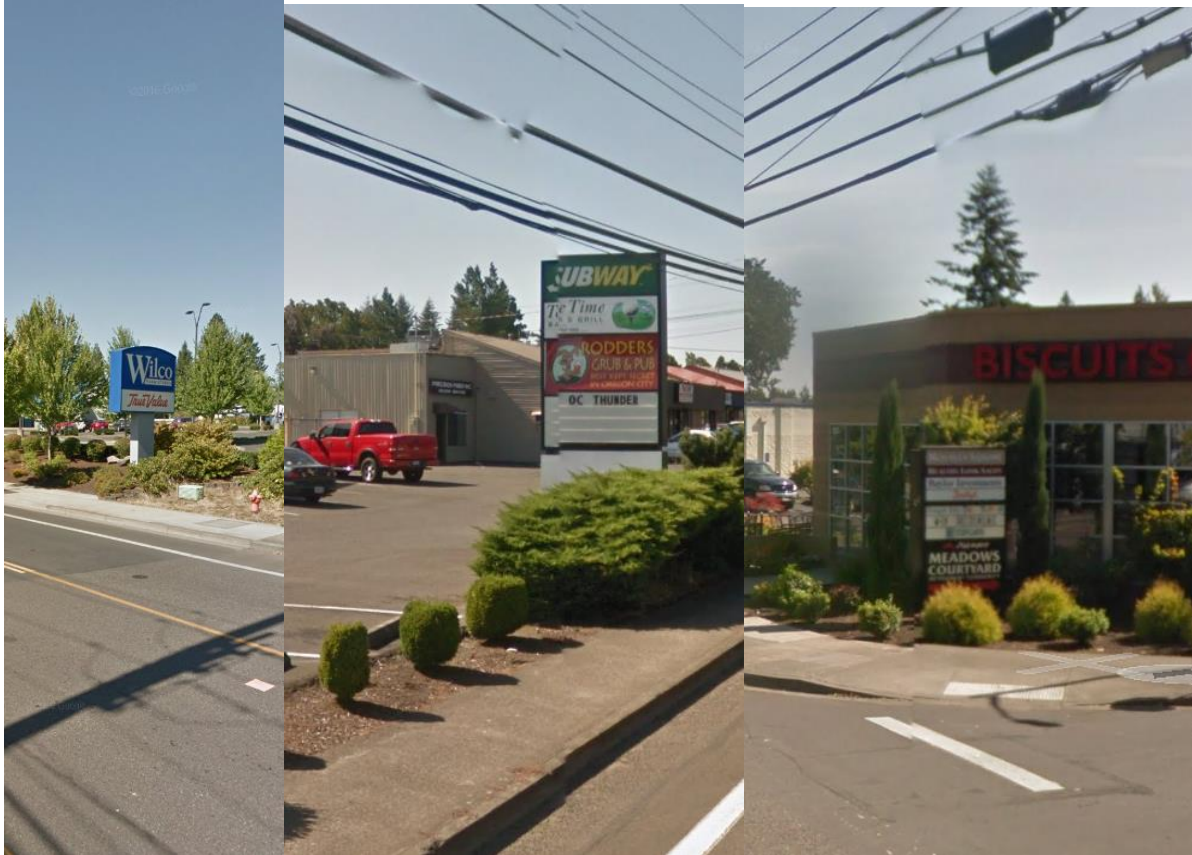


The church property to the south of the subject site has only a very small sign along its frontage. The fire station to the north of the site also has a very small sign on its frontage. Across Molalla Avenue, the Char Diaz Estate manufactured home subdivision has only a brick monument sign at the entry to the neighborhood.



As shown on the photos above, the street view on this stretch of Molalla Avenue has very minimal signage along it. The addition of 30 sq. ft. of sign area below the existing sign face will not have any significant impact upon the aesthetic qualities of this street view.

The proposed frontage is approximately 25 feet short of being allowed to increase to the next level of sign size. The subject site is large enough to accommodate for a variety of buildings and businesses, and due to the configuration of the site, the subject property is limited in the size of sign allowed. Just to the north of the proposed development are two larger signs and staff feels that the requested 30 square foot increase is appropriate and will accommodate for the existing business. Additionally, there are site near the subject site with signs similar in size, or larger that than the one proposed at Settler's Square.



From left to right: the Wilco near the intersection of Garden Meadow Dr. and Molalla Ave. has 50 square foot sign. 19195 Molalla appears to have a sign greater than 50 square feet. 19273 Molalla also appears to have a sign greater than 50 square feet.

4. *Any impacts resulting from the adjustment are mitigated;*

Finding Complies as Proposed: The applicant indicated that *“Any minor impact of increasing the sign area by 30 sq. ft. per face is offset by the fact that the additional area is being provided below the existing signage. As such, it will have a lesser impact upon the street view”*.

Staff agrees with the applicant. As demonstrated in the pictures within this report, the site is already landscaped and the increase in sign size will not have any adverse impact on pedestrians or motorists.

5. *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

Finding Complies as Proposed: The applicant indicated that *“Additional display area is needed to effectively provide signage for the number of businesses that are housed in this development. There is no other alternative that will accomplish this purpose”*.

Staff agrees with the applicant. See findings under OCMC §§ 15.30.128(1) & (2) above.

6. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Finding Complies as Proposed: The applicant indicated that *“There are no comprehensive plan policies that directly relate to the proposed variance. The purposes of the signage provisions have been addressed above in this narrative”*.

Applicable Comprehensive Plan Goals and Policies are as follows and have been incorporated into Staff’s recommendation:

Section 1: Citizen Involvement

- *Goal 1.4 Community Involvement- Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*
 - *Policy 1.4.1 Notify citizens about community involvement opportunities when they occur.*
- *Goal 1.5 Government/Community Relations - Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities*

Finding: Complies as Proposed: This variance has been reviewed through a Type III public process which includes public notification, posting in the paper, mailing to property owners within 300 feet of the site, posting on the City’s website, emailed notice and posting a sign on the subject site. In addition, the agenda was emailed and posted online inviting the public to participate. The procedures set forth in Chapter 17.50 will be followed in the City’s processing of this application.

Section 2: Land Use

- *Goal 2.4 Neighborhood Livability- 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 while implementing the goals and policies of the other sections of the Comprehensive Plan.*
- *Goal 2.5 Retail and Neighborhood Commercial - Encourage the provision of appropriately scaled services to neighborhoods.*
 - *Policy 2.5.1- Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.*
 - *Policy 2.5.3 - Review design standards and the sign code to ensure compatibility with existing neighborhoods.*

Finding: Complies as Proposed: The applicant has met with the Gaffney Lane Neighborhood Association to review the proposed project. The new design of the sign accommodates for the currently existing structure and integrates the expansion of the sign into the structure without creating and adverse impacts to the public right-of-way, existing landscaping, pedestrians, and motorists.

Section 9: Economic Development

- *Goal 9.1 Improve Oregon City’s Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*

- *Goal 9.2 Cooperative Partnerships - Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.*
 - *Policy 9.2.2- Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan*

Finding: Complies as Proposed: The proposed sign variance, adding 30 square feet to an existing 50 square foot sign, will give business within the Settler's Square development an opportunity to effectively advertise their business without creating a hazard to passing pedestrians and motorists, while maintaining the cohesiveness of the existing sign.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder

Finding: Complies as Proposed: The required variance fee has been paid by the applicant.

All fees have been paid.

C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

Finding: Complies as Proposed: The procedures set forth in Chapter 17.50 will be followed in the City's processing of this application.

This application has been in accordance with OCMC Ch. 17.50.

III. CONCLUSION AND RECOMMENDATION

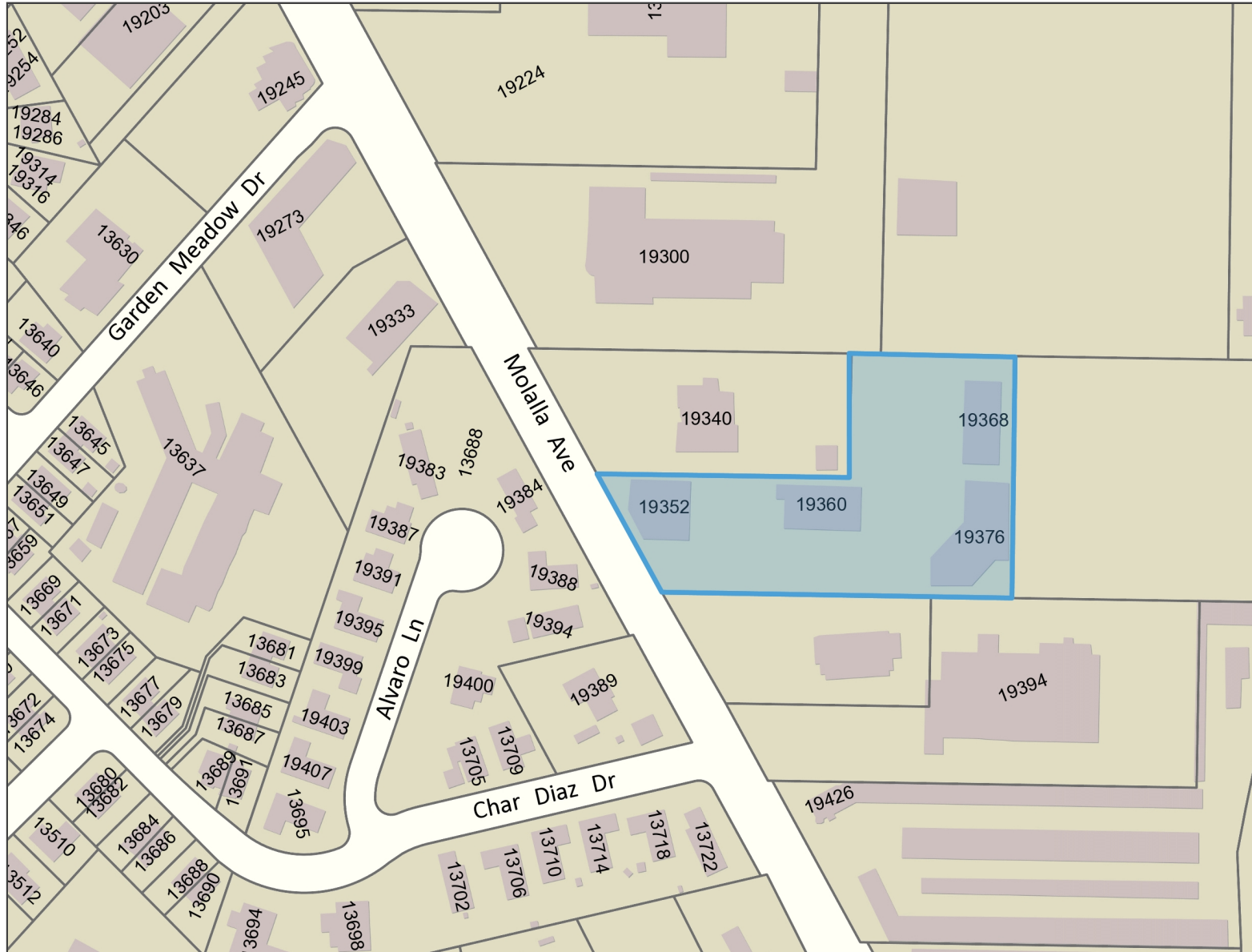
Based on the analysis and findings described above, the proposed sign variance complies with the requirements of the Oregon City Municipal Code.

City Staff recommends approval of file VR 16-03 based upon the findings, exhibits, and conditions contained in this staff report.

IV. EXHIBITS

1. Vicinity Map
2. Land Use Application
3. Site Drawings
4. Code Responses
5. Neighborhood Meeting Documents

Oregon City GIS Map



Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB

Notes



0 200 400 Feet

1: 2,400

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



Map created 2/6/2017

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☒ Variance
- ☐ Zone Change

File Number(s): YR-16-0003

Proposed Land Use or Activity: Variance to the 50 sq. ft. maximum sign area standard for property located at 19352 Molalla Avenue. The requested variance would allow an additional area of approximately 30 sq. ft. for each side of the sign.

Project Name: Settlers Square retail development Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 19352 to 19368 Molalla Avenue

Clackamas County Map and Tax Lot Number(s): 32E09B 2100

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Mark Handris Date: 11-21-2016

Mailing Address: 1980 Willamette Falls Drive, Suite 200 West Linn, OR 97068

Phone: (503) 657-0406 Fax: (503) 655-5991 (FAX) Email: handris@aol.com

Property Owner(s):

Property Owner(s) Signature: Same as applicant

Property Owner(s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

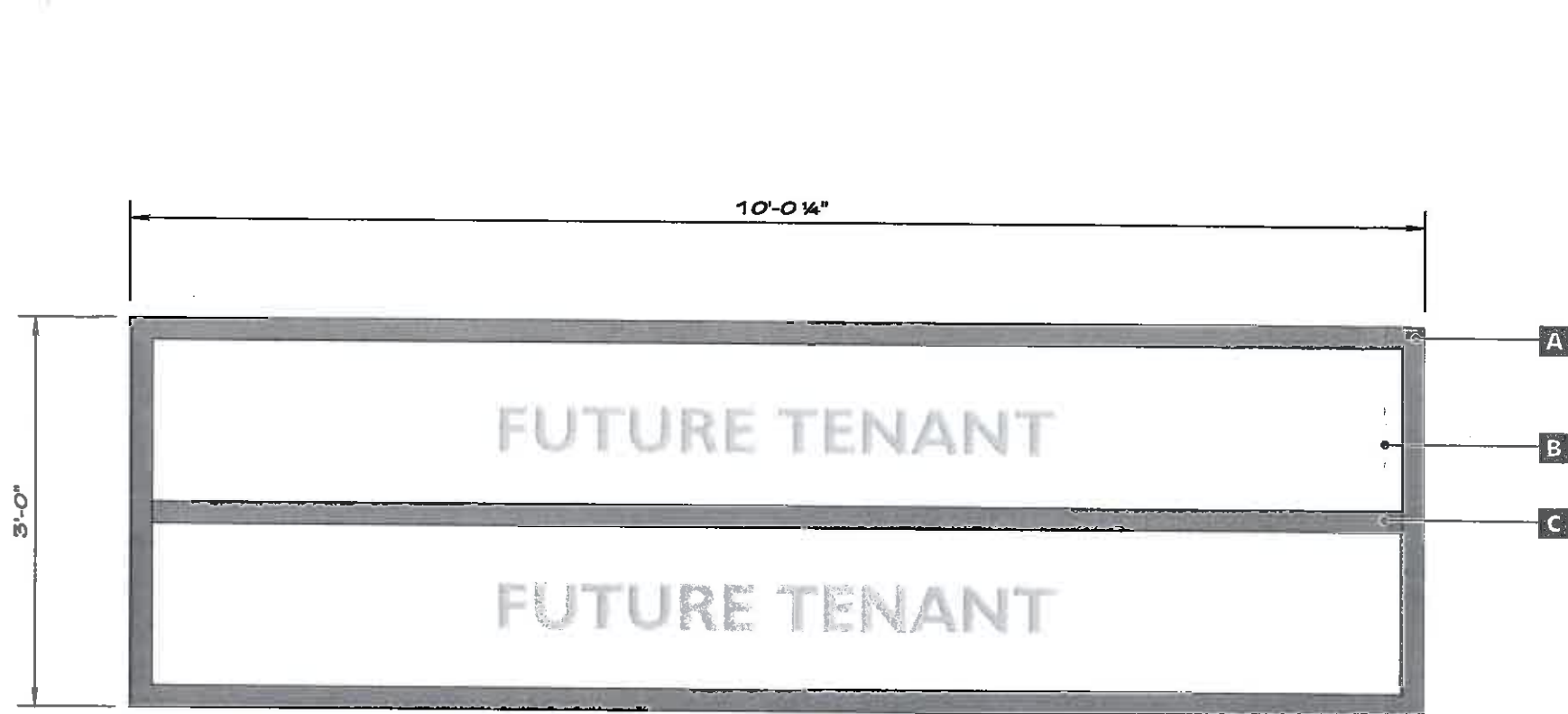
Representative(s) Signature: _____

Representative (s) Name Printed: Rick Givens, Planning Consultant Date: 11-21-2016

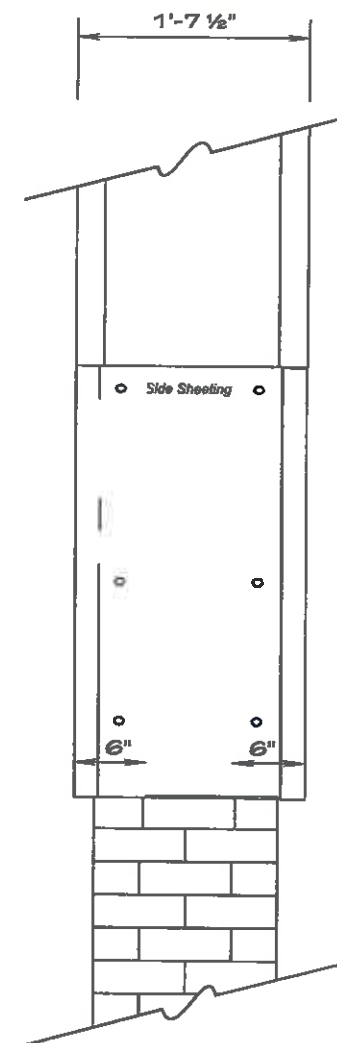
Mailing Address: 18680 Sunblaze Dr., Oregon City, OR 97045

Phone: 503-479-0097 Fax: 503-479-0097 Email: rickgivens@gmail.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



- 1** S/F INTERNALLY ILLUMINATED DISPLAY CABINETS SCALE: 3/4" = 1'-0"
- QUANTITY: 2 MANUFACTURE & INSTALL 30 SQUARE FEET EA.



1.2 SIDE VIEW / DETAIL

FABRICATION SPECIFICATIONS		
A CABINET	TYPE	S/F ILLUMINATED
	PAINT COLOR	MATCH EXISTING COLOR
	LIGHTING	WHITE LED ILLUMINATION
B FACE	TYPE	WHITE LEXAN
	VINYL	TBD
C DIVIDER BAR	PAINT COLOR	MATCH CABINET COLOR

SCOPE OF WORK
CUSTOMER TO REMOVE NECESSARY BRICKS FROM SIGN BASE PRIOR TO CABINET INSTALLS.
SIDE SHEETING



	sales@meyersignco.com www.meyersignco.com phone: 503 620 - 8200 fax: 503 620 - 7074	PROJECT: SETTLERS SQUARE ADDRESS: 19352 MOLALLA AVE OREGON CITY, OR 97045 DESIGNER: PAUL RULE	ACCT. MGR: ROB BREAZILE SHOP MGR: SCALE: DATE: 06.16.2016	REVISION # REVISION # REVISION #	DATE: BY: DATE: BY:	REVISION # REVISION # REVISION #	DATE: BY:	CUSTOMER APPROVAL: _____ DATE: _____	LANDLORD APPROVAL: _____ DATE: _____	This is an original unpublished drawing created for Meyer Sign Company's customer and the project planned for the specific needs of Meyer Sign Customers. These drawings are not to be shown outside your organization nor used, copied, reproduced, or exhibited in any way unless authorized in writing by an officer of Meyer Sign Company of Oregon.	DRAWING#: SHEET OF
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Google Maps 19352 Molalla Ave



SIGN
LOCATION

Imagery ©2016 Google, Map data ©2016 Google 50 ft

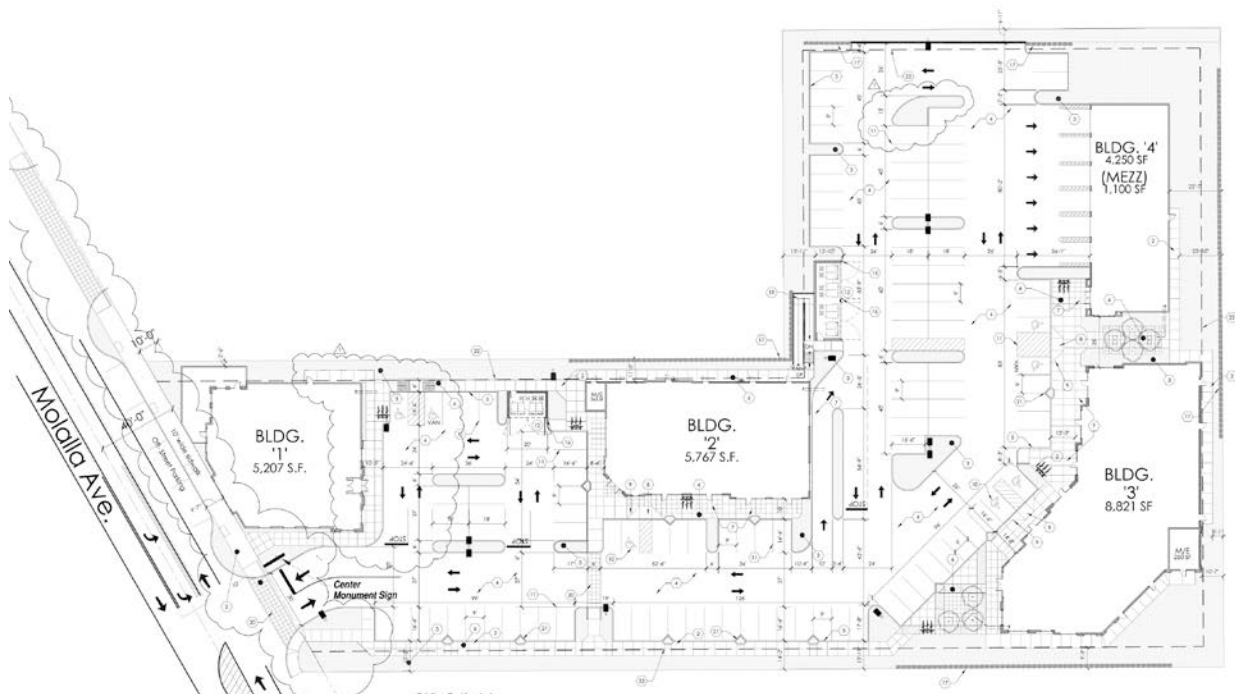
Settlers Square Sign Variance

19352 Molalla Avenue

Introduction:

This application requests approval of a variance to the maximum display area standard for the free-standing sign for the Settlers Square retail development located at 19352 Molalla Avenue. The requested variance is needed in order to provide sufficient area for all tenants of the development to have signage for their business.

The Settlers Square retail development is located on a 2.58 acre site that is L-shaped in configuration, being approximately 154 feet in width near Molalla Avenue, widening to 316 feet on the rear portion of the property. The property is developed with four commercial buildings. The Li'l Cooperstown Pub and Grill occupies a 5,207 sq. ft. building along the Molalla Avenue Frontage. Three other buildings on the rear portion of the site provide another 18,838 sq. ft. of retail space (plus an additional 1,100 sq. ft. mezzanine area in Building 4). The property has 176.81 feet of frontage on Molalla Avenue, which is relevant to the amount of sign area allowed by Article 15 of the Oregon City Municipal Code (OCMC).



The existing free-standing sign is located at the southwest corner of the subject property. Its original design has a sign area measuring approximately 5 feet high by 10 feet wide, with 50 sq. ft. of sign area on each side of the sign. Both sides of the sign

include the same information so that the signage may be read coming from either direction on Molalla Avenue.



As shown in the photograph above, an additional panel measuring approximately 3 feet high by 10 feet wide has recently been added to the sign. The applicant intended to provide needed signage for new tenants and was unaware that this addition would violate the provisions of Article 15. After being informed by the City of a code violation, the applicant began this process to obtain a variance and approval of the addition to the sign.

The provisions of OCMC 15.28.080C establish the standards applicable to free-standing signs:

15.28.080 - Signs in office, commercial, mixed use and industrial zones.

Freestanding Signs. All of the following standards apply to freestanding signs in office, commercial, mixed use and industrial zones:

1. *A maximum of one freestanding sign is allowed for each street frontage. On arterial streets, if a frontage exceeds a length of six hundred linear feet a second freestanding sign is allowed. In all cases, no freestanding sign shall be permitted on the same frontage where there is a projecting or roof sign.*
2. *Freestanding signs on the same frontage shall be separated by a minimum of fifty feet distance.*
3. *Maximum display area:*
 - a. *Where the street frontage is less than fifty feet in length, the display area shall not exceed fifty square feet and the sign face shall not exceed twenty-five square feet.*
 - b. ***Where the street frontage is fifty feet or greater but less than two hundred feet in length, display area shall not exceed one hundred square feet and the sign face shall not exceed fifty square feet.***
 - c. *Where the street frontage is two hundred feet or greater in length, the display area shall not exceed three hundred square feet and the sign face shall not exceed one hundred fifty square feet.*
 - d. *In no case shall any sign have a display area in excess of three hundred square feet.*
4. *The sign width shall not exceed twenty linear feet.*
5. ***Where the street frontage is two hundred feet in length or less the sign height shall not exceed twenty-five feet. Where the street frontage is more than two hundred feet in length, the sign height shall not exceed thirty feet.***

Comment: The frontage of the subject property has frontage on one street, Molalla Avenue, which measures 176.81 feet in length. Per the provisions of this section, one free-standing sign, a maximum of twenty-five feet in height and having one hundred sq. ft. of sign display area (with a maximum of 50 sq. ft. per face) is allowed. The freestanding sign, as approved, complied with the standards of this section in that the display area consisted of two 5' x 10' (50 sq. ft.) faces, for a total of 100 sq. ft. The height of the sign is less than 25 feet. The proposed additional display area will increase the display area by adding two 3' x 10' faces (30 sq. ft. each) below the existing signage. The overall height of the sign will not be increased. With the additional display area, the total sign faces will have approximately 80 sq. ft. of face area and the total display area for the site will be approximately 160 sq. ft.

15.28.130 - Variances.

All of the following standards apply to variances to this chapter:

- A. *Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:*
 1. *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

Comment: There will be no significant damage to adjacent properties caused by the proposed increase in sign display area. The sign is located at the southwest corner of the subject property. Property to the north is separated from the sign by the Li'l Cooperstown building on the subject property and, thus, will have no impacts from the proposed change. The property adjacent to the south of the subject property, at 19394 Molalla Ave., is developed with the Followers Of Christ church and offices. The parking lot for the church is immediately adjacent to the sign and no buildings are located within the area that would be potentially impacted by the signage. Being to the south of the sign, the shadow pattern from the sign does not fall onto the church property. The location of the sign does not impact access to the church.

2. That the request is the minimum variance that would alleviate the hardship;

Comment: Site development consists of four separate buildings. Building One contains Li'l Cooperstown Bar and Grill, which is the sole building to have frontage on Molalla Avenue. The signage for this business is provided with on-building signs. None of the display area on the freestanding sign is used for Building One. Building Two contains Le Croissant, Pine Garden restaurant, and Oregonians Credit Union. Building Three contains a surveying company (Centerline Concepts, Inc.) Oregon City Barber, Building Blocks 4 Kids/Bloomin Clothes Closet and newly leased space that will become Cider Works, a tasting room for hard cider. As shown on the photograph of the sign, four of the existing businesses are constrained to a very small space that does not provide for signs that can be seen effectively from the road. Le Croissant is new to the development and needs larger signage to advertise its business. There is no room for signage for the new Cider Works. The new sign will provide for sufficient room for larger signage for Le Croissant and Cider Works and will allow for the signs for the other four existing businesses to be somewhat increased in size so that they are readable to passing motorists. The proposed additional sign area is the minimum that will alleviate the hardship of having insufficient space to effectively advertise these Oregon City businesses.

3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

Comment: The purposes for sign regulations as listed in OCMC 15.28.010 include:

- A. Allows signs compatible with the character and uses allowed in the zoning district in which they are located;*
- B. Maintains the effectiveness of traffic control signs throughout the city;*
- C. Prohibits signs, or portions thereof, that conflict with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or that demand attention as a result of their dominating size or motion;*
- D. Maintains and enhances the scenic and other aesthetic qualities of the city;*
- E. Supports the economic development of Oregon City businesses;*
- F. Allows citizens and businesses the freedom to express their needs or views without unnecessary interference; and*

G. *Is not intended to regulate the content of signs in any way.*

The proposed sign, as shown in the photograph on Page 2, is compatible with the character and uses allowed in the City's General Commercial Zone, in which the site is located. Similar signs advertise businesses in retail developments along the length of Molalla Avenue. The proposed sign would be beneficial to the effectiveness of traffic signs in that it will make it easier for motorists to find the businesses that they are looking for without slowing traffic to read too small of signage. The proposed sign would have no impact upon the safe movement of pedestrians or emergency services, or constitute a nuisance or hazard. The sign has existed safely in its present location for several years since the Settlers Square development was constructed and has caused no such negative impacts.

Presumably the most significant reason for the limitations on sign sizing is to maintain the scenic and aesthetic qualities of the city. Too much, or too large of signage can impact these qualities. In this instance, however, the proposed increase in signage is modest in scale, adding only 30 square feet to the sign face. It should be noted that if the site had street frontage that was only an additional 24 feet in length, the permissible sign face would be 150 sq. ft. The proposed variance would result in only 80 sq. ft. of sign face area. This modest increase is more than offset by the fact that there is minimal signage found in this section of Molalla Avenue.



The church property to the south of the subject site has only a very small sign along its frontage. The fire station to the north of the site also has a very small sign on its

frontage. Across Molalla Avenue, the Char Diaz Estate manufactured home subdivision has only a brick monument sign at the entry to the neighborhood.



As shown on the photo above, the street view on this stretch of Molalla Avenue has very minimal signage along it. The addition of 30 sq. ft. of sign area below the existing sign face will not have any significant impact upon the aesthetic qualities of this street view.

4. *Any impacts resulting from the adjustment are mitigated;*

Comment: Any minor impact of increasing the sign area by 30 sq. ft. per face is offset by the fact that the additional area is being provided below the existing signage. As such, it will have a lesser impact upon the street view.

5. *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

Comment: Additional display area is needed to effectively provide signage for the number of businesses that are housed in this development. There is no other alternative that will accomplish this purpose.

6. *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Comment: There are no comprehensive plan policies that directly relate to the proposed variance. The purposes of the signage provisions have been addressed above in this narrative.

B. *Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.*

Comment: The required variance fee has been paid by the applicant.

C. Procedure. A variance application shall be treated in the manner provided by Chapter 17.50 of this code with respect to zoning variances.

Comment: The procedures set forth in Chapter 17.50 will be followed in the City's processing of this application.

10/27/16

GAFFNEY LANE
NEIGHBORHOOD ASSOCIATION

PLEASE PRINT CLEARLY

NAME	HOME ADDRESS	EMAIL ADDRESS
Lynn Andersen	18844 Hein Ct.	
Larane McNiece	6 V. 10th St	
Barbara Dutra	15200 S Kirk Rd	
Rebecca Kerr		rebecca.k@CIDA INC.COM
Tom O'Brien	19364 HAZEL GROVE	
Paul R	16675 Cook St	commissioner.espe@gmail.com
Kaye Luterbach	15284 S Kirk Rd	
Sharon Mora	29854 Castleberry Pk.	
Richard + Mary Craven	Schaefer Dr.	
Judy Winter	19752 Schaefer Dr.	
Joan Schultze	19413 Stillmeadow Dr.	
Rick Givens	18680 Sunblaze Dr.	rick.givens@gmail.com
Doug Ford	13993 Fir Street OR 6395 Fir Grove Rd Wilsonville	ford@optimizetech.com
Lisa Ford		lgcford@gmail.com
Dorothy McNiece	13910 Caufield Rd	
E. Summer	13637 Garden Meadow Dr.	

10/27/16

**GAFFNEY LANE
NEIGHBORHOOD ASSOCIATION**

PLEASE PRINT CLEARLY

[illegible]



City of Oregon City

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

Staff Report

File Number: 17-119

Agenda Date: 2/13/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Community Development Director Laura Terway

File Type: Minutes

Approval of Planning Commission Minutes for June 13, 2016, June 27, 2016, July 11, 2016, July 25, 2016, August 08, 2016, and September 26, 2016.

RECOMMENDED ACTION (Motion):

Review, comment and approve the draft Planning Commission minutes.

BACKGROUND:

Draft minutes of previous Planning Commission hearings have been prepared for consideration by the Planning Commission. The draft minutes include the following dates: June 13, 2016, June 27, 2016, July 11, 2016, July 25, 2016, August 08, 2016, and September 26, 2016.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, June 13, 2016

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Staffers: 1 - Laura Terway

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. [PC 16-067](#)

The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks (Planning file CD 16-01). No changes to the code are proposed.

Chair Kidwell opened the public hearing and read the hearing statement. He asked if any Commissioner had a conflict of interest, ex parte contact, or bias to declare. There was none.

Laura Terway, Interim Planning Manager, presented the staff report. The purpose of this hearing was to confirm when mobile vending, food carts, and food trucks were allowed in the City. There were three ways food carts were allowed: within an outdoor market, within an approved festival or special event, or within the Willamette Falls Downtown District zone. There was no plan to change the code at this time.

There was discussion regarding regulations for special events and how often these events occurred, whether the code should be changed to allow food trucks, creating development standards for food carts, how permanent or mobile they wanted food carts to be, the image the City wanted to project, competition with restaurants, traffic impacts of food carts, location and access, delineating between mobile food service trucks and food carts, and creating a mobility standard proving the cart could move on its own at regular intervals.

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve the Planning Division's interpretation of the standards related to mobile vending, food carts, and food trucks (Planning file CD 16-01). The motion carried by the following vote:

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

3b. [PC 16-066](#)

Request to Continue Annexation file AN-16-0001 for the property located at 19358 S. Columbine Court to July 11, 2016.

Chair Kidwell opened the public hearing. There were no ex parte contacts, conflicts of interest, or bias to declare.

Ms. Terway said during the notification process, staff failed to send an email notification to various agencies which were required to be noticed. Staff proposed to continue the hearing to July 11, 2016.

A motion was made by Commissioner Espe, seconded by Commissioner Mabee, to continue annexation file AN-16-0001 for the property located at 19358 S. Columbine Court to July 11, 2016. The motion carried by the following vote:

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

4. Presentations**4a. [16-343](#)**

Equitable Housing Grant Update

Ms. Terway gave an update on the Equitable Housing Grant. She explained what equitable housing was and how the City had submitted a pre-application for the grant with Metro. The request was for \$80,000 and \$8,000 worth of in-kind services from the staff. The City was teaming with other organizations and businesses to apply for the grant. The grant would pay for an advisory team to look through the City's processes and standards and identify opportunities to remove barriers and add incentives for equitable housing. A large part of the project would be adoption of amended standards to the code. There would also be guiding documents and educational outreach to bridge the gap between the government and the public, such as information on Accessory Dwelling Units.

There was discussion regarding how ADUs would work on some properties, but not all, especially in the historic districts. There was further discussion regarding discouraging inclusionary housing, which required a developer to include a certain percentage of affordable housing within any development.

Ms. Terway said the City would know on July 1 if they received an invitation to apply for the grant. The pre-application was a letter of interest and if Metro thought it was in line enough with the grant, they would ask the City to apply. The application would be due in August and if the City received the grant, the work would be done in 2017.

Commissioner McGriff thought they needed to craft something that worked for the City, not what worked for the Metro area. Ms. Terway said the City was not obligated to make any changes if they got the grant. The models created through the grant process would be shared with other jurisdictions and the City could create a template that other places could use.

4b. [16-344](#)

Overview of the New City Website www.orcity.org

Ms. Terway gave an overview of the new City website.

The Commission made comments and gave suggestions on the website.

5. Communications

Ms. Terway made the Commission aware of some meetings they might want to watch on the City's website regarding the Willamette Falls project and marijuana regulations. Interviews for the Community Development Director position were coming up and she asked for one Planning Commissioner to sit on the interview panel. Commissioner Mahoney volunteered with Commissioner McGriff as a back-up. She then listed items that would be coming before the Commission in the next few months.

Commissioner McGriff passed out information on the Memorial Coliseum which had been designated as a national treasure and funding was being collected to save the building.

6. Adjournment

Chair Kidwell adjourned the meeting at 8:58 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, June 27, 2016

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at

Present: 5 - Charles Kidwell, Robert Mahoney, Paul Espe, Denyse McGriff and Damon Mabee

Absent: 2 - Tom Geil and Zachary Henkin

Staffers: 3 - Christina Robertson-Gardiner, Kelly Reid and Laura Terway

5. Work Session

5a. [16-390](#)

Willamette Falls Legacy Project: Update on the Riverwalk Design Process and the Development Strategy as well as Upcoming Community Engagement Opportunities

Christina Robertson-Gardiner, Planner, gave an update on the Willamette Falls Legacy Project. She discussed the public partners, project site, four core values, and framework plan.

Kelly Reid, Planner, explained the Riverwalk easements, Tribal Board, Open House in March, timeline, and the booth at First City Celebration on July 23.

Ms. Robertson-Gardiner gave an update on the development strategy and how a land use approval for an integrated master plan for private property and the Riverwalk would come before the Planning Commission next summer. As part of the contract negotiations, downtown would get two additional days of parking data which would be used for the transportation management recommendation.

Ms. Reid discussed the next steps in the process.

There was discussion regarding public safety, phasing of the project, and Riverwalk easements.

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. [PC 16-070](#)

Proposed Amendments to the Site Plan and Design Review chapter of the Oregon City Municipal Code to Create a Type I Site Plan and Design Review Process for Minor Modifications to Commercial,

Institutional and Office Development (File LE 16-02)

Chair Kidwell opened the public hearing.

Ms. Reid presented the staff report. The Commission had discussed proposed amendments to the site plan and design review process to the code in March. Staff also met with stakeholders and business owners to get feedback. Some changes had been made to incorporate the comments received. This would be a recommendation to the City Commission. The code amendment would create a Type 1 review process for non-discretionary site plan applications and would streamline the land use process for small-scale development projects. She explained the levels of land use review, minor site plan review process, example projects that were potentially eligible, and sample application form. These were facade improvements or small additions. Public comments had been received today and she entered them into the record.

Commissioner McGriff said the McLoughlin Neighborhood Association had some concerns. One was for residentially occupied properties adjacent to commercial buildings and how the light from the commercial buildings could affect the residences. They were also concerned that the storefront changes were compatible not only in materials but also in their form and how they would blend into the district. She suggested that if there was a building in an overlay district that there be an additional level of review. Also there should be public notice to let people know what was being proposed.

Laura Terway, Interim Planning Manager, said every exterior alteration application in a historic district would go before a preservation planner to make sure it met the code. Ms. Reid explained the staff process for making sure the code would be met.

Chair Kidwell said there was no trigger to push the applications up to a Type 2 review for replacement of exterior building materials, windows, or doors. There should be a limit or some percentage that would trigger a Type 2 review. Ms. Terway said Type 2 applications were also non-discretionary and even if there was concern, the applications would be approved if they met the criteria.

Commissioner Mabee said that made the City look like they did not care about citizens' opinions. He thought there was value in receiving feedback and educating people how the application met the code. He agreed there should be a percentage trigger or not allowing this type of application in historic districts.

Jonathan Stone, Executive Director of the Downtown Oregon City Association, said on one side there was an efficient application for businesses and property owners to make modifications to their properties when it was clear and objective and on the other side he shared the concerns about the right triggers to have a conversation about context and design. If the Commission recommended historic districts keep the Type 2 review with noticing requirements, he suggested monitoring the applications over the next year to address what they cared about and what they did not care about could go through a quicker and less expensive process.

Commissioner McGriff said the issue was the community having a chance to give input and participate in the process. Particular scrutiny should be given to historic districts.

Mr. Stone thought the time could be used to have a conversation about what they cared about and what they didn't. Downtown needed to learn what was important also as they continued to improve. Downtown benefitted from its historic character, especially in becoming a revitalized place. There should be a review process to make sure they were being as business and property owner friendly as possible while still

maintaining the integrity of the process.

Commissioner McGriff suggested leaving it as a Type 2 for historic districts and track the applications to see if there was a problem.

Commissioner Espe had reservations about the historic districts as well, however he was hesitant to create barriers to economic development. He thought it would be a problem for some of the projects.

Commissioner Mahoney said downtown did not have a historic overlay. He was concerned that a historic downtown was not being protected.

There was discussion regarding applications in the downtown design overlay and historic districts for exterior building materials, windows, and doors would not be eligible for Type 1 review. Ms. Terway said that would eliminate properties in the downtown design overlay from the streamlined process. She suggested changes and additions to Section A1 and A2 in the proposed amendment.

Mr. Stone requested that they use the time moving forward to evaluate the process as it applied to the places they cared about historically and continue to remove barriers as they learned more. They needed to have the conversation about what they wanted most and the process needed to be improved as they moved forward.

Chair Kidwell suggested revisiting this in October 2017 to summarize the applications that came in and discuss what worked and what did not work.

Chair Kidwell closed the public hearing.

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to recommend to the City Commission approval of the proposed amendments to the site plan and design review process with the addition of A1e and the changes to A2a, b, c, and f. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Robert Mahoney, Paul Espe, Denyse McGriff and Damon Mabee

4. Approval of the Minutes

4a. [16-386](#)

Approval of Planning Commission meeting minutes for December 14th, 2015 and January 25th, 2016.

Commissioner McGriff had a correction to page 3 of the December 14 minutes. She had stated a concern on where delivery trucks, moving trucks, and other large vehicles would park on the site because there were no loading zones. She wanted it to say "moving trucks and other large vehicles would park temporarily."

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve the December 14, 2015 minutes as amended. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Robert Mahoney, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to approve the January 25, 2016 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Robert Mahoney, Paul Espe, Denyse McGriff and Damon Mabee

6. Adjournment

Ms. Terway gave an update on the Community Development Director recruitment and discussed the items that would be coming before the Planning Commission at their next meeting. The City had applied for an affordable housing grant.

Chair Kidwell adjourned the meeting at 9:13 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, July 11, 2016

7:00 PM

Commission Chambers

Public Open House - Marijuana Regulations

[16-413](#)

Planning Commission Worksession - Marijuana Regulations (Planning File LE-16-0001)

Work Session - Marijuana Regulations

Chair Kidwell called the Work Session to order at 5:30 PM.

Present: Charles Kidwell, Tom Geil, Denyse McGriff, and Damon Mabee

Absent: Robert Mahoney, Zachary Henkin, and Paul Espe

Staffers: Laura Terway and Pete Walter

Pete Walter, Planner, said a set of marijuana regulations had been drafted based on the results of some surveys, League of Oregon Cities recommendations, and review of other cities' codes. He explained the new definitions that would be added to the zoning code. The City had statutory authority to regulate marijuana. Currently there was a temporary local ban on marijuana businesses and the ban was going to a vote on the November ballot. These regulations would go into effect if the ban was lifted. Personal grows up to four plants would be allowed indoors only. Producers, processors, laboratories, wholesalers, and retailers would not be permitted in any residential zones. Producers, processors, laboratories, and wholesalers would not be permitted in any mixed use or commercial zones, however retailers would be allowed in those zones. Producers would be permitted in the general industrial zone. Processors would be allowed in the mixed use employment zone and campus industrial.

There was discussion regarding the environmental impact of producing and processing marijuana and the County's and neighboring cities' regulations.

Mr. Walter said the State required a 1,000 foot buffer from schools and staff was recommending a 250 foot buffer from any licensed daycare facility, public park, or transit center. Marijuana businesses could not abutt residential zones unless the property was on a freeway, expressway, major arterial, minor arterial, or collector. Because of the buffers, all of the McLoughlin Historic District was off limits for marijuana businesses. The institutional zone did not allow any marijuana uses.

There was discussion about allowing a laboratory use in the institutional zone.

Mr. Walter discussed the standards of operation for marijuana businesses. Anything other than personal medical grows would be treated the same as production and would not be permitted in residential zones.

There was discussion regarding allowing personal grows to be outdoors. There was

further discussion regarding the 250 foot buffer to daycares, parks, and transit center and whether or not it should be expanded. There was also discussion on whether or not to allow exemptions for marijuana businesses to abut residential areas if they were on major roads.

Mr. Walter said there would be a public hearing on these regulations at the next Planning Commission meeting.

Chair Kidwell adjourned the Work Session at 6:45 PM.

Regular Meeting

1. Call to Order

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

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

Absent: 1 - Paul Espe

Staffers: 3 - Laura Terway, John Lewis and Pete Walter

2. Public Comments

John Lewis, Public Works Director, gave an update on the Cove project. Meetings had been held regarding the geotechnical work, land use work, and phasing and site development work for the project. The developer wanted to get started with construction soon starting with the Garden Cove Apartments. For most of the project, part of Main Street would be closed. Signage would be posted regarding the closures. He explained the excavation that would take place on the site. The first permit for the development would be an Erosion Control Permit. There would be a pedestrian trail that would be open during construction. Staff would be regularly monitoring the project.

3. Public Hearing

3a. [PC 16-073](#)

Planning Files US 16-02 / NR 16-04 / SP 16-04 / VR 16-01: Retaining Wall to Mitigate a Landslide at Berryhill Apartments.

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

Commissioner Mabee said his wife used to live in these apartments. Commissioner McGriff had visited the site on many occasions and had a long history with this piece of property. Commissioner Geil and Chair Kidwell were familiar with the site.

Pete Walter, Planner, presented the staff report. This proposal would mitigate the landslide between the Forest Edge apartments and Berry Hill apartments. He explained the subject site. This was a landslide zone that needed to be mitigated in order to stop movement on the slope. He then discussed the proposed site and exploration plan with retaining wall and Geologic Hazard Overlay District criteria. The applicant's geologic consultant recommended a soldier pile wall with tiebacks be installed at the top of the upper slope near the active head scarp to stabilize the

ground beneath the duplex and eightplex to avoid possible future damage to these structures. David Evans and Associates reviewed the application based on a natural resources assessment by AKS Engineers. AKS did an on-site and off-site delineation to determine the intermittent water feature in the Natural Resources Overlay District was actually not within the 200 foot vegetative corridor but 334 feet from the tributary to the edge of the tax lot. David Evans and Associates agreed with the assessment that there would be no impact to the vegetative corridor or any natural resource. The wall was reviewed against the minor site plan and design review criteria. The components of the wall were found to be appropriate. Staff added a condition of approval for the applicant to provide some tree and vertical components to the landscaping plan for additional screening. A variance was required because this was a six foot fence on top of a retaining wall that made it 15 feet tall. The fence code said the combined height of a fence and retaining wall should be no more than eight and a half feet. In the Geologic Hazard Overlay District there was a requirement for cut and fill slopes to be terraced. Each face of the terrace could not exceed 7 feet and in this case the design requirement was such that it could not be terraced. Staff found that the variance criteria had been met. The wall would alleviate the hardship based on the data that stated the slope would continue to move even with the retaining wall and the wall could not be terraced. The six foot fence on top of the retaining wall was for security of the residents of the apartments. The applicant's landscaping plan as conditioned would do a good job of mitigating the impact of the wall. This was not a highly visible area and the wall would be a permanent structure. Staff recommended approval with conditions. Initially the applicant had not expected to remove any trees, but after looking at the site, a few trees might need to be removed. If trees were removed, they would be mitigated for as per code. The soldier pile material the applicant wanted to use was not readily available and they were going to use a slightly smaller diameter soldier pile which required cross-brace pieces. The applicant included an additional narrative for that as well as photographs to show how much existing screening vegetation there was, which was Exhibit 8. A coating might need to be put on the wall for corrosion resistance which could enhance the look of the wall.

David Higgins, geotech consultant who was representing the applicant, discussed the current condition of the site, where the retaining wall would be located, vicinity, and topography and showed aerial photographs of the area. The landslide began at the Forest Edge apartments and then crept uphill to the Berry Hill apartments. This led to the evacuation of the apartments in January. The retaining wall would retain everything up-slope and would prevent anything up-slope from moving. All the land below the retaining wall would continue to move. He then discussed a landslide map which showed the Forest Edge Apartments entirely within the mapped ancient landslide and that there were many ancient landslides in the area. He showed photographs of the Berryhill Apartments from 2011 which showed small cracks forming. The decks were removed from the building and grass was planted. December 2015 was one of the wettest Decembers on record, the slide reactivated, more cracks formed, and the apartments were evacuated. The retaining wall would be built behind the eightplex and duplex. An inclinometer casing was installed that measured movement and showed there was a small amount of movement. At the location of the wall, the landslide was 36 feet deep and the wall was designed to go through that sheer plane and cut it off and the movement would be stabilized. He explained the aerial and cross section, proposed vegetative screening, site plan, slope stability analysis, and sample wall photo. They did not submit a landscape plan because they thought the wall was not visible due to the vegetation already there. Any trees planted on the other side of the wall would be subject to movement and too much vegetation would cause the water to have to be irrigated. Staff's condition was to add more vegetation, and they would work with the landscape architect to find shrubs and trees that did not require a lot of water and would be flexible to the ground movement. He then described the retaining wall general plan, retaining wall tieback

plan, and view of the downslope area and vegetation.

Tim Pfeiffer, City's Geotechnical Consultant, said based on his observations he thought the retaining wall would mitigate the landslide problem. It was standard practice and was the least risky option. Mr. Higgins explained the existing drainage system would not be made worse by installing this wall; they would build the wall to continue the existing runoff conditions.

Chair Kidwell closed the public hearing and the Commission took a short break.

Commissioner Mabee said they had been assured by engineering reports that the wall met the standards. It might not work long-term, but he was supportive of the plan.

Commissioner Henkin hoped properties in similar circumstances were paying attention to this property and were proactive. He thought the wall would work to mitigate the problem and thought the variances made sense.

Commissioner Mahoney was also in support as something needed to be done at the site.

Commissioner Geil agreed it needed to be fixed. People in landslide zones could not get slide insurance. He was concerned that if the land moved again, who would be responsible, the City or the property owner. He was in favor of this plan.

Commissioner McGriff wished she had all of the information submitted for review so she had time to read it. She did not think she had sufficient information to make a decision.

Chair Kidwell said his biggest reservation was how the piles were going to be installed especially if the vibration exacerbated the movement on the slope, but he felt comfortable with the method being proposed.

A motion was made by Commissioner Henkin, seconded by Commissioner Geil, to approve Planning Files US 16-02 / NR 16-04 / SP 16-04 / VR 16-01: Retaining Wall to Mitigate a Landslide at Berryhill Apartments. The motion passed by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin and Damon Mabee

Nay: 1 - Denyse McGriff

3b. [PC 16-072](#)

AN-16-0001: Annexation of one property of 0.5 acres into the City Limits.

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

Commissioner McGriff visited the site. Commissioner Mabee drove by the site.

Mr. Walter presented the staff report. This was a request to annex one property of .5 acres on Columbine Court into the City limits. The site was in the Urban Growth Boundary and had a Comprehensive Plan designation of low density residential and Clackamas County designation of Future Urban 10. He described the subject site. The property owner wanted to annex into the City in order to make some expansions to his house. The property was contiguous to the City limits, did not create any

islands, had one existing house, and had a sewer line running across the back. Currently the property was receiving water from Clackamas River Water. This annexation did not require voter approval due to the change in State law. The property owner was requesting R-10 zoning, however that required compliance with the Transportation Planning Rule and findings which had not been submitted yet. Staff recommended approval of the annexation and retaining the FU-10 zoning. There would be time for the property owner to submit the findings before the final zoning was placed on the property.

There was discussion regarding how a property that was annexed into the City could retain a County zone.
Chair Kidwell did not think they should bring a property into the City with a non-compliant zone.

Ms. Terway said the applicant was not proposing to do anything on the property. If he wanted to subdivide the property, the zoning would need to be changed. The applicant had chosen not to submit findings at this time. There were other properties with the FU-10 zoning in the City that were in a holding pattern currently.

Commissioner Mabee was comfortable with it since there was a precedent of allowing this zoning.

Commissioner McGriff asked why upon annexation would the applicant have to start paying stormwater utility fees. Mr Lewis said it was part of the City's stormwater management program.

Mr. Walter then discussed the approval criteria. Staff recommended approval of the application.

There was no public testimony.

Chair Kidwell closed the public hearing.

Commissioner Mahoney thought they had a better opportunity to work with the property owner if he was in the City than if he was out. There was no impact to this annexation.

Commissioner Henkin said this was half an acre and was next to other properties that had been annexed into the City. It was contiguous and would not create an island. Properties had been annexed before with County zoning.

Commissioner Mabee was in support of the annexation.

Chair Kidwell thought the policy should be changed so that non-conforming zones were not taken into the City. Either applicants needed to provide the study before they were approved for annexation or the properties would go to a default City zoning automatically.

A motion was made by Commissioner Henkin, seconded by Commissioner Mahoney, to approve AN-16-0001: Annexation of one property of 0.5 acres into the City Limits. The motion passed by the following vote:

Aye: 4 - Charles Kidwell, Robert Mahoney, Zachary Henkin and Damon Mabee

Nay: 1 - Tom Geil

Abstain: 1 - Denyse McGriff

4. Adoption of the Minutes

4a. [16-417](#)

Approval of Planning Commission minutes for 11/30/2015, 12/14/2015, 01/11/2016, and 02/22/2016.

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the January 11, 2016 Planning Commission minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Zachary Henkin, Denyse McGriff and Damon Mabee

Abstain: 1 - Robert Mahoney

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the February 22, 2016 Planning Commission minutes. The motion carried by the following vote:

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

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the November 30, 2015 Planning Commission minutes. The motion carried by the following vote:

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

5. Communications

Ms. Terway said the City was able to apply for the equitable housing grant and would soon turn in the application. She had been hired as the City's new Community Development Director. There would be a joint Work Session with the Planning and City Commissions on the Willamette Falls Legacy project on July 25. Staff was working on identifying solutions for the intersection of Beavercreek and Highway 213.

Carrie Richter, City Attorney, discussed three LUBA cases. One regarding the Willamette Falls Hospital zone change, plan amendment, and master plan amendment. The record had been settled in this case and the briefing had been filed. Oral argument would be on July 21. The second case was regarding Historic Properties LLC's zone change. The City had submitted the record, but there was a record objection and the City was still sorting out the record. A decision would most likely not be made until October. The third case was the Beavercreek Concept Plan. A supplemental record was being filed. The decision would most likely be made in October.

Commissioner McGriff suggested for excerpts from the application that were in the staff report, to put them in a different font or italics. She asked that original reports that were referenced in the staff report be included in the packet. She thought consultants needed to do site visits so they did not miss something important.

There was discussion regarding relying on staff expertise when making decisions and that the Commission did not have to be experts on the technical issues in order to make a decision.

6. Adjournment

Chair Kidwell adjourned the meeting at 10:00 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, July 25, 2016

7:00 PM

Commission Chambers

City Commission and Planning Commission Work Session - 5:30pm - 7:00pm

1. [PC 17-015](#) The Willamette Falls riverwalk design team is holding a work session to discuss riverwalk elements and design objectives with the Planning Commission and City Commission. The discussion will include:
 - River Access and Docks
 - Arts/Civic Space/Gathering Space
 - Interim Uses
 - Connecting and integrating the riverwalk to downtown
2. [17-111](#) Discussion of Type I Site Plan and Design Review Process

Planning Commission Hearing - 7:00pm

1. Call to Order

Vice Chair McGriff called the meeting to order at

Present: 4 - Tom Geil, Robert Mahoney, Zachary Henkin and Denyse McGriff

Absent: 3 - Charles Kidwell, Paul Espe and Damon Mabee

2. Public Comments

Sam Drevo spoke on behalf of We Love Clean Rivers. He played a clip from a Planning Commission meeting on September 8, 2014, where Commissioner Mabee suggested the idea of a whitewater park at the Willamette Falls Legacy Project site which had started momentum on the idea. Since then, they had spent over \$100,000, received grants, and had delivered results through technical studies and documentation. Up to this point, the idea had been viewed positively. It had been publicly funded through the County, through a tourism development grant, and PGE contributed money as well. A significant number of resources, time, and energy had gone into this project and he was asking the Planning Commission to recommend to the City Commission to continue work on the project. Without any discussion or research, the City Commission had voted for an option that did not allow this project to continue as an element of the redevelopment. They wanted to keep the option alive. There was a lot of community support for the whitewater park.

Laura Terway, Community Development Director, stated comments on this issue could be directed to Kelly Reid, Planner, which would be taken to the Partners group in August where a final decision would be made.

Travis Kruger, resident of Oregon City, was in support of incorporating a whitewater channel into the Willamette Falls project. He did not want the Riverwalk to preclude the possibility for this channel. He was a whitewater slalom racer and spent a lot of time outdoors with his family. They often had to go outside of Oregon City to do outdoor activities. This was an opportunity to make Oregon City a destination for outdoor tourism. He worked on the feasibility study for a whitewater facility on the Clackamas, but learned there was no feasible site on the Clackamas. The Willamette Falls site was the most feasible due to the flows, vertical drop, and population center proximity, and they had the support of the community and the property owner. It would be able to function without pumping. The facility would be for a diverse range of ages and uses. He had worked on the City of Bend's whitewater park, and that site had many hurdles to overcome but was now a success.

Don Smith, resident of Oregon City, had served on PRAC previously where he noted the City had good Parks staff, but not enough money for parks. This was a solid revenue opportunity and he gave examples of other communities where these facilities had brought economic success. There was a strong market for this and it would bring in many visitors. He thought the private/public partnership would work well and he did not want to lose this once in a lifetime opportunity. He asked the Planning Commission to urge the City Commission to keep the option open.

Nathan Modlin, resident of Oregon City, said tradition and legacy were important to long-term residents like his family. The Willamette Falls were part of the reason his family had lived here so long. It was the wish of many Oregon City families that the falls remain a source of recreation, education, and economic success while paying homage to the traditions of the people who lived here before us. A whitewater park would be good for fish, trees, and wildlife; good for humans as a source of healthy activities; and good for future generations as an educational center and place to experience the falls firsthand. It would expand the number of living wage jobs and would honor the history and traditions of past generations. He supported the option being allowed to continue.

Duane Felix, resident of Oregon City, had received a letter about his shed which had a metal roof that was no longer acceptable. In March of 2013 he had discussed putting a metal roof over the shed structure with the City and got approval. He was willing to put a wooden fence around it, but it would not meet the fence height requirement where they could not see it.

Ms. Terway would look into the issue. Code had been adopted that stated membrane structures, including both fabric and metal, that were visible in the right-of-way had to be removed by January 1, 2011. The City had received 37 complaints regarding membrane structures in the last 30 days which was unusually high. There was no grandfathering in any of these structures.

Curtis Degner, resident of Oregon City, also received a letter regarding his RV structure. It was there when he bought his home a few years ago and he had paid more for the home because it had this metal structure. It could be seen from the street and was installed in 2008 and he purchased the house in 2013. It would not be an easy structure to remove.

Ms. Terway would also look into this issue.

3. [16-448](#)

Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses.

Vice Chair McGriff opened the public hearing.

Pete Walter, Planner, presented the staff report. He discussed the State laws and bills regarding marijuana. Measure 91 passed in Oregon City 52% to 47% and under State law the City was permitted to temporarily ban recreational and medical marijuana businesses provided a measure was submitted to the voters. The measure would be on the November ballot. The temporary ban allowed time to draft time, place, and manner regulations. If the voters lifted the temporary ban, these regulations would go into effect. He explained what reasonable regulations were. The proposed regulations would not apply to personal cultivation and use of recreational marijuana provided those activities were done indoors. He reviewed the definitions that would be included in the code, the legislative review process and criteria, the public process since May 2016 to the present, surveys that were conducted, survey summary, and zoning. Retailers and dispensaries would be prohibited in residential zones or abutting any residential zones except if it was located on a corridor. Retailers and dispensaries were not allowed within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers and they were not allowed within 1,000 feet of a public, private, or parochial elementary and secondary school. He showed what these buffers would look like on maps, showing where these facilities would and would not be allowed. These facilities would be permitted in retail use zones and in zones that already had limitations on retail. Production would be prohibited in all zones except for General Industrial. Processing was prohibited in all the residential zones, all mixed use corridor, and commercial zones. It was permitted in General Industrial, Mixed Use Employment, and Campus Industrial. Wholesaling would be prohibited in all residential zones, mixed use corridor, and commercial zones and would be permitted in General Industrial, Mixed Use Employment, and Campus Industrial. Regarding standards of operation, these facilities needed to be in compliance with other laws, would be in good standing with OLCC and OHA, no portion of any business would be conducted outside, and the hours of operation would be in accordance with OLCC and OHA. Any businesses that would produce an odor would have an odor control system, doors and windows would remain closed, secure disposal was required, the business could not have a drive-through or walk-up, and they needed to show proof of security with OLCC. He then explained the State tax revenue from recreational marijuana. Medical marijuana was not being taxed. The funds would go to the common school fund, mental health, alcoholism, and drug service account, State police, cities for local law enforcement, counties for local law enforcement, and Oregon Health Authority for alcohol and drug abuse prevention, early intervention, and treatment. The disbursement to the cities was currently based on population, but after July 2017, it would change to be based on the number of licenses. A local sales tax could also be imposed up to 3%, which had to be approved by the voters. This tax was also on the November ballot. He entered the testimony from Dr. Kendall Evans, summary of the Planning Commission Work Session from July 11, 2016, revised draft map of potential retail locations, revised draft map of potential retail locations with buffers, and Mr. Walter's PowerPoint presentation into the record. He read the correction to the definition of a marijuana business. In proposed Chapter 17.54.110 subsections 3 and 4 there was incorrect reference to sections 6, 7, and 8. Staff recommended approval of these text amendments.

Doug Neeley, resident of Oregon City, was on the board of Oregon City Together, an organization dedicated to reducing substance abuse. He distributed a pie diagram showing the substance abuse of youth. He thought the 1,000 foot buffer from schools was not enough and did not include Clackamas Community College. Many under-age students attended classes at the college and there was a daycare on campus. He thought there should be an additional 1,000 foot buffer around the college.

Kendall Evans, resident of Oregon City, did an evaluation of Clackamas County

marijuana regulations and came up with 15 corrections that needed to be made. Regarding ventilation, all the air inside a grow facility needed be filtered for carcinogens and heavy metals.

Mr. Walter said the City would defer to OLCC and OHA for compliance with those standards.

Dr. Evans said OLCC and OHA had not done the proper testing for those elements and baseline studies needed to occur. Regarding waste management, businesses did not know what to do with the waste due to the chemical compounds in it. It could not be given to animals and it could not be composted or burned or hauled away. He encouraged the City to look at what Lake Oswego had done with their regulations. He thought there should be a larger buffer between retail facilities and parks. He thought it should be at least 500 feet. He discussed what Duschutes County did and thought Clackams County should have similar regulations. He thought there should be a general liability policy for grow facilities. He recommended hiring a part time industrial hygienist to help them through the codes.

There was discussion regarding the sources of information that could be found on these topics for further review.

Eric Nelson, resident of Oregon City, said many states were preparing to legalize marijuana and a number of studies had been done looking at safety issues. The federal government was looking at having marijuana as a Schedule 1 to a Schedule 2. The overall tax benefits would be beneficial to the City. He thought the proposed zoning was appropriate and he hoped the City did not pass up the opportunity. The Police Department would have more time chasing down bigger issues.

Ian Watson, resident of Portland, said his family owned a marijuana dispensary. He thought the City was doing a good job balancing local needs with those of OLCC and not wasting resources or duplicating regulations. He encouraged the Commission to visit his store to see how it functioned.

Vice Chair closed the public hearing.

Commissioner Geil thought personal grows should be allowed outside. These regulations were for businesses, not personal grows, and he did not think the regulation on personal grows should be included.

Commissioner Henkin thought cigarettes and alcohol were more harmful than marijuana. He agreed there should be a buffer around the college, however he did not think there needed to be a buffer around parks. It was already illegal to smoke in a public park, and if there was a problem it could be enforced by the police. The enemy to youth was hard drugs and they needed to create channels where people were not getting marijuana illegally when they were the right age.

Commissioner Mahoney discussed unintended consequences. He was concerned about what it would mean for police enforcement and the message they were sending youth. Down the road they would be sorry about this decision. He had no problem with medical marijuana, but not recreational. He thought the proposed zoning would work, but wanted more time to think about it.

Vice Chair McGriff wanted to know what the County and other nearby cities were doing for marijuana regulations. She thought a buffer should be established around the college. She was not in favor of allowing personal cultivation outdoors.

There was consensus to add a 1,000 foot buffer around the college, to continue the hearing, and to have staff come back with an alternative that allowed outdoor personal cultivation with setbacks.

to continue Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses to August 8, 2017. The motion passed by the following vote:

Aye: 3 - Tom Geil, Robert Mahoney and Zachary Henkin

Nay: 1 - Denyse McGriff

4. Communications

Ms. Terway said there was a vacancy on the Urban Renewal Commission and applications were due by July 29. She gave an update on the Cove project. There would be a groundbreaking ceremony on July 27. National Night Out would be on August 2. She gave an update on three LUBA cases. Oral argument for the hospital case was given last week and a final decision would be given on August 15. The record for the Beavercreek Road Concept Plan was being settled. The record was still being settled for the Comprehensive Plan amendment and zone change for the property near Beavercreek and Highway 213. Pete Walter had received a service award for his 10 years of working for the City. Photos of the Community Development Department were taken and would soon be posted on the City's website. The Concerts in the Park were well attended. The Library would reopen on July 27.

5. Adjournment

Vice Chair McGriff adjourned the meeting at 9:10 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, August 8, 2016

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:05 PM.

Present: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

Absent: 2 - Robert Mahoney and Zachary Henkin

Staffers: 2 - Laura Terway and Pete Walter

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearings

3a. [PC 16-082](#)

Planning File LE-16-0001 - Adoption of Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation.

Chair Kidwell opened the public hearing.

Pete Walter, Planner, presented the staff report. He reviewed what was discussed at the last Planning Commission meeting. Some issues that came up were personal outdoor cultivation with the direction for staff to draft regulations to allow personal cultivation outdoors, adding a 1,000 foot buffer around Clackamas Community College, and questions regarding what other jurisdictions did. Regarding personal outdoor cultivation, the concerns had to do with sight, smell, trespass, theft, and attractive nuisance. There was also a desire to follow the intent of State law to allow personal use and not regulate it. Staff proposed to allow personal outdoor cultivation per State law up to four plants per residence out of public view with a 10 foot setback that would be measured from the property line to the edge of the plant. If odor rose to the level of a nuisance, it could be pursued as a Code violation. Regarding the 1,000 foot buffer around the college, the concern was that there were students under 21 attending the college and could be influenced by the proximity of retail marijuana facilities close to the college. The 1,000 foot buffer was the same as what would be applied around an elementary or secondary school. Retail uses would be prohibited in all residential zones, abutting any residential zone unless the tax lot abutted a major street, prohibited within 250 feet of any public parks, licensed childcare or daycare facilities, and public transit centers, and prohibited within 1,000 feet of any public, private, or parochial elementary or secondary school and Clackamas Community College. He then showed a map of retailer permitted areas. Producers would be prohibited in all zones except for General Industrial. Wholesalers and Processors would be prohibited in all residential zones and all mixed use corridor and commercial zones. They would be permitted in General Industrial, Mixed Use Employment, and Campus Industrial zones.

There was discussion regarding adding a regulation that no marijuana businesses would be allowed within the waterways.

Mr. Walter discussed the proposed standards of operation. Marijuana businesses would have to be in compliance with other laws, would have to maintain registration compliance with State law, no portion of any marijuana business would be conducted outside, the hours of operation would be in compliance with OLCC or OHA, and the business would have an odor control system designed by a licensed mechanical engineer. The standard for judging an odor problem would be that of an average reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor was made and detected. Doors and windows would remain closed except for the minimum time required for egress and ingress, there would be secure disposal of remnants and byproducts, there would be no drive through or walk up window, and they would maintain all of the applicable OLCC security requirements. He then described what Portland, Gladstone, Lake Oswego, Milwaukie, and West Linn were doing for marijuana regulations. Staff recommended approval of the Code amendments.

There was discussion regarding these businesses meeting Business License regulations.

Doug Neeley, resident of Oregon City, was representing Oregon City Together. He had put forward the recommendation for a buffer around the college due to the number of high school students who took classes at the college. Those who rode school buses had to live at least a mile away, and there was potential for students to be walking by dispensaries to and from school at just 1,000 feet. He suggested the Commission consider adopting Lake Oswego's buffers, which were 1,500 feet from schools and 500 feet from daycares.

Commissioner Mabee said Lake Oswego also had a 1,000 foot separation between marijuana retailers. He thought that would be an equitable compromise so students would only be passing one retailer as opposed to several.

Mario Mamone, resident of West Linn, was a dispensary owner in Clackamas County. The City of Fairview was being sued for banning medical marijuana grows as there was no law that allowed cities to ban them. The odor issue had been settled in the appeals court who had stated that the smell of marijuana was not an offensive odor. Just because people did not like it, that did not make it an offensive odor. He suggested the Commission rethink the odor nuisance regulation as it might be something that ended up in court. He discussed the medical marijuana growers and patients in Oregon City. He wanted to make sure they were being represented fairly. To minimize access to their medicine was not right or responsible. The Commission would be forcing them to go someplace else to get their medicine and many were low income who did not have the means to go somewhere else. These people had medical reasons to use the marijuana and they should not be denied their medicine. The Commission needed to allow these businesses to succeed in Oregon City.

Mr. Walter said there would be a City Commission Work session on these regulations on August 9 and the first City Commission public hearing would be August 17.

Chair Kidwell closed the public hearing.

There was discussion regarding the retail permitted areas map and mixed use employment areas.

Commissioner Mabee was concerned about allowing retailers in the Canemah National Historic District. He thought it should be excluded as it was a special place and needed extra protection.

Commissioner Espe said it seemed where the retailers were allowed were in far flung areas of the City and not conveniently located or easily accessible. He wanted to make sure Canemah Park was listed on the buffer map and wanted to know what the effect of a larger buffer would be as proposed by Mr. Neeley. He wanted to make sure children were being protected, the buffers were adequate, and that these facilities were centrally located.

Mr. Walter stated adding another 500 feet to the buffer would further shrink the available areas. The impact on children had been heavily discussed. Staff thought the buffers proposed were adequate and an additional 500 feet would not do that much more.

Commissioner McGriff said not every community needed to have everything someone might want. Because of the nature of this particular retail product, there were additional regulations. People might need to drive further to get what they wanted. She thought Mr. Neeley had a sound basis for his suggestions. She was concerned about odor and how it affected residents. Some people had respiratory problems and to her it was a health hazard. She questioned if a ten foot setback for personal cultivation outdoors was adequate. She did not want people to be prohibited from using their property due to what someone was growing in their backyard. She thought personal cultivation should be indoors only.

Commissioner Geil did not think it would be a nuisance to have personal cultivation outdoors. He was allergic to pollen from plants next door to him and he did not tell his neighbor what they could or could not grow. He thought people should have the freedom to grow what the State allowed. This plant had a short growing season in this area.

Commissioner McGriff said it would depend on the market, but she did not think there would be a mad dash to fill every retail vacancy with a marijuana business.

Chair Kidwell did not think they were preventing the opportunity for these businesses with these regulations. He was opposed to having personal cultivation outdoors due to possible theft of the plants.

Commissioner Mabee thought if there was a problem with theft, people would stop planting marijuana outdoors or move the plants to a more secure location.

Commissioner Espe did not have a problem with personal cultivation outdoors as it would be a minimal impact.

There was consensus not to increase the 1,000 foot buffer to 1,500 feet, to require a 1,000 foot separation between marijuana businesses, to prohibit retailers in the Canemah Historic District, and to allow outdoor personal cultivation and that a 10 foot setback was not necessary, but plants should not be visible from public view.

A motion was made by Commissioner Geil, seconded by Commissioner Mabee, to approve Planning File LE-16-0001 - adoption of time, place and manner regulations for marijuana businesses and personal cultivation as amended. The motion carried by the following vote:

Aye: 4 - Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

Abstain: 1 - Charles Kidwell

4. Approval of the Minutes

4a. [16-454](#)

Approval of Planning Commission Minutes for May 18, 2015, June 8, 2015, August 24, 2015, September 14, 2015 and September 28, 2015.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to approve the May 18, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

Commissioner McGriff said she had declared a visit to the Moss campus site, but it was not noted in the minutes.

A motion was made by Commissioner McGriff, seconded by Commissioner Mabee, to approve the June 8, 2015 minutes as amended. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to approve the August 24, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner Espe, seconded by Commissioner McGriff, to approve the September 14, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to approve the September 28, 2015 minutes. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Paul Espe, Denyse McGriff and Damon Mabee

5. Communications

Laura Terway, Community Development Director, said the City was submitting an application for an equitable housing grant. Mr. Walter stated the City was requesting \$90,000 to look at potential changes to the City's codes and processes and to look at incentives and options for equitable housing. An advisory committee would be set up to give input on this issue as well.

There was consensus to pursue the grant.

Ms. Terway explained the upcoming Planning Commission meeting agenda items. The August 22 and September 12 meetings were cancelled. She then discussed recent issues regarding membrane structures and the proposal to streamline some applications to be Type 1 reviews.

Commissioner McGriff asked about regulations for short term rentals such as air b&b's. Ms. Terway clarified the regulation was in all residential zones if a place was rented out for less than 30 consecutive days it required a Conditional Use Permit. If it

*was rented for 30 or more consecutive days it did not require a Conditional Use.
There were not any bed and breakfasts or boarding houses in the City.*

6. Adjournment

Chair Kidwell adjourned the meeting at 9:18 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, September 26, 2016

7:00 PM

Commission Chambers

1. Call to Order

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

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

Absent: 1 - Zachary Henkin

Staffers: 3 - Laura Terway, William Kabeiseman and Pete Walter

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. [PC 16-093](#)

CU-16-0001, SP-16-0008, and VR-16-0002: Addition of Two Wooden Utility Poles to the PGE Canemah Substation located at 152 S McLoughlin Boulevard

Chair Kidwell opened the public hearing.

Pete Walter, Planner, presented the staff report. This was an application from PGE for a conditional use, site plan and design review, and variance. He discussed the vicinity map, site plan, street view from 99E and South End Road, and aerial view. The proposal was to add two wooden utility poles, one 60 feet tall and one 80 feet tall, to the existing substation with new transmission lines to connect to the existing Canemah-Sullivan 57 kilovolt river crossing tower. A Conditional Use was required because there was no prior Conditional Use on file for the site. The site was zoned R-6 and a public utility was a Conditional Use in residential zones. In cases of a use existing prior to the effective date in the Code, any change of use, expansion of lot area, or expansion of the existing structure would trigger a Conditional Use. A public utility had to have a setback equal to the height of the structure and several existing structures did not comply with this requirement. The two new poles were required to conform. He reviewed the Conditional Use criteria and how the applicant complied. The variance was required to allow the 80 foot pole to be placed parallel to the lattice tower and near an existing 75 foot utility pole. The pole would also exceed the height requirement of the R-6 zone which was 35 feet. He then discussed the variance criteria and how the application complied with all of the criteria. There was a minor site plan and design review because it was less than 1,000 feet of structure that was being proposed. The proposal did not effect any existing landscaping, vehicle, pedestrian circulation, access, off street parking, street improvements, screening, fencing, or other site plan and design review criteria. The application was only to add the two utility poles, the applicant did not plan to do any additional phasing or

expansion, and there were no land use impacts to these improvements. Staff recommended approval without conditions.

Chair Kidwell asked if the Commission had any conflicts of interest, ex parte contacts, or visits to the site to declare.

Commissioner McGriff had visited the site. Commissioner Mabee was a PGE customer and was familiar with the site. Commissioner Espe had been to the site several times. Commissioner Mahoney was familiar with the site. Chair Kidwell was familiar with the location of the site.

Chair Kidwell read the quasi-judicial hearing statement.

Jason Shu and Jennifer Sandhouse, applicants, thanked the Commission for their time and staff for their help. They were satisfied with what was presented in the staff report.

There was no further testimony.

Chair Kidwell closed the public hearing.

Commissioner McGriff thought the request was reasonable and there was a need for additional poles to increase the service in this area.

A motion was made by Commissioner Espe, seconded by Commissioner Mabee, to approve CU-16-0001, SP-16-0008, and VR-16-0002: addition of two wooden utility poles to the PGE Canemah Substation located at 152 S McLoughlin Boulevard. The motion carried by the following vote:

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

4. General Business

4a. [PC 16-094](#)

Concept Plan Overview: Park Place, Beaver Creek and South End

Laura Terway, Community Development Director, gave an overview of the concept plans for Park Place, Beaver Creek, and South End. She discussed where the Urban Growth Boundary was located and why the City had one, urban and rural reserves, and the purpose of concept plans. She then reviewed the Park Place Concept Plan which included 480 acres and was adopted in 2008. There was a variety of residential density, retail, commercial, and constrained land.

Mr. Walter discussed the key elements and core values of the Park Place Plan. Two distinct areas would be created, one north and one south of Redland Road. There were many acres of constrained land and a lot of land dedicated to residential use. He described the plans for the north village area and south village area, the street network, and what would need to happen for the plan to be built.

There was discussion regarding planning for future schools and school capacity, the availability of sewer from Tri-Cities, roads, and environmental issues of this area. There was further discussion regarding forced annexations and Bill Kabeiseman, City Attorney, gave examples of when they occurred.

Mr. Walter reviewed the South End Concept Plan which included 453 acres. The plan was adopted in 2014. The area included commercial, retail, and a variety of

residential uses as well as parks and open space and a street system with good connectivity and walking and biking availability. He explained what would need to happen for the plan to be built.

Ms. Terway reviewed the Beaver Creek Concept Plan that included 453 acres along Beaver Creek Road. This plan was still going through the approval process. The plan envisioned creating over 5,000 industrial jobs and some residential. The plan was at the Land Use Board of Appeals with a court date set for October 6. She discussed the goals, key features, land uses, open space, and circulation associated with the plan. She then explained the north employment campus, central mixed employment village, mixed use center main street, and mixed use neighborhoods. She discussed how decisions were made in a public process and in accordance with application criteria.

5. Communications

Ms. Terway said a new Community Services Director had been hired and a new Planner had been hired as well. Staff had applied for a grant for Molalla Avenue improvements and she was asking for community support.

Doug Neeley, resident of Oregon City, said the City had applied for the grant for the Molalla Avenue improvements a couple of years ago, but it was denied. This was one of the worst corridors in the City for safety and pedestrian improvements would be a major component.

Bob La Salle, resident of Oregon City, was the Chair of the Park Place Neighborhood Association. He spoke about the Park Place Concept Plan and the annexation plans that were being proposed for the Park Place area. The key elements included two north/south connections between Holcomb Boulevard and Redland Road. These connections would be expensive and he did not know where the money would come from. The sewer line in Redland Road would have to be increased to accommodate the north village concept. The north village area was being planned by developers to be annexed soon. A couple of parks were included in the plan. There was also to be a mix of housing types in the development, trails and pedestrian/bicycle connections, innovative on-site stormwater treatment methods, protection of sensitive areas, streets and buildings oriented for solar access, and use of green edges to define neighborhoods and buffer development. Following the core values was important. Development would also have an impact on schools. He emphasized the importance of following what was in the Park Place Concept Plan. It needed to be done right and set an example for the other concept plan areas.

Mr. Neeley said when the expansion of the Urban Growth Boundary occurred, Metro asked the City to look at four blocks of land. The Commission voted to look at two blocks of land, Park Place and Holly Lane. Redland Road was bound by a bluff on one side and a major stream on the other. The opportunities were limited. The City was also looking into the wetland inventory as the State delineated wetlands the City did not have on its maps. There might be other areas that needed wetland buffers as well.

Commissioner McGriff asked about current issues surrounding membrane structures. Ms. Terway said the City Commission was holding a Work Session on that topic on October 11 due to some Code Enforcement complaints that had been received.

6. Adjournment

Chair Kidwell adjourned the meeting at 9:18 PM.

