

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
June 25, 2012 at 7:00 p.m.

The Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings. (www.orcity.org)

Page

1. CALL TO ORDER
2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA
3. ADOPTION OF PLANNING COMMISSION MINUTES
- 3-7 a. Adoption of January 9, 2012 Minutes.
4. PLANNING COMMISSION HEARING
- 9-11 a. TP 12-01 / VR 12-02: Request for Continuation.
5. WORK SESSION
- 13-17 a. Joint Work Session with the Oregon City Natural Resources Committee regarding the Heritage Tree code.
6. ADJOURN

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-0275 for a programming schedule.

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 Recorder prior to the Commission meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the Planning Dept. at 503-722-3789.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

January 9, 2012, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Chair Kidwell called the meeting to order at 7 p.m.

Roll Call:

Chair Charles Kidwell
Commissioner Chris Groener
Commissioner Zachary Henkin
Commissioner Paul Espe
Commissioner Denyse McGriff

Staff Present:

Tony Konkol, Community
Development Director
Pete Walter, Associate Planner
Carrie Richter, Assistant City Attorney
Laura Terway, Assistant Planner
Eric Underwood, Economic
Development Manager

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

3. ELECTIONS

Elections of Planning Commission Chair and Vice-Chair

Motion by Commissioner Chris Groener, second by Commissioner Zachary Henkin to to nominate Charles Kidwell for Planning Commission Chair.

A roll call was taken and the motion passed with Chair Charles Kidwell, Commissioner Chris Groener, Commissioner Zachary Henkin, Commissioner Paul Espe, Commissioner Denyse McGriff voting aye. [5:0:0]

Motion by Commissioner Zachary Henkin, second by Commissioner Paul Espe to to nominate Denyse McGriff for Planning Commission Vice Chair.

A roll call was taken and the motion passed with Chair Charles Kidwell, Commissioner Chris Groener, Commissioner Zachary Henkin, Commissioner Paul Espe, Commissioner Denyse McGriff voting aye. [5:0:0]

4. PLANNING COMMISSION PUBLIC HEARING

AN 11-03: Annexation of 0.89 acres at 14362 S Maplelane Court, Clackamas County Map 3-2E-04C, Tax Lot 1600.

Commission Report

Staff Report

Exhibit 1. Land Use Application Packet

Site Maps & Attachments

Narrative Maplelane Ct

Neighborhood Agenda

Petition Packet

Tax Map

TPR Analysis

Exhibit 2. Review of TPR Analysis - Replinger and Associates

Exhibit 3. Newspaper Notice

Exhibit 4. Transmittal Comment Form

Exhibit 5. Signed Affidavit of Notice Posting

Exhibit 6. Police Fees Agreement

Exhibit 7. Clackams County UGMA

Exhibit 8. Metro UGB Ord. 79-77.

Exhibit 9. Findings, Reasons for Decision, and Recommendations.

Exhibit 10. CRW comments

Carrie Richter, Assistant City Attorney, read the hearing statement describing the hearing format and correct process for participation. She asked if the Commission had any ex parte contact, conflict of interest, bias, or statements to declare.

Commissioner McGriff was familiar with the site but had no conflicts to declare.

Commissioner Groener was familiar with the site but had no conflicts to declare.

Chair Kidwell was familiar with the site but had no conflicts to declare.

Commissioner Espe was familiar with the site but had no conflicts to declare.

Commissioner Henkin had no conflicts.

Pete Walter, Associate Planner, presented the staff report. This was an annexation application for .89 acres at 14362 S Maplelane Rd. He gave the site details. There was no development proposed at this time and staff recommended the default zoning of the lowest density residential, R10. The application was in compliance with the Transportation Planning Rule. He explained the criteria for approval and the findings and recommendations of staff. Staff recommended approval of the application and to forward the annexation to the May 15, 2012 election. The only public comment received was from Clackamas River Water who recommended concurrence that the property be served by the City and withdrawn from CRW.

Adriana Kovasevic, Sisul Engineering, spoke on behalf of the applicant. There were no objections to the staff findings and recommendations. The reason for the annexation was to add property value for the applicant's retirement planning. The applicant would like the option of dividing the property and the maximum number of parcels would be three although it would most likely be two due to the triangular shape of the property. The annexation would make more of a natural boundary for the City. The areas around the site were R10 and City services were available. The applicant agreed with the police services agreement and item #14, an additional finding in Exhibit 9. She recommended forwarding approval of the annexation to the City Commission.

There was no public testimony.

Chair Kidwell closed the public hearing.

Commissioner McGriff was concerned about the inadequacy of police services.

There was discussion regarding the lot partition and fees.

Motion by Commissioner Chris Groener, second by Commissioner Paul Espe to approve AN 11-03: annexation of 0.89 acres at 14362 S Maplelane Court, Clackamas County Map 3-2E-04C, Tax Lot 1600.

A roll call was taken and the motion passed with Chair Charles Kidwell, Commissioner Chris Groener, Commissioner Zachary Henkin, Commissioner Paul Espe voting aye and Commissioner Denyse McGriff abstained. [4:0:1]

5. STAFF COMMUNICATIONS

Presentation by Eric Underwood, Economic Development Manager

Eric Underwood, Economic Development Manager, gave a presentation on

his work plan for the next several months including an assessment of the current economic/business environment, regional/state involvement, economic gardening, and local coordination.

There was discussion regarding how to better utilize the resources and assets of the City.

Transportation System Plan Update

Laura Terway, Assistant Planner, explained what the Transportation System Plan was, example improvements, reasons for the update, project team, process of updating the TSP, role of the Planning Commission, and public involvement.

Community Development Director Update

Mr. Konkol gave an update on the Planning Commission vacancy and applications, City Commission vacancy and applications, Natural Resources Committee, City Commission Retreat, Blue Heron property, and Building Official recruitment.

Commissioner McGriff announced a grant from the National Trust was awarded to the Ermatinger House.

Ms. Terway announced that Highway 213 would be closed from Washington Street to the Interstate March 22 at 8 p.m. to March 27 at 4 a.m.

There was discussion regarding the plans for mitigating the impact of the closure.

6. ADJOURN

Chair Kidwell adjourned the meeting at 9 p.m.



COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Pete Walter, AICP, Associate Planner
PRESENTER:	Tony Konkol, Community Development Director
SUBJECT:	Request for Continuance for TP 12-01 / VR 12-02
Agenda Type: Public Hearing	
Approved by: Tony Konkol, Community Development Director	

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission take testimony from any member of the public present who wishes to comment on the application, then continue the public hearing for planning files TP 12-01 and VR 12-02 to the date certain of July 23, 2012.

BACKGROUND:

The applicant, AKS Engineering, submitted supplemental materials in support of their subdivision and variance application on June 12, 2012.

The applicant requests that the June 25, 2012 Public Hearing for the Crabtree Terrace No. 2 subdivision and variance application (City Planning Files TP 12-01 and VR 12-02) be continued to July 23, 2012 to provide staff adequate time to review the additional materials and prepare findings and a recommendation to the Planning Commission.

The applicant has granted a 30-day extension to the current decision deadline for this application to October 15, 2012.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

Applicant's Continuance Request

June 15, 2012

Pete Walter, AICP – Associate Planner
City of Oregon City - Community Development - Planning
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

RE: Crabtree Terrace No. 2 Subdivision Application (City File No. TP 12-01 & VR 12-02) - Continuance

Dear Pete:

As discussed, the applicant requests that the June 25, 2012 public hearing for the Crabtree Terrace No. 2 Subdivision application (City File No. TP 12-01 & VR 12-02) be continued to July 23, 2012. This request is being made to provide City staff additional time to review materials and finalize the staff report. Accompanying this request, the applicant grants a 30 day extension of the 120-day deadline for City to issue a decision for the application.

Sincerely,
AKS Engineering & Forestry



Chris Goodell, AICP, LEED^{AP}
Applicant's Representative

Oregon City Municipal Code

Chapter 12.08 Public and Street Trees

12.08.010 Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the City;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

12.08.015 Street Tree Planting and Maintenance Requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The Community Development Director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. A minimum of five feet (at mature height) below power lines.
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA compliant clearance for pedestrians.

12.08.020 Street Tree Species Selection.

The Community Development Director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

12.08.025 General Tree Maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

12.08.030 Public Property Tree Maintenance.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The Natural Resources Committee may recommend to the Community Development Director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

12.08.035 Public Tree Removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The Community Development Director may approve off-site installation of replacement trees where necessary due to planting constraints. The Community Development Director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to planting trees in Oregon City in accordance with OCMC 12.08.

Table 12.08.035

<i>Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist</i>		<i>Replacement Schedule for Trees <u>Not</u> Determined to be Dead, Diseased or Hazardous by a Certified Arborist</i>	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

12.08.040 Heritage Trees and Groves.

A. Purpose.

Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the City. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
<i>Quercus garrayana</i>	Oregon white oak	8"
<i>Pseudotsuga menziesii</i>	Douglas-fir	18"
<i>Thuja plicata</i>	Western red cedar	12"
<i>Pinus ponderosa</i>	Ponderosa pine	12"
<i>Taxus brevifolia</i>	Western yew	6"

Other deciduous and horticultural tree species	20"
Other evergreen and conifer trees	18"

B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than City property or public right-of-way under City jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on City property or public right-of-way under City jurisdiction, the recommendation shall be submitted to the Community Development Director; if the recommendation is consented to by the City, the Community Development Director shall submit the recommendation to the City Commission.
2. Recommendation shall be made on such form as required by the Community Development Director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in Section 1 and the written consent of the property owner as described in subsection (1) of this section.

C. Review Process.

1. The City Commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under City jurisdiction, in which event notice shall be given to the Community Development Director), the chair of any recognized neighborhood association in which the tree or grove is located, and the Parks and Recreation Advisory Committee (PRAC), if applicable.
2. Staff shall prepare a report for the City Commission analyzing whether the tree or grove complies with the requirements for designation.
3. After considering the staff report and any testimony by interested persons, the City Commission shall vote on the recommendation.
4. Following approval by the City Commission:
 - a. If the tree or grove is located on private property, the designation shall be complete upon the Property Owner's execution of a covenant running with the land suitable for recordation by the City. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.
 - b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the City Heritage Tree and Grove records.
 - c. If the tree or grove is located on the public right-of-way, the City shall condition any future Property Owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with sub-section (a) above, which shall be recorded by the City upon the vacation of the right-of-way.

D. Criteria

1. The City Commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the Commission determines that the following criteria are met:
 - a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
 - b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
 - c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and

- d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.
2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under City jurisdiction, then the burden imposed on the City by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the City:
 - a. View obstruction;
 - b. Routine pruning, leaf raking and other maintenance activities; and
 - c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.
4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the City to the property owner, or if the tree is in the public right-of-way, to the appropriate City official, of a designated Heritage Tree or Grove. The City may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.
2. The Community Development Director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the City shall record a document extinguishing the covenant.

12.08.045 Gifts and Funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to planting trees in Oregon City. The Community Development Director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the Community Development Director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The Natural Resources Committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

12.08.050 Violation--Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

*Prior ordinance history: Ords. 98-1010 and 99-1004.

