

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
August 22, 2011 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)

1. CALL TO ORDER
2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA
3. ADOPTION OF PLANNING COMMISSION MINUTES
 - a. Adoption of Planning Commission minutes for the following dates:
December 13, 2010
February 28, 2011
March 14, 2011
May 9, 2011
4. PLANNING COMMISSION HEARING
 - a. LE-10-02 Water Master Plan (Continuance to 10/10/2011)
5. WORK SESSION
 - a. 2011-2012 Planning Commission Goals and Objectives
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**

December 13, 2010, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Tim Powell
Commissioner Dan Lajoie
Commissioner Carter Stein
Commissioner Chris Groener
Commissioner Charles Kidwell

Staff Present:

Tony Konkol, Senior Planner
Christina Robertson Gardiner,
Associate Planner
Carrie Richter, Assistant City
Attorney

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

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. MAYOR-ELECT DOUG NEELEY

Mayor Elect Doug Neeley asked for the Commission's input for how the applications for the two open positions would be reviewed.

Chair Powell suggested the Planning Commission along with the Mayor would interview the candidates on January 3rd, the Planning Commission could give their recommendation on the 4th, and appointments made at the City Commission meeting January 5th.

4. ADOPTION OF PLANNING COMMISSION MINUTES

PC Minutes 10.25.2010

Motion by Commissioner Dan Lajoie, second by Commissioner Carter Stein to to adopt the minutes of the October 25, 2010 Planning Commission meeting as written.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Charles Kidwell voting aye and Commissioner Chris Groener abstained. [4:0:1]

5. PLANNING COMMISSION HEARING

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

Commission Report

Request for Continuance

Tony Konkol, Community Development Director, stated staff was recommending continuation of the hearing as the applicant needed to provide additional information.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to continue CU 10-03 and CP 10-03 to the meeting on January 24, 2011.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener, Commissioner Charles Kidwell voting aye. [5:0:0]

The applicant is requesting approval of Site Plan and Design Review and Variance application for a new wedding chapel / events center in the Mixed Use Downtown zone within the Geologic Hazard Overlay District and Natural Resource Overlay District (Planning Files: SP 10-09 / US 10-02 / VR 10-02 / WR 10-04).

Commission Report

Narrative

Site Plans - Full Set

Revised Parking Lot Narrative

Revised Parking Site Plan

http://oregon-city.granicus.com/MinutesViewer.php?clip_id=533&doc_id=5effff11-9a4a-10... 8/9/2011

Traffic Analysis Letter

Geotechnical Report

Geologic Hazard Code Responses

Outdoor Lighting Specifications

NROD Report

NROD Drawings Part 1

NROD Drawings Part 2

Review of Applicant's NROD Report - DEA

Public Works Operations Manager Comments

Replinger and Assoc. Review of Traffic Analysis Letter

McLoughlin Neighborhood Association Comments

Chair Powell read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

All of the Commissioners were familiar with the site. Chair Powell walked the site and knew the applicant well. He did not believe these facts would affect his decision.

Christina Robertson-Gardiner, Planner, presented the staff report. Staff recommended continuance of the hearing to allow time for staff and the applicant to work out the remaining details. She explained the elevations and site plan of the application for the construction of a new Abernethy Chapel multi-use event center. She entered a memo from Planner Pete Walter into the record as Exhibit 1.

Jessica Iselin of Iselin Architects, Oregon City, and Dan Fowler, resident of Oregon City, clarified that the location of the project was determined by its need and desire to work as a part of the existing Abernethy facilities. There was ample parking in the vicinity and would be shared among the various venues. This facility was sited on the most logical location that would work on the site.

http://oregon-city.granicus.com/MinutesViewer.php?clip_id=533&doc_id=5effff11-9a4a-10... 8/9/2011

Mr. Fowler said great care was taken in the design of the chapel to fit the neighborhood. It had been presented to the McLoughlin Neighborhood Association. He entered a letter into the record, Exhibit 2, from the clinic next door in support of the project.

Chair Powell asked about the visual impact of the chapel, especially with the loss of trees.

Mr. Fowler said over time as the trees grew in it would not stand out as much, and thought it would nestle in quite well. The replacement trees would be native trees.

Ms. Iselin said the trees they would be losing were primarily Cottonwood and some of the trees were already problematic. She explained how they tried to keep the chapel smaller scale uphill to fit with the smaller buildings and residential areas.

Chair Powell asked about the parking lot material.

Ms. Iselin stated there was no strong desire to make it pervious as they were working with an existing parking lot and would add on less than 50% of the overall size of the existing lot. They would handle the stormwater on site with vegetation.

There was no further public testimony.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to continue SP 10-09 / US 10-02 / VR 10-02 / WR 10-04 to the January 10, 2011 Planning Commission meeting.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener, Commissioner Charles Kidwell voting aye. [5:0:0]

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

Commission Report

CU 10-04 SP 10-13 Staff Report

Vicinity Map

Applicant's Site Plan Submittal

http://oregon-city.granicus.com/MinutesViewer.php?clip_id=533&doc_id=5effff11-9a4a-10... 8/9/2011

Public Comments

National Register Nomination Ainsworth House

CU 90-10

Additional Public Comments- Chamber of Commerce- entered into record on 12.13.10

Chair Powell asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

All of the Commission was familiar with the site.

Ms. Robertson-Gardiner presented the staff report. She explained the application for an addition to the reception hall of the Ainsworth House. Staff thought this was an appropriate request as it was designed to be compatible with the historic house, it had been through historic review approval, was compatible with the neighborhood, and would continue to use the 100 person limit placed on the facility previously. Neighbors and the Homeowners Association were in support of the application. She entered a letter from the Chamber of Commerce who were also in support as Exhibit 1. The Historic Review Board did not think the addition would adversely affect the historic Ainsworth House and would help it remain as a vibrant community event center. She discussed staff recommendations for the project.

Commissioner Kidwell suggested a change in the design to the storage shed to give it a more residential feel.

Kevin Yell, resident of Oregon City, and Keith Kudrna, resident of Fairview, were the applicants. They addressed the west elevation and storage shed. If windows were added, the storage items would be seen and it could create a safety issue. If there was a rear elevation, it would be the west. There was a fence and plantings along the fence as well.

Chair Powell thought landscaping would address the issue on that elevation.

There was no further public testimony.

Chair Powell closed the public hearing.

http://oregon-city.granicus.com/MinutesViewer.php?clip_id=533&doc_id=5effff11-9a4a-10... 8/9/2011

Commissioner Carter Stein thought staff and the applicant had done a good job of balancing the residential needs of this development with the business needs of the reception area. He was in favor of the application.

Commissioner LaJoie said given the hedge and landscaping, the shed issue was not as drastic as he thought at first. He was also in favor.

Commissioner Groener thought it looked good and there was neighborhood support.

Commissioner Kidwell said the proposal was good and fit with the neighborhood. Windows on a storage shed was not appropriate, but there did need to be something to soften the facade, such as a trellis or arbor.

Chair Powell thought it was a good addition to the building. If it made the business better, he supported it. He did not think there would be traffic concerns.

Motion by Commissioner Charles Kidwell, second by Commissioner Chris Groener to to approve CU 10-04 Conditional Use & SP 10-13 Site Plan and Design Review as submitted with the conditions of approval and striking condition number 2.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener, Commissioner Charles Kidwell voting aye. [5:0:0]

6. DIRECTOR'S REPORT

Mr. Konkol reported on the Safeway project, Jughandle project, bridge closure, grant for pedestrian and bicycle improvements for 10th and Main, and Rivers project.

He thanked Chair Powell and Commissioner LaJoie for their work on the Planning Commission.

Commissioner LaJoie responded that it had been an honor to serve the City.

Chair Powell expressed his appreciation for the staff and how he had enjoyed serving on the Planning Commission.

7. ADJOURN

Chair Powell adjourned the meeting at 8:15 p.m.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

February 28, 2011, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Carter Stein
Commissioner Chris Groener
Commissioner Damon Mabee
Commissioner Charles Kidwell
Commissioner Paul Espe
Commissioner Denyse McGriff
Commissioner Zachary Henkin

Staff Present:

Tony Konkol, Senior Planner
Laura Butler, Assistant Planner

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

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. ADOPTION OF PLANNING COMMISSION MINUTES

November 8, 2010 Draft Minutes

Nov 8, 2010 Draft PC Minutes

Motion by Commissioner Damon Mabee, second by Commissioner Charles Kidwell to to approve the November 8, 2010 minutes as written.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Damon Mabee, Commissioner Charles Kidwell voting aye and Commissioner Chris Groener, Commissioner Paul Espe, Commissioner Denyse McGriff, Commissioner Zachary Henkin abstained. [3:0:4]

http://oregon-city.granicus.com/MinutesViewer.php?clip_id=596&doc_id=a8e6ad53-f889-1... 8/9/2011

Only Commissioners Stein and Kidwell were in attendance at the November 2010 meeting. Commissioner Mabee watched the video and read the minutes and felt comfortable voting on the minutes as well.

4. PLANNING COMMISSION HEARING

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

Commission Report

Applicant's Submittal

Supplemental Findings from the Applicant

Comments from Park Place Neighborhood Association

Comments from John Lewis

Comments from John Replinger

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

Commissioner Mabee said as a former City Commissioner he was a member of the South Fork Water Board and was currently a member of Mr. Collins' citizens advisory committee.

Chair Stein was present at the public meeting that Mr. Collins called for the neighborhood. He agreed with the summary of that meeting. He also attended the bus tour of the water shed.

Laura Terway, Planner, stated the applicant was requesting two land use applications for the property at 15962 Hunter Ave. The property had been developed as a water facility in the 1950s. The applicant included 16 structures in the development application totaling 58,000 square feet. Full development of the site would process 40 million gallons of water per day. The staff report would be available in one week and she requested the Commission continue the hearing to March 14.

Ben Schonberger of Winterbrook Planning introduced the project.

http://oregon-city.granicus.com/MinutesViewer.php?clip_id=596&doc_id=a8e6ad53-f889-1... 8/9/2011

John Collins, General Manager of South Fork Water Board, gave a history of South Fork Water Board. Pete Creff, Engineer with MWH, gave a presentation on the proposed expansion of the plant in three phases.

The Commission asked for clarification of the slides in the presentation and security of the tanks.

Mr. Schonberger discussed the process for the land use application and a series of adjustments to the development standards that would be requested. This would generate nine extra trips a month and was an insignificant impact to the transportation system and they proposed full improvements and partial improvements on some of the frontages.

There were further questions from the Commission regarding timeframes for the phases, stormwater, where the sidewalks would be placed, and what was included in the submittal documents for the general concept.

Motion by Commissioner Denyse McGriff, second by Commissioner Charles Kidwell to to continue the public hearing for CU 10-03 and CP 10-03 Conditional Use and Concept (General) Plan to upgrade the water treatment facility on Hunter Avenue to March 14, 2011.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Chris Groener, Commissioner Damon Mabee, Commissioner Charles Kidwell, Commissioner Paul Espe, Commissioner Denyse McGriff, Commissioner Zachary Henkin voting aye. [7:0:0]

5. UPDATE FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Mr. Konkol gave an update on the historic inventory project, Jughandle project, and Transportation System Plan update. The City Commission would be discussing their goals at the Commission meeting on March 2.

6. ADJOURN

Chair Stein adjourned the meeting at 7:54 p.m.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

March 14, 2011, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

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

Roll Call:

Chair Carter Stein
Commissioner Chris Groener
Commissioner Charles Kidwell
Commissioner Damon Mabee
Commissioner Denyse McGriff
Commissioner Paul Espe
Commissioner Zachary Henkin

Staff Present:

Tony Konkol, Community
Development Director
Carrie Richter, Assistant City
Attorney
Laura Terway, Assistant Planner

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. PLANNING COMMISSION HEARING

**LE 10-02 (Request for Continuance): Update of the
Oregon City Water Master Plan, an Ancillary Plan to the
Oregon City Comprehensive Plan.**

Commission Report

Water Master Plan Executive Summary

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There were none.

Chair Stein opened the public hearing.

Laura Terway, Assistant Planner, requested the application be continued to May 23, 2011 to allow the applicant to address outstanding items.

Commissioner McGriff asked the reason for the delay and what the outstanding items were.

Tony Konkol, Community Development Director, stated staff would find out and forward that information to the Commission.

Motion by Commissioner Damon Mabee, second by Commissioner Charles Kidwell to to continue LE 10-02: Update of the Oregon City Water Master Plan, an Ancillary Plan to the Oregon City Comprehensive Plan, to May 23, 2011.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Chris Groener, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Denyse McGriff, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye.
[7:0:0]

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

Commission Report

CP 10-03 and CU 10-03 Staff Report

Exhibit 1: Vicinity Map

Exhibit 2: Applicant's Narrative and Site Plan and Supplemental Dated February 4, 2011

Exhibit 3: Comments Submitted by John Replinger, Replinger and Associates

Exhibit 4: Engineering Policy 00-01

Exhibit 5: Comments submitted by Stephen VanHaverbeke of the Park Place Neighborhood Association

Exhibit 6: Comments submitted by John Lewis, Public Works Operations Manager

Exhibit 7: Additional Information Submitted by the Applicant Dated March 3, 2011

Additional Information Provided by Applicant

PowerPoint Presentation

Chair Stein asked the Commission if there were any ex parte contacts or new conflicts of interest to declare since the last hearing.

Commissioner McGriff visited the site.

Commissioner Mabee attended an advisory committee meeting at the water plant where John Collins mentioned that South Fork Water Board staff took pictures as requested for massing plans.

Commissioner Henkin had driven around the neighborhood.

Ms. Terway said the applicant was the South Fork Water Board who submitted a master plan and conditional use application for the property on 15962 Hunter Avenue. She explained the concept plan and conditional use process, subject site and adjacent properties, existing development, proposed development, Oregon City Municipal Code criteria, and the six adjustments to the criteria proposed by the applicant. Staff recommended approving adjustments #1 fence height, #2 fence material, #3 pedestrian accessways, and #5 design standards and to deny adjustments #4 parking lot landscaping and #6 sidewalk and street improvements. Staff recommended the Commission support the use of barbed wire to be approved by the City Manager, support the proposed parking standard, and approve the proposed development with conditions.

Ms. Terway entered the PowerPoint presentation into the record as Exhibit #1 and attachments of the Portland Code, DLCDC Code, and Tigard Code as Exhibit #2.

Ben Schonberger, Consultant with Winterbrook Planning, Pete Creft, MWH Engineering, and John Collins, General Manager of South Fork Water Board, were the applicants. Mr. Schonberger stated there was no change in the use, but would be a significant expansion of the facility. They would be coming back for the detailed design of the proposal at a later time. He addressed the adjustments proposed. Regarding the street and sidewalk improvements, they were not creating significant new demand, the land had already been donated to

the public right of way in 2007, and the type of improvements being made were not completely relevant to major street and sidewalk improvements. The applicant proposed a compromise with full street widening, dedication, and sidewalk on Swan and a widening of Hunter. Regarding the interior parking lot landscaping, it was a truck maneuvering area and they did not think concrete islands could be installed in that area.

Mr. Collins said it was important to note that the delivery trucks were full tractor trailer semi trucks and needed the turning radius to go around the building. He also explained the fence had no razor wire, but was six feet high with a 40 degree pitch and three strands of barbed wire. Regarding homeland security, South Fork did a risk and vulnerability assessment which addressed these issues. The fence was critical for the facility.

Ms. Terway explained the reasons for the recommended street improvements.

Mr. Creft showed some slides of the location and bulk of the proposed buildings.

Commissioner Henkin thought the fence should be a uniform color and design.

Chair Stein asked about the location of the fence.

Ms. Terway said it was unknown if the fence would need to be replaced at this time. The improvements would be over a 20 year period. She also explained the applicant may be able to meet the interior parking lot landscaping requirement and get the mobility they were looking for.

Commissioner McGriff discussed the need for adequate parking and delineating the areas for employee parking and trucks. She asked about the lots and Ms. Terway clarified that the lot was not partitioned, but had two tax lots owned by the same owner. She supported staff's recommendation regarding the fence but did not support vinyl as a material.

Commissioner Mabey was glad that the view for property owners on Thurman would not be impacted. He thought there might be a way to allow for parking area planters and he was not leaning towards approving the adjustment to the interior parking lot landscaping.

Chair Stein clarified the conditional use was due to the increase of the intensity and capacity of the site.

Commissioner McGriff thought a 20 year time frame was not an unreasonable time frame to take care of some of the issues that would make it a better, more attractive, and more productive neighbor.

Chair Stein asked for further public comment. There was none.

Mr. Schonberger thought it was a reasonable request to waive the interior parking lot landscaping requirement. It might be possible to design around it, but if it wasn't, they would have to come back to the Planning Commission because it would be a change to the master plan. In that case he asked if it could be a Type 2 adjustment process.

Chair Stein closed the public hearing.

Mr. Konkol said to have a Type 2 approval, the applicant would need to turn in an internal movement and circulation study.

Carrie Richter, Assistant City Attorney, clarified the Commission wanted to identify the standards now so there would not be discretion later.

Chair Stein discussed the proposed adjustments one by one.

There was consensus to approve staff recommendation for adjustment 1.

The following was discussed for adjustment 2: Commissioner Henkin preferred that it be stated there would be continuity per side of the fence, but either black vinyl or coating was acceptable. Commissioner Kidwell thought black vinyl was not good for longevity and for replacement it should be limited to the damaged area and not replace the entire side. Commissioner Espe had no comments on the fence. Commissioner Mabey agreed about the coating over vinyl. Commissioner McGriff thought they should go with powder coated, but chain link and barbed wire was fine. Commissioner Groener agreed with chain link and concurred vinyl could be a problem. Also regarding replacement, he thought the language that currently existed to replace as needed but not the whole side was reasonable. Chair Stein suggested to put on staff's work plan to find an alternative to chain link for these types of institutional applications that required security fencing. He did not have a problem with the chain link in this instance. There was consensus to strike the word vinyl from the

condition of approval and keep black powder coating.

The Commission concurred with staff recommendation for adjustment 3.

Regarding adjustment 4, Commissioner Henkin did not think islands should be placed in a parking lot with regular deliveries. Chair Stein said staff was working on the wording of a condition of approval for the applicant to have a traffic study or internal circulation study of the site so the Community Development Director could make the decision. Commissioner McGriff wanted to make sure the perimeter landscaping was still required.

The Commission concurred with staff recommendation for adjustment 5.

For adjustment 6, Commissioner Henkin agreed with the staff recommendation of adding sidewalks all the way around the property. Commissioner Kidwell favored the applicant's proposal. Commissioner Espe proposed a meandering asphalt pathway instead of sidewalks. Commissioner Mabee agreed with the staff recommendation on the Swan and Hunter side but agreed with applicant on the Thurman side. Commissioner McGriff agreed with the staff recommendation. Commissioner Groener was in agreement with Commissioner Mabee that the sidewalk on Thurman was not needed and would be a safety deterrant. Chair Stein agreed with staff's recommendation as there was development in the neighborhood and they all had to meet the same standard. He thought the meandering pathway would only work if the perimeter fencing could be moved back.

The Commission concurred with staff recommendation for City Manager approval of the barb wire fence and the parking standards for the number of parking stalls.

Ms. Richter stated Condition 22 relating to the interior parking that could not be accommodated because of truck circulation would read as follows: as part of the detail design review the applicant shall submit a truck circulation plan and based on that plan if interior parking lot landscaping could not be accommodated the applicant shall be required to locate the remaining 10% interior landscaping which could not be accommodated within the parking lot somewhere on the site.

Commissioner McGriff suggested the landscaping be adjacent to the parking area.

Commissioner Mabee suggested changing it to the applicant may submit a study to make sure it would not be required if they found islands could be put in.

The condition was changed to say the interior landscaping which could not be accommodated within the parking lot would be placed in close proximity to the lot.

Regarding adjustment 6, there was discussion regarding Commissioner Espe's proposal for a meandering pathway. The Commission liked the idea, but did not think it was a feasible option.

The Commission discussed Commissioner Mabee's proposal to accept staff recommendation for Hunter and Swan and the applicant's proposal for Thurman. Chair Stein said at the detailed development process if it was found there was not room for sidewalks, then they could ask for the adjustment. He did not think it should be given up on a 20 year concept plan. Commissioner Groener changed his position and agreed with Chair Stein. There was a majority of the Commission to approve staff's recommendation for adjustment 6.

Mr. Konkol thought there would be enough room to get the half street improvement in. He thought there should be a condition added to allow the Community Development Director to work with the applicant and city engineer to come up with an alternative street design on these streets.

Ms. Richter said a second sentence could be added to Condition 3 stating the Community Development Director may work with the applicant to relocate the improvements within the right of way identified.

Ms. McGriff encouraged South Fork to give the Planning Commission a yearly update.

Motion by Commissioner Denyse McGriff, second by Commissioner Damon Mabee to to approve CU 10-03 and CP 10-03 Conditional Use and Concept (General) Plan for the South Fork Water Board with conditions as proposed by staff and conditions 3, 12, and 22 as amended.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Chris Groener, Commissioner Charles Kidwell,

Commissioner Damon Mabee, Commissioner Denyse McGriff,
Commissioner Paul Espe, Commissioner Zachary Henkin voting aye.
[7:0:0]

4. Community Development Director Update

Mr. Konkol stated the Planning Commission would discuss goals and objectives at the next meeting. He updated the Commission on the following projects: the South End Concept Plan, Natural Resource Committee, street trees and sidewalk replacement, TSP update, downtown circulation study, and historic inventory.

5. ADJOURN

Chair Stein adjourned the meeting at 9:14 p.m.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

May 9, 2011, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

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

Roll Call:

Chair Carter Stein
Commissioner Charles Kidwell
Commissioner Damon Mabee
Commissioner Denyse McGriff
Commissioner Paul Espe
Commissioner Zachary Henkin

Staff Present:

Tony Konkol, Senior Planner
Laura Butler, Assistant Planner
Christina Robertson Gardiner,
Associate Planner
Pete Walter, Associate Planner
Carrie Richter, Assistant City Attorney

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

3. PLANNING COMMISSION HEARING

**Review by the Planning Commission to determine
continued compliance with the Conditional Use approval
under OCMC 17.56.**

Commission Report

CU 07-04 Annual Review Staff Report

Exhibit 1: Vicinity Map

Exhibit 2: CU 07-04 Notice of Decision

Exhibit 3: CU 07-04 Staff Report

Exhibit 5: May 2, 2011 Email from Nancy Busch, Code Enforcement Manager

Exhibit 6: May 2, 2011 Email from Chris Taylor, Executive Assistant for the
Oregon City Police Department

Exhibit 7: May 2, 2011 Emails from Rita Cosenza- President/Director House of Hope Portland

Comments from Linda Lord

Laura Terway, Assistant Planner, said the applicant was the House of Hope who received approval for a Conditional Use in 2007 for a residential boarding school. As a condition of approval the Planning Commission required the applicant to come back to the Commission every year for three years after the use began. It began in 2008 and this was the first time they came back. Additional review would be required next year and the year after that. Notice was sent to the Neighborhood Association and those with standing in the original Conditional Use. The purpose of the review was to see if the use still complied with the criteria. There was one public comment expressing two concerns, traffic during the monthly open houses and use of the site. Staff found that the traffic associated with the open houses was typical for the zoning designation. The property stopped being used as a residential boarding school in March and the owner was unsure if they would like to continue with the use or become a foster home. Staff recommended waiting until next year's review to see how the use had changed.

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There were none.

All the Commissioners present had visited the site.

Chair Stein opened the public hearing.

Linda Lord, resident of Oregon City, presented a document to the Commission that would be entered into the record as Exhibit 2. The letter the Commission received on the dias would be Exhibit 1.

Ms. Lord lived next door to the subject property. She had previously testified that the property did not fit the criteria under State law for a residential boarding school. It was licensed as a residential care facility for children, but continued to be operated as a residential boarding school. The fire inspector only inspected for a residential care facility, not a residential boarding school. She wanted to make sure that they had a license for a residential boarding school and were complying with State law before they were granted a continuation. The facility should be equal to the task and this one was not. The facility should be appropriate for her next door neighbor and it was not. There were some weed issues and a lot of people coming to the site for group activities. It was not a single family resident.

Rita Cosenza was the applicant. The House had opened with one resident in June 2008 and since that time they have had a maximum of three residents for a few months at a time, but mostly one or two residents. They have held three or four open houses and four board meetings. There had been work parties for landscaping four times. They were in a transition period, and did not currently have any residents as they might do foster care. She asked for an extension of the Conditional Use until September until the decision was made. There would be an annual rummage sale in

June and yard work done on the 15th. They sent a Good Neighbor Agreement to the Neighborhood Association, but never heard back on it. She did not know she needed to schedule the review of the application, she thought the City would put it on the schedule. The girls were schooled on site at the House of Hope and the IRS classified them as a boarding school because they did on site schooling. The State said they had to notify the local Superintendent of what they were doing as the State did not license boarding schools, and the Department of Human Services considered them a residential care facility.

Tony Konkol, Community Development Director, explained the Conditional Use criteria. There was no condition that required documentation of the accreditation from the State or IRS. No parameters were set for the number of people to visit, hours of operation, etc. They just determined if it was appropriate in the neighborhood. It would be complaint driven that would notify the City if it was not compliant.

Ms. Consenza stated no other neighbors had complained about them being in the neighborhood.

There was discussion regarding the Good Neighbor Agreement requirements.

Chair Stein closed the public hearing.

Carrie Richter, Assistant City Attorney, explained the next steps for continuing the hearing and staff recommendation.

Motion by Commissioner Denyse McGriff, second by Commissioner Paul Espe to to continue the hearing to the next regularly scheduled meeting on May 23, 2011, and have the applicant provide a copy of the letter the applicant sent to the School District and the letter the applicant sent to the Neighborhood Association regarding the Good Neighbor Agreement.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Denyse McGriff, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye. [6:0:0]

CU 07-05 and SP 07-13 (Quasi-Judicial Hearing)

Commission Report

CU 10-02 Annual Review Staff Report

Exhibit 1: Map

Exhibit 2: CU 10-02 Notice of Decision

Exhibit 3: CU 10-02 Staff Report

Exhibit 4: April 11, 2011 Email from Jackie Hammond-Williams, Market Manager Oregon City Farmers Market

Exhibit 5: April 14, 2011 Email from Nancy Busch, Code Enforcement Manager

Exhibit 6: Signed Lease Agreement between the City and the Applicant

Exhibit 7: Right-of-Way Permit from the City

Ms. Terway said last May the applicant was approved for a Farmers Market downtown which operated Wednesday evenings. It required Conditional Use because of the hours of operation. As a condition of approval, the Planning Commission required a one year update. There had been some changes since the approval. The public and market employees were to park in public space on 12th and Main, on the end of the Oregon Trail, and within the public right of way, and vendors would be staging in the gravel parking lot on 12th and Main. Since then, some vendors could not make the walk from 12th and Main to the market, so the market allowed them to park at Blue Heron and Bush's Furniture?? opened their parking lot after 5 p.m. There had been no other changes, complaints, or issues. Staff recommended that the Conditional Use be moved forward. Notice had been sent to the Neighborhood Association and those with standing in the original Conditional Use. No comments had been received.

Chair Stein asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements to declare.

Commissioner McGriff went to the market and knew the manager.

Chair Stein went to the market and knew the manager as well.

Chair Stein opened the public hearing.

Jackie Hammond-Williams, Market Manager, was the applicant. All the City departments had been supportive and helpful. The Market had gone out of their way not to tow anyone. Code Enforcement did take out some downtown parking for the Market, but the parking meters the rest of the time were pretty full.

There was no further public testimony.

Chair Stein closed the public hearing.

Motion by Commissioner Damon Mabee, second by Commissioner Charles Kidwell to to approve the continued use of the Conditional Use Permit for the Farmers Market.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Denyse McGriff, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye. [6:0:0]

SP 11-01: Site Plan and Design Review, WR 11-01: Natural Resource Overlay District and VR 11-01: Variance: The applicant submitted the aforementioned applications in

order to install a new utility line and an associated drain line.

Commission Report

SP 11-01, WR 11-01 and VR 11-01 Staff Report

Exhibit 1: Vicinity Map

Exhibit 2: Land Use Application and Site Plans

Exhibit 3: Comments from John Lewis, Public Works Operations Manager

Additional Information Submitted by the Applicant

Comments Submitted by Paul Edgar

Staff PowerPoint

Chair Stein read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements.

Commissioner Mabee was on the Tri City Service District Budget Committee.

Commissioner McGriff and Chair Stein had visited the site.

Ms. Terway stated Clackamas County Water Environmental Services (WES) submitted the application to install a utility line which would alleviate some of the capacity to the Kellogg facility and eventually lead Oregon City to take on more flow when that facility closed. She explained the existing conditions and the new design proposed. The variance was being requested because the site plan and design review required the utilities be placed underground. Since this was on the side of a bridge and not underground, a variance was required. The applicant had taken steps to mitigate the variance. Also part of the project on Washington Street was in the Natural Resource Overlay District and part of it was not, and there was mitigation for that. There was an odor control valve near the intersection of Agnes and Washington Street. The project was in the flood plain, geologic hazards, and natural resource overlay district. The work would not be in the flood plain, so that was not applicable. For geologic hazards, there was a small section in the public right-of-way which was exempt in the geologic hazards code. She explained the mitigation plantings for the Natural Resource Overlay District and then reviewed the code criteria and conditions of approval.

Mr. Konkol entered the email from Mike Wallace dated May 6 as Exhibit 1 and the email received that night, May 9, from Paul Edgar as Exhibit 2. Mr. Edgar stated his concerns about thermal loading and thought the application should not be approved. Mr. Konkol said there was a long term master plan for the site which addressed capacity and future upgrades.

Commissioner Mabee had seen Mr. Edgar's email two weeks ago.

Chair Stein opened the public hearing.

Dewayne Kliewer, Clackamas County, was the applicant. He explained the line that came across the bridge which would have the same strength as the bridge. They wanted to put it on the side of the bridge to keep more area open for pedestrians. It was a mutual decision between the City and WES to put it on the upstream side. Originally they had thought to bring a 20 and 30 inch line separately across the bridge, but the 30 inch line was not in the plans because there was not structural capacity on the bridge to hold both and maintain a full width open for pedestrian traffic.

Richard Vandergraf?? lived in this area. He was concerned about the bridge and how it would look when the project was finished. The bridge was a gem resource and he asked the Commission to do the best that could be done for the public view of the river. It was a quality area and would be a visual forever. He gave examples for mitigating any obstruction of the view.

Mr. Kliewer said they had taken into consideration placing the pipe in the most strategic location that would take the aesthetic questions into consideration. The pipe would be placed in an equal span to the bridge structure so it would not stick up below or above. The pipe was set on a series of rollers which were tucked into the bridge as much as possible to allow for expansion and contraction. Also part of the staff recommendation was to paint everything black to fit in.

There was discussion about the placement of the pipe on the bridge.

Mr. Kliewer said regarding the public testimony and mitigating for the pipe, anything more that they did to screen it would make the object bigger. Tucking it in as close as possible and being midspan accomplished what they wanted with minimal impact.

Mr. Konkol said there had been many meetings with staff and WES and the proposal was a good compromise for aesthetics and placement on the bridge.

Mr. Vandergraf?? thought the concrete pad and fence that was built to put the pipe across that ended up not being used should be removed.

Mr. Kliewer said they could consider removal of the pad and fence.

Chair Stein closed the public hearing.

Commissioner Kidwell said the existing pipe was higher than the top of the deck and the one proposed was below the top of the deck and would not interfere with the view of the river any more than the existing pipe did. He thought reclaiming the width of the bridge should be done if possible.

Commissioner Espe agreed this was the best location for the pipe. He thought the pad and fence should be removed so the pedestrians could enjoy the bridge better.

Commissioner Mabee thanked the applicant for their work.

Commissioner McGriff agreed with Commissioner Espe.

Mr. Konkol said this decision would be issued with findings of fact incorporating as a recommendation the concern raised about the location of the fence.

Motion by Commissioner Charles Kidwell, second by Commissioner Damon Mabee to to approve SP 11-01, WR 11-01, and VR 11-01.

A roll call was taken and the motion passed with Chair Carter Stein, Commissioner Charles Kidwell, Commissioner Damon Mabee, Commissioner Denyse McGriff, Commissioner Paul Espe, Commissioner Zachary Henkin voting aye. [6:0:0]

4. COMMUNITY DEVELOPMENT DIRECTOR REPORT

2011 Goals Update

Mr. Konkol started the discussion on the goals and priorities for the Planning Commission. He highlighted the City Commission goals that had to do with planning and timelines for projects. He then discussed the land use application activity, which was well below average. The much smaller unit sizes were being constructed as well as property redevelopment.

5. ADJOURN

Chair Stein adjourned the meeting at 9:40 p.m.