

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
October 11, 2010 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. Minutes from Public Hearings of August 23 and August 30, 2010.

4. PLANNING COMMISSION HEARING

- a. CP 10-01 / DP 10-02 / WR 10-03
Continuance of a Master Development Plan, Detailed Development Plan and Natural Resource Overlay District Review for Redevelopment of the Hilltop Mall, including a new Grocery Store and Retail, Parking Lot and Associated Improvements.

5. ADJOURN

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**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

August 23, 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 Charles

Kidwell

Staff Present:

Tony Konkol, Senior Planner

Pete Walter, 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. ADOPTION OF MINUTES

June 28, 2010 Draft Minutes

PC Draft Minutes 6.28.2010

Motion by Commissioner Carter Stein, second by Commissioner Dan Lajoie to to approve the minutes of June 28, 2010 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. [4:0:0]

4. PLANNING COMMISSION HEARING

WR 10-02: Natural Resource Overlay District (Water Resource),
US 10-01: Geologic Hazard and VR 10-01: Variance

Commission Report

Staff Report and Recommended Conditions of Approval

Final NROD Report

NROD Code Responses

Map of Field-Delineated NROD Buffers

Summary of ACOE / DSL Joint Permit Mitigation

Preliminary Tree Removal and Mitigation Report

Flood Management Overlay District Report and Drawings

Variance Application for Retaining Wall - Narrative

Review of Applicant's Wetland and Water Resources Application - David Evans and Associates

DSL Wetland Delineation Concurrence Letter

Utility Line Memo and Figure

Pre-Application Conference Summary

Mailed Notice

300' Notice Area Map

Newspaper Notice

Metro Comments

SHPO Archeological Permit

Powerpoint Presentation

Revised Tree Mitigation Summary

Tree Removal Locations and Species

Revised Flood Management Overlay District Report

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. Commissioner Stein said he used the traffic facilities every day and was familiar with the area. Chair Powell used the facilities as well.

Pete Walter, Associate Planner, added Exhibit 1 into the record which was a colored map of the adjacent zoning in the project vicinity. He also explained the updated material from the applicant. The Jughandle Project was a right-of-way transportation improvement project that consisted of widening the road and an addition of an underpass that would connect Washington Street to Clackamas River Drive. He discussed how the project would affect right-of-way in three overlay districts, the Flood Management Overlay District, Natural Resource Overlay District, and Geologic Hazard Overlay District. He then explained the zoning of the adjacent properties. The Commission was not reviewing the project for compliance with any zone standards; all of the project would be in right-of-way that was already dedicated or in the process of being dedicated. This was a Type 3 review. He explained the adjustments to the Code criteria and mitigation standards requested by the applicant. David Evans and Associates, the City's on-call wetlands specialist, had found that the adjustment criteria had been met and the proposed mitigation ratio of one to one was sufficient. Staff concurred with the applicant's analysis of the NROD report. The applicant was also requesting a variance to the retaining wall standards in the Geologic Hazards Overlay Zone to remove the terracing requirement due to space constraints. Staff recommended approval with conditions for the variance to the Geologic Hazard Overlay District, the requested adjustment to the mitigation area ratio of the Natural Resources Overlay District standards, and the flood plain review and mitigation. He reviewed the recommended conditions of approval. The applicant did a detailed tree inventory and documented the species and caliper of the trees that would be removed. The utility line placement in the Natural Resource Overlay District was a separate standard that as long as the area was replanted to NROD standards it did not require NROD review. It was a condition of approval that it be included in the mitigation area.

Bob Goodrich, Assistant Project Manager for the Jughandle Project from OBEC Consulting Engineers, introduced the representatives of the project in attendance that night. Kristin Currens, Environmental Consultant with Mason Bruce and Girard, discussed the NROD

methodology, NROD buffer impacts, NROD mitigation, and success criteria and goals.

Nancy Kraushaar, City Engineer and Public Works Director, said trees would be cut down in this project and there was a significant tree mitigation plan proposed for the project. She discussed the geologic hazard variance request. She showed diagrams of the retaining walls and discussed the dimensions and design. For Retaining Wall #1 they were requesting a 13 foot variance for the wall face. For Retaining Wall #2 they were requesting a 2 foot variance on the wall face and a 3 foot variance for the finish cut slope. She discussed examples of wall surface types and the concrete material that would be used for the project. She summarized the variance requests for Walls #1 and #2. Regarding the Metro site, Metro had no firm plans to move at this time.

Chair Powell suggested adding in and out articulation to the design to break up the monotony of the wall.

Hermanus Steyn, P.E., with Kittelson and Associates discussed the Holcomb underpass topography. Mr. Goodrich described the wall elevation cut and fill slope.

Chair Powell was concerned about speeding at Wall #1. Mr. Steyn explained studies done on transition zones and he thought it would encourage slower speeds rather than increase them.

Ms. Currens discussed the removal of stormwater ditches and replacement with new ditches. They were also proposing creation of a mitigation site for wildlife passage through the area.

Chair Powell opened the public hearing and asked for public comment. There was none.

Chair Powell closed the public hearing.

Commissioner Stein said this project had been needed for a long time and Public Works and their consultants did a good job. He was in agreement with the staff report and staff recommendations.

Commissioner LaJoie liked the idea of consolidating the mitigation area. He wanted to make sure the retaining walls had the detailing that was previously discussed. He was in favor of the application.

Commissioner Kidwell said his biggest concern was the appearance of

the retaining walls and it would be advantageous to have articulation in the shape or texture of the walls. He was also in favor of the application.

Chair Powell said Ms. Kraushaar did a good job on this project and was confident she would be able to construct a wall that would be a good fit for everyone. He thought the mitigation plan made sense.

Motion by Commissioner Carter Stein, second by Commissioner Dan Lajoie to to approve WR 10-02, US 10-01, and VR 10-01 with conditions of approval as proposed by staff.

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

Tony Konkol, Community Development Director, said there would be a special Planning Commission hearing on August 30. He discussed potential areas for expansion of the UGB. The Commission would discuss these areas at the next Commission Meeting on September 1. He reported on the Warner Milne project, Partlow realignment, education building for Atkinson Memorial Church, needed update for the Redsoils Master Plan, and announced the Code amendments were now in place.

6. ADJOURN

Chair Powell adjourned the meeting at 8:27 p.m.

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

August 30, 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

Staff Present:

Tony Konkol, Senior Planner
Laura Butler, Assistant Planner
Pete Walter, Associate Planner
Bill Kabeiseman, 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.

**4. [PLANNING COMMISSION
HEARING](#)**

[CP 10-02 Concept \(General\) Development Plan](#)
[WR 10-05: Natural Resource Overlay District Exemption](#)

[Commission Report](#)

[CP 10-02 Staff Report Reduced](#)

[Applicant's Narrative](#)

[Figure 1 - Easements](#)

[Figure 2 - Phasing](#)

[Figure 3 - Block Diagram](#)

[Figure 4 - Fire Access](#)

[Figure 5 - Bicycle and Transit Conditions](#)

[Figure 6 - Density Transfer](#)

[Figure - 7 Historic Resources Map](#)

[Site Plans](#)

[HACC Background Information](#)

[Letter from ODOT](#)

[Parking Demand Calculations](#)

[Letter from SHPO](#)

[Tribal Review](#)

[Public Participation Plan](#)

[Public Meeting Record](#)

[PPNA Meeting Sign In](#)

[Letters of Support](#)

Bill Kabeiseman, City Attorney, 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 Carter Stein said he and his partner were active in the Park Place Neighborhood Association. He had also volunteered hours to put together the Community Garden and participated in the neighborhood meetings with PPNA and participated in the community outreach, design charettes, and neighborhood meetings. He thought he was able to make an objective decision on this application.

Laura Terway, Planner, explained the applicant's concept general development plan which looked at the general impacts of the project. If approved there would be a series of detailed development plan applications. The site was located off Holcomb Boulevard near Apperson, Gain, and Front. The site was split zoned, the northern half was R 3.5, the bottom of the site was MUC 1, and adjacent to the site was R 6, MUC 1, and various zoning. The site was developed with a 1940s housing project called Clackamas Heights. The applicant proposed to demolish all of the existing structures on site and construct up to 283 dwelling units, a community center and other uses as well as reconstruct the street network to provide connectivity for the site and adjacent neighbors. The project would be completed in phases with the first phase beginning next year and full build out likely within five years. The applicant applied for a Natural Resource Overlay District exemption. She discussed the applicant's requested 13 adjustments to the Code and how they would be implemented. ODOT submitted comments identifying errors in the applicant's traffic study. ODOT suggested that SDCs be charged and earmarked to pay for Phase 2 of the Jughandle project. Staff recommended approval of the application with conditions of approval.

Mr. Konkol said the City identified all of the needed improvements on the State highway system and charged 30% of those projected costs and incorporated them into the SDCs.

Ms. Terway submitted Exhibits 1-4 in the record: the 1999 wetland inventory riparian assessment by Shapiro and Associates and comments by Larry Potter, Parks Operations Manager, stating there were no conflicts with the proposal and letter from Nancy Kraushaar, City Engineer and Public Works Director, dated August 30 and letter from Gail Curtis at ODOT dated August 30.

Mr. Konkol said there was an August 20 letter to staff from Mr. Riplinger that discussed a small increase in traffic to 213 and Redland Road intersection. He thought the contribution of SDC funds for Phase 2 of the Jughandle were adequate for the number of trips that would be added during peak hours.

There was discussion regarding how the application would impact the housing inventory for affordable housing, the lack of specificity in the design, and concern about Police Department negativity towards the application.

Terrell Anderson, Executive Director of the Housing Authority of Clackamas County, and Ann Lininger, County Commissioner, and Steve Morrow, co-applicant with the Housing Authority. Mr. Anderson addressed the funding for the project through a grant and mitigation of police issues. Commissioner Lininger said there was a large wait list for this type of housing in Clackamas County. This project would not only help meet the need for affordable housing, but would help triple the density of a wonderful piece of property in a good area, create construction jobs, energy efficient campus that offered many services, and there was great enthusiasm for the project. Mr. Morrow said this would be a benefit to the community, Park Place neighborhood, and commercial development. Mr. Anderson explained how the home ownership component would work and relocation of the current residents and how the area was planned as a social and environmental solution. Mary Bradshaw discussed Eco-Districts and how they dealt with sustainability issues.

Chair Powell was concerned about the increased traffic especially during rush hour. Ms. Terway said the traffic study addressed the traffic impacts and the improvements to mitigate those impacts.

Christopher Stanley of Greenlight Transportation explained the traffic study and the impacts of the project on the system and improvements to be made. The project was consistent with the Holcomb Boulevard Plan. He also explained the criteria for the proposed neighborhood retail and how it would be consistent with the transportation plan.

Tammy Shacher, architect, said the retail space would be a small piece and complimentary for what was in the area.

Commissioner Stein asked about the risks and value of these kinds of projects for the neighborhood. Mr. Anderson said once the grant was received, the other funding would fall into place. The phasing was tied to the funding. Ms. Shacher said when the Housing Authority created the re-development master plan, they looked at the criteria for the competitive grants to put in the development. There was also discussion about the flex space for various providers and maintaining the land that was not currently developed.

Ms. Shacher described the main features of the development.

Lisa Folkins, planner on the project, explained how the design worked around the trees that were on the site. She discussed more of the design of the site.

Linda Israelson of Oregon City was a resident of Clackamas Heights. She thought this would be an improvement to the current residences and would benefit Oregon City.

Nancy Walters of Oregon City was representing the Park Place Neighborhood Association. The Association submitted letters of support for the application and had been highly involved in the process. The Housing Authority was a central part of the neighborhood and had formed a partnership with the Association. This was a unique and collaborative project. This was not a profit driven project and was geared for long term planning. She also discussed existing transportation issues and how the

project would help with connectivity.

Ila June Florence lived on Redland Road wanted to know what would happen to the residents while this project was being constructed.

Mr. Anderson said the residents would decide where they wanted to live out of many options. The relocation plan was subject to the Uniform Relocation Act. It would be two and a half to three years for Phase 1.

Chair Powell closed the public hearing.

Commissioner Stein said a lot of effort had been put into figuring out the design and impacts for this project. He liked the plan as it not only addressed the detailed, technical, and planning issues, but dealt with community issues as well.

Commissioner LaJoie was also supportive of the plan especially given the support by the Neighborhood Association.

Commissioner Groener said the plan did not make the residents wait too long to come back and they would have a much better area than what there was currently.

Chair Powell thought it was an exceptional plan and it would enhance the neighborhood. He was most impressed with the process and the citizens made this decision.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to approve CP 10-02 Concept (General) Development Plan and WR 10-05 Natural Resource Overlay District Exemption with conditions.

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

PZ 10-01: Comprehensive Plan Amendment and ZC 10-01: Zone Change.

[Commission Report](#)

[ZC 10-01 Final Staff Report](#)

[Applicant Land Use Application](#)

[Transportation Planning Rule Analysis - TPRA](#)

[Replinger and Assoc. Review of TPRA](#)

[ODOT comments](#)

[Caufield N.A. comments](#)

[Annexation Agreement - Police Services](#)

[Resolution 09-02 TSDCs](#)

[Metro Comments - Title 11](#)

[Clack. Comm. College - condition of approval for Meyers Rd extension](#)

[Metro Title 1 and 7 findings](#)

[Beavercreek Road Concept Plan - Concurrence](#)

[Meyers Road / 213 Transportation SDC](#)

other items

Mr. Kabeiseman 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 Stein knew of the site and drove by it.

Commissioner LaJoie knew of the site and participated in the Beavercreek Concept Plan.

Pete Walter, Associate Planner, said the Comprehensive Plan Amendment was a change from Future Urban to Mixed Use Corridor with a Zone Change from County FU-10 to City MUC-1. The address was 19896 Beavercreek Road and the parcel was 9.6 acres in size. He described the site and surrounding area and gave a background on the piece of property. This site had been planned to be a mixed employment village in the Beavercreek Road Concept Plan. The Concept Plan was appealed to LUBA and had been remanded to the City and Metro. The applicant was proposing no development at this time, but was requesting a zone change to MUC-1. He explained the approval criteria and the Transportation Planning Rule for this application. ODOT determined that if the rezoning caused the volume capacity ratio to increase by more than a factor of .01, they would consider that to be a significant impact and would require mitigation. If the Meyers Road extension was not built, there would be two locations where this would exacerbate the existing traffic failures, Highway 213 and Molalla and Highway 213 and Meyers Road. If the Meyers Road extension was built, the only intersection which potentially exceeded the .01 factor was Highway 213 and Meyers Road. If the City could make a written determination that certain improvements which would alleviate the situation were reasonably likely to be constructed by 2027, it would have the support of ODOT. The City was already collecting SDC charges for Highway 213 improvements and the Meyers Road extension. There were also plans for an additional north-south lane on 213. With the anticipated improvements, the addition of a west bound right turn lane at Highway 213 and Meyers Road at the time of development which would bring the volume capacity ratio to a reasonable range. He reviewed the conditions of approval and discussed the difficulties the Beavercreek Concept Plan remand posed on this property.

Mr. Konkol said the City was in the process of having the Concept Plan that was approved by the Commission comply with and address the reason for the remand. There was discussion regarding how this application fit in with the Beavercreek Concept Plan.

Mr. Walter said based on the consistency with the Comprehensive Plan and the ability to serve the area with public facilities and transportation infrastructure, staff recommended approval with conditions.

Mr. Konkol read an email from Metro into the record. The land had never been Title 4 land and Metro's concerns did not apply.

Phil Gentemann of West Linn introduced the team that helped prepare the application. This was an application to re-zone the property from Clackamas County FU-10 to the Oregon City MUC-1. Without the zoning the applicant could not proceed with financing the property or partnering to develop it. The applicant owned the property for four and a half years and the property was brought into the UGB in 1979. He had been part of the development of the Beavercreek Concept Plan. The MUC-1 zone was compatible with and conformed to the Concept Plan.

Phil Worth with Kittelson and Associates said there had been a great deal of coordination with ODOT to make sure their concerns were addressed in the conditions of approval. He thought the City

would have a system that worked when the property developed. Chair Powell opened the public hearing and asked for public comment. There was none. Chair Powell closed the public hearing. Commissioner LaJoie thought the application made sense and he supported the application. Commissioner Stein said it was the logical next step and he did not think they needed to wait for the remand process to approve the application. Chair Powell said his concerns had been satisfied and supported the application as well.

Mr. Konkol clarified that the Planning Commission believed this application could move forward based on the fact it was brought into the UGB in 1979 and was not subject to Metro Title 11 concept planning requirements and did not have Metro Title 4 industrial lands.

The Planning Commission believed the application met the requirements.

Motion by Commissioner Dan Lajoie, second by Commissioner Chris Groener to to recommend approval of PZ 10-01: Comprehensive Plan Amendment and ZC 10-01: Zone Change as proposed by the applicant with conditions to the City Commission at their September 15, 2010 meeting.

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

PLANNING DEPARTMENT UPDATE

Mr. Konkol said at the City Commission meeting on September 1 the potential lands for UGB expansion would be discussed. He explained the issues and how the City Commission would need to decide whether it was appropriate to expand the UGB at this time and whether it was appropriate to include Maple Lane.

Mr. Konkol also announced a new Building Official had been hired, Tom Hosey.

6. ADJOURN

Chair Powell adjourned the meeting at 9:37 p.m.

September 28, 2010

Mr. Tony Konkol
Community Development Director
City of Oregon City
221 Molalla Ave., Suite 200
Oregon City, OR 97045

RE: Hilltop Redevelopment
CP 10-01
DP 10-02
WR 10-03

Dear Tony,

Please accept this letter as our request for a 2 week continuance to October 25, 2010 for the Public Hearing for the above referenced Land Use Applications as well as a 2 week extension to the 120 Day clock.

Thank you for cooperation. Please call me at (360) 823-2714 if you have any questions.

Sincerely,



Mark J. Perniconi
Development Consultant

Cc: Craig Danielson
Carol Suzuki
Jill Long
Jim John

1701 SE COLUMBIA RIVER DRIVE
VANCOUVER, WASHINGTON 98661
TEL : VANCOUVER 360.696.0837
TEL : PORTLAND 503.283.5365
FAX : 360.696.1007



Agenda Item No. 4a
Meeting Date: 11 Oct 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Pete Walter, Planner
PRESENTER:	Pete Walter, Planner
SUBJECT:	CP 10-01 / DP 10-02 / WR 10-03 (Continuance): Approval of a Master Development Plan, Detailed Development Plan and Natural Resource Overlay District Review for Redevelopment of the Hilltop Mall, including a new Grocery Store and Retail, Parking Lot and Associated Improvements.
Agenda Heading:	
Approved by: Tony Konkol, Community Development Director	

RECOMMENDED ACTION (Motion):

Open the public hearing, take testimony from any members of the public present and wishing to testify, and continue the public hearing until the next regular meeting date of October 25, 2010.

BACKGROUND:

The applicant has requested a two-week continuance (Attached).

BUDGET IMPACT:

FY(s):

Funding Source:

ATTACHMENTS: