

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
November 10, 2003**

**COMMISSIONERS PRESENT**

Chairperson Linda Carter  
Commissioner Dan Lajoie  
Commissioner Renate Mengelberg  
Commissioner Lynda Orzen  
Commissioner Tim Powell

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
Tony Konkol, Associate Planner  
Ed Sullivan, City Attorney  
Jillian Zacharias, David Evans & Associates

**COMMISSIONERS ABSENT**

None.

**1. CALL TO ORDER**

**Chair Carter** started by thanking the overwhelming number of people who were in attendance for coming and said that, assuming most of them had come regarding the Comprehensive Plan agenda item, there would be a continuation of this hearing to the meeting on Nov. 24<sup>th</sup>, for which staff would try to make arrangements to have the meeting moved to another location to accommodate the larger attendance. She apologized to those standing outside in the rain and suggested they might want to go home and watch the proceedings on television, then come to the next meeting.

She then called this meeting to order.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

None.

**3. APPROVAL OF MINUTES: (None available.)**

**4. HEARINGS:**

**PD 03-03 (Quasi-Judicial Planned Unit Development Hearing), Applicant: Brian D'Ambrosio, Representative: Monty Hurley. Request for the approval of a 28-lot PUD on the properties identified as Map 3S-2E-16B, Tax Lot 100, located at 14490 Glen Oak Road and Map 3S-2E-16B, Tax Lot 501, located at 14468 Glen Oak Road.**

**WR 03-16 (Quasi-Judicial Planned Unit Development Hearing), Applicant: Brian D'Ambrosio, Representative: Monty Hurley. Request for the approval of a Water Resource Determination on the properties identified as Map 3S-2E-16B, Tax Lot 100, located at 14490 Glen Oak Road and Map 3S-2E-16B, Tax Lot 501, located at 14468 Glen Oak Road.**

**Konkol** said he had received a letter from Mr. Hurley (the applicant's representative) requesting that both files (for the Planned Unit Development and the Water Resource) be continued to the Dec. 8, 2003 Planning Commission hearing. The applicant had agreed to extend the 120-day period by 28 days (the time difference between this hearing and the Dec. 8<sup>th</sup> hearing). He also noted that the applicant was present, and the applicant simply said they were formally requesting a continuance.

**Konkol** concluded by saying that staff recommended the granting of a continuance.

**Mengelberg** moved to continue files PD 03-03 and WR 03-16 to a date certain of Dec. 8, 2003. **Powell** seconded the motion, and it passed unanimously.

**L 03-01 (Legislative Hearing), Applicant: City of Oregon City. Request for the approval of amendments to the Oregon City Comprehensive Plan; Oregon City Comprehensive Plan Map; Oregon City Zoning Ordinances: Chapters 12, 16, and 17; Oregon City Zoning Map changes from R-6/MH to R-6 Single-Family, RD-4 Two-Family to R-3.5 Dwelling District, Central Business District and Tourist Commercial to Mixed Use Downtown, and M-1 Light Industrial and M-2 Heavy Industrial to GI General Industrial; Adoption of a new Water Master Plan, and Sanitary Sewer Master Plan.**

**Chair Carter** again expressed her thanks to the many citizens who had come and who had requested to testify. She said this would be the first of several public hearings, stating that there would be at least two if not three for the Planning Commission, after which it would go forward to the City Commission. She said there are several different parts to the Comprehensive Plan so Dan Drentlaw would present some of it, Consultant Jillian Zacharias would review what the public process was to this point, and City Attorney Ed Sullivan would speak to the legislative process regarding the Comprehensive Plan.

She said it was also different from a quasi-judicial process, noting that this is the first time in 22 years that the City has redone the Comprehensive Plan so, she said, this process is new to the Planning Commission as well.

(Note: Full copies of all staff reports, applications, documents, and visual aids applicable to this application are available for review in the public record through the Planning Department.)

**Sullivan** said the documents distributed for this hearing were the rewrite of both the Comprehensive Plan and substantial parts of the City's Code relating to land use regulation. Because the Commission was not focusing on any one property, this is not deemed a "quasi-judicial" hearing; rather, they are making policy. As a result, many of the procedural requirements that normally attach to a quasi-judicial hearing, such as the revelation of ex parte contacts and certain portions of the bias regulations, do not apply. The Commissioners are not obliged to enter individual findings for the reclassification of any one property, but they are obliged to meet the statewide planning goals and the Metro Plan requirements, and to be consistent with any unamended provisions of the City's Comprehensive Plan. With regard to the regulations, the regulations carry out the Plan and they are required to be consistent with that plan and sufficient to carry out the plan.

He suggested that they take all the testimony and allow staff to digest it and bring back a memorandum dealing with the various points that are raised, so that the Commissioners could see it in a written form, digest it, and deal with it when they make their recommendation to the City Commission.

**Drentlaw** noted that the procedures for this hearing would allow 15 minutes of testimony for persons representing neighborhood organizations and 3 minutes for individuals. He also clarified for the Commission and the public that this is a very complicated process which has included great amounts of information, and he reiterated the Chair's statement that there would be as many public hearings as needed to give time for any and all that wished to speak. He said he knew some people might have specific questions about the zoning and the Comprehensive Plan Map designation for their particular properties, and he encouraged them to contact the Planning Department if they didn't get their questions answered this evening.

**Drentlaw** said there were a number of things to be said about the changes being presented, the first and foremost being an overall policy guide as to how the City develops in the future, which is divided into several different chapters. Along with the policies that accompany the Comprehensive Plan is a Comprehensive Plan Map, which was on display. He noted that it contained some changes to what was previously adopted in the City, and he clarified that neither the Plan nor the Map have been adopted since 1982 and there have been many

changes since then. Probably the most significant include the city's growth in the interim, changes in Federal regulations, and mandates from Metro that the City needs to meet. He said staff and the many people involved have done their very best in trying to address these various items.

**Drentlaw** said the other part of the package that needs to be discussed is that of the Water and Sewer Master Plans, and staff would give a more specific presentation on those at the next public hearing in two weeks. However, they would concentrate on the Comp Plan and the Comp Plan Map this evening. He said there are also a number of zoning changes and Zone Code changes which would be discussed more fully then as well.

He then moved to summarizing the most significant parts of the policy document, the Comp Plan, as follows:

- **Citizen Involvement:** The first chapter involves citizen involvement and, he said, several policies regarding citizen involvement have been added to the Plan. Probably the most important are (1) to provide a process for public improvement through our Citizen Involvement Committee (CIC), and (2) recognition of the need to do neighborhood plans. The Plan also recognizes the need for the CIC to develop by-laws.
- **Land Use:** Since this is probably the most important part of the Comprehensive Plan, consideration has been given to three major areas:
  1. Downtown, which corresponds to our traditional downtown and what we call our regional center in terms of a Metro designation, so the proposal is for a Comp Plan designation that allows for a little bit more flexibility. The emphasis is on Retail/Commercial, Office, and Higher Density Residential. He said everyone who has worked on the Comp Plan is concerned that the downtown area be a more viable part of the city.
  2. The Corridor along Molalla Avenue and 7<sup>th</sup> Street, which has been designated as a transit corridor. The Comp Plan designation encourages mixed uses at lower densities than what would be seen downtown. The focus is to provide two- to three-story buildings along Molalla Avenue, ideally with parking in the back and street trees, benches, and landscaping to provide a more livable environment along those corridors and to provide a good corridor for (bus) transit.
  3. The Beavercreek area. Metro recently expanded the Urban Growth Boundary (UGB) in that area as well as two others in the city. One of our responsibilities in terms of Metro is to make sure we have enough land for future employment in the city, so this area has been designated as Industrial. A lot of the area was already industrial but more area has been added.

**Drentlaw** said the important thing to realize about that area as well as the other two UGB areas (the South End area and the Park Place area) is that Metro requires that more specific "concept plans" be done for those three areas within four years, and staff hopes to make sure that the people who live in those areas that were just brought into the UGB are involved in that planning process.

- **Open Space, Scenic, and Historic Areas:** The need exists to recognize Metro requirements for Title III (which is also State Goal 5), which is the protection of natural resources. Therefore, policies have been added regarding that.
- **Air, Water, and Land Resource Qualities:** Policies have been considered regarding night skies and restricting the amount of lighting, and there have been discussions regarding pedestrian accessways.
- **Natural Hazards and Natural Disasters:** Policies have been added regarding protection of water resource districts and adoption of the State hazard maps as a way to regulate development on unstable and steep slopes.
- **Economic Development:** Consideration was given to the Metro requirements that say we need to analyze the 20-year supply of land needed for residential and jobs, which is one of the primary reasons for the addition of some industrial areas on the Comp Plan now. Policies have also been added emphasizing the

preservation of existing industrial land. There has typically been a high demand of commercial building and industrial land and the need exists to preserve some of those industrial lands if we want to see higher paying jobs. Considerations included: Encouraging private/public partnerships, training with Clackamas College in terms of potential employers in the cross-stream that occurs with the college, the retention of existing employees, tourism, and home-based businesses.

- Housing/Affordable Housing: Metro's requirement for a minimum 80% density has been added to the Plan as well as some restrictions on garage setbacks. The intent there is to try to look at housing types that keep the garage set back as far as the house for aesthetics.
- Transportation: The most significant is the adoption of a service standard for vehicle trips, which is critical in terms of new development. It will allow us to require developers to make improvements and it would give the option for denial of a development if the level of service standard for auto traffic is not met. The proposal is based on the original Transportation Plan, which requires that if level of standard F is exceeded during the peak hour, or level of service E if located inside the city but outside of the regional center.
- Urbanization: The Plan includes much discussion about the need to do concept plans or neighborhood plans for the areas prior to annexations.

**Drentlaw** noted that just because a Comp Plan Map designation is on the map doesn't mean someone can develop to that use. There are a number of steps that must happen before development can actually occur, especially in those areas in the UGB, and most if not all of which involve public input. Before they can be developed, they must be annexed into the city, which in Oregon City must occur by a majority of the vote of the people. So, he said, an annexation is not automatic. Then, assuming an annexation does happen, the next step is the rezoning, which in Oregon City means the applicant would have to apply for an industrial zone. This, too, involves a public hearing and is not a guaranteed thing. After a rezone, there must be a Site Plan and Review, for which there are notification requirements and another opportunity for public input.

**Zacharias** then spoke about the process, saying that in early 2002 the consultant team of David Evans & Associates, Ed Murphy & Associates, and Jean Lawson Associates was hired to conduct a public involvement process to update the Comprehensive Plan for Oregon City. Shortly thereafter they convened a group of stakeholder representatives (about April, 2002) which included representatives of neighborhood associations, local businesses, an Affordable Housing advocate, the development community, youth, the School District, Metro environmental interests, and the Planning Commission. The ground rules for the CTAC group were that it operated by a consensus, meetings were noticed and open to the public, and they were held in Oregon City at either the Pioneer Community Center or Carnegie Center generally on the third Thursday of each month from 7:00 to 9:00 p.m.

The CTAC group met six times from April to October, 2002, during which they looked at different things at each of the meetings. They first reviewed existing conditions in the city and a review of the current (1982) Comprehensive Plan. At subsequent meetings, they reviewed the existing plans and policies to see what might need to be changed given changed conditions. During that time they also did a housing inventory in Oregon City, including vacant and redevelopable lands, to see how many residences the city could be expected to accommodate for the next 20 years. The CTAC group then reviewed that inventory and analysis.

There was also an inventory of redevelopable land for employment. This was to help the city to comply in the new Plan for Metro requirements.

Open houses were held during that time, the first one in April, 2002 and again in September and October, 2002. The first open house was generally to introduce what was happening in the city, and to let people know what

was going on as well as to receive input regarding their concerns. By September and October, a draft plan was prepared which was presented to the public for their input. This also included changes to the map.

Regarding notification, two newsletters were sent to interested parties from a list compiled from neighborhood associations, City committees, media, participants in the first City Futures visioning process, and other interested parties who were called from the City public participation lists. In addition, copies of the newsletters were placed in City Hall, libraries, and the community center, and were distributed at neighborhood meetings. Press releases were sent to *The Oregonian*, *Oregon City News*, *Oregon Spectator*, *Trail News*, and Willamette Falls Cable Access prior to each of the open houses. Notices of the CTAC meetings were also distributed to media. Press releases were distributed by City staff. In addition, the *Trail News* (sent out with the water bills) featured information about the Comp Plan update and open houses in the April, August, and September 2002 issues.

**Chair Carter** noted that the process was very long and very arduous to begin to understand what the Comprehensive Plan encompasses, and the job was even more complicated because the State requires that the Comprehensive Plan be updated every ten years but we have been working with our current Comp Plan for 22 years. Because it had been so long, there was much to be included in the revisions that is pertinent to our situation today. She said that Comm. Orzen, Mengelberg, and herself were representing the Planning Commission at that time and Comm. Powell was representing the CIC at that time, and she reiterated that this is the Planning Commission's work because it is our land use policy for how Oregon City would grow into the future. She said one of the difficulties is to fathom our future 20, 30 or 40 years down the road and had our forefathers been able to foresee today, they would have provided wider roads to accommodate that growth. The Comp Plan tries to give the tools for the city to plan as smartly and as cohesively as we can at this point in time.

With that said, **Chair Carter** said this Planning Commission believes in the public process 200% and that when the public process works as it should, we can arrive at the right answers. Therefore, this Commission was here to listen carefully and with focus to their comments and in turn she asked that the citizens respect the public process itself, to respect the role that the Planning Commission plays in the process, to respect themselves as citizens who have come to participate in this process, and to respect all the staff, the consultants, the attorneys, and everyone involved to run the city because it is such a huge job.

**Chair Carter** reminded the public of the procedures for this hearing and opened the public hearing for public testimony. She also asked that the comments and questions this evening be held to the Comp Plan and the Comp Plan Map, noting that Engineering, Water Resource, etc., would be addressed at the next meeting.

**Konkol** entered into the record letters that were received at City Hall after the staff report was sent out and up to the beginning of this evening's hearing, copies of which would be distributed to all the commissioners after the hearing. These were entered as Exhibit A for file 03-01.

**Richard Cohn-Lee**, 16509 S. Edenwild Lane, said he would be addressing his comments mainly to the northeastern area of the core of downtown Oregon City and mainly to a series of tracts (Park Place Village) which have been proposed for this area by developer Kent Ziegler. Simply, he said he was there to protest any part of the Plan amendments that would facilitate the development of Park Place Village, and he noted that many others from the Park Place and Holcomb neighborhoods were also in attendance to testify.

His first concern was about the inability to get a definitive answer as to whether the proposed changes would add those properties just noted to the Comp Plan area. At the end of the week before this meeting he said they were still hearing two different answers to this question, the first being that this Comprehensive Plan amendment does not include those properties. However, he noted that they are outlined on the map in black, which would indicate to him that they are to be affected by these changes.

He said they were in attendance to urge that all properties on the northeast side of Oregon City that were added in the UGB (Urban Growth Boundary) expansion in December, 2002 be excluded from the amended Comp Plan. Further, they asked that no decisions be made in this amendment process that would facilitate the rezoning or annexation of this property. Inclusion of this property in the Comp Plan, he said, would continue the process of “the cart before the horse” that has been demonstrated over the past year. The development of this property is commercial and industrial with a new road constructed to connect Holcomb and Redland Roads, which is what they object to. Again and again, the inclusion of this property in the UGB and the development of it as a commercial and industrial site has been justified in the interest of getting the developer to build this connector road, yet in 2001 when the Transportation System Plan (TSP) was developed with citizen involvement, some 13 connector road needs were identified. This road was not identified. Indeed, no one, (staff or public) identified the need for this road until a developer needed it to justify urbanization of property that can be sold for much higher prices if it is Commercial/Industrial rather than Single-Family housing. He said that the [staff] summary says that the TSP is to incorporate goals and policies from the 2000 TSP, the same plan that omitted any need for that road. Further, no opportunity has ever been provided to the resident or Holcomb Road area to weigh in on the ultimate question on this matter: Should this Park Place Development be approved? Yet City staff, elected and appointed officials, and Metro have acted like it is basically a “done deal.” We believe, he said, that a development of this size, including hundreds of additional low- and medium-residential units, is not needed now nor ever. The consultants who reviewed the data in 2002 concluded that Oregon City had adequate residential land without any expansion of the UGB. Why then, he asked, are we considering annexing to the city and allowing construction of hundreds more units, including multi-family and apartment complexes and commercial development? Nor is this property needed for commercial and industrial development based on real life experience here in Oregon City. Large parcels of the Red Soils area remain undeveloped and the UGB expansion added considerable additional acreage in the vicinity of the community college and new high school. These areas present a far more logical place for concentrated development to occur.

No consideration has been given to where children from this large number of new homes will go to school. Last year the Oregon City School District opposed this UGB expansion because both Holcomb and Redland Schools are at capacity. Does anyone believe, he asked, this community will pass another bond measure to add onto those schools again? He doesn't think so. Already approved developments will fill up any existing space that could be feasibly added.

It was noted by Comm. Bailey last week at City Council that travel along Holcomb is horrible now without any connector road funneling in. Sidewalks are inadequate and getting to school is so dangerous that for many years the school district has bused all students to Holcomb and Park Place, even those living a few blocks away. He said the citizens object to plans to have the city or county fund the construction of sidewalks, bike lanes, and the redesign of Holcomb Road and the intersection with Maple Lane. Why transfer to the taxpayers, he asked, the costs that are necessitated by Ziegler's planned development?

It was acknowledged a year ago by City Comm. Doug Neeley that there is enough land within the city boundaries to yield a city of 50,000 people. He questioned whether the city should grow any bigger, and **Cohn-Lee** said they believe most of the residents of Oregon City as well as the residences of the Park Place and Holcomb areas see 50,000 as enough. Just as in Canby and West Linn, voters will use their power at the ballot box to turn back a development that is unneeded and incompatible with the character of the area.

**Dan Berg**, 20122 S. Molalla Avenue, said he has been at this location since about 1980 although they were just annexed into the city last year. He said he was told at a meeting with the Commissioners and the mayor at the time that his property would come into the city as commercial property but that didn't happen because of an error in the County. While he was in the County, he was able to expand his business (including adding a new

building) but now that he is in the City, he is told he can't do any expansion at all because of the new zoning change. He said that piece of property has been Commercial for over 50 years and there is no reason why it shouldn't remain Commercial, and he said now is the time, with this Comprehensive Plan change, to bring it into line with what he was originally told and which is in the original records.

When **Chair Carter** asked for clarification of the location, **Berg** said 20122 S. Molalla Avenue is the main address but there are actually four properties there. He also clarified that it is currently zoned R-10. He also said a representative from the Oregon City Planning Department was present when his permit was granted by the County, yet now he is being told he cannot do any more expansion because of the zoning change. He said it seems like the city is trying to get more land for this purpose yet they are taking away three acres that are already there and already contain a viable business that has been there for a long time.

(**Berg** had brought a picture of his site, which **Konkol** entered into the record as Exhibit B.)

**Cheryl Clunes**, 20009 S. Torrey Pines Court, said she is a resident of Oregon City and she has worked with the public for over 20 years in the real estate industry, so she thinks she has a good feel for what the citizens want and how the industrial zoning on Beavercreek Road across from the high school would affect not only the high school but the neighbors within the area and all of Oregon City.

The principles of smart growth are to accommodate the city's needs alongside the needs of the people. The strategies for planning and designing the best surrounding neighborhood for the Oregon City High School should coincide with those planning to accommodate the principles of smart growth within Oregon City. The most viable means for accommodating Oregon City's projected population and infrastructure needs for the next two decades is through a combination of more compact suburban development and a renewal of the surrounding city itself. The planning and design of more community-centered neighborhoods can enhance the principles of the smart growth.

Creating an urban magnet, one of the key ingredients in developing the smart growth of a more viable Oregon City, is to provide public facilities that act as magnets for development within that city and the already-established suburbs. These magnets include things like libraries, parks, fitness and recreation centers, art centers, golf courses, clinics, and health human services.

One of the most important of these facilities is a thriving and healthy system of public education, our new high school, creating a gradual transition of buffered zoning. It is important when designing the city's flow to use a gradual buffer from Residential to Industrial. The Oregon City high school is a great magnet for Oregon City. This is one of the reasons families want to move here and stay. From this focal point (the high school), the land should be surrounded by only Low-Density Residential and then graduate from Low to Medium-Residential to High-Residential to Mixed Use, then Commercial, then Industrial. The creation of a residential area immediately surrounding the Oregon City High School would create a desirable neighborhood for families and it would also help reduce traffic to the school. This would also help decrease the possibility of injuries caused by inexperienced drivers driving to the high school. The result could be increased parental participation, less dependence on vehicular transportation, and increased quality of life. To the degree that schools can also be designed for services, social, recreational, and cultural centers for the community, these resources can be provided with greater access and convenience for parents and teachers and school personnel.

**Cathy Van Damme**, chairman representing the Caufield Association of neighbors, 15092 Persimmon Way, said she was here to speak to the process. She said they heard of some of the proposed zoning changes at the steering committee meeting in October. They submitted a letter on Nov. 2<sup>nd</sup> to the Planning Commission asking, because of the timeline, that no decisions about this be made until after the first of the year because there was no way to contact the whole neighborhood (about 500 homes) to discuss these issues. She said their next

meeting would be Nov. 20<sup>th</sup>, to which they had invited Drentlaw and Kraushaar to attend. Therefore, she said she had no complaints at this point, but she would ask if some time could be allowed to give them the opportunity to understand what this is all about and to have time to respond to those things which could potentially affect their neighborhood.

**Mengelberg** asked staff when this was scheduled before the City Council, to which Drentlaw replied that Dec. 17<sup>th</sup> is the first scheduled hearing.

**Jim Bean**, 13803 Canyon Court, said he was speaking as an individual representing the Younger family who own about ten properties along Molalla and Beavercreek, all of which are currently zoned Commercial and have been for many years. He said the biggest pieces were zoned Commercial at the instigation of the City following some City ordinances that found it necessary to add them to the Commercial zoning for the city. (He submitted a document in which these were highlighted.) Slightly to the southwest of the triangular highlighted properties, he said there is a site that is going to be transferred from Industrial to Commercial, which will add a commercial property that would be taken away from that zoning from the Youngers and the Jacobys in their larger tracts of properties. He said they have paid taxes on those lands for 15-20 years as commercial properties and they are very concerned about that, and they have done planning for their use as such. Thus, they are concerned about them now being changed to some other kind of zoning, particularly because they can't tell whether it is to be MUC-1 or MUC-2. An MUC-1, he said, would be a disaster and there are problems with MUC-2. One problem is that the building sizes required don't fit on lots that size and it simply doesn't work.

Of a general nature, **Bean** said he understood from Drentlaw that this is not a done deal, but he said he knows from practical experience that once a Comprehensive Plan gets adopted it becomes very important in everything the property owners can do with their properties. So, he said, it is very important at this stage to figure out the impacts and whether this is the right way to do it.

He suggested that, regarding the neighborhood plans (Policy 1.7.5), it seems that an argument can be made that we will end up having neighborhood plans modify and change Comprehensive Plans, which he doesn't think should happen. For instance, one of the policies is "to use the neighborhood plans to make recommendation to any city board, commission, or agency having planning responsibilities, particularly as they relate to public improvements and land use decisions." He would respectfully suggest that neighborhood plans should be subject to the Comprehensive Plan, not the other way around.

He then noted that several things have been changed to be decided by the City Engineer rather than the Planning Director, and recalled that in the original discussions there was a way that the Planning Director's decisions could be appealed to the Planning Commission or to the City Council. However, he doesn't see a method for an appeal of the City Engineer's decisions, and he doesn't think anyone from the staff level should be able to make decision that aren't appealable either to the Planning Commission or the City Council.

Finally, he said that if the decision were made to hold some workshops about the neighborhood plans, the Youngers would be happy to have him participate in them. He noted that the city makes great efforts toward public involvement but said he didn't know about this until two weeks prior and he reiterated that he would like to know about workshops and perhaps help with them.

**Konkol** entered the letter from Cloones as Exhibit C and the map from Beane as Exhibit D. Also, a submission from Kathy Hogan (the next to testify) would be entered as Exhibit E.

**Chair Carter** said the public doesn't always the clarity about what we are trying to accomplish so she asked staff at what point we would try to bring clarity—during deliberations, perhaps? **Drentlaw** said staff could do a memo to the Commission, but it would need to come after completion of the testimony. **Chair Carter** agreed.



**Kathy Hogan**, 19721 S. Central Point Road, asked for a continuance on the proposed Comprehensive Plan. She said she went to many work sessions and she finally stopped attending because it was made clear to her that she would not be allowed to give any input, which was greatly upsetting. It would have been a lot easier for her to understand, contribute, and ask questions at the work sessions because the Commission was working through it a little at a time, but now we are dealing with this very big plan which, she said, the residents should have more time to analyze and give input on. She would also like the additional time so the neighborhood association could have a staff person attend or at least have a meeting at which they could give input.

She then listed the following concerns:

- Too much staff authority and too much interpretation (for staff decisions).
- Too many loopholes (i.e., so-called hardships—by whose interpretation?).
- Changes to yard setbacks. She said we should keep present language.
- Single-family housing at the edge of the UGB should, when annexed in, remain R-10 to be compatible with surrounding homes and the livability of the neighborhood.
- Permitted uses in Mixed Use Corridor—includes retail trade, gift shops, specialty stores. She asked if that means another porn shop can be put in the South End area, or what is there to keep a porn shop out of a neighborhood?
- Traffic impact on South End. Truck deliveries/congestion around schools. It is hard to see a road going to Hwy. 99 or anywhere through the Canemah area. Public transportation is not very good on South End.
- Page 69 in the revisions refers to parking. She said single-family dwellings (see page 72) have been changed to one per unit as a minimum from the current standard of two per unit. Who now days, she asked, has just one car.
- PUD's: Hogan said she never liked the Code change to begin with. She voiced her concerns at the early work sessions about this topic to no avail, and she said she sees no reason for it. A subdivision at R-10, she said, is workable.
- Each neighborhood should have a work session to talk about their area and what would be compatible for them.
- Would businesses on South End take business from those existing businesses on the 7<sup>th</sup> Street corridor and on the hilltop?
- With the economy the way it is, can the South End area support the businesses. Also, that makes the hilltop area and the downtown area lose revenue.
- Last year at a meeting about the UGB, the residents opposed commercial use in the South End area and were told it was off the table, yet now it is back again.
- Water resource is a concern because of the high water table and flooding.
- "Pre-application is valid for six months but if no application is filed in that time, applicant must attend another" (page 68). However, she said the Planning Manager may now waive the pre-application but she asked if the neighborhood would get re-notified if that were to occur.

Therefore, speaking both personally and for the Hazelwood/Westling Farm neighborhoods, **Hogan** requested sufficient time to address any other issues she might have missed.

Public comment #8 listed four people on one form: **Larry Roberts, Linda Hall, Wayne Hall, and Kim Southworth**. **Larry Roberts**, 3236 N.E. Everett Street, Portland, Oregon 97232, said he represented his mother, **Lois Roberts**, 19896 S. Beavercreek, who owns ten acres on South Beavercreek Road directly south of the new high school. He said his mother is 93 and his father bought that property in the 1940's as a place of their own to raise their family and establish their nest egg.

Due to the short notice they received regarding the proposed change (which his mother received on Oct. 24<sup>th</sup>), he said they haven't figured out how to work with the neighbors and the city, but they are looking at a Mixed Use concept if possible, which is much more appealing than Industrial. He noted that they have been trying to develop what is shown as the "big purple area" on the map, but they can't now.

He said they support the concept of new industries and new job opportunities, but they would request that the Planning Commission remove the Beavercreek Road section from the proposed Industrial zone area in order to further investigate the Mixed Use concept.

**Mengelberg** asked if Roberts was proposing the entire area east of Beavercreek as Mixed Use or just his mother's property, to which **Roberts** said he thought the group was considering that all of those properties be considered for Mixed Use.

**Linda Hall**, 20100 S. Beavercreek Road, spoke representing 80 people who surround the Beavercreek Road area. She read from a written letter:

"This is a formal letter of opposition in regards to the City of Oregon City's proposed Comprehensive Plan designating the area east of Beavercreek Road Industrial in place of its previous designation as Residential. We the neighbors of this above land are all affected by this proposed Comprehensive Plan draft and we wish not to have industrial within our neighborhood.

We care about what is to become of our whole community, its livability, and its future growth, not to mention what's left of our current wildlife. We believe that by creating a residential environment within our existing community, we will not only draw new families here but also help create harmony for those of us that are already established. By doing this, we will all feel assured by the future of our community's growth as well as the future of the City of Oregon City and Clackamas County.

Furthermore, we believe industrialization is possibly going to have a measurable adverse effect on our property values, and the unwanted commercial traffic, unwanted air, sound, and light pollution.

**Hall** asked to submit this letter into the record. **Chair Carter** asked if it was the same letter that was in their packets, to which **Konkol** said yes, noting that they had received several and saying they would be glad to accept this one into the record as well. He then said it would be entered as Exhibit F.

**Wayne Hall**, 20100 S. Beavercreek Road, said in 1956 he purchased out of bankruptcy Sky Park Airport and since then he has redeveloped the airport, installing hangers, and raising a family on the property. His whole desire is to see the airport maintained. The hangers he first installed came from Wells Airport in Milwaukie. His friend down south, Jack Manhart, is building hangers with 200-year leases to save his property. **Hall** said he knows the city doesn't like airports, but he said there is a lot of use by emergency, military, and taxi planes, and he would like to see the airport remain, whether they have to change the Comprehensive Plan to include it, or perhaps sell properties so people can build houses with hangers beside them.

In summary, he said he was pleading for his airport.

**Kim Southworth**, 15200 S. Loder Road, said she respects the Commission and the process, realizing that they have all been immersed in this project but she and her neighbors have not, so she asked for their forbearance. She said she could testify as a member of the Hall family about the land they own together and also personally because her own home on Loder Road is going to be rezoned Industrial, which is simply not a pleasant thought for her. In fact, she said, it is heartwrenching. Therefore, she was there as a human being before the Commission, not just a plot on a piece of paper, because these actions would affect her family in a very big way. She said her son was also present this evening in support of her family.

She said they have shared memories of the land and home her father and brother built. Her sons and she have planted trees together on the property. They have been residents of Clackamas County since 1956. Her younger son dreams of farming her personal property with “sustainable organic farming” in the future as his legacy from her.

**Southworth** said she hopes the city is planning for some buffer zones for the wildlife in the area because collectively her family’s property borders the end of Redland Valley, across which a lot of wildlife traverse, much to her family’s enjoyment.

She said she understands and supports the idea that the city needs jobs, but she doesn’t feel that the city is looking at the inter-relationships that many of the community members have in the area. For instance, she boards her horses at a neighbor’s stable, who hires people from the community to clean the stalls. That horse manure is picked up by a local community member landscape business for his business.

She said they also provide 32 hangars for airplanes, many owners of whom live within the community, and the golf course is there for the use of many in the community. She also noted that the land surrounding the airport is rent/leased by a farmer who runs cattle. Therefore, because she thinks many people in the community enjoy these amenities, there is an inter-dependence of relationships just within this area.

**Southworth** said it is her opinion that land in and of itself does not create jobs. People create jobs for other people. That said, she said she thinks our community needs some new ideas and some revitalization of vision so the city will attain what it wants in growth and jobs for community members.

She said the most important thing she wanted to say is that this process is going too fast for her and that, in talking to many of her neighbors along Loder Road, it is going too fast for them also. Some feel excluded, disenfranchised from the process, and that the local government is picking up the vision that some other city or people have for our community—that it isn’t really being born out of our community.

Therefore, she would respectfully request that the Commission would remove these properties from the Industrial zone and give them an opportunity to develop a plan they believe the community members and the city will be happy with.

**Bill Holden**, 20124 S. Beaver Creek Road, spoke on behalf of himself and the Herburger family (speaking as a group). He thanked the Commission for their help and said they (the Herburgers) would like to help as well. He read from a prepared statement the following:

“The previous Comprehensive Plan was acknowledged in 1982. In the last 21 years, science and technology have transformed how we communicate and share knowledge and as a result, knowledge and awareness as a society has grown immensely.

A lot of things change in 21 years. Our community’s needs have changed. It is agreed that our community must have a new plan to create the future we want for our children and

grandchildren. Good plans take time and great plans that cause extraordinary results take careful consideration. As a community, we have a vision of what we want Oregon City to be. It is our responsibility to make informed choices and educated decisions with our community's best interest in mind, focusing on our needs for today through 2040 and well beyond. The most current proposed Comprehensive Plan became available for review Nov. 3, 2003 and prior to, our first notice from the City came on Oct. 21, 2003. This is an insufficient amount of time to study all of the changes and their impacts this document represents.

We are particularly concerned about the proposed zone change from Residential to Industrial regarding the area east of Beavercreek Road, south of Thayer Road, to include the Oregon City Golf Course.

It is important that we fully study and evaluate the long-term impacts this type of designation would have on our community as a whole. It is our responsibility to thoroughly research and define as a community how the City of Oregon City's strategies will protect, preserve, and enhance the positive facets of city life. As Oregonians we define the meaning of pioneers. Our innovations include the Bottle Bill, Vote by Mail, Assisted Suicide, and an Urban Growth Boundary. We created Metro to help control urban sprawl for our future growth and economy. Pioneers are those who break traditions, those who set examples for others to follow.

The City of Oregon City has provided its citizens with an opportunity to voice opinions and we are all here tonight to do so. There is a saying, 'If you build it, they will come.' The question then becomes, 'Who?' or 'What kind of industry should we bring into our community without sacrificing our quality of life?'

Nano-technology is relatively untapped and is posed to become a \$10 billion a year business in the next ten.

There is another that is, in the eyes of the general public, in its infancy as well—environmental technology. The environmental industry is completely, or almost completely, untapped in the United States and no state has laid claim to it. However, Oregon is the nation's leader in sustainable building practices and its people pride themselves as the first to recycle. Everything we have done thoughtfully has led us in this direction.

The Portland Metropolitan area is the logical location for it. Oregon City has the potential to attract it. East of Beavercreek Road is ideal industrial land but it is also ideal habitat for ourselves and the flora and fauna of our region, and the Oregon City Golf Course, which is our recreation, serves as open space for wildlife and replenishes our groundwater as well.

Which do we give up, industry or our environment? Do we have to give up one or the other, or can we keep them both and strike a balance? It is our turn and our land. We propose we bring people whose focus is quality of life.

The environment is one-third of what is now being called "the triple bottom line"—improving profits (pay), improving the lives of people, and improving the planet. Rearrange the three P's and the triple bottom line then becomes a complete sentence. "Planet pays people."

As we move further into the 21<sup>st</sup> century and more concerns arise due to climate change, we should be prepared and able to provide our expertise and assistance to those in need of our cutting-edge knowledge.

How do we attract any specific industry to our community? We would like to quote from the Oregon City Chamber of Commerce 2003 directory the City of Oregon City's theme: "Pioneering creative solutions for a more livable community." The answer is, by working together hand in hand the city, community, property owners, and the Clackamas Community College educating our young people and incorporating them directly into the work force.

To allow us time to work together to make something truly great, we ask that this portion of the proposed Comprehensive Plan and related zoning be withdrawn from consideration until February of 2004 in order to fully develop our exciting and pioneering proposal."

**Holden** then said only one of the three total properties of concern, specifically the golf course, is located within the proposed Comprehensive Plan, although the golf course actually sits on three properties. So in order to plan for all of the properties at the same time, they asked that all three properties be included in the proposed Plan amendments and the ultimate annexation.

Holden then introduced Arnold Cogan of Cogan, Owens, Cogan and a senior associate of Cogan, Owens, Cogan, Bob Wise, who is also the co-chairman of the Sustainable Development Commission of Portland and Multnomah County, who are representing his family.

**Konkol** said Holden's testimony would be entered into the record as Exhibit G, the Nov. 10<sup>th</sup> memo from Mr. Arnold Cogan as Exhibit H, and the testimony from Mr. Robert Weiss as Exhibit I.

**Arnold Cogan** of Cogan, Owens, Cogan, 813 S.W. Alder Street, Portland, said their firm has been retained by three families: the Herburger family partnership, which owns about 120 acres, including the golf club; the Hall Family Investment LLC, which owns about 130 acres adjacent to the Herburger family property and including the airport; and the Roberts family, which owns about 10 acres, for a total of about 250 acres.

He said they had already heard from several members of the families about their concern regarding changing the use of their properties to Industrial, so **Cogan** wanted to present to the Commission an opportunity to consider those concerns and still obtain the jobs-producing development that they know is needed. He said they have analyzed the proposed Comprehensive Plan changes, they have studied the documents that the Planning staff have prepared, they have interviewed Konkol to clarify the City's intent, and they appreciate everyone's time and effort to get these documents to the point they are now as well as the assistance they have received to help understand the documents better.

He said they understand the City's primary objective for the Beaver Creek Road area is to create jobs, particularly in the southeast portion where manufacturing is showing, and also to build linkages with Clackamas Community College. They are also aware that the creation of these jobs is pursuant to certain employment targets promulgated by Metro as part of the decision to expand the UGB along Beaver Creek Road. He said they support that goal of creating new job opportunities and want to integrate such a program into the plans for development of this area.

It has been the vision of their clients, he said, to build on their property an ecologically sustainable village that can accommodate a mixed use of eco-industrial, residential, commercial development. They wish to preserve a significant part of the golf course while building a unique community where knowledge and scientifically oriented industry could be located in the same development with homes, retail services, and other commercial facilities.

They have studied the projections of employment need and from their experience with similar developments they know that a sufficient number of jobs can be provided in a development that can also accommodate other uses.

Nearby Clackamas Community College would be an important asset that could complement the type of development they are envisioning. A goal would be to utilize pedestrian walkways and bike paths to interconnect the various parts of the proposed village as well as serve as a principle mode of travel to and from the college.

In order to prepare the necessary plans for this village, they asked that the Beaver Creek area be removed from the current round of planning and zoning changes. They are aware, he said, that the proposed amended Comprehensive Plan calls for a concept plan to be written and prepared for this area once it is annexed to the

city. He said they support the preparation of such a plan and asked that it be prepared first. Then afterwards, when the details have become clear, appropriate land use designations could be created that would be consistent with the Plan.

In summary, **Cogan** said they would be anxious to participate in the preparation of this concept plan and they urged that it prepared before any zoning and Comprehensive Plan designations are attached. He said they look forward to working with the city as they move forward with the creation of a model sustainable village that accomplishes the multiple objectives of industrial, residential, and commercial development with close ties to the community college and the surrounding airport. They believe this approach will produce great benefits for the City of Oregon City for many generations to come.

**Powell** asked if a Campus Industrial concept could fit into the type of environment they are proposing, and **Cogan** said it could. However, there are certain restrictions on the uses that can be placed in the Campus Industrial. They are familiar with it and have used it elsewhere but it isn't written the same way as it is in Oregon City, which is one of the reasons they wanted time to put the concept plan together. They think the goals and intent of Campus Industrial could be adapted to satisfy that, so they think that is a useful consideration.

**Mengelberg** asked what percentage of the land they might be considering for each segment, **Cogan** said that is difficult to answer. He suggested imagining a ten-acre module of industrial, for example, surrounded by residential, primarily, and perhaps a little commercial village connected to it. He said they are not talking about the typical kinds of industrial jobs in an industrial park (assembly, chip manufacturing, etc.). Rather, they are thinking about jobs wherein the staff are PH D's, physicians, and scientists who are working on knowledge-based industries who are compatible with each with the availability of academic institutions, and who are interested in living near their work—thus the reason for developing these homes in the same area. Considering all, it is very difficult to estimate the percentage of jobs, he said.

**Bob Wise**, 320 Woodlark Building, 813 SW Alder Street, Portland, Oregon 97205, spoke representing the same interests—the Herburger Family Partnership, the Hall family, the Hall Family Investment LLC, and the Roberts family. Regarding developing the concept plan, he said they feel they have the ideal setup of potential partners in developing and planning, with the City of Oregon City as number one.

They also believe that the Clackamas Community College makes an ideal partner for such a concept plan. He spoke with Al Erdmann, Dean of College Services, who indicated that they would be willing to work with the landowners and the city in developing a vision for this area. Based on his work with the Oregon University system on similar kinds of projects, he said he believes that the community college could play a tremendous and central role in the kind of economy we're talking about and is really key to this kind of plan.

The second aspect of the community college he wanted to mention was the Joe Iniski (???) for the Environmental Learning Center. He said he spoke with Allison Hemowitz from the Learning Center, who indicated that the college would be interested with the landowners, the city, and others to support the effort to develop and share models of how to have urban development while protecting the environment. So they think this could be a model area and help the educational component.

**Wise** said they have three priority areas: wildlife and urban areas, healthy watersheds, and sustainable living, all of which fit into the concept being discussed.

**Wise** said they also feel the Caufield Association of Neighbors would make an excellent collaborator in developing this plan because of their interest in the quality of development there. They also believe the high school and the school district would be critical because of the nearby location of the high school.

He had also spoken with Shelly Perini, Director of the Oregon Science and Technology Partnership, who said they had just added Clackamas County Commissioner Martha Schrader to their Board and they are willing to share their expertise in concept planning for the kind of new economy strategy Cogan was mentioning. They have currently supportive traction expansion (???) of science technology jobs and research in the commercialization in all of eastern Metro but, specifically, Fairview, Gresham, Troutdale, and Wood Village.

In summary, he said they believe the collaborative concept is possible with the city, the landowners, the community college, the school district, Oregon Science and Technology Partnership, and they want a chance for the community to pull together a great new strategy for that area. He said they foresee the village concept as being a major attractor and generator, with the stress in compatible uses, sustainable development, green building technologies, energy conservation, trails and bike paths, ecological landscape, and advanced pollution control. He noted that they actually work with people who are working on eco-industrial parks all around the country and they are very interested in continuing this dialogue and working together with Oregon City on this.

**Konkol** entered into the record Exhibit J, a submission from Larry Griggs, the next speaker.

**Larry Griggs**, 11314 Lagato Drive, spoke representing several churches within the city.

Regarding Zoning Code Chapter 17.56, which addresses conditional uses, he said it includes criteria for allowing for allowing a conditional use, one of which is that “the proposal satisfies the goals and policies of the city’s Comprehensive Plan which apply to the proposed use.”

He then read from their submission:

“It has come to our attention that the proposed Comprehensive Plan for Oregon City does not sufficiently address the inclusion of structures which would be identified as institutional and community facilities. These would include but not be limited to churches.

We therefore ask that one of the following included options be included in the Comprehensive Plan. If further input is needed, there are members of the church community who would make themselves available to the Commission.”

He explained that one of those two options would be to make editorial changes to policy 2.4.7 to revise that reading to include, “Ensure a process is developed to allow for institutional and community facilities such as neighborhood schools, senior and child care facilities, churches, parks, and other uses that are vital components of a growing community and serve the needs of the immediate area and the residents of Oregon City.

The second option would essentially do the same but would place a new goal between 2.4 and 2.5, which would state, “Institutional and Community Facilities: Provide for the development of institutional and community facilities such as but not limited to schools, churches, senior and child care facilities, and parks.”

This would be followed by a policy, 2.5.1 and an action item, 2.5.1.

**Jim Kosel**, 11466 Finnegan’s Way, said his concerns are about establishing mixed use corridors along the South End area and the lack of neighborhood participation and the rezoning in this area, both within the city limits and the UGB and areas contiguous to the UGB.

He said that at a CICC meeting earlier this year, the City Manager stated that residents in the South End area needed a place to buy a gallon of milk. He said that South End Grocery has been a continuous operation since

at least the 1940's, supplying the community with milk, groceries, and gasoline. Some people even say that the former building went back to the turn of the century and was a stage coach stop at one time.

A year ago at the UBG meeting at the community college, another City Manager stated that when gasoline reaches \$4.00 per gallon, the South Enders would be happy that retail businesses were put in their area. Both of these statements by City Managers give the illusion that the South Enders are the cause of congestion on Oregon City streets. However, he doesn't believe there has been a single study conducted that gives any credence that they are or will be the cause of congestion on Oregon City streets.

At a CICC meeting of Oct. 14<sup>th</sup>, information was presented that Oregon City's population more than doubles during the day because of people and employees coming into the city, the community college, the school district, various government agencies, Willamette Falls Hospital, and many private sector businesses. Putting mixed use corridors on South End Road won't eliminate any of this other traffic congestion.

Our schools, he said, are being used for more functions (South End Elementary and McLoughlin) without nearly enough parking, thus forcing cars to be parked on all the neighboring streets day and night, putting a congestion point on South End Road.

Putting a mixed use corridor on South End Road will add to the traffic congestion in this area. If anything, mixed use corridors on South End Road would result in additional congestion to Oregon City streets in particular by commercial vehicles to support these businesses. Many of these vehicles weigh in excess of 13 tons and would not be able to use South End Hill, meaning that they would have to come from and return to the east side of the city. For example, beverage and gasoline trucks supporting South End Grocery exceed the 13-ton gross vehicle weight and must come from the east side streets, frequently during early morning or later evening hours and return the same way.

Weather should also be considered should there be any development in the South End area. Over the 27 years that he has lived here, South End Hill has been closed numerous times due to snow, black ice, and muds during the floods of 1996. The commercial vehicles supporting these businesses during hill closures would add further to the congestion of streets to and from the east side.

Many of the action items and changes to the Comprehensive Plan include support of businesses in the downtown area, the 7<sup>th</sup> Avenue, and the Molalla Avenue corridors. One only need look next door to see how many restaurants have attempted success in the building that was abandoned, how many other businesses changes have occurred in the Danielson complex, and how many vacant properties there are in the downtown area and along the 7<sup>th</sup> Avenue and Molalla Avenue corridors. Don't put mixed use corridors on South End Road, he pleaded, and further dilute the opportunities for success of existing business areas.

Both the Planning Commission and the City Commission have recently denied the Rose Vista Planned Unit Development (PUD), partly based on a discussion that the PUD was out of character with the existing neighborhood. If the PUD is out of character and policy 2.4.1 of the Comp Plan calls for strengthening existing residential areas, then mixed use corridors should not even be considered for the South End area. Furthermore, he noted, mixed use corridors in this area wouldn't even be transitional.

He said the one retail business in this area was open 24 hours a day but because of noise generated by people hanging around in the early morning hours affecting the adjacent residential area, the store has reduced its hours. Placing of mixed use corridors along the South End area would provide additional places for people to gather during the off hours, further impacting contiguous neighbors, and probably resulting in additional calls to the already-stretched Oregon City Police Department.



Chapter 17.06.050 of the Code states that all lands within the UGB have been classified and Comprehensive Plan action item 12.2.2 says that the property will be rezoned at the time of annexation. The proposed Comprehensive Plan Map of Aug. 18<sup>th</sup> does not show any of the UGB lands being classified in the South End area.

Because of the postcard that was sent to all the neighbors stating that these regulations may affect the use of their properties, he (Kosel) said he e-mailed a planner on Oct. 22<sup>nd</sup> requesting some statistics applicable to their area. The planner responded but did not answer his question. He e-mailed again on Oct. 25<sup>th</sup> and as of this evening, twelve business days later, he still had not received a response.

Upon clarification that he was speaking as an individual, even though several of his neighbors had called or e-mailed him, the Chair asked him to wrap up his statements.

**Kosel** said citizen involvement should be a part of the planning process but in reality citizens and neighborhood associations are disfranchised from the most crucial part of the process—input at the start of the Comprehensive Plan or land use issues. Policy 1.7.2 ensures that neighborhood plans conform with Comprehensive Plan, although they had little or no input.

Another action item, 12.2.2, states that property is rezoned at the time of the annexation even though citizens and neighborhood associations had no roles in the property being annexed. This process needs to be more balanced with citizen input because many have lived in that neighborhood for decades and should have equal weight to that of the planners and developers.

**Kosel** said he had several other points, but would conclude by saying that because of many of the comments being expressed this evening, adoption of the Comp Plan and municipal Code changes should be deferred until first quarter, 2004, at a minimum. All materials should be sent to the neighborhood associations and county community planning organizations for discussion and input at their January general meetings and then in February the neighborhood associations and community planning organizations could submit their comments back to the planners to have this material incorporated into changes and updates that are to be submitted to the Planning Commission and the City Commission, after which the City Commissioners would vote.

**Linda Royer**, 14432 S. Livesay Road, said she has been a landscape architect and planner in the Portland Metro area for about 27 years and lived here many decades. She has seen a lot of growth occur during that time throughout the Metro area, which is what this is all about—where and how growth happens. Most people who testify before the Commission will say growth is good but they don't want it in their backyard, but no one is speaking for the people who want to move into this community and establish businesses here, nor is anyone speaking for the children who needs homes to live in. However, for these reasons, growth needs to happen, and in the appropriate places, she said. It should occur in places where the land doesn't have severe impacts and limitations on the natural resources, that is well-served by traffic, that can be served by urban services, and that can be served by the local school districts.

She said the Livesay Road neighborhood is a lovely little hidden secret. It is a dead-end road with about 50 homeowners living there. It is a transition area to Clackamas County larger parcels. But that land is a little more than a mile from I-205 and it is an area that is, after coming up the hill, really quite flat. It is a neighborhood that is defined by natural boundaries of a canyon and treed area on the north side (between them and the Holcomb neighborhood) and on the south side by steeper slopes that are treed and Abernathy Creek along Redland Road. The land is a mixed use of older neighborhood and some larger parcels, and it would be nice to keep it that way. However, in reality, she said, if we're going to balance all of the goals that are mandated by the land use planning and the State of Oregon to preserve farm land, to protect for resources, etc., growth must occur somewhere, and quite frankly, much as those residents love their neighborhood, she said this

is the place that growth can happen. The land is easily accessible, close to high velocity roadways, and in an area that, if growth were to occur there, it would not impact the Hwy. 213 interchange. From the Livesay neighborhood, there is access to Anchor Way, Abernathy, or 213, so there are several opportunities to handle traffic from this location.

The land is very buildable with very accessible and buildable slopes. The reason the road was not identified previously was because no one has ever walked that land until Mr. Ziegler did to see that it offers a very logical intersection in the area the road is proposed coming into Holly Lane. It has very manageable slopes with very little grading coming up at that point. In the floods of '96, all 50 homeowners were isolated for a week, and she said it would be very nice to have access that would not be flooded in the future.

So, as much as existing neighborhood associations say they don't want this or that, she said the physical characteristics of the land that is proposed should be considered closely to determine the most appropriate use. Therefore, in this process, she would ask that the Commission consider that character and that location as a place that is probably quite appropriate for growth to occur.

**Delbert Kennedy**, 1116 Grant Street (just a block off Division), said the first he heard about these proposed changes was when the proposal was submitted for additional development of the hospital along 12<sup>th</sup>, Grant, and 13<sup>th</sup>, although most of the neighbors assumed that further development would most likely occur to the east side of Division. He said those streets are only 30 feet wide and area is comprised of single-family residential except one four-plex. Now the proposal is to change it to multi-use commercial and he is very concerned about adding more traffic to these narrow roads, even to the extent of traffic using his dead-end street.

He asked if anyone has asked those residents if they want such a change or if anyone else has heard about the proposed changes. He said he thinks it is wrong to change all of that single-family house residential to another zone designation when those residences have been there since the 1950's, particularly because he doesn't think there has been any discussion with those residents.

He concurred with prior testimony that this process is happening too fast and that there should be more public input.

**Janice Younger**, 15080 S. Maple Lane, said she was speaking as an individual but wanted to add a little to what Beane said on behalf of her family. She said their family owns and operates Del's Auto Wrecking on Molalla Avenue and they have purchased other commercial property with operating businesses on them on Beaver Creek Road and Molalla Avenue, for which they had to pay top dollar because they were on commercial property. She said she feels a bit discriminated against because their property is subject to zone change although the commercial property across the street hasn't been affected. She feels that the changing of zoning of properties with operating businesses on them is like someone buying a mansion and then being told, "It is now a chicken coop, now deal with it."

**Al Erdmann**, said he was there to speak about a piece of property that the college owns on Molalla Avenue (between the existing fire station that the college leased to the city long-term and a piece that sits between the fire station and the Followers of Christ Church). That piece of property is currently zoned LO and is currently for sale. He said it came to his attention about two weeks ago that this is being proposed as Industrial property in the Comprehensive Plan, and the college would request that this piece of property be either retained as LO or zoned Commercial Retail. They believe it is inconsistent to have industrial land spilling out onto Molalla Avenue since most of Molalla Avenue in that area is already Commercial Retail, and this existing piece of property is bookended by Commercial Retail. They think, for consistency purposes and for highest and best use, it would be appropriate for that piece of land and for existing pieces of land along Molalla in that area to be retained as Commercial Retail.

When asked by **Mengelberg** to point out the location of this property, **Erdmann** showed on the map that its location, noting that it has about 100 feet of frontage on Molalla Avenue and runs about 450 feet behind the existing fire station property in an inverted L-shape. (Earlier he said it is about one and a half acres in size.)

**Vicky Pfaff**, 10780 Navajo Way (off South End Road), said she was here to complain about the changes in zoning on South Road area. She said they are a gradual transitional area into larger pieces of acreage.

She said mixed usage for South End Road is really inappropriate. South End Road becomes busier with traffic day by day.

She said those residents chose to live in that area for the nice environment, and once the zoning changes start to become negative for their areas, someone needs to stop and think. They want to maintain the existing single-family dwellings, including areas for their children to play, room for pets, and room to grow a garden.

She said there is commercial at the upper end of South End Road where the residents can shop at a convenience store, but it would be really inappropriate to have any other mixed use zoning at the far end of South End Road.

Finally, she said she would appreciate it if the Commission would keep in mind their quality of lifestyles.

**Don Vetter**, 126 Cherry Lane, asked if it would be out of order, according to earlier comments, to give testimony regarding the municipal codes, but **Chair Carter** said he could give his testimony.

He said in the proposed MUD district (Mixed Use Downtown—see page 49, item U), he is concerned about the limitation of 60,000 square feet as the maximum size of a building. He did see on the next page that a building of 60,000 square feet would be allowed as a conditional use, but conditional uses are not necessarily a given.

He said noted that under B (at the bottom of the page) the Floor Area Ratio (FAR) in the prior draft was 0.6 and this is down to 0.4, which he said is an improvement.

**J. J. Emmis**, 16380 Trail View Drive, said he is new to the area and new to this process, but could appreciate that the Commission has a great deal of time invested in this. He said his concerns about Ziegler's proposed development include the fact that Holcomb and Redland are single-lane roads with no sidewalks along them. They are high-traffic roads now and the addition of 600-plus units resulting in 1200-plus cars feeding into those roads daily is a concern from a general traffic standpoint as well as from a foot-traffic safety standpoint. He said he is a bike commuter and he is not willing currently to bike commute down Holcomb now and another 1200 cars would not help the situation.

He is also concerned about what effect the addition of that many units will have upon the local schools and what the environmental impact will be to the nearby watershed area.

**Ingra Rickenbach**, 131 Warner-Parrott Road, said she is concerned that it is becoming very dangerous for children to cross the street, even with the crossing guards, saying that it is even hard for her and her husband to cross the street when they are walking. She is also concerned that the Plan hopes to include the property at 119 Warner-Parrott in the multi-use corridor to go along with the South End Market to provide for growth. She said they would like it not to have room for growth and would, in fact, like it to fill the needs as is.

She also has concerns about the property across the street at South End Road and Lawton, specifically saying that a subdivision was approved to allow for five houses on one large field there and now the request is to make the next section a multi-use corridor, which is currently Low-Residential. She said staff in the Planning

Department told her that was a mistake on the map, so, she said, some things may not even be made aware to the people in this neighborhood because it wasn't on this map. Therefore, she is concerned that they want to make another corner at South End Road and Warner-Parrott/Lawton into Commercial because that will destroy their neighborhood.

She said she was aware when the Bridgewood development was added (down by Chapin Park off Warner-Parrott) and that those people wanted to maintain the neighborhood of Warner-Parrott, so those houses abutting Warner-Parrott were single-family houses and the multi-use houses are behind that.

Now she said there is another proposal on Brookside Drive (near the swampland behind the houses between Warner-Parrott and Randall Court, she thinks) which would be multi-dwelling. That would come onto Warner-Parrott, but would be different than what was on Warner-Parrott. Before Warner-Parrott connected to Warner-Milne, she said, they were all single-family homes, and she reiterated that they would like to keep it that way.

**David Rickenbach**, 131 Warner-Parrott Road, said his concerns are similar to those his wife expressed. He said they have lived on Warner-Parrott Road for 20-plus years, but when they moved there it was all zoned Low-Density housing. The smallest piece of property on that road was a third of an acre, which what was intended, and the low-density housing was what he bought into. He said that has changed significantly in the past years.

In addition, the traffic on Warner-Parrott Road has also increased significantly, making it very difficult to cross the road to get to their post office box unless someone is willing to stop and let you cross. Putting more mixed-use commercial on South End Road and in the Warner-Parrott area will only increase that difficulty.

He said there are two grade schools and a large multi-park that is heavily used on Warner-Parrott Road, and his concern is the safety of those kids when they need to cross that road. He said he has seen kids die on similar roads (King Road in Milwaukie, specifically) because changes were made for a very busy road, and he asked how many of our kids will die, which will be sad.

He also echoed the concern already expressed regarding the notification process, saying he is sure staff has tried very hard to notify people, but he is among those who didn't know about this process, nor did their neighborhood association president. Their first knowledge was when they received a card saying they had a certain number of days to submit their input for consideration in this decision. He, too, agreed that this is moving far too fast, especially considering the effects on low-density residential neighborhoods and the increases to residential traffic.

**Konkol** noted that **Kathleen Galligan** had submitted her testimony in written form, which would be entered as Exhibit K.

**Kathleen Galligan**, 18996 S. Rose Road, said she was representing many of the neighbors along Rose Road and that she had 33 signatures on a form which she would also submit to staff. She said they appreciate the opportunity to comment on the proposed changes to the Plan and that they are aware of the difficulty of taking on such a large project and finding ways to allow for adequate citizen involvement, and she said they would encourage the City to continue to refine its programs for citizens to have an impact on this kind of decision-making, including perhaps finding a different venue, especially considering the overwhelming response this evening. She said it might also help to have a little more expansive introduction of the topic at future meetings, and she noted that those people in the lobby could never see what areas were being pointed out on the map, which would have been helpful.

She said she and her neighbors wanted to go on record in support of some of the proposed changes, including the change proposed in the amendments to the City Municipal Code regarding the removal of Section 17.64 about the PUD. In discussions with staff, she said it appears that this section was really more problematic than helpful to the process.

They are in support of the proposed changes to the Comprehensive Plan zoning designations for the property that is located along Rose Road (their property). This change would give their area a designation of Low-Density Residential instead of Low-Density Residential Manufactured Housing. The corresponding changes in the City Municipal Code, Section 17.06.020, would mean their land would be zoned R-10 instead of R-6 MH when annexed into the city, and even though this is a potential decrease in developable density that may, in fact, decrease the value of their property, they are still in favor of the changes.

She said they believe the Commission is aware that they live in an area where the control of storm and groundwater is a significant concern, and they are of the opinion that a lower density of development allows for a greater chance of successful management of those issues.

They would like to give tentative support for the Mixed-Use corridor proposed for various sites along South End Road. She said they and many others in the area have concerns about the traffic and worry that possible development in that area might worsen that congestion. However, they also feel that if development of this area is done carefully with neighborhood involvement, there is also a potential to actually decrease some of the traffic problems.

They would also note that the MUC-1 classification includes such possible uses as publicly owned parks, playgrounds, play fields, and community or neighborhood centers. A review of the Comprehensive Plan Map and the South End area will show that there are no green spaces or open spaces in that whole area. There has been a lot of development in that area in recent years, so if there is concern about decreasing the traffic congestion in the area, one place to start is to ensure that there are sufficient recreation areas for children and families to enjoy within walking distances of their residences. Therefore, they would encourage the use of the MUC-1 designation when appropriate.

The last area for comment was regarding the proposed zoning for tax lot 300, which is located on Rose Road. **Galligan** said they have submitted 19 signatures from the Lafayette area and other signatures supporting this portion of her testimony, and she clarified that they spoke with those people specifically about this portion of her testimony, not the previous part, so there would be no misunderstanding.

She said tax lot 300 is currently zoned R-6 MH, and the zoning designation with this Plan change is that it be zoned R-6. They are asking that the city review this designation and take this opportunity to more appropriately zone this property to R-10, saying this is their only opportunity to discuss this change of zoning and the zoning of their own properties. In 1992 when the city added the R-6 MH zoning designation to its Code and revised the Comprehensive Plan to allow for this as its overlay zone for this area, there was no requirement for public notice and no effort was made to involve the neighbors in the decision. When tax lot 300 was annexed into the city in 1999, public notice was required and there was an annexation vote. A review of all the required notices, the voters' information, and the subsequent Planning Commission minutes shows that the property is referred to FU-10 or Low-Density Residential with multiple zoning possibilities, and the actual zoning designation of R-6 MH was never mentioned, so no one involved in that process knew what the actual zoning of that area was. The city decision-makers never actually considered whether or not this was an appropriate zoning of corresponding density for this particular piece of property.

This property is being proposed as Low-Density Residential, the same as their property. The City designates R-10 as the zoning for that yet it is proposing that this piece be zoned R-6.

The surrounding area is developed as R-10 or currently being proposed as Low-Density Residential except this piece of property. If the zoning were allowed, it would create an isolated 6 ½ plot of High-Density in an area of 10,000 square foot lots. The proposed Comprehensive Plan states that when environmental constraints reduce the amount of buildable land or when adjacent land differs in uses or density, the city is to implement Comprehensive Plan and Zoning designations that encourage compatible transitional uses. The goal is to protect and maintain neighborhoods, and allowing a zone of R-6 on this piece of property does not fulfill this goal or follow the policy.

The Planning Commission is aware, she said, that there are serious concerns in this area under discussion regarding acceptable control of groundwater and stormwater, traffic, and compatibility with surrounding zoning. The density of development obviously impacts these issues.

When faced with a recent development proposal on this property, this body made comments such as, “We are looking for places for increased density, and this is not the place. The proposal is too dense at the edge of a rural transition and there needs to be a transition.” Comments were also made regarding the traffic problems, such as, “...a dense development that it would create on a dead-end road.” That proposal would have allowed 42 homes on that property. R-6 zoning would allow up to 38, which is not a significant decrease in the density.

She said they do not think R-6 zoning would allow for adequate consideration of concerns regarding development on this property that have been expressed by both the neighborhood and the City. During a recent hearing on this property, the comment was made by the Chair of this Commission that “This property would be a beautiful property if it were scaled down and created in a way that enhanced and tried to take advantage of the wetlands and tried to mitigate the waters throughout without the density that is being proposed here.”

She said this expresses exactly how those in the neighborhood feel. They acknowledge that the city needs to increase its housing units and is looking for ways to increase its density, but they feel that the facts make it clear that this is not the piece of property to help the city meet the increased density needs. Therefore, they ask that it be appropriately zoned R-10.

**Tom Geil**, 16470 Trail View Drive, said he lives in the Trail View neighborhood and was in attendance with many of his neighbors—almost all of the homeowners in the neighborhood, in fact, and he said he was representing himself and those neighbors who had to leave because of the hour.

**Geil** said he spoke a few weeks ago to the City Council because he had written a letter to editor of *The Oregon City News* inviting the Council to his bedroom to see the view he will have if Ziegler puts in the new road that is proposed. This road is proposed to curve just 25-30 feet outside his bedroom window and then follow the narrow area behind his lot and another lot to get through a narrow pinch point between Mr. Rich Lee-Cohn’s area and his property.

He said they moved into this area without any knowledge of these plans, although this was apparently changed quite some time ago. Nevertheless, he said the neighborhood probably didn’t exist when this plan was developed and, in fact, some of the homes are still being finished. However, he invited the Commissioners to come to his home and see from any direction to see what is there and what would occur.

He then read from a written statement on behalf of the neighbors that:

- Most of them are new to process, having just moved into this new area, and are not even sure about all these numbers they’ve been hearing tonight—R-6, R-10.

- They are very concerned that just within the last two weeks the forest and all the undergrowth has been crushed or trampled already behind their homes.
- They have been told that there is nothing that can be done about this destruction right now because it doesn't belong to Oregon City.

Therefore, he said, they would plead that someone be honest with us. The builders, Syntex Homes, have already misled them by misrepresentations regarding the Urban Growth Boundary which had apparently already been moved prior to their buying their homes.

Also, according to *The Oregonian*, Kent Ziegler said he informed them (Syntex Homes) about the plans last fall and they told the buyers that they knew nothing about any plans in that neighborhood. However, one of the wives of the one of the Clackamas County Council members said Mr. Ziegler was encouraged to purchase this property and develop it as a complete community parcel rather than doing it piecemeal. **Geil** said, If this city really wants Mr. Ziegler to work with the existing neighborhood, wouldn't it make more sense for the city to tell Mr. Ziegler to be a little patient with his anxiousness to tear down these forests until this Plan is adopted and decisions are made as to what will happen.

This directly affects the livability of their area. During the recent Wal-Mart hearings, **Geil** said that Commissioners present this evening used phrases such as "fragile and unique area," "protect the integrity of our existing neighborhoods," "residential buffers," "Our Commission highly values neighborhoods," and "hiking trails for families." He noted that there is a nice trail and all kinds of forest right behind their homes that could be used by neighbors and families. This is one of the last forests left in the lower part of Holcomb Blvd., and a park is needed in that area.

He said they can see clearly that if Ziegler and others tear down the forests prior to the property being annexed into the city, there is nothing that the citizens or the City Council can do because the forests are already gone, which appears to be the plan.

Therefore, they would beg both Commissions to give them fair consideration as the city's newest citizens and newest taxpayers.

**Dan West**, 16396 Willamette Valley Drive (in the same Syntex development Geil was just discussing), said he really concurred with Cohn-Lee's thoughts about what needs to be considered in the Plan and about the Park Place Village proposal by Ziegler. He would also encourage the Commission to ask itself whether this development is really needed or if this development is really wanted. He didn't think there was any organization really willing to support the need for this development and he thinks if the Commissioners were to talk with the Trail View residents, they would find it is not wanted.

Another consideration is whether the current infrastructure, such as roads, will support such a development there. There are two roads that lead out of this area, Redland Road and Holcomb Road, and although there is talking about building another road to the two, but they all conjoin in one place at the bottom of the hill onto one road to 213. The congestion that already exists in the morning peak hour already gives the answer that we don't need another road such as would come from this type of development.

Schools are already overcrowded, he said, and yet another development of perhaps 600 units would only add to that burden. The answer to this question would seem to be that at this time we don't have a plan or solution for this.

Finally, he asked if the proposal would improve the livability of the area. The forests are already being torn down, and the residents don't see that as improving the livability of the area.

Taking this all into perspective, **West** said he thinks the issues are whether development is needed or wanted here, whether there is infrastructure to support it, and whether it will improve the livability. In addition, he has heard much testimony about the process seeming to be so rushed, and he would suggest that if it isn't wanted or needed, don't do it.

**Laura Pastore**, 15034 Journey Drive, said she also lives in the Syntex development. She first noted that she felt bad for the people who couldn't get inside and were told they could come to the next meeting because, she said, some of them might not be able to come again at that time, so the Commission would not be able to hear their comments. Furthermore, she saw several people in their 50's and 60's come in and then leave because of the hour.

She strongly urged the Commission to consider the values they were taught by their parents and how they might apply today, and to consider the livability of these residents who have purchased homes in this area. Specifically, she would encourage them to walk the area and then consider Ziegler's plan, the scope of it, and how much has changed since he started the process.

She was also concerned about the safety of the children on Holcomb, because, in fact, they do ride bikes and skateboard on that road because there are no sidewalks between the school and their homes. She also concurred with prior comments that there are no parks in the area and the only open space is at the school.

Finally, she, too, felt like things are moving too fast, which could endanger people's lives. She said it must be discouraging after spending so much time on the project to have so many people come and speak in opposition, but if so many have come forth, there must be a reason, so she encouraged them to slow down and carefully consider their actions.

When **Chair Carter** asked if the property these last few people were so concerned about is inside or outside the city limits, **Drentlaw** said it is outside, which is part of the problem because the city has no jurisdiction over what happens there. In response to a citizen comment about that, **Chair Carter** reminded the public that although the city has no jurisdiction until property is annexed into the city, that annexation is based upon the vote of the citizens. Therefore, at this point Ziegler has the right to cut those trees if he so chooses.

She then reiterated that the Commission is listening to all the comments being presented but it is very difficult to balance property owner rights, the needs of the City, and the needs of the citizens, and that the Commission would deliberate these issues at the appropriate time.

**Leigh Ann Youngblood**, 13514 SE 145<sup>th</sup> Avenue, Clackamas, Oregon said she and her family will soon be moving into the Trail View development in January at the completion of construction of their home. She said she only learned about this proposed road about two weeks ago. She said the road will skirt her neighborhood and at one point will only be about 100 feet from her neighbor's (Geil's) home. She said they are leaving the Sunnyside area and moving to Trail View because of the rural setting, but she never thought her dream home, her family's investment, would be right next to a major thoroughfare.

Not only is she concerned about the location of the road, but the traffic congestion and the steep sloping of the road. Therefore, she was in attendance to oppose the road in the hope that the residents of Trail View will have input into the development of the land behind them.



**Dan Lundquist**, 16431 Willamette Valley Drive (part of the Trail View development), said he lived in the Sunnyside area for about eight years, during which he watched it grow quickly and with very poor planning. For that reason, he left there and moved here with the knowledge that growth will come but also with the intent to be a part of managing that growth in an appropriate manner.

He said when construction was being done along Bradley, that traffic was routed along Holcomb, and it was awful, particularly in the mornings, so he can't imagine what it would be like with the addition of such a new large development. So, he said, they need to work together to find a plan that will work for everyone as well as for the future growth of the city.

**Lisa Brown**, 15046 Journey Drive, said she and her husband, Jason, are also Trail View residents. She said she thinks the residents basically moved out there for the same reasons—the rural setting, the privacy of the trees, and the tight-knit community—but that is now quickly disappearing, even before the proposed plan has come about. So, she hopes the Commission will listen to their concerns and take into consideration the number of people involved, and hopefully they can work together to create a plan with which everyone can be happy. The residents know that growth will come; they are just concerned about being surrounded by townhouses, retail businesses, etc. Furthermore, such development will lower the values of their single-family homes.

**John Dingess**, 18896 S. Rose Road, said the present Comprehensive Plan leaves a lot to be desired, particularly in the section about review and updates. He said it could be interpreted that any change almost would require a public hearing and notification. When he asked members of the Planning Department about some of the items, he was told that it seems like it is open to interpretation because some things call for a hearing and others don't, as though members of the Planning Department can decide whether or not a hearing is necessary.

He said some properties have been zoned at a specific zone under the Comprehensive Plan as long as 20 years ago and at the time of some of those zonings verbiage was put in the manual saying that when that property is annexed into the city and it has a certain zoning attached, that zoning will remain and that there will be no opportunity for a public hearing. However, he said in the intervening time, many things could change, including development patterns, uses of the surrounding area, etc., so he doesn't think it is proper to allow annexation of property into the city and require that the original zoning be kept on the property without some sort of review.

He said he would like to see the new Comprehensive Plan written to be very explicit as to how and when hearings will be required, including when notifications will be required. He said he currently lives across the road from the city limits. However, everything the city does impacts his property. In the past, there was apparently no requirement to notify him because he lives outside the city limits, but he would like to see wording that would require notification to those residents as well.

Although she already knew the answer, **Chair Carter** asked the City Attorney if the citizens have any recourse about what is happening outside the city, even though the city itself cannot do anything. **Sullivan** said the difficulty is that if Ziegler is following the rules of Clackamas County and the rules don't forbid cutting down a forest, then there is nothing to be done. If there is an issue of future annexation to the city, certainly the City Commission can consider the issues that have arisen at this time. It doesn't mean they can't or won't annex, but it does make it a consideration that goes to the Commission because they have a discretionary role in this as to whether to send this out to a vote. Then there is also a separate issue of whether or not the property, when it is sent out to a vote, is actually voted (which is determined by the voters). So there are two discretionary points at which a request for annexation could go awry, but right now if the developer is following the Clackamas County rules, there are no cross-jurisdictional issues with which the city can do anything about it.

When asked a question out of order by a citizen, **Sullivan** said he would be happy to discuss this with him after the meeting, but he couldn't at the moment within the parameters of this hearing.

**Chair Carter** said she asked the question publicly, albeit against the better judgment of staff, because it is very upsetting to have so many citizens come before the Planning Commission to plead for help and not be able to do anything for them. She said the citizens must figure out a way to take this upon themselves because the City cannot do it for them. When she reiterated that the voters allow or disallow annexation, not the Planning Commission or the City Commission or the Planning Department, the citizen (Geil, I think) said his issue was that Ziegler was publicly quoted in *The Oregonian* as saying that he was moving forward with his plan because he was being encouraged by both the City and the County Commissioners to do the whole project as one plan.

**Sullivan** suggested that one action the citizens might take would be to go to the Clackamas County Commissioners, who have jurisdiction over this site and who could pass an ordinance. However, he noted that currently there is apparently no ordinance to bar Ziegler from doing what he is doing, and until there is an ordinance, the County Commissioners can't stop him either if he is, in fact, following the existing Clackamas County law.

Upon being asked another question from the audience (which the Chair allowed) about whether or not this property has been annexed already, **Chair Carter** said again, No. She then stated again that he must first annex into the city before he can do his development, and furthermore, the citizens control by their vote whether or not that annexation will occur.

**Sullivan** clarified that, according to his understanding, this piece is being added to the UGB (which is a separate action from annexation), but he also understands that this is still under appeal so nothing is currently happen. Therefore, if there is a misrepresentation by the developer or the builder, that is probably a private action.

Therefore, **Chair Carter** reiterated that the city has no jurisdiction over property that may or may not at some future time come into the UGB other than to perhaps change the recommendation of the designation on the Comp Plan for property that is already within the UGB, saying again that this is very complicated.

**Konkol** noted that the staff really does field many calls and questions and they would encourage citizens to call because they could probably get many answers to their questions before coming to a public hearing such as this. He explained that the Comprehensive Plan is the first step, then a zone is assigned once property is brought into the city. Currently, the subject site is still outside the city and, depending on the outcome of the appeal of the UGB expansion court case, it might not even be included in the UGB. After discussions with Ziegler, he said it is his (Konkol's) understanding that the property owner with whom Ziegler has contracted maintained his timber rights for that property. So he has held that property for a very, very long time and he has decided to exercise his timber rights on that property. Therefore, it is not necessarily Ziegler who is doing the logging.

**Konkol** also clarified that the reason developments are encouraged to be done in large pieces is in order to get a complete development, including sidewalks, etc., to resolve issues such as the current one along Holcomb. For example, the situation on Holcomb is that there is a sidewalk along one development, then nothing for about a half mile, then a couple more sidewalks, which makes it very piecemeal.

**Chair Carter** added that staff does its very best to try and notice everyone about important issues and in this instance, proper advertising/noticing was done a year and a half ago when the open houses were first held regarding amendments to the Comprehensive Plan via television, newspapers, newsletters, etc., so there has been sufficient time for public involvement. She said she would allow some informal interchange this evening because this was not a judicial hearing and some folks had raised their hands.

One person said until she got a notice in the mail directly that her property could be affected because they don't take the paper and they don't have cable TV. **Chair Carter** said the reason they don't notify everyone by mail about every proposed development or application is because a city-wide notification is very expensive and we simply can't afford it. In this case, several things were combined (the Comp Plan, Ordinance changes, etc.) into one hearing process for the sake of saving the money rather than noticing each issue individually.

Another citizen said he was encouraged by attending this evening and hearing what was being said because he felt like the Commissioners were listening with real intent. He also said that obviously an attempt was made to communicate, but since it doesn't appear to have worked, he would ask again that this process be slowed down to give everyone a change to respond.

Another gentleman said he had seen the notices and had attended some workshops to which he had been invited, but because he lives 30 feet across the road from the city limits, mostly he has been given the impression that the city doesn't care at all what he and other citizens in the same situation thought. At least, he said, the new Comprehensive Plan includes provision for noticing to residents who live nearby any adjoining area.

**Drentlaw** clarified that a notice was sent to everyone within the UGB on this particular round.

**Chair Carter** expressed again her feeling how much the City tries to do right and live right, and that the Planning Commission is completely, she thinks, one voice about our environment, livability, water resources, canyons, wildlife, etc., and that many of these issues are now addressed in the Comp Plan that were never included before. She said we are moving forward as much as the State allows in planning, and she reiterated that the public process, if allowed to work, can bring about a good result. Based on what has been said this evening, she predicted some very serious discussion yet to come.

**Powell** moved to continue this hearing to a date certain of Nov. 24<sup>th</sup> and a place certain of the Pioneer Center. With general consensus, the Chair thanked the people for their participation this evening and encouraged them to come to that meeting if they still had concerns or wanted to give input.

## **5. ADJOURN PUBLIC HEARING**

With no other business at hand, the meeting was adjourned.

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
(Pioneer Community Center)  
November 24, 2003**

**COMMISSIONERS PRESENT**

Chairperson Linda Carter  
Commissioner Dan Lajoie  
Commissioner Renate Mengelberg  
Commissioner Lynda Orzen  
Commissioner Tim Powell

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
Nancy Kraushaar, City Engineer & Public Works Director  
Ed Sullivan, City Attorney  
Gillian Zacharias, Consultant from David Evans & Associates

**COMMISSIONERS ABSENT**

None.

**1. CALL TO ORDER**

**Chair Carter** called the meeting to order.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

None.

**3. APPROVAL OF MINUTES: August 20, 2003, September 3, 2003, and September 22, 2003.**

**Powell** moved to approve all three sets of minutes as submitted. **Mengelberg** seconded the motion, and it passed unanimously.

**4. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the three quasi-judicial hearings on the agenda this evening. There were no expressions of ex parte contacts, conflicts of interest, or bias declared regarding any of these hearing items, nor were there any challenges against the Planning Commission or any individuals on the Planning Commission to hear these items.

(Note: Full copies of all staff reports, applications, and related documents are available in the public record for review through the Planning Department.)

**AN 03-01 (Quasi-Judicial Hearing), Applicant: Daniel Kearns/Tom Gentry. Request to annex 3 parcels totaling 4.29 acres into the city limits. The parcels are located at 19391 Leland Road (3-2E-7DB, Tax Lot 6300), 19411 Leland Road (3-2E-7DB, Tax Lot 6400) and 19431 Leland Road (3-2E-7DB, Tax Lot 6500).**

**AN 03-02 (Quasi-Judicial Hearing), Applicant: Vern Johnson/Mark Handris. Request to annex 3 parcels totaling 9.18 acres into the city limits. The parcels are located 300 feet northwest of the Renee Way and White Lane intersection and identified as Clackamas County Map 3-1E-12D, Tax Lots 1503, 1593, and 1600.**

**AN 03-03 (Quasi-Judicial Hearing), Applicant David and Nancy Wheeler. Request to annex 4 parcels totaling 7.62 acres into the city limits. The parcels are located on the west side of Leland Road at the**

**intersection of Silverfox Parkway and Leland Road. The parcels are identified as Clackamas County Map 3-2E-7DB, Tax Lots 6600, 6700, 6800, and 6900.**

**Drentlaw** said staff recommended that all three annexations be continued to Dec. 8, 2003 in order to allow more time for discussion of the legislative hearing.

**Orzen** moved to continue annexation files AN 03-01, AN 03-02, and AN 03-03 to a date certain of Monday, Dec. 8, 2003. **Lajoie** seconded the motion.

**Powell** asked if the applicants were aware of this, which **Drentlaw** affirmed.

Upon voting, the motion passed unanimously.

**L 03-01 (Legislative Hearing), Applicant: City of Oregon City. Request for the approval of amendments to the Oregon City Comprehensive Plan, Oregon City Comprehensive Plan Map, Oregon City Zoning Ordinances: Chapters 12, 16 and 17, Oregon City Zoning Map changes from R-6/MH to R-6 Single-Family, RD-4 Two-Family to R-3.5 Dwelling District, Central Business District and Tourist Commercial to Mixed Use Downtown, and M-1 Light Industrial and M-2 Heavy Industrial to GI General Industrial, Adoption of a new Water Master Plan, and Sanitary Sewer Master Plan. (Cont'd. from 11/10/04)**

**Chair Carter** said that, due to the overwhelming response two weeks ago and again this evening, this portion of the hearing (continued from Nov. 10<sup>th</sup>) would be handled a little differently. She explained that she would be coming out from behind the table and that **Drentlaw** would join her to present the changes to the Comp Plan.

**Kraushaar** would also explain again about the public process that has occurred regarding the Comp Plan.

**Chair Carter** further explained that her purpose for coming out from behind the table was to show that this is a partnership between those citizen volunteers who serve on the Planning Commission and the City staff, all of whom have been working on this very large project which they were charged with by the City. She said they would explain further the foundation/framework of what the Comprehensive Plan does and how they arrived at some of the decisions that resulted (shown on the map), noting that at this point they are still open for discussion and are not final until they are adopted. Then the public could give their testimony. She also asked that if people had further questions for clarification, they ask those at the time of their testimony (which again is a little different than the normal procedure), and she said staff would try to answer those questions at the end, if time allowed.

**Chair Carter** said it was very difficult for the Commission and staff to determine at the beginning how to improve the Comprehensive Plan in order to meet today's needs as well as those of perhaps the next ten years, although, admittedly, it might still need a little adjusting during that time period. Part of the problem was that they were working with a Comp Plan that was more than 20 years old, thus very out of date or no longer pertinent, particularly to some of the development that is occurring today. Therefore, getting a grasp of the big picture of what the city needs to be functional, healthy, economically viable, and to have a desirable quality of living and to keep the character (historical, rural, and environmental) proved to be very challenging. She said public testimony tends to be oriented toward a particular piece or pieces of the Comp Plan, which is needed, but the decision-making process is based on the entire plan and the affects and best interests of the entire city, both now and into the future.

She said the Planning Commission and the City staff have a vision and concept that she thinks reflects the desires of the citizens—that being to protect and enhance our environmental features and to do building/construction in such a way that allows us to be functional.

Having said that, **Chair Carter** said she thinks the rural element is very important, and one of the solutions for maintaining the rural feel is to put the density inside the city along the transit corridors, which is reflected in the proposed designations for mixed urban development. The details for this include access to buses, bike paths, and pedestrian walkways for an urban-friendly environment, thus allowing for protection of the rural environment. Without such a plan, she said, Metro and the State will say we must still increase our density and they will likely suggest putting it in the rural areas.

**Drentlaw** said one of the questions, conceptually, is where to locate the increased density and where to locate certain commercial areas. He said the focus of this plan has been to focus development into the downtown area, for which ordinances have been drafted to allow Mixed Use with higher densities. This also includes the Parker landfill and The Cove, he said. The proposed plan includes a corridor designation along 7<sup>th</sup> Street and Molalla up to the Beavercreek/Molalla intersection, which is also a focus of Mixed Use. A typical example would be retail on the first floor, and offices and/or rental units on the second and third floors.

**Drentlaw** said the other controversial area has been the industrial area off Beavercreek Road, although a portion of that is already zoned for industrial. He said one of the issues is that the list of allowable industrial uses is fairly tight, so perhaps staff could answer questions if there were any. The other question is why this location was chosen, to which he replied that it is the only part of the city where there are relatively large pieces of undeveloped property which are, for the most part, flat.

**Drentlaw** then talked about the differences between the two maps on display, saying that the one on the left was the Comprehensive Plan Map, which only paints a very general picture of where the city will go in the next 20-40 years. The other map was the Zoning map, which is a partial zoning map of the city, and it shows the potential changes for the city, which, he noted, are actually fairly insignificant. He said he made the distinction because if people want to know the zoning for their property(ies), they need to look at the Zoning map, not just the Comp Plan map.

**Drentlaw** said another common question is, What is the process for development? For instance, will the area shown in purple actually develop as "purple"? He said it might, but there are four major steps which must occur before that happens, all of which involve public hearings. They are:

1. A review of the Comprehensive Plan Map, which is currently happening in the form of public forums at both the Planning Commission and the City Commission hearings to follow.
2. Annexation of lands, which must be heard by both Commissions and, if approved by the City Commission, must be passed by a majority of votes in a general vote.
3. Rezoning, which includes another public hearing.
4. Site Plan and Review, which is done by the Planning staff but which is also a public process.

Regarding certain industrial property, **Chair Carter** said that the Herburger, Hall, and Roberts family came forth two weeks ago and suggested that they had hired a planning consulting firm to help them devise a master plan for this area. She commended them for taking a proactive approach in deciding what to do with that area, noting that this decision is in the hands of the citizens as well as the city, and she applauded their effort.

She said there is a gentleman who was upset about the idea of the Mixed Use zoning around the hospital. She explained that the hospital serves the whole area, and the local citizens are likely to go there if they need medical service. She noted that the Women's Center services 80% of all the women and all the births that occur in this area. The hospital must have room to expand and the only possible direction is across the street. She said the Comprehensive Plan says we must preserve and protect existing housing as much as possible within the context of what is realistic, but she said if the hospital cannot expand within our city, eventually they would be

forced to move outside of our city, and we don't want to lose Willamette Falls Hospital. Specifically, we don't want to lose the jobs they offer or the convenience they offer, and we don't want to lose them as a community partner that does so much for the city, so even though we might need to put up with some inconvenience during the process, we need to look at the end product and value to our community.

In addition to the idea that the Herberger family is considering for the industrial area, she said there is also opportunity for the parcels along Beavercreek Road. She said we have not done a good job in the past of utilizing, protecting, and enhancing our view corridors, and the property on Beavercreek Road could be built up with views of Newell Creek Canyon and Mt. Hood.

Finally, she reiterated that the public process on this project has been very extensive but also very complicated, in part because the Comp Plan is so enormous and was so outdated.

**Gillian Zachariahs** of David Evans & Associates said they were hired in 2002 to assist the City in updating the Comprehensive Plan. One of the first things they did was to form a Citizens Technical Advisory Committee comprised of representatives of neighborhoods associations, local businesses, Affordable Housing, the development community, youth, the School District, Metro, environmental interests, and the Planning Commission. The role of the Advisory Committee was to make sure that stakeholders were represented in the process and to act as an advisory body to staff, to the Planning Commission, and to the City Commission.

She said the consultants worked with staff to begin to update the Plan, filling in the data that was needed and working with the City to develop new policies and goals for each of the elements. Next they took that information to the Technical Advisory Committee for their input, during which time they met six times from April to October of 2002. (Those meetings were advertised and were open to the public.) They also held three open houses for the general public.

In addition, they sent out one-page newsletters to those on the mailing list, which included neighborhood associations, city committees, media, people who had participated in the first City Future visioning process, and anybody else who participates regularly in city processes. The newsletters described progress on the process and advertised the open houses. Copies of the newsletters were also placed at City Hall and libraries and were distributed at neighborhood association meetings.

Press releases were sent to *The Oregonian*, *The Oregon City News*, *Oregon Spectator*, *Trail News*, and Willamette Falls Cable Access prior to each of the open houses. Notices of the Technical Advisory Committee meetings were distributed to the media. In addition, information was provided to the *Trail* newsletter that was sent out with the water and sewer bills in the April, August, and September, 2002 issues.

After the final open house, the consultants (David Evans & Associates) worked with staff to finalize the Comprehensive Plan, which has been working through the process to arrive at this point (the hearing process).

**Drentlaw** introduced **Kraushaar** to give a description of the Water Distribution Plan and the Sewer Plan, and she began with an explanation of the Water Master Plan. She said the first step is to look at all of the conditions, whether they be streets, pipes for sewer, pipes for water, etc., all of which must be inventoried to see what is available for today. Another step is to identify problem areas (inadequate flows, pipe leaks, etc.) Another consideration is what is not available today that is needed for today, and then, planning for the future (for growth, including calculating for pipe size and storage capacity). Finally, a list of improvements (the Capital Improvements Plan) is compiled, which identifies what is needed for deficiencies in the existing system or improvements to ensure sufficient piping for the future.

**Kraushaar** said the Capital Improvements Plan tells the city 1) how we need to spend our money and 2) how much money we need. For example, it is used to help set the sewer rates and the water rates. It is also used for calculating System Development Charges (SDC's) for the growth part of the system (bigger pipes or building reservoirs), which are collected with every building permit for use in expanding the system. It is important, then, to have technically accurate information in order to responsibly determine the rates and charges, and then manage the project so that the right things are done at the right time.

Moving to the topic of water, **Kraushaar** said water usage is determined by the times of the year (i.e., watering lawns and gardens in the summertime). So, even though we might not need the peak amounts of water during a good portion of the year, we must make sure we have sufficient storage for those times when we do need it. Today we have reservoirs throughout Oregon City for a total storage of about 16 million gallons. We also have about 140 miles of pipe which vary in age from a week to one hundred years, from 1 inch up to 20 inches, made of many kinds of materials. The ductile iron is our current standard, so the City has been replacing the asbestos-lined pipes with these because they are expected to last about 100 years.

Because of all the hills and bluffs in the city, it is not easy to provide constant water pressure, so there are about a dozen pressure zones throughout the city. These require pump stations and pressure reducing valves throughout the city to control the flow of water, especially during hard storms. (The current minimum for water pressure standards to residences in Oregon City is 40 psi, and the maximum is 100 psi.)

There are also fire flow standards, which vary according to the types of land usage. For example, industrial has a much higher fire demand, both to accommodate large flows for fighting a fire and to still ensure water flow at a residence three blocks away while a fire is being fought. Therefore, there is a 20 psi minimum standard during fighting a fire.

Regarding consideration of water demand, staff uses data given by Metro along with projections for growth (both for size and speed of growth). Some considerations include the fact that growth is somewhat driven by the market and that the amount of water used might be driven by conservation or other programs. Therefore, the plan projects the water demand for the next twenty years in order to service all the customers. Staff calculated for a 2% growth rate, a 3% growth rate, and how much would be needed if all the land to the Urban Growth Boundary (UGB) were built out. The result is a variation, but planning is then done for those incremental growths.

Another consideration is that of different water demand characteristics, such as peak hours, a maximum day out of the year, the maximum month of the year, and the average annual. These figures are used to size the pipes, but there are other requirements to size the reservoirs. Today, our storage requirements are about 14 million gallons, and we have about 16.25, which is good. For future storage, it is anticipated that we will need about another half million gallons per year, which we need to start planning for.

**Kraushaar** said there is a very complicated model which shows all the pipes in Oregon City. That model is then used to determine which pipes are too small, which pipes are needed for the extra flows for growth, and capacities for pipes, pump stations, and reservoirs. The result of all these studies is the Capital Improvement Program for water, and, based on how soon the water will be needed; different phases of improvements are determined. The estimated cost for the next 20 years is approximately \$41 million for water improvements, the majority of which is for pipelines because a) we have an old system, and b) we have a lot of pipes. She said we are trying to replace them on a regular basis so that all pipes are replaced every 100 years.

**Kraushaar** said that the big 10.5 million gallon reservoir was originally built in the early twentieth century. An addition was done in 1950 that doubled its capacity. She noted that although the structure has some steel in it, the majority of it is concrete and if there were a big earthquake, there would be some significant damage. This



would result not only in safety and health concerns, but economic concerns as well because businesses could be out of water for weeks. Therefore, one of the big projects that has been identified is improvement to this reservoir.

Another big project is leak detection so those pipes can be replaced in order not to lose water, and conservation is yet another big issue because the less water we use, the less it costs.

Moving to the Wastewater (Sanitary Sewer) Master Plan, **Kraushaar** said there are about 110 miles of sanitary sewer pipes in Oregon City. She explained that Oregon City only handles the collection system—that is, we maintain and operate the pipes which take the sewer to the waste water treatment plant at the Park Place interchange, and Clackamas County operates the waste water treatment plant.

Unlike water, wherein every single pipe is modeled, in doing wastewater only the trunk lines are considered. She said we have about 12 drainage basins for sanitary sewer in Oregon City and those basins flow into the trunk pipe, which tends to be larger than 8 inches (normal size pipe for waste water). Opposite of the higher need for water in summer months, there is more water flowing into the sewer system in the winter via leakage, manholes, and because many of the stormwater pipes are still connected to sanitary sewer.

In calculating the flows, known data is used for single-family and multi-family residences. In commercial areas, a density equivalent of R-8 (an 8,000 square foot lot) is used. For industrial, the calculation is 3,000 gallons per acre per day.

Another important part of the evaluation for waste water is to consider known problems. For instance, there is a lot of grease in the pipes in areas with a lot of restaurants (as along Molalla), so this requires a good maintenance program.

Other areas for consideration are where growth will be occurring and where pipes will need to be extended. For instance, there are some areas in Oregon City that are still on septic systems and as those fail, these homes will be connected to the sewer system.

**Kraushaar** showed a map that identifies 1) where improvements need to be made in the wastewater system, basically around replacing pump stations that are too old and worn; 2) in areas where the pipe size needs to be increased to accommodate pipe size; and 3) areas that already have problems.

**Kraushaar** said the Wastewater Master Plan has resulted in \$16 million worth of total improvements. One thing that is important about wastewater, she said, is that we must make sure we are complying with the Clean Water Act, which was probably one of the most important environmental acts in Congress affecting you.

**Chair Carter** moved to public testimony, noting that this hearing is a continuation from the hearing on Nov. 10, 2003, and she reiterated the earlier comments that this would be a little more relaxed format than usual because of the forum and asked that citizens express any questions they might have but expect that staff would answer those later, time permitting.

**Cook** said staff would call first those people (about a dozen) who attended the last meeting but didn't get to testify, and would then move to those who signed up to testify this evening.

**Linda Lord**, 142 Holmes Lane, said she has a particular interest in increased density in established neighborhoods. For some time she has been attempting to restrict the redevelopment of the Rivercrest neighborhood. She quoted Chair Carter as saying in a Planning Commission meeting that, "The Planning Commission is interested in the best interests of this city..." and, regarding the question of infill, "It is

in the best interests of the city to be able to utilize and infill property that is available without having expensive infrastructure to go on.” **Lord** said she agrees with that. At the time (talking about adding a substandard lot to the Rivercrest neighborhood and granting a variance to allow that to happen), **Chair Carter** said, “If there was anything about this lot that was substandard or detrimental to the neighborhood, the neighborhood would be here telling us it was detrimental. An important fact to me in this situation is that we have not had the neighborhood here objecting. All the times when we have our hearings, when the neighborhoods feel very strongly about something, they are here in mass and they are very, very vocal, and their opinion weighs in very, very strongly with us, and we take it seriously.”

**Lord** suggested that the reason the Commission didn’t hear from the Rivercrest Neighborhood neighbors at that time was because they were not informed of the city’s intention to redevelop their neighborhood with another three dozen houses in their six-block subdivision. They have since learned of that and have made it their business. As a result, on Monday, Nov. 10<sup>th</sup>, 117 Rivercrest landowners representing 72 properties filed a suit against those who wish to divide their lots in Rivercrest to enforce a deed restriction. This is a very strong voice saying that infill of established neighborhoods is not in the best interests of the residents of those neighborhoods, at least not of theirs (Rivercrest’s).

She said the Planning Commission that considered the request at that time said that the variance being requested was a provision that “went against the Comprehensive Plan principle of protecting every citizen’s privacy.” She suggested to this Planning Commission, then, that they very carefully consider the question of infill of established neighborhoods and consider the reason people weren’t at that first round yet now they are concerned. Her quick answer was that at the time she asked the Neighborhood Association Steering Committee to present a forum on increased density in Rivercrest, she was told that the neighborhood association didn’t want to handle anything that was controversial, and that position has not changed, she said. Information that has been focused to the neighborhood association for those residents has not been disseminated. There was no mention at their last neighborhood association meeting in October nor was there any mention of the Comprehensive Plan in the newsletter that she (Lord) knows of, and the next meeting is not scheduled until February. When, she asked, are they supposed to be able to give the vital input of the citizens’ voice? Therefore, she asked that the Planning Commission consider at least one round of neighborhood association meetings in their process so people can get the information and react to it to get information back to the Planning Commission in appropriate fashion.

**Lord** said she is concerned about the delegation of authority in the Comprehensive Plan to staff members that belongs most appropriately to a quasi-judicial process. An example of that would be in the approval of accessory dwelling units. In the Ordinance change, she said there is a whole list of accessory dwelling units requirements, but right in the middle it says, “If something doesn’t fit these requirements and the staff thinks it is not practical to enforce them, the staff can make a decision to allow it.” She said it seems to her like staff decisions are only for ministerial decisions, not for those where there is a contested issue or where significant legal decision-making has to be made. Therefore, she asked the Commission to reconsider those places where they are thinking that delegation would be appropriate.

Finally, she had comments regarding the process used in enforcing the Comprehensive Plan. In recent litigation, she said, LUBA ruled in a case of Oregon City that “The City Commission is not obligated to identify each criterion and verbally explain in a public meeting how it resolved the legal and evidentiary issues and why its resolution of the issues led the City Commission to conclude that the variance criteria are met.”

**Lord** said she couldn’t believe it when the appellant courts said that’s true—the city doesn’t have to talk about what the criteria are, how the evidence fits, and make its decision in a public meeting where it can be heard and commented upon by the public. It just doesn’t make sense, she said. They said the “public meetings law” doesn’t apply, but she said if that’s not an Oregon State law, it should be an Oregon City municipal ordinance.

The other argument the city attorneys made in this litigation process was that the only substantial evidence needed to grant a variance was the applicant's own testimony. No independent corroboration was required. Lord said that's outrageous. If the applicant only has to tell a story and not provide evidence, how is our Comprehensive Plan going to be applied? Who will enforce it?

She concluded by asking again that the Planning Commission consider these deficiencies in the ordinances to make sure that the citizens' rights to participate in the public land use process are protected and more clearly defined.

**Erin Morris**, 16380 Trailview Drive, said she moved here about three months ago because she fell in love with the area, with new development yet still within an urban setting. She was unaware that the Comprehensive Plan and a lot of future development would be occurring right around their new home. She attended the recent Park Place Neighborhood Association meeting, from which she understood that some studies were being done on the roads. She would, then, propose to leave the area near the Holcomb Blvd as FU-10 to maintain the larger lots and the rural area. In other words, she would like to see that remain as low-density property rather than high-density, as proposed in these amendments.

**Bob Short** said he works for Glacier Northwest, with his office at 1050 N. River Street, Portland, which operates the concrete plant at 16381 Main Street in Oregon City. He said any of those on the Planning Commission during the Waterfront Master Plan and probably during the Downtown Master Plan have probably heard some of his comments, but he wanted to make a couple of comments this evening and then ask some questions about the process for implementing the Comp Plan.

He said the concrete plant has been in operation since the early 60's. It went through the '64 flood and the '96 flood. That area has traditionally been an industrial area, including a lot of mining in Clackamette Cove. There is considerable landfill there. There are areas within that area that the Waterfront Master Plan identified as mixed use or public use or recreation that are likely contaminated. It is also, from his company's point of view, an ideal location for the use because it is close to the transportation system. He said they have about 30 jobs there that are hourly, high wage, full benefit homeowner jobs.

He said they have been a part of this community for a long time but it appears that the long-range plan is to phase that facility out so, noting that the Zoning Map shows that area as General Industrial on that site, he asked how it would transition into the Mixed Use downtown and what timeframe is being contemplated.

He said they agree that there are some challenges in that area if it is to be developed as Commercial or Mixed Use because of the constraints provided by the terrain and also because it is in a flood plain, but he is curious about the timeframe in particular. In other words, at what point would his company become a non-conforming use?

**Drentlaw** said they would be a non-conforming use once the zoning is changed, and at this point there are not proposals to change the zoning. However, should he as a private property owner decide to initiate a re-zone to this Mixed Use district, it would then be consistent with the non-conforming, so this is just the first step.

**Short** said they don't contemplate a different use for this property so he was curious as to under what conditions the use might be changed without their permission, so to speak.

**Drentlaw** said the city isn't proposing a rezone, so at this point it would have to be initiated by **Short** as the property owner.

**Short** thanked him for the explanation and added that staff has a hard job, especially because they are doing a good job, even though it might seem like they only hear from the public when the citizens don't like something.

**Maylis Shook**, 15152 S. Loder Road, said she has lived in many different places and is not naïve to the fact that there won't be growth. However, she said at the last meeting she heard testimony from many people who seemed to be "blindsided." She said they found out they were part of Metro when the garbage company notified them. However, she said they have only had a couple of months to try to understand what is being proposed. She said she understands that their whole area is going to be zoned Industrial and she understands that it is being proposed to be more campus-style. She said she thinks the description of the proposed Mixed Use with retail, offices, and residential sounds good, but she asked how they can be assured that there won't be some really unattractive businesses coming in right across from the high school, for instance. Also, mention was made of making good use of the view properties for industrial development, yet that very same development would take out the views of the mountains which are currently visible, which seems like a waste.

She noted that some have testified that they don't want high-density homes in the Park Place neighborhood, although she thinks it would be natural to move some of those out by the high school because she said, from personal experience, people want to know foremost about the schools for their children, from grade schools to colleges. She said if she were looking into moving and saw that there was an industrial area directly across from the high school, she would not want her kids in that environment for four years.

She said a lot of people in South End were concerned about Commercial there, and she agreed that it seems like most people would want to stay on the main corridors for their shopping, so she doesn't think there would be very much demand for commercial in the South End area.

She also asked, If this is changed to Industrial, how soon would the current property owners be forced out?

**Chair Carter** said she didn't think anyone would be forced out. **Shook** stated hearing about a man who has property on 213 has been denied building permits because he doesn't fall within the required zoning, so they have reason to be concerned. **Cook** said the property owner controls the destiny of it. She replied that she owns two acres and she asked, "What happens?"

**Nora Lee**, 16463 Willamette Valley Drive, began by thanking the Chair for the opening statements. She said she had just moved into the Trail View neighborhood in June and she, too, values that rural living and enjoys the R-10 lot sizes and the country setting.

She said she understands there are plans for a development called Park Place Village, which is an 172-acre development around her neighborhood, and she has concerns regarding the roads that will be abutting her neighbors' properties and concerns about the need for a road that would cut so close to their properties.

She said that if progress is going to proceed, it is important to consider the livability aspect. If there is a way to have parks, try to address the present residents and be sensitive to the people who are living next to the planned development to see if there is a way for everyone to work together to make it a livable place for all.

She also had concerns about the additional resulting traffic. She said she currently drives down Holcomb Boulevard which feeds into Abernethy Road, which then hooks onto Hwy. 213, which gets backed up during rush hour. Her concern is that if this development were to proceed, the additional traffic would only exacerbate the problems.

She is also concerned about the school capacity.

In summary, she reiterated her request that the Commission be sensitive to the needs and concerns of current residents as they proceed with the hard job of the planning process.

**Julie Talley**, 15577 S. Saddle Lane, said she and her husband moved to this area about a year and a half ago with their three children, and they moved here (just south of the industrial area and the golf course) because they loved the rural feel of the area and surroundings. Although it has been stated that great efforts have been made to contact people about the proposed changes, she said they were not told of any possibility of this becoming industrial area when they bought their property.

As a taxpayer, a parent, and a public educator, she said she can't understand why the city would want an industrial area across from the brand new high school. She said she doesn't see how this can be conducive to a safe and an environmentally sound educational environment for our children. Living on Saddle Lane, she said she is aware of some of the noise pollution and the increasing traffic, so she can't imagine the potential if it is industrial, even if there are some restrictions, because it is commonly known that those restrictions are set but then they get changed when people come in.

Regarding the comment that this is planning for ten years down the road, she said that is just what she and her husband were doing when they bought their home. They want to drive by rural pasture area, they want to see Mt. Hood, they want to live next to a golf course, and they want to watch the small airplanes land and take off. Yet if this goes Industrial, they quite likely would not choose to remain here to raise their children.

Finally, she said she has heard the term "Metro" used often in the last couple of weeks and she said she hopes the Commission is really working for the people of Oregon City and not just smoothing the way for perhaps a different hidden agenda of an urbanizing agency called Metro.

**Molly Green**, 15605 S. Saddle Lane, said she is truly concerned about the intentions of the City Planning members sitting before this group tonight. It seems, she said, in the minds of the City Planners that the dye has already been cast and that the Commission is going to push through these agendas regardless of what is said this evening. In her experience because her husband is in commercial construction, she said these meetings are nothing more than a chance for the citizens to vent their frustrations rather than a chance for them to actually participate in the planning process.

She said she moved to Beavercreek in order to achieve a good quality of life for her family, not to move next to an industrial park and she really wonders how the City Planners and City Council members would like to have the property adjacent to their homes rezoned Industrial against their wishes.

While the laws of this community have been set up to protect the rights of the individual property owners, she said it is quite obvious by the actions of this committee that they are trying to impose their agendas on our community regardless of the wills of the individual property owners who would be most impacted. This should be a wake-up call to all citizens to become educated in the political processes involved and take an active role in getting this committee on track so the community can have control over its own destiny instead of a few individuals making the decisions that involve everyone.

She said she personally would like to be placed on a watch-dog list, or even form one, so that she could be notified in a more timely manner of issues that affect our community. As it stands now, they are only notified of changes right before they take place without a chance for anyone to act. The kind of meeting before us is the perfect example of a group that is trying to force its ideas on the community. While we are all busy working, raising kids, and trying to make a living in these hard economic times, she said, the City Planners that were elected by us to serve us in our best interests are busy trying to undermine the community where we live. She

said we all have to be responsible for the decisions we make now, and she pleaded that we come to the decision that Beavercreek Road cannot handle the added burden of traffic that an industrial park would bring.

**Jim Kosel**, 11466 Finnegan's Way, said two weeks ago he had talked to the Commission about citizen input having equal weight to that of the planners and developers in the planning process from the beginning to ensure citizen and neighborhood association participation from the start. Section 1 of the Comprehensive Plan should include an action item to include one or more items similar to that of Section 2 of the County's Comprehensive Plan, such as Section 2.9.b: "Community organizations should review and advise the County on changes in the Land Use Plan and Zoning Ordinance and may submit zoning recommendations to the County." He continued to read, "City Neighborhood Association bond issue should be extended to the Urban Growth Boundary and have significant roles in the land use and zoning of the land being annexed into the city."

Furthermore, he said he thinks Section 12 of the Comprehensive Plan should include an action item to include County Community Planning organizations representing areas within and contiguous to the Urban Growth Boundary and the Land Use and Zoning process.

**Kosel** said it is his understanding that the planners are proposing the deletion of the Planned Unit Development (PUD) section of the Municipal Code, Section 17.64, which he thinks is good. In the case of the Rose Vista Proposal, that is a classic example of where a PUD degrades a neighborhood and doesn't strengthen it. However, should the city decide to keep PUD's as part of its zoning, then it should be amended to require the incorporation of a homeowners association for the operation and maintenance of the common areas and enforcement of the CC&R's.

**Kosel** said another item is to bring further continuity in the South End Road area, saying in particular that tax lot 3S-1E-1CD, 300 on Rose Road should be rezoned from R-6 to R-10 to conform to the rest of the area.

In reviewing the September 2002, City Work Session minutes leading to some of the Urban Growth Boundary changes, he said some of the discussions have led to some of those changes to the Comprehensive Plan. He suggested that both the City Commission and the Planning Commission should closely review the proposed changes to ensure that citizen input and needs are truly addressed in conjunction with changes that support the UGB process.

**Kosel** said staff and the Commission have done a lot to get to this point tonight and he suggested, in consideration of all the testimony submitted in the last two weeks and being submitted yet this evening, that perhaps all future land use applications and annexations be deferred until all the Comp Plan Municipal Codes are updated and in effect.

**John and Chris Kozinski**, 18370 Holly Lane, introduced themselves. She said they live just above the area that will be annexed, not actually in it, but they had brought some different information that they felt the Commission needs to understand.

**Mr. Kozinski** said they are concerned about Holly Lane itself, specifically wondering why that can't be made a dead-end. He said the way the traffic flows through there is incredible—like a super highway—and it is only going to get worse as time goes on.

Another issue of concern is that they have not received any notices about these meetings and this is upsetting, particularly because they can't even get the correct location when they hear through the grapevine that there is going to be a meeting.

**Ms. Kozinski** said there is no quality of life along Holly Lane. She said they moved there to raise their family in a rural setting, as everyone else has cited, but it is no longer a family area. She said the traffic congestion really needs to be considered because the Holly Lane, Redland Road area cannot take 1,300 cars (650 homes, 2 cars per home).

She said they brought an article from *The Oregonian* (dated April, 1999) that talks about the unstable land on Holly Lane. She said the land on Holly Lane has loose soil. In the last big flood, she said two homes were crushed in half and slid down the hillside. In the earthquake, two homes a half block from them slid off their foundations, the earth liquefied, and the homes are gone. She said this is loose soil that cannot hold 650 new homes, and it could turn into another "Kelso, Washington" incident. This type of catastrophe would hit the city's budget hard and, she said, we will have another flood.

**Mr. Kozinski** said another concern is that one of the biggest trailer parks in the area is located right below them and there is only one way in and one way out. The addition of another 650 homes would add an amount of traffic that Holly Road, Redland Road, and Beavercreek cannot handle. He said he knows this is tough, but we must consider the future.

**Ms. Kozinski** said they would propose that before any annexations are approved onto Holly Lane the city complete geographical studies and traffic studies, and advise everybody within five miles of the findings so they know what they are sitting on. She said their home moves, their retaining wall moves, and their driveway cracks constantly from the gradual moving of the land. Furthermore, she said they live along a canyon that is so steep she can't even walk down into it, and it definitely is not a place for a lot of homes. She said it is appropriate for rural designation and that Metro is trying to keep it out of the UGB specifically because of the unstable loose land which goes all the way through Oregon City and Carver.

She said they would also like to be notified of the next meeting.

**Dan Berge**, 20122 S. Molalla Avenue, said he owns Continental Satellite. He said when he was annexed into the city he should have been Commercial. He said they were grandfathered into the County and he used to get his building permits from the County but now he would have to apply to the City for the Commercial designation, which is a \$3-4,000 application fee. However, if that were rolled into the Comprehensive Plan, he would not have to pay that fee. He said he is one of the few people who provides quality jobs because he hires hire-educated, higher-paid personnel for the expertise of his product and he said he has had his business in this general location since the early 80's.

He said he would like to keep his business here but it is a struggle. He is getting ready to do some new projects but he doesn't know whether he can or not within the City, although he knew that he could when he was in the County and, admittedly, he would like to save the \$3-4,000.

**Powell** asked for confirmation that he has already annexed into the City. **Berge** said he personally didn't do it but it was done, but he knows it is not Commercial.

**Chair Carter** reiterated an earlier comment to a man who testified that until he requests a change in the zoning, it will not happen, and the same would be true in Berge's case, even though he was asking if it could simply be rolled into this process in the Comp Plan changes.

**Berge** said he understood that the zoning changes occurring now are partly so that everyone doesn't have to pay these fees, which is why he was specifically stating for the record that he would like to be included in this process, and **Chair Carter** said that is one of the advantages of this project.

**Berge** added that some of the previous Planning Commissioners knew of his situation and he naively thought his situation would automatically be taken care of, and since he hadn't gotten any of the earlier notices, he was just now getting involved. He said he could also understand that it costs money to notice everyone in the city, and he was there to plead his case.

Finally, **Berge** asked what the process is now, since it appears that the course has been set.

**Chair Carter** said several people have mentioned thus far that they feel that the process has been locked in and that this process has no value, to which she strongly reiterated that is not the case. She said the Commissioners are listening to what the citizens are saying because this is *our* city's Comprehensive Plan. She said we the people who are on the committee, we the people who are on the Planning Commission, and we the people who are the staff of this city do not have all the answers, which is exactly why the public hearing process is in place. She said some of the comments may have value to this particular topic and result in change and some of the comments may have value but may not result in what a particular person is hoping for, but all comments are being heard. However, it is the job of the Planning Commission and the City Commission to try and choose what is in the best interests of the city.

**Roberta Hoffard**, 1161 Josephine Street, said she is opposed to the changes being proposed in the Comprehensive Plan regarding the changes along South End Road. Some sites have been chosen for Commercial sites and she said that neighborhood association, according to what she was able to glean in the last week, was not aware that some commercial sites were being proposed along South End Road. Therefore, this was a surprise to both the neighbors and the neighborhood association.

She said she is opposed to some of these sites as Commercial sites for the following reasons:

- South End Road is a narrow corridor that comes up the bluff of Oregon City, and is also very windy. She said currently the area is low-density residential and there has been a lot of residential building along South End Road. Now, if we start adding Commercial higher-density, South End Road and the hill itself would not be able to handle the traffic because of the natural barrier of the bluff, which is always sloughing off.
- It is not possible to cut into the bluff to widen the road because of the Rivercrest neighborhood above, and the greenway and Coffee Creek are below. She said perhaps the top could be widened, but there is only one way up because there are no roads that can come in east to west due to the natural bluff.
- There is a lot of wildlife in that area, and the old Canemah area comes along that bluff. There is also an empty fire station at the end of the road, which was the subject of great discussion.
- Several years ago (15-20 years ago) the property across from South End Grocery was Commercial. People at that time gathered signatures to keep it R-10 because they didn't want higher density, understanding that the corridor along the natural bluff wasn't conducive to anything but low-density residential.

In summary, she asked that the Commission give this consideration because there is simply not sufficient ingress/egress to handle high volumes of traffic.

**Kathy Hogan**, 19721 S. Central Point Road, submitted the minutes from the neighborhood association meeting of Nov. 20, 2003 into the record and said she was speaking on behalf of both the South End and Hazel Grove neighborhoods as well as herself. The minutes stated that they wanted said minutes entered into the public record, and they included the following concerns:

1. Concerns about traffic, schools, and over burden of existing services.
2. Commercial property will increase traffic, goes by two schools, and will produce wear and tear on the streets.



3. Worried about pushing it by sneakily.
4. Traffic increases.
5. Children using road going to school, and Chapin Park will have danger.
6. Concerns about Planning Dept. changing story every time you talk to them.
7. Added truck traffic.
8. Changing in livability in area and over-burden of services.
9. Business trucks cannot come up South End Road hill so they would be travelling on residential Warner-Parrott Road, Central Point, and Parker.
10. No apartment houses or duplexes.
11. Worried about ingress and egress of cars coming in out of a grocery store. South End is natural bluff watershed.
12. Only apartments would be put there—not grocery—and more crime. Road comes with either.
13. Natural bluff and Willamette River.
14. Commercial property on South End Road would detract from downtown.
15. 7<sup>th</sup> Street area would be better. Should have mass transit in South End area to move people to shopping areas, and would be better on 7<sup>th</sup> Street because they have transit there.
16. Area is not conducive to business. Should not be competition to business already there. Should put effort into business already there.
17. Concern with shopping densities. Strip malls near apartments would make higher crime rate and loss of the neighborhood feel.
18. Lose security and add traffic noises. Don't want widening of South End or Warner-Parrott. We want to keep our apartment near parks. Neighbors moved here for neighborhood feel. Don't want noise or traffic. Why Commercial district when we have Red Soils and downtown? When County offices are finished on Beavercreek, downtown will be completely business.
19. We need more police, park, and schools. Currently there are no funds for that. Worried that church would sell and we would have a strip mall or apartments.
20. Piece of property next to Fire Dept. is designated as Park. (**Hogan** said she understood that that was once a park so she didn't think businesses could be located there without a vote of the people.)
21. Noise, light pollution, crime, safety, traffic impact, the area, out of the character of the existing neighborhood. South End Market already has a problem of loitering and changed their hours to close at midnight because of theft problems.
22. Would hate to see apartments in residential areas.
23. One neighbor would like 8,000 square foot lots.
24. Warner-Parrott area is wetland area. If the people drive to limited Commercial spots, they would each get in their cars and drive to several different stores, not just one place.

(**Hogan** noted that the secretary that evening had written everyone's comments, whether or not they were repeating prior comments.)

**Hogan** then referred to page 74 of the proposed Amendments to the Oregon City Municipal Code and read,

“Lesser requirements allowed by Planning Commission: The Planning Commission may permit lesser requirements than those specified in the Parking and Loading requirements above where it can be shown that, owing to special and unusual circumstances relating to a specific piece of property, the enforcement of the above off-street parking and loading instructions could cause undue or unnecessary hardships.”

She asked who would establish the grounds of “lesser requirements”. She said she assumes this is for Commercial and she asked why lesser requirements would be allowed for Commercial that would impact the people within that area, and why staff would be allowed to do less than the requirements.

**Chair Carter** reiterated the wording, “may permit lesser requirements... where it can be shown that, owing to special and unusual circumstances relating to a specific piece of property, the enforcement of the above off-street parking and loading instructions could cause undue or unnecessary hardships.” In other words, a person would have to come before the Planning Commission and convince them that they are suffering some kind of undue or unnecessary hardship.

**Hogan** said that perhaps it would cause an adverse effect on the ingress and egress on the vehicles in the neighborhood, and **Chair Carter** said that would be part of the considerations for the Planning Commission.

Finally, **Hogan** noted that the minutes didn’t reflect a comment that going down South End Road to Hwy. 99 is not conducive to truck traffic because it is so curvy. In fact, she noted that young people have been killed along that stretch because it is so dangerous. With that said, she said she would hope that Commercial would be taken off the board for this area.

Furthermore, she said Rose Road should all be R-10, not R-6 or R-8, so it is all the same. This would also relieve the water situation in this area, which has been part of the problem.

The document submitted by **Hogan** would be identified in the record as Exhibit B.

**L.K. Oly Olson**, 19788 S. Impala Lane (just off South End Road), said regarding the land use proposals, Policy 2.1.2 indicates a need to reduce reliance on the private automobile, 2.1.3 emphasizes shared parking and landscaping, and policy 2.5.4 proposes to develop small retail centers in residential neighborhoods. He said the idea of having a central area dates back to pioneer days where it was a place for gathering and for shopping. Everything that was needed was available in the town or at least provided by the town. He said Oregon City, as he understands it, is proposing to use the same concept in developing these small retail centers. In reality, he said, this will only cause an increase in the reliance of personal automobiles because if there are a number of community centers throughout, they won’t be able to provide for all the needs at each one so people will have to drive from mini-center to mini-center, which will actually increase the amount of traffic. Also, the trucks needed to provide the materials to these mini-centers will need to use the roads, thus increasing congestion.

He said he thinks the right approach, in order to reduce the use of the automobile, is to build larger centers, which has proven to be effective across the nation. A large mall will provide nearly everything the people want, it will reduce the need to drive from mini-center to mini-center, and if people are offered a centralized parking area, they are more prone to walk from store to store rather than drive.

Another advantage to larger shopping areas is that delivery trucks will only have to go to a central delivery point rather than having to go from mini-mall to mini-mall, which the roads cannot handle. A large truck can drop off one load at one store rather than many small drop-offs at several mini-malls. This would decrease congestion, decrease the fill requirements, and take less time.

The consequence of having more traffic on the roads also means we would have to improve not only one road, but every road to the many centers.

He said the people have chosen to live in the outside areas, befitting their life styles. In the case of South End Road, he said there are almost exclusively residential areas of various sizes. He agreed with prior testimony that having a commercial area at the first curve would be disruptive and that South End Road will not be able to tolerate that kind of traffic. If we put in a number of mini-centers, as being proposed, and the traffic has to use South End Road, this would require a significant amount of improvement. By imposing these unwanted zone changes with the mini-centers, he said, he thinks it will destroy the neighborhood concept that the neighbors have chosen to live in. Thus, he would suggest an additional study of this area.

**Joyce Carmella**, 18750 Lassen Court, said they moved to this address in May from a very busy road, and specifically they moved because of the traffic, so she said the Commission could imagine how they feel about the proposed changes to South End Road. She said a neighbor tried to attend the last Planning Commission hearing but were turned away at the door. Since then, she attended a neighborhood association meeting to find out more about the issues, and since then she and 29 others have signed. She read from the petition,

“Opposed to Commercial Development Land Use Zoning Change on South End Road. We the undersigned are opposed to the proposed change in land use zoning on South End Road. We support retaining single-family residential units and R-10 zoning to maintain the livability of our neighborhood. We are very concerned about the proposed changes, the increased traffic, safety concerns, noise and light pollution, and the loss of our neighborhood community.”

**Cook** noted that this petition would be entered into the record as Exhibit E.

Ralph Kiefer, 15119 Oyer Drive, identified himself as chair of the Park Place Neighborhood Association Land Use Committee and said he was representing the neighborhood association. He said their Land Use Committee wrote a letter to the Planning Commission on Oct. 28<sup>th</sup> in which they requested that all areas near Livesay Road between Holcomb Blvd. and Redland Road that are designated for higher uses in the proposed Comprehensive Plan be designated as Low-Density Residential at this time. The committee acted on behalf of the neighborhood association because of the timing of the deadlines.

At the Park Place neighborhood general meeting of Nov. 17<sup>th</sup>, those who attended voted 35:0 to endorse this letter from the Land Use Committee, and a copy of that letter (dated Nov. 21<sup>st</sup>) should already be in the record. Unfortunately, they omitted stating the date of the meeting, which was Nov. 17<sup>th</sup>.

He said their reason is as follows: The Park Place neighborhood has begun the process of planning a neighborhood plan for the Park Place neighborhood. He explained that currently Park Place goes all the way down to the river, including Clackamette Cove, but in their study they would plan to include all of the proposed UGB areas that might conceivably be annexed into the city, which would include the Holly Lane area and all the area around Holcomb Blvd. So they are proposing to study this in considerable detail with potential funding from the city. By designating these higher use areas as Low-Density Residential at this time, they would have time to make progress on the preparation of their neighborhood plan and to receive input from their Park Place neighbors on the issue.

**Ralph Kiefer**, 15119 Oyer Drive, then identified himself as the elected secretary of the Oregon City Natural Resources Committee, a seven-person committee, and he noted that he was appointed by the City Commission. He was asked by the committee to present testimony on their behalf, thus the reason for a separate presentation.

He said the Planning Commission had just received a letter from this committee requesting that they delay approval of the proposed Comprehensive Plan document until this committee has had an opportunity to review, assess, and evaluate their suggested amendments to the Plan.

He said they had their first meeting earlier this month, they have met twice, and their first order of business is to review the recommended additions and revisions of the reasons for the proposed Comprehensive Plan. The first meeting was scheduled for an hour and it ran for three hours. The second meeting was scheduled for two hours and it ran for four hours. They are meeting again Dec. 4<sup>th</sup>, and they hope to finalize their response at that time as somebody has taken ownership for each of the 13 sections of the Plan.

Based on their progress to date, he anticipated there would be several hundred suggested revisions, additions, and deletions from the committee. They would attempt to compile and edit their recommendations by the next Planning Commission meeting date of Dec. 8<sup>th</sup> but the logistics of getting all of their additions, revisions, and deletions to the Commission at that time are staggering, so their request would be to postpone presenting those recommendations until the next regularly scheduled meeting after Dec. 8<sup>th</sup>.

**Cook** noted that the letter from the Natural Resource Committee is recorded as Exhibit C and the letter from the Park Place Neighborhood Association is Exhibit A.

**Kara Birkeland**, who works at 419 Main Street (part of the Blue Heron Paper Company), said her comments this evening were to address the proposed redesignation of the Blue Heron paper site from Industrial to MUD. She said they would request to keep their Industrial status. She said they are interested in how the Comp Plan can declare a shortfall in industrial sites when it is purposely trying to eliminate one of them.

She said Blue Heron is an employee owned and operated company since it was purchased in May of 2000. Many of the employees have put in decades of hard work to get the company where it is today. She said many of the employees took wage and benefit cuts in exchange for shares of stock in the company. They believe those will have value that will supplement their retirement. The redesignation of the site will most certainly reduce the value of their stock, and 250 employees in this community would lose a chunk of their retirement income, not to mention possibly their livelihood.

She said this facility has been providing a benefit to this neighborhood for many years, and she asked if they are to see all of this zoned away. Is this fair for those 250 employees?

She said they also feel there may be an error in the intentions of the proposed Comprehensive Plan, which claims it is using the 1999 Oregon City Downtown Community Plan and the 2001 Oregon City Waterfront Master Plan to support its implementation. However, each of these plans specifically excludes the Blue Heron site. She said they request that the Comprehensive Plan eliminate the redesignation of this workplace and restore its future.

**Jerry Lord**, 419 Main Street (Blue Heron Paper Company), said he has worked at Blue Heron since 1988, explaining that he works for the Technical Department and that he serves on the Board of Directors representing the hourly employees. He said he was here to request that in the final Comprehensive Plan the mill not be redesignated for non-Industrial. The mill is part of the history of this city and it does not seem fair to do this. He said they are competing in a world market and if they fail, he said, let them fail because they can't compete, not because some people think they don't fit into their long-range plans. They currently support 250 full-time employees and their families, all of whom have made a large investment through reductions in wages and other concessions. The mill is not just a job—it is part of their retirement with an investment in an ESOP.

He said when he talked with people at the mill, he had a heavy heart for each one. Many wanted to come this evening and speak but it was felt it would take too much time, so he brought letters—147 to be exact, all of which he requested to be submitted into the record individually. He also noted that about half of the work force were on days off, so he didn't have time to obtain all the letters they might have otherwise.

In summary, he asked on behalf of all the employees that the mill not be redesignated as non-Industrial and that they be allowed to fulfill the dream they started.

**Mike Sievers**, President of the Blue Heron Paper Company, started by thanking the employee representatives for coming to support the company and to thank the Commission for listening to their situation, asking that they give consideration to this testimony. He then said that they had already talked about who and what they are at the paper mill, so he wanted to elaborate on some of their concerns and thoughts regarding the proposed rezoning. He said he would list the main thoughts first, then elaborate on some of them, and continued as follows:

- They are deeply concerned that the proposed Comprehensive Plan would redesignate this historic mill site for non-industrial use.
- This designation would limit their ability to adapt and evolve the mill over time, as is required for them to stay competitive in the paper business.
- Because of its access to water, this is a unique industrial site that should be maintained for that purpose for the Oregon City economy.
- They are concerned that plans for zoning for any other use will reduce the inventory of industrial sites in the Oregon City area—an area that is already crying for industrial sites, it would seem.
- Because they believe the site is suitable only for industrial uses, they are also concerned that this Plan designation eventually could result in the creation of a derelict, undevelopable site in downtown Oregon City.
- The paper company is a huge recycler, converting old newspapers and magazines and mixed office waste into new news credit, and into bag papers for the fast food industry, all of which are produced at this mill site.
- This site is the only site Blue Heron Paper Company has.
- They sell a rich mix of prominent newspapers and commercial printers throughout the Western U.S. and to many fast food companies.
- In regard to comments about the number of local employees and the types of jobs at the mill, it is important to note that all of the jobs are high-paying, family-wage jobs, providing jobs for a cross-section of educated people, whether they have a high school education or GED, or they are highly educated. These jobs also include a very nice benefits package, and they would be very hard to replace in this community.
- The mill has a very large economic impact on this whole area. Many of the employees live in Oregon City—about 25% live directly in Oregon City and the majority of the rest live in the very near community. The mill has a payroll of about \$12 million, which goes into the local economy, without consideration to the multiplier effects. The mill purchases between \$2 and \$3 million a year in goods and services from the local area, and they spend about \$38 million in the surrounding area within about a 35-mile radius of the mill.
- Through the companies that their employees patronize, they provide a steady flow of business to many Oregon City establishments as well, including restaurants, bakeries, grocery stores, and the local

competition that provides safety glasses. On this basis, he believes the mill is probably one of the most important employees in the city economy.

- Like all manufacturing operations, they must continually evolve their processes and adapt their facilities. This means they must continually invest capital improvements to remain competitive. If this Plan designates the mill site for Mixed Commercial and Residential use, the eventual rezoning to these uses is inevitable, at least in their opinion. Although they understand that the current industrial use will be grandfathered as the existing use, the rezoning would dramatically restrict the mill's ability to modernize and evolve ultimately over time.
- A Plan designation as non-industrial only would indicate to investors that future industrial use will be restricted. This could frustrate their ability to raise the capital necessary for continued growth and competitiveness.
- In short, the Plan designation for Commercial and Industrial use is an eventual death sentence for their operation. The result would obviously have an equally devastating impact on their employees, who have already discussed the impacts. The employees gave up wages and benefits; they've got a stake in the company; and they're looking to convert that back into some kind of financial benefit in their retirement, so to jeopardize the company jeopardizes their retirement.
- The Blue Heron Mill site is prime Industrial property with unique value. The property was originally developed as an industrial site. Its unparalleled access to the water is what makes it unique and valuable today.
- Although also used for a woolen mill, this site has hosted a paper mill for almost its entire history. Oregon City grew up around these industrial uses. The mill has been in the very heart of its entire history, just as that history is an important part of the community today.
- As a result of this long history, the mill has very important water rights for industrial use. These water rights have the oldest priority date of which they are aware on the Willamette River, making that extraordinarily valuable. They also are substantial, which supports the mill's operation and would support another water-dependent industrial use if Blue Heron were to stop operating there. Obtaining water rates for similar flow at another industrial site anywhere in the Portland area would probably be all but impossible.
- In addition to water access, this site has well established infrastructure for industrial uses, including good railroad access, good electrical service, an elaborate wastewater treatment system, and good access to the Interstate for truck traffic.

In short, this is an excellent industrial site that should be considered for nothing less than industrial use.

**Sievers** said that, although the concerns he had mentioned thus far relate to maintaining the viability of the paper mill, this Plan designation is inconsistent with State-wide goals to preserve existing industrial lands. The State-wide goal specifically sets priority for preserving industrial sites. Not only is the mill property an existing industrial site, it is a very high quality industrial site, with its unique infrastructure for that purpose. The proposal to redesignate this prime industrial use for mixed use is inconsistent with State Goal 9.

Metro's data reports that Oregon City has adequate residential land for forecast improvements, but lacks industrial land to accommodate Metro's job allocations. The proposed Plan designation for the paper mill site would have the effect of increasing the hypothetical need for industrial-zoned land.

This same Comprehensive Plan uses an alleged shortfall of industrial-zoned land to justify expansion of the Urban Growth area to include new properties to be Industrial-zoned. Therefore, the proposed plan is internally

inconsistent by redesignating prime industrial land to other uses while at the same time expanding the UGB in an effort to find adequate industrial land.

Rather than zoning out of existence the mill and its contribution to Oregon City's economy, they would urge the Commission to consider ways to embrace this industrial use and its long heritage as part of the downtown vision.

According to the staff report, the City released the draft Comprehensive Plan on Sept. 11, 2003. To support the extension of the Mixed Use Downtown Plan designation through the Blue Heron Mill site, the Plan indicates that this action implements the 1999 Downtown Community Plan and the 2001 Waterfront Master Plan. However, neither of these plans appears to support this action.

Given the magnitude of the change for the Blue Heron site and the evident lack of any meaningful planning foundation, the community as a whole, and Blue Heron in particular, need additional time to research the planning and policy phases for this change and to consider the magnitude of this recommended change. He said they believe the City committees, including the Natural Resource Committee, have not had ample opportunity to weigh in on this redesignation proposal. For these reasons they believe that State-wide Planning Goal 1 requires that the City go the extra mile to ensure sufficient citizen involvement, and they request that the Planning Commission provide additional time for research, review, and comments concerning the Mixed Use Downtown Plan designation proposal.

Also, **Sievers** said they formally request that the designation of M-2 Heavy Industrial District be retained for the Blue Heron site.

**Chair Carter** said he had presented some very good information, which she appreciated.

**Cook** noted that the document Sievers submitted (the hard copy of his testimony) would be entered into the record as Exhibit D, and the previous packet with 100-plus letters would be entered as Exhibit F, # 1-1xx.

**Dianna Jensen**, 16463 Willamette Valley Drive in the Trail development, said she came here in 1971 from Iowa because she fell in love with this little piece of heaven and the attitude of its people to preserve its beauty. She asked if the Commission had ever had a dream that was worth working for and waiting for to make it come true, and said that the residents of Trail View have all had that dream. A couple of years ago, she and her partner began to search for the perfect house, the perfect neighborhood, and the perfect setting. After two years of searching, they found it in Trail View with its natural beauty, serene atmosphere, and dark skies.

However, the dream began to shatter, first with the deception they feel the Syntax developers gave them in the idea that progress was years away. She said they paid hefty premiums for their beautiful spots, but soon woke up to the crashing sounds of nearby tree removal in preparation for the Ziegler Village. Then she found out from a reporter that the property behind her house was zoned for a mobile home park, which would result in the values of their houses being reduced by 20-25%.

In summary, she asked that the Commission consider those residents at Trail View and consider what they are going to approve into existence. She believes in progress but, she asked, what about preserving the wildlife, the trees, and those natural areas left to enjoy away from the business of life?

**Jensen** then asked the following questions:

- Have any of the Commissioners ever been to any of these sites that the citizens are talking about? (Yes.)

- Who do the citizens talk to about concerns about what is occurring around their properties? Who does care, and who is there to help them?
- Is there a City ordinance for disclosure from builders regarding what is happening in the various areas?
- Who decides the zoning designations for each property, and what are the citizens' resources for getting these questions answered?
- Are there City ordinances regarding downing forests and/or preserving them?

**Chair Carter** spoke personally to answer some of her questions, saying that she is equally appalled that trees are just cut randomly to make money because she thinks trees belong to the earth and we can very easily destroy the livability of our environment if we don't take some kind of action to preserve that livability. To that extent, she has several issues that she has been thinking about during her term on the Planning Commission, especially during this review of the Comprehensive Plan, which spur her to become more proactive about certain issues. She said we do have some Planning laws relating to how we do our planning, but personally, she doesn't think some of them are working very well, and tree-cutting example is one of them. She said she has spoken to Mayor Norris and a Commissioner, and it is her desire to have a joint meeting with the County Commissioners, the County Planning Commission, our City Commission, and this Planning Commission to create some policy about how to protect our urban environment and the livability we treasure. We are not just a historic city, she said. We are also a rural environment, which is very important to her to maintain. She reiterated that the purpose of this whole process is to have some better control by having a better Comprehensive Plan based on the input of the citizens, but the issues are much bigger than just reviewing the Comprehensive Plan. That said, she said she is ready to move forward on some of the land use issues and other issues to maintain the livability of Oregon City.

**Jensen** asked if the Planning Commission is the body that would work with Ziegler regarding his development, and **Sullivan** (the City Attorney) said this property is not in the city so, until it is brought into the city, only the County has jurisdiction over it. In other words, the City cannot regulate anything outside its own city limits. (See State Statute 197.277 passed in 1987.)

He said the timber industry went to the legislature in the 1980's and said that counties cannot stop timber cut on county lands. Therefore, if someone wants to cut trees on timber lands and gets the permit from Forestry, they can do so. However, that is not the case if the land were inside the city. So, he said, there may well have been some economic considerations when the trees were cut that Jensen referred to.

**Jensen** asked if the properties zoned behind her are not set, and she asked how they would go about getting that changed. Staff said no, and **Sullivan** said she could go to the County Commissioners and ask them to do it. Particularly, he noted, if the land is scheduled to be brought into the city and she is concerned about the future, this is the time to talk about it.

**Jensen** said another major concern is that when the Oregonian reporter called her, he said that if it was zoned toward the mobile home park, the values of their house properties would go down \$20-25,000. Specifically, she asked if the zoning determination could really affect their properties, and **Chair Carter** said it could, noting that this is one of the issues she thinks needs to be addressed because the city has no control over anything that happens outside the city boundary yet the citizens inside the city limits are looking to the City to help them preserve their quality of life.

**Tom Geil**, 16470 Trail View Drive, said he hoped the Commissioners had received his letter apologizing for being so agitated at the last meeting. Obviously, he said, the frustrations they have heard from a lot of people just flowed out.



He said he came this evening to say that he still has concerns that Metro has dictated to the City (and all other cities) what they must do and has told developers that if they purchase land, Metro will help them get it developed. Therefore, people are frustrated that no matter what they might say, it is pretty much a done deal. He said tax dollars are on the line (\$6 million for Park Place Village alone), and that it is only political politeness to hold these Commission meetings because, basically, things are going to proceed anyway. That, he thinks, is the frustration people are feeling because they are not sure whether it will do any good for them to come to meetings and express their thoughts and opinions.

He noted that when he came, he thought he was alone in this frustration but he has heard many people express the same and he was also grateful to hear the Commission state clearly that they really are listening to the people and considering their input before making any final recommendations to the City Commission, and that they really do care about the future of Oregon City.

**Chair Carter** reiterated that as long as she is on this Commission, she will guarantee that the planning process will include public input in any determinations to be made because the public process is extremely important, both for the trust of the people and for the result of the best and highest interest of our city as a whole.

**Geil** expressed appreciation for her stance and encouraged citizens to participate in the public process, based on his current understanding of how this body works.

**David Porter**, End of the Oregon Trail Interpretative Center, 1726 Washington Street, said he was happy to see this work on the Comp Plan being done, even though there is work yet to be done. He said in reviewing the Plan he first listed those things he really liked, including recognition of open spaces, illusion to the historic sites and landmarks in the City, references integrating the transportation system with public facilities, specific acknowledgment of recreational facilities and places like the Oregon Trail Interpretative Center, recognition of tourism in the Economic Development section, and other things. He said those things are great strengths to carry the city forward but they have been missing as tools and as reference points in prior planning.

The one area which surprised him was the zoning around the new Amtrak station and the interpretative center. He said about three years all of the property owners in the area, in anticipation of this process, said they would like the area to be rezoned as Tourist Commercial (which was a proposed zone at that time). However, the Comp Plan as proposed identifies this area as Mixed Use Downtown (MUD). He said there are many allowed uses in MUD which would be very appropriate but there are many allowable uses listed which are not tourism-based and which would not encourage the kind of development the local property owners are trying to work toward in this area. So, while he felt very good about the general terms, he was somewhat surprised that there wasn't a more direct, stronger reference to the development of Tourist Commercial.

He said when he looked at the MUD criteria, he noted a couple of things. For example, there are minimum height limits for buildings above 1,000 square feet in the MUD, which would probably affect the interpretative center's ability to build other interpretative facilities on their site because they likely would develop facilities that were above 1,000 square feet but not necessarily appropriately built out to the 28-foot height limit.

Similarly, there are interpretative things that have been discussed that would be constrained by having a MUD zoning for that area. In particular, they have discussed a recreation of a mid-nineteenth century farm development with working oxen. There is a reference to allowance of stable activity in the MUD but, at least the way he reads it, it would be very hard to do the interpretative plan of activity they have been discussing with these constraints.

**Porter** said if they are really serious about encouraging tourism as an economic development tool, he would urge the Commission to be consistent and follow through with zoning that encourages development that supports that tourism base in the Comp Plan because they already have this area that really has a strong base and several anchor facilities, in which much has been invested.

**Karen Montoya**, 137 Deer Road Drive, South End Neighborhood Association Chair, said there were about 35 people in attendance at a recent meeting, all of whom were against any kind of commercial use or apartments to be placed within that neighborhood association area. In fact, one of the families said they had recently heard of some of things being planned and was told that his neighbors wanted to have stores closer to them, although she didn't think when people were asked via surveys or other methods that they realized this would mean they would be located "in their back door."

**Montoya** said she has lived in the area for six years, during which she has met and talked with over 100 neighbors, and no one has expressed interest in having a store or other commercial businesses that close to this neighborhood. All preferred to keep it in the area where it is currently. Furthermore, they preferred that any new apartments be built next to existing apartments for better land use.

She said there is also a transportation issue, noting that Oregon City is already struggling with transportation problems brought on by Tri-Met, for which there needs to be some improvement. If more Commercial or more apartments were to be located in this area, she said she isn't sure Tri-Met could meet the demand, particularly since they don't seem interested in serving low-population areas.

Regarding the water issue, she said most of the streets in the area still have open pits—they are not culverted in.

Another transportation issue is that if commercial or apartment development were to occur, not only would the amount of traffic increase, but there would be more left-hand and right-hand turns through traffic on South End Road, Warner-Parrott, and the various side streets, which would only create more bottleneck situations.

**Elizabeth Bracer-Lindsay**, 21341 S. Ferguson Road, Beavercreek, Oregon, identified herself as the speaker for the Beavercreek Community Planning Organization and CPO. She said as of their monthly CPO meeting in October, the Beavercreek CPO had not received any kind of information from Oregon City concerning the proposed amendments to the Comprehensive Plan.

She said the lands to the south of Oregon City are the Beavercreek community, and the lands to the east, which include the proposal for the industrial sites, have been assigned to the Beavercreek CPO by the County, which recognizes their CPO as speaking for those areas.

She extended an invitation to the City staff and the Commissions, when making plans that abut the Beavercreek area or the lands in the area that are represented by the Beavercreek CPO, to please open communications directly with them because they would like to know of those plans and they would like to provide input in order to work together for ideas that would be mutually beneficial. Therefore, she said they would like to get copies of the what is happening and they would like to have representatives attend their CPO meetings. They would also like to represent the citizens within their CPO boundaries.

Since they didn't receive any notice to the last meeting, they didn't have an opportunity to prepare an official response but, based on their past opinions on different issues, she said she expected that their community would probably be most concerned about negative impacts on the transportation infrastructure and about rezoning of the golf course since it is the front door to their community.

**Ron Saunders**, 15211 S. Taggart Road (an Oregon City address but outside the city), said last year he had the opportunity to attend several open houses which was great because he was able to give input about his property and learn about the city's plans for future land uses, which helped him formulate some plans. He submitted a document (accepted into the record by Cook as Exhibit G) summarizing his comments.

He said he has three acres of land at the intersection of Molalla Avenue and Trails End Highway across from Clackamas Community College that is currently zoned FU-10 and classified Industrial and Low-Density Residential. The city has proposed that the Comprehensive Plan designation be changed to Commercial, to which he agrees.

He said he would ask the Commission to change the underlying zoning to Commercial because FU-10 is not a City zone. Rather, it is kind of a holding zone whereby the property is held as FU-10 until it is brought into the city and rezoned. It is then generally rezoned to a zone that is in conformance with the Comprehensive Plan. Since the proposed Comp Plan designation is recommended to be Commercial, he would ask that the FU-10 and the Industrial both be changed to Commercial, and the Single-Family Residential as well since it would not make sense to leave it as residential in the midst of industrial.

With no more public testimony this evening, **Chair Carter** said she and Drentlaw had discussed that the next appropriate action might be to close the public hearing but leave the record open to accept further written comment to a date specific (to be determined) to allow other neighborhood associations or the environmental group or others to make additional written comment. After that date certain, no more written materials would be accepted in order that staff could prepare a packet and distribute it to the Commission to give them time to work on it. Because there are so many issues, the Planning Commission wanted to have a work session in order to sit down with staff and discuss these many issues. She said there is simply too much to accurately or honestly deliberate everything without having some time to discuss everything in a work session first. The other Commissioners concurred with those comments.

**Drentlaw** said there is a regular Planning Commission meeting scheduled for Monday, Jan. 12, 2004 and the next one after that would be Jan. 26, 2004. If the record were to be closed on Dec. 10<sup>th</sup>, that would give staff enough time to compile the information for the Commissioners to review. He suggested holding the work session on Jan. 12<sup>th</sup> for formal deliberations on Jan. 26<sup>th</sup>.

**Mengelberg** asked if closing the record on Dec. 10<sup>th</sup> was too soon for neighborhood associations to meet and submit their comments, but **Chair Carter** said if they want to participate, they need to get together and not just put this off until whenever they might next conveniently meet. This is on the table now, they have come forth to give their testimony, and if there is any additional testimony that is pertinent and not already heard, it needs to be submitted quickly for consideration. However, it seems as though most of the issues have already been heard and at this point there doesn't seem to be much new information. Therefore, she thought two additional weeks for submitting pertinent new information should be sufficient in order to keep the process moving to get the new and much-needed Comp Plan in place. For instance, she said all development that is occurring or is currently being reviewed is occurring under the old rules, which is not necessarily resulting in the development that we need or want.

When asked if there would be any reason why they couldn't have another public meeting that was simply dedicated to the deliberations but with no further public input, **Chair Carter** said every additional meeting requires more staff time, more expense, and involves a lack of budget for extra notifications to those in the county, for instance, who live in these outlying county areas. Because of the 120-day planning rules, we can't just table items indefinitely that are currently on the docket, so then we would have to call for an additional meeting because this item is so time-consuming.

**Powell** moved to close the oral portion of the public hearing this evening, close the written portion of the public hearing on Dec. 10<sup>th</sup>, hold a work session (open) on Jan. 12<sup>th</sup>, and plan for an opportunity to deliberate on Jan. 26<sup>th</sup>. **Lajoie** seconded the motion, and it passed unanimously, although **Orzen** noted that she could not be in attendance on Jan. 12<sup>th</sup>.

**Sullivan** clarified that the work session and the meeting for deliberations are public meetings, so everyone is invited to attend to hear what is discussed. However, there would be no public input at those meetings.

In response to a question about submitting written comments, **Chair Carter** said the City has an e-mail address for those who choose to submit them in that way.

When asked where the meetings would be held, staff said the meeting on Jan. 12<sup>th</sup> would likely be held in the City Commission chambers (at City Hall). **Chair Carter** noted that when there is a large attendance, that has its drawbacks, yet there are also logistical drawbacks to moving the meeting elsewhere, such as this evening. **Powell** said he would prefer that the work session be held at City Hall if possible because staff would have access to all of their materials to answer questions. Regarding deliberations, depending on what else is on the agenda, he said that meeting could perhaps be moved to a larger site. **Chair Carter** concurred with **Powell's** reasons for holding the work session at City Hall and declared that to be the site for the Jan. 12<sup>th</sup> meeting.

**Chair Carter** then officially closed the verbal public hearing for the Comprehensive Plan this evening, noting that written materials could be submitted until the close of business Dec. 10<sup>th</sup>, after which no further comments would be received. A work session will be held on Jan. 12<sup>th</sup> at City Hall, and deliberations and hopefully a recommendation to the City Commission will be done on Jan. 26<sup>th</sup>.

**Sullivan** added that the City Commission process is an entirely different hearing process at which the public will again have the opportunity to participate. **Chair Carter** said she hopes that this Commission has listened sufficiently to make a good recommendation to the City Commission so that the public is quite satisfied, and **Powell** reiterated that the City Commission makes the final decision.

When asked if the City Commission can change the recommendations submitted by the Planning Commission, he was told yes.

## **5. ADJOURN PUBLIC HEARING**

With no other business at hand, the meeting was adjourned.

**CITY OF OREGON CITY  
PLANNING COMMISSION**

**WORK SESSION MINUTES  
January 12, 2004**

**COMMISSIONERS PRESENT**

Chairperson Linda Carter  
Commissioner Dan Lajoie  
Commissioner Renate Mengelberg  
Commissioner Tim Powell

**STAFF PRESENT**

Dan Drentlaw, Planning Director  
Tony Konkol, Associate Planner  
Nancy Kraushaar, City Engineer  
Ed Sullivan, City Attorney  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

Commissioner Lynda Orzen

The meeting was called to order at 7:05 p.m. **Chair Carter** reminded the public in attendance that this is a work session—a time for the Planning Commission (PC) to work but at which no public comments are allowed.

**Drentlaw** added that this is a public process which will also go before the City Commission (currently scheduled for Feb 18<sup>th</sup>), at which time there will be more opportunity for the public to speak.

**I. Comprehensive Plan Update.**

**Drentlaw** reviewed that the public hearing on this matter was closed on Nov. 24<sup>th</sup>, 2003 and written testimony was taken until Dec. 10<sup>th</sup>. He said staff had distributed a packet to the commissioners which included letters that had been received since Nov. 24<sup>th</sup> and Dec. 10<sup>th</sup>; a memo dated Nov. 11<sup>th</sup>; some notes from Orzen, who was unable to attend this evening; and a submission of comments from the Transportation Committee and several comments from the Natural Resources Committee.

(Note: Full copies of the staff reports, proposed plan amendments, maps, and other related documents are available for review through the Planning Commission.)

He began by saying that staff, in reviewing the discussions, saw seven major issues as they pertain to this evening's discussion (see handout attached to the agenda dated Jan. 12, 2004), and he addressed those as follows:

1. Plan designation for the new Urban Growth Boundary (UGB) areas. **Drentlaw** used a map to show the new UGB areas that were brought into the city in December, 2002, noting that there are basically three areas: the South End area, the Livesay Road area, and the Beavercreek area. He said the first Comprehensive Map showed those areas and that staff had actually assigned uses to those areas, but they had received many comments through the public hearing process about concerns that perhaps some of those designations weren't the right designations and that many people wanted to see more time taken to study those. The new map, then, shows two of those new UGB areas as Future Urban Holding and staff's question for the Planning Committee (PC) was whether they should actually show designations or hold off until concept plans can be done for those areas.

He explained that several neighbors in the UGB east of Beavercreek had recently hired Cogan, Owen, Cogan (a planning consultant) to start putting together a concept plan, which is a little more detailed than a comprehensive plan because it is a smaller area but addresses many of the same issues. He said Metro has required that the City of Oregon City adopt these concept plans within four years of when the UGB was brought in, which would be 2006. He said staff sees this action as a positive thing, explaining that a concept plan, upon completion, would

come before the Planning Commission and the City Commission to become adopted as an amendment to the Comprehensive Plan.

**Drentlaw** said a similar process is happening to the north in the Redland Road/Livesay Road area, although it is being initiated by a property owner who has some interest in developing the area he is calling Park Place Village. **Drentlaw** said staff has asked the man to work with the Park Place neighborhood in developing a plan that hopefully could be used as a concept plan for that whole area. (He noted that the Park Place neighborhood may apply for some Metro enhancement funds for the city to help the planning effort there, which could also be a real positive thing.)

**Powell** said we must look at the purpose of the Comprehensive Plan, which is to help generate ideas, and the ideas that are starting to come up are great, especially for the area along Beavercreek. He said he is always concerned when we are talking long-term that we remember that we need to plan. He said on the one hand he hates to leave things out, yet on the other hand these properties haven't even been annexed into the city yet. Therefore, although we need to start planning for twenty years out, it might be good to mark this area as Future Urban, which would give us the opportunity to study it better in order to zone it appropriately.

**Mengelberg** asked what the minimum lot size would be in the Future Urban designation, and **Drentlaw** said until it is annexed into the city, it would be 10 acres (which is, actually, the same as it is now).

In an effort to better understand the concept plan issue, **Powell** asked, If the Redland/Livesay area were annexed into the city as FU-10, would we still be delayed from doing anything until a concept plan was done? **Drentlaw** said yes, explaining that when Metro included several areas in the whole region into the UGB, they established a process whereby, within a certain period of time (four years for Oregon City), concept plans must be completed and that they address all the functional plan items that Metro has (i.e., housing, natural resources, hazards, etc.) He noted that they could be done by the city, they could be private plans, or they could be a group effort. Because this is a new process, they haven't specified any strict guidelines at this point.

**Powell** asked if the city could suggest what it perceives as appropriate zoning to an individual or group of citizens working on a concept plan. **Drentlaw** said the idea is to identify land uses (as is done in the rest of the Comp Plan) whether that be Industrial, Commercial, Single-family, Multi-family, etc., so that would provide the impetus for the city to apply new Comp Plan Map categories, which would be adopted as an amendment to our Comprehensive Plan. Then, once the property was annexed, the city zoning would be established.

**Powell** asked, If a property were brought into the city and a property owner in the middle of that area chose to sell his property to someone who was interested in bringing it in as FU-10, could they do that? His concern is that if there were a plan in process and someone decided in the middle of the process that he had to sell, could that impact the whole plan?

**Drentlaw** said ownership of the property doesn't affect the categories to that assigned area in the Comprehensive Plan, or the zoning. He said if there were a change in ownership and someone decided they wanted to change the zoning, there is a process to do that.

**Powell** asked, If someone wanted to buy the property with the intention/understanding that it be FU-10 (as it is now) and then a week later it was changed to R-6 by the city, that could result in the same problems some of the property owners are facing today. So, he asked, is there a process to put an overlay on it so people aren't caught by surprise?

**Drentlaw** said that is the purpose of labeling it Future Urban Holding, but **Chair Carter** asked, In the case of the Beavercreek area, would it be Future Urban Holding with an Industrial designation, or Future Urban Holding

with no designation, or perhaps Future Urban Holding with an Industrial overlay designation, for the moment anyway?

**Drentlaw** said what she was describing is basically a combination of what was proposed originally and what is being proposed now, and he asked the City Attorney if there was any reason something of that nature could not be crafted. **Sullivan** said no, but he cautioned that the assigned designations must make sense out of the whole plan. For instance, if we have a shortage of Industrial lands but we don't designate anything as Industrial, that could become a problem. The same would be true if we had a Residential shortfall. In short, the numbers must come out right.

**Chair Carter** said, for example, the Beavercreek area was brought into the UGB by Metro because we need industrial land in Oregon City and Clackamas County. Therefore, if we designate it FU for now, it seems like it would still have to carry with it the Industrial zoning.

**Sullivan** said they might want to deal with it that way because if someone were to challenge the Plan on the fact that the numbers don't add up (for example, not enough Industrial lands), that challenge might be well taken.

**Chair Carter** asked how citizens could possibly come up with a plan if they don't know what the zoning will be.

**Sullivan** said he thinks the theory is that it stays FU-10 until the concept plan is put together. He reiterated that the PC has the option to plan the zoning now or, to some extent, of deferring it, but they still have to have the numbers work.

**Drentlaw** said he has talked with the consultants who are working for those property owners and part of their analysis is to see how removal of the Industrial zoning designation would affect the city's overall acreage numbers as it relates to Metro.

**Mengelberg** noted that their concept plan also needs to meet Metro standards as well as the city's vision planning. **Sullivan** added that any amendment of the Plan to include the new areas would need to be consistent with statewide planning goals as well as Metro's, and consistent with the unamended portions throughout the City's plan.

**Chair Carter** said she recalled there had been some discussion of that area being something other than Industrial, such as Mixed Use or a combination of Commercial/Residential, and **Sullivan** said the numbers still have to come out right.

**Powell** asked what Metro means by "Industrial." Is it strictly Industrial, or is Campus Industrial included in Industrial, because he thinks it makes sense to have that area as more Campus Industrial, which would allow more uses than standard Industrial. **Sullivan** said yes, it would be included, and **Drentlaw** said it basically means employment jobs, which is a pretty broad category. However, he said we must also remember that the work done on the Comp Plan so far in terms of analyzing Metro's numbers for both Residential and Employment did *not* include this recent amendment, so the Beavercreek area is not even in the mix yet as far as Metro is concerned, thus he thinks we have some latitude about what we do there.

**Chair Carter** recalled that there was some discussion about having Mixed Use Employment in that area, but **Drentlaw** said that is for the Red Soils area and the hospital.

Since people don't particularly like the term "industrial," **Chair Carter** asked if "Mixed Use Employment" might be a better designation that is more citizen friendly, and **Powell** asked if Metro recognizes it as Industrial. **Drentlaw** said they probably wouldn't because it allows a significant amount of retail.

**Powell** said he isn't sure Retail would be the right designation either, but perhaps a Campus Industrial environment would be better, citing examples of successful areas (for example, Redmond, Washington). He said we have to meet our Metro numbers, but he wants to make sure that whatever we do in these areas, and particularly if we call them Future Urban Holding, that (1) the property owners won't get stuck with something they can't get out of, and (2) that we have some flexibility in zoning it. **Drentlaw** said we and they would have flexibility and we would basically be allowing some more time to pass before we determine the designation. Furthermore, he said he thinks both the City and the property owners would want to see action before the maximum four-year time limit is up, and this year if possible.

**Mengelberg** said she would probably be in favor of using the interim step of the Future Urban Holding zone to give the neighbors and the planning organizations more time to look specifically at these sites, especially in the Park Place area which has some more complicated issues, such as riparian areas, slopes, etc. She said more time might allow for some more creative ideas for more acceptable solutions. However, she would want to caveat especially the Beavercreek area—that it is one of the few Industrial areas we have left in the city and we really need to safeguard it. She said she knows people like housing better, but this area is flat, it's got good access, and it has good infrastructure, which is a very rare commodity in Oregon City.

**Chair Carter** said there seemed to be some agreement in favor of designating those areas as Future Urban Holding, and she is in favor of anything that helps us slow down and build a better project in the end.

**Kraushaar** asked what the possibilities would be for someone who wanted to develop those parcels in six months because they are not annexed yet. **Sullivan** said they would need to apply for a Plan Amendment and Zone Change because this is within the city's Planning jurisdiction. In other words, they would have to get both until they are annexed into the city, which is a very expensive and long process, which would probably be prohibitive for small parcels.

When she asked if the request would be held up until the concept plan was actually adopted, he said there are no 120-day limits on a Plan amendment and if the applicant had to go through both the city and the county, it would probably not be worth it unless it involved a whole area.

**Powell** asked what would happen if the county were to approve it but the city didn't, and **Sullivan** said if either one says no, the answer is no.

**Kraushaar** asked if a finding for that "no" could simply be that we haven't completed the concept plan so we're not aware of the needs in terms of infrastructure, etc. **Sullivan** said the short answer is yes but it is not immune from challenge.

2. Master Plans. **Drentlaw** said there have been a number of discussions with the Blue Heron Mill, Willamette Falls Hospital, Clackamas County Red Soils site, and Clackamas Community College, all of which have a number of site development requirements do to the large size and campus atmosphere that are really not standard developments in terms of what we have seen historically.

He said [the goal for master planning development is that] it is a campus-style development that is phased over several years, and staff hopes to have a draft prepared for review at the next meeting for establishing a master planning process. He said, depending on how the Code language is crafted, it could get as specific as we want it to. It would address uses and could cite specific development standards that differ from our existing Code, which has been a problem with the college and the county in terms of them meeting some of our setback requirements because they're not always in a campus setting up against the street and they need more flexibility in terms of parking and building layout.



**Drentlaw** said one of the really specific issues raised during the public hearing was that of the Blue Heron site, so staff has proposed several options for that property. He said originally the Comp Plan showed changing that site into the new Mixed Use Downtown zone, but Blue Heron wants to see it remain Industrial. They feel that any sort of change could affect their ability to gain financing for improvements and potential expansion. He said staff met with them recently and discussed that perhaps there could be a special designation in the Comp Plan that calls this a special master plan area which would include some kind of redevelopment or phasing program. In other words, perhaps it could be kept as Industrial with an overlay that says master planning needs to be done.

Another option would be to keep it as originally proposed—that of Mixed Use Downtown.

Regardless, staff has listed this as a separate issue because it is a pretty important issue.

**Powell** said he heard at the hearing that they felt a change of the Comp Plan designation would impact their ability to expand, which he could understand and thinks we could work around. What he didn't hear was anything about a master plan or long-term plans for the mill 10 or 20 years from now. He said it makes it hard for the city to plan unless we understand their plans as well. He said we definitely do want the mill to continue—it is a great employer and we don't want to see them leave, but the reality is that it could happen and the city must be prepared for such an event.

Therefore, he asked if we could keep the Mixed Use Downtown (MUD) designation there and include a note for them such as the master planning program that would allow them to perhaps expand, as opposed to not doing anything and perhaps having them sell out to a chemical manufacturing plant or something. He admitted that this is an example of a worst-case scenario, but the point is that we need to plan for the future.

**Sullivan** said he doesn't think the issue is so much that of a non-conformity use, but the issue he heard was that of financing—whether or not a bank would believe that this is still a viable use and isn't just a “non-conforming waiting to happen.”

He said he thinks staff has presented an appropriate alternative in that he thinks we can put a designation on the property. He would recommend, though, that we make it clear that the mill knows it can stay so long as it can stay as a mill and can expand and do the types of things other businesses can.

The question for the long-term, **Sullivan** said, is how this fits into the long-range plans for downtown if the mill ceases to exist, but he said he thinks staff could definitely work with them in writing appropriate language if that is the direction of the Commission.

**Powell** reiterated that he fully supports the mill—he just feels we need to have a long-range plan and he wants to make sure something can't happen in meantime until that master plan gets done.

**Mengelberg** asked if Powell was advocating for option 1 (to assign the MUD designation) or 2 (to keep the Industrial designation with a master plan overlay) because option 2 does allow for transitioning to mixed-use.

**Powell** said he was for option 2.

**Mengelberg** agreed that option 2 is a better way to go. She said she thinks the mill made convincing argument about how important this site is to them and why the Industrial zoning is important to them. She agreed that it has a river view that has value, but it is also right next to the railroad, it is across the river from another mill, and it is on basalt, so it is a difficult piece of property to redevelop. It also has some special attributes that are especially attractive for a mill in the water rights and the power. Therefore, she wouldn't want to do anything

that would jeopardize the mill's long-term success at this site, and she thinks option 2 allows for them to remain where they are and it also provides the opportunity for transition.

**Lajoie** asked if it were to lose the Industrial designation at this point, do the numbers still work? **Drentlaw** said it would obviously reduce the total, but he would have to check the exact numbers. He said one of the considerations is the possible loss of employment in the Beavercreek area, which must then be balanced against Blue Heron and some of the other sites. That, then, is part of the reason option 2 make some sense—we're still retaining that designation but we're saying we need to realize that at some point the mill may not be there so we need to look at uses that fit better with downtown.

**Chair Carter** said it seems like we are saying this site could be Industrial purposes indefinitely, but it really seems like it is "indefinite" as long as it is the mill. In other words, it can't transition from the mill to some other industrial use indefinitely. It is either the mill or it becomes Mixed-Use Downtown. **Sullivan** concurred, saying that is why the master plan requirement is included—so that it can't switch uses without public process.

**Mengelberg** asked if could be another paper mill, but not another kind of manufacturing, which was confirmed.

**Chair Carter** clarified that the purpose of this issue is because that particular piece is probably the most valuable property in the state, and Oregon City needs to make sure that if that property ever were to transition, it would transition to the best and highest use for the city and its citizens. Therefore, we are protecting that asset for future use.

She concluded that there appeared to be agreement on that issue.

3. South End Neighborhood – Mixed-Use Corridor. **Drentlaw** said this issue is about Neighborhood Commercial in the South End neighborhood and he noted that there has been considerable discussion about potential locations for such.

He used the map to show three areas that are still open for consideration, the first of which was a site just north of Gentry Way off South End Road. He said that parcel is approximately 9 acres of contiguous land, it is a nice shape, and it is flat, so a vast majority of it would be developable for Commercial. In comparison, he said the Haggan's shopping center is about 11.25 acres, so he estimated you could probably get about 80-90,000 square feet of Commercial on this site, and probably a combination of a grocery store and some other local uses. The designation being proposed for this area is Mixed-Use Corridor 1 (MUC-1), which doesn't allow drive-through uses. Therefore, there wouldn't be things like drive-through auto repair, banking or fast food restaurants.

Another site, just to the south of the site described above, is located at Partlow and South End Road. He said it is a good location but it would be a little harder to develop because, although the total acreage is similar, it is divided up by the road system. He explained that this is zoned for Single-family and he said that having single-family lots at the intersection of an arterial and a collector (such as first described) is not conducive to a very pleasant environment, so this could be an advantage for this site.

The third site is to the north on Warner-Parrott across the street from where the South End Market currently exists.

**Kraushaar** said she worked with the Transportation Advisory Committee (TAC) at their request regarding what kind of development could occur on parcels of this size. She said they used a lot of information from the book, "Shopping Centers" to summarize the types of neighborhood commercial that could be located on sites of this size. She agreed that good examples would be the kinds of uses that are at the Haggan's site.

She said the TAC supports the MUC at these locations as well as some of the others because some of these new Comp Plan designations support what was already in the Transportation System Plan (TSP), which they worked on. However, they also recognized that if these are not done well, the result will be things that are not appealing to the neighbors. Their concern was that the demand for services in large residential areas will increase, so there is a need to provide them so people don't continually use other streets to get to existing commercial zones. They also wanted the PC to consider the positive impacts of reducing motorists' dependencies on the existing routes that are being used and they wanted to spread the demand throughout the system for these needs. However, they also felt that consideration be made (either now or when zoning is being done or when design standards are being set) for the potential negative impacts on the community, including the traffic volumes. For example, the traffic demands are much higher for a fast food restaurant than for a quality restaurant. Another consideration is that a mixture of needed uses can play on one another, which can also cut down on the amount of traffic.

She said they also discussed the sense of community that can develop when there are different kinds of service uses within a large residential area (i.e., meeting neighbors for coffee or getting to know the shopkeepers).

They, too, were very concerned about having all Single-family Residential uses on arterials. For instance, the fact is that the single-family residences at Partlow and South End Road could end up being very undesirable. She said typically Single-family Residential on arterials tends to be more successful if there are very deep setbacks for the front yards and/or a parkway-type frontage road.

They also discussed that the people who tend to speak up on issues (traffic, speeding, etc.) are often those who live in the Single-family Residential houses on arterials, so if some of that single-family on arterials could be limited, that would be good.

She said they are supportive of all three areas, with the realization that it needs to be designed and planned to reduce the negative impacts in terms of traffic on the neighborhood.

**Chair Carter** said she had heard a fair amount of citizen concern about the truck traffic needed to service these areas and South End Road not being sufficient to serve that kind of truck traffic. She also recalled the overwhelming testimony that people said they don't feel they need it in that area because it isn't too far to get to Haggen's or Danielson's from that area.

Therefore, she said, this is one of the trickier issues—to figure out what is in the best interests of the city and yet think long-term, because this is long-term planning for the needs in the next 10-20 years. She said there are definite disadvantages, such as those identified in comments about having houses on the main arterials becoming undesirable, and the noise and traffic issues. However, there are also advantages to having some commercial available if it is needed, which becomes the question. She would ask, then, if there will be enough density in the area to require such and if it will take away more traffic than it brings in to serve the commercial area.

**Kraushaar** said documentation shows that this size parcel tends to draw customers from a mile and a half radius. She noted that, particularly considering the UGB expansion to the south, there is going to be a very large residential area to the south with no services. Therefore, she said the TAC thinks these commercial areas should be spaced out in large residential areas so there is some accessibility for services.

**Chair Carter** asked, then, If we are going to be building residential farther to the south, would the Commercial be better placed farther to the south than to the north?

**Drentlaw** said staff tried to consider an area that is more central to the whole residential area, even with the new UGB expansion to the south, which these proposed sites seem to accommodate. Upon questioning, it was noted that it is more than two miles from the proposed sites to Haggen's.

**Kraushaar** agreed that the question of truck traffic is of some concern, and she said she thinks it would be appropriate for the city to establish some truck routes, even for the single-unit trucks that deliver to these places (perhaps Warner-Milne, Warner/Parrott, or 213 to Beavercreek). She said that although that might be out of the way for some, it would eliminate trucks using South End Road or Center Street, which aren't good for trucks anyway.

**Chair Carter** asked if would be better to design one commercial area to be the collector for that area and then perhaps do more Mixed-Use/Residential on some of the corners like those designed on the 7<sup>th</sup> Avenue/Molalla Avenue Corridor. Also, could it support having that many parcels of Commercial? For example, she noted that the two proposed sites to the north are only a few houses apart from each other.

**Drentlaw** said the one farthest north is only partially zoned for Commercial and the piece across from it is vacant. He noted that MUC allows residential and office, in particular noting that if it is zoned MUC-1 it is equivalent to R-3.5, which is 3,500 square feet per unit (recommended).

**Mengelberg** asked about the earlier comments that it is undesirable to have Single-family on an arterial, and **Kraushaar** said some of the issues center around fencing, front yard space, multiple driveways, etc. She said Multi-family can work better because the grounds are kept by the developers, access is better, etc. She said the TAC really felt that there is a need for services, and it is appropriate to spread out the services for large residential areas so they have areas to call their own, and also to cut down on traffic.

**Lajoie** said these proposed areas seem to be in close proximity to each other, so it seems logical to reduce the amount of Commercial in this area. He thinks it is the right idea, but there is simply too much. Therefore, he would suggest either keeping the one large parcel, or the two farthest apart.

**Powell** suggested that perhaps there is one parcel that could be brought into the UGB specifically for that purpose. He also said he sees the need for some neighborhood commercial, citing the example that in the McLoughlin neighborhood the residents are upset because they lost their store because of the flood. However, he agreed with Lajoie that we don't need all three options and he said he would probably recommend the large parcel for South End and then see if there is a separate appropriate location for the new area in the south end when it comes into the UGB.

Regarding the busy intersection at Partlow and South End that will probably only get busier, **Kraushaar** asked what kind of land uses would be complementary to it. **Konkol** noted that alignment is usually done better with bigger development and he noted that an alignment for that intersection is already in place in the TSP.

**Mengelberg** said it seems like the neighbors were saying they wanted something on a smaller scale so developing the land to the south might be more acceptable to the neighborhood, although it might limit the types of stores or services because they would have to be small.

**Powell** then noted that if someone like Trader Joe's came in on the larger lot, that would attract traffic from all over the city, perhaps to a much greater extent than would be anticipated or desired. He asked what kind of trips would be generated by something like Haggen's versus a Residential 3.5.

**Kraushaar** said the p.m. peak hours usually generate the highest trips for most of these places and she gave some examples. For instance, a 24-hour convenience market generates a net of 20.5 p.m. peak trips per 1,000

square feet (including pass-by trips); a grocery/supermarket generates 7.4; a quality restaurant, 4.2; and a shopping center with multiple tenants/multiple destinations, 2.4. (Source: the Engineers' Trip Generation Manual.)

**Powell** asked what an estimate would be if this were located in a high residential zoned area, and **Kraushaar** said for Single-family Residential, daily trips are 10.5 trips per day per site per. The question becomes, What is more beneficial overall to the city and to the neighborhood?

**Kraushaar** said the TAC also noted that we need to consider other neighborhoods as well because sometimes people just need to go through other neighborhoods to get to other areas. For instance, right now the connectivity between the south portion of Oregon City and Molalla is disrupted in several locations, such as the large Red Soils county site, and there is a fair amount of cut-through through the Clairmont neighborhood and Gaffney Lane.

**Chair Carter** said she liked Lajoie's approach about the area to the south because it seems to lend itself to more of the neighborhood commercial we are striving for, and although no one specifically came and testified that they wanted that kind of development, she did have a customer who said this. If there is a destination people can walk to, it makes the neighborhoods much more user-friendly. Therefore, she agrees that the far north and the far south parcels make more sense than the 9-acre parcel that could develop into anything from housing to apartments to most anything.

**Powell** said part of the problem is that we didn't have a good plan and South End just kind of erupted. There aren't sidewalks all along South End, so that is part of the problem as well, and that will be an impact.

**Kraushaar** said sidewalks for both of those streets are already identified in the TSP, although funding sources for sidewalks are not very strong.

**Powell** reiterated that this is important in the long-term plan, adding that we need to make sure there is access to the neighborhoods for bikes and pedestrians.

**Kraushaar** noted that there was a letter of support from the Rose Road area pointing out that with the flexibility in the MUC, not only could it support some commercial uses but also open space parks and neighborhood center uses. They supported this tentatively, with a note of concern regarding traffic.

**Konkol** added a note that those are seven individual property owners at the corner of South End and Partlow versus one at the middle site.

**Chair Carter** asked if there are any other areas further north or south that could be designated and fill this need, and do it better, than this particular corner of mixed parcels.

**Kraushaar** said staff had originally considered one farther to the south, but it seemed too far out, which could then start attracting people up South End Road, which has already been described as unable to handle much more traffic. It might also be hard to attract a developer that far out. **Drentlaw** said staff was also trying to plan locations where there are already intersections, and there really weren't any other major intersections farther south.

**Chair Carter** asked if there would be new major intersections if there were future development, but **Kraushaar** said probably not because the area is so narrow. **Drentlaw** said the area between South End Road on the south and all the way over to 213 is basically resource land, so there isn't really much chance that the city will expand to the south.

**Powell** said he thinks they are too close. If we keep that type of designation, he would like to see it be either the location on Warner/Parrott and on Partlow, leaving the large one out of the mix, or keep the large one and ignore the one down Partlow.

Taking it a step further, **Lajoie** said he thinks using the smaller parcels to the north and south is more in keeping with the character and desires of the citizens as well, as opposed to having another large anchor or intense development on the large piece.

**Chair Carter** also liked the idea of the north and south parcels, as did **Mengelberg**.

**Chair Carter** asked if we could put a master plan overlay on that to ensure that it gets planned as a cohesive piece around those corners. **Drentlaw** said it is small, and **Mengelberg** noted that there are multiple property owners.

**Mengelberg** asked if staff was thinking of it as MUC-1 with the potential for offices on the second stories, and **Drentlaw** said perhaps so.

**Chair Carter** said there seemed to be a general consensus for option 2 (the north and south parcels). However, when **Drentlaw** pointed out that option 3 takes it a step further and actually rezones it, everyone agree with that option.

4. City Initiated Rezones. **Drentlaw** noted that the proposed Plan rezones were fairly limited and mostly housekeeping items. He then used the chart to show the following proposed areas (which are also defined in the chart in the handout):

- All areas zoned R-6 Manufactured Home, would be changed to R-6. Any impacts would be fairly insignificant. **Chair Carter** noted that manufactured housing is actually allowed anywhere in the city, which **Drentlaw** said is the reason for eliminating that zone from the Code.
- The RD-4 (a two-family zone) is proposed to be changed to R-3.5 to allow a little more flexibility and a little smaller lot size. **Chair Carter** asked what kind of house could be built on a Single-family 3,500 foot lot. Staff said it would definitely be a small house that is more affordable or a house without much yard, or perhaps attached housing. **Kraushaar** noted that these options could appeal to different sets of the population, such as retirees who don't want the upkeep of a large house and who want to be on a transit street so they can take the bus when they don't want to drive.
- The RA-2 Multi-family dwelling District is being changed to a new designation of R-2 Dwelling District.
- The M-1 Light and M-2 Heavy Industrial zones are being combined into a General Industrial (GI) since they were almost identical.
- The Central Business District and Tourist Commercial is proposed to be replaced by the Mixed-Use Downtown.

Then, based on discussions at various work sessions and with staff, **Drentlaw** said there are some additional potential rezones. Option 1 is to only make the changes as outlined in the chart, which are driven by amendments to the Municipal Code. However, option 2 takes things a step farther and looks at the entire downtown area, which pretty much coincides with our designation as a regional center. Therefore, the proposal is to rezone the whole downtown area to our new Mixed-Use category. Apart from the discussion about the Blue Heron Paper Mill, this would include our current zoning, which now includes the central business district downtown, some commercial from Washington to 99-E, an area of R-6 Single-family, Limited Office at the

corner of Apperson and Washington, a mix of Light Industrial and Heavy Industrial (the landfill), and Tourist Commercial in The Cove area, all of which would be changed to Mixed-Use Downtown (MUD) except Blue Heron.

**Mengelberg** said there was some testimony by the End of the Oregon City Trail Center who had concerns about some more intensive driving issues that didn't seem consistent with what we are planning to do. **Drentlaw** said they testified that the MUD allows auto repairs, but, in fact, it doesn't. He noted that he got a call later from that person saying that he misread the restrictions, so it sounded like they were okay with that part of the proposal.

**Chair Carter** said she likes the idea of the rezone, saying that she thinks it gives the most flexibility and that people who look at the proposed theme would do well to join in.

**Powell** said he has some concern that we manage it properly, especially with the new Amtrak station, because it will be a gateway to the community. He said the MUD seems to cover most of the issues that were identified early on about this, so he is comfortable with the proposal to rezone to MUD.

**Mengelberg** said staff and the Commission had gone to great lengths to talk about how the Historic Downtown core is different than other areas, assigning different height restrictions and setbacks and different design ideas for a more urban setting versus that further to the north. **Chair Carter** recalled that the Downtown Historic District would have an overlay of its own, which would cover those issues. **Konkol** confirmed, for instance, that there would be a maximum building height of 45 feet for properties between Main Street and McLoughlin Blvd, and 11<sup>th</sup> and 16<sup>th</sup>.

**Mengelberg** asked for confirmation that the consensus was to actually rezone the downtown area to MUD, not just do the housekeeping items in the Comp Plan, which was confirmed.

**Lajoie** asked how we would handle the additional parking, although that is a good problem to have. **Drentlaw** said he would liken it to a shopping mall that needs two anchors, in this case, one being in The Cove end or the landfill area and the other being something in the future of Blue Heron. He also noted that the City owns some property which is a possibility for a parking structure.

**Kraushaar** said there is already a fair amount of parking, although a lot of it is tied up in private ownership. But as things pick up or additional planning is done, we would most likely need to do a parking study, especially once we know of some uses. She also said the parcel the city owns is, at this point anyway, envisioned as several layers of parking below with perhaps some Commercial on the McLoughlin level. There is also another parcel the city is considering purchasing which could have parking on the top couple of levels, although this is an ongoing discussion. Also, she noted, the lot at 12<sup>th</sup> is underutilized but perhaps at some point a shuttle service could be put into service.

**Chair Carter** noted that there have been some letters to *The Oregonian* lately about the concept of the city using Urban Renewal dollars to buy real estate to build parking garages or something else, expressing that it is not in the city's best interest to use Urban Renewal dollars to buy property. She said that, speaking personally as a business person and an entrepreneur and not on behalf of the Commission, she thinks we must be forward-thinking and use dollars when the opportunity presents itself for future development. Although we may not have a need for a parking garage now, we know we will have a need for it in the future. Therefore, she thinks it is very important to keep an open mind and to allow the City Manager, the City Commissioners, and the Urban Renewal Commission to be able to do what they believe is in the best interests of the city and to use our Urban Renewal dollars as wisely as possible.

**Drentlaw** said it seemed like there was consensus for the Downtown area, which others confirmed.

He then explained that option 3 is the rezone to Mixed-Use Corridor (MUC) along 7<sup>th</sup> Street and Molalla and also along the north side of Beaver Creek, between Beaver Creek and Newell Creek Canyon. He said the suggestion is to rezone to MUC-1 (the less intense zone) all the way from the bottom of the hill up to the intersection of Molalla and Beaver Creek, and then designate the corridor from Molalla to Hwy 213 along Beaver Creek to MUC-2, which is a little more intense. He also said there was a lot of discussion that some of the uses along Newell Creek Canyon weren't necessarily taking advantage of some of the nice views and amenities that Newell Creek Canyon offers. (He noted that the MUC-2 designation does allow for both offices and residential.)

He said one issue is that we currently have a lot of uses such as tire shops, muffler shops, etc., which could result in some potential non-conforming use issues to deal with.

**Powell** noted that those non-conforming uses would still be good until the owners decided to leave or expand.

**Konkol** noted that Steve's Marketplace and the Canemah area along 99E were inadvertently left off the zoomed in map but are also included in this proposal (five pieces comprised of eight tax lots).

**Powell** said he thinks we should make the effort and do the zoning right now along with the Comp Plan changes. He said he sees more opportunity there than anywhere else, and he thinks it is an immediate opportunity. For example, houses could be converted into restaurants in the McLoughlin District and, with the Molalla and 7<sup>th</sup> Street improvements, it is perfect for that type of application. He agreed that there are some incredible views of Mt. Hood and Newell Creek, and he thinks some real positive things could happen in that area such as Residential or Office, as opposed to Industrial or Commercial. Furthermore, he thinks this is the perfect application for developing a walking community, which has been discussed for years.

**Chair Carter** noted that the maximum height in MUC-2 is 60 feet (4 stories).

**Kraushaar** said the higher density of MUC on Beaver Creek Road is very consistent with the street itself because as it gets urbanized, it will become five lanes and will have sufficient capacity. Also, she said the TAC addressed the MUC along Molalla specifically, basically saying that is what is recommended in the TSP and it is a transit corridor all the way from downtown to the college, thus creating great synergy between using transit and providing the ability for people to walk between where they live and where they shop.

**Mengelberg** asked if a mixed-use type of development would create more access points than already exist on Beaver Creek. **Kraushaar** said some driveways would be consolidated, and she agreed that we wouldn't want a lot more driveways but she said consideration is being given as to where perhaps one more intersection would fit that would allow appropriate access.

**Chair Carter** said when we think of downtown as a valuable place with the falls and things, we tend to forget about Newell Creek Canyon and our views of Mt. Hood, and she thinks that it is a shame such under-utilization was allowed in the past. She said this Commission is trying to capture and create that natural beauty, and it would be fantastic to have beautiful office buildings or beautiful residential areas, such as condos, etc., that take advantage of the views. She said it is important to remember that the currently existing businesses which are under-utilizing their area are allowed to continue to exist until they try to change from the current use. Then they must transition to what is a higher and better use, and a maximum value of the real estate.

Regarding development along the edge of Newell Creek Canyon, **Kraushaar** added that staff understands from citizen comments and from the Newell Canyon study that we need to be very careful about how we handle the stormwater from such development and how we handle the edge of the development in the canyon.



**Mengelberg** asked about real estate value impacts, specifically from the existing General Commercial to the real estate values of Mixed-use Corridor. **Drentlaw** said the existing zoning allows things like auto repair, heavy equipment storage, and drive-through uses, which wouldn't be allowed in the MUC zone. The advantage from a real estate point of view in the MUC zone is that you could go higher. **Chair Carter** noted that in going higher, a person would get more value for the dollars spent than just building single-story.

**Drentlaw** said one thing to consider is that there are a number of different zones on 7<sup>th</sup> Street today. For instance, there is some Limited Office Conditional along 7<sup>th</sup>, which is an oddity because it only allows commercial uses as a conditional use and it is pretty strict. By rezoning to MUC, it would be considerably easier for retail to occur there.

**Chair Carter** said that would give more options to property owners, which encourages the development we all need and want in order to get some vitality in the area. **Powell** noted that a good example is the Sellwood area wherein businesses have moved into the houses that are along the busy streets, which has certainly enhanced the neighborhood. Besides along 7<sup>th</sup> Street, there is also great opportunity for development up Molalla and with the economic development program we're trying to develop in this community, we need all the opportunity we can get to bring folks in. He said we are a historic city and we should take advantage of our historic structures.

**Konkol** said there are a couple of properties that don't show on this map and his question was whether we want to rezone them all or just focus on the ones along the transportation corridor. Specifically, there is a group along the intersection of Glen Oak and 213 (currently zoned Limited Office), some smaller pieces along Linn, and a small piece along Holcomb (Steve's Market).

**Chair Carter** said it stands to reason that if we're designating Mixed-use Corridor, those parcels that are on the corridor should be rezoned to the MUC designation for continuity, specifically for MUC-1 in the smaller areas and MUC-2 in the Beavercreek area.

Moving on, **Drentlaw** said Option 4 is for MUE with a focus on office development but including allowance for up to 20% of associated retail/commercial-related uses. Examples for this zoning would be the Red Soils/Clackamas County development and the Willamette Falls Hospital, and associated uses might be a pharmacy for the hospital or restaurants for both sites.

When **Mengelberg** asked if these areas are required to develop master plans, **Drentlaw** said we are writing a mechanism to allow master plans, but it hasn't been crafted to require them. **Konkol** said, though, that through their recent land use actions, both sites are required to provide master plans.

When **Chair Carter** asked why the hospital is not shaded yellow, **Konkol** said the map shows the existing zones. He then identified the specific properties that would be rezoned to MUE.

**Mengelberg** asked how Metro would react to the idea of rezoning some of the current Industrial to these new zones. **Drentlaw** said the only area that would really affect is the "area in brown (Industrial zone)," which has already been developed (south of Beavercreek Road and west of Molalla). He said there has been a lot of demand for retail, so this would allow about 20% in retail. Thus, the numbers would have to be reduced by about 20% in those areas.

**Chair Carter** said another good example of an under-built portion is the area in Beavercreek where the bottom floor has all become retail, which she said would be fine if there were also second or third stories that could be used for office space or something else. The result is that it is already built out but it is under-built and under-

utilized on property that economically doesn't bring in the tax dollars to the city that it needs for a healthy general fund. Therefore, trying to plan better for the long-term has benefits all along the way.

Also, she said that citizen comment revealed that some people are not in favor of re-designating some of the houses around Division Street and around the hospital, but it is very important for our community to accommodate the needs of the hospital, which serves all of Oregon City and the outlying and surrounding areas. In fact, she said it could be very beneficial to the neighborhood to allow the office buildings to be a barrier between the heavy residential street and the neighborhood behind it. Again, she said, the question is about what is the highest and best good for the community.

**Powell** said he doesn't have a problem with the Red Soils area, but he is having a hard time envisioning along the hospital, perhaps because it is bordering the neighborhood, and the canyon on the other side. He noted that they have the ability to put in a pharmacy with the current zoning. However, **Konkol** noted that the hospital is a conditional use in the current Limited Office zone.

**Kraushaar** said another issue is that the next time we review the TSP, we need to start looking at other routes through town, noting that 15<sup>th</sup> Street seems like the next natural place to have more activity. Also, in terms of employment, there is an indication that service-related jobs will continue to increase, so providing a location for that is probably good for our economy.

**Mengelberg** added that projections for health care services are very strong, and she said she can see the need for services in conjunction with the hospital.

Also, staff said the retirement facility is a conditional use and it is included in this.

**Konkol** said that existing single-family homes are still an allowed use, but this would give the ability to develop a work/live space for businesses related to the hospital.

**Powell** said that, especially after having heard recent testimony that the hospital does have a master plan, it would be nice to see it so the hospital and the city could work together.

**Powell** had some concern about the traffic. He said he has lived near a large hospital and the traffic is 24-hour. He wasn't saying their plans are right or wrong—rather, he would just like to see their master plan to understand what they want to do in the future.

**Lajoie** asked if the hospital has made comment about what they think we ought to do there, and **Drentlaw** said he had met with their staff and the hospital likes this proposal.

**Kraushaar** said they are feeling a lot of pressure so they can remain a viable, full-service hospital facility. They need to be able to add services and have an opportunity to grow because all of the hospitals are competing and Willamette Falls Hospital wants to stay in business as a viable entity.

**Lajoie** asked if this proposal, then, is sufficient/adequate. He said it seems about right, but are there other things we should be doing to help them? **Drentlaw** said they may find they need more when they complete the master planning process, but if that is the case, they could apply for a rezone or an amendment to the Plan at that time.

**Mengelberg** said if the hospital were to need more expansion, it seems like a logical plan that they could go toward the canyon that is west of Division Street, which would eliminate neighborhood conflicts.

**Chair Carter** said for now the proposed amount for MUE seems sufficient.

**Drentlaw** said Option 5 addresses individual requests that were submitted during the public hearing for city-initiated rezones. He said staff had attached a copy of the letter Drentlaw sent to Mr. Berge regarding his request, in which Drentlaw tried to explain that staff's position was that of looking at rezones that directly related to the policies in our Comp Plan, which was different than property owners' personal requests.

However, there were four individual sites requesting Commercial zoning, the first of which was for changing Berge's property on the east side of 213, just south of Glen Oak Road, from Low-density Residential to High-density Residential. **Konkol** said it is contiguous by property lines. However, all the MUC has access to Glen Oak Road and this is a lot separated to the south.

**Drentlaw** said they had wanted to limit any sort of linear commercial zoning because of the problems of getting individual access off Highway 213. He said it does not abut Glen Oak, but it has a driveway access onto 213.

**Drentlaw** noted that Berge can continue as a non-conforming use, which is a fairly low-intensity use. However, if this were changed to a Commercial or a Mixed-use Corridor designation, he wouldn't be able to expand under that non-conforming use, and staff was concerned about the potential redevelopment and additional related access needs.

**Powell** said he was a little confused because he had heard testimony that the county had zoned his property Commercial, and **Konkol** confirmed that it is actually currently zoned R-10 Single-family and the Comprehensive Plan designation is Low-density Residential.

**Berge** asked to speak and said he had brought copies of the filings and the commercial building permit issued by the County in 1989 showing the new 7,400 square foot building. He has been told that he can't add a new building later on as his business grows if he comes into the city. The confusion is that the city says he can't expand but the county has already said he could. He was also told by the State that because there is a street across from him, he could abandon two of his existing 40-foot driveways and put a street across the existing street to come into his property.

**Powell** asked if we can legally do anything to keep the zoning the way it is but grandfather in to allow...

**Sullivan** said we could change the zoning and, assuming Berge has a valid non-conforming use, he doesn't lose that because of a zone change. He would only lose it if he wants to expand or change the use in a way that is otherwise regulated by a non-conforming use.

**Powell** asked if we could write in a caveat that would be for his use only in an expansion but if he were to sell to someone else, that person couldn't expand. **Sullivan** said it is possible but he wouldn't recommend it because he thinks the issue is the land use, not the person who is there.

**Powell** said he would prefer that the City Commission make this particular determination.

**Chair Carter** said she knows there are other property owners who bought property along there thinking they could develop commercially on Molalla Avenue only to find that they can't because of that access situation, which is a pretty serious situation/concern.

**Drentlaw** asked if there was a consensus to keep the Comp Plan the same, but that the owner or staff could contact the City Commission about being able to expand Berge's non-conforming use. **Powell** reiterated his feeling that such a decision should be made at the [City] Commission level.

**Chair Carter** said she is concerned that there is commercially zoned property right next door to him and it is contiguous so, from that point of view, it makes sense. Also, if there is a possibility to eliminate two driveways

and connect to the roadway across the street, that does eliminate some of the safety concerns. However, this is one of those situations where there is no good answer.

**Powell** asked why we would want to put High-density Residential on that corner, but **Kraushaar** said it is not on the corner. Rather, it is the rectangle that fits in with what is south of Glen Oak Road.

**Chair Carter** said another problem is that if it remains R-10 and he wants to sell his property, it would have to be sold as residential, but he already has a business and business buildings on it. Therefore, it makes it really difficult to transition this property at all because it would be a big expense to take down the commercial buildings. **Sullivan** noted, though, that the new owner could continue the use and wouldn't have to take down the buildings unless he changed the use. He said it is similar to the Blue Heron situation in that people would consider the kind of investment and whether or not it is viable to get financing for anything on that site if the uses are non-conforming.

**Chair Carter** said she would lean toward the zoning being Commercial because it is contiguous *if* he could get a letter from ODOT signing off on the driveway issue.

**Kraushaar** said they would also want to look at somehow requiring cross-over easements so that parcel could also access Glen Oak Road, although that could not be done in the Comp Plan, and which would also require cooperation with the adjoining property owners.

**Drentlaw** noted that as the property owner, Berge could apply for a rezone at any time, and **Konkol** said what he wants would require a straight Commercial zoning because it would not be allowed in the MUC-1 or MUC-2, which would result in a spot zone of Commercial. **Chair Carter** said it would probably be better to leave it as R-10 and have it continue as a non-conforming use.

**Powell** said in looking long-term, we don't want another spot zone, which is what we have been trying so hard to get out of. He said he feels for the property owner and there must be a way to work this out, but the issue this evening is a long-term strategic plan and he doesn't think it is this Commission's place to get specific at this point.

**Mengelberg** agreed, saying we should go with the adjacent Residential uses in the proposed Comp Plan and allow him flexibility to expand his site somehow.

Moving forward, **Konkol** said the second request refers to the Younger Family property on Molalla. The proposal is for MUC-2 but they are requesting Commercial because they feel the MUC-2 is too restrictive. **Chair Carter, Powell, and Lajoie** all said they are in support of the MUC-2 zoning for that location. **Powell** specifically said he thinks it will give us residential, ease of access, it is on the transportation corridor, and it is a pivotal corner. He said he thinks a lot of beneficial things could come out of it and he thinks it would be very beneficial to the property owner other than as a commercial site.

**Kraushaar** said the Mixed-use Corridor probably supports the transit nature of Molalla Avenue as well.

**Konkol** said the third request is from Clackamas Community College regarding two pieces they own which are currently zoned Limited Office. The proposal is to change them to Industrial to make one contiguous piece of Industrial (with the exception of the fire station and an existing church behind the fire station). The applicant wishes that it either remain as is or that it be changed to Commercial because, **Drentlaw** noted, they apparently have a potential purchaser or developer for office.

**Chair Carter** said it is contiguous to Industrial but it also has street frontage on Molalla Avenue, and she said this is another tough decision.

**Mengelberg** said this is almost a mixed-use area in itself with the surrounding uses (commercial, industrial, and residential), and she asked what the immediate neighbors are adjacent to this parcel. **Konkol** said they are the fire station, the post office, a church, and mini-storage.

When asked if the Commission recommends doing both the Comp Plan change and the zone change, **Chair Carter** said since we are doing all the others, we should probably do this zone chg as well, and she recommended the MUC-2 zoning designation.

**Powell** asked how big the property is and **Drentlaw** said it is probably about three or four acres in size.

**Chair Carter** said she would support the MUC designation because this is an entryway to the city. All agreed.

**Konkol** said the fourth request was made by the neighbors in South End and along Rose Road to rezone the piece they believe was brought in as Low-density Residential and zoned as R-6 MH to R-10 or R-8. **Konkol** said all the R-6 MH pieces in the city are being changed to R-6 Single-family, and there are only two left that are undeveloped, this being one and the other being a large area that is part of the recent annexation. He said the neighbors say changing to R-10 or R-8 would provide for conformity to area and they think this was an error in the past.

**Drentlaw** asked if Reeder is in LUBA and if that has any effect on this. **Sullivan** said yes it is in LUBA but it is in denial and he thinks the denial will probably be upheld.

**Chair Carter** said she thinks R-6 is too dense for that location. **Powell** agreed, and asked if R-8 would be a good transition.

**Kraushaar** said, considering the shape of this parcel, it might be better to put it as R-8 in order to get lots to fit.

In conclusion, there was consensus for R-8.

**Konkol** asked for confirmation that the proposal was to do both the Comprehensive Plan change to Mixed-use Corridor (MUC-2) and the zone change for Clackamas Community College, which **Chair Carter** confirmed.

**Drentlaw** said the next topic was the Natural Resource Committee input, which included a huge number of comments, and he asked how the Commission would like to proceed with the suggested changes. When he asked if they wanted to go through it page by page, **Lajoie** said yes. He said there is a lot of good stuff as an overview, but line by line there are a lot of things to review. He noted that staff had done a very good job compiling it all.

**Chair Carter** suggested taking a brief break, after which she hoped to quickly review the document. She said they had submitted some valid issues and a lot of what addresses the natural resource issues is very accurate and well-done but some of the suggestions are not accurate from a legal standpoint. However, she acknowledged that we also still need to review the Levels of Service Standards and a couple of other issues.

After further discussion, **Chair Carter** said the Commission would allow two participating members of the Natural Resources Committee to attend the continued work session on Wednesday, Jan. 21<sup>st</sup> at 5:00 to explain their position on the proposed amendments to the Comp Plan. She noted, though, that no time would be given to discuss the material that is not legal.

**Lajoie** asked if that meeting would require public notice, but **Sullivan** said if it was a continuation of this work session, it wouldn't require new notice. He also clarified that anyone could attend because it is a public meeting, but only the two participating members could speak.

**Powell** noted that the single triangular piece of commercial property (comprised of three tax lots) at the intersection of Molalla and Beavercreek is currently three different zones: a County FU zone, Commercial, and Residential, and he suggested that it might be good to change the zone to Commercial on all three when we do the Comp Plan designation, and do the zone change at the same time, since we are making all these other changes as well.

**Konkol** returned to discuss of the college request, asking for confirmation that the decision was to change it to MUC. **Powell** asked how it would impact potential commercial usage on that corner, and **Konkol** said it limits drive/auto-oriented and footprinted building to 60,000 square feet. **Drentlaw** noted that drive-through could be done as a conditional use.

**Chair Carter** again noted that this is an entryway to the city so it seems better to have something nicer. **Powell** said he wanted to consider it further before making that decision. Then he said if it doesn't impact the potential commercial usage and drive-through is the only major issue (which could be a conditional use), he would agree to MUC-2. However, he wanted to know the effect on the Metro numbers.

**Drentlaw** also noted that in Commercial there is no limit on big box development but big box is not allowed in a Mixed-use Corridor.

After acknowledging that the mini-warehouse is currently zoned Industrial but that it isn't actually industrial but it would still be grandfathered in until (or when) they decide to leave, the decision was to designate the area as MUC-2 all the way through.

## 5. ADJOURN

With no further business at hand this evening, the work session was adjourned at 9:38 p.m. to be continued on Wednesday, January 21, 2004.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION**

**WORK SESSION MINUTES  
January 21, 2004**

**COMMISSIONERS PRESENT**

Chairperson Linda Carter  
Commissioner Dan Lajoie  
Commissioner Renate Mengelberg  
Commissioner Lynda Orzen  
Commissioner Tim Powell

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
Tony Konkol, Associate Planner  
Nancy Kraushaar, City Engineer  
Ed Sullivan, City Attorney  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

None.

The meeting was called to order at 5:04 p.m. **Chair Carter** reminded the public in attendance that this was a continuation of the work session from Monday, Jan. 12, 2004, and that two participating members of the Natural Resources Committee were invited to this work session to explain the position of their group on various issues regarding their proposed amendments to the Comprehensive Plan.

**1. Comprehensive Plan Update.**

**Kraushaar** said she had met with the Traffic Engineers that are under contract with the City to understand what they are proposing for Level of Service Standards. However, there is a little discrepancy about what staff believes we need to adopt in order to be compliant with Metro's Regional Transportation Plan and she is not comfortable making their recommendation until she is comfortable that Metro will find it compliant. Therefore, contact is being made with Metro for clarification and staff anticipates bringing an answer to the Commission at the next meeting (Monday, Jan. 26<sup>th</sup>).

**Chair Carter** asked **Drentlaw** for confirmation that we are on schedule to finish this review tonight in order to hear it on Monday, and he said Monday, Jan. 26<sup>th</sup>, is our last scheduled meeting regarding review of the Comprehensive Plan. He said the City Commission date for hearing this proposal has been continued to Feb. 18<sup>th</sup>, and he has tentatively scheduled Feb. 11<sup>th</sup> as a joint work session with the Planning Commission and the City Commission for discussion about the process thus far and some of the issues involved so they will have the benefit of that discussion before opening the public hearing on the 18<sup>th</sup>.

He also noted that there was a time constraint for the Planning Commission to be finished by 6:45 p.m. this evening, or to perhaps move from Council Chambers to the lunch room at that time to continue, due to a regularly scheduled meeting of the City Commission at 7:00 p.m.

**Drentlaw** said the focus for today was to look at the comments received from the Natural Resource Committee (NRC) and he noted that at the last meeting it was agreed that two representatives from that committee could participate in this work session discussion. Thus, **Marcia Sinclair** and **Ralph Kiefer** were present to speak on their behalf.

He noted that the NRC didn't just focus on the natural resources section, but made comments on the whole plan. He said staff thinks they have presented some great ideas but we don't have the resources (time or money) to do them all, and the City Attorney had expressed the same thing in a memo dated today which was just distributed.

Staff was also concerned that there are some definitions of some new terms (for example, “sustainability concepts”), but the question is where we want to focus that discussion. He said typically it is good to have that discussion in the Environmental or Natural Resource chapter of the Plan, but they have gone an extra step and spread it throughout the Plan which, in some cases, lessens the direction of other chapters and the concepts they are dealing with.

**Chair Carter** said she felt the need to preface this discussion with some comments because the Natural Resources Committee has included so many things that are not necessary, not legal, and not clear, and there appears to be much confusion between what are goals, policies, and action items. Therefore, it has been very difficult to identify and apply the actual Natural Resource pieces. It also made it confusing to decide whether to work off their altered document or our original document, but she thought we would probably need to work off their document and refer to the original as needed. She expressed support of the committee’s enthusiasm but said she was disappointed that they had addressed so many things they were not charged to do, thus creating more work to review.

**Drentlaw** noted that their draft has the original text as well as their edits and additions since they had used the manuscript editing tools within Microsoft Word, so it would be possible to use that document.

**Mengelberg** asked the City Attorney if there was any process or equity to be considered regarding testimony by the general public (who testified at the public hearing) since there were so many dramatic changes to the document. **Sullivan** said the process is for a full opportunity at the City Commission level for a full public hearing, so there is no legal issue.

**Konkol** asked if staff could work on the premise that the Planning Commission was accepting various individual items within the Natural Resources Committee’s proposals if they were not specifically discussed.

**Chair Carter** did not answer specifically. Rather, she chose to begin reviewing the document (the Committee’s proposed changes dated Dec. 10, 2003) to see how it would go.

(**Note:** Because of the size of the entire Proposed Amendments to the Comprehensive Plan document and the size of the NRC’s submission for further consideration, these minutes were prepared noting the specific page numbers and items within as discussed, to best be followed/interpreted with direct reference to copies of the documents used. The referenced documents are available for review through the Planning Commission.)

### **Goal 1.1: Citizen Involvement Program (Page 1-1)**

**Chair Carter** thought Goal 1.1 was okay.

**Mengelberg** said she thought the NRC’s new Policy 1.1.1 (“Encourage citizen participation in all functions of government and land-use planning”) was too broad, saying that is what elected officials and committees are for.

**Drentlaw** said staff also had a question about the phrase “*all functions of government*”. **Sullivan** said Goal 1 says, “...citizen involvement in all phases of the planning process”.

**Powell** said the committee that rewrote this wanted it to go beyond the land use process and so citizens would be involved in other issues that are relevant to the quality of life in Oregon City, which expands the State requirement that citizens be involved in land use planning. **Konkol** read the original wording as follows: “Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land use process to enable citizens to consider and act upon a broad range of issues affecting the livability and quality of the neighborhood and the community....”



**Mengelberg** wanted to keep the original wording.

**Powell** asked the representatives if the original wording is too broad and why they felt compelled to put in the conservation decision-making process. In other words, did they not feel it was included?

**Sinclair** began by saying that the committee agreed among themselves that a community is built upon its natural resources, which create its quality of life, so that was the rationale for them to go through the entire plan and build in language that addresses natural resources. She said it was their intent to make sure that citizens have every opportunity to be involved in land use and other decisions within the community because so many of them affect natural resources. So, she said, it was their intent to strengthen this, but she said they are very much in an advisory role.

At this point, **Chair Carter** suggested going back to the original document and reviewing the categories where committees had already done the work because those committees basically have the expertise for their particular sections. Then if the NRC thinks more needs to be added, they could discuss it and add it if appropriate to the original document. (It was noted, however, that not everyone had brought their copies of the original proposal.)

**Drentlaw** asked for confirmation that if issues in these chapters were brought up to be added, okay. If they weren't brought up, we would go with the original proposals. **Chair Carter** agreed.

Regarding Policy 1.1.3, **Mengelberg** noted that the issue was raised several times about homeowners associations not being included, so she thought it might be good to add wording to require that the homeowners association presidents be included for receiving information/notification.

**Powell** said the challenge is that they have to be "recognized neighborhood associations" to participate in this, and while some homeowners associations are within the neighborhoods, there are some that are outside a neighborhood association, and those could get missed. He said he would be concerned about specifying homeowners associations because that is outside what the neighborhood program is designed for at this time. He agreed that it is important to notify them in some fashion and generally on land use issues they would get notice, but on general issues they get notified like everyone else does—through newsletters, the city web site, etc.

**Mengelberg** said she only raised this issue because as new developments occur in the city, typically they have a homeowners association, so if there isn't more effort to reach out to them and include them, we will have more problems such as just became apparent with those near Willamette Falls Hospital, although she said this might not be the time for such discussion.

**Powell** said he thinks the CIC (Community Involvement Council) is on top of that in their planning to make sure everybody is involved.

**Powell** said he was somewhat confused by the NRC's new policies 1.1.1, 1.1.2, and 1.1.3 because they appear as new additions but they sound very familiar to what the PC wrote before.

**Sinclair** agreed that they could have been in different locations in the original document and simply moved to a different order in the NRC's document.

**Mengelberg** had written herself a note that she thought all of the policies in the first section were okay except 1.1.5 ("Define and articulate those elements of significant staff or commission land use decision[s] over which citizens may exert influence and/or in which they may share in decision making"), which seemed like a big

burden on staff since the criteria are outlined in the staff report and that is what the decision is based upon. She said she wouldn't want to put staff to additional work if it isn't needed.

**Chair Carter** agreed, noting that this runs throughout their changes and is not considered [the effect on staff], and **Powell** said the current process is to go through the Land Use Chairs, so this is redundant.

**Lajoie** said he agreed with Mengelberg that he thinks all of the policies relating to Goal 1-1 in the NRC draft except 1.1.5 are okay to add.

**Powell** again said he thinks they are redundant because they are already stated elsewhere. However, he did recall from public testimony that a church group had asked to be added to the list for notification.

**Sinclair** said when she was personally working on the Newell Creek project, she found that many of the neighborhood associations on the list were not active so they were not representing the citizens; hence it was very challenging to figure out how to get the word out. So, she said, this was intended to make sure that there are avenues for notifying those who are not actively involved in neighborhood associations or those who live where there are no active neighborhood associations.

**Powell** said he believed this was addressed in the original document, specifically saying that the CIC would be that body specifically identified for land uses if there was not a neighborhood association either within that area or active within that area.

**Orzen** recalled some discussion but said she doesn't think it was actually written into the original document, and **Lajoie** said he thinks it appropriately belongs in this section.

**Sinclair** confirmed that the NRC had worked from the latest version of the proposed amendments and she explained that they had rearranged some of the materials in an effort to make it flow.

**Chair Carter** said she knew their intent was to be as helpful as possible. Unfortunately, coming in so late in the game and not being involved earlier, thus not understanding the entire scope of it, has made their work have less value than it might have had earlier in the process. She reiterated that the PC would try to take out of their document what is pertinent and fold it into the existing document.

**Powell** asked if it would make sense to work on the chapter they (the NRC) were chartered to resolve this evening because there wouldn't be enough time to review everything this evening. However, **Mengelberg** reminded him that the PC was scheduled to come to a resolution/recommendation the following Monday.

**Drentlaw** recommended that they review the NRC proposal page by page and identify what the PC wanted to add to the original document, but **Powell** reiterated his point that he thought much of this was already in the original. However, without having his original document with him, he couldn't confirm things.

After confirmation about their editing process and that the original wording was within that document, it was agreed that the PC would work off the NRC document.

**Lajoie** asked for confirmation that Policies 1.1.1 through 1.1.6 were new suggestions by the NRC, which **Drentlaw** confirmed, saying that the PC only had Goal 1.1 in the original document.

**Mengelberg** said again that Policy 1.1.1 seems like too broad a mandate, and **Konkol** noted that Policy 1.2.1 in the original document already said, "Encourage citizen participation in all functions of government and land use planning." **Drentlaw** noted that this was not a new policy; rather, it simply got moved from another section.

**Orzen** said she would like to insert, “community sustainability and quality of neighborhoods and the community as a whole” to the last sentence of Goal 1.1. (**Drentlaw** clarified that this basically just added “community sustainability” to the old language, which she confirmed.)

### **Goal 1.2: Community Engagement and Comprehensive Planning (Page 1-2)**

**Powell** said he thinks the NRC’s suggestion to add “and affected property owners” is a good addition to the wording in Goal 1.2 and recommended that it be added to the original wording (“Ensure that citizens, neighborhood groups, and affected property owners are involved...”).

Regarding suggested Policy 1.2.2 (“Initiate citizen involvement activities at concept stage of a project or proposal), **Mengelberg** suggested changing the wording to say, “Encourage developers to provide input at the concept stage.” She said if we were to require the developer to do this, especially if there is a competitive environment, it could be very stifling.

**Powell** said we’ve addressed that, but **Konkol** said it relates to subdivisions, conditional uses and Site Plan and Design Review in the new Code language and it is done at the application rather than pre-app level. He said it is required before they submit an application for development, which is different than a pre-app. He noted that the city reviews more than 100 pre-apps per year and this would be a new layer of notification if it were added.

**Powell** concurred that the CIC agreed that this applies to subdivision applications and is written as such in the Code.

**Sullivan** suggested changing “concept stage” with “pre-application stage”, and **Sinclair** agreed to that.

**Mengelberg** said her issue is “at the concept stage” and after further discussion, Policy 1.2.2 was not added to the original document.

### **Goal 1.3: Community Education (Page 1-2)**

**Powell** said he thinks Policy 1.3.3 is good, but **Mengelberg** suggested a modification to say, “Support provision of training courses and workshops...” because she knows there are a number of good private and other university offerings that exist. She said we want to use the best and we don’t want to necessarily buttonhole the Clackamas Community College on this.

**Lajoie** suggested saying, “Provide training courses and workshops for elected officials, appointed committee members, etc....on land use planning and land management.”

**Chair Carter** confirmed with the group that we would add a new Policy 1.3.3 as worded above. (Yes.)

**Orzen** asked if it needs a corresponding action item, and **Drentlaw** said staff would add it.

Regarding Policy 1.3.5 (“Work with Oregon City Schools to incorporate citizen involvement instruction into school curriculum”), **Lajoie** said we can’t mandate that but perhaps we could use the word “encourage” and change it to be an action item.

**Chair Carter** said the original document already says, “Work with local schools to develop a community involvement program” and she agreed that we can’t tell the School District what to put in their school curriculum.

**Sinclair** said the intent was to recognize how few citizens have any idea how to participate in the public processes and it would be helpful to learn that as part of a civics course.

**Chair Carter** suggested, then, that perhaps it should be an action item rather than a policy.

**Powell** noted that it is already addressed in Action Item 1.5.1, and **Chair Carter** suggesting adding the words “and student education program” to the end of the sentence. Agreed.

**Powell** asked what the NRC had in mind regarding the city’s involvement when they suggested Policy 1.4.2 (“Work with local news media to provide regular public updates, news articles, and feature material on planning processes and decisions, and identify timely opportunities for citizen engagement”). **Sinclair** said they were simply suggesting using a multi-media approach, perhaps expanding beyond the current noticing venues (i.e., internet, etc.).

**Powell** said he thinks it is a good idea but he thought we were already there with the current mailing list and the city’s web site. With that in mind, he read this to mean that we need to be presenting the news/information all the time, and he wasn’t sure what they were asking the city to do beyond that.

**Drentlaw** suggested that this is already covered under Action Item 1.4.1.

**Powell** asked if they were talking about land use issues only. If yes, he thought Policy 1.4.2 could be edited slightly and combined with Policy 1.4.1, but if they are referring to more than land use, we couldn’t do that.

**Chair Carter** said she doesn’t think we have to spell out everything in detail. We need to read this document with some understanding that the city will provide complete information in as many opportunities as the city can afford to do. We know that individual noticing works the best, but it is also very expensive. There is also the overriding factor that if citizens want to be involved, it is their responsibility to find out how to become involved.

In conclusion, she said she would favor leaving Policy 1.4.1 as it is stated in the original document.

**Lajoie** agreed, saying he thinks it already sufficiently states our responsibility and our intent.

Returning to the question of Policy 1.4.4, **Mengelberg** said she had made a note to say “Encourage developers to work with adjacent...” rather than “Notify adjacent public and private landowners...”, but that gets back to the concept stage again, which has already been discussed. Therefore, she would propose to not include this new policy.

**Powell** said the same applies to Action Plan 1.4.3, stating that he thinks our language in the Code is strong enough. He said it sufficiently identifies the problems and challenges and, after much discussion, we had determined that that was an effective way to do it. He said basically it means that every developer must participate through the public process and must get the recognized neighborhood association involved early on, before they even make application (for those specific applications as identified).

**Konkol** confirmed that it is proposed to be codified.

**Drentlaw** noted that there was no input regarding Policy 1.3, to which the **Chair** agreed.

Regarding page 1-4, **Chair Carter** said she had crossed out the entire upper half of the page (**Goal 1.5: Government/Community Relations**), saying she agreed with **Powell** and **Orzen** that we could cover this by adding the NRC's suggested new Policy 1.6.3 ("The by-laws of the CIC and Neighborhood Associations shall govern their formation and operations").

However, **Mengelberg** thought their Policies 1.5.2 and 1.5.3 and Action Item 1.5.3 sounded pretty good because it has been an issue that people outside the city limits haven't had a voice. **Chair Carter** said it is a legal issue because they are outside the city limits, and **Powell** noted that the CIC is rewriting their by-laws to allow CPO's into the CIC to participate in the planning processes that affect them, which the CIC can do legally through their by-laws.

**Sinclair** asked what the legal concerns are, and **Chair Carter** said Oregon City has jurisdiction within the city limits but we're not responsible for the citizens outside the city limits and we don't have the budgetary means to take on the burden of notifying people outside the city limits.

**Sinclair** said it seems like it would be the responsibility of the city to notify people when the city is contemplating expanding the UGB to include property outside the current city limits and UGB that affects their property. **Drentlaw** said Metro notifies those property owners, and **Chair Carter** said this is one of those ticklish situations that is very hard to resolve.

**Mengelberg** suggested dropping the recommendation for Policy 1.5.2, which talks about notification, and keep Policy 1.5.3 because it says, "...provide information...." She noted that we already provide information on our web site and have articles in the newsletter, and she suggested we could ask a reporter if his or her paper would cover issues as they arise. In these ways, we are making a good faith effort but without incurring the expense of sending a letter to each household.

**Konkol** said that, other than the UGB expansion done by Metro, we currently notify everybody within 300 feet of a land use action regardless of whether they are in the city or not.

**Chair Carter** said we can't afford to provide notification to all those people, and **Mengelberg** said Policy 1.5.3 doesn't talk about notification—it only says "provide information."

**Sinclair** asked if the CPO is an avenue for providing information to those outside persons, and **Powell** concurred, noting that CPO's will be included in the neighborhood process, even if it is an information process. He admitted that he didn't know what could legally be done but said they would look into that.

**Kraushaar** asked if **Mengelberg** suggested keeping Policy 1.5.3 (yes), and she said it seems like the city's role as a regional center is kind of irrelevant because the regional center really has to do with the Downtown area. Therefore, she suggested deleting the first portion of the sentence ("Recognizing Oregon City's role as a regional center") and start the sentence with "Provide information". Agreed.

**Chair Carter** summarized that the suggestion is to add the new Policy 1.5.3 to the original document and delete the first half of the sentence (as stated above). However, she said that seems like an oxymoron because those people outside the UGB boundary are not city citizens; thus, they don't have a stake in the city policies.

**Powell** said she is correct legally, but we are talking about long-term planning. **Mengelberg** suggested it say, "outside the current UGB...", which could include possible expansion areas, because those who might be included in the next round of UGB expansion are the ones who will really care about this. **Chair Carter** noted that Metro would notify those people.

**Sinclair** said another part of the regional center concept is that these people are also shopping and doing business in Oregon City and they may not be within the city limits but they are very much using Oregon City as their city center. So, she said, they may not be taxpayers, etc., but they are very much supporters of the economy of this community and they have a very strong interest in what happens within Oregon City. She acknowledged that this is not true of every community but that is certainly what she has heard from these folks.

**Chair Carter** said the question becomes whether it is our responsibility to notify them, or their responsibility to become notified and become involved about their topics of interest. Or is it, in fact, the county's responsibility? **Kraushaar** said it is more a matter of establishing good relations/goodwill.

**Chair Carter** said she doesn't have a problem with including this, but she thinks we already do a good job of having information available to the best of our ability. **Lajoie** agreed, saying this is just putting it into a policy, and he thinks it is a good policy to have.

**Chair Carter** concluded that we would include Policy 1.5.3.

**Sinclair** clarified that the NCR was definitely seeing these as goals but they know there will be times when the city has budget restraints and/or not all goals may be reached. She said some may have precedence over others and suggested that the language may need to be edited to something like "where economically feasible". But it seems that having higher goals is not a bad thing.

**Powell** agreed, saying again that this document is intended to be long-term, with adjustments every five years or so as needed.

Regarding Policy 1.6.3 about the by-laws, **Powell** agreed that it should be included, but he thought it was already there. **Sinclair** said it was in a different section (Policy 1.2.2) but it seemed to make more sense to have it in the CIC section. **Powell** said okay.

Regarding Policy 1.7.1, **Lajoie** said he had no problem with adding the phrase "natural resource protection" to the first sentence.

**Mengelberg** said she would agree to adding all the policies in **Goal 1.8: Advisory Committees**, and **Lajoie** concurred.

**Powell** read from Policy 1.8.3, "...recruit citizen participants from the broader Portland area" and he said he thinks it is good to bring in resources when we can get them. However, he asked if a member of a city committee has to be a citizen. **Sullivan** said no.

**Chair Carter** asked why we would have a goal to establish and support citizen participation when we already do that, and **Sinclair** said it is not currently stated in the Comp Plan, so this simply provides the language.

There were no changes to page 1-7.

Referring to page 2-1, **Mengelberg** said she liked the first quote but she thought the second one was too wordy. **Kiefer** said the NRC thought they were both appropriate, but **Lajoie** said we haven't done that in other sections. After some discussion, the decision was to include both.

**Drentlaw** noted that the last paragraph on this page was simply moved from above to the bottom of the page. **Mengelberg** said she liked the original order, but **Kiefer** said it was in response to the Statewide Planning Goal, which is explained in the prior paragraph.

**Lajoie** noted that the NRC had added the phrase “and which should be left undeveloped” to the very end.

**Lajoie** asked if the definitions about “Carrying Capacity,” “Sustainable Development,” and “Future Urban Holding” that are included in the NCR’s proposal (i.e., Goal 2.1) were in the original, and was told no. (**Kiefer** clarified that the NRC had added the entire first four pages, and that in the editing format, they should probably have been shown in blue. However, they didn’t show them that way because they were a change to the existing document.)

**Lajoie** said he liked the definition as stated on page 3 for “Carrying Capacity” but he was unsure how to quantify that (i.e., when impairment occurs).

**Sinclair** asked if it would be acceptable for others to speak since the various members of their committee had each taken different sections to work on due to the limited time, and she didn’t feel qualified to answer some of the questions, for instance, any relating to this section. The **Chair** granted permission because she said the idea of only two representatives was to try to limit testimony, but she understood the circumstances.

**Jerry Herrmann**, said he thinks the intention was to suggest that impairment occurs when the typical level is no longer sustainable or can be reproduced. The action would be to seek mitigation before getting to that level because at that level the resulting impact is severe.

**Sha Spady**, asked to explain a little about why the committee did what they did, saying she thought it would help make better sense of several of the other chapters.

She said they chose to look at it that, in terms of creating a future for the citizens of the city, the children, and our world, we must consider the broader concept of life and the fact that natural resources are not separated out of that broader concept. She said these new concepts have to do with parks and recreation but they also have to do with, for example, how buildings are made and how roads are created, and incorporating the environment into this kind of context. In other words, the natural resources are a part of the integrated whole of everything we’re doing and how we think about our world.

Therefore, the committee put in the vision statement (an approved document) because it places the city in the context of the natural environment in which it occurs, which is a historical place where streams and rivers meet, as opposed to the flat cornfields of Kansas. So, to support the use of the phrase “sustainable development” in some of the other chapters, they simply used those words to explain comprehensively what and how the city felt about how they were doing in business and painting a picture of a larger concept. In order to do that, they introduced phrases like “Smart Growth,” “Green Building,” and “Sustainability” in the explanation section. They then defined “Carrying Capacity” (which came directly out of the Land Use Goals book), “Sustainable Development,” and “Future Urban Holding.” They also included verbiage in their explanation (page 2, paragraph 3) that says, “For the purposes of this document the term, ‘sustainable development,’ shall be inclusive of the definitions and applications of ‘smart growth’ and ‘green building’ as well as ‘sustainable development.’” In other words, terms such as “Green” and “Green Building” are included in their definition of “Sustainable Development” throughout the document. (She noted that they included this to define the term “sustainable development” for legal purposes in the document.)

Then, she said, because of the shortage of time, everyone’s work on the various chapters was included in this document because they didn’t have time to meet again and review all of the work that had done, but, she said, had they been given a little more time they could have produced a more cohesive and compact work.

**Powell** said strategically the PC has talked about almost all of these things and agreed that these are key elements of the Comprehensive Plan, also agreeing that they should be introduced in some manner into our Code.

**Lajoie** concurred, saying he thinks it is good to say at the Comp Plan level that this is what we're all about. He also agreed that these concepts ("Green," "sustainable," etc.) are related to every chapter in some way, so he could understand their approach.

Regarding carrying capacity, **Drentlaw** said, being a student of planning, he believes that a city is incompatible with that definition of "carrying capacity". He said you can't build a city and expect to have no impact to the eco-system, so he is a little leery of incorporating that term in the Land Use section. For instance, we have Urban Development that is 80% site impervious, which is not even close to meeting the natural carrying capacity of the land, so then the question is, How rural can one be?

**Powell** said we already afford protection for things such as steep slopes and water quality as much as possible, and **Lajoie** said, given the fact that it is in an urban context, the purpose is to minimize (mitigate) the impacts to our environment as we grow.

**Drentlaw** agreed with Lajoie and said those of the kinds of things should be focused in the Natural Resources chapter (how to minimize or mitigate or deal with the impacts on urban development).

**Mengelberg** said if we leave the wording in **Goal 2.1: Efficient Use of Land** as is, we are trying to be efficient with the land, which is getting at the goal to the extent possible of preserving carrying capacity and sustainable development by being efficient (i.e., by not allowing installing parking lots when they're not needed, etc.)

**Drentlaw** said efficiency in the sense of land use is having a good mix of uses and densities.

Regarding the issue of carrying capacity, **City Commissioner Neeley** said if something like this had been implemented years ago we would probably have less issues of brown fields and super sites than we do now, and he thinks carrying capacity really is an issue. He said the issues of carrying capacity will challenge the urban growth sense, but he doesn't think this has to be an irreversible issue. We can see the results of failures to address these issues in our historical development.

**Sinclair** said it also seems that more and more people are addressing these issues by making surfaces more permeable, and this seems to be a worthwhile goal.

**Drentlaw** clarified that he isn't saying it's not important. He just thinks the focus of that should be in the Natural Resources chapter, and **Powell** said the PC had included it there because it is such an important aspect (unless the NRC had taken it out).

**Chair Carter** asked if we want to include these first four pages, including the definition for sustainable development. **Powell** said we could leave it as a definition but the question then is whether it should be included in Goal 2.1

**Konkol** was somewhat concerned about the words "irreversible impairment" in the definition, and **Chair Carter** reiterated that anything we do in development will be somewhat damaging and, therefore, irreversible.

**Sinclair** said the definition came directly out of the State verbiage.



**Herrmann** said another factor is that it doesn't imply a species, rather it implies all the elements in the system that support fish and wildlife.

**Chair Carter** suggested that since "sustainable development" carries so many elements within it, we delete "in harmony with the 'Carrying Capacity' of the land" from Goal 2.1 and say "following the principles of 'Sustainable development.'"

**Lajoie** said these terms are scattered throughout the rest of the document and he suggested that it could be covered broadly at the goal level in one big sentence about sustainability without detailing all the line items. **Charter Carter** concurred, noting that it is redundant to keep repeating it all. **Powell** agreed.

**Lajoie** said he liked their new Policy 2.1.6, as did **Mengelberg**.

**Chair Carter** summarized that we would add the words "sustainable development, smart growth," and "other" in Policy 2.1.5; add Policy 2.1.6 in its entirety; and delete the suggested phrase "consistent with sustainable building practices" in Action Item 2.1.2.

**Orzen** asked if **Goal 2.2: Downtown Oregon City** was already covered and was told yes, and we would keep it.

**Chair Carter** noted that we would also delete the last phrases in Policies 2.2.2 and 2.2.3 ("consistent with sustainable development practices"), and staff said they will make these changes in the other places throughout the document as appropriate (where "development" means "sustainable development").

**Mengelberg** said she was okay with adding the word "natural" as opposed to "office/retail" because that is typically how it is talked about in the environment. Agreed.

Referring to Policy 2.2.11, **Powell** read, "...to develop site redevelopment plans in collaboration with the City at such time as owners are transitioning...." He said he doesn't like that because we need to have that planned before we get there. That is why we decided it is necessary to adopt a redevelopment plan for the Blue Heron site, the hospital, and other places as well. In his mind, planning is, "Let's do it now and when things happen, we'll be ready." So he suggested simply adding the proposed words "Any redevelopment plans should encourage access to natural resource lands" to the original wording of this policy.

**Mengelberg** said there might be a safety issue if people would be encouraged to cross in an area where there are big trucks, but **Powell** said this would only apply to redevelopment. For instance, if Blue Heron were redeveloped into some other type of property, people would want to take advantage of the views and the trails if possible, which was his intent with the words "should encourage".

**Chair Carter** noted that we are calling these "Master Plans", not "Site Redevelopment Plans" and we need consistency throughout for these terms.

**Mengelberg** said she wasn't sure we would want to delete the reference to the Blue Heron site since there has been so much discussion about it, and **Konkol** noted that we are adding a Master Plan overlay to our Comp Plan and Zoning Codes specifically on that site.

In conclusion, it was agreed that the wording for Policy 2.2.11 would be, "Adopt a Master Plan for the Blue Heron site that will complement and energize the redevelopment of downtown. Any Master Plans should encourage access to natural resource lands."

**Sinclair** said the NRC was concerned that this specifically calls out Blue Heron but they don't have plans to leave. However, **Chair Carter** said Blue Heron is cited because it is the only industrial site downtown and this is the Downtown section.

**Powell** said he thinks the PC addressed the other sites as well where appropriate, but he could understand the NRC's concern because they are the only industrial site, unless we are also talking about The Cove with the cement plant. However, he noted that the cement plant is also actually referenced somewhere in the document.

**Herrmann** said he understood the concern about putting Blue Heron's name in a document such as this because it seems rather presumptive. However, **Sullivan** pointed out that it is not about the individual plant; rather, it has to do with changing to another manufacturing process, and **Chair Carter** clarified that Blue Heron could sell to another paper mill and remain Industrial, but not to ABC Corporation and have it become a shoe factory as Industrial. **Sullivan** also confirmed that the idea was that the existing use could stay and be financed, but the Downtown goal generally was for transition to the downtown uses, thus the request for a Master Plan for the existing Blue Heron as noted in this section for Downtown.

**City Commissioner Neeley** asked if Glacier (the concrete batch plant) is part of the Downtown plan and if it should be identified as well in this section. **Sullivan** noted that it was referenced in the original Policy 2.2.11, which the NRC crossed out.

**City Commissioner Neeley** then asked if the word "Adopt" (in Policy 2.2.11) makes it an action item rather than a policy. **Sullivan** suggested that it read, "Strive for" or "Provide for" because it is a policy.

**Chair Carter** noted that the NRC had added the phrase "including input from the Natural Resources Committee" to Action Item 2.2.3, but **Lajoie** said it is a given because we would be getting input from them as well as others so it is unnecessary.

Regarding **Goal 2.4: Neighborhood Livability**, **Chair Carter** suggested that we add the new NRC-proposed language. **Lajoie** suggested, since this is a goal, adding "consistent with sustainable development practices" to the end of it.

**Powell** asked the City Attorney how we can put "sustainable development" in a definition and make "development" mean that throughout this process to make it "have teeth."

**Sullivan** said first of all that most of the residential development will be a limited land use decision to which the Plan policies do not apply, only the Code applies. So in most of those cases we would not be looking at these policies.

Secondly, he was concerned about whether we have clear and objective standards for anything that does apply to development because we are obliged to deal with clear and objective standards. We don't have to do it for Commercial or Industrial, but we do have to do it for Residential. For that reason, he said he would look carefully at this issue before it is sent to the City Commission.

**Chair Carter** noted that this particular goal (2.4: Neighborhood Livability) is basically talking about the existing neighborhoods, which were built to the standards at the time. It is not addressing new construction.

**Sullivan** said his concern is that someone might say, "You can't have the density that is required by your Plan because it is incompatible with the existing neighborhood"

**Mengelberg** asked if Sullivan preferred the original language (“Provide a sense of place and identity for residents and visitors.”) **Sullivan** said he would probably add some language that says something like, “bearing in mind the Plan densities or intensities of use” to the end of the goal sentence.

**Chair Carter** then restated Goal 2.4 as follows: “Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City, bearing in mind the provisions of this plan”, and asked if this would suffice. **Sullivan** said it would deal with the new changes being made and with public policy, and staff will refine it a bit further.

Regarding Policy 2.4.5, **Chair Carter** noted that the NRC had added the words “including pathways for walking and bicycling” but she said that intent is already included in the preceding words “a variety of transportation modes.”

No changes were noted for page 2-7 except that we would be adding “consistent with sustainable development” in the goal. **Lajoie** said it seems worthwhile to add that to each goal heading because there is some sustainable aspect to each goal. **Chair Carter** concurred.

On page 2-8, **Mengelberg** wanted to include the NRC’s suggested additions to Policy 2.5.5 regarding L.E.E.D. additions, environmentally-responsible landscaping, and native vegetation wherever possible.

**Chair Carter** noted the change from “living wage jobs” to “family wage jobs” on Policy 2.6.1, which is more correct.

Regarding Policy 2.6.5, **Mengelberg** said she preferred the original language. She said we have talked a lot about industrial land being encroached on by other uses and the need to protect it, so she likes the fact that it is included in this verbiage.

**Powell** was concerned about the NRC’s suggestion to say “Provide flexible zoning” because he thinks that is illegal.

**Chair Carter** affirmed that Policy 2.6.5 would retain the original language with the addition of the suggested words “undeveloped and underdeveloped” in the first line.

Returning to Policy 2.6.2, we would also add the phrase “giving priority to redevelopable land” to the original language.

**Chair Carter** said she thinks Policy 2.6.6 is an action item rather than a policy. **Powell** suggested leaving it as originally stated and then add the NRC’s verbiage (“Incorporate use of a mechanism....”) as a new action item for that policy. Agreed.

Regarding Policy 2.6.8 (regarding preserving industrial sites), **Powell** read the inserted phrase, “while providing a mechanism to allow modification” and said he is not sure that is legal. The decision was to keep the original wording.

**Mengelberg** said she was not comfortable with the NRC’s wording, “Provide for mixed use development while maintaining the overall industrial orientation” in Action Item 2.6.4. She said we need to preserve our Industrial zoning as much as possible and if we allow wiggle room, we will lose it. The decision was to keep the original wording.

**Lajoie** said Action Item 2.6.5 talks about the concept of temporary holding zones, which goes back to the definition. **Powell** said we have already addressed it under Future Urban Holdings, and **Drentlaw** suggested keeping the action item but changing to this terminology.

He said the same applies for Policy 2.6.6.

**Konkol** said he thinks the last part of the new sentence in 2.6.6 is redundant because it is already covered in our Code.

Regarding the new section “11. Publicly-owned open space not identified in the City Charter as a City Park” (page 2-14), **Kiefer** said there was some question as to how to identify those publicly-owned spaces that are not parks. Someone said those could include stream corridors or various subdivision open areas, but **Konkol** said those subdivision open spaces are usually private. **City Commissioner Neeley** said some lands have been dedicated to the city that don’t show on the maps. For instance, there are several city-owned parcels in Newell Creek Canyon that are not flagged on the Comp Plan Map.

**Sinclair** said this is something that needs to be researched and **Drentlaw** said staff would look at it.

At this time, **Chair Carter** called for a short break in order to move to the lunch room in order to continue since the City Commission was scheduled for a hearing in these Council Chambers at this time.

**Commissioner Neeley** stated that he thought the NRC had done a lot of work and a commendable job, and that he was sorry some of the opening comments by the Chair could not be retracted because he felt they were somewhat critical and too strongly worded.

The meeting reconvened shortly thereafter.

**Chair Carter** noted the addition of the sentence beginning “Watered by western Oregon’s ample rain...” to the description paragraph about Open Spaces and Historic Areas (page 3-1).

**Sinclair** noted that she had changed the order of the policies in this section, putting habitat first, then open spaces, for what she felt was a more logical progression.

**Mengelberg** said **Goal 3.1: Natural Resources** sounds great in concept but if we are really trying to “restore” Oregon City’s natural resources, we might as well get rid of all development that has ever happened. She said we can identify and try to preserve what is remaining, but we won’t be able to restore it.

When asked if this was the original wording, **Chair Carter** read from the original: “Retain an open space system that conserves fish and wildlife habitat, and provides recreational opportunities, access to natural resource lands and other community benefits.” This, then, is not the original wording.

**Konkol** added that the original 3.5 reads, “Conserve, protect, and restore *important* ecological resources”, not “all.”

**Mengelberg** said she likes the original wording.

**Konkol** asked if the PC liked the NRC’s format for this section. For instance, the original 3.5 is their 3.1.

**Powell** said he didn’t think we did the original in any particular order, so he would suggest using their order.

**Sinclair** said part of the wording in the goal is to actually define what the natural resources are. She said she thinks the city had alluded to restoring some areas (including Newell Creek and some wetland areas), so it wouldn't be that they (the NRC) are suggesting destroying the entire city, but it might be worth softening the language in Goal 3.1.

**Mengelberg** suggested, "Identify and, where feasible (or where practical, or where resources permit), conserve and restore..."

**Lajoie** said in a goal at a Comp Plan level, he thinks the word "restore" is a good word, and **Orzen** noted that the original goal actually says, "Conserve, protect, and restore important ecological resources, functions, and values..."

**Mengelberg** suggested that saying, "Identify, conserve, and restore Oregon City's important natural resources..." as opposed to "all natural resources" might clarify it sufficiently.

**Chair Carter** wanted to take out the words "those attributes of the city which are not of human making" and perhaps say, "those attributes of the city which are of nature's making..." Also, she didn't think the words "and visitors" further along in the sentence were necessary.

**Mengelberg** suggested saying "natural resources, including air, surface..." and delete "those attributes of".

**Chair Carter** concurred with that wording (minus the words "and visitors").

**Konkol** noted that if we have a goal and a policy for development and one of the goals is to restore natural resources, those can't be done at the same time. In other words, this is very, very broad.

**Mengelberg** said that's why she was uncomfortable about softening it. However, she said we can "Identify and, where practical..." **Chair Carter** agreed, saying that conserving handles new development, but "restoring" means restoring something that has already been destroyed, so perhaps we could say, "Identify, conserve, and restore where possible Oregon City's natural resources..."

**Mengelberg** said if we say "where possible" that is saying that in every instance where it is possible the city will step up and do it, but we simply don't have the money.

**Orzen** noted that this might possibly be done by developers, and **Herrmann** said he could cite at least 18 areas/projects over the past several years that were restored at little or no cost to the city. He said to him this means, "Seek strategies that will restore or enhance areas."

**Chair Carter** said she doesn't think restoration occurs at the point of new development because at that point it is conservation, not restoration.

**Mengelberg** suggested, "Identify and seek strategies to conserve and restore Oregon City' natural resources..." (with the rest as modified above).

**Sinclair** said the NRC is aware that the city doesn't have a natural resources staff, so it will require partnering.

**Lajoie** asked if it should read "fish and wildlife". **Sinclair** said she thinks of wildlife as inclusive of fish, but it could be added for clarification. **Chair Carter** said she thinks of wildlife on the land and fish in the water, so there is a difference.

**Mengelberg** said she liked Policy 3.1.3, but she had concerns about 3.1.1 and 3.1.2.

**Powell** said he wasn't familiar with the Urban Growth Management Agreement mentioned in Policy 3.1.3, and he doesn't know if that is something we can enforce. **Chair Carter** said it is an action item anyway, and **Mengelberg** noted that it is an agreement between the city and the county, so the city does have input on it.

Regarding Policies 3.1.1 and 3.1.2, **Mengelberg** said the issue is that of an unfunded mandate expense, which is a real burden. She said it is great to have an aspiration toward that, but it just seems too broad. **Powell** reiterated that this is a plan, not an action item, and he would consider it as an opportunity in that if we can get partners, we have something to work toward. Then we could proceed because we would already have a process in place.

**Konkol** asked for confirmation that we are adding Policies 3.1.1, 3.1.2, and 3.1.3, but **Orzen** said 3.1.2 is very similar to 3.5.3 in the original document. **Sinclair** reiterated that it was basically just moved from another section to another and perhaps reworded a bit.

**Orzen** also noted that the old 3.5.4 is very similar to the new 3.1.3.

**Powell** reiterated that he had no problem with this if they were just moved and the meaning wasn't really changed.

**Konkol** was concerned about the words "all city actions" in Policy 3.1.6 ("Include natural resources and their contribution to quality...when planning, evaluating or assessing costs of all city actions"), and **Mengelberg** said she had in her notes that this could be very burdensome.

**Lajoie** agreed. He said he also had concerns about 3.1.5 ("Offer incentives to encourage private landowners to conserve and restore natural resources") because he doesn't know how we could mandate that as a policy. **Chair Carter** agreed, saying it should be an action item or it should be deleted.

**Lajoie** said he liked it as an action item, but **Mengelberg** asked if that is something the city is comfortable with, considering it is basically saying we will devote resources (dollars) to it. **Chair Carter** said we need to come up with incentives that don't cost the city money.

**Powell** said as an action item, it means we will consider it, but we may find there is no way to do it.

**Konkol** suggested, "Investigate offering incentives...." Agreed.

**Chair Carter** said she agreed with the earlier comment that Policy 3.1.6 should be deleted. General consensus to delete.

**Mengelberg** asked if (NRC) Action Item 3.1.1 ("Maintain an inventory of ecological resources with the city...") already exists or if this is new. **Cook** said it is an old action item.

There was general consensus to keep the new Policy 3.1.7 ("Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value....").

Regarding Policy 3.1.8 ("Protect unique habitats within Oregon City limits and urban growth areas..."), **Chair Carter** said this is another legal issue because we have no jurisdiction in the UGB until those properties are annexed, thus we can't protect the trees, which has been an issue of concern.

**Orzen** noted that the first part is already in our existing document, and **Powell** said he could understand the purpose (to look long-term at the things we need to protect), but we can't really mandate that. Also, he doesn't think we need to get that specific.

**Sinclair** said it appears we are already talking about Urban Growth Management going into Clackamas County in Policy 3.1.3 ("...to identify habitat, corridor..."), so we are already looking outside the city.

She noted that we have already lost almost all of our prairie habitat and perhaps all of our Savannah oaks habitat, which is a major part of the Willamette Basin. She said Oregon City still has the structure of those oak trees, it has Prairie, and it has these very unique eco-systems, so it seems like, as a community, those would be things we would really want to hold onto. She wasn't sure how to get the mechanisms into this document, but she said this is a treasure that exists in very few places in the Willamette Basin.

**Powell** said he thinks that is already covered in Policy 3.1.3 where it says, "Cooperate with Clackamas County, Metro and other agencies to identify wildlife habitat, corridors and linkages...", so perhaps we could just add something to that wording.

**Mengelberg** said "wildlife habitat" might be different than the "unique habitat" **Sinclair** is describing.

**Sinclair** said she thought the wording was from the original language, but she thinks Newell Creek is a classic example because the creek is actually outside the city limits and we would have to cooperate with Clackamas County to be able to deal with that area.

**Powell** asked if Sinclair would agree that Policy 3.1.3 would suffice if the wording were changed slightly.

**Sinclair** said 3.1.3 only identifies it and 3.1.8 protects it. **Powell** suggested changing 3.1.3 to say, "Identify and protect..." and drop 3.1.8 completely. Agreed.

**Mengelberg** suggested adding "unique habitats" in 3.1.3 as well. **Powell** concurred.

**Herrmann** suggested "distinctive natural areas", which could cover natural areas and wildlife habitat. **Sinclair** agreed.

**Mengelberg** restated the possible wording as, "Identify and protect wildlife habitat, distinctive natural areas, corridors...." Agreed (deleting 3.1.8).

Regarding Policy 3.1.10, **Powell** said he isn't sure the city can acquire lands, partly because there is no money available for such. **Orzen** suggesting changing it to be an action item by saying "Attempt to identify and acquire...."

**Sinclair** suggested consulting with the City Commissioners before finalizing this because some have expressed an interest in this in the past. **Powell** said that since it includes donors in the verbiage, it might be okay, since we have done that many times.

The decision was to add Policy 3.1.10.

**Mengelberg** asked if the section "Open Space" was moved elsewhere rather than simply deleted (see pages 3-2 and 3-3), and **Sinclair** said yes.

**Chair Carter** said she thinks Policy 3.2.4 under Goal 3.2: Wetlands ("Develop requirements for incorporation of updated wetland analyses...") is an action item rather than a policy.

Regarding **Goal 3.2: Wetlands** (“Identify, conserve and protect the ecological, habitat, water quality, water quantity, aesthetic, and other functional values of wetlands in Oregon City”), **Chair Carter** said she thought “ecological habitat” should be one phrase (no comma), but **Lajoie and Powell** pointed out that each of those words are values (i.e., ecological value).

When **Mengelberg** asked if Policy 3.2.1 (“The city shall emphasize preservation over mitigation when making decisions that affect wetlands and adopt a “no net loss” approach to wetland protection”) is an original statement that has been moved or if it is new, **Lajoie** said it is new.

**Konkol** said if you’ve got a highly degraded system, you can reduce that provided you mitigate for it (enhance it). A “no net loss” blanket statement means that if we are going to put in a road in an area over wetlands, the city would have to acquire other lands to replace the wetlands. Or if a developer were to put in a public road in a new development, he, too, would have to purchase land elsewhere to mitigate, so it would be an additional cost to him as well.

**Herrmann** said this would be in line with State Land Division requirements, but when **Konkol** said State Lands doesn’t require “no net loss,” **Herrmann** corrected his statement to say they require 3:1 enhancement, which, in response, **Konkol** said is not what this policy says. **Herrmann** said if you can’t create as valuable an asset as what was there naturally, they might require you to do three times a mitigation strategy somewhere else. **Konkol** said another option is that they may allow you to fill in a wetland and provide an enhanced mitigation plan. But to say “no net loss” at the city level would be higher than the State requires.

After further discussion, **Chair Carter** suggested we change “emphasize” to “encourage” and strike the word “adopt”, to be replaced with “and encourage a ‘no net loss’ approach.” Then the appropriate decisions can be made on a case-by-case basis.

**Mengelberg** said this will be a barrier to development. She said that is not to say that it is a bad idea, just that we need to make a conscious decision about what it is we really want.

**Konkol** noted that this policy was recently written in 1999 and it is relatively current and aggressive. Furthermore, he thinks we already have Code language in place that would support the use of the word “encourage”. When **Chair Carter** asked if that still means we encourage “no net loss”, **Powell** said we could still encourage it even if we may not be able to meet it, which would still allow for some flexibility.

Regarding Policy 3.2.2 (“Restore historic natural wetlands within the city and avoid disturbing their function through inundation of new stormwater”), **Mengelberg** said she would insert “where practical” somewhere in the sentence.

**Konkol** asked what the “new” stormwater would be because the city does not add or remove natural stormwater from one watershed to another. **Sinclair** said it is a situation where there is an existing wetland and you are shifting the pattern of water by introducing a greater amount of water from a development. An example would be that a small wetland sits in that area behind City Hall where the Clackamas County Administrative Offices are coming in. So one of the things they were exploring, because it is in the Newell Creek headwaters area, was whether that could be used as part of the stormwater facility. Part of the issue is that there are restrictions as to whether you can bring new water into existing wetlands. But, she said, if you try to use wetlands to take in more water, you can destroy the function of the wetland because it can’t handle the inundation.

**Konkol** said our Code doesn’t allow storm ponds to be put in wetlands. The water needs to be captured on-site and metered out.



**Sinclair** said wetlands function in the same way, so it would be nice if you could emulate stormwater facilities in the same way. She concluded that the main purpose here was to not degrade the wetlands by using them as a stormwater detention facility because that is inappropriate.

**Powell** said that doesn't mean we don't allow flow into wetlands, and **Konkol** agreed, saying we do allow it but only as metered flows according to Code standards.

**Mengelberg** said she was most concerned about the wording "Restore historic natural wetlands", which seems to be saying, "Developer, pull up your parking lot," which is simply not going to happen.

**Chair Carter** said she thought it was already stated that we were going to delete this entire policy (3.2.2) because it is covered in our Code. The same applies to 3.2.3. However, 3.2.4 could be changed to an action item; and we could keep 3.2.5 and 3.2.6.

**Sinclair** said she was thinking of this as tiered, so she asked, If it is already covered in Code, should it also be stated in the Comp Plan? **Chair Carter** said the Comp Plan is the vision and the Code is the implementation, and since some of this is already stated in the goals, this is repetition. **Konkol** affirmed that it is already codified that we preserve wetlands and if we are using the Code, we wouldn't refer back to the Comp Plan.

Moving on, the consensus was to add Action Items 3.2.1 – 3.2.3.

Regarding **Goal 3.3: Streams** ("Protect and enhance the function of streams within and bordering Oregon City"), **Lajoie** asked about the words "and bordering", noting that, again, this is out of our jurisdiction, but **Powell** said that could be part of our work with the County.

**Chair Carter** suggested it read, "Protect and enhance the function of streams within Oregon City and the UGB", which would keep it within our bounds of the UGB.

**Sinclair** again noted that Newell Creek is within the Clackamas County unincorporated area (outside the UGB) but very much a resource to the city.

When **Konkol** suggested, "Protect and enhance the function of streams within Oregon City and work with Clackamas County and Metro...", **Chair Carter** noted that this is already stated in Goal 3 (Policy 3.1.3: Cooperate with Clackamas County, Metro and other agencies to identify wildlife habitat, corridors and linkages and other ecological resources with the urban growth area...).

**Mengelberg** said if we were to add "streams" to that list (in 3.1.3), it would be covered.

**Chair Carter** said she thought that the PC's thinking in the construction of the original document was that wetlands, habitat, and streams were all related and all treated the same, and breaking each one down into its own category becomes redundant. However, **Lajoie** said they were broken down in the original document (page 3.7 of the original), although some of this (the NRC's proposal) is more detailed.

**Mengelberg** retracted her suggestion of adding "streams" to the list in Policy 3.1.3 since we are going to keep them separated.

**Sinclair** suggested "streams within city limits" and perhaps something about "those streams downstream" because the activities of the city very much contribute to the value of the streams lower down.

**Lajoie** suggested that Goal 3.3 read, “Protect and enhance the function of streams within Oregon City” because if we take care of our part, anything that goes downstream should be taken care of.

**Mengelberg** asked if we want to say something about working with Metro and the County on protecting streams in the Future Urban areas, and **Sinclair** said they have the resources to assist with this. **Konkol** suggested perhaps something like, “Cooperate with Clackamas County, Metro, and other agencies....” Staff will rewrite this.

Regarding the last sentence in Policy 3.3.4 (“Require developers to identify both upstream and downstream ecological effects of their actions as it relates to stormwater management”), **Mengelberg** asked if we can do that. **Chair Carter** said it seems that we are already doing that because they already have to do stormwater management. **Konkol** reconfirmed that they are required to retain it onsite and meter the outflow.

**Sinclair** suggested that the high school is a really good example with the amount of water that flowed from that site into the environmental learning center, which then flows into Newell Creek Canyon. Thus, the intent of this policy is to look at the effects downstream.

When **Lajoie** asked if we don’t do that now, **Konkol** said no—it is restricted to each person/developer being responsible for his own property, but according to Code. He said the question becomes, How far do we go? Newell Creek? The Willamette River? He said he could understand the issues, but if you take into account pre-existing development, then you have to take into account development that was put in prior to our current standards. He said you can’t deny an application because of development over the preceding 50 years that wasn’t done to current city standards which negatively impacted a system, and then hold that on the property owner who is trying to develop the property today under current city standards. He said the system may already be broken and, in fact, the new development may enhance it.

**Mengelberg** suggested, “...identify additional downstream ecological effects of their actions” and **Chair Carter** suggested that it be an action item.

However, **Konkol** said if you are taking stormwater from a pond on a “high and dry” site and you make the owner or developer review ecological impacts somewhere downstream...again, where does it end? If they are not in a water resource zone, they’re not in a natural resource area, they’re not on steep slopes, and they’re not in a high groundwater table, yet the finding is that it is degraded, are they responsible to upgrade it?

As a side note, **Chair Carter** said one of the problems is that land use at the State level doesn’t allow us to do what Sinclair is asking us to do here—to look at the bigger picture and have some analysis and maybe some control of what is coming in and going out. Until it changes at the State level, we cannot make these people be accountable for something that the State doesn’t make the whole state be accountable for. She said she understands the intent, but we can’t do it.

**Mengelberg** suggested striking the last sentence in Policy 3.3.4 (“Use a watershed-scale assessment in reviewing and planning for the potential effects from development....”) because it is already basically covered in the first sentence, which **Orzen** said is indeed the original policy.

**Lajoie** asked what the technical apparatus is for determining all the upstream/downstream issues.

**Chair Carter** said, using Rose Road as another example, we basically turned down that PUD because they are trying to build it in a wetland and the City Commission upheld our decision, yet now they are at LUBA, which costs the City more money to uphold our position. She said we need to be cognizant of the whole picture and she thinks we need to delete that.

**Sinclair** said one of the challenges is to trade off what we do now with what we leave for later. She knows there are challenges, some financial, but, she asked, if we put our systems within the city and on the outskirts of the city at risk, what is going to happen in 50 years? She said the current fiscal shortfalls are a reality, but we need to balance that against the long-term planning in our thinking.

**Konkol** said he thinks that is what our Stormwater Code is written to do. It is an engineering-based mathematical formula—It's a scientific approach that has standards.

**Sinclair** started to bring up the high school as an example again, but **Konkol** said he didn't think that was a fair example to use because that project was not well-planned from the beginning. Therefore, he said we should look at other projects that were designed and approved before construction began. He acknowledged that the high school was not done well, but he said that shouldn't be what we're writing Code to.

**Sinclair** said we need to be able to enforce whatever is written. **Powell** said we already have this in our current City Code, and he said he thinks we have seen some real beneficial projects that have actually enhanced the areas.

**Mengelberg** suggested a less burdensome approach might be to consult with the Watershed Council, which has that technical expertise and a broader-picture approach, to solicit their input on these applications rather than require the developer to do it. (It was noted that the Water Conservation Services (state-level) is now charged with sponsoring the formation of Watershed Councils.)

**Chair Carter** suggested that the last sentence of 3.3.4 be deleted. Agreed.

Regarding Policy 3.3.1, **Kraushaar** (who had to leave this meeting but who had left notes) asked to add the words "provide shade." Agreed.

Regarding Policy 3.3.5 ("Allow no net increase to stormwater entering Newell Creek Canyon..."), **Konkol** said under current Code, no new stormwater is being added, although the rate [of flow] may be different. He said all the stormwater is already in that canyon. But **Sinclair** said the exception is when it is held in detention facilities above the canyon. **Konkol** said it would eventually flow into the canyon, but **Herrmann** said not always because it could incorporate into the soils and detention areas. **Konkol**, however, reiterated that there is no net increase to stormwater.

**Richard Craven**, asked if Sinclair was talking about peaks or flows, and she said yes, acknowledging that it would make more sense with a modifier in the sentence. After some discussion, the suggestion was that it read, "Reduce potential peak flow net increases for stormwater entering Newell Creek" and delete the rest of the sentence.

**Herrmann** noted that current Code requires that the runoff of new development not exceed pre-development amounts, and it was required of Fred Meyer as long as 20 years ago. It can be stored and metered out, but it cannot increase the net flow amount.

**Sinclair** asked what happened to the NEMO proposal because she recalled that many of the components of it encompassed many of these issues. She was told that they ran out of funding before it was completed, but that many of those ideas have been discussed and incorporated into these proposals.

Policy 3.3.6 is okay as written.

**Powell** suggested that Policy 3.3.7 (NEMO) should either be deleted since NEMO is no longer active or it could be changed to an action item to review the outcome of the work already done. Agreed to change to an action item.

**Chair Carter** said Policy 3.3.8 is also more appropriate as an action item.

Regarding Action Item 3.3.2 (“Assess city practices as they relate to stream quality including all aspects of park maintenance...”), **Konkol** said the word “all” should be deleted.

**Chair Carter** that there is no goal statement for **Goal 3.4: Wildlife Habitat**. She also noted that the section should be called “Fish and Wildlife Habitat”, based on earlier discussions, and that the numbering on these policies is incorrect (they should be 3.4.11, etc., rather than 3.1.11).

**Mengelberg** suggested that Policy 3.1.11 could be stated as the goal (resulting in a renumbering of the rest of those goals). Agreed.

Returning to “Wetlands,” **Orzen** said the original action items were not incorporated in the NRC’s section on Natural Resources, but she really likes these action items. However, it was noted that these were moved and are actually included on page 3-4.

**Konkol** also noted that the word “impervious” in Policy 3.3.6 should be corrected to read as “pervious.”

Returning to Wildlife Habitat (page 3-5), Policy 3.1.12 (“Develop a management strategy for protecting, conserving and restoring habitat”), **Chair Carter** asked who would develop the management strategy and who would be doing the managing, saying she thinks it is already covered in the Comp Plan and in the Code. **Powell** said the strategy is stated in Policy 3.1.13 and the action item should describe the activity to make that happen.

**Sinclair** suggested that Policy 3.1.13 is addressing things that are already declining and this idea here is to identify, conserve and restore (reclaim) them along with others that are not necessarily declining yet.

**Chair Carter** said part of the problem is that there is too much description in the policy so the key meaning/point gets lost, so she suggested it might be more clear to simply say, “Reclaim threatened areas....”

**Herrmann** said he thought it should also include the words “and distinctive natural areas” (Savannah’s, etc.).

**Powell** said he thinks Policy 3.1.12 (“Develop a management strategy for protecting, conserving and restoring habitat”) already covers the whole issue. However, when **Sinclair** said that does not look at declining areas in a specific manner, **Powell** said he thought that would be part of the responsibilities of the Natural Resources Committee.

After further discussion, a suggestion was made to keep Policy 3.1.12 and delete 3.1.13 and 3.1.14. However, **Mengelberg** suggested changing 3.1.13 and 3.1.14 to action items and identify the Natural Resources Committee as the active group.

Regarding 3.1.12, **Chair Carter** suggested changing the word “habitat” and to “threatened, endangered species, and critical habitat”. **Kiefer** noted that this is the “Habitat” section.

**Mengelberg** noted that we can’t protect everything, and **Chair Carter** agreed, saying we must work within the confines of what is legal, not dreams.

**Orzen** asked if this is a new goal, and was told yes.

The consensus was to keep Policy 3.1.15 as proposed.

Given the lateness of the hour, **Drentlaw** said perhaps we should consider whether in reality we could complete this review this evening or whether this should be continued to another evening. He noted that, although the NRC had made some suggestions for major changes to those chapters, the Park Advisory Committee has already reviewed and blessed the chapter pertaining to Parks, and the same is true of the Housing and Transportation chapters. He said he was hesitant to make changes to their work without further discussion with them since they are the experts in these fields.

For example, in Economic Development (page 7-1), he read from **Goal 7.1: Improve Oregon City's Economic Health**, "Provide a diversified, innovative economy including an adequate supply of goods and services and employment opportunities...." He said this is a really big statement. He said if he were an advocate of economic development, he would ask that that statement be tacked onto every goal item in Natural Resources. In other words, he was asking that they try to balance this to be consistent with the whole format of the Plan. He said it is simply too "muddy" to try to add sustainability, L.E.E.D., and carrying capacity to every chapter.

He said he thinks some of those concepts are pretty good in Land Use and Sustainability, but they are not so clear in Economics and Housing. For instance, in Housing we are trying to focus on affordable housing and we're not focusing on L.E.E.D. or something else. Therefore, he said, it is good to make those statements in the appropriate chapters but we should be careful about repeating them everywhere.

**Chair Carter** agreed that we need to honor the work the other people have done and we need to acknowledge that we cannot create a perfect document this time around. It is a living, breathing, working document that will be upgraded, edited, and changed as we go through the process, so if we could just get the Natural Resources portion done and take the rest as written, we could come to a conclusion and forward this to the City Commission.

**Powell** concurred, noting that if we were to review all of the NRC's suggestions for those areas, we would also need to bring in those people to participate in the discussions, and we simply don't have time for that in light of the current timelines, or, **Drentlaw** said, we would have to push the timelines back. **Chair Carter** added that we simply don't have the staff time to keep going over and over everything, and we need to come to a conclusion, and **Mengelberg** noted that there is still opportunity for more input and consideration at the City Commission level.

**Sinclair** said they (the NRC) would like to take their suggestions to the other committees for their consideration, but agreed that it might need to happen before the City Commission hearing occurs.

**Craven** said he thought the NRC was given the task of reviewing the whole plan, but **Chair Carter** said the PC thought they were only charged to look at the Natural Resources chapter. However, **Herrmann** said it is in the charter of the NRC to review the whole plan as it relates to Resources issues, and they were specifically given that instruction by Doug Neeley. For instance, he said Chapter 13 (the Willamette Greenway) is based on State standards but it is not functioning well along the Willamette because there is no enforcement. Therefore, the NRC suggested some ideas to make it better in Oregon City, and perhaps it might even become a model to be used throughout the valley. In summary, he said their charter says to work with PRAC and to work with the Planning Commission on issues that come before them (including the Comp Plan), and then approach the City Commission on other issues such energy, recycling, etc.

**Powell** said it makes perfect sense that they be involved but the problem is the timeline because the PC was not aware that this was their charge, and the PC has been working on this now for two years.

**Chair Carter** apologized that she had hurt their feelings but she felt it was not fair that they should come in now and completely re-do everything the PC had worked for two years to get it to this point, also saying that is not fair to the many people who have worked on the process for so long.

**Sinclair** said she thinks there was a lack of clarity but they thought they were operating under the charge given to them. She felt they had been somewhat attacked this evening, but it was not their intent to overstep their bounds or to create so much extra work for the PC.

**Powell** said he could see how the misunderstandings had occurred, but he, too, was unaware that the NRC had been given that direction.

**Sinclair** said she was appointed to this committee a year ago but their first meeting on this issue was held in October because, although they had called and asked for information throughout the year, they weren't given a copy of the proposed Comp Plan until then. Therefore, at that time, they had to push hard to review it and do what they thought they were charged to do, the result being their proposal.

She agreed that timing and bulk are real issues and she asked how they might now proceed to work with other committees before the City Commission meeting.

**Mengelberg** asked if staff has this in a form that could be e-mailed to PRAC and the other departments, and was told yes.

After further discussion about (1) the PC not feeling comfortable about making changes to other departments' work without their input, (2) how the NRC might meet with the other committees for discussion prior to the City Commission's first hearing, and (3) about whether or not the calendar would have to be moved backward to accommodate such, **Mengelberg** suggested that the PC make its decision on Monday night about those issues not touched by the NRC's additional comments. In addition, **Kiefer** offered to send the Parks section to the chairman of PRAC with a note explaining the circumstances and asking if the NRC could meet with them to discuss this, perhaps at their next meeting. **Drentlaw** suggested doing the same for the Transportation Advisory Committee also.

**Chair Carter** said it appears that there are only two options: (1) either move the calendar back to allow time for these additional reviews and revisions, or (2) make the edits agreed upon in this discussion for recommendation and forward the rest of the document to the City Commission without the NRC's recommendations, since the PC is not comfortable making edits on the chapters other than "Natural Resources" without the other folks' input who have worked on them for so long.

In reviewing the calendar, **Powell** said he thought the Planning Commission could still meet on Jan. 26<sup>th</sup> (and Feb. 9<sup>th</sup> if necessary) to complete our review and formulate a recommendation, then meet in the joint work session currently scheduled with the City Commission for Feb. 11<sup>th</sup> to give them some background and an overview of the PC's recommendations, and the Proposed Amendments could still go to the City Commission on Feb. 18<sup>th</sup>. However, it was noted that we probably wouldn't want to wait until the 9<sup>th</sup> because that would push staff too hard to have a finished document ready for the joint session on the 11<sup>th</sup>.

There was some concern about whether or not the NRC would have time to meet with them and get everything prepared in time for the City Commission hearing, but various members of the Planning Commission, including

the Chair, agreed that they had serious concerns about turning over an incomplete document after this length of time.

When asked if it would be a big issue with Metro if this were delayed further, **Drentlaw** said we need to complete it as quickly as possible, but he thought if it were just delayed by a couple of weeks it would probably be okay.

## **2. ADJOURN**

With no further business at hand this evening, the work session was adjourned at 8:27 p.m. to be continued on Monday, Jan. 26<sup>th</sup>.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION  
January 26, 2004**

**COMMISSIONERS PRESENT**

Chairperson Linda Carter  
Commissioner Dan Lajoie  
Commissioner Renate Mengelberg  
Commissioner Lynda Orzen  
Commissioner Tim Powell

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
Tony Konkol, Associate Planner  
Nancy Kraushaar, City Engineer  
Christina Robertson-Gardiner  
Ed Sullivan, City Attorney  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

None.

**1. CALL TO ORDER**

The meeting was called to order at 7:02 p.m.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

None.

**3. APPROVAL OF MINUTES: November 10, 2003 and November 24, 2003**

**Orzen** moved to approve the minutes of both Nov. 10, 2003 and Nov. 24, 2003 as submitted. **Mengelberg** seconded the motion, and it passed unanimously.

**4. HEARINGS:**

**Chair Carter** noted that the order of the agenda items be reversed in order to hear the quasi-judicial hearing first and then proceed with the Comp Plan discussion.

**VR 03-23 (Quasi-Judicial Hearing), Applicant: Mark Herring of 923 Clearbrook Drive. Request for the approval of a variance to the minimum lot area for two residential lots. The properties are located at 418 Dewey Street and identified as Lots 9 and 10 of Darnell's Addition and as Clackamas County Map 2S-2E-32CC, Tax Lot 1600.**

**Chair Carter** gave the parameters and procedures applicable to this hearing. She asked if any members had a conflict of interest, bias, or ex parte contact regarding this application. **Lajoie** said he knows both the applicant and the renters of this property, but he has not spoken to either and feels he could render an impartial judgment. He also noted that he has visited the site. There were no challenges against the Planning Commission or any individual members of the Planning Commission to hear this application.

(Note: Full copies of the staff report, application, and all related documents are included in the public record and are available for review through the Planning Department)

**Robertson-Gardiner** gave the staff report, saying that this request is for approval for a variance to the minimum lot size for both Lots 9 and 10 from 6,000 square feet to 5,000 square Feet.

The property is zoned R-6 Single-Family Dwelling District and is designated Low-Density Residential in the City's Comprehensive Plan.

The subject property abuts the Molalla Avenue Commercial District to the west and other R-6 Single-Family properties to the east. Notice of the proposal was sent to property owners within 300 feet of the subject property and the Mt. Pleasant Neighborhood Association, and no written comments were received.

The existing house and accessory garage are located on the east side of the 100 x 100 foot tax lot, but are built over the line which separates the original lots of record, Lots 9 and 10 of the subdivision. Darnell's Addition was platted in 1891 and in this particular case, the existing house had two lots of record on it.



The applicant wishes to re-recognize Lot 9 and perform a lot line adjustment to move the horizontal line separating Lots 9 and 10 to a vertical line. (See sketch.) She said once a Lot of Record line is removed, it no longer retains the status as a pre-existing lot.

Type I Ministerial Lot Line adjustments cannot be approved if the resulting lots do not meet the minimum lot size standards for the underlying zone, in this case 6,000 square feet in the R-6 Single-Family District.

The existing 5,000 square foot lot arrangement of the neighborhood would not change if the variance is granted, only the orientation (east/west vs. north/south).

Per Code 17.12, Lots of Record are recognized as buildable lots.

**Robertson-Gardiner** said staff recommends approval of the requested variance VR 03-23 with the following findings:

- That the variance for the lot area is needed to make the lots conform to the existing development on the site.
- That the existing 5,000 square foot lot of the neighborhood would not change, only the orientation.
- That the request should not likely reduce light, air, safe access, or other desirable qualities.
- No practical alternatives were found.
- The reduction of the lot area standard will allow the applicant to build a new house on a newly created Lot of Record and is the minimum variance needed to resolve the situation.
- If approved, the applicant would not be forced to demolish the existing house.

She then showed photos of the site, which correspond to the map in their packets, for those who had not been able to visit the site.

In summary, she said again that staff recommends approval of this variance.

**Orzen** asked if the new house would face Dewey Street, and **Robertson-Gardiner** said yes.

**Chair Carter** asked for clarification of the dimensions of the finished lots, and **Robertson-Gardiner** said they would remain at 5,000 square feet—just the orientation would move from an east/west to a north/south direction.

**Lajoie** asked about the setbacks, and **Robertson-Gardiner** said all R-6 setbacks for any new construction would need to conform.

Applicant and property owners **Mark Herring**, 12100 Hazel Dell Avenue (new since the application) and **Jessie Davalos**, 929 Clearbrook Drive, were both in attendance but had nothing to add to the staff report and presentation, saying they thought it was covered well, but they were available for questions.

There were no public comments regarding this application.

**Konkol** noted that he had entered the Power Point presentation (the photos) as Exhibit A.

With no other questions or comments, the public hearing was closed at 7:10 p.m.

**Powell** said he doesn't see any real problem with this, noting that the Commission has been discussing the issue of higher density over the last year or so and this seems to fit in. Therefore, he would support the variance.

**Lajoie** concurred, saying this seems to be in keeping with the neighborhood which was created with 5,000 square foot lots, and he, too, would support it.

**Orzen** moved to approve VR 03-23 for a variance to Lots 9 and 10 of Darnell's Addition based on the findings of staff. **Powell** seconded the motion, and it passed unanimously.

**L 03-01 (Legislative Hearing), Applicant: City of Oregon City, Request for the approval of amendments to the Oregon City Comprehensive Plan, Oregon City Comprehensive Plan Map, Oregon City Zoning Ordinances: Chapters 12, 16 and 17, Oregon City Zoning Map changes from R-6/MH to R-6 Single-Family, RD-4 Two Family to R-3.5 Dwelling District, Central Business District and Tourist Commercial to Mixed Use Downtown, and M-1 Light Industrial and M-2 Heavy Industrial to GI General Industrial, Adoption of a new Water Master Plan, and Sanitary Sewer Master Plan.**

**Chair Carter** reminded the public in attendance that this was a continuation of discussion/deliberations from the work session of Monday, Jan. 21, 2004, and that specific participating members of the Natural Resources Committee were invited to that work session to explain the position of their group on various issues regarding the proposed amendments to the Comprehensive Plan.

**Konkol** noted that he had distributed a thick packet which contains the written comments received by staff after the close of the public hearing, which would be entered into file L 03-01 as Exhibit A. He was also entering a write-up regarding the Intersection Level of Service Standards as Exhibit B.

**Kraushaar** presented the proposed Intersection Level of Service Standards to be adopted with the Comprehensive Plan as part of the Transportation Plan.

She explained that staff has looked at both the Regional Transportation Plan standards, which the City's Transportation System Plan (TSP) is required to comply with, and also what staff believes are appropriate standards based on many conversations with the Transportation Advisory Committee (TAC) as well as a sense of desire from the community.

She said they are proposing to set a different Level of Service standard within the regional center than that outside, the latter of which would consist of a Level of Service standard (LOS) D for the intersection as a whole and no approach could be operating at worse than LOS E.

She explained that the traffic engineers look at an intersection overall and they can also break down each turning movement or through movement within the intersection. She said staff believes that, given the fact that often the side streets are expected to experience more delay than the collector, we need to give the overall intersection priority and require a LOS D on that, but we can allow a lower LOS for some of the turning movements, but not less than E.

She said there are also LOS standards for stop-controlled intersections. For that, we would want a LOS of E or better for the poorest approach and with no movement serving more than 20 peak-hour vehicles. So we are recognizing that with stop signals with very, very little traffic, those will be fairly delayed. Then for stop-controlled intersections with higher levels of traffic, there will be a higher LOS to keep those four-way or two-way stops moving.

**Kraushaar** then used an overhead to explain what Metro has adopted for motor vehicle performance measures on the regional system, noting that Oregon City does have some regional routes identified on Metro's regional maps (for example, Highway 99E, Highway 213, Molalla Avenue, and Warner-Milne).

She said one of the policies in the Regional Transportation Plan (RTP) says that the regional motor vehicle system "will maintain an acceptable level of service on the regional motor vehicle system during peak and off-peak periods of demand as defined in Table 1.2."

She showed that table and said there are some reasons we don't want to accept this table fully, one of which is because the table is recognized as being predominantly for planning purposes and for the links in the system. The RTP tends to address the links from Point A to Point B (for example, where to add an extra lane on big streets). In other words, the Metro standards are to be applied to the links of the system, not to intersections. However, they also want the cities to recognize that congestion is to be more expected within regional centers because there are higher densities, and the policies and goals of the region are not necessarily to build more capacity just for very limited time periods during the day. So, she said, what

these standards tend to do for the links and for planning purposes is to say they will accept much lower levels of service in areas of regional centers, town centers, etc.

**Kraushaar** said staff is proposing to reduce the LOS standard just within the regional center for the worst peak hour of the day. Then, for the second peak hour (the next most heavily trafficked hour of the day), we would go back to LOS D. In other words, staff is saying they recognize that in the regional center, there will be one peak hour during which there will be much more congestion, which will be allowed. However, that will only be for one hour, after which it returns to LOS D or it becomes intolerable for our community.

She said staff has submitted this to Metro for their approval but they haven't had time to give it a final review.

**Powell** asked to discuss some specific streets, for instance Warner-Milne and Molalla. He said, If that intersection (for purposes of this example) is Level D, is the suggestion that we could continue to "load up" Warner-Milne in its approach all the way up to a Level E, if development were to continue all they way up to Linn, as long as we don't go over the Level E, and that intersection would not be considered as failing?

**Kraushaar** said no. She said it is saying that LOS D is okay but LOS E is not okay unless it is just for one of the turning movements because that particular intersection is not within the regional center.

**Powell** asked if the volume is what translates to defining it as D, E, F, or whatever. **Kraushaar** said volume, turning movements, and other factors are all used in determining the LOS.

**Mengelberg** asked for clarification of whether this would be an addition to the TSP or part of the proposed amendments to the Comprehensive Plan. **Kraushaar** said the TSP is one of the elements of the Comp Plan so this would be added as a part of the Comp Plan through the Transportation element.

**Mengelberg** asked if the timing would work out that Metro will be able to review it and respond before we send our recommendations to the City Council. **Kraushaar** said she thinks so, but if they don't, she still thinks we should recommend its adoption because it is a good standard for Oregon City and we can always go back to Metro to work it out later if necessary. She noted that she thinks a lot of cities are struggling with this because there is such a difference between local intersection requirements and the huge regional picture, and we are trying to comply but at the same time make sure it fits in our community.

**Powell** said the only problem he had was regarding the many unsignalized intersections onto the 7<sup>th</sup> Avenue and Molalla Street corridor, which is getting busier and busier, and an acceptance of LOS E means we will be farther out from fixing the problem, which is planned for even more expansion.

**Chair Carter** confirmed that we would be adopting two Levels of Standards, and the LOS will be a little lower than inside and that we are willing to accept higher congestion during the peak hour, not the second peak hour.

When **Chair Carter** asked what hour would be the peak hour, **Kraushaar** said it would probably be between 4:30 and 5:30 p.m. or perhaps 4:45 and 5:45 p.m. She said, though, that the corridor can be developed so there is no second hour that exceeds LOS D. It will peak and then, because of the way it is designed, it will settle out again within an hour.

**Chair Carter** said we know our Downtown area as our regional center, and **Kraushaar** said the boundaries are shown in the Downtown Community Plan. She said it goes over to Apperson Bluff (to include Hwy. 213) to Jefferson and then to Abernethy. It also includes the downtown area and the mill. **Drentlaw** said it pretty much covers the whole area designated as Downtown Mixed Use.

**Lajoie** said it seems like there is still one piece of information missing. He understands that they are recommending a LOS for the regional center (essentially downtown). Then there is a minimum acceptable LOS for unsignalized intersections throughout the remainder of the city. However, he asked what happens with signalized intersections outside the downtown area.

**Kraushaar** said the first portion of her write-up is for signalized intersections of the city that are located outside the regional center. The second section is for stop-controlled intersections, and the last section is for inside the regional center.

**Mengelberg** asked what happens if an intersection falls below the tolerable standard, whether it is E or F. Does that mean that no more development could occur near that intersection until transportation improvements are made?

**Kraushaar** said she believes that depends on the type of land use application. For example, for a Zone Change/Comp Plan amendment, the finding could be made that there is inadequacy, but for regular-type Site Plan/Design Review, there would have to be some sort of mitigation made but not necessarily requiring repair of the entire intersection. **Sullivan** agreed, adding that it would also depend on how the Plan standards are made applicable in Site Plan and Design Review. He said he had just been discussing that with staff and they would try to make a suggestion about this before the evening was over.

**Chair Carter** asked if the traffic analysis assumes and factors in continued buildout, and **Kraushaar** said yes. She noted, though, that for the development itself, you can only expect them to mitigate for their development to their buildout. In other words, you can't make one developer mitigate for some other big, future developments that are anticipated later.

**Konkol** noted again that Kraushaar's memo about LOS Standards was entered into the record as Exhibit B.

With no further discussion on this matter, the conversation moved to the continuation of deliberations of the proposals from the Natural Resources Committee (NRC). However, before proceeding, **Drentlaw** said that staff had included Version 6 (the latest version of all the Code amendments, dated 1/20/04) in the packets. He asked if anyone had questions about any of the changes that had been made before moving into the review of the NRC proposals.

**Mengelberg** said they had specified, particularly on page 9, "Groundcover Covering 100% of Exposed Ground: No bark mulch shall be allowed except under the canopy of shrubs within two feet of base of trees." She said it is only mentioned here and in a few other places, not throughout, so she asked the PC if that is something we wanted to encourage because it helps storm drainage, it looks more attractive, etc. She thought it was a good concept—to encourage ground cover.

**Drentlaw** said he thought they tried to use that standard in all the sections. **Mengelberg** had some suggestions as to where she thought it might fit, which she would provide to staff later.

**Mengelberg** said there is a reference on page 31 to the "McLoughlin Conditional District" but on page 21 it called the "McLoughlin conditional residential district" and she thought those should be made consistent. **Konkol** he believes the correct zoning designation is "McLoughlin Conditional Residential District."

**Mengelberg** suggested that the bark dust provision could be inserted on page 45 under "J. Minimum landscaping requirement..." **Drentlaw** said he thought they had handled that under a special section that applies to landscaping in a generic sense. He said the item she just cited only has to do with the percentage, after which the details would be found in the "landscaping" section that outlines the form of the landscape. He said **Konkol** would confirm that the groundcover provision is included.

**Orzen** noted that there was no definition for "auxiliary dwelling unit." Staff will look at adding it.

**Orzen** moved to page 60 and said that 17.37.020.N under "Permitted Uses" ("Financial, insurance, real estate, or other professional offices necessary to a permitted industrial use") and 17..37.030.B under "Conditional Uses" ("Financial institutions, as an accessory use to a permitted use located in the same building as the permitted use... Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited") seem very similar, and she asked what the difference is.

**Powell** said he read it to mean that one might have a credit union, for instance, within a store (with no drive-through capability) and the other could have a credit union with a drive-through within the industrial area. In other words, N would be a stand-alone and B would be within the store. **Drentlaw** confirmed that understanding as correct.

**Chair Carter** said she thought inserting a comma in B after the word "use" ("...to a permitted use, located in the same building...") would help clarify it.

**Mengelberg** said she wasn't making a suggested change, but she had a note to herself that the Natural Resources group could look at the Oregon City Public Works Standards for Erosion and Sedimentation Control (page 65, 17.44.050, c and d) and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan (17.44.090). **Chair Carter** asked if that isn't more of an Engineering thing, but **Mengelberg** said it seems like standards are continually changing and methodologies evolving and perhaps there are things that could be looked at.

**Konkol** deferred to **Kraushaar** for comment, who said that the Standards for Erosion Control document is very technical and she thinks our erosion control standards are really quite good, with perhaps the one exception of some slope protection, which our erosion control office is actually working on for adoption as soon as possible. She also said that the Stormwater manual is fairly up to date but it wouldn't hurt for folks to review it to see what we are trying to achieve in our city. **Chair Carter** said that could be done as an action item after the Comp Plan.

Moving to page 69, **Mengelberg** said there was discussion at our last meeting about where to weave in homeowners associations, and it seems like 17.50.050.A might be the appropriate place. She read, "The applicant shall send, by certified mail, return receipt requested, a letter to the Chairperson of the Neighborhood Association and the Citizen Involvement Committee Council describing the proposed Project." She suggested that "and Homeowners Association Board within 300 feet of the project" or similar wording might be inserted into this sentence. **Konkol** said this goes back to the discussion of a pre-app versus an application, the difference being that staff receives 100-200 pre-app applications per year, but the notice within 300 feet goes out when we actually receive a land use application, which is the next step.

**Mengelberg** agreed that we don't need to send out the 300-foot notice for pre-apps, but said she would like to make sure this gets in for the application part of it, wherever the appropriate place is, and asked if staff could recommend where that would be.

**Powell** said the real challenge is that we have a neighborhood program and some neighborhoods have not been brought into a neighborhood association for one reason or another, or there are neighborhood associations that are not functioning for some reason at this time. So, he said, the Citizen Involvement Council (CIC) is the "umbrella" and it is up to them to get notice to those people. He said we need to be careful because there are a lot of homeowners associations that are imbedded in neighborhood associations and the neighborhood associations are trying very hard to include everyone, so he would worry that this might cause confusion. He understood that **Mengelberg** was thinking of a specific neighborhood on top of the hill, which just happens to be outside an area right now but which will be included soon.

**Mengelberg** said her suggestion is for just one more letter to the president of that homeowners association along with the notice to the neighborhood because they are organized with boards and they care. **Powell** said they are generally notified through the neighborhood associations, but he understood her concern about the one in particular that she is concerned about, which is outside the neighborhood association. In such a case, he suggested that perhaps the neighborhood association on the edge could take responsibility for that or perhaps the Land Use Committee might take responsibility.

**Konkol** suggested putting an action plan in the Comprehensive Plan to incorporate homeowners association and get them involved in the neighborhood associations. He said he thinks we are trying to focus on getting the neighborhood associations to get them to act as a whole rather than adding another list of homeowners associations that aren't affiliated with a neighborhood association.

**Powell** added that there are some legal issues as well, and **Sullivan** said the State program recognizes neighborhood associations or citizen planning organizations, etc., and requires them to register. He said the whole idea behind that is specifically for the purpose of getting notices out appropriately. He said if you do it by homeowners associations and they don't register, then there are notice problems and questions about whether or not citizen involvement actually occurred.

Regarding his use of the word "register", **Mengelberg** said her homeowners association registers with the Secretary of State, but **Sullivan** said that is very, very different. He said for land use purposes, the neighborhood association has specific boundaries and the whole process of recognition is that the city knows that this is the area wherein the neighborhood association will get notice. The homeowners association doesn't have status before the city although it does have control over its own internal organization and may maintain things like open space, but unless it is recognized by the city, there is no real trigger to make sure that those people get notified.

In conclusion, he thought he would put the emphasis on the neighborhood associations, and he liked staff's recommendation to *encourage* homeowners associations to be part of neighborhood associations so they can get notified.

**Chair Carter** said if the CIC is doing their work as the overriding organization that develops the neighborhood associations, there should be some effort to go out and canvas new neighborhoods to get them into the neighborhood associations. **Powell** said they have a person on staff person to do just that and he said it is in the Comp Plan. Furthermore, he noted that part of their goal is that every home in the city would be represented by a neighborhood association, and they have action items in place to reach that goal.

Moving to page 77, **Mengelberg** said she thought the word "impervious" in 17.52.030.C should be "pervious". Agreed—staff will correct.

**Lajoie** said he had a general question about the General Industrial section (page 58). He said one of the concepts that seemed to emerge at some of the public hearings was for a Mixed Use Industrial, and he asked where we are on that idea. Specifically, is it allowed to have Residential with Industrial?

**Drentlaw** said it is allowed, so it is the city's option to come up with a zone that is crafted that way. However, it is not necessarily consistent with Metro and their titles regarding industrial lands. He said the whole philosophy on industrial lands right now, because there is a shortage, is to protect what industrial lands we have rather than allowing a number of uses like residential or institutional or even commercial. He said it isn't something we can't do, but staff hasn't proposed it.

However, he noted that staff is working on a provision for master planning and through that process, we could define development regulations that are tailored to a particular piece of property that could allow mixed use. He said staff is hoping to have that proposed language for consideration before the Feb. 9<sup>th</sup> meeting.

**Mengelberg** noted that, traditionally, residences have not wanted to be inter-mixed with industrial (i.e., young children and big trucks are not a good mix), but there have been areas where there can be housing across the street from an industrial area with trees and sidewalks buffering, which tends to be enough. She said one might think there might be a lot of complaints about noise, etc., but it's not always a problem.

Moving to a general question, **Powell** noted that we had changed all references of "Planning Managers" to "Community Development Director" (CDD) but he asked why we would not use a more general term such as "decision maker". He said he questioned this because of possible changes within organization which could mean having to rewrite the whole thing again if titles are changed.

**Sullivan** said you still have to designate who the decision maker is. For example, in Lake Oswego it is the City Manager, who can then delegate it to the CDD. He said it could be any person or office we might choose and that if there were a change (to either a person or the nature of the title), we would also make a global change within the Code. He said he would advise the use of a discreet office rather than saying "decision maker" as the title.

**Powell** said in some places we say "Community Development Director" but in other places we have crossed out "decision maker" and replaced it with "Engineering Manager" or some other designation.

**Sullivan** said sometimes in going through the process, the decision maker changes (i.e., it might go from the Director to the Planning Commission or from the Director to the City Commission).

**Chair Carter** said this at least makes somebody accountable, and **Powell** said that was okay as long as it didn't tie anybody's hands for decision or overload any one person, but if that person had the ability to assign authority, it shouldn't be a problem. Agreed.

Moving to the maps (both Comp Plan and Zoning maps), **Mengelberg** said it seems like we have discussed requiring master plans on a number of locations that aren't reflected on the maps (i.e., the hospital, the County office, the community college), and she wondered if we should also consider it for the former landfill site.

**Drentlaw** said staff had specifically limited the Future Urban Holding designation that was basically blank to the new UGB areas because we don't have an existing zoning category on the ground.

**Mengelberg** said there is only a "hatch mark" on the map for the mill site (Blue Heron), but she said it seems that some of the past decisions for the community college, the hospital, and the County have required that they do a master plan, and it seems like we would want to show those on the maps.

**Drentlaw** said staff focused on Blue Heron because it is in a unique situation of a possibility of transitioning to something else, whereas the hospital and the County are most likely going to stay for a long time. He said one of the new zoning categories, the Mixed Use Employment zone, was specifically tailored for those two uses, which should address a lot of questions.

However, the mill was an especially sensitive issue with the owners, who wanted to retain their Industrial use and Comp Plan designation through this process, and he thought the Master Plan requirement was put on because we recognize the need to consider some of the potential transitional uses.

Regarding the hospital and Red Soils sites, **Drentlaw** said the master plan process is important for a little bit different reason in that it will help staff in reviewing individual site plans for individual buildings as they come to see how they all fit together. In other words, those master plans are more tailored to the specifics of a Site Plan/Design issue rather than the mill, which is more a general discussion of use.

**Mengelberg** said she didn't feel that strongly about it—she just recalled that we had asked the hospital, the community college, and the County to provide master plans. **Chair Carter** said that she thought Drentlaw's point was that the mill is the only site that has the potential to change to a completely different use.

**Powell** asked if a master plan is required only if the mill changes the designation or if a master plan is required anyway. He said the others have to come up with a master plan even though they are staying with their current uses, but he feels we should require the same of the mill, not only if they decide to change.

**Drentlaw** said he thought that was how it was addressed in the policy portion of the Comprehensive Plan (to require it for the mill).

**Powell** asked if there could be any legal problems if someone were to say that it doesn't say a master plan is required, and **Sullivan** said if there is a plan policy on master planning, he thinks it's fine. He said his only concern would be if there were a Site Plan review where a plan is not a criterion because it is a limited land use decision, or a land division. He said the problem is that unless it is specific said in the Code, the plan doesn't apply for these two instances—Site Plan and Design Review and a land division. **Konkol** said it is identified on the zoning map (with a legend and a set of criteria that applies to the legend), in which case, **Sullivan** said, it is fine.

**Powell** said he was especially concerned about the land across from the hospital so that a new buyer would be aware that there could be potential plans relating to the hospital.

**Konkol** clarified that the Master Plan Overlay designation is on both maps only for the Blue Heron site, but that master plans are included in the Conditions of Approval (COA) for the hospital, the community college, and the County site before they can move forward. **Sullivan** suggested they may want to consider putting a designation on the maps for the other sites as well, which was **Mengelberg's** point, but **Chair Carter** said it would be redundant if they are already requirements within the COA's.

**Konkol** agreed, though, that something visible on the maps would make it visible to someone new to the area, and **Powell** said it is a fact that people don't read the Comprehensive Plan for details unless they have to. He felt that we should make this document as clear and concise as possible, noting that it could be beneficial and it would not hurt. **Mengelberg** thought it might also help the neighbors to these areas understand that there is going to be a bigger vision and it might give them some comfort level. **Chair Carter** agreed, saying the map would simply be a reflection of the existing requirement. Agreed.

**Mengelberg** said there had been previous informal discussion about a master plan for the former dump site as well, but that is a different issue completely. **Orzen** said part of the issue is that it is privately held, but **Mengelberg** said some of others are as well (i.e., the hospital).

**Drentlaw** said there are three other issues regarding the map that had occurred since our last discussion about the map and he wanted to make the Commission aware of them. They include:

- A clarification of the Beavercreek industrial area, specifically the golf course parcel. He said staff believes they made a mistake, but would like confirmation or clarification. He said they showed the area north of the golf course (the new UGB area) as a Future Urban Holding Zone. He said that area was designated because it was brought into the UGB in December of 2002. The golf course area (in purple on the map) is also in the UGB (outside the city), but it was brought in earlier, which is why it didn't show up as the Future Holding Zone. However, staff thinks this was a mapping mistake on their part and they believe the golf course should also show as part of the Holding Zone. He noted that the property owners there are currently working on a concept plan that will be brought to the PC eventually and would be an amendment to the Comprehensive Plan as it designates uses. **Chair Carter** asked if the entire swath along Beavercreek that currently shown as purple would be changed to white (the east side of Beavercreek), which **Drentlaw** confirmed. **Chair Carter** said that seems correct.
- A resounding feeling of no Neighborhood Commercial along South End Road, which was again discussed at a neighborhood association meeting he had recently attended in South End.
- Considerable discussion amongst staff regarding the proper designation for the intersection of Hwy. 213 and Molalla. He said they talked about MUC-1, MUC-2, and Commercial. Part of the concern about MUC-2 is that it requires at least two stories, but there is some interest for one-story restaurants, and the possibility of simply a General Commercial designation.

**Chair Carter** asked, If something is designated differently than what a property owner would like to develop the property as, can they still request a zone change. **Drentlaw** said yes, although it might require a Comprehensive Plan Map change as well, but, he said, a Comp Plan Map change and a Zone change could be done together (through public hearings with the Planning Commission and the City Commission).

**Chair Carter** said part of the challenge is knowing how to assign certain zones because the property owner might have certain needs and plans for development and city has needs for a certain amount of density. Thus, it becomes very tricky to balance.

**Powell** said he felt, after looking at this again, that the level of traffic on 213 doesn't seem to make it very feasible for second-story residences, although that would seem to make perfect sense along Beavercreek with Newell Creek behind it. Therefore, he thinks Commercial would fit better on that peninsula than MUC-1 or MUC-2, but MUC-1 would probably be better if there is a need for a low-rise building. He said he understands the need for increased density, but this just doesn't seem like a good location for it.

**Chair Carter** agreed, adding that one requirement is that they must blend with the surrounding area and, she noted, that area is mostly comprised of one-story buildings.

**Mengelberg** also agreed, saying that it seems like most of the commercial is located in this area, with Haggen's down below and the Fred Meyer up above. She said General Commercial is a good neighbor with Industrial, as opposed to having the Mixed Use Corridor hanging out all by itself, separated from everything else.

**Chair Carter** and others agreed, as did staff. Confirmed.

**Powell** asked if would include all eight parcels there, including the storage (to be turned into Commercial). **Drentlaw** said yes.

**Mengelberg** said she is not willing to revisit the South End Commercial. She thinks there is going to be additional demand as the UGB area expands. She said those voices haven't been heard and won't be heard because they're not here yet, but over time, there will be demand for that and she wants to provide for it, so she would vote to keep it.



**Chair Carter** agreed, saying she said thinks we made a good compromise in trying to cut down and minimize it as much as possible and we are trying to provide a convenience for the neighborhood. She noted that **Kraushaar** had suggested that there be designated truck thoroughfares to these sites, which helps to minimize the truck traffic, which was a big concern. Again, she (**Carter**) said this is long-term planning and the property may not develop that way—it will only develop when the demand is there because people are not going to build commercial and have it sit empty and un-rented or build it and then have the tenants fail.

**Powell** moved to recommend for approval by the City Commission the amendments for the Oregon City Municipal Code, the proposed Zoning Map, the proposed Comprehensive Plan Map, the Intersection Level of Service Standards, and the Water and Sewer Master Plans, including amendments made this evening. It was clarified that this is to include everything except the Comp Plan text, which will be reviewed once more after this evening's suggested changes are typed in. **Orzen** seconded the motion, and it passed unanimously.

After a brief break, the PC picked up discussion of the recommendations which had been made by the Natural Resources Committee (NRC), continued from the work session on Jan. 22<sup>nd</sup>.

**Marcia Sinclair**, 23850 SE Borgess Road, Gresham, Oregon 97080, and **Ralph Kiefer**, 15119 Boyer Drive, identified themselves as the representatives for the NRC.

**Konkol** said he had handed out copies of "Proposed Comprehensive Plan" dated "XXXXXXXX, 2004" which is the result of staff's having reviewed all the proposed changes by the NRC and incorporating them into this new document, as well as the changes made thus far. He used a Power Point presentation to show portions to the audience as they were discussed.

**Drentlaw** said the NRC suggested many excellent concepts, which staff tried to incorporate into what they felt were the appropriate chapters. For instance, a lot of the information seemed to logically fit into Chapters 3 & 4 (regarding environmental issues), so those chapters are pretty much as suggested by the Committee. There are some chapters, for instance Citizen Involvement and Land Use, that bridge all the different elements of a Comprehensive Plan, so some of their recommendations have been incorporated into those as well. However, in some of the other chapters that weren't really targeting environmental issues, such as Economic Development or Public Facilities, staff took out references to some of the concepts (i.e., carrying capacity and sustainability), and only applied them where they seemed to fit most appropriately.

Moving into the review, **Drentlaw** said staff kept most of the NRC's suggested verbiage for the introductory pages, although staff inserted some different headers. For example, they put the concepts of "smart growth" and "sustainability" under a new section called "Plan Principles" as the overriding mantra of the Comprehensive Plan. He said they (staff) incorporated some of the more specific items into the environmental section since they didn't seem to fit most appropriately in the overview, and they took some things out since they were already included in other policies.

**Drentlaw** then began reviewing the document from the beginning, noting that staff hadn't made any other changes besides those the PC had previously agreed to (page 1-1).

In Chapter 2. Land Use (page 2-1), **Konkol** referred to the prior discussion about General Industrial and allowing the use of Mixed Use and Residential in that zone and writing it in the Comprehensive Plan. He said initially Policy 2.6.6 from the NRC included, "Incorporate use of a mechanism that will allow for the enhancement of areas of mixed use character where such areas act as a buffer and where opportunities exist for creation of nodes or centers of Mixed Commercial, Light Industrial, and specific Residential development." He said this is currently not backed by our Code for General Industrial use. As Drentlaw had said, we could get to it through a Master Plan, but this is something we need to discuss further—whether to add the inclusion of residential use for Industrial lands, although it doesn't meet our Code, or that of Metro.

**Chair Carter** said she thought the PC decided against that in the earlier conversation, and **Konkol** said we had made it an action item. However, upon review, he said it doesn't necessarily blend with the zoning of the General Industrial or Campus Industrial zones.

**Mengelberg** said what happens when commercial and residential uses are allowed within Industrial land is that people looking for low-cost land tend to gobble it up, and then the resource is lost. She said we probably don't want to open that

door, unless there is an issue of a steep slope or something else that would make the land un-developable for Industrial. But she would really caution against giving away the prime Industrial away for anything else.

**Chair Carter** agreed, saying it is too little and too late, and it must be protected so we can have jobs in the community.

**Sinclair** reminded the PC that individual members of their Committee took on different chapters, so she asked permission to confer with other NRC members to see if they had a rationale for this. She then said this is a concept that is being explored by the NRC and it might be more appropriate to bring that concept before this group rather than trying to address it in the Comp Plan as an action item. **Chair Carter** agreed, noting that since that area has been designated Future Urban area, the designation is unknown and undesignated as yet.

**Konkol** said Action Item 2.6.5 (revised) was initially intended to indicate that the city had a desire to zone everything east of Beavercreek Road as Campus Industrial. However, he said since we're going to go to Future Urban Holding, he isn't sure this is necessary anymore, unless the Commission still has a desire for the majority of the property to the east to go to Campus Industrial.

**Chair Carter** said it can't be "either/or." **Konkol** said this is talking about the zoning but we're not going to zone any of that property—it is going to be identified as Future Urban Holding. So the question is, Do we still want an action item or statement that says we would still like to see Campus Industrial for some of it?

**Mengelberg** suggested perhaps saying, "The majority be zoned for Industrial uses", which gives flexibility and makes the intent clear, thus leaving some room for other uses. **Lajoie** agreed, as did **Powell** and **Chair Carter** also.

**Powell** said calling it "Industrial" is what got us into trouble originally. He said he likes the idea of calling it Campus Industrial because it denotes mixed use. He said he doesn't see it as an area for traditional industrial, which is what many people think of, and Campus Industrial gives an entirely different picture, which seems to be more acceptable.

**Konkol** said it could be, assuming a master plan is developed for properties to the south, more palatable for compatibility with residential than a straight General Industrial.

He noted that the original intent was for Campus Industrial to support Clackamas Community College. **Powell** said to him Campus Industrial denotes walking paths, park space, picnic areas, etc., so it is not all paved industrial.

**Mengelberg** agreed to the idea of Campus Industrial.

**Sullivan** said the question was whether or not there was any issue about not being specific enough on the designation of Industrial. He said he thinks the PC doesn't know exactly what the uses are to be. The only direction they have given, to his understanding, is that the majority of it is to be Industrial without categorizing it further. He said we don't need the numbers to make the Industrial numbers work, but what we should foresee is a small tract Plan amendment and rezoning of this site once the concept plan is put together.

**Chair Carter** asked if we really need this action item (2.6.5) at this point. **Konkol** asked if it is an action item that if they come in, it will be, or is it a policy that we would like to see Campus Industrial? **Chair Carter** said she thinks action items are things we want to see happen at a later date—not a public action. **Powell** said it sounds like a policy to him. He said he thinks we are a planning agency and our goal is to look long-term. We need to leave some legacy of our vision so future groups can understand what we talked about and are hoping to achieve.

**Drentlaw** suggested staff re-write this as a general policy to indicate the intent that a vast majority of this area be Industrial but also recognize that a concept plan is being done.

As a matter of consistency, **Chair Carter** noted that in Mixed Use Employment we have a ratio of 80% employment and 20% retail, and she asked if this should be similar with 80% Campus Industrial as the underlying designation and up to 20% Mixed use. **Drentlaw** reiterated his suggestion to keep this as a general policy rather than getting too specific before working through a concept plan.

**Powell** reiterated his preference for Campus Industrial, not General Industrial, to show the intent for a mixed-use environment. **Chair Carter** noted that there could also be partnership possibilities between the high school and the college.

The consensus was for Campus Industrial. Staff will make it to be a policy and renumber the rest, and delete the action item.

**Drentlaw** noted that the discussion of groundwater was for some reason removed from the background section of Chapter 3. Open Spaces, Scenic and Historic Areas, and Natural Resources (page 3-11). However, he reviewed the State Planning Goals and he said this really is the appropriate chapter in which to address the stormwater issues (groundwater and water quality). (**Konkol** said discussion of water quality is on page 3-21 and groundwater is on 3-22.)

**Drentlaw** said staff recommends re-inserting the background information about groundwater and water quality and keeping the policies which were recommended from the NRC but putting them back in the original order to be consistent with the State Goal (Open Spaces first, then Scenic and Historic, then Natural Resources).

**Sinclair** said it made logical sense to the NRC to move the water quality/quantity piece to that chapter since that Goal 4 is about water, air, and land uses. However, she doesn't know why it's not that way in the Land Use laws.

**Konkol** said staff had moved some policies in Chapter 3 into Action Items because it seemed more appropriate, and they combined some policies. He said some of the more significant changes begin in "Vegetation" where it talks about logging plans (page 3.9). He said staff removed some of the logging requirements because they seem rather specific for a Comprehensive Plan and they might be more appropriate as an actual ordinance to be implemented once an actual tree preservation plan is in place. For instance, discussion about the percentages of tree canopy seems inappropriate at the Comprehensive Plan level.

When **Powell** asked why reference to the Tree Committee was taken out, **Drentlaw** said the City Commission decided that those issues should go to the NRC.

**Konkol** reiterated that many of the policies were moved to action items (i.e., identify management strategies, work with power providers, etc.).

**Powell** said we had talked at the last meeting about who would do the action items, and he asked if we were going to make some note about whether the committee would do this or whether it would fall to staff. His concern is that it would be all put on staff or all on the NRC. **Drentlaw** suggested that it would be best to leave it open because if we get too specific, we run an even greater risk of tying someone down.

**Powell** said he would like to see the NRC identify what they are chartered to do, and **Sinclair** said it is probably not possible for the NRC to do everything so it will probably require partnering, although the NRC could probably identify a number of opportunities for such and assist with the process.

**Lajoie** concurred with the idea of leaving it open, suggesting that we might establish the priority order of the action items but not specify how they get done.

**Chair Carter** read from Goal 3.8: Vegetation (page 3-9), "The city shall protect trees and other vegetation within the community." She said we still have the issue about the UGB area and she asked if anything can be done about it, such as include anything about the UGB area. **Sullivan** said within the UGB, it's whoever can contract to take the lead. He said he understands that these are future city designations but the County runs it. So, unless we change the contract with the County (the Urban Growth Management Agreement, or UGMA), it will stay like that. He noted that at a recent meeting some folks expressed concern that there was no control over forest practices in the county except in the Oregon Forest Practices Act because State law pre-empted it.

**Lajoie** asked what other jurisdictions do or if they are all fairly independent. **Sullivan** said it's "all over the map." He said it is possible to change the UGMA but it would require having agreement between the two governing bodies.

(Goal 3.8 was left as is.)

Regarding stormwater as it relates to streams, **Sinclair** said she had distributed some correspondence between herself and Paul Heimowitz from a time when she was preparing testimony on the Wal-Mart proposal, specifically about how to protect Newell Creek from stormwater inundation. She said the specific terminology she was looking for was “effective impervious surface”, which simply means not sending any more stormwater into pipes into the canyon. She said there is some information in the Heimowitz correspondence about how watersheds begin to get degraded when there is a certain percentage of impervious surface, and it starts to degrade, she thinks, at 10% and once it gets to 25% it is really starting to look a little worse. She said Newell Creek watershed is at 38% so we’ve got a serious issue with impervious surface. She also said Heimowitz says that managing stormwater effectively does not preclude development, which would indicate that we need to be smarter about how we do it.

She also cited some information from Scott Burns, who participated in a presentation on the subject the week before, at which he said that about 60% of the year-round water in the creek is actually from ground water. She said there is a lot of spring water in the creek that keeps it flowing, so it is very important for us to continue having water infiltrating to feed that groundwater system because is what keeps the creek running.

**Sinclair** said there was an article in the paper just last week that Metro had completed its purchases of land in the canyon, including a critical piece in the center for salmon habitat.

She also noted that there has been \$6 million of public funds invested in Newell Creek Canyon, so it is worthwhile for everyone to do what we can to protect it.

**Mengelberg** said it appears to be included in the first sentence of #1 (“Increasing the percentage of pervious surface in watersheds has been demonstrated to relate directly to declining health of watersheds. Watersheds begin to show some loss in natural function when impervious surfaces exceed 10% and begin to exhibit serious impacts above 25%.”)

**Sinclair** said she was actually referring to #4, which says “The most proactive approach to reducing stormwater inputs from a new or existing development is to use design and landscaping techniques that result in very little effective impervious surface.” Therefore, she suggested that we add, “Allow no additional effective impervious surface in Newell Creek Watershed” to the new Policy 3.6.5. She noted that this would be referring to the watershed (as opposed to the canyon), so it is the area around the canyon that feeds water into the canyon.

**Chair Carter** asked if the wording should be something opposite of “effective” because that words seems contrary to what Sinclair is trying to accomplish, but **Sinclair** said she is simply using existing terminology that is used to people who are managing stormwater as it relates to habitat.

**Sullivan** said that wording seems fairly radical. If she is saying there can be no increase in impervious surface in an area in the canyon that has been designated for commercial or residential or other things, that seems to veto any real development.

**Sinclair** clarified that she was not saying no more impervious surface; rather, she was saying no more effective impervious surface, meaning that we are not feeding stormwater into pipes going directly into the stream. The idea is to divert the water so it can be held and percolated into the soil rather than flowing into the stream.

**Lajoie** thought we already had something along those lines, but **Konkol** said we do not. We require on-site detention and metered (controlled) outflow. He said prior discussions have included the fact that a lot of that soils in Oregon City are hard clay and it is hard to infiltrate into those soils, which was also identified in the NEMO project. Thus, the proposed language would require such as green roofs, infiltration into the soil (which could involve replacing some of the clay with good soil), etc.

He said there are multiple options but such a requirement would call for green development on every site in the Newell Creek Canyon Watershed, which is, quite simply, economically infeasible.

**Chair Carter** asked if the detention ponds could be dug deeper into the clay soil, but **Konkol** explained that the detention ponds are for water quality and flows. He said the water is still released into the stream system of that development,

although it is at a lower rate, and the purpose of holding it is to drop the sediment and pollutants in the pond not infiltrate 100% of the site water back into the site.

When **Chair Carter** asked if that is water that would flow into the stream anyway, whether there is development or not, **Konkol** said not necessarily. He said he couldn't answer specifically without an engineering study, but there is probably some natural retention on the site because of a certain amount of saturation, even in clay. However, if you put in impervious surface, that is now being collected in a pond until it is released into a stream.

**Chair Carter** asked if the problem is the toxins that flow into the creek, noting that if the toxins are filtrated out, the water could still go into the creek. **Sinclair** said that is part of it, but a lot of what is happening with Newell Creek in particular is that the sides of the stream are getting scoured so it is eroding the banks of the stream and stirring that silt into the water, which is what destroys salmon habitat.

She suggested that the NRC collect some appropriate language for consideration in the next round and that they address the specifics of where it is appropriate to do various kinds of stormwater management in the Stormwater Management Plan because it will vary in different parts of the city, because of different types of soil, a percolation issue, and some places of potential landslides.

**Lajoie** said he doesn't think we can say that in a general statement because of the soils, so he agrees it needs to be more specific.

Back to the policy, **Chair Carter** suggested that we leave this as is and perhaps address it in the "stormwater" section, perhaps saying, "Reduce and preserve...."

**Drentlaw** suggested accepting the NRC's offer to craft some language, after which staff could meet with the City Engineer to discuss it and bring it back to the next meeting. Agreed.

**Konkol** noted that we are talking about a Comprehensive Plan for the entire city but we are being very specific to Newell Creek. Thus, he asked if we should address other areas as well (i.e., Abernethy Creek, the Willamette River, etc.) Yes.

**Mengelberg** suggested taking out the reference to Newell Creek Canyon at the policy level, but in the action item list the specific areas that are particularly sensitive. **Chair Carter** agreed, and **Konkol** said they understood the importance of Newell Creek Canyon and would find a way to address it specifically, perhaps in an action item. **Chair Carter** said she thought it could still be referenced directly in the policy by saying something like, "Control stormwater flow rates city-wide, such as Newell Creek Canyon, to reduce potential...."

**Chair Carter** said if we are going to incorporate the NEMO recommendations before we complete the document, we don't need Action Item 3.6.3. **Powell** said he thinks we should leave it as an action item because it is still somewhat open. **Chair Carter** said okay.

**Chair Carter** read the header, "The City of Oregon City Will:" (page 3-11) and she asked what the city will do. **Lajoie** suggested simply deleting that underlined phrase (the header) and moving directly into the next paragraph. Agreed.

**Sullivan** asked if this is a policy, a goal, or an action item. **Lajoie** said it is just in the background—it's not a finding, and **Drentlaw** said it is an explanation of sustainable development and green buildings.

**Sinclair** recalled an earlier suggestion that every reference to "development" would be changed to "sustainable development" and she asked if that is still happening.

Also, she said she thinks the wording "Sustained development" at the top of the page preceding page 1-1 should read "Sustainable development." Staff will correct.

**Powell** also recalled that we had discussed what we wanted development to be and we identified "sustainable development" as meaning our intention for "development." He recalled that we were going to go back and identify what "sustainable development" meant.

**Drentlaw** said that is what this paragraph (on page 3-11) was getting at, and he said perhaps it would be more appropriate to put that paragraph back into the introduction somewhere.

**Powell** asked how we make “development” become “sustainable development”—just by our definition?

**Sullivan** said we need to say what we mean to enforce in either a goal or a policy. He said he is the city’s lawyer and he has to think about the “What if’s” that someone might bring in and question. Then he has to worry about the business community and other lawyers who will say we can’t do this. Thus, he said he will give this a good, strong review. In particular, he is concerned about putting in valuations terms that could be interpreted in many different ways because his obligation is to make sure the city meets its housing obligations and other statutory obligations that call for clear and objective standards.

**Powell** said he would hope that the current Code and Comp Plan do contribute to what we’re asking for (protection of the quality of water, air, etc.) **Sullivan** said the current Plan is very out of date (having last been done in 1982), but he thinks the NRC has tried to talk with the PC about what they think the citizens want. His job is to make sure we meet our other obligations at the same time.

**Powell** said he thinks we can work together to define what “sustainable development” means that is functional and that will work for everybody, and part of the challenge is that we must look far ahead.

When **Drentlaw** said staff tried to describe this in the introduction, **Powell** asked if it is noted throughout the rest of the document that “development” means “sustainable development.” He said it is defined, but we need to say that specifically elsewhere in the text. Along with that, he agreed with Sullivan that we need to look carefully at it so that we don’t end up with lawsuits because we don’t state it clearly enough that “development” means “sustainable development.”

**Drentlaw** said part of the question is whether this is aspirational or if it is specific (a Code requirement). **Powell** said he hoped it would come down to a Code requirement, and **Drentlaw** said it does in some ways but it encompasses so many things, from impervious cover restrictions to fixing uses to reducing vehicle miles traveled. **Powell** said he thinks we are doing a lot of that, so if he could give a charge to this committee it would be to work together with staff to come up with Code that fits within those requirements. Again, he noted that this is not a stand-alone document that is never going to change because it will be changed often. So, he said, let’s put the basic information in here (what we believe and what we want to pursue) then start pursuing them.

**Sha Spady**, 17855 Alden Street, said the NRC was really concerned that we get an appropriate definition into the Comprehensive Plan that made “sustainable development” really mean something—that it could actually empower the codes that come from this plan.

**Sullivan** said he fully understands that but he must be concerned about the person who has a permit yet comes in asking what “no irreversible changes” means. He asked if we would buy ourselves more challenges, more LUBA, or lack of any development in the city if anybody is smart enough to say the right words. He asked them to think about making sustainable development the “goal in the sky” but put in specific policies as to how to do it and make them do-able so that the Code can carry them out. He said we need to get a code we can all live with.

**Mengelberg** asked if **Sullivan** had some suggested wording, and he said we should make standard development the “desa darata” of the plan. However, he thinks we need to go a step lower than that and a step more specific than that to say, What do you mean by “sustainable development” in the context of Oregon City? He said he had no problem if we want to say, “Do everything you can to make sure you don’t add more pollutants into streams” and then make a Code provision that explains how to get there. What he doesn’t like is the “pie in the sky” because this is not just theory.

**Sullivan** said staff will work on some language, with the idea in mind to step down from desa darata to goal to policy to Code provisions.

**Mengelberg** said she was concerned about the words “irreversibly impairing” (at the top of the page preceding page 1-1) and she suggested that it might be changed to say, “to reduce or mitigate impacts on the quality of air, land, and water resources....”

Moving to Chapter 4. Air, Water, and Land Resources Quality, **Drentlaw** said the staff draft included most of the NRC’s recommendations. The only policy they removed was Policy 4.2.3 (“Encourage businesses and individuals to install on-site stormwater retention systems such as cisterns.”) **Konkol** said the reason was because currently businesses have to deal with stormwater on site and it doesn’t seem necessary to refer to the current method in the Comp Plan and in Code.

**Konkol** said staff added the phrase “when economically feasible” to Action Item 4.3.2, so it reads, “When economically feasible, the City shall convert street lighting....”

Moving to Chapter 5. Natural Hazards and Natural Disasters, **Konkol** said the proposal talks about Goal 5.1, which talks about the protection of the natural environment. Then Goal 7 includes policies and measures “to reduce risks to people and property from natural disasters.” He said when he reads this, he looks at protection of the natural environment and “natural environment” could be read as property, but he doesn’t know if it needs to be broken out. If it is broken out, he thinks it should at least be moved behind human life and property.

**Sinclair** said she doesn’t think these reflect what the committee had intended and she would like an opportunity for the committee to rework this rather than debating it at all this evening. She said the intent was that in avoiding natural hazards, thought would also be given to how they exacerbate damage to the environment, which doesn’t come through in this writing. Staff accepted her offer for the NRC to review and resubmit this portion.

**Konkol** said staff did not address any proposed changes to Chapter 6. Parks and Recreation since that was going to go to that committee (PRAC).

**Sinclair** noted that they had hoped to meet with PRAC before this evening but that was not possible because they already had a full agenda for this evening’s meeting, but they would get together sometime soon.

**Konkol** suggested that the Planning Commission could either wait until the NRC and PRAC can meet or we can just use the PRAC language. **Powell** said he would like to use the current PRAC language for recommendation to the City Commission because changes could be made at the City Commission hearing level should the NRC and PRAC choose to do so after their meeting.

**Sinclair** said she understood that PRAC had taken quite a bit of language out of the Comp Plan and they were using the Master Plan document as their way to capture more of the detailed information. She said she was still somewhat confused about how much needs to be captured in the Comp Plan to then be more detailed in the Master Plan. She said this could be discussed later, but it was her understanding that we need to address the goals and policies in the Comp Plan, which then directs the Master Plan.

**Powell** confirmed that understanding but said the Master Plan is usually identified as one of the action items in the Comp Plan.

**Konkol** said staff would re-insert the original language from the Nov. 3<sup>rd</sup> draft (taking out the bold that was inserted in this version).

Regarding Chapter 7. Economic Development, **Drentlaw** said the only thing staff included from the NRC’s recommendations was the introductory paragraph. Other than that, it is the original language.

Regarding Chapter 8. Housing, **Drentlaw** said the same thing applies: Staff added the introductory paragraph and left the language as is. **Konkol** noted that a lot of what was removed referred to sustainable development.

The same applies to Chapter 9. Public Facilities.

**Mengelberg** thought there was an addition to the NRC's version of Policy 9.4.2 about "rainwater catchment systems and other innovative methods" of stormwater retention, which made sense to her, but she didn't know if that thought got captured or not under 9.4 in this newest draft. **Powell** also liked that wording, so staff will add that back into the policy.

**Mengelberg** then asked the NRC how important the phrase "into catchment systems" in their proposal of Action Item 9.4.3 is, since it was not included in staff's latest draft. **Sinclair** said, given the issue of the permeability and/or instability of soils, it would seem appropriate to add it. Agreed.

**Spady** noted that the issues about sustainable development are in the various paragraphs in Transportation and Natural Resources, but she asked if it must be in a goal as well in order for the definition to be enforceable. **Sullivan** said as he understands it, goals and policies are binding, so if it is stated in one or the other, he would be satisfied.

**Spady** said she would feel better if it were also put into the goal, and **Lajoie** recalled prior discussion that this would be stated in the overall goal.

Staff will review this, but **Drentlaw** said that staff's intent was to explain what sustainability is and then add in the goals in those sections where we're focusing on that rather than putting it in every goal in the Plan. **Lajoie** concurred with that, but felt it should be in the goal headings where it is appropriate.

**Konkol** said he thought everyone was saying the same thing. For example, staff removed it from Goal 10.1 for Transportation because it was not appropriate there. **Drentlaw** added that many of the goals are sustainable development anyway.

**Sullivan** said the difficulty he has in putting it in the Housing goal, for example, is that it gives a club to anyone who wants to stop needed housing because they could say that "in these particular circumstances" it is inconsistent. That's why the legislature said Plan policies don't matter when it comes to needed housing. You have to have it in the Code and it is to be clear and objective. He said there are also two other areas, Land Division and Site Plan and Design Review, whereby statute says Plan policies drop out unless specifically placed in the Code.

**Drentlaw** noted that Goal 10.7 (page 10-5 of the new draft), which is language we've had for quite awhile, talks about sustainable approaches in transportation and it lists a number of policies that support it.

Returning to Storm Drainage (page 9-11, paragraph 1), **Mengelberg** said she had spoken with Kraushaar about the NRC's proposal for the wording, "However, a single site or on-site detention may be preferable" (also on page 9-11 of the NRC document). She said **Kraushaar** wanted to strike the rest of that sentence and say instead, "because of local drainage characteristics" because she felt it was important to mention the single site or on-site detention. **Konkol** said the proposed new sentence would read, "However, single site or on-site detention may be preferable because of local drainage characteristics." Agreed.

Regarding Chapter 10. Transportation, staff said they made no changes except the deletion of the references to sustainable development.

**Orzen** noted a correction on page 10-10, last paragraph, about the "floating commercial dock at the end of 8<sup>th</sup> Street near downtown" because that probably won't happen at that location. Staff will fix this.

Regarding Chapter 11. Energy Conservation, **Drentlaw** said staff included all of the NRC's suggestions.

**Lajoie** noted that the NRC's proposed Policy 11.2.14 was eliminated (not in the newest draft), but he said he liked most of the wording in it. It said, "Encourage location of firms that promote, develop, and apply green technologies such as renewable energy, recycling systems, and other eco-friendly products and services." He edited it slightly to say, "Encourage and promote development and apply green technologies...."

**Mengelberg** had also looked at rewording that and suggested "Encourage firms to develop and apply green technologies such as...", but she said Lajoie's wording was probably broader. **Lajoie** said it doesn't really need to talk about firms—it can be a more general statement as a policy—that "the city encourages...."



**Mengelberg** suggested, "Encourage and promote the development and application of green technologies." Staff will add this as a new Policy 11.2.14.

**Mengelberg** said she was expecting to see references to hooded street lights as a result of recommendations from Dark Skies (to capture the light and force it downward), but there aren't any. **Konkol** said Goal 4.3 (page 4.2 of the new document) talks about light, although it doesn't specifically say "hooded lights." **Mengelberg** said it is kind of covered in the "reduce glare from reaching the sky" phrase in Policy 4.3.1, but she thought that was a major point of discussion.

**Chair Carter** read from Policy 4.3.2, "Encourage existing development to retrofit when feasible." **Spady** said the NRC recommended adding "non-glare light fixtures" in Policy 11.2.6 under Energy and also in Transportation, and they are happy with those additions.

Regarding Chapter 12. Urbanization, **Drentlaw** said staff added the introductory paragraph. However, they would recommend that the new "Goal 12.0. Orderly Development—Provide for orderly redevelopment of existing downtown commercial area and neighborhood areas to meet Metro 2040 goals" be removed because it is a pretty tough standard to meet and he doesn't know how we would go about enforcing it.

**Konkol** noted staff doesn't have a problem with the "orderly redevelopment" but he isn't sure we want to say, "before we annex another piece of property into the city" (translated by Konkol from the NRC's proposed verbiage in their document).

**Drentlaw** asked if the NRC was proposing a complete redevelopment of downtown, and **Spady** clarified that the proposed language actually said, "...before annexation and conversion of land around the city is developed." She said they tried to encourage redevelopment of already-existing land within the city for things that could be done rather than continuing to expand and expand out into the rural areas.

**Sullivan** noted that the language says "Provide for...", which he believes means that before annexation can occur, redevelopment must occur inside the city, and unless we have a very aggressive Urban Renewal Agency, there will never be another annexation.

**Chair Carter** said this goes back to the issue of property owner rights and we can't stop someone from annexing into the city just because downtown isn't redeveloped yet, which will only occur when the property owners of the downtown properties are ready to redevelop.

**Sullivan** suggested that the wording could say, "Consider redevelopment opportunities as an alternative to annexation", which would raise a level of consciousness about the issue. Agreed.

**Lajoie** understood Spady's concern that we sprawl where appropriate, and he said he thinks we are accomplishing that to some degree at a regional level.

Staff will review this language.

**Kiefer** noted that **Kraushaar** had given him a copy of Metro's policies regarding the natural environment and water quality and asked that the NRC study them. He said realistically that would probably need to be done between the PC's recommendation and the City Commission hearings, but he wanted to mention that as an "f.y.i."

**Drentlaw** said staff left in the first sentence of Goal 12. 1 but following the wording "conserving a variety of civic natural values" they deleted "and without irreversible impairment of the quality of air, land, and water in their natural systems." Again, he said he doesn't know if we could meet that bar. He also said staff made no other changes to that chapter.

**Mengelberg** asked if we want to include "open areas" in the litany of Policy 12.2.4, and **Konkol** said staff left it in.

Regarding Chapter 13. Willamette River Greenway, **Drentlaw** said staff included all of the NRC's recommendations in this chapter.

**Mengelberg** read their proposed Action Item 13.1.3, which says, "Discourage activities such as gravel extraction (except where necessary to site or protect facilities), removal of bankside vegetation, stream course diversion, filling and pollution." She said she didn't understand "except where necessary...."

**Orzen** said the entranceway to Clackamette Cove has a lot of gravel that keeps building up so that it becomes inaccessible for boat traffic and it will eventually need to be dredged because it will affect the cove itself.

**Kiefer** said this was mostly Jerry Hermann's wording, so he probably had that in mind as he wrote it.

**Konkol** said staff changed the word "Establish" to "Investigate" in Action Item 13.2.6 ("Investigate a 'Greenway Monitoring Program'...." **Konkol** said he is not even sure what this action means, so we should probably investigate it before we establish it.

**Sullivan** suggested "Consider establishment...."

**Kiefer** said he thinks **Hermann** included this because the Willamette River Greenway is actually one of the State goals (Goal 15), and **Spady** noted the specific reference to it in the introductory paragraph of this chapter (page 13-1).

**Mengelberg** asked if there is a similar program elsewhere or if this is a brand new effort. **Kiefer** didn't know for sure, but thought that **Hermann** probably just invented that term.

**Chair Carter** said "establish" isn't the right word because it seems that what we want to do is "Investigate utilizing greenway monitoring program to ensure...."

**Spady** said she would find out what Hermann is referring to, and staff will work on this wording.

Having reached the end of the document, **Lajoie** complimented staff for their work in consolidating the NRC's suggestions into yet another compilation of the proposed amendments for an easier review, especially considering the short time they had to do it in.

**Chair Carter** echoed his comments of commendation for a job well done. Then she asked if we were ready to make a recommendation, and **Drentlaw** said he thought the only outstanding issue was to work out the language regarding the storm drainage issue, after which we could present this to the City Commission.

**Powell** said this has been a two-year-plus process with many people involved, and that it was driven by the people for the people. He said it is the best thing he has seen occur in this city in a long time, and he, too, thanked staff for all their work. He said he believes we have made an effective document that will be of benefit to the entire community.

That said, **Powell** moved to recommend to the City Commission the adoption of the Comprehensive Plan text as revised up to and including the comments made this evening. **Mengelberg** seconded the motion, and it passed unanimously.

**Konkol** noted that the City Commission is scheduled to meet on Feb. 18<sup>th</sup> at the Pioneer Community Center for a public hearing on this subject. He said public comment is still being accepted and will be forwarded to the City Commission until they close the public hearing.

He also noted the joint work session scheduled for Feb. 11<sup>th</sup> at 5:30.

**Chair Carter** asked if the Planning Commission should make some kind of presentation at the meeting on the 18<sup>th</sup> as we turn this over to the City Commission, and **Powell** suggested we discuss that at the meeting on Feb. 11<sup>th</sup>.

**Chair Carter** acknowledged again the hard work by staff on this very involved, very challenging, and very lengthy project, and extended a hearty thanks once again.

**Powell** asked, if this is approved by the City Commission, will it be posted on the city web site? **Drentlaw** said yes.

**5. ADJOURN PUBLIC MEETING**

With no further business at hand this evening, the meeting was adjourned at 10:00 p.m.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner

**CITY OF OREGON CITY  
JOINT WORK SESSION OF THE  
PLANNING COMMISSION AND THE CITY COMMISSION  
February 11, 2004**

**PLANNING COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Mengelberg  
Commissioner Orzen  
Commissioner Powell

**STAFF PRESENT**

Leilani Bronson-Crelly, City Recorder  
Dan Drentlaw, Dir. Of Planning Commission  
Tony Konkol, Associate Planner  
Nancy Kraushaar, City Engineer  
Christina Robertson-Gardiner, Assoc. Planner  
Pat Johnson, Recording Secretary

**CITY COMMISSIONERS PRESENT**

City Commissioner Bailey  
City Commissioner Hewitt  
City Commissioner Lemons  
City Commissioner Neeley

**OTHERS PRESENT**

Dee Craig, Parks Director  
Bob Cullison, Engineering Manager  
Larry Patterson, City Manager

**ABSENT**

Mayor Norris

**OPENING:** City Commission President Lemons opened the meeting at 5:35 p.m., noting that Mayor Norris had some personal business to attend to and might come late or might not be able to attend at all and that Commissioner Bailey would be a little late in arriving.

**Ordinance No. 03-1014, Adoption of Legislative File L 03-01: Amendments to the Oregon City Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map, and the Water and Sanitary Sewer Master Plans.**

**Mr. Drentlaw** distributed a memo from himself to the Mayor and the City Commissioners dated Feb. 11, 2004 which was a summary of the big topics he wanted to cover this evening, noting that this project covers amendments to the Comprehensive Plan, the Comprehensive Plan Map, the Zoning Map, and other Code changes. He noted that there were a few individual issues to be discussed as well.

**Mr. Drentlaw** said this process has been going on for more than two years, explaining that several in attendance this evening actually started working on this on a citizen task force along with staff. In 2002 there were three open houses at the high school and the Planning Commission has held, at staff's count, twelve meetings on this topic.

He said one of the goals regarding the Comprehensive Plan was to include many of the concepts that were included in the Downtown Community Plan and the Waterfront Master Plan. The result is three new Comp Plan designations and corresponding zone districts: (1) for the Downtown, (2) for the corridors, mainly 7<sup>th</sup> Street and Molalla Avenue, and (3) a new zone called Mixed Use Employment, which focuses on Red Soils, the hospital, Clackamas Community College, and the old mill site.

The first big issue the Planning Commission dealt with regarding the Comprehensive Plan was the Blue Heron site. Initially, it was proposed as part of the Downtown area (meaning a higher intensity Office, Commercial, and High-Density Residential area). However, representatives of the mill expressed serious concern at a public hearing that such a designation would affect their ability to expand and continue into the future, particularly regarding financing for improvements. After further consideration, the decision was to keep it as Industrial in the Comp Plan with an overlay zone with a requirement for a Master Plan to address how that use would transition from Industrial to more of a Mixed Use Downtown development.

Another big issue regarding the Comprehensive Plan was that the Natural Resource Committee (NRC) provided comments on the whole Plan, many of which have been incorporated into the Plan. Probably one of the biggest contributions was the Introduction, which talks about planning principles and overriding guidelines that can be seen throughout the Plan. For example, the term "sustainable development" came from discussions with them. There were also many changes in the Open Space and Natural Resource chapters as a result of their suggestions.

Moving to the Comp Plan Map, **Mr. Drentlaw** said one of the requirements of the Plan was to meet Metro's functional plan, so initially the focus was to look at areas of the city where it might be possible to increase densities. The focus was along 7<sup>th</sup> Street, Molalla and just south of Clackamas Community College. (These are shown in dark brown for high density and medium brown for medium density on the proposed map.) He noted that "medium density" would be a range of about 3,500 to 6,000 square foot lots.

**City Commissioner Hewitt** asked who "we" is because Mr. Drentlaw was frequently saying, "We looked at" or "We decided", etc., and he said it would be helpful to know which ideas came from staff and which came from the Planning Commission. **Mr. Drentlaw** said it was a very collaborative effort, explaining that "we" at this point is representative of the combined efforts of the Planning Commission, staff, and the Committee. **Planning Chair Carter** concurred.

**Mr. Drentlaw** said another area is the Downtown area, which corresponds closely to the regional center. This area includes the landfill site and the Cove. It is proposed as High-density, Residential, Commercial, and Office. The idea is to have a framework for a more streamlined process when a developer comes in.

Referring to the map, **Mr. Drentlaw** noted the following areas:

- The green area, which represents Mixed Use Downtown (MUD).
- The orange areas, which are Mixed Use Commercial (MUC) for two- and three-story buildings, in which the intent is retail on the first floor and apartments above. The area between Newell Creek Canyon and Beaver Creek is also part of the MUC (higher Floor Area Ratios—FAR's—and higher intensities), thus it is designated MUC-2 rather than MUC-1.
- The pink area, which is the Mixed Use Employment (MUE) zone, written so that things like hospitals, institutional uses, etc., are permitted outright (which is not the case currently). This is specifically applied to Red Soils and Willamette Falls Hospital. The focus is to allow a mixture of supportive retail but it is primarily industrial and employment based, with a maximum of 20% allowable retail.
- The purple areas designate the Industrial zone. This was rewritten to fit Metro's new requirements for the Industrial classification.

**Mr. Drentlaw** said one of the biggest issues was the question of what to do with the new areas that were just brought in through the Urban Growth Boundary (UGB) expansion in December, 2003. He said they worked initially with Kent Ziegler (one of the primary landowners in the Park Place area) and he had some specific ideas about the area. At one point it was thought that perhaps those land uses could be fit into this Comp Plan, but after looking at the Park Place neighborhood and after receiving input at the public hearings, it was decided that it would be best to keep the area (shown in gray) off the map. The recommendation, then, is that concept plans be done for those areas in the future and once done, they could be used to amend the Comp Plan, which would then show specific land uses.

He said this was pretty much the same situation on Beaver Creek Road, which was originally designated Industrial, but the people in that area have, in fact, hired a consultant who has begun to work on a concept plan for that area.

He said he thinks that area will be very important because Metro requires a certain number of housing units and a certain number of jobs (employment), which will be reduced if that industrial area is taken off the map, which in turn means figuring out where else those can be added.

**City Commissioner Neeley** said when both the Planning Commission and the City Commission identified that land, it was for industrial purposes. He said he understands the concerns of the Caufield Neighborhood Association and he suggested that perhaps we can identify an Industrial/Residential transitional area there, but he would be very disturbed if we don't identify the areas directly east of the high school and directly east of the college campus as industrial. He said this was the specific reason we asked Metro for that expansion.

**Mr. Konkol** said the Planning Commission inserted an action item under Land Use which specifies that the majority of this land does need to be Industrial, and preferably zoned as such, and **City Commissioner Neeley** said he is uncomfortable that the map doesn't reflect this intent in some way.

**Planning Commissioner Powell** said one of the challenges was in just calling it “Industrial” because throughout the three-year process this has been discussed as Campus Industrial, which has a whole different look than Standard Industrial. One suggestion prior to the public hearing process was to get some photographs of what Campus Industrial means, and he would suggest that this be done for the City Commission hearings so people can see the difference.

Furthermore, he asked the consultant that group has hired if Campus Industrial would fit into what they are thinking, and he said it would fit very well. He said he thinks they would like some housing but he also thinks they will understand that it should be Campus Industrial. He (Powell) said personally (not speaking for the Planning Commission), he thinks they all agree that it should be Campus Industrial so that it is more attractive, ecological-friendly environment.

**Planning Commission Chair Carter** said the property owners have taken a big step to hire their own consultant to do a master plan, which usually doesn’t happen but which is very encouraging. They have some kind of biology- or agriculture-oriented biotechnology idea, and that doesn’t seem to fit Industrial but it would fit in well with the college and the high school.

**Mr. Konkol** noted that under the current Code, if a Comprehensive Plan designation were Industrial for lands annexed into the City, they would not automatically receive a City designation. There are choices of Heavy Industrial, Light Industrial, or Campus Industrial. He said this has been changed so that an annexation is automatically zoned Campus Industrial, after which someone would have to apply for change to a different designation.

**Mr. Drentlaw** said another big issue that came out of the hearings was the whole concept to provide neighborhood centers to define different neighborhoods, and specifically South End, which currently has very few services. Staff carefully considered and identified three potential sites for Neighborhood Commercial in the South End area, which included an undeveloped site at Warner Parrott, a fairly large site (about nine acres) just north of Gentry Way on South End Road, and a site on Partlow Road. As they worked through the process, the Planning Commission eliminated the church site (the largest of the three, and the middle site choice).

**Planning Commissioner Lajoie** said the community voiced some resistance, so the Planning Commission discussed having either the one larger central parcel or the two on either end, which combined to a total of about the same amount of space and seemed to be a reasonable distance apart. They opted for the two at either end.

**Planning Commissioner Powell** added that the one on Partlow would be closer to any potential expansion and would not be so congested, which was one of the big concerns of the neighborhood.

**Mr. Drentlaw** said an earlier option was to consider something outside the city limits but inside the UGB (across from Finnegan’s Way) because it is a relatively flat piece of property and further south where future development will occur.

**City Commission President Lemons** asked if this is being designated MUC, and **Mr. Drentlaw** said yes.

**City Commissioner Neeley** suggested that the new addition to the UGB at the south end also be designated Future Urban Holding (FU) (shown in gray, as suggested for the area by the high school and the college), which would make it clear if some concept plans come into being that it would be part of the MUC intentions.

He also expressed concern about some of the policies as written. Specifically, Policy 2.5.2 (page 2-7) says, “...site should not include more than one quadrant of an intersection or result in undue traffic congestion.” He said both of those points violate the first half of the sentence because it means you would almost have to guarantee there would be no increase in traffic congestion, which is probably not possible.

**Mr. Drentlaw** said during the process, the Planning Commission received several requests from individuals to have the City initiate a rezone of their properties in the implementation of the new Comp Plan and Zone Changes. They include:

1. Property owned by Mr. Dan Berge, who owns an existing business off Hwy. 213. Staff originally designated this area as High-density Residential and the Planning Commission decided to keep it that way. Mr. Berge was interested in some Commercial zoning, not necessarily for his existing business but perhaps for the future if he ever decided to sell his property.

**Planning Commission Chair Carter** said the reason they decided as they did was because it is Residential all the way around it and it didn't make sense to have one small Commercial piece in the middle of it all.

**City Commissioner Hewitt** explained that this was a non-conforming use that was a business in Clackamas County prior to its coming into the City, and it came into the City as an existing non-conforming business to the underlying zone. He said Mr. Berge has been somewhat representing it as a Commercial piece of property, but he (Hewitt) has had lengthy discussions with Mr. Berge explaining that it is not a commercial piece of property—rather, it is a non-conforming use, and that he needs to stop representing it as such. He said this can be very confusing, but he thinks the PC made a good call.

2. The Younger property. Staff is proposing to rezone that to Mixed Use Corridor (MUC), which would not allow “big box.” Mr. Younger wanted to retain this as General Commercial, but the PC supported the proposed change to MUC.

**Planning Commission Chair Carter** said part of the reason is that there is a beautiful view corridor there and we have lost many of our view corridors. That is one parcel that could be built with some height to it to provide great views of the canyon, etc.

**Planning Commissioner Powell** added that it is near the commercial corridor, and people who live nearby could walk to the local businesses there, which is one of the city's goals, and it a perfect opportunity to develop multi-family housing and/or retail.

**City Commissioner Hewitt** noted that this is the proposal for this Comp Plan, but he asked, If an applicant wanted to use the current Commercial designation, would that mean he couldn't? He noted that the newspaper has reported that another application is coming for that property and that even though this is a wish from this group, it could be moot.

**Ms. Kraushaar** noted that it could still be a non-conforming use, even if the zone were changed, and **City Commissioner Hewitt** agreed that it is important to note this.

3. Property owned by Clackamas Community College. **Mr. Drentlaw** said this is currently designated as Limited Office, but staff had initially proposed it as Industrial. However, it was later decided that perhaps it might be more appropriate to zone it Commercial, partly because of the desire of the college since they said they have potential buyers for commercial uses, and, **Planning Commission Chair Carter** noted, it also fits in with the existing commercial businesses in the area.

**City Commissioner Neeley** asked what the area around Fred Meyer is zoned, and **Mr. Konkol** said it is zoned Commercial.

4. Rose Road Property (identified as 3S-1E-1CD). **Mr. Drentlaw** said the front part of this property is zoned R-10 but the back is zoned R-6/MH. The Planning Commission decided to rezone it as R-8, giving a little lower density for that property.

Having concluded his general presentation, **Mr. Drentlaw** opened the discussion for general questions on the Comp Plan.

**City Commissioner Neeley** said he would prefer to hold his specific comments until after the public hearings, but he had a general question regarding functional plan minimum densities within the city. Specifically, he asked what those are—i.e., how many residential units per acre?

**Mr. Drentlaw** said he believes eight per net, but they have been using that number for analyzing areas that are brought into the UGB, not the existing cities. He said, through a process of analyzing how much vacant land we have and based on the zoning, staff has done an estimate of how many more housing units could be extracted within the existing city limits and came up with a number that Metro was satisfied with, so he thinks we are okay regarding the number of housing units.

**City Commissioner Neeley** said he was asking more about the new Urban Growth areas and whether we will be able to meet those requirements, especially since some of these areas, particularly in the Park Place area, are probably natural-resource challenged, and he asked if we will be permitted to subtract out those areas. **Mr. Drentlaw** said yes.

**City Commissioner Neeley** said he thinks the City actually agreed to all of those expansions, although several were kicked out in the process of what is being recommended by Metro at one point or another. He said he also thinks many of them had the backing of the City Commission, but he is concerned that, in those areas, we would probably be hard pressed because of either adjacent use or because of natural constraints to meet those requirements. **Mr. Drentlaw** said Metro does

recognize the resource areas and steep slopes, and he doesn't think that will be an issue, especially in South End, but also probably not in Park Place. Thus he thinks we can pursue trying to work through the concept plans in those areas.

**Planning Commissioner Chair Carter** said we are trying to make up some of that density along the corridor in the Mixed Uses areas, where we can pack in a lot of residential density that will count in our Metro numbers, which will in turn allow us to keep the rural areas more rural.

Regarding that very idea, **Mr. Drentlaw** said he had actually asked Metro if they would consider such if we were to bring in higher densities in different parts of the city, but he never really got a straight answer.

**City Commissioner Neeley** said, even if we could meet our average density requirements that way, including the expanded areas, the pressure will still be on us at some point to expand further. He said we will eventually use up the areas in which we can practically have higher densities, and to say that we are trying to have a more rural nature when lands are being brought into the city is just an invitation, ultimately, to sprawl. He thinks what is identified in the corridors is great, and the redevelopment strategy is really great. However, he doesn't think we will see much of the objective because there will be a real benefit to the existing commercial entities along the corridor, but there is a limit to how far we can go.

**Planning Commissioner Mengelberg** said in another part of the Zoning ordinance there is an additional opportunity for infill throughout the city through accessory dwelling units that we haven't had before.

**Planning Commission Chair Carter** said there was also much comment from the citizens that people move into Oregon City because they like the rural feel that exists here. Therefore, the idea of building and options is part of the sustainable balance.

**City Commissioner Neeley** said he wouldn't argue with that but there are responsibilities to urban growth and we should be approaching what we regard as a buildout scenario in terms of how far out we've expanded. He said we are an urban center. For example, people come here rather than Portland for various reasons and our daytime population is twice that of our nighttime population. He doesn't know how we can do it, but we need to say that we aren't willing to go much further in UGB expansion. We need to define the size of city we want and need to fight to the extent we can to hold it. This Plan, he said, gives us the opportunity to do so.

**Planning Commissioner Powell** said we if could utilize Code properly and more efficiently, we could do a lot of high-density housing—more than we had originally planned. Therefore, he thinks we should reevaluate the Cove area to see what the potential is for high density there because it is near a transportation hub, it doesn't affect the main city, and it doesn't affect 7<sup>th</sup> and Molalla to a great extent. Again, he reiterated that this is a long-term plan.

(**City Commissioner Bailey** arrived at 6:15 p.m.)

Regarding the Cove, **City Commissioner Neeley** said a Master Plan is very specific, and for specific reasons, about how the area around the Cove is to be handled with the exception of the south side. Personally, he said he doesn't think it fits the Orenco Station concept of the Hillsboro area, and he thinks there are many restrictions that will prohibit the east side of the Cove area from developing into that kind of area, including the existing sewer plant, the old Rossman's landfill, and the fact that it is in the flood plain. Furthermore, we already know from just trying to build a simple 8-foot pathway through there that there are areas of hazardous waste requiring mitigation. He thinks it would be extremely expensive to redevelop that area that was actually the gravel pit site, and he thinks it would be best to have that as an open space. He noted that the Parks Master Plan shows that people argued for the procurement of additional open space and they gave a priority to the Cove area.

**City Commissioner Hewitt** said if the assumption that property comes in at R-10 (10,000 square foot lots) and at the same time that density could be built up in the Cove area, this also assumes a philosophy change at both the Planning Commission and City Commission levels, which seems unlikely. In other words, some people have come in for R-8 or R-6 and have argued that there is R-6 next to them, but the question becomes, When do you draw the line, and where is the transition area? It seems like there should be a natural progression for where each line stops, eventually reaching the outlying boundary where it is rural. Therefore, when we look at the Comp Plan, where does R-6 end? He said this is a policy issue



that will be important to him in planning the future of Oregon City and determining what we want Oregon City to look like, with the caveat that Beavercreek doesn't want us to go beyond Henrici.

**Planning Commission Chair Carter** said this has been the very issue the Planning Commission has been discussing for months—the determination of where to stop. Then master planning makes sense to determine where to place higher or lower densities, where to place Commercial, etc.

**City Commissioner Hewitt** asked what a city like Milwaukie does when it is pretty well locked in but is still being forced by Metro to meet some sort of 20-year plan. **Planning Commission Chair Carter** said one option is to build upward, and **Mr. Drentlaw** said it is based on underdeveloped and vacant lands, and each of those cities, even if they are hemmed in, go through that exercise and negotiate with Metro to come up with numbers.

**City Commissioner Hewitt** said if we draw those boundaries, we will eventually have an end-time and we will then be at the same point because we can only do so much infill. For that reason, he is concerned about negotiating with Metro and having them apply pressure to move outside what we determine is our limit.

**Planning Commissioner Mengelberg** asked if we can just say no to Metro or if they ultimately decide where the UGB is since it is their plan. **Mr. Drentlaw** said it is negotiated. Every five years they go through this exercise and it starts out academic. They don't look at city boundaries, rather they just look at lands. Then the cities get involved and the negotiations begin, at which time some cities get none and some cities get lots. For instance, Clackamas County got a lot the last time.

**City Commission President Lemons** said we are not here to make decisions this evening but we are here to have a work session, and he asked that the main direction be to have the discussion center around what the Planning Commission felt was important to express to the City Commission.

**Planning Commissioner Powell** asked what population is being projected with this proposed Comp Plan, including City Commissioner Neeley's suggestion of the addition at the south end. **Mr. Drentlaw** said about 46,000 people, which is about the size of Tigard. He said we are currently at about 27,000.

**Planning Commission Chair Carter** said, along with the issue of determining where our natural boundaries are and where we want to go, another issue is that of being able to have control of what we want to do, saying she is always frustrated with the legal constraints of being able to control our own destiny.

She said Governor Kulongoski has put together a new Land Use Committee to review the land issues for the State, and she thinks Oregon City probably faces every single issue (with the exception of a coastline). She suggested that it might be worthwhile to write to the governor and invite this new Land Use Committee to come discuss these very real issues before they try to decide the direction we need to go.

**City Commissioner Bailey** said he works with the department that is going to be doing that, and he said they have been talking about the exact same problem. He said he thought it would be best to hold a series of workshops with real city planning commissions and city councils to see what works and what doesn't.

**City Commissioner Hewitt** asked if either of them has some specific ideas. **City Commissioner Bailey** said we are constantly being pressured to expand the UGB but people hate sprawl. The flip side is to determine how to build density and build a community that functions, so he asked if the Planning Commission has gotten any sense from the public meetings about how the people are asking for control between sprawl and density. Then, within that boundary, we need to ask what we can do as a city about annexation policies and ways to make a desirable community yet meet the required densities.

**City Commission Chair Carter** said that was the whole point of the Rose Road development when the whole neighborhood, it seemed, came in to argue against increased density in that area, which, she said, reiterates her earlier comment that people move to Oregon City for a more rural lifestyle. We need to find a new balance, including giving a high consideration of all of our natural resources and environmental features.

**Planning Commissioner Mengelberg** said there are also market forces to be considered. For instance, there is an aging population wherein people want smaller houses and they don't want to maintain large lots. Therefore, it may no longer be true that we need to maintain so many 10,000 square foot lots.

**Planning Commission Chair Carter** said we must maintain a balance, and when **City Commissioner Bailey** asked if that is in the proposed plan, the answer was yes.

**Planning Commissioner Powell** said there is also a cost consideration to keep in mind so that people can make their own choices regarding the size of house or lot they want and what density they choose to locate in. Thus, the resulting plan to provide a mix, with infill and higher volume density houses on the corridors and more rural lands where appropriate. Again, he said, as a planning organization, we must listen to the citizens but we must also plan for changes because this is a long-term plan.

Regarding the proposed high-density areas, **City Commissioner Neeley** said we must make sure we get the amenities that attract people who want to be there, and he said the riverfront is an important area. Also, regarding high-density, he said he presumes it is easier to develop on new land than to redevelop on old land. If we continue to expand the area, we won't attract developers to the areas we need to redevelop. This is a region-wide problem, but if we restrict our expansion outward and others don't, the attraction for developers will be to go to other areas.

**City Commissioner Hewitt** said there is much talk about the Metro 20-year vision and many people feel that in one sense it is causing sprawl because it brings in too much at once without adequate time and budgets to implement plans. Therefore, he thinks it might be good to ask the new Land Use Committee why we have to look 20 years out, and what affect such a required demand has on cities to deliver service (for things like rezoning, Comp Plan changes, etc.). Perhaps a 10-year plan might be more reasonable and realistic.

**City Commissioner Bailey** said that is the planning horizon that was negotiated years ago through a public process, and he doesn't think planning drives growth. **City Commissioner Hewitt**, however, said some people would contend that it drives sprawl, not growth.

**City Commissioner Bailey** said he would argue the opposite, citing the large amounts of farm land right next to I-5, which is due in large part to planning.

Moving forward, **City Commissioner Bailey** asked what the Planning Commission's view was on the process of establishing the Future Urban holding areas.

**Mr. Drentlaw** explained again (because Planning Commissioner Bailey had not yet arrived when this was explained earlier) that some residents along Beavercreek had hired a consultant to work on a concept plan for them and this would hold that area until the plan is done and can be reviewed through the legislative process, after which amendments could be made to the Comp Plan as appropriate. The issue is that we are losing some of our job base with the recommended changes in zoning. For example, the Parker Landfill site is currently zoned Industrial but we are changing it to Downtown, which means a potential loss of jobs. The proposal for a place to make that up is in Beavercreek.

**City Commission President Lemons** said the key issue is whether it would be designated Industrial or Campus Industrial.

Returning to the idea of densities, **Planning Commissioner Lajoie** said we are currently trying to get our hands around Oregon City in terms of design, perimeters, etc., and one of the results was this new designation of Mixed Use. We need such a designation but he asked how we actually go about implementing it and, specifically, how the City can help start the process.

**Mr. Drentlaw** said the first step is to remove impediments, and **Planning Commission Chair Carter** said it will start to happen when landowners have an ability to develop their land in a manner that is economically feasible. She cited her own situation in explaining the plight of many who own land but are having difficulty in developing their land further.

**City Commissioner Neeley** said it seems like we need to figure out what to do when opportunities arise. For instance, Krueger's Lumber is going to be sold, Copeland's (Brown's) is vacant, and Oregon City Plumbing is probably soon to be

on the market. So there are several opportunities of fairly large parcels of land coming available. He said he thinks we have taken some actions by, for instance, making the corridors more attractive. He said there are limited things we can do with regard to public monies, but those are some of them.

**Planning Commissioner Powell** agreed that we need a strong economic development. If we look at just the north downtown area, there is great opportunity, but it will take someone to generate interest, and he thinks the City needs to hire someone to do economic development (sell it).

**City Manager Patterson** said it is a difficult task. He has spent a lot of time talking with experts about redevelopment, and Oregon City has some challenges. One of the first steps is to create an environment for such, which he thinks is partially accomplished with some of the rezoning. However, it is a fact that density will be an issue.

He said staff is in the process of working out a Scope of Services contract with the Leland Group to review our various plans and trying to bring those into a concentrated strategy. He has also been talking to several people about filling an Economic Development Coordinator's position, and he has talked to a number of development interests about some major areas. We will have to figure out how to create some incentives—for example, some Urban Renewal monies, some creative types of tools, and working with some public/private partnerships. The issues are: What are the strengths of this community, and how do we enhance those and build up the weaknesses?

He said Downtown is one of those areas and one of the questions is how to really build it up. He said mention was made of things done along 7<sup>th</sup> Street, but some things are driven by market forces so we are looking at a slower buildout in some areas.

**City Commissioner Hewitt** said Brian Nakamira suggested a concept about the question of how a city changes the rules and how to spur certain development and revitalization of a downtown area. He (Hewitt) said other municipalities have pretty much forced Retail/Commercial on the first level, which forces the landowner to do something. So not only is landowner looking, but commercial real estate people and others are all converging on this new potential area. He said he thinks Oregon City is ripe for redevelopment on a ground level approach in downtown Oregon City, but it will take time, and he thinks this Comp Plan has addressed the downtown area well.

**Ms. Kraushaar** said there have been many studies to understand how regional centers could redevelop more quickly with higher densities, etc., and they have shown that some public investment is required, after which private investment generally follows. She said this is already happening in Oregon City, although it is not so readily visible because it is such a long process. However, we have done the Regional Center Plan, the Downtown Community Plan, the Waterfront Master Plan, and the McLoughlin Boulevard Enhancement Plan (not yet adopted). She noted that the City is contributing \$2 million and the Federal government through Metro is contributing \$3 million to the latter.

She also said the City owns properties and perhaps we need to set an example. For instance, the City owns a property between Main and 99 at 12<sup>th</sup> and this would be an ideal site, even with the topography, for underground parking, McLoughlin Boulevard level Commercial, and Office and Residential above that. This type of project, she said, could be a great example if we were to find a partner to work with us on it.

**City Manager Patterson** said we are currently in the slowest part but we are beginning to build a foundation. The early part is laying the groundwork, but development will come.

**City Commission President Lemons** said many people have worked very hard to get where we are and this is something to build on. He, too, said he would hold his comments until after the public comments are made in the public hearings, but he thinks this is a good plan and a good starting point.

**Planning Commission Chair Carter** said the fact that it has taken so long to re-do the Comp Plan has allowed a lot of construction in the interim that we might not have wanted, but **City Commission President Lemons** said it has made for a better plan.

**City Commissioner Bailey** added that the old Plan was so outdated that it took a huge effort to get this much done, and **City Commissioner Neeley** added his appreciation for all the work that staff, the Planning Commission, and the various groups and individuals have put so much into the effort, noting that every version has been much better than the one before.

Regarding Code, **Mr. Drentlaw** noted that there were many small housekeeping issues, but he would mainly cover the big issues.

He said Section 16.12.065 (page 13) is a new section, noting that we have not had a formally adopted Level of Service (LOS) Standard for traffic, but these Code amendments will provide such. This proposal is consistent with the Regional Transportation Plan (RTP). It recognizes that traffic in the regional center will get a little worse, so this recommends a LOS "D" for intersections and a LOS "E" at any single approach. He said we need this because it will provide a way to require improvements or it may provide a basis for denial when a development application comes in and either situation is deemed appropriate.

**City Commissioner Neeley** asked what our current authority is for approving or denying a project, and **Mr. Drentlaw** said it depends on the type of project, but this gives a more objective standard.

**Ms. Kraushaar** noted that staff has sent this to Metro for their approval because we need to comply with the LOS Standards set forth in the RTP and they have not had time to reply, but she doesn't expect any problem.

**Mr. Drentlaw** referred to Section 16.12.232, Minimum Density, (page 13) which was one of the issues with Metro that kept us out of compliance. It says that a subdivision must build to at least 80% of the density of the zone. **Mr. Konkol** said we don't expect to see a big difference because we have not run into this problem (since developers generally want as much density as they can get), but Metro wanted to see this in writing. **Ms. Robertson-Gardiner** noted that this is net developable land.

Referring to page 14, paragraph 1, **Mr. Drentlaw** said this is a way to deal with infill and higher densities on properties that might have restrictions due to irregular shapes, natural restrictions, or an existing house. Oftentimes in such cases, the property can't always be divided evenly into 10,000 square foot lots, so this allows the developer to go 10% lower on a lot as long as it made up somewhere else within the subdivision. For example, if one lot is 9,000 square feet, another must be 11,000 square feet.

**Mr. Konkol** said this, in conjunction with lowering the required width and depth, should offer the needed flexibility that is currently such a problem for developers in Oregon City.

**Ms. Kraushaar** said sometimes we end up putting sidewalks in easements, but we would prefer to have public facilities in the right-of-way rather than in easements, and she thinks this will help a lot in these situations as well.

**City Commissioner Neeley** asked if, based on staff's experience, 10% will correct most of these problems, and **Mr. Konkol** said yes.

**City Commission President Hewitt** noted the comment about lowering the minimums and he asked if they were lowered or simply given some flexibility. **Planning Commission Chair Carter** said they lowered the minimums, and **Mr. Konkol** said he would explain that further in discussion about the zoning standards for R-10.

On the same page, **Mr. Konkol** said 16.12.290 talks about setbacks and building locations. Currently, we require all lots on a collector or minor arterial to locate the front yard setbacks and orient toward the front (to that street). However, there is some conflicting language and pre-existing development patterns make this type of design difficult. For example, there might be a lot on South End Road and a local street right behind it. The developers would prefer to have the house front to the local street, but this requires them to face towards South End. This proposal would provide an alternative either to face it to the minor arterial or provide an acceptable landscaping or fencing, which would avoid having a six-foot fence right against it. In other words, it would provide a buffer rather than a fence.

Referring to page 24, **Mr. Drentlaw** said Section F is about garage standards. He said we are getting a lot of snout houses (a “garage with an attached house”). This new standard requires that the garage wall cannot exceed more than 40% of the façade.

**City Commission President Hewitt** asked about the new paragraph E, Access Dwellings, specifically whether they have to meet the same setbacks as the dimensional standards for a house. **Ms. Robertson-Gardiner** said the current accessory dwellings code says if the structure is 500 square feet or less it can be built within 3 feet of the side and rear lines. The new standard says if the accessory dwelling unit fits under the Code of 500 square feet or under and only one story it may be built within 3 feet of the side and rear property lines. If the ADU is over 500 feet or if it is two-story, it must meet the underlying zoning setbacks.

He asked if it has to be behind the face of the house, and she said yes..... She noted that there is a special section for accessory dwellings, and he said he would wait for that discussion.

**Mr. Konkol** said 17.08.040 (page 24) gives the dimensional standards. He said “B” used to say, “The minimum average lot width needs to be 75 feet.” Now we are saying the minimum lot width is 65 feet. Furthermore, the minimum lot depth was 100 feet and now it is 80. These provide the flexibility referred to in earlier discussion.

**City Commissioner Hewitt** asked if this will work for most developments, and **Mr. Konkol** said yes, based on the setbacks, etc.

He noted that the lot width and lot depth setback changes have been incorporated throughout all of the zones, but for the R-8, R-6 Single-family, and R-3.5, the proposal is to provide a maximum building coverage (maximum footprint) permissible on the lot. This provides for flexibility in lot sizes, lot dimensions, and setbacks, but this avoids the building of an R-10-size house on an R-8 or R-6, mathematically. The reasons are to (1) to keep the house in proportion to the lot size, and (2) to protect some affordable housing. (It didn’t seem necessary to apply this to R-2 or R-10 for obvious reasons.)

**City Commission President Lemons** asked if that isn’t the whole reasoning behind setbacks, and **Mr. Drentlaw** said that is one method but this gives people a little more flexibility to move their house on the lot (perhaps to not be right next to the neighboring house), and does not allow huge houses.

**Mr. Konkol** also noted that building permits are not required for accessory buildings under 200 square feet (for example, a shed) so they are not included in the maximum footprint calculation.

**City Commissioner Neeley** asked for clarification that this means that one-third of the area could be covered by a house and the other two-thirds could be a detached garage, a driveway, or other things. **Mr. Konkol** said one-third of the lot area can be covered by a building but the other two-thirds includes setbacks, the driveway, sidewalks, etc. Furthermore, a detached garage (or any other accessory building) would be included in the one-third calculation if it is over 200 square feet in size.

**Planning Commission Chair Carter** asked if **City Commissioner Neeley** was concerned that 33% doesn’t seem like enough, and he concurred.

**City Commissioner Hewitt** said he just built a house on a piece of property that is two-story and 2,500 square feet, with 1,386 on the main floor, and an attached garage of 750 square feet. In other words, whether you consider the 1,300 square foot footprint of the house or the combined total footprint of 2,000 (under the new scenario) the calculations on a 10,000 square foot lot equal either about 13% or 20% respectively. The conclusion, then, would be that 33% is quite a bit.

**Ms. Robertson-Gardiner** said Mr. Konkol and she had done some calculations on some of the very large homes on R-10’s that are just over what would fit on R-8, so the issue is really a matter of keeping things to a proportionate size.

Moving to page 45, **Mr. Drentlaw** said there are three new zone districts, as follows:

1. Mixed Use Corridor (MUC), which is actually comprised of MUC-1 and MUC-2. The uses are essentially the same, but the density is higher in MUC-2. This zoning allows for Office and many kinds of Retail. **Mr. Konkol** said the MUC-1 is limited to 10,000 square feet and limits the retail stand-alone buildings, and the MUC-2, which allow up to

60,000 square feet. **Mr. Drentlaw** said “big box” would not be allowed in either zone unless it was by Conditional Use. Also, the MUC-1 is basically along the 7<sup>th</sup> Street corridor and MUC-2 is along Beavercreek (based on lot sizes). **Mr. Konkol** added that some of the existing businesses along Beavercreek, namely Les Schwab and Jiffy Lube, would become a pre-existing non-conforming use in the new MUC-2. He explained that they could maintain their current use as long as the use is not discontinued for more than one year, nor could they change the use or make improvements. Furthermore, if a fire were to destroy more than 60% of the market value, they would have to change to a conforming use.

**City Commission President Lemons** asked if there is a need for that and if it would need to be replaced elsewhere if it were taken away from there. **Mr. Drentlaw** said such types of businesses would have to go to General Commercial, and he identified the areas designated for such on the map (shown in red).

**City Commissioner Neeley** said it sounds like non-conforming use is basically the same as it was before, which staff confirmed. He asked if this would deny a good existing employer the opportunity to expand if, perhaps, new standards for the business might require expansion or if the employer chose to expand and, in turn, create more jobs. **City Commission President Hewitt** said he was unaware of anybody in that area that meets this scenario and new businesses could simply locate in the Commercial zone. **Mr. Drentlaw** added that if someone decided they wanted to expand, they could still come in for a rezone or a Comp Plan amendment.

**Mr. Konkol** noted that the Motor Vehicle Service Repair/Sales is not only Commercial but they are also a conditional use in our Mixed Use Downtown (MUD).

**City Commissioner Neeley** asked about gas stations, and was told they, too, are a conditional use in the MUC.

2. Mixed Use Employment (MUE) zone. This would apply to areas such as Willamette Falls Hospital and the Red Soils campus and would allow those current uses to be permitted outright. It would also allow up to 20% of the area to be Retail. This seems to be a really good solution to the industrial flex space (east of the Red Soils site), which is currently zoned Industrial but which actually contains some retail now.
3. Mixed Use Downtown (MUD), the restrictions for which are listed on page 55. **Mr. Konkol** said that the list of conditional uses (page 57) includes courts, libraries, and general government offices. He noted that these are all currently in the downtown area but they would require a conditional use for expansion.

**City Commissioner Neeley** asked why these would be listed only as conditional uses in an area we are calling a regional center when Metro calls for public office space in regional centers. **City Commission President Lemons** said this is only referring to government offices, not offices in general, but he (Neeley) asked why government offices are called out as a separate issue. **Mr. Konkol** said the potential impact of putting a large government office downtown could, for instance, dramatically increase traffic and parking, so staff felt that additional scrutiny would be necessary.

**City Commissioner Hewitt** asked if a corporation headquarters wanted to put in their offices downtown, would they have to put Commercial on the ground floor and their head offices above. Staff said yes.

**City Commissioner Neeley** asked if corporate offices would be a conditional use because they could have traffic impacts, but staff said no.

**City Commissioner Bailey** said it is a legitimate point to debate, but perhaps at a later time, and **City Commissioner Neeley** suggested that perhaps the permitted uses should be determined by office size rather than the specific kind of office. **Mr. Konkol** said another consideration is not just the number of employees but the number of trips generated.

**City Commissioner Hewitt** said he would also ask about retail not being required or mandated downtown, and **Planning Commission Chair Carter** said she thought the Planning Commission’s intent was to have retail on the ground floor no matter what, and **Planning Commissioner Powell** agreed, saying that was the intent.

**Mr. Drentlaw** also noted that there is an overlay in Downtown for the traditional historic area in which the height restrictions are more restrictive (58 feet maximum—the height of the Masonic Lodge—as compared to 75 feet in the other locations.) **Planning Commission Chair Carter** said there was a lot of discussion about this, resulting in the requirement that the tall buildings would have to be on the bluff side and the smaller buildings would be on the river side to give a view corridor.

**Mr. Drentlaw** said there are two new concepts under the heading “Dimensional Standards except for the Historical District” (page 57), the first of which is a minimum building height which says that if a person is building upward, they must go at least two stories; and the second of which is a minimum Floor Area Ratio (FAR) in this Zone for a minimum density of .35. In other words, at least 35% of the ground floor on the site must be building. For example, an FAR of 1 means that 100% of the site would be covered with a one-story building.

**Mr. Konkol** said 17.34.050 – Pre-existing Industrial Uses indicates two specific businesses that will maintain their Industrial use and can expand, this does not include the Glazier site.

Noting a few other changes, **Mr. Drentlaw** said the section for Campus Industrial (page 63) is so it conforms with Metro’s recommendations for Industrial. He said it doesn’t meet the recommendations for regional significance, but it does meet the definition for Industrial.

**Mr. Drentlaw** referred to page 80 which shows a complicated table for parking stalls. He said the current standard parking stall size is 9 feet wide and 20 feet long and the compact size is 8 feet x 16 feet. After much discussion, the result was to eliminate the compact spaces and only have one standard that is in between the two. In reality, one standard is simpler and is more realistic in terms of who parks where anyway.

Moving back to page 72, **Mr. Konkol** said wording has been added that says, “For proposals of a Conditional Use Permit, a subdivision, or a commercial office or industrial use over 10,000 square feet, the applicant shall schedule and attend a meeting with the Neighborhood Association prior to submitting an application for development.

Regarding accessory dwelling units (page 86), **Mr. Drentlaw** said this section was added as a requirement of Metro to meet our functional plan requirements. He said this basically allows a property owner to add an additional dwelling unit on a single lot with a separate kitchen as long as it meets the requirements listed. He said the most significant requirement is on page 87, paragraph 9, which limits the size of an accessory dwelling unit to no more than 40% of the principle dwelling or a maximum of 800 square feet.

**City Commissioner Neeley** asked if “ownership” refers to the primary property owner, not a different owner, and the answer was yes. In fact, **Ms. Robertson-Gardiner** said the property owner must live in the main house or ADU at least seven months of the year.

She noted that this would be good for density and also for providing more affordable housing because the rent is generally less for such housing. Another issue is that the accessory dwelling unit has some compatibility standards (see #10) which would be done during the building planning process.

Also, if there is a new house and a new accessory dwelling unit, off-street parking must be provided, but if it is an existing house and a new accessory dwelling unit, that is not required.

**City Commissioner Neeley** asked if separate utility meters are required. **Ms. Kraushaar** said this is determined by the Building Code but another consideration is what is cost effective for the builders. She said installing a larger water meter means paying a higher SDC. She said it is being proven that it is more cost effective to get one 1-inch water meter than two 5/8-inch meters, which, quite frankly, makes the SDC’s more affordable, and we don’t want these to be economically difficult for the builders. Therefore, staff has tried to find something that makes a lot of sense using what they believe are the actual demands on the system.

**City Commission President Lemons** said he has some concerns with the parking issues related to accessory dwelling units and he asked for clarification. **Mr. Drentlaw** said there would probably only be one car for one individual because of the small size of these units. However, **City Commissioner Hewitt** said he could see this becoming an issue in the Historic district, wherein the site space available is already limited, so he thinks they should be able to use the street if there is space available. He said he hasn’t seen an over-use of on-street parking, so apparently there is still capacity available. However, if it were full, that neighborhood would be singled out to not be able to build accessory dwellings units because this provision would require parking on site. However, it was noted that on-site parking is only required if it is a new house and a new accessory dwelling unit, not where an accessory dwelling unit is being added to the lot of an existing house.

**Planning Commission Powell** said he thinks the McLoughlin and Canemah neighborhoods are probably the most limited areas, and anywhere else parking could probably be provided onsite.

**Mr. Konkol** said the new language on page 89 refers to fence heights. Currently there is no limitation except that a building permit is needed for fences taller than six feet. However, this limits the height to 6 feet in general and 3 ½ feet on the long right-of-ways, with some higher fences allowed if on a berm.

**Mr. Drentlaw** said there is a new process for “minor Site Plan review” (page 92). For instance, a grocery outlet might want to move their entrance and install a small awning or perhaps re-stripe their parking lots. Thus, this abbreviated process addresses those situations, and includes a new lower and more appropriate fee.

**Mr. Konkol** said there is a new proposal for tree replacement requirements (page 93, #11) that would be applicable in Site Plan and Design Review, and also for a new commercial or retail building as well as for subdivisions. This clarifies that in a subdivision if a tree is outside of the street right-of-way, outside of any utility easements, and outside of the allowed setbacks, that tree needs to be replaced. If trees are removed outside of any of those three places or if a storm pond is put in, the developer is now responsible to replace any trees that are removed. Furthermore, currently we require a 1:1 replacement so, regardless of the size of tree, the developer is required to replace it with one 2-inch tree. This proposal is to equate the number of trees to be replaced to the size of the tree being removed. In other words, if a 6-inch tree is removed, the requirement would be for three 2-inch trees to replace it.

**City Commissioner Neeley** said if there were a Douglas Fir that was more than 31 inches in diameter, that would require fifteen 2-inch trees to replace it, but there might not be sufficient space to plant that many trees. In such a case, he asked if the property owner/developer could mitigate and plant trees elsewhere. **Mr. Konkol** said the existing language says, “Where these requirements would cause an undo hardship, the deciding authority may modify the requirement which, in its judgment, reasonably satisfies the purpose.”

**City Commissioner Hewitt** asked if this is for development (yes) and he asked if the developer were to level the property before applying for development, would there be any restrictions? **Mr. Konkol** said no, there would not be.

**Planning Commission Chair Carter** said she is really upset about the lack of control regarding trees in the UGB areas because we as a city have no right to stop property owners from taking out trees if they so choose. She said Portland requires a tree inventory prior to the issuance of a building permit.

**City Commissioner Hewitt** agreed but said that would probably be a discussion for the future. He noted that such tree ordinances are horrendous to administer because they require a huge staff and a lot of money. He said he understands the concern, but we must consider the economic impacts related to taking such a step.

**City Commissioner Neeley** said this would be hard to do unless it were to apply to everyone. For instance, we would have a hard time proving that a property owner was planning to develop his land when he cut trees two years ago.

**City Commissioner Bailey** said the Oregon White Oak is an endangered resource and he noted that we are at the northern end of the range, so he would be interested in protecting those.

Returning to the subject at hand, **City Commission President Lemons** said he had some concern about the numbers quoted for replacement in this text because, as was already mentioned, some lots might not have room for that number of trees and still allow for the building of a dwelling, which would create a hardship for the property owner in that he could not develop the land as he might wish.

**Mr. Konkol** said hopefully this will start some conversation about conservation.

**Mr. Drentlaw** said this proposal eliminates the PUD ordinance because it is not written well and it is not used to the City’s advantage in Oregon City. He said a rewrite of the PUD ordinance may be a valid future project, but for now it seems best to eliminate it.

**Mr. Drentlaw** also said that he and Mr. Kabeiseman have been working on language to add to the Code that relates to Master Plans, although that is not complete and has not yet been distributed yet for consideration. He said he hopes to have



a draft in the next City Commission packets. Basically, it sets forth the process wherein the property owner can establish his own development wishes as long as it is adopted through a legislative process.

**Mr. Konkol** noted that there was a Master Plan designation on the Comp Plan and the Zoning Map, which was placed on Blue Heron, Red Soils, Clackamas Community College, and Willamette Falls Hospital and the contiguous pieces they own on the west side of Division. He said all but Blue Heron are already required through previous Land Use decisions to do Master Plans as a Condition of Approval.

**City Commissioner Hewitt** asked how a person who comes in with a challenged piece of property deals with it regarding density if we do away with the PUD. Can he transfer density and can he go to a smaller lot size through another portion of the ordinance, or is that just eliminated?

**Mr. Drentlaw** said it is pretty much eliminated. He said if a person has a protected resource on the property, he basically can't use it.

**City Commissioner Hewitt** asked if a person had, for example, wetlands on his R-8 property with 24,000 square feet, is he limited to three lots with no transfer for the unusable portion? **Mr. Drentlaw** said that is correct.

**Mr. Konkol** clarified that three or less is a partition, per our Code, and a density transfer would be allowed in a partition.

Returning to the subject of PUD's, **City Commissioner Neeley** said we need to get conservation easements in place or require perhaps some condition of the natural resource so that some quality of that natural resource be established, but they, in fact, get a tax break on it because if they were annexed in expecting to benefit from having city centers and then they were only able to build on one-fifth of their property simply because of their location, we need to recognize their situation. For instance, perhaps someone is forced to annex in, which constitutes a taking. **City Commissioner Bailey** said it is not really a taking because of the double majority rule for annexation, but **City Commissioner Neeley** said if someone is pulled in and then finds out he can't develop, that would become a real issue.

**City Commissioner Neeley** then said it appears that there is some agricultural use on some of the land across Beavercreek, and he asked if there are any restrictions on size or anything else in our Code regarding agricultural land. For instance, can they still use it for agricultural purposes? **Mr. Drentlaw** said he thought there was some limit on livestock, but **City Commissioner Neeley** said Mr. Sullivan once told him there was no ordinance against animals except, perhaps, under the nuisance law.

**Mr. Konkol** said agriculture would be a pre-existing condition which would be allowed as a continued use.

**City Commission President Lemons** asked for closing comments.

**Marcia Sinclair** of the Natural Resources Committee said the Soil and Water Conservation District received a grant to develop a Watershed Council, so the resulting Multi-creek Watershed Council is interested in recruiting people.

**Planning Commissioner Powell** asked when the first public hearing at the City Commission level would be held, and he was told it would be Feb. 18<sup>th</sup>.

He then asked what the City Commission's pleasure was regarding the transfer/recommendation of this from the Planning Commission to the City Commission, and **City Commission President Lemons** asked them to lay out an outline which Planning Commission Chair Carter or some other designated person could present at that meeting.

**Planning Commission Chair Carter** said again that this has been a very huge project because it was so out of date and that this has taken monumental effort by staff and the Planning Commission to attempt to address everyone's concerns.

Staff confirmed that the meeting on Feb. 18<sup>th</sup> will be held at the Pioneer Center at 6:00 p.m., with regular business starting then and this agenda item being scheduled to begin at 7:00, and **City Commission President Lemons** confirmed that this would go through the normal process for noticing, noting that this would be a public meeting with opportunity for public input.

**Mr. Konkol** noted that the Commissioners should be forewarned that this would be a very large package, including all Planning Commission minutes and all public written testimony submitted thus far relating to this subject. However, staff would prefer not to resend the Comp Plan and Maps that were distributed this evening because there would be no changes to them before the next meeting.

**ADJOURN**

With no other business at hand, the meeting was adjourned at 8:15 p.m.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner

**CITY OF OREGON CITY  
CITY COMMISSION  
MEETING MINUTES**

**FEBRUARY 18, 2004**

**Mayor Norris** called the regular meeting of the City Commission to order at 6:04 p.m. on February 18, 2004 at the Pioneer Center, 615 5<sup>th</sup> Street, Oregon City.

**Roll Call:** Commissioners Doug Neeley, Gary Hewitt, Tom Lemons, Bob Bailey (arrived 6:39 p.m.), and Mayor Alice Norris.

**Staff Present:** Larry Patterson, City Manager; Bill Kabieseman, Assistant City Attorney; Gordon Huiras, Police Chief and Public Safety Director; Nancy Kraushaar, City Engineer and Public Works Director; Dan Drentlaw, Community Development Director; Tony Konkol, Associate Planner; and Leilani Bronson-Crelly, City Recorder.

**1.0 CALL TO ORDER**

1.1 **Mayor Norris** asked each member to introduce himself.

1.2 Flag Salute

1.3 Presentations

- John Salisbury, Volunteer of the Year

**Mayor Norris** recognized **John Salisbury** as the Oregon City Volunteer of the Year. This year Mr. Salisbury made sure Oregon City's oldest historic sites: the homes of Dr. John McLoughlin and Dr. Forbes Barclay, were preserved for future generations through the National Park Service. She asked Salisbury to comment on the Sister City relationship with Tateshina, Japan and upcoming exchanges.

**Mr. Salisbury** reported that Oregon City would be hosting a delegation from Tateshina, Japan, from July 7 – 13 during which time several community activities have been planned to acknowledge the 30<sup>th</sup> Anniversary of the Sister City relationship. John Riggs of Oregon City will lead a delegation to Japan in August. He encouraged residents to join in the celebration.

**2.0 CITIZEN COMMENTS**

- **Kathy Hogan**, 18721 S. Central Road, Oregon City. She understood Wal-Mart submitted an application and hoped the public would have opportunity for input. **Ms. Hogan** was concerned whether the development would be appropriate and noted there are water issues.

**Mr. Kabeiseman** has not seen the application but understood one has or will be filed shortly. The application that will be sought this time would be limited to only the commercially zoned portion of the property. The last procedure had to do with a

Comprehensive Plan amendment and zone change. He understood Wal-Mart is hoping to avoid these actions, and, if in fact, the application comes in only for the commercially zoned portion of the property, then it would be a Type II site plan design review that is typically decided by staff. Mr. Kabeiseman will discuss the public input options with Mr. Drentlaw. Any staff decision could be appealed directly to the City Commission.

### **3.0 CONSENT AGENDA**

**Mayor Norris** announced that item 3.1 would be removed for separate consideration.

**Commissioners Lemons/Neeley m/s to approve Consent Agenda Item 3.2 -- November 19, 2003, City Commission Meeting Minutes.**

**A roll call was taken, and the motion passed with Commissioners Neeley, Hewitt, and Lemons and Mayor Norris voting ‘aye’. 4:0.**

#### **3.1 Approval of February 4, 2004, City Commission Meeting Minutes**

**Commissioner Hewitt** wanted the record to show he had not attended that meeting.

**Commissioners Hewitt/Lemons m/s to approve Consent Agenda Item 3.1 -- Approval of February 4, 2004, City Commission Meeting Minutes with the correction.**

**A roll call was taken, and the motion passed with Commissioners Neeley, and Lemons and Mayor Norris voting ‘aye’; Commissioner Hewitt abstained. 3:0:1.**

### **4.0 COMMISSION BUSINESS**

#### **4.1 Commission Report No. 04-014, Proposed Resolution No. 04-04, Amending the Oregon City Public Works Water Distribution System Design Standards.**

**Ms. Kraushaar** provided the staff report. The proposed resolution clarified the standards for constructing, testing, and disinfecting new water lines. The practice has been to allow the developer to attach to the valve and keep it shut during the test. Because the valves are not failsafe, there is a chance of cross contaminating the City’s potable water supply. This resolution would add a section to the City’s water design standards that specifically requires blow-off devices at the ends of the new lines and a temporary connection to the system with a backflow device.

**Commissioner Hewitt** asked if this was similar to the backflow devices on sprinkler systems.

**Ms. Kraushaar** replied it is similar in terms of protecting the potable water supply. This standard would apply strictly to new water line distribution pipelines. This takes place after the new pipelines are installed, pressure tested, disinfected, flushed, and undergone a bacteria test. While that process is occurring, these standards apply. After it is approved, there is a short connection to the supply line. This is not an ongoing backflow test. It protects the water supply while the super-chlorinated water is being run through the new system. This practice is not mandated but is recommended by the American Waterworks Association and is common in the region.

**Commissioner Hewitt/Lemons m/s to adopt the proposed Resolution No. 04-04 amending the Oregon City Public Works Water Distribution System Design Standards**

There was no further discussion and no public comment.

**A roll call was taken, and the motion passed with Commissioners Neeley, Hewitt, and Lemons and Mayor Norris voting ‘aye’. 4:0.**

**4.2 Commission Report No. 04-016, Award a Personal Services Contract for a Public Opinion Survey**

**Mayor Norris** noted the City Commission discussed this during goal setting. A number of cities survey their residents every other year to assist in budgeting and other decision making situations.

**Mr. Patterson** spoke with three firms who do this kind of work. Two firms were competitive in costs and both have very good reputations. He recommended the contract be awarded to Public Affairs Counsel, Inc. The principals involved in this study would be Mark Nelson and Melissa Martin. He noted a scope of work on page 2 of the proposal and recommended option 2 in the amount of \$8,787. He directed the Commission’s to the client list.

**Mayor Norris** noted this firm did work for the Oregon City School District before the new high school was built and were very professional.

**Commissioners Hewitt/Lemons m/s to authorize the City Manager to enter into a personal services contract with Public Affairs Counsel, Inc. in the amount of \$8,787.**

**Commissioner Lemons** asked what the budget impact would be.

**Mr. Patterson** replied since this is not a budgeted item, he will analyze three areas: the City Manager's budget, multiple departmental budgets, or contingency.

**Commissioner Neeley** asked if the decision was basically Mr. Patterson's.

**Mr. Patterson** said that was correct. He talked to three firms, and all indicated the same level of work. The first firm gave him an estimate of \$20,000 and a 3-month time frame. The second firm's price was competitive and would not exceed \$11,000. He interviewed the firm, and they formalized their proposal. Mr. Patterson went through the same process with the firm he recommended. He did background checks on the top two firms. Both firms are reputable and the methods were similar, so it came down to the lower bid.

**Commissioner Neeley** asked if the City Commission would see the survey questions.

**Mr. Patterson** said the City Commission's input is wanted, but it will not be a questionnaire by committee.

**Commissioner Lemons** wanted to be part of making the decision on what goes out to the public if his name is going to be on it.

**Mr. Patterson** wanted the Commission to agree on what goes out to the public. It is important in the way a question is asked or even the inflection of the voice. Both firms are professional and have done a lot of this type of work.

**Mayor Norris** thought it was important for the City Commission to decide what information it is looking for. She, for example, wanted to know the value of the service and priorities of those services. This would provide comparative data to what was asked in 1998.

**Mr. Patterson** understood the consultant would seek guidance both from the City Commission and staff on the areas that need to be questioned.

**Dan Holladay**, former City Commissioner, 1223 Monroe Street, Oregon City. This is one of the reasons citizens throughout the state continue to say "no" to tax increases. You say your budget is in crisis, yet you will spend \$8,000 - \$9,000 on a poll that will tell you what you already know. Measures 27 & 30 and local police levies have already told you citizens do not want more taxes.

**Commissioner Hewitt** responded that the City recognizes it will have to do things differently. His assumption is that the City will be asking not only about fire annexation but also other City services including the pool, Carnegie Center, Library, and police. The City Commission needs to have a good cross section of public opinion on what is most important in order to make some tough decisions.

**Mr. Holladay's** concern that in this type of survey one can frame the question in such a way as to get the desired result. Given staff's involvement, there will likely be a natural bias.

**Mayor Norris** believed this firm works hard to get objective answers.

**Commissioner Neeley** thought if there were biases, the firm would point them out. The City Commissioners all have their own constituency, and this gives an objective polling of the general public.

**Mr. Patterson** understood the consultant would find out in what areas questions needed to be asked and then construct them.

**Commissioner Lemons** needs to sign off on what is presented to the public.

There was no further discussion and no public comment.

**A roll call was taken, and the motion passed with Commissioners Neeley, Hewitt, and Lemons and Mayor Norris voting 'aye'. 4:0.**

4.3 Commission Report No. 04-015, Proposed Resolution No. 04-05, Consider Proposing Annexation of Oregon City to Clackamas County Fire District #1

**Mayor Norris** explained the City has a very challenged budget. At this year's goal setting session and reviewing 10-year projections, the City Commission decided to launch a 4-step action plan to restore financial health to Oregon City:

1. Tighten our belts and live within our means.
2. Bring more jobs and business to Oregon City to increase the tax base.
3. Annex the City of Oregon City to Clackamas County Fire District #1.
4. Convene a Blue Ribbon Committee that will look critically at City services and community needs.

**Mayor Norris** and **Commissioner Lemons** sit on the Fire Oversight Committee, and they asked some serious questions about the benefits of annexing the City to the District. Adoption of the proposed resolution does not put anything on the ballot. It says the City Commission is interested in exploring the process and the options. Mayor Norris read a list of 7 benefits:

1. The South End Fire Station would be opened and staffed by a 2-person crew.
2. Annexation would provide more cost-effective delivery of fire and emergency services to Oregon City residents over the long term.
3. There will be a long-term cost containment and stable funding for fire and emergency services in the entire District.
4. Oregon City citizens will have the opportunity to serve on the District Board and have a voice in governance.

5. There may provide a temporary reprieve from the general fund's long-term financial decline.
6. Create rate equity among all taxpayers in the District.
7. Oregon City citizens would be the owners of all the fire stations in the entire District.

**Mr. Patterson** provided the balance of the report. He reviewed several points that brought the City to this place:

1. Are you interested in annexing Oregon City? The City spoke with both Clackamas County Fire District #1 (CCFD1) and Tualatin Valley Fire and Rescue (TVF&R). Because of some the difficulties with rates and the fact it is not contiguous, TVF&R indicated it was not interested in annexing Oregon City at this time. CCFD1 indicated it was interested in annexing Oregon City.
2. What rate would be charged? CCFD1 indicated it would charge Oregon City residents the same rate as all other residents in the District, which is roughly \$2.40.
3. What level of service would be provided?
  - a. Main station 3-person engine crew and battalion chief;
  - b. Molalla station 2-person engine crew
  - c. South End station 2-person engine crew
4. Does this arrangement provide funding equity throughout the District? All parties are charged the same tax rate. The District also feels it stabilizes management of entire area the over long-term to facilitate planning.
5. The parties would be negotiating an intergovernmental agreement (IGA) that addresses debt services and other issues.

**Commissioner Hewitt** thought Mr. Holladay brought up a deeper issue about discussing things more openly with all parties. That is the purpose of the Blue Ribbon Committee and the survey. The issue is what citizens want to keep open with the money that is the difference between the City tax and District tax. If, for example, a service costs \$.05 to operate and everyone agrees they want to keep that service, then everyone pays that additional \$0.05. That is the reason for the annexation; that is the reason for the poll; that is the reason for the Blue Ribbon Committee. It is a huge issue, and results will not happen over night.

**Mayor Norris** stated she would look seriously at the Committee's recommendation. It may recommend the City do nothing; it may recommend buying services the citizens believe are important. She would expect the broad-based Committee to look at these service options very seriously, and she will take its recommendations seriously.

**Commissioner Neeley** understood the two issues are related. Even if the City Commission decided not to increase combined City and District taxes, there is still a great benefit in the annexation because the fire station would be open. He asked if the District Board was having similar discussions.



**Mayor Norris** said both the District and City both signed off on going forward. To clarify, the annexation is step one and can stand by itself, or it can be combined with the results of the Blue Ribbon Committee.

**Mr. Patterson** corrected a previous comment and explained the Molalla crew was a 3-person crew. The staff report outlines the process to get to the annexation. The City would forward its resolution to the District, and its board would have to take a similar action. Commissioner Neeley was correct in saying there are many issues, and regardless of where the City goes with these, the annexation at least solves the fire issues.

**Commissioner Lemons** referred to Holladay's comments about taxation. He supported looking at this solution because of cost stabilization. The District will renegotiate the contract each time it expires, and the cost will continue to go up. Stabilization alone tells him this might be the right way to go. He saw the handwriting on the wall – if Oregon City does not regionalize, these service will not be available.

**Commissioners Hewitt/Neeley m/s to approve proposed resolution 04-05 proposing annexation and certify to the District Board a copy of this proposal.**

**Mr. Holladay** supported the annexation to the Fire District. He did not support tying the two issues together. He offered another alternative used by Rob Drake and the City of Beaverton. They annexed with the specific promise the City would take that entire amount and give it back to the people. Then they would come back in a separate election and say these are the services we looked at in the Blue Ribbon Committee and have determined the citizens want to have. Do you as citizens wish to pay for them? He could not support the annexation if the two issues were not de-coupled. Citizens do not trust government. The only way the City Commission can make this happen is to say we absolutely will give back what the City is currently paying for fire service.

**Mayor Norris** said that is one of the options before the Blue Ribbon Committee.

**Mr. Holladay** said this is really about increasing the total taxation on Oregon City citizens anywhere from zero to \$2.21. He offered to serve on the Blue Ribbon Committee.

**Commissioner Bailey** responded to Mr. Holladay's comments. He believed these were de-coupled, but in the public's mind he believed they were linked. He intends to resolve those issues with the Blue Ribbon Committee's suggestions.

There was no further discussion and no public comment.

**A roll call was taken, and the motion passed with Commissioners Bailey, Neeley, Hewitt, and Lemons and Mayor Norris voting 'aye'. 5:0.**

**4.4     Commission Report No. 04-018, Proposed Resolution No. 04-03, Adopting the Final Reimbursement Charge for Meadowlawn Reimbursement District**

**Ms. Kraushaar** said the proposed resolution essentially finalizes the charges assessed to various property owners in the Meadowlawn Reimbursement District. The City constructed a sanitary sewer line as directed by the City Commission to establish this reimbursement district. All of the costs are in, and the information on each property is updated. The final charge is \$6,004.70 and would be assessed when the property owner actually connects to the sewer line.

**Commissioner Hewitt/Lemons m/s to adopt proposed resolution 04-03 that established the final reimbursement charge.**

**Commissioner Neeley** noted this could be authorized for 10 years and renewed for an additional 5-year period. When a property connects, the owner has a 10-year period over which he/she can pay. He presumed if someone connects in the 9<sup>th</sup> year, he still has the 10 years.

**Ms. Kraushaar** said that was correct. The rate is fixed with no interest.

**Commissioner Neeley** asked what would happen if there is an excellent system and does not need to connect in 20 years but does in 30 years.

**Ms. Kraushaar** explained in that case they would not have to pay. They would have to, however, pay other fees such as connection charges and inspection fees. This goes away after 20 years and can be renewed in 10 years.

There was no further discussion and no public comment.

**A roll call was taken, and the motion passed with Commissioners Bailey, Neeley, Hewitt, and Lemons and Mayor Norris voting 'aye'. 5:0.**

**5.0     COMMISSION/CITY MANAGER INFORMATION**

- **Mayor Norris** discussed the Blue Ribbon Committee and asked those interested to submit their names.
- **Mayor Norris** reappointed Debra Jones to the Urban Renewal Commission as the Hilltop District representative. Her term will expire December 31, 2007.

- **Commissioner Neeley** asked Ms. Kraushaar the status the amendments to the steep slopes Ordinance and asked if these would be in place before the next rainy season. She replied she and Mr. Drentlaw have looked at the code and researched ordinances in other communities. Research is continuing and the Natural Resource Committee will review the draft document. She could make no promises at this time about timing.

**Mayor Norris** called for a recess at 7:02 p.m. The Commission reconvened at 7:09 p.m.

## **6.0 PUBLIC HEARINGS**

### **LEGISLATIVE PUBLIC HEARING ITEMS:**

- 6.1 Commission Report No. 04-017, Proposed Ordinance 03-1014, the Adoption of a New Comprehensive Plan, Comprehensive Map and Zoning Map; Amendments to the Zoning Code; and New Water and Sanitary Sewer Master Plans as Ancillary Documents to the Oregon City Comprehensive Plan.

**Mayor Norris** reviewed the ground rules for the hearing.

**Mr. Drentlaw** said the intent was to take as much testimony as possible at this meeting and continue to another hearing if necessary before closing the public testimony and going into City Commission deliberations.

**Mayor Norris** opened the public hearing at 7:09 p.m.

#### Staff Report and Plan Overview:

**Mr. Konkol** reviewed the exhibit of correspondence that was submitted after the City Commission packet was distributed. Written comments were also submitted at this meeting, which staff will copy and distribute to the City Commission. He entered these into the record.

**Mr. Drentlaw** discussed the Plan and process. Staff presenters were: Gillian Zacharius, David Evans and Associates, Mr. Konkol, Ms. Kraushaar, and Linda Carter, Planning Commission Chair.

The Comprehensive Plan consists of several documents and acts as a general guide to growth, where growth will take place, and at what densities. Along with the written documents there are maps. The zoning map specifies how development will occur and what the uses will be. The Comprehensive Plan has a lot of policies on how the City should grow and spend its resources on such things as roads and utilities. Oregon City's Comprehensive Plan has not been updated since 1982, and since that time, the City has doubled in population. The current population is 28,000 and will be 46,000 at full build out.

Comprehensive planning is required by both the State and Metro. The State requires a 20-year forecast in terms of growth, population, and employment and Metro has its Functional Plan. He noted Oregon City is one of the few regional centers in the metropolitan area. Cities must comply with Goal 5 – the Natural Resource Inventory, citizen involvement, open space, affordable housing, and a number of other areas.

One of the most important sections of the Comprehensive Plan is the chapter on urbanization that deals with where and how the City grows. It wants to grow in a way that is contiguous to existing growth and ensures street, water, and sewer systems are available before property is annexed. The urban growth boundary (UGB) is also important. Mr. Drentlaw reviewed the three future urban growth areas: industrial use in the Beavercreek area; potential new housing and commercial in the Redland Road/Livesay area; and single-family residential on about 300 acres in the South End area.

The Natural Resources Committee (NRC) reviewed the document and provided definition to one of the main Plan principles, which is sustainable growth. This principle comes through in the policies in various ways. A sustainable concept has to do with providing jobs, housing, and neighborhood centers in close proximity. The Planning Commission designated several potential neighborhood commercial centers, and there are a number of people who will testify on that.

The other important concepts are how the City deals with the new urban growth areas, particularly in Beavercreek and Park Place. Initially, the Plan showed specific land use designations, but in going through the process, the Planning Commission decided those areas should be kept for “future urban holding area.” These means specific uses would not be designated until there was a more detailed concept plan. He believed the property owners in those areas were comfortable with proposal.

**Gillian Zacharias**, David Evans and Associates, said the firm was hired in early 2002 to help update the City’s Comprehensive Plan and organize the public involvement process. The goal of the public involvement program was to provide opportunities for the public and specific stakeholders to both understand the process and help guide Plan development. In April 2002, the Citizen Technical Advisory Committee (CTAC) was formed. Its role was to provide a forum for the representatives of the stakeholder groups and act as an advisory body to staff, consultant, Planning Commission, and City Commission. CTAC was made up of members form neighborhood associations, local businesses, affordable housing advocates, development community, youth, school district, Metro, environmental interests, and the Planning Commission. The group held six meetings between April and October 2002 that were open to the public. There were open houses in April, September, and October and each open house was attended by 30 to 40

people. The first was about why this was being done, and the second in September presented the results of the research and changes to the Comprehensive Plan. Other work was presented at those open houses including accessory dwelling units and water and sewer plans. She briefly discussed the notification process for interested parties and the media.

**Mr. Konkol** reviewed the proposed zone changes and code amendments. Initially the process was one of housekeeping, and as it went along, it expanded to begin implementing some of the goals and policies proposed in the Comprehensive Plan such as new designations and accessory dwelling units. Three chapters of the code are affected.

- Chapter 12 – Streets and Sidewalks – primarily dealing with street tree locations and spacing
- Chapter 16 – Land Division – including level of service (LOS) standards for signalized and un-signalized intersections and minimum density standard of 80%
- Chapter 17 – Zoning
  - Definition of terms and how they are interpreted
  - Zoning designation for annexed properties
  - Reduction of setbacks in residential and commercial zones to provide flexibility
  - Maximum lot coverage in R-8, R-6, and R-3.5 to provide for construction of houses that are appropriate to the size of the parcel
  - Garage standard that limits size of garage that may be attached to the front of the house
  - Removed R-6 manufactured housing zone
  - Amended RD-4 (two-family zone) and created R-3.5 that increases density slightly but allows more appropriate lot widths
  - Introduced the R-2 zone, a new multi-family zone that increases density slightly
  - Edited neighborhood commercial zone to expand uses to include residential housing in conjunction with retail
  - Expanded uses in historical commercial zone in Canemah
  - New designation of Mixed-Use Corridor I primarily along the 7<sup>th</sup> Street, Molalla Avenue, and the north side of Warner Milne Road transportation corridors – retail buildings would be limited to a maximum footprint of 10,000 square feet – conditional use would allow larger -- allows retail, office, and residential
  - New designation of Mixed-Use Corridor II on the north side of Beavercreek Road between Molalla and Hwy. 213 – allows up the 60,000 square foot standalone retail building – conditional use would allow larger

- Introduced a Mixed-Use Employment designation in corresponding zone – this is primarily at Red Soils and Beavercreek Road – it is employment intensive – also added to Willamette Falls Hospital and several parcels on the west side of Division to facilitate and acknowledge the hospital which right now is a conditional use
- Introduced a master plan overlay designation that is applicable to Willamette Falls Hospital, Red Soils, Clackamas Community College, and the Blue Heron site – master plans will be required to facilitate growth and identify impacts
- Introduced Mixed-Use Downtown zone from Blue Heron to Hwy. 213 -- encompasses the historic downtown as well as The Cove –mix of high density residential, office, and commercial
- Introduced new zones such as General Industrial that consolidated light and heavy industrial into one designation
- Added all new applications for a conditional use permit, subdivision, or new commercial/office in excess of 10,000 square feet will be required to meet with the neighborhood association prior to submitting application to City to get public involvement earlier in the process
- Included a minor site plan that reduces review time for small changes to buildings
- Removed Planned Unit Development portion of the code to address concerns about how that code is written and implemented
- Introduced master plan code language
- Individual property requests:
  - Mr. Berge owns property south of Glen Oak Road that is currently proposed to be high density residential. He requested a commercial designation. The Planning Commission reviewed this request and felt that his application could be done on an individual basis and was the appropriate way to address his concerns.
  - Mr. Younger owns Dale's Wrecking Yard on Molalla Avenue. The Planning Commission recommended a Comprehensive Plan change to Mixed-Use Corridor and zoning designation of Mixed-Use Corridor II that allows a 60,000 square foot building on that site. The Planning Commission felt that the Mixed-Use Corridor was the appropriate designation to implement the Molalla Corridor Plan and the vision for pedestrian-oriented development and transit use.
  - Clackamas Community College requested change at the intersection of Molalla Avenue and Hwy. 213. The initial proposal was to extend the industrial zoning

designation to the south. It is currently zone limited office. The Planning Commission felt it would be appropriate to include this as commercial because 1<sup>st</sup> Street does not provide a connection to the south.

- Property owners in the Rose Road made a request relating to property annexed into the City and designated R-6 MH (manufactured housing) that allows lot sizes of 6,800 square feet. The area is predominantly R-8 and R-10. The Planning Commission felt down zoning of the property was appropriate at R-8 rather than R-10 as requested by the neighbors.
- Blue Heron was concerned about the ability to continue and expand its use if the proposed Mixed-Use Downtown were implemented. The Planning Commission felt it would be appropriate to leave the designation as industrial, implement the master plan overlay, and develop a Comprehensive Plan policy statement of what they would like to see that master plan implement before further development of the site.
- Beaver Creek Road and Park Place areas brought in as part of the UGB expansion – propose future urban holding Comprehensive Plan designation until a concept plan is developed and adopted by the City.

**Mr. Konkol** said when the process began the only zone changes were those that were going to be removed from the code. The Planning Commission determined it would be appropriate to implement some of the zone changes to further implement the goals of the Comprehensive Plan. In the process of making those zone changes, some of the properties were made non-conforming under the existing code language. Primarily, there are concerns on the north side of Beaver Creek Road with several auto-oriented businesses, such as Les Schwab, that would become a pre-existing non-conforming use under the proposed code language if the zone change is implemented. That would mean the businesses would not be allowed to expand or rebuilt after fire damage to more than 60% of its market value. The Glacier Concrete site in The Cove area that is proposed for Mixed-Use Downtown would also be a non-conforming use. The landscaping facility next to the Amtrak station would be impacted. These zone changes will help implement the goals and policies of the Comprehensive Plan as well as the future vision.

**Ms. Kraushaar** provided a brief presentation on the Water and Sanitary Sewer Master Plans. The Sanitary Sewer Master Plan was adopted in 1988, and needs have changed significantly. The updating process included mapping and gathering data on flows and pipe size, slope and type. From that data, a

comprehensive model of the trunk system was developed and basin locations were validated. Problem areas were mapped for a maintenance management tool.

All current conditions were identified and inventoried including TV'ing the pipes. Staff then looked at what would be needed to address growth to 2023 using a 3% growth rate. Using the entire data gathered, the capital improvement program (CIP) identifies where pipes need to be upsized and extended along with pump station needs. In establishing the peak flows, staff tried to estimate the inflow and infiltration rates for different basins. The result was a list of projects that would need to be accomplished in the next 20 years to ensure the City can continue to supply good sanitary sewer service to the community. These needs will cost about \$16 million.

**Ms. Kraushaar** reviewed the 20-year Water Master Plan. She indicated the pressure zones on a map that provide adequate flow in general as well as fire flows. Because Oregon City is on so many different levels, it has different pressure zones as well as pump stations to boost water and pressure reducing valves to balance gravity. After updating all of the maps, a model was developed. She believed staff has a good understanding of the capacity and condition of almost every water line in the City. Reservoirs are another important element of the water delivery system. The City has about 16.25 million gallons of storage capacity today and will need about 25 million gallons with a demand of approximately 8 million gallons per day. This would require four new reservoirs located in the upper zone, Fairway Downs, an intermediate zone near Mountain View, and lower Park Place. The seismic evaluation showed that the Mountain View facility would be severely compromised in an earthquake, and needed improvements were identified. There would be other improvements in pipes and pump stations. These improvements come to about \$41 million. Ms. Kraushaar will provide additional information to the City Commission in April or May.

**Mayor Norris** introduced Planning Commission members **Renate Mengelberg, Daniel LaJoie, Tim Powell, and Lynda Orzen.**

**Linda Carter**, Planning Commission chair, said it was a great honor to forward the recommendation for approval. She discussed the process and the initial difficulty the CTAC had coming to grips with the size of the project. The existing document was out far out of compliance with State and Metro regulations and did not meet Oregon City's current development needs. It was a two-year process, and Ms. Carter expressed her appreciation to staff for its persistence throughout.

It is important to think of the Plan in the terms of its being a living document because the needs of the community change as it grows and develops. The purpose of the document is to act as a guide for livability and sustainability. The Planning Commission's public hearing process was similar to the City Commission's and those with concerns were assured they were heard. The



Commission was committed to understanding and resolving as many issues as possible. It is important to the Planning Commission to have a quality document in order to make good land use decisions. The group has a vision for not only housing and employment but also the high collective consciousness for environmental sustainability. The NRC helped clarify some policies that preserved environmental preciousness.

**Mayor Norris** expressed the City Commission's appreciation to the Planning Commission for its many hours of work.

### **Public Testimony**

Tom O'Brien, 19364 S. Hazel Grove Drive, Oregon City. He complimented Ms. Bronson-Crelly on her skills in making him feel his concerns were important and commented she was a role model for the rest of staff. He was concerned about the South End Road/LaFayette/Partlow intersection that is designed under the new Plan as a neighborhood commercial district. On January 15, 2004, there was a joint meeting of the Hazel Grove-Westling Farm and South End neighborhood associations. Mr. Drentlaw was there with 125 residents, and not a single one of them supported the proposed neighborhood commercial district. That is why citizens do not feel they are being listened to. He referred to Goal 7.5 that specifically states, "to allow it for a variety of retail outlets and shopping areas to meet the needs of the community and nearby rural areas." The residents are telling the City what their needs are, and they want the City Commission to listen. Policy 7.5.2 states, "to develop plans to provide the necessary public services to surrounding rural industrial lands for future development." The residents would much rather see parks, libraries, and other things they really want and could use in the neighborhoods. Generally, the feeling is even if there is retail, residents will not patronize the businesses.

Dan Berge, 20122 SE Molalla Avenue, Oregon City. He purchased about 3 acres on Hwy. 213 south of Clackamas Community College in 1982. It was previously in commercial use but was not zoned commercial. In 1988 he went to the Clackamas County Planning Commission – file 65127D – to add a commercial building. He was granted the change and was issued a commercial building permit in 1998. In 1993, he granted the City of Oregon City an easement for the construction of a sewer line on Hwy. 213, and in return he got an 8" stub out to his property consistent with his use. He indicated his property on the zoning map which is almost all commercial and industrial. He has owned the property for 22 years and operated it as commercial property and did not believe it was unreasonable to be brought in as such. He does not know from one time to the next whether he may or may not expand his business.

Karen Montoya, 137 Deerbrook Drive, Oregon City, South End Road Neighborhood Association Chair. She reinforced the comments of the first

speaker. There was no one at the neighborhood meeting that spoke in favor of commercial development in that area. People are adamant they do not need additional commercial. Their concerns were heavy traffic, truck traffic, narrow streets, and infrastructure that would go along with commercial development. Residents are concerned about the survival of the businesses. Typically, the second and third businesses that come in are not of the same quality, and stores stay empty for a while. Concentrate in the commercial areas Oregon City has.

Cheryle Clunes, 20009 S. Torrey Pines Ct., Oregon City. She lives directly across the street from the Oregon City Golf Course and the new Oregon City High School. These are two reasons she moved to Oregon City and why she wants to stay. These are two large magnets for Oregon City. She spoke in opposition to the proposed zoning of the land across the street as industrial. People come to this area to raise their families, play, and spend their money. We do not want to cut off our nose to spite our face by zoning that property industrial. It will destroy the magnets Oregon City has. She works with the public daily in relocating families and knows what the public is looking for. She wanted to see a residential area or gradual buffered zoning. She provided maps of six other successful cities and their high schools surrounded by residential to support her position.

Dorothy Cofield, 4248 Gatewood, Lake Oswego, spoke representing Dean Pullman who owns property at Partlow and South End Road. She submitted written testimony and requested the record remain open so she could submit additional evidence. Mr. Pullman is in favor of the Planning Commission's recommendation to rezone the property and designate it MUC and believes it is the perfect designation. The property is about 2.33 acres on an arterial, South End Road, and in the City's Transportation System Plan (TSP) there is a plan to realign Partlow with LaFayette. That would sever Mr. Pullman's property. If the zoning is left at R-10, it will be extremely difficult to develop the property. If it is rezoned MUC, which is the Planning Commission's recommendation, development could be much more varied. The MUC zone includes attached dwellings, residential care facilities for older people, and varied housing for the community at affordable prices. The community in that area may not like change, but this zoning does fit with the 2040 vision and Metro's mixed-use corridors. Mr. Pullman is requesting an MUC II zone, which is the higher density that would allow the building to go up rather than out as this is a small site. She discussed the setbacks that would consume development potential particularly with the proposed road realignment. She requested a variance based on the size of the property. For clarity the code should read that the review process for this MUC is the site plan and development chapter. A subdivision application should be in the land division chapter and site design and review. She urged the City Commission to read her testimony and not be swayed by people who are fearful of change. The planners and 2040 have it right, and this rezone to MUC would be beneficial to the community.

Marcia Sinclair, 23850 SE Borges Road, Gresham, 97080, Natural Resource Committee Chair. She agreed this document was significant, and the NRC was honored to work with the Planning Commission. She wanted to ensure the public input period did not end with this meeting, because the Committee wants an opportunity to review any changes made by the Planning Commission and may wish to submit written material.

Jim Bean, 1300 SW 5<sup>th</sup> #3400, Portland, represented the Younger family. He also wished to supplement with written material. He appreciated the work on the Comprehensive Plan. The Younger family is strongly opposed to the proposed plan as it currently impacts their property in a manner that violates specific commitments made to them by City officials since October 5, 1988. The family has spent hundreds of thousands of dollars of its own money and encouraged other to spend many times that amount to make specific use of the property as directed by the City. Mr. Bean prepared documentation about what has occurred with that property over the last 51 years. Enacting this Comprehensive Plan with this zoning would violate the Younger family's rights for which it has an expectation based on the conduct of the City and representation made to them. He wanted to make it clear that neither he nor his client contended that any elected official ever set out to deliberately make problems for his client. There is very real damage being done to the family with this Comprehensive Plan amendment. The Plan says in the beginning, one of the things the City wants to do is ensure there is sustainable development. It speaks to fairness over time. People ought to be able to count on what the government says and does. Mr. Bean referred to Tab 9 in which the City hired an engineer in 1997 specifically to do work on his client's property and the proposed development. Commercial uses are only allowed in connection with Mixed-Use office and residential developments except for stand-alone buildings.

Kathy Hogan, 19721 S. Central Point Road, Oregon City. She was the Hazel Grove-Westling Farm co-chair. She submitted the minutes and sign in sheet from the neighborhood meeting, and the South End Grocery submitted 8 pages of signatures of people opposed to the proposed commercial zoning on Partlow and South End. Ms. Cofield talked about a bigger complex that would make the intersection very dangerous for a rural community. There will be a lot of truck traffic on the roads trying to get in and out. A light will not make it any safer. It will be a bottleneck and dangerous intersection with all of the businesses. Concerns were livability, increased traffic, and compatibility with the surrounding area. People would prefer parks and libraries. She tried to participate during the Planning Commission work session, but she was not able to add her input. She did not feel it was totally open.

Andy James, 111 SW 5<sup>th</sup> Avenue Suite 1100, Portland 97204, spoke representing Chris and Melanie Green, 15605 S. Saddle Lane in the Beavercreek area. When the Greens contacted him, they were concerned about the campus industrial

zoning. Their property is currently identified as future urban holdings, but he has not heard the definition of that designation. The Greens would like to reserve the right to approve or reject based on the definition of that designation. Planning is a critical tool and a broad brush. The engineering that has been performed is a lot sharper, but it needs to be honed. The Comprehensive Plan is a living document, and he suggested revisiting the document on a more regular basis than five years. In the end, Oregon City needs to determine what it wants to look and feel like. The economic viability of any decision needs to be considered. This is a property tax funded state, so options must be kept open by understanding the economic impacts. The future urban holding definition could be another unfortunate open debate.

Karen Kelly, 16449 Willamette Valley Drive, Oregon City. She lives in the Trailview neighborhood in Park Place. She spoke representing herself. She thanked the Planning Commission for listening to concerns about development and designating that a future urban holding. There is still some gray area about the definition and specifically with the process between now and when the property is actually zoned. It is within the UGB and outside the City limits, and she wanted to ensure she was involved with the process. Development is inevitable, but people are concerned about how it happens. There is a great wildlife habitat in the area and little access on Holcomb Boulevard. She was concerned it would be over-developed and understood a developer has purchased the property and has ideas about what he intends to do.

Bob Short, 1050 N. River Street, Portland 97227. He works for Glacier NW and wanted to talk about the plant located at 16380 Main Street. The Planning Commission chose to make the site of the plant Mixed-Use Downtown that results in a non-conforming use. There has been a concrete plant at that site for about 40 years and provides about 30 homeowner jobs. During the 1996 flood, there was 14 feet of water on the property. Glacier NW has a long-term lease on the site with full support from the property owner, so it expects to be at that location for some time. Since the flood, the business has invested over \$1 million on the site mainly to manage water and environmental controls. Those costs cannot be moved anywhere else. As a non-conforming use, it would be difficult or impossible to make any further improvements to the plant to take advantage of its investments. It is a going concern, and there are no plans to vacate the site. Industrial jobs are good jobs, and that is part of the mission. He would like the property to be zoned industrial as before, or at a minimum that it be designated with the language in 17.34.050 (page 57 of the amendments) regarding pre-existing industrial uses that would allow maintenance and expansion of the existing uses. There would be some kind of controls over the expansion through the downtown community plan design standards. He was more concerned about maintaining and keeping the plant at its current level and taking advantage of new technology rather than making a larger facility.

Tom Geil, 16470 Trailview Drive, Oregon City. He spoke representing himself and a group of neighbors who are forming a task force to find out how to fight the annexation. He did not represent the homeowners association. He appreciated the Planning Commission's listening to the resident's concerns and creating the future urban growth. He discussed area 24. Since first hearing about the Park Place Village Plan that would eventually result from the City's Comprehensive Plan, his emotions have run the gamut from fear to stress to anger. Oregon City is the end of the Oregon Trail with imagery of covered wagons, settlers, natural forests and wide-open spaces. Mr. Geil brought a serigraph that commemorated the history and natural beauty of Oregon and Oregon City. It troubled him to see the forests disappearing to make room for overgrowth of population and pavement. He was not against growth, but he believed it should happen in more open spaces rather than taking out existing forests. Area 24 is one of the few forests left on the lower section of Holcomb. It has trails and natural features with an abundance of wildlife. During the decision process on Wal-Mart, he heard the Commission say, "we treasure fragile and unique areas" and "we like to preserve trails and parks for families." Instead of tearing down this park-like setting to fill Metro's housing needs, this area should be preserved and nurtured as a forest park that Oregon City can be proud of, keep its trails intact, and use it for school children and families. Multnomah County has learned to preserve its parks. He understands Metro's directives, but there are more suitable areas that are open. Mr. Geil urged the City Commission to preserve any forests in its plans.

Bob Hendricks, 19428 Hazel Grove Drive, Oregon City. He also attended the January 15, 2004 neighborhood meeting and is opposed the any commercial development in that area because it is not a needed. The traffic is already tremendous; we do not need additional traffic. The streets cannot support this additional commercial growth. There are 93 homes being developed off Central Point and 36 more going in off South End. The Rose Street development wants smaller lots for density. There is a fire station with no service. Although everyone at the meeting was opposed, it is still included in the Plan. If the City is going to have these meetings, then at least listen to people and don't shove it down their throats.

**Mayor Norris** recessed the meeting at 8:42 p.m. and reconvened it at 8:50 p.m.

Rose Holden, 20000 S. Ferguson Road, Oregon City. She spoke representing the Herberger, Roberts, and Hall properties. These people collectively own about 250 acres south of Beavercreek Road. She supported applying the future urban holding designation. This will allow the time necessary to develop a concept plan that will strengthen and support a strong sense of community and maintain and enhance to conditions necessary to a healthy environment and prosperous economy. The families are currently working with the land use planning firm of Cogan Owens Cogan. They understand the purpose of land use planning is to identify the most appropriate land uses within a given area and provide the means

to effectively and efficiently guide development. Planning must ensure that residential, commercial and industrial land uses are properly located and suitably related to one another as well as connectivity to the community. It needs to ensure new developments enhance and maintain the environment and improve the overall quality of life. Oregon City can lead this effort through its Comprehensive Plan to build broad support for economic, environmental, social, and community livability and provide the flexibility needed for adapting to real conditions over time. Economic development has more to do with people, their collective qualities as citizens, their passions, resourcefulness, creativity, and intelligence – rather than exploiting the natural resources. A strong economy is fundamental to maintaining quality of life. In planning the area east of Beaver Creek Road, there is vast opportunity and responsibility to create partnerships with Clackamas Community College, Oregon City High School, area residents, and the City of Oregon City that will maximize the long-term benefits of the community. A collaborative effort can result in acceptable, desirable, and innovative ways to achieve Oregon City's goals. The residents are responsible for making the decisions that reflect Oregon City's history, values, resources and vision for the future. Encouraging the community to take ownership of its destiny and committing to work together to shape its future rather than letting it just happen is a powerful concept. Ms. Holden referred to a prayer, "help us to do the hard right against the easy wrong." This means we do things without thinking. We do not question and simply act. To make a difference we must be committed and accountable to each other take ownership in the future.

Bill Holden, 20000 S. Ferguson Road, Oregon City. Acknowledgment of the Comprehensive Plan is close at hand and has been a monumental undertaking. Individuals, businesses, and the entire community have all contributed their perspectives. A severely outdated Comprehensive Plan has been re-written. The efforts and accomplishments are appreciated. In an effort to affect smart growth there are additional actions to put the foundation in place for the City's long-term goals. Priorities must be set and decisions made on how to make the best use of resources. Establishing a smart growth philosophy and developing a community environmental plan for Oregon City makes sense. The community can benefit in many ways, and issues can be addressed before they become problems. Growth can take place without sprawl and pollution. Money or its scarcity is a motivating aspect of the decision-making process. A growing numbers of communities have been embracing this concept for years. However, declaring ownership and accountability among the societal leaders of innovation is a worthy and appropriate choice, and there are many blueprints and resources to guide Oregon City. Mr. Holden urged awareness and support and empowerment to build healthy economy without losing valuable, irreplaceable natural resources. Building sustainability into the proposed Comprehensive Plan is an excellent beginning. Appointment of an environmental planning team would allow Oregon City to set priorities for action and result in a shared environmentally planned vision for the future. Oregon City would no doubt benefit from such a planning

team that mirrors the community's long-term growth objectives. Smart growth is moving forward at a rapid pace. We have the choice, mental capacity, opportunity, and willing property owners that support the wisest decisions for the future.

John Moore, 1857 SW Boca Raton, Lake Oswego 97034, an architect representing the Oregon City Evangelical Church. He expressed concern that the Comprehensive Plan did not sufficiently address the inclusion of structures identified as institutional and community facilities. These would include but not be limited to churches. He suggested re-writing Policy 2.4.7 and others. In the interest of time, Mr. Moore left his recommendations with the Planning staff.

Judy Andreen, 15331 S. Tioga Road, Oregon City. She had two concerns. The most common information right now is that Beavercreek Road and Hwy. 213 will fail in the next five years even with the improvements underway. Does the Plan allow for the impact of that failure? She understood Mr. Konkol to say that light and heavy industrial would be grouped under one designation. That could include such a large range of operations. She would want safeguards in place that would take into consideration the adjacent zoning and the environment. When asked by Commissioner Neeley about her reference to the Beavercreek Road/Hwy. 213 intersection failure in five years, Ms. Andreen believed it was in a County study and would bring it forward in the comment period.

Sharon Charlson, 21602 S. Lance Court, Oregon City. She was a member of the Beavercreek CPO. The CPO and residents of the area are concerned about the lack of concurrency and transportation. She understood the intersection of Henrici Road and Hwy. 213 was a nightmare, and it will probably fail in the near future because of all the expansion coming south from Oregon City. There have been a lot of annexations just in the past year. The CPO was concerned about citizen input and involvement. People went to meetings but were not allowed to speak. The CPO wrote a letter to the City Commission and copied the Clackamas County Board of Commissioners saying it wanted a more open dialogue with the Planning Commission and City Commission regarding plans Oregon City has for the area south. The organization wants to be proactive – not reactive. Although they are not in the City, what Oregon City does directly impacts Beavercreek. The traffic is already horrendous.

Jill Long, 601 SW 2<sup>nd</sup> Avenue, Portland 97229, spoke representing the Parker family. The family owns the old landfill property in downtown Oregon City. The family was given the opportunity to be heard and has seen great improvement in how the overlay zone will work. She addressed the Mixed-Use Downtown District which she felt could still be improved. A landfill has significant economic hurdles to development, and it takes a large company with financial resources to make the property work for the City. She believed this property could be a catalyst for the downtown neighborhood. It can bring jobs and money

and environmental stewardship to the downtown. It cannot work the way the district is described today. Changes are needed to the floor area ratio (FAR) and the cap on retailers at 60,000 square feet. The Parker family would like more flexibility and certainty on how this property can be redeveloped so that Oregon City does not turn its back on a national retailer.

Don Vedder, 126 Cherry Avenue, Oregon City. He was been involved with the landfill for many and understood there are developmental problems primarily because of environmental concerns such as methane gas. The smaller footprint lends itself to trapping methane gas. Monitors such as the one at Home Depot make things safe, but they are very costly. Traffic needs to be addressed, and businesses of 60,000 square feet or less do not have deep enough pockets to mitigate traffic. The site cannot be developed with these restrictions.

Steve Poyser, 1101 4<sup>th</sup> Street, Oregon City. He is an avowed preservationist and is proud of Oregon City's heritage and historic resources. He wanted to think the new Comprehensive Plan preserved and protected those resources, but he had grave concerns. The new Plan refers to an overlay design sub-district for the historic downtown. He could not find it on the map or in the document. It also refers to new design standards for alterations and new construction in historic areas. He has not seen those. Do they exist? Have they been adopted? Chapter 17.26.040 refers to historic building preservation. The City wants to protect these resources unless it is not economically feasible. What are the criteria? To him the language panders to the old takings issue and property rights. This question will rear its ugly head again next fall on the ballot. It should be addressed before then. There are holes in the language. Chapter 17.40.65 -- historic preservation incentives says if the Historic Review Board issues a certificate of appropriateness, then the property owner is eligible for historic preservation incentives. Does that mean if they do not issue that certificate, the building can be built anyway? Mr. Poyser discussed the removal of manufactured homes and state statute. He requested the record be held open so he could address his concerns further.

Bruce Martin, 419 Main Street, Oregon City spoke as the Blue Heron Energy and Environmental Services Manager representing the 200 employee owners of the company. He thanked the Planning Commission and staff for their hard work and consideration of the comments previously submitted. The company learned about the Comprehensive Plan update through its participation on the Natural Resources Committee (NRC). At that time, the area of the plant site, one of the oldest continuously used industrial sites on the west coast, was due to be zoned Mixed-Use Downtown. The company felt at the time that that would be a death sentence for the business because it needs to attract large amounts of capital for facility upgrades to stay competitive in a global market. Blue Heron has been happy with the Planning Commission and staff in understanding the company's concerns and reaching a reasonable resolution. Mr. Martin did have some



comments on fine-tuning some language, which he entered into the record. The first comment is suggested language that would clarify the circumstances of property use that would trigger the development of a master plan. The second was language clarifying that the existing industrial use of the property is a current conforming permitted use.

Kathleen Galligan, 18996 S. Rose Road, Oregon City speaking for residents of Rose Road and LaFayette. The group would like to reiterate its support for the removal of section 17.16.64 – planned unit development (PUD). She and her neighbors currently live in an area designated LR-MH, which would allow development at 6,800 square foot lots. The proposed Comprehensive Plan designation is LR and when annexed it would be R-10. The people in that area supported the change and upzoning. Given the unique characteristics of the area, R-10 is appropriate. She and others requested a zone change on tax lot 300 from R-6 to R-10. She understood the Planning Commission recommended R-8. This property is isolated at the end of a dead end road, and she feels R-10 is a better designation. She provided background information for City Commission review.

John Dinges, 18896 S. Rose Road, Oregon City. He commented on commercial development in the South End area. People in that area feel more stores would be bad for the existing business that has been there for over 50 years. If the businesses are small, people would probably get in their cars and go elsewhere, and the stores would not make it. Mr. Dinges discussed the zoning. That whole area used to be R-10, and then the City started looking for manufactured housing sites. He believed the property should retain the R-10 designation.

Roger Alfred, 1120 NW Couch Street, 10<sup>th</sup> Floor, Portland 97209, spoke for Les Schwab Tires on the rezone to MUC under the proposed amendments. He noted the company has operated in this location since 1981 and works with the City on some kind of contract basis. Mr. Konkol distributed Mr. Alfred's letter. His primary concern was that the City's proposed amendments would make Les Schwab a non-conforming use. This would prohibit expansion or remodeling as well as the rebuilding of the store if there was a fire or other casualty. In the course of looking through the allowed uses, he noticed there were other auto-oriented uses allowed in the MUC zone as conditional uses. He requested that auto services be incorporated into the conditional use category. Mr. Alfred asked that the record be held open in order to discuss the implementation of this minor change with City staff and discuss more specific development standards relating to expansion or remodeling.

Dean Pullman, POB 3042, Clackamas 97015, spoke as the owner of the property at Partlow and South End Road. He has been doing small developments for over 30 years. He heard concerns about traffic. That store would cater to the community surrounding it and be a local facility. He supported the proposed zoning.

Steve Milner, 1034 Molalla Avenue, Oregon City, stated he owns the Milner Veterinary Hospital and Pioneer Car Wash on Beaver Creek Road. The zone change will affect both of his properties, and his car wash will not be a permitted use. He felt there was a great drive to make it difficult for businesses to come into Oregon City. He noted all the boarded up buildings on Molalla Avenue. When he built his car wash he felt he spent 25% on graft to the City in permits. Oregon City needs to bring businesses in and not drive them out. He believed that was what was happening with the zone changes. Oregon City is definitely going downhill.

Tersa Lematta, 12409 SE Cominger Drive, Oregon City, heard a lot about development in the South End area but did not hear anything about traffic in the vicinity of the grade school. It is currently backed up with school buses and parents dropping their children off. Drivers pass on the right side where children walk, and she and school staff have called 9-1-1. She would like to know from the Chief how many traffic violations there are in that area.

**Mayor Norris** closed the public testimony portion of the hearing at 9:32 p.m.

**Mayor Norris** suggested a study session to map some strategies.

**Commissioner Bailey** supported that suggestion because some new issues came up and some comments were reinforced in the record. There is a lot for the City Commission to sort out and determine what other information might be needed before making a decision.

**Commissioner Neeley** suggested keeping the record open for at least two more weeks.

**Mr. Kabeiseman** said since this is a legislative decision, the City Commission has discretion. Staff's concern is that the City Commission has a chance to read all the information prior to its study session.

**Commissioner Lemons** heard some things at this meeting that were new to him, and he did not want this to be a rushed decision. This is a very important document and is Oregon City's future for the next 20 years.

**Commissioner Hewitt** wanted to leave the record open after the study session. The City Commission may have to go into April. He wanted time to consider the issues and be on the record that he listened whether he agreed or not. It is important as this unfolds at the Commission level that the public be allowed to testify one more time.

**Commissioner Neeley** did not want written testimony submitted the day before the work session. He wanted to have time to read it and recommended reopening the record after the study session.

**Mayor Norris** summarized the City Commission would discuss the process at its March study session. The record would be open to at least the second meeting of March, which is about four weeks.

**Mr. Patterson** suggested several dates.

**Commissioner Hewitt** recommended hearing additional comments at the second meeting in March. He was concerned about being fully prepared and felt he needed more time on new information. In this case, a month is too soon to prepare and discuss the issues. It can be determined how long the record will be open after its second Commission meeting in March when more public testimony is heard.

**Commissioner Lemons** supported the proposal so the City Commission could listen to the people to make the best possible decision.

After some discussion, the group agreed to the following dates:

- March 1 study session to discuss process
- March 10 close written record for March 17 study session
- March 17 5:00 p.m. work session to develop a game plan
- April 7 public hearing
- May 5 adoption hearing

## 7.0 ADJOURNMENT

**Mayor Norris** adjourned the meeting at 9:55 p.m.

Respectfully submitted,

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Leilani Bronson-Crelly  
City Recorder

**CITY OF OREGON CITY  
CITY COMMISSION  
STUDY SESSION MINUTES**

**MARCH 1, 2004**

**Mayor Alice Norris** called the study session of the City Commission to order at 5:38 p.m. at City Hall, 320 Warner Milne Road, Oregon City.

**Roll Call:** Commissioners Tom Lemons, Gary Hewitt, Doug Neeley, and Mayor Alice Norris. Commissioner Bailey arrived at 6:03 p.m.

**Staff Present:** Larry Patterson, City Manager; Dee Craig, Community Services Director; Gordon Huiras, Police Chief and Public Safety Director; Nancy Kraushaar, City Engineering and Public Works Director; Dan Drentlaw Community Development Director; David Wimmer, Finance Director; and Leilani Bronson-Crelly, City Recorder.

**1.0 CALL TO ORDER**

- 1.1 Commission Introductions  
**Ms. Kraushaar** introduced **John M. Lewis**, the new Public Works Operations Manager.

**2.0 REVIEW WEDNESDAY MEETING AGENDA**

- 2.1 Regular City Commission Meeting of March 3, 2004
- Presentation
    - Arts Commission Second Annual Report
  - Consent Agenda
    - **Mayor Norris** suggested considering 3.1 and 3.2 as one item. She further suggested asking Ms. Kraushaar for an overview of the Molalla Avenue Project for a better understanding of the scope.
  - Public Hearing
    - Commission Report No. 04-022, Proposed Resolution No. 04-07, Emergency Sewer Annexation on Holcomb Boulevard.
      - **Commissioner Neeley** requested copies of the letter from Water Environment Services (WES) that was referenced in the staff report.
      - **Mayor Norris** referred to staff report page 24 and noted that South Fork is 50/50 with West Linn and Oregon City. Staff will correct the boilerplate by meeting time.
      - **Ms. Kraushaar** informed the City Commission that the applicant is a City employee, and this is a completely above-board action.
  - Commission Business

- 5.1 – Molalla Avenue Project
  - No comments.
- 5.2 – Leland Contract
  - No comments.
- 5.3 – Citizen Involvement Committee Request for Additional Funding
  - No comments
- 5.4 – Storm Drain Improvements on South Falcon Drive
  - Mayor Norris requested a map.
- 5.5 -- Purchase of Property along Abernethy Creek
  - No comments.
- 5.6 – Surface Transportation Improvement Project on Molalla Avenue.
  - No comments.
- 5.7 – John Williams’ Resolution to Move Dr. McLoughlin’s Bust
  - The group agreed to address this agenda item when Mr. Williams arrives at the meeting.
- Commissioner Reports
  - **Commissioner Neeley** will provide a Metro Policy Advisory Committee (MPAC) Report
  - **Commissioner Bailey** will comment on the Oregon City School District Superintendent recruitment

### 3.0 FUTURE AGENDA ITEMS

- **Mayor Norris** discussed plans for establishing a Friendship City relationship with Maui County. Ms. Bronson-Crelly made arrangements for the Mayor to meet with County officials in April.
- **Commissioner Neeley** suggested a placeholder for a discussion of Beaver Creek Road
- **Commissioner Bailey** requested the Comprehensive Plan calendar on the website be updated. **Ms. Bronson-Crelly** indicated she had just submitted the updates for posting.

### 4.0 DISCUSSION ITEMS

#### 4.1 Comprehensive Plan Update Process

**Mr. Drentlaw** reviewed the process and timelines.

- March 10, 2004 -- final day to submit written comments for the March 17, 2004 work session packet.
- March 29, 2004 -- final day to submit written comments for the April 7, 2004 regular session packet.
- Leave the record open for an additional 10 days after the last public hearing, which would be several weeks before the City Commission’s final deliberations.

**Mayor Norris** asked if any members of the Commission had comments. The March 17 work session would be the time for the Commission to ask questions and get information, and there would be no public testimony.

#### 4.2 Floating Dock

**Mr. Patterson** provided background on the subject and future actions. The Parks and Recreation Advisory Committee (PRAC) will formalize its recommendation once the City Commission expresses its thoughts on the project. He discussed his review of the Waterfront Master Plan and reference to the floating dock in that document. Originally, it was located at 8<sup>th</sup> Street location for the purpose of providing access to the downtown, the water, service for private boaters and commercial operators. Project bids came in over budget, and staff began talks with the Marine Board about the location and other concerns. They began looking at the area north of I-205 as an alternate. That brought up a conflict between the floating dock and the possibility of a floating museum or major vessel in that area.

The City Commission needs to consider the Waterfront Master Plan goals. How do these two concepts come together and what plans can feasibly be moved forward. Mr. Patterson provided copies of his Waterfront Master Plan notes. He saw a propensity for the floating dock concept, but the Commission could change that because the Master Plan is very broad.

**Ms. Craig** spoke with the State Marine Board with the resulting information:

##### Funding Sources

- \$394,000 Marine Board Grant
- \$85,000 parks system development and urban renewal
- \$1,000 Columbia River Yachting Association – the organization uses transient tie-up, and this donation showed the Association's support for the project
- Moving dock 10 feet to the north
  - Staff is continuing to gather more information
- Primary uses
  - 60 feet reserved for commercial use
  - Balance open for recreational use
  - **Commissioner Neeley** noted part of the money has to go toward public use
  - The overall length of the dock is 320 feet
- Closest dock with utilities
  - Staff is researching
- How long has this project been floating around?
  - About 12 years

**Ms. Craig** provided diagrams of the project including Walker Macy's concept of what the area could look like at build. She reviewed the two layouts of the

floating dock. One is a slanting gangway, and the other is straight. The City owns the dolphins, and the Corps of Engineers would like them removed as part of the application as they are unused and may contain creosote. Funding runs out June 30, 2005. We have lost a year, and the City is under to gun to go out for bids. Additionally, the in-water work periods are limited, and there is a great deal of preparation that needs to be done. The funding cannot be encumbered; it has to be spent.

**Commissioner Bailey** asked how the length of the dock was determined.

**Ms. Craig** said the 8<sup>th</sup> Street dock was longer at 8<sup>th</sup> Street, but when it was moved to this location, the Marine Board suggested it be shortened slightly. The maximum moorage time would be 72 hours. The City will not be collecting any fees.

**Mayor Norris** discussed future dock maintenance and asked Ms. Craig to discuss MAP funds.

**Ms. Craig** said the Marine Board would provide maintenance assistance program (MAP) funds for the ramp and dock. The Marine Board is funded in part by boat license fees.

**Commissioner Bailey** was interested in how commercial and public uses could coexist and what moving the dock one way or another would mean.

**Ms. Craig** said the Marine Board did not feel that moving the dock farther north was a good idea. The concerned with currents and the hydrologist's reports; however, Marine Board staff will continue to look at the issues. PRAC would like the dock to come off Jon Storm Parks because its plans include restrooms, picnic facilities, and other public amenities. She discussed the possible locations for tour boats. Ms. Kraushaar's staff looked at the utilities needs.

**Mayor Norris** asked what delineated the differences in uses.

**Ms. Craig** said the area would be marked, although conflicts in uses could be anticipated to some degree. The tour boat area of the dock could be gated. The City would pay for 60 feet for the commercial use and added only part of the vessel would be tied up -- not its entire length. Commercial uses such as fishing boats and water taxis would not require that much dock space.

**Commissioner Neeley** commented on the City-owned property in front of the hotel and the feasibility of making it a park.

**Ms. Craig** believed it was already part of Clackamette Park.

**Commissioner Lemons** saw issues with an angled design that would trap debris. He did not believe there would be an issue with moving the dock another 100 feet to satisfy future development. He spoke with Ronald Rolham of the Marine Board about this.

**Ms. Craig** noted Marine provided its comments in writing.

**Mayor Norris** asked if having the dock in this location would preclude and other facilities.

**Ms. Kraushaar** said staff has been struggling with the fact it does not know what the other options are. She understood this was selected because of the hydraulics and depth of the river. It would be helpful to know what the City was trying to accommodate.

**Mr. Patterson** suggested packaging the questions and concerns for PRAC. To this point, he has heard questions about debris, moving the dock 100 feet to the north and why, and what this area could hold conceptually. The City Commission is limited in that it has a grant and other funding for this facility, and the clock is ticking. Also, there are concepts for doing other things with a major vessel, which may or may not materialize. If the City does not get to a decision, it could end up with nothing. The Waterfront Master Plan does speak conceptually to some type of public access riverfront development. He encouraged the City Commission to review the Plan. He requested that the Commission members send their questions to him via e-mail, so he could package them for PRAC and get a timely decision.

**Mayor Norris** needed know what benefits the dock offered to the City. It has to connect to the rest of the City, and there are debris and maintenance issues.

**Commissioner Lemons** wanted to be sure there is a plan for long-term maintenance.

**Commissioner Hewitt** wanted to know how recreational uses could be incorporated into the dock system. There will likely be a conflict between the 72-hour moorage and day use.

**Commissioner Bailey's** goal was to accommodate both uses.

**Ms. Kraushaar** asked if the larger vessel needed a separate dock.

**Commissioner Hewitt** asked if PRAC been asked if this dock would meet the original intent, and should a second dock be considered in the future. He wants to know PRAC's feelings.



**Mr. Patterson** replied there are funding limitations and public uses versus commercial undertakings.

**Ms. Craig** said PRAC would not meet again until the last Monday of March.

**Ms. Kraushaar** asked if there would be any land use issues.

**Mr. Patterson** through the riparian issues would need clarification and will put that question on the PRAC list.

**Mayor Norris** added the project would have to be excellent, sustainable, and improve the quality of life.

**Jerry Hermann** discussed the future of the Willamette Falls Locks and upcoming meetings.

#### Sportscraft Landing Lease

**Ms. Craig** reviewed the issues. One was permission to apply for the submerged land lease for lot 500. There was about \$10,000 owing, which Sportscraft has since paid directly to the Division of State Lands (DSL). It would not be encumbered when the City applies. The City paid \$750 in application fees. DSL will determine the annual rent based on how it is used. She discussed the length of the lease relative to the Waterfront Master Plan. If this marina were to go away, it would be unlikely the City would get another permit to construct a marina. If the City is interested in having a marina in this location, the existing marina is probably the best choice regardless of who owns it. Other issues were: length of lease; the fee for the use of the control strip, gangway access, and 8 parking spaces; and improvements. She understood Sportscraft was willing to supply portable restrooms until such time as the Waterfront Master Plan was completed and constructed. She was concerned that the submerged land lease is good for a maximum of 15 years.

**Mayor Norris** would not have a problem with asking the vendor to purchase some of those years with elements in the Waterfront Master Plan such site cleanup.

**Ms. Craig** said Mr. Dye was at this meeting and has been amenable to working with the City to make mutually understood improvements. She understood issues with the legality if the structures were resolved legally.

**Mayor Norris** commented the marina is certainly an asset to the City.

**Commissioner Hewitt** requested documentation of the legality of the structures. He would also like to see some sort of discussion about dry-docking and working on boats.

**Ms. Craig** clarified the issue was use of the public boat ramp, and DLS provided correspondence.

**Commissioner Hewitt** would also like to see that.

**Ms. Craig** said that would probably be part of the agreement. If Mr. Dye wishes to continue using it, the fee could be increased. She did not believe there were dry-docking fees.

**Mr. Dye** indicated he has a license for marine construction that is separate from Sportscraft.

**Commissioner Hewitt** asked what sort of permission Mr. Dye had other than the business license because DSL has authority over anything done in the river.

**Ms. Craig** replied that Mr. Dye has other permits through DSL, and the state inspects his operation.

**Commissioner Hewitt** wanted language in the contract that the City be informed of all current permits to ensure that all activities have the process. The City as the landlord needs to know everything is okay. He knew that Clackamas County only goes from the land to the ramp, and from that point it is the Corps of Engineers and was concerned about permit processes for the river.

**Commissioner Bailey** did not have any issues with the 20-year lease. However, he was concerned with the detail of the combined usage of the dock and public rights. It is important for the public to know what it is allowed to do.

**Mr. Dye** said Sportscraft is a private moorage but allows public use.

**Mr. Patterson's** question had to do with process and economic development tied to the Waterfront Master Plan. What is the relationship with mixed use, public access, improvements, usage, and aesthetics?

**Mayor Norris** thought the City Commission was very interested in continuity.

**Mr. Patterson** said the City might want to have a shorter extension of the current lease until some of these issues are clarified. There will likely be some negotiations after the Master Plan is completed. He urged that time be spent on tying all the pieces together.

**Commissioner Hewitt** discussed renewals contingent upon meeting the conditions. There should be a clause that the agreement will sunset if conditions are not met.

**Commissioner Lemons** added that the goals need to be realistic.

**Mr. Dye** discussed his concerns about beautification and expense. Certain things may not be realistic.

**Commissioner Bailey** thought the working waterfront element added interest.

**Mayor Norris** thought by working together some of the access and parking issues could be resolved.

**Ms. Craig** asked Mr. Dye if the public dock would be in conflict to his operation.

**Mr. Dye** said it would not. He noted half of the moorage for smaller boats is vacant six months out of the year.

4.3 Policy on Education and Travel for Members of City Advisory Boards, Committees, and Commissions

**Mr. Patterson** said there was a request from the Citizen Involvement Committee (CIC) to send a delegation to the NUSA conference. It is not a budgeted item, and since there are likely other advisory board members who would like to attend conferences and training sessions, he felt would be wise for the City Commission to develop a policy. He will look at the budget to determine if a small amount of money could be available to committees in next year's budget and how that is allocated. The CIC is requesting an additional \$11,000 at the Commission's regular session to publish the newsletter for the balance of the year. This will likely be an appropriation from contingency, which is already below the level set by the City Commission.

**Mayor Norris** recalled staff travel was reduced, and she herself has been cognizant of not signing up for anything out of state. She would like priority given to in-state training. Training makes everyone better at his/her jobs, but money is really tight. Funds will have to go toward the Blue Ribbon Task Force and the public opinion poll.

**Commissioner Hewitt** thought this should be tabled for the next fiscal year until the City's financial position is clear. The additional funding needs to support the Commission's goals and not just those of the neighborhoods.

**Mr. Patterson** spoke with Kathy Hogan about working with City staff to put neighborhood announcements on the website.

**Commissioner Neeley** said a communication vehicle is important. He asked if the neighborhoods used a common printer for a better rate. He discussed the feasibility of advertising.

**Ms. Kraushaar** noted duplication of information.

**Commissioner Bailey** agreed there needed to be better editing.

**Mayor Norris** did not support advertising.

The group continued its discussion of training funds. **Commissioner Neeley** reminded the City Commission that citizen involvement is part of Goal 1 of the Comprehensive Plan, and the City needs to support that by putting some mechanism in place.

**Commissioner Lemons** agreed with Commissioner Neeley but would want some control over how the money is spent. Right now there are 8 or 9 newsletters going out, and thousands of dollars are being spent.

**It was the consensus of the group that travel would not be funded at this time.**

**Mr. Patterson** will express the Commission's regrets to the CIC. He will need more from the City Commission on developing the policy and future budget development.

**Mayor Norris** tied the policy to the City's ability to pay and suggested giving priority to in-state training.

**Commissioner Neeley** suggested language having to do with grants.

The group discussed the expense of the newsletter and agreed to send it to the CIC to wrestle with the problem and look strategically at cutting costs.

#### 4.4 City Commission Goals, Objectives, and Tasks

Mr. Patterson provided a draft for Commission review.

##### **Goal 1 – Improve Financial Health of the City of Oregon City.**

- Mr. Wimmer is collecting samples of purchasing manuals
- Changes to the budget document probably will not be made until next fiscal year. Suggestions from the City Commission on how to make the document more readable would be welcomed.

##### **Goal 2 – Increase Community Livability.**

- There is a lot of work in the capital improvement program (CIP)

##### **Goal 3 – Provide City Facilities that Enhance the Operational Efficiency of City Departments and Staff**

- He will ask for direction on City facility plan later this year.

- The group discussed use of urban renewal money.

#### **Goal 4 – Increase the Protection and Security of Our Community**

Mr. Patterson provided a list of projects and status:

- Budget underway and resolved before end of June
- Public opinion survey underway
- Labor negotiations underway
- CIP is underway
- Classification/Compensation Study begins March 2, 2004
- Fire Annexation under discussion
- Comprehensive Plan underway
- Beaver Creek Concept Plan underway
- 7<sup>th</sup> Street underway
- Floating Dock underway
- Library Levy underway
- Recruitment for Community Services Director position under consideration
- Facility issue
- Economic Development Coordinator based on strategy

**Ms. Kraushaar** said public works operations is completing its facility study and should be added to the list although funding is a separate issue.

**Mr. Patterson** advised the City Commission it would be difficult to keep all of these moving forward as the meetings themselves and preparation is becoming more difficult.

#### **4.6     Facilitator for Citizen Task Force**

**Mr. Patterson** provided a Task Force work plan and what he perceived as the general scope, which will likely shift as the group begins to meet. He discussed the facilitator and staff role. He shared his thought on the meeting schedule, subcommittees, and broader outreach such as open houses. Staff will attend to the needs of the Committee including agendas, notices, minutes, background materials, research, logistics, and communication piece.

The group discussed annexation to the fire district, the role of the Blue Ribbon Task Force, and the use and cost of a facilitator.

**Mr. Patterson** noted the current Fire District tax base is \$2.40. The Commission discussed the difference between the City's permanent rate which would be \$580,000. Mr. Patterson discussed how the City Commission would handle the general fund if the annexation was approved.

**Commissioner Hewitt** commented this is not going to happen for another 10 months, but in that time there had better be a strategic plan from the Blue Ribbon

Committee. This annexation does not bother him at all. There will be a 3% increase next year along with some kind of increase in the base. The contingency will still be pretty healthy next year because none of the Task Force recommendations will come out by the budget date in June. The City Commission needs to find out how the City does business, what services people want, how much those services cost, and whether people are willing to pay. He felt it was up to the City Commission to put the annexation measure on the ballot.

The group discussed staffing the South End Station and the cost to the taxpayers and the pros and cons of hiring a facilitator for \$15,000 and other options.

**Mayor Norris** summarized the comments: move forward on the Task Force and look at options for the facilitator.

#### 4.9 7<sup>th</sup> Street Improvements

**Ms. Kraushaar** discussed the timeline of the project and the street closing options and business impacts. The project will probably take about 7 months. The preliminary engineering process has taken a lot of time, and there are still a lot of details to take care of for final design work. She did not recommend hurrying the process. The utility work could begin in September 2004 and the street and sidewalk work from March 2005 through July 2005. The group discussed under-grounding utilities.

The City Commission concurred with Ms. Kraushaar's proposal.

#### 4.7 Metro Industrial Lands Study

**Mr. Drentlaw** said Metro sent information to 65,000 people and will make a decision in June 2004. He identified those areas in Oregon City that are under consideration and reviewed the 2003 Metro process. The purpose of the Metro open houses is to get input on where these industrial lands should be designated. From the Planning Department's perspective, the only one that made possible sense was Thayer Road.

**Commissioner Neeley** discussed access and that the transportation rating should be rated difficult rather than moderate while sewer is moderate not difficult. The only site he could support was the area off Thayer Road.

**Ms. Kraushaar** discussed establishing a truck route.

**Commissioner Hewitt** asked Mr. Drentlaw to comment on why there was a need to do anything.

**Mr. Drentlaw** thought it would be wise to have some area added so the City would not have to annex.

**Ms. Kraushaar** discussed planning for utilities. The developer would typically pay for an extension and subsequently pay for maintenance as rate-payers. The City rarely extends the sewer line unless it is related to over sizing for future growth.

**Mayor Norris** urged the Commission to take a stand against the three parcels. She understood Metro was expecting to take in some of the Washington County farmlands. She asked if the Commission wished to take a stance on any or all of these properties.

**Commissioner Neeley** through all 4 of the sites should be listed as having difficult transportation.

**Mr. Drentlaw** advised that there is time to take a more formal and detailed position for the Metro Council decision in June.

**Commissioner Bailey** discussed topography issues.

**It was consensus that the Oregon City Commission request changing the designation on transportation from moderate to difficult and the sewer designation from difficult to moderate.**

#### 4.8 Purchase of Park Property

**Ms. Craig** said the Parks and Recreation Master Plan was adopted in 1999. She indicated an area on South Central Point Road that should be served by a park. A developer of a PUD appears to have willing sellers to put in a road. As part of the PUD, the developer needs to set aside 20% open space, but his property does not meet the City's minimum size. Because this is a "densified" area, Associate Planner Konkol was brought into the discussions. The developer has agreed to sell the City enough property that when added to his 20% would meet the minimum park size. Much of it will be a natural area, but there is one area that could accommodate a small parking lot, picnic shelter, and play equipment. The property has been appraised at \$95,000 per acre. PRAC will make a recommendation to move forward and negotiate a purchase not to exceed \$230,000 that includes the road. There are sufficient funds in the Parks SDC fund.

**Ms. Kraushaar** noted there is a water resource on this property that could be enhanced.

**Ms. Craig** added the new road would provide connectivity between Central Point and Parrish. She described the PUD as attached housing. Once the application is approved, she will enter into negotiations with the developer then ask the City Commission for final approval. Pending the final work, she was not sure how

much the 20% is. Kathy Hogan has taken this proposal to her neighborhood association.

**The group directed Ms. Craig to negotiate on the park property purchase and return to the City Commission for final authorization.**

Ms. Craig discussed the height of the slide at the Carnegie Center and that the City Commission may get complaints.

The City Commission recessed the study session at 8:18 p.m. to go into an executive session pursuant to ORS 192.60(2)(h) for consultation with counsel concerning legal rights and duties regarding litigation or litigation likely to be filed.

The City Commission reconvened the study session at 8:24 p.m. at which time Mayor Norris adjourned the meeting.

Respectfully Submitted

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Leilani Bronson-Crelly  
City Recorder



**CITY OF OREGON CITY  
CITY COMMISSION  
WORK SESSION MINUTES**

**March 17, 2004**

**Mayor Alice Norris** called the work session of the City Commission to order at 5:05 p.m. on March 17, 2004, at City Hall, 320 Warner Milne Road.

**Roll Call:** Commissioners Doug Neeley, Bob Bailey, Tom Lemons, Gary Hewitt, and Mayor Alice Norris.

**Staff Present:** Larry Patterson, City Manager, Ed Sullivan, City Attorney, Dan Drentlaw, Community Development Director, Sean Cook, Associate Planner, Leilani Bronson-Crelly, City Recorder, Chief Gordon Huiras, Public Safety Director, Nancy Kraushaar, City Engineer and Public Works Director, and Dee Craig, Community Services Director

**1.0 CALL TO ORDER**

**Mayor Norris** said the purpose of this work session was to discuss the Comprehensive Plan update, noting that she would like to discuss this in sections. She introduced the City Commission members and staff who were present, and also acknowledged the presence of Planning Commissioners Dan Lajoie, Lynda Orzen, and Chair Linda Carter as well as several citizens, and thanked them all for coming.

**2. Review of Proposed Comp Plan Amendments:**

**Dan Drentlaw**, Community Development Director began the staff presentation by confirming that the Commissioners had received in their packets two groups of comments, which had been received since the last public hearing. The first had a cover memo dated February 20, 2004 addressed to Mayor Norris, and the second was identified with a note that said, "Written comments received at City Hall by 5:00 p.m. March 5, 2004." He said many of the issues contained herein were expressed at the public hearing so he wouldn't readdress those unless there were specific questions.

Another item in the packet was Version 8 of the Code Amendments, for which the changes were summarized in the accompanying memo. **Mr. Drentlaw** did, however, make the following significant points:

- Staff had added "government offices" in the Downtown Mixed-Use zone.
- Staff had added retail to the first floor in a new area shown on the map—the Downtown Overlay zone, which covers the traditional downtown. (This was in response to a comment made by Commissioner Hewitt regarding such.)
- A lot of the changes relate to comments that were received from the City Attorneys in which they said that when Code restrictions leave discretion to the City Engineer or the Community Development Director, for instance, those standards need to be specifically stated.

- Uses within the Mixed-Use Corridor District now include auto-related repair, tire stores, etc., which were considered prohibited uses in the previous draft but which are now allowed as conditional uses. The theory behind this is that if a gas station or a Les Schwab were destroyed, there would be a process/option by which they could rebuild.
- The language for the Phased Master Plan provisions has now been included (see page 97) which allows a requirement for any institutional use over 10 acres to do a master plan, which must be approved by the Planning Commission. It consists of two phases: (1) the conceptual plan that covers the entire property, and (2) the detailed plan, which is an administrative review. In other words, a project like Red Soils would have to obtain approval by the Planning Commission for the overall concept plan and then as they come in to develop smaller phases of that, that would be an administrative process by the Planning Department (for which notices would be sent out). (**Mr. Drentlaw** noted that this is also a requirement for the Blue Heron site, which has been discussed before.)

**Mayor Norris** asked if a project of less than 10 acres would be called out separately, and **Mr. Drentlaw** said, “No, this Master Plan requirement is only for institutional uses (County offices, hospitals, colleges, high schools, etc), however, a Master Plan is being required of Blue Heron as a Condition of Approval.”

**Mayor Norris** asked if this, then, would be a condition for major institutions and other large-scale development. **Mr. Drentlaw** said there is a provision included that someone could opt to do it, but it is not a requirement.

**Commissioner Lemons** asked Mr. Drentlaw to elaborate on the conditional uses within the Mixed-Use Corridor because he wants to make sure that the City maintain businesses and maintain “real wage” jobs in Oregon City, so he is very concerned that this be done correctly so we don’t scare away businesses. Specifically, he asked what process a business that might have burned down three weeks after this goes into effect would have to go through, and **Mayor Norris** asked also what process they would have to go through for an expansion.

**Mr. Drentlaw** gave some background, saying that previous discussion included the comments that this is very important land within the city (depicted in pink on the map) with nearby Newell Creek Canyon and some great view lots, and that it is on Beavercreek Road, which will eventually be a five-lane arterial. Particularly in the Planning Commission, there was a lot of discussion that uses there should be for more than a one-story gas station or a one-story auto repair shop. The question then became how to phase from that type of development into more of a multi-story mixed-use office, etc., which is the direction being suggested.

He said originally this area was written so that those types of uses would not be allowed at all but now the proposal is that they could be allowed under a Conditional Use Permit (CUP), which could be approved by the Planning Commission.

Thus, in the scenario of a building being destroyed beyond 60% of its value, the owner/applicant could go through that process.

In the case of expansion, it is the same Conditional Use process, and a Planning Commission decision could be appealed to the City Commission if requested.

When **Mayor Norris** confirmed that this applies to rebuilding or expansion, **Mr. Drentlaw** said it is actually written so that a conditional use could be requested for a new proposed use on a currently vacant piece of property.

Following the staff report, **Mayor Norris** said she would like to deal with format first and then move into questions. For instance, she said the beginning of the written proposal is redundant.

**Commissioner Bailey** first made the disclaimer that in his professional career he has actually acted as a Comprehensive Plan reviewer for Land Conservation & Development Commission (LCDC), so he said he was looking at this pretty specifically.

One thing he felt could be a problem is the issue of what are recommended action items and what are policies. He said his first thought was to pull out all of the action items and make them a separate appendix so that the required Plan policies are very clear from what are recommended actions for implementing (whether they apply to applicants or City staff). He said he thinks it is confusing to the applicant, or even to future staff, as to what is a policy that would guide a decision or what is an action to carry it out.

However, upon further inspection/consideration, he felt that many of the recommended action items could be policy. Either they are already policy statements or they are very similar to policy statements that are stated above. In particular, he is concerned that unless these are better defined or more clearly stated, an attorney could come back some day and say that the wording of an action item is actually a policy and could force us to do something we did were not ready or able to do yet.

Therefore, he would ask that staff review carefully to determine whether all of the action items as stated are truly actions or whether they are really policy statements, noting that he would be willing to work with them in this process. In fact, he said he found a couple of places where the action items were actually better stated than the policy statements they were supporting.

**Mayor Norris** said she understood his point about the clarity and about eliminating duplication but she was unsure about completely moving the action items from the policies because the policies would have to be restated there anyway. She said in her experience she has seen write-ups to state goals first, then policies, then action items.

**Commissioner Bailey** said he understood her point and could agree to keeping them together provided that they are reviewed for clarity. For instance, some of the action items could be eliminated because they are actually self-imposed or were listed as “notes to self” in the proposal process and have already been done.

(**Commissioner Neeley** arrived at 5:20 p.m.)

**Mr. Drentlaw** said this document has gone through so many reiterations that sometimes staff has had to compromise their editing based on the different input from different reviewing bodies. He said they tried to do the editing and at the same time keep the recommendations they got from other committees. He noted that staff could certainly do more editing but to date they have not taken that freedom.

**Commissioner Hewitt** said a Comprehensive Plan is laying the groundwork for goals and policies but policies are actually the action items of the Comprehensive Plan, so when you get done with the policies, you are done. Then to say how you will do it or how you will support it is the job of the Planning Department outside of the Comp Plan. He said he didn't think he had ever seen a Comprehensive Plan that contained action items.

He agreed with Commissioner Bailey's concern that an attorney could force an issue of an action item that sounds like a policy. For instance, an action item might say, "Provide training..." and an attorney could say that we haven't provided training for particular employee(s) on an annual basis.

He thought the action items should all be omitted from this document, stating that it could be a very good policy for the Planning Department to do these things, but they shouldn't be in the Comp Plan.

**Commissioner Neeley** considers the Comp Plan is a set of goals and policies and he asked the City Manager, based on his experience, if a layout of goals and policies, without action items, is the function of a Comp Plan.

**City Manager Larry Patterson**, agreed, saying it is a general plan and a set of value statements (goals and directions) from which can be developed an action plan for implementation. He agreed with the previously stated concern that if it contains an action plan and someone were to make an issue of it because it was stated in the Comp Plan, we might find that we do not have the budget to implement the action.

**Mayor Norris** asked if the Commission was ready to ask staff to review the action items.

**Commissioner Hewitt** agreed that all the action items should be reviewed and those that are really policies should be stated as such and those that are truly action items should be pulled out of the Comp Plan and put aside into a separate document (for instance, "Action Items to Support the Comp Plan"). However, any action items that are not actually supporting the policies or supporting the goals should be omitted.

**Commissioner Neeley** had heard these same expressions of concern being addressed during the Planning Commission sessions, but he agreed that a further review to make sure we separate action items from policies could still be warranted.

**Commissioner Hewitt** gave the example that "providing a training session on land use process participation at least once a year" is an action, not a policy, so it should not be in this document, stating that it is still a good idea for the Planning Department but that it should not be in the Comp Plan.

**Commissioner Bailey** concurred that editing and review need to be done and encouraged the staff to feel free to do, as they feel appropriate in the process.

Moving to the introduction, **Mayor Norris** said she would like to have the key statements defined and their applications explained in the introduction so that they don't have to be repeated throughout the

document. For example, she noted that the word “sustainability” is explained four times in the introduction and is then repeated throughout the policies, which is very redundant.

**Commissioner Bailey** noted that “sustainability” is the current buzz word in the planning world and perhaps in the economic development world and, whether or not it is a true thing, given this planet, he thinks we are holding ourselves up to unreachable standards by putting it in each and every policy. For that reason, he thinks we need to explain what we as a city mean by “sustainable development growth” but not tie it to any particular policy because (1) it is an unreachable standard and (2) it is a very challengeable standard in many cases.

**Commissioner Neeley** asked if there is anything in the State Land Use policies that, in fact, defines sustainability, and **Commissioner Bailey** said nothing that he is aware of. Although there are references to parts of it, he doesn’t believe it is used as a standard in any of the statewide goals. This, he said, is not to say, though, that there are not some great standards that can be incorporated into our policies.

**Commissioner Neeley** then made a comment about format, apologizing that he was not yet present when the subject of formatting was discussed. He said this structure provides the background after the policies, but he would prefer that the background come first because oftentimes it would have made things more understandable in reading through the policies.

**Mayor Norris** concurred, noting she also found some difficulty with this, and with general consensus, that request was made of staff.

Returning to the issue of sustainability, **Commissioner Bailey** suggested that it might be good, perhaps in a work session rather than this evening, to address the broad concepts along with the unwritten objectives this Commission is working with about the city and try to shape them into some statements about things such as the shape of the city, corridors, services, historic character, redevelopment, etc. His suggestion was to try to identify seven or eight key principles to work toward.

**Mayor Norris** said she would love to see a “Visioning, Phase II.” She said there is some excellent content in the introductory material but it wanders and needs to be tighter.

**Commissioner Neeley** agreed, saying he thinks staff would need contributions from the Commissioners, so **Mayor Norris** asked them to send in examples.

**Commissioner Hewitt** said he thinks the introductory statement needs to say that this Commission is “the who” is doing the Comp Plan and that these are the ideas we see in 2004, which is the basis/reasoning for how this Comp Plan is written.

**Mayor Norris** said much of what is already written could provide the substance for that. For instance, there are already statements about involvement and about open spaces and historic areas, etc. Then the goals and supporting policies would come from this statement of values.

**Commissioner Lemons** asked if that would be a totally separate vision of the First City Future Vision, and **Mayor Norris** said it is really a statement of how we see things today. She noted that Marcia Sinclair had written this statement and said we should give her credit for it.

Moving into substance, **Mayor Norris** suggested that we identify those areas that we have questions on, saying that she would prefer to deal broadly first. For instance, she said that there has been a great deal of discussion already about the South End commercial issues, some for and some against, and she suggested starting with that topic.

**Commissioner Bailey** said his conceptual framework for this is not for commercial development today or perhaps even next year, and it is certainly not for a strip mall. Further, he said that the proposed lots (two of them) might not be the right location for it.

**Mr. Drentlaw** said the controversial one is the Partlow/South End.

**Commissioner Bailey** said in 20 years there will probably be several thousand more people in that area due to build out, so he must ask how we can create more village centers that relate to the actual neighborhoods—Park Place, Glen Oak, South End--each of which is a distinct area. For instance, rather than thinking in general terms of a 7-Eleven and a parking lot, we might think of the specific services for that area, such as a branch library, more dense housing, a fire station, a church, etc.

**Mayor Norris** said some of the discussion at the recent Smart Growth conference included talk about livable gathering places—places within neighborhoods that are walkable and that are pedestrian and bicycle friendly—so we can live in smaller units.

**Commissioner Neeley** opined we needed to look at it in part, in terms of the location—for instance, in some of the larger density areas. He basically agreed with Commissioner Bailey, but he thinks that giving this a designation of a Mixed-Use Corridor, given the definition of “mixed-use corridor” in the true corridors, is a misnomer of what we want. He said he thinks it may be a bit of a mistake to identify this area as such, even though we anticipate that this currently low-density area will likely grow into high density. He suggested trying to come up with another zoning designation that includes the types of things Commissioner Bailey has suggested.

**Mr. Drentlaw** said one of the proposed zonings is for a Mixed-Use Commercial zone in which there is a lower density and the residential component has to be on the second floor (no apartment buildings). He said one property owner in the area is interested in developing in the area but this gives him less flexibility so he doesn’t like it.

**Commissioner Bailey** suggested that we might explain our concept to the neighborhoods and then let them come up with a plan/design that includes a neighborhood center that would work for them, both now and in the future. Then they would be actively engaged in the planning and resolution of the problem.

**Commissioner Hewitt** said he thought the original discussions for the South End area in this Comp Plan included some sort of major commercial center, not in the middle of an existing residential area but further out on South End, to assist those subdivisions and provide them another place to shop and do business. Thus, he was quite aghast when he saw this proposal right in the middle of an existing neighborhood.

**Commissioner Neeley** agreed, saying that the Commission originally recommended a South End expansion, including a commercial development. He said one way to deal with it might be to put a “Future Urban Holding” overlay on that area so that discussion can occur before or as those lands get annexed.

However, he said he was not particularly aghast because it is a fair distance from there to something that would be smaller scale, neighborhood-oriented activities and businesses and he isn’t concerned about having something small-scale within the existing build out.

**Mr. Drentlaw** said part of it depends on whether they decide to keep the Partlow piece or not. If they decide not to keep it, then he thinks it is very important that there be some kind of retail/commercial component in the concept plan.

**Mayor Norris** asked if locating it in the expansion area would be too far south to connect to the city.

**Mr. Drentlaw** said part of the attractiveness of the Partlow Road site is that, even if you assume the build out of the currently added UGB, it is still fairly central to quite a few homes. However, in contrast to Commissioner Bailey’s comment, he said he isn’t sure how much more we will grow in South End, mainly because of transportation problems. In fact, he said at some earlier open houses staff had identified some sites in the UGB and there was considerable opposition to those sites so whether it is addressed now or later, he thinks it will be a big discussion item.

Returning to the Partlow Road property discussion, **Commissioner Neeley** said he thinks the Neighborhood Commercial designation sounds reasonable to apply rather than the Mixed-Use Corridor concept, and he thinks it should apply to both pieces of property that have been identified.

**Commissioner Hewitt** disagreed, saying it is not a corridor yet.

**Commissioner Lemons** said he doesn’t see that this fits anywhere along that corridor (all the way to the UGB) as it is currently, although there might be changes 10-20 years from now that might make it fit.

**Commissioner Hewitt** asked if the doctor’s office that was built on Glen Oak that looks like a house was built because of neighborhood commercial or because they decided to blend into the area. **Mr. Drentlaw** thought they wanted to blend into the area.

**Commissioner Hewitt** asked if there is some way to get to that kind of development, noting that that is what he is envisioning. **Mr. Drentlaw** said it could be done with strict design standards, and noted that this was actually zoned General Commercial, which is the most liberal we have.

**Commissioner Lemons** agreed that it blends more but he still isn’t sure it fits. He said he is trying to keep an open mind but he is also trying to envision what it will really look like. In fact, his basis is that twenty years ago there was a drive-in there and there were no houses or schools out there—it was farmland, so he knows there might be great changes in the next 20 years.

**Mayor Norris** thought perhaps we were ready to proceed with Neighborhood Commercial, but **Commissioner Hewitt** said he wasn’t ready. He said he does not want to see self-service there, and he

stated the obvious—that the intersection there is out of line. He asked if we are putting the burden on the people who develop this property to align that intersection for those sites, and he said he doesn't want to do it for that reason. He wants to do it because he wants to plan it well. He wants to put a designation there that will fit with that community and not be a commercial eyesore for a neighbor living next door or across the street or in the area, and he doesn't think Neighborhood Commercial will accomplish that.

**Mayor Norris** asked what will get us there and **Mr. Drentlaw** said they are talking about a lot of good design standards. **Commissioner Lemons** considered transportation to be the key word.

**Associate Planner Sean Cook** explained that currently a zoning designation of Neighborhood Commercial has the same standards as anyone else in a Commercial zone, which was **Commissioner Lemons'** concern.

**Commissioner Neeley** asked if we could apply a Comp Plan zoning but not do a zone change until we have developed design standards, and **Mr. Drentlaw** responded, "Yes, we could keep the Comp Plan designation but not the rezone."

**Commissioner Hewitt** asked if putting some sort of Commercial Comp Plan designation on it would allow someone to be able to insist that they do a zone change (because of the underlying Commercial designation).

**Commissioner Neeley** asked if we could write it so that design standards must be met before a zone request change is allowed, and he was told yes.

**City Attorney Ed Sullivan** said that might work if the Planning Commission and the City Commission were the same people five years from now, but he said it is important to keep that solidarity throughout.

**Mayor Norris** asked if that language would provide continuity beyond elections, and **City Attorney Sullivan** answered, "If it were just put in design standards, no, but if it were included in a policy for that section of the Plan, yes."

**Commissioner Bailey** said he was thinking of an overlay for that whole area that brings in a number of concepts—design standards, kinds of use, buffering, transportation, the intersection, etc.

**Commissioner Lemons** said he, too, is not envisioning the same outgrowth as some others are.

**Mayor Norris** asked staff to work with the attorney on language that the Commission could review again.

**Commissioner Hewitt** said he would like staff to consider language that would include goals for a specific area, clear down to describing a lot number, with a goal to have a place for the neighborhood to possibly have commercial. The policies, then, should drive that to make sure it fits into that neighborhood. That broad policy in turn gives us the advantage of going into a design standard for that very section and once it is done, it is done. He also suggested that we might be able to use that same language throughout the city for other Commercial.



**Commissioner Bailey** said he supported that last concept—an overlay for which a concept plan could be designed specifically for an area.

**Commissioner Neeley** asked for clarification about whether we are going to designate the South End expansion as Future Urban Holding, and if in fact we identify commuter needs for other Commercial, could we look at it in that area?

**Mr. Drentlaw** asked for confirmation that he was talking about the area that was just brought in, which was confirmed.

When **Mayor Norris** asked if everyone was in agreement for that, there was general consensus.

She then asked if there are other areas that should be considered in the same way, and Park Place and Glen Oak were both mentioned. **Commissioner Bailey** said another area is at the very complex intersection of Warner Parrott/Warner-Milne/Summer Point/South End/Highway 99/Beavercreek Road. Also Leland/Warner-Milne/Linn, which is basically, the five-way intersection.

Moving to the next issue, **Commissioner Neeley** wanted to talk about the Future Holding area east of Beavercreek. He explained that the Commission asked that this be brought into the Urban Growth Boundary (UGB) for employment purposes and specific Industrial, but it was brought in with the notion that whatever industrial would occur out there would work well with the college training ability—the creation of jobs and the education for jobs—a good synergistic relation between the educational facilities and the industrial developer.

He said he understands the concerns that have arisen, and he noted that it is still a holding area and that it should develop within the terms of the concept plan. He recommended the area to the north of the future Meyers Road as Industrial and the area to the south as transitional. Then we could work with the residents to determine how to transition from a residential/recreational area into Industrial.

After identifying the area specifically on the map (the blue and purple areas that actually come out into the high school property), he said he thinks this is a good reference point for starting as the concept plan is actually developed.

He said he saw and heard comments about the inconsistency with schools and Industrial zoning at the Planning Commission meetings, but he thinks it had a lot to do with the view of what an industry would look like, although he assumes it will be more like Campus Industrial. He recalled that we have had discussions with the Board of the College and a previous school superintendent, who were very supportive of the concept.

**Mayor Norris** said she wasn't sure what he was proposing to change—was he saying that Future Urban Holding doesn't promote all that he is talking about? **Commissioner Neeley** replied in the negative, that there were citizen comments made that this was inconsistent with the schools and he was addressing those comments by saying that the schools actually felt that the Industrial designation is actually very consistent with what they want.

He then asked what people thought about having a transitional zone south of Meyers.

**Commissioner Bailey** said he would prefer to leave that area intact for now until we can really do some master planning for the whole area, which would include a number of concerns. For instance, he recently read an article in the *Washington Post* about a manufacturing plant in a campus development area that was built into a hillside that was not visible from above but from the downhill side there were tiers, glass, solar, etc. His point was that design is a lot of it, but we also clearly need to link up with the transportation infrastructure and the transition into the areas to the north.

**Commissioner Neeley** pointed out we have three Future Urban Holdings and he wants to make it very clear on the map the direction those holdings are going. In other words, rather than just saying Future Urban Holding, he thinks the map should indicate something like “Master Planning for Industrial” or whatever is appropriate.

**Mr. Drentlaw** suggested an alternative that would be to tie it to a policy, such as saying, “The Urban Holdings on Beaver Creek shall be directed toward...” (Stating the type of use).

**Mayor Norris** asked if it needs to be on the map as well, and **Commissioner Neeley** said he doesn’t think it hurts because a lot of people will look at the map.

**Commissioner Bailey** suggested it might say “Future Urban Holding (E) – Employment” or “Future Urban Holding (R) – Residential” for South End.

**Commissioner Hewitt** said it is less challengeable, so he would agree, as did others.

**Commissioner Neeley** then asked to talk about the topic of Mixed Use Corridor, but was told they had discussed that before he arrived. However, **Mr. Drentlaw** briefly summarized that one of the amendments in Version 8 of the Code Amendments was to allow auto-oriented businesses as conditional uses so that if a business were destroyed, it could be rebuilt, and that expansion could also be considered.

**Commissioner Neeley** asked if it is correct that we permit expansion as part of the conditional uses for Industrial uses. **Mr. Drentlaw** said we have a special condition for Miles Fiberglass but we haven’t applied it to other places because it can become very cumbersome to administer, although it could be done.

**Commissioner Neeley** asked what the cost is to the property owner to get a Conditional Use Permit (CUP). Specifically, does it have to come to the City Commission?

**Mr. Drentlaw** said it goes through the Planning Commission so it is one additional step.

**Commissioner Lemons** reiterated that he wants to make sure we do everything we can to retain business in Oregon City because the key is that we need jobs, we need to retain businesses, and we need to bring more businesses in. Thus, his desire that we do not put any kind of restrictions on existing businesses under which they could not continue to operate. Of course, should they decide to leave on their own, that is different, but he said as long as a business operator is there, he thinks they should be

able to do whatever they need to do, including expansion, to maintain their business in Oregon City. He added that he thinks the answers he has gotten this evening addresses that.

**Commissioner Neeley** asked what would happen if a non-conforming use building was to burn down, and **Mr. Drentlaw** said if less than 60% of the building was lost, they could rebuild.

**Commissioner Neeley** said he assumes hardship would also come into that. For instance, if it were prohibitively expensive to relocate than to rebuild at that location, would that be considered in a CUP permit request?

**Mr. Drentlaw** said one of the criteria for approving CUP's ties back to public policy, in this case, the Comp Plan, and **City Attorney Sullivan** said the Plan could be amended to include this criteria. However, he cautioned that the policies must be far seeing when written because this must be done across the board, not just to accommodate a particular person or persons.

**Commissioner Neeley** said he would like to see something to that effect included in the Plan, specifically that in the conditions for a CUP, if somebody lost more than 60% of his business and could, in fact, demonstrate that it would be an extreme hardship for him to relocate, this could be allowed.

**Commissioner Hewitt** restated the question as: "In the event of a major loss, could a person do a Conditional Use and make a larger building out of it?" To this he said the answer is yes. Could they expand the burnt section of the building through a Conditional Use? Yes. Therefore, we really don't need a policy because, whether it is 30% or 60%, they can expand it through a Conditional Use, just as they could if it were destroyed completely.

**Commissioner Neeley** said he was asking that another criteria for consideration to be that of an economic hardship if it is shown that, in fact, another location would not work.

**City Attorney Sullivan** said this moves away from a land use issue to more of a personal issue, wherein lies the problem.

**Commissioner Lemons** noted that an appeal can always be brought to the City Commission, so he wasn't too worried about pursuing this, particularly knowing that everyone is basically committed to keeping as much business as possible in Oregon City.

**Commissioner Neeley** asked to discuss the zoning designation for Willamette Falls Hospital, which is now showing as Mixed Use Employment (to accommodate for drug stores, coffee shops, etc). His concern is that the zoning extends into current residential lands and he wants to make sure that when this happens those things do not occur on local streets. Rather, that they in fact occur on collectors or larger streets of that nature.

**Commissioner Bailey** referred to the map and asked why a Master Plan isn't required for the entire area surrounding the hospital, which would encompass the separate clinics and other businesses along Main Street.

**Mr. Drentlaw** said the new Code language for the Master Plan requirement would apply to everything. He said staff took the requirement for Master Plans off the map but he noted that it is required for any institutional use over ten acres, which includes the hospital.

Moving on, **Commissioner Neeley** said the Comp Plan deals with the batch plant by saying we will find another appropriate location in the City but, in fact, the Industrial lands have shrunk and he can't see another appropriate location unless it might be between the Clackamas River and Clackamas River Drive or if it were to replace the mill. Therefore, he suggested that we look at restating that to "assist in finding..." but not to state outright that we *will* find a place for them to relocate.

He said there were letters from Riscom and from Glacier on that designation, but his understanding is they are a lessor and he wasn't sure the property owner ever came forward with those kinds of concerns. **Mr. Drentlaw** said they did.

Nevertheless, **Commissioner Neeley** said there is no place in the city that would currently accommodate them, according to the Comp Plan.

**Commissioner Hewitt** agreed that such a statement should not be a part of the Comp Plan.

Regarding the zoning in the landfill area, **Mr. Drentlaw** said it is currently proposed to be rezoned as Mixed Use Downtown, which allows no Industrial but allows Office, Residential, and many types of Retail uses. He said that the one restriction in the current language is that a freestanding store in a single building over 60,000 square feet is not allowed without a CUP. He said the intent was to not allow a series of "big box" developments without some really serious consideration.

**Commissioner Neeley** said his concern is that the only development that has gone into that area has been a big box, and it was extremely costly for the developer. Therefore, he would ask if development is likely to occur with the types of allowed uses described. Specifically, he asked if such restrictions for Conditional Use would scare serious developers away?

**Commissioner Hewitt** said, first of all, Home Depot is the exception because they have the expertise to build on sites such as that and they specifically seek those out. However, it is not likely that we will find many others to do the same. Second, if someone wants to build, even knowing all of that, and he has to get a Conditional Use, obviously he is going to move forward with it.

**Mayor Norris** said, then, that for our economic future this is not restrictive.

**Commissioner Neeley** asked if people would be willing to invest in a Mixed Use development, to which **Commissioner Hewitt** said he didn't know of anybody else who would build on this land. However, **Commissioner Neeley** said somebody has been talking of such over the last ten years who apparently has the means to do so. If so, **Commissioner Hewitt** said they must have the expertise to do it.

**Commissioner Neeley** asked if we really want to designate it as Mixed Use if we honestly feel that Mixed Use won't be the end result.

**Commissioner Hewitt** said if we don't, he is concerned that we will damage what is there, which he wants to keep commensurate and consistent to what has already cost millions of dollars.

When asked what is already there, **Commissioner Hewitt** said Home Depot and two other Commercial pads, two other buildable pads, and the driving range. His concern is that if we don't keep it commensurate to what is there, we take the chance of driving them out.

**Commissioner Bailey** asked for clarification specifically about whether a freestanding single retail establishment of over 60,000 square feet is allowed with a CUP, and staff said yes. His point was that there is a wide range of opportunity.

Moving on, **Commissioner Bailey** said he continues to look at this map in terms of a 20-year build out and he can see that it will only take one more annexation or one more expansion of the UGB to completely enclose the Newell Creek Canyon area, so he said we need to consider how to address Newell Creek Canyon and all the open space within our Comprehensive Plan. For instance, one option is to include it in the UGB but not annex it into the City.

**City Attorney Sullivan** said at one time he was involved in Area 94 (the area around Forest Park in Portland), which was inside the City and not inside the Urban Growth Boundary, and the natural tendency is that if it is inside the Boundary, it will be urbanized unless something is done immediately to state otherwise.

**Mr. Drentlaw** suggested that there could be a policy suggesting that it come in and another policy suggesting that it not be developed.

**Commissioner Neeley** said if he lived in Newell Creek Canyon and heard that the area was going to be brought into the City but not developed, he would probably be concerned about such issues as city taxes and City services being imposed on him.

**Commissioner Bailey** said he was simply proposing that there are probably lots of creative ways to address it, but the point is that we need to start thinking about it.

**Commissioner Hewitt** said he thought the Commission had decided to leave this issue alone because basically all the property was still being looked at by Metro and other conservation areas, and it was an economic decision. He said the discussion was that the County is still in charge out there and there are still things that need to be done, so perhaps they need to take care of those issues before we consider it.

**Mr. Drentlaw** said another option might be to bring it in and then have a policy for a future designation.

**Commissioner Neeley** said one benefit for bringing it in is that the City could impose certain things that the County can't impose, forestry in particular. However, that could end up being an economic hardship for the current residents unless there is another option. He said he is not opposing Commissioner Bailey's suggestion but he is saying that it needs a lot of work.

Moving on, **Commissioner Bailey** said he had two more issues:

1. The area between Central Point Road and Pease Road contains a lot of very large residential lots, and he said he doesn't know why that continues to be zoned Low-Density. He said he perceives those larger lots being redeveloped when they come into the city, so it would be good to plan the whole area at once in terms of streets, services, etc.

**Mr. Drentlaw** said this leads into another issue, referring to the Comp Plan Map, which shows a number of changes from Low-Density to Medium- and High-Density, and the question is whether we should also rezone those (which has not been proposed to this point).

**Commissioner Hewitt** said he thinks we should look at it, but he would suggest a little larger area, probably going between the two roads (Pease and McCord) and down to where the residential stops.

2. Somewhere in the Comp Plan we need to insert some policies for annexations, which we could tie to the standards of our Comp Plan.

**City Attorney Sullivan** said that can be done and the concerns can be built in, whether in the Plan or in the stand-alone ordinance.

**Commissioner Hewitt** said he would like to see that happen with more responsibility at the Commission level to help plan through annexation, which we have, in fact, tried to do but our hands are tied either because we don't let it go to the vote of the people or it does go to the vote of the people and it just goes on. He said there has been no annexation that has been forwarded by the Commission to the vote of the people that has not passed, and that is not good planning. So, he said, we need to bite the bullet and take the responsibility at the Commission level. In fact, he has had citizens tell him this is the job of the Commission and should not be a voting matter for the people. Therefore, he would support putting something in the Comp Plan and also getting this back into the hands of the Commission.

**Mayor Norris** agreed in concept but said she thinks it will be very difficult to take it back from the voters.

**Commissioner Neeley** said he has heard comments that we can't consider plans until a property is annexed but he said, in fact, often the applicants already have plans in mind when they request annexation, so he thinks we could couple the two and consider it all. He would suggest that they either couldn't bring in a pre-application until they were annexed or they come in with a strong concept plan.

**Commissioner Hewitt** said he thinks they need to be de-coupled. He said annexation is a stand-alone application by the applicant, no matter what he might say his plans for the future are.

**Commissioner Bailey** suggested that other cities in Oregon may have a pretty good set of policies in their Comp Plans that deal with this, but **City Attorney Sullivan** said the policies that exist seem to be unique to that city and are not necessarily applicable across the board.

**Commissioner Hewitt** suggested that an annexation request might carry the requirement that two sides of the property much touch the city, which would solve the problem of spot annexations well outside the current city limits.

**Mr. Drentlaw** said the Plan recognizes that we have an issue with some problems with annexations but it doesn't spell out policies, and he asked if the Commission is asking for that. **Mayor Norris** said they would be willing to consider some ideas, and **Commissioner Neeley** suggested that a concept plan be approved at the City Commission level. Staff will work on this.

**Commissioner Bailey** noted that the large Metro green space in the Canemah area is not shown as a park but as Residential, and **Mr. Drentlaw** said that was an oversight.

Moving to process, **Mayor Norris** noted that there is a public hearing for the first meeting in April for which any new staff recommendations and changes from this meeting would be needed. She said it would be nice to have a presentation of these issues followed by public comment.

**Commissioner Neeley** said we might expect some discussion about Mixed Use Corridors, although there is very little we can do about it. However, we need to consider the needs for higher densities, particularly noting that park opportunities and recreational opportunities are basically missing. He said the transit corridors for public transportation seem to be covered, but we need to start looking for locations for public places.

**Commissioner Hewitt** said it could be stated as a policy (which is already stated in the Parks Master Plan) but it should not be an action item in this Comp Plan.

**Dee Craig, Community Services Director**, said we have identified areas that are park deficient and properties that we would like to acquire, but we haven't specifically called out high-density areas.

**Commissioner Hewitt** said, then, that perhaps the Parks Master Plan should be changed to include this, and **Craig** said that plan needed to be revisited next year.

**Commissioner Neeley** noted that the Parks Master Plan has a lot of "shoulds" in it and before we make a decision, he would like PRAC to make sure they are all covered in one way or another in goals and policies.

He also noted that the Facilities portion deals with a lot of the recreational facilities and he asked if the background description could point out those limitations or at the very least refer to the Facilities portion. For instance, the swimming pool is an issue and Ermatinger Park is not listed as a deficient facility.

**Mayor Norris** clarified that this doesn't need to be in the Comp Plan, except perhaps as a reference in the background.

**Commissioner Neeley** also noted that, except for a one-paragraph statement dealing with Facilities, we have nothing in the Comp Plan dealing with the library, and he thinks this is a serious omission.

Returning to the topic of process, **Mayor Norris** said we are scheduled for the second public hearing at 7:00 p.m. on April 7<sup>th</sup>, and the last day to submit written comments is Monday, March 29<sup>th</sup>. She suggested we could meet at 5:00 on April 7<sup>th</sup> to discuss the changes.

**Commissioner Hewitt** apologized for interrupting but asked if staff would be able to meet the timeframe and noted that he would need time to read their materials, so he thought the 7<sup>th</sup> would be way too early. **Mr. Drentlaw** said it would be difficult to be ready by the 7<sup>th</sup> of April.

**Mayor Norris** suggested holding the public hearing at the second regular meeting in April, but **City Attorney Sullivan** noted that the hearing has been continued to the date certain of the 7<sup>th</sup> and he asked if they would still hold that hearing. She said she didn't think so and asked if they could re-continue. He said they could announce it tonight and put it in the paper, which should be sufficient notice for people.

After further discussion, it was decided that staff could have the materials ready by April 9<sup>th</sup>, the Commission would hold a 5:00 work session on April 21<sup>st</sup> to discuss the changes, and the public hearing would begin at 7:00 p.m. (at the Pioneer Center).

**City Attorney Sullivan** recommended that the item be left on the agenda of April 7<sup>th</sup> with a note that it will be continued to the 21<sup>st</sup>.

### **3. OTHER BUSINESS**

**Commissioner Neeley** asked for clarification that Ms. Craig would be able to touch bases with PRAC about the library issue he mentioned, which she affirmed.

**Mayor Norris** expressed sincere thanks to the Planning Commission for all of their work. She also apologized that some of the players have changed since this began but said that after further review by yet more sets of eyes, hopefully the product would be better because of it. **Commissioner Neeley** added his thanks to the many citizens who have participated in the process as well.

### **3. ADJOURN**

With no other business, the work session was adjourned at 6:50 p.m. to move to the regular meeting format.

Respectfully Submitted,

Leilani Bronson-Crelly, City Recorder



**CITY OF OREGON CITY  
CITY COMMISSION WORK SESSION  
MEETING MINUTES**

**April 7, 2004**

**Mayor Alice Norris** convened the work session at 5:22 p.m. on April 7, 2004, at City Hall, 320 Warner Milne Road.

**Commissioners Present:** Commissioners Doug Neeley, Tom Lemons and Mayor Alice Norris.

**Staff Present:** Larry Patterson, City Manager; Nancy Kraushaar, City Engineer and Public Works Director; Dee Craig, Community Services Director; Gordon Huiras, Police Chief and Public Safety Director; Dan Drentlaw, Community Development Director; David Wimmer, Finance Director; and Leilani Bronson-Crelly, City Recorder.

**Guests:** Randy Goff, Economic and Engineering Services, Inc. (EES); Mark W. Zinniker and Walt Meyers, West Yost & Associates.

**Ms. Kraushaar** said upon completion of the Water Master Plan and adoption of the Capital Improvement Program (CIP) several months ago, the City went on to update its system development charges (SDC) and rates to develop a funding strategy for the next 15 – 20 years. She discussed the need to adequately fund projects while remaining conscious of the ratepayers.

**Ms. Kraushaar** briefly went over the agenda that began with Randy Goff's providing an overview and discussion of the SDC Study including the objectives, methodology, findings, and adoption schedule. The firm of West Yost, who completed the Master Plan, would follow with an overview of the CIP, financial projections, water rate increases, future bonding requirements, and the rollback requirement. She noted the final item would require significant planning.

**Overview and Discussion of the System Development (SDC) Study**

**Mr. Goff** has worked with the City since 1991 and for the record was responsible for the ballot measure. He provided a project status briefing:

- Prepared and forwarded draft report to the Homebuilders Association;
- Review preliminary results with Commission and gather comments at this work session;
- Meet with Homebuilders to gather that organization's comments; and
- Schedule adoption hearing.

**Mr. Goff** provided an overview of the types of charges related to capital infrastructure. These were:

- Meter and service/connection charges;
- Main line extension policy; and
- System development charges.

The meter and service fees are essentially the costs related to hooking up to the main and putting the meter box up to the customer's property. The main line extension policy deals with requiring a developer to extend the main to the site as well as to put the mains in the development. The developer then deeds those lines back to the City who becomes the owner of that infrastructure and responsible for its maintenance. The final charge is the SDC which is what Goff referred to as the backbone and includes main transmission, reservoirs, pump stations, and other elements of the main system that provide service. He noted in Oregon City's and West Linn's cases that there is an SDC that covers those sections from the storage reservoir to the customer. South Fork Water Board, as an individual entity, assesses a separate SDC which is currently \$1,340 to cover the intake, treatment, transmission lines, and pump stations.

The intent of the SDC is to charge new development an equitable share of the cost of the infrastructure necessary to provide service. The City has to invest capital money into providing the service, and the SDC recoups those expenses from the customer during hook-up that would otherwise be borne by the ratepayers. These charges are only for those new improvements that provide capacity to the system, not replacement.

He reviewed the basic criteria for determining SDCs:

- Ease of understanding and customer acceptance which relates to how the fee is implemented – must be cost based and equitable;
- System planning criteria that relates to how much is needed -- for example, what is needed to provide service to a single-family residential customer;
- System financing criteria that ensure costs are not paid twice -- for example, projects for which a general obligation bond has already been issued;
- Compliance with comprehensive state statutes with regards to imposition of charges -- which the Homebuilders have managed to change during every legislative session; and
- Customer acceptance.

The system planning criteria provides the nexus between the charge and what type of infrastructure is necessary to provide service. The first step is to look at the Master Plan to determine what must be built to meet demands on the system. The number of gallons to serve customer needs determines the charge. This is the nexus between what is paid and the costs imposed on the system. The charge for future construction, according to statute, must be based on an approved planning document.

Next, the charges should reflect financing practices. The City must be sure it is not requiring an SDC while at the same time asking the customer to pay for debt service and essentially paying twice. It is also important to back out what is called contributed

capital. This has to do with a developer's running lines to a subdivision. The City never actually paid for those lines plus the City wants to maintain its line extension policy. The City does not want to be challenged by a developer who says that he is paying the SDC, so the City must install the distribution lines. Similarly, the cost of metered services is not included in the SDC because that is billed through a different system. Goff discussed the problems with ensuring customers do not pay twice in the case of general obligation bonds. Several legislative sessions ago, the Homebuilders tried unsuccessfully to require cities to go back and determine if there should be credits.

**Mr. Goff** reviewed ORS 223.297 – 223.314. The SDC is separated into two components. One is a reimbursement fee, and the other is an improvement fee. The system always has some excess capacity. This has to do with building an infrastructure, whether it is a main or a reservoir, which allows room for expanded service and does not immediately become obsolete. The reimbursement fee recognizes that existing customers have paid for the existing system, and, therefore, they need to be reimbursed for their investment in this excess capacity. Statutorily, those reimbursement fees can be used for capital for the system for which it was collected. Improvement fees can only be expended for capacity-increasing improvements to the system. The legislature wanted to ensure fees were not being collected for pie-in-the-sky forecasts. Administrative building costs cannot be incurred in the SDC. The costs of compliance with ACT, however, can be included in the SDC.

Entities are now required to provide 90-days' notice prior to the first hearing to adopt or modify their SDCs, and materials must be available 60-days prior to the first hearing. He noted the date of the Commission's first hearing might slip by two weeks since the 60-day window was missed. In the statutes is also a 60-day window after adoption in which an entity may be sued. After those 60 days are past, a suit cannot be filed on the SDC methodology. The City also must also maintain a list of people who wish to be notified. There is a provision that SDCs may be indexed annually on January 1 using municipal construction industry data. This was recommended by the Homebuilders to ensure a gradual fee increase that has typically been 1% - 2%.

It is further required that any improvement be based on an approved planning document that specifies the estimated costs at the time the document was prepared. The CIP qualifies as that type of document. In the last legislative session there were several changes, but he sees no problems for Oregon City. There needs to be an annual accounting of those revenues and expenditures of funds collected through SDCs. The purpose for doing this is to ensure the entity is in compliance with the reimbursement and improvement fee regulations. CIPs may change over time because development may occur differently, so the reporting is to ensure the SDC funds are actually being expended to increase capacity in the system.

The current SDCs are \$1,623 for a 5/8" x 3/4" meter with the charge increasing as the meter size increases. It reflects the fact that the larger the meter size, the greater the demand is on the system and, hence, the greater infrastructure needed to supply that service. Goff reviewed components of the system including pump stations, storage

facilities, distribution mains, compliance costs, and any credits for bonds. This results in a total proposed fee of \$2,820. The same weighting practices carry through the meter sizes. For each \$2,820 fee collected, the reimbursement fee is \$721, and the improvement fee is \$2,101.

**Mr. Goff** added he has been doing this type of project in Oregon since 1991 and works with the Homebuilders to address issues before they get to litigation.

**Commissioner Lemons** asked how the almost doubling of fees could be substantiated.

**Mr. Goff** said it is based on the Master Plan.

**Commissioner Lemons** asked why the Homebuilders were so accepting of Gresham's fee increases and read a portion of a recent *Oregonian* article.

**Mr. Goff** responded these are cost-based fees. He discussed the Wilsonville moratorium. As long as the methodology follows the cost base nexus, the numbers can be substantiated.

**Ms. Kraushaar** added the City has to provide the service delivery system.

**Commissioner Neeley** asked if the costs for pump stations were fixed.

**Mr. Goff** replied that they were.

**Commissioner Neeley** commented on a situation down a slope at South End Road. Is there a fixed cost for sewer as well? It seemed to him that requirements might be far greater in some areas of Oregon City than others.

**Mr. Goff** said that Commissioner Neeley raised a valid point in that there is nothing that precludes the Commission from establishing a policy that separates SDCs for different drainage basins; however, that has not been the City's policy to date. The City of Tigard, for example, has a separate SDC for Bull Mountain development because of its elevation. He could calculate a cost based fee for the different basins if the Commission so directs. It is perfectly acceptable for a policy-making body to take this type of action.

**Commissioner Neeley** thought the Commission might want to consider this type of policy for the more challenging areas of the City.

**Commissioner Lemons** understood the fees being presented at this meeting were equal across the board. He further understood that fees could be adjusted if there were a basin for which service was more costly to provide.

**Mr. Goff** said water is a little easier to move than sewer services. He discussed the options of separated fees taking into account the actual cost effectiveness of such a policy decision.

**Commissioner Lemons** understood if he were developing a property with 50 houses, he would pay 50 times \$2,280 in water SDCs plus South Fork's fee.

**Ms. Kraushaar** explained the building department determines the size of the meter based on anticipated usage.

**Mr. Goff** discussed meter size and cost.

**Ms. Kraushaar** proposed that the Commission consider adopting the fee at its second meeting in May.

**Commissioner Lemons** asked Goff, for the benefit of the public, to discuss the proposed \$721 reimbursement based on ERU in more detail.

**Mr. Goff** said the City is collecting for the capital increase in improvements, so these are paid for already through SDCs. Cashflow and SDCs are different. There is a reimbursement fee, so the City can spend that money on renewals and replacements because that is capital for the system for which it is collected. Otherwise, money would have to be collected from rates to have the funding available to pay that capital. Hence, the rates are lower and theoretically existing customers are being reimbursed. Growth aside, rates would be higher without SDCs. That is the reimbursement factor.

**Ms. Kraushaar** said, for example, a 12-inch pipe is installed because the City knows that additional capacity will be needed in the future. The fees collected go into the capital fund.

**Commissioner Lemons** believed the biggest concern with SCDs is that they are being eaten away at every legislative session.

**Mr. Goff** felt that legislatively it was more an attempt to clamp down on abuses. The next move is likely to be mandating methodologies. Currently, the methodology is broadly defined.

### **Overview and Discussion of the Water System Capital Improvement Plan (CIP) Financing and Implementation Plan**

**Ms. Kraushaar** explained when the master plan was completed, there was a cursory look at rates, and the general feeling was that a strategy needed to be laid out.

**Mr. Zinniker** went through a series of Power Point slides the first of which summarized the projects that went into the culmination of the Master Plan. Projects were broken into three phases:

- Phase 1, 2004 – 2008, which grouped reservoir, pump station, and pipeline projects. Some of the highlights of this phase were redundant reservoir and

seismic improvements to the Mountainview Reservoir and pipeline replacement projects including the old Mountain line;

- Phase 2, 2008 – 2014 including expansion of the Mountainview pump station and pipeline replacements to ensure that pipes in the system are not over 100 years old; and
- Phase 3, 2014 – 2024 includes new storage capacity and continuing pipeline replacement. This phase takes the City 20 years out.

The report included a graph demonstrating an estimate of CIP funding requirements and how much would be spent from rates and how much from SDCs.

**Mr. Meyer** added Mr. Goff would need to know during that 20-year period which projects are for capacity and which are for rehabilitation and other needs. There will not always be enough money in the SDC fund to pay for the SDC projects. He brought the Commissioners' attention to the next chart that showed current revenues and a projection of what will occur if rates are increased by 3% annually. The revenues shown are basic rates (blue), miscellaneous fees such as pumping charges, wheeling, and hydrant dropping (red), and inconsequential pass through fees (yellow). The chart further assumes a 2% growth rate. Finally, there is a small amount of interest collected on investment funds. He noted there chart included a bond refund.

The following slide graphed the water fund non-CIP expenses assuming a 2.5% inflation rate. It showed non-CIP related materials and services (red), personal services (blue), SDC pass through (yellow), capital for equipment (light blue), transfer to fleet maintenance for vehicle replacement (dark purple), a required transfer to rate stabilization for the bond (orange), existing debt service which will be paid off in 2014/2015 (dark blue), and new debt service starting about 2008 for \$9 million in bonds to cover projects (light blue).

The next chart combined the total revenues and total expenses. Expenses would be covered if rates were increased by 3% annually and the City sold bonds. These figures included debt service but not specific projects. Meyer went on to discuss the water fund projected CIP outlays. The chart showed the shortfalls with expenditures eligible for SDC funding and those years in which there was simply nothing in the SDC fund. The entire distribution system is planned for build-out to the urban growth boundary. The chart showed the amount of money that would have to come from rates and the projected shortfall if the rates were increased 3% annually. Eventually, the SDC money will come in, which is the reason that part of the SDC is a reimbursement fee. Over the next four years, the City can cover the CIP, but then the hit comes.

**Commissioner Neeley** said the challenge would be to educate the voters.

**Mr. Meyer** said projected a large deficit in 2008 – 2009. The next slide showed that Phase 2 would cost \$8 million with a cumulative of about \$9 million. This is calculated on a shortfall plus 10% depending on the size of the bond issue and the debt service.

**Mr. Meyer** referred to the chart showing water fund revenues and non-CIP expenses. Were the City to pass a bond issue that would allow financing of the improvements, it could meet the associated debt service with the 3% annual rate increase. This is important in that the increase is established at 3%. The City can live within that 3% and not fall short of completing the requirements. However, the other restriction is that entities must go to the voters for revenue bonds. Rate increases do not have to go to the voters if they are consistent. In the process, the City must get rid the previous debt that will expire in 11 years.

**Commissioner Lemons** urged working on these voter education issues because people are very critical of Oregon City's current rates.

**Mr. Meyer** said another important fact is that funds available for CIP projects increase. One of the reasons for this is that a lot of improvements are SDC eligible, and SDCs will be collected and increase the water fund. With a 3% increase in the out years, assuming 2.5% inflation and growth factors, capital reserves will increase in the water fund. He discussed what would result if there were a change in the inflation rate.

**Mayor Norris** understood there would be another CIP after 2010.

**Mr. Meyer** stressed the importance of maintaining a 3% annual rate increase in order for the City to build the CIP without going back to the voters. It is critical to start planning for a bond measure that does three things: approves the bonds, alters the Charter, and stays within the 3% increase. Money needs to be available by 2008, so there is time to plan.

The group discussed implementation of the 3% annual rate increase, the bond measure, and Charter amendment. Meyer explained the Charter amendment would be done first, and then approval of the bond sale.

**Ms. Kraushaar** said the Commission would adopt the report and implement new SDCs by resolution at the second meeting in May, adopt a 3% rate increase by resolution, and then consider the Charter amendment.

The work session adjourned at 6:34 p.m.

Respectfully Submitted,

Leilani Bronson-Crelly, City Recorder

**CITY OF OREGON CITY  
CITY COMMISSION  
WORK SESSION MINUTES**

**APRIL 21, 2004**

**Mayor Alice Norris** called the work session of the City Commission to order at 5:16 p.m. in the Pioneer Community Center, 615 5<sup>th</sup> Street.

**Roll Call:** Commissioners Tom Lemons, Gary Hewitt, Bob Bailey, Doug Neeley, and Mayor Alice Norris.

**Staff Present:** Larry Patterson, City Manager; Edward J. Sullivan, City Attorney; Nancy Kraushaar, City Engineering and Public Works Director; Dan Drentlaw Community Development Director; Dee Craig, Community Services Director; Leilani Bronson-Crelly, City Recorder; Sean Cook, Associate Planner; and Christina Robertson-Gardiner, Associate Planner.

**1.0 CALL TO ORDER**

**Mayor Norris** said the purpose of the work session was to discuss Comprehensive Plan Updates that were scheduled for the first reading at the regular session that evening.

**Community Development Director Dan Drentlaw** reviewed the process. The first hearing was scheduled for February 18, 2004 then continued to April 7 and subsequently continued to April 21 to give staff more time to make a number of corrections. The major changes were: putting the first 25 pages of action items in the appendix; merging the background sections; and adding a new introduction by Commissioner Bailey that spoke to six planning principles.

**Mayor Norris** said the change in the introduction alone eliminated 27 pages. She appreciated Commissioner Bailey's work as it made the document more concise and stated those values in which she believes.

**Mr. Drentlaw** referred to Attachment B/Exhibit 1, page 2-11, that highlighted some significant policy additions which had been discussed.

*Policy 2.5.6 – The area designated “Future Urban Holdings” on South End Road lacks sufficient commercial services. The concept plan for this area shall include commercial designations in an amount sufficient to serve the needs of the South End neighborhood.*

This addition was in response to direction from the Commission and concerns of residents of the South End neighborhood with neighborhood commercial at the Partlow Road/South End area. That was taken off the map and this policy added.



**Mayor Norris** understood this would not remove all commercial nodes on South End Road.

**Mr. Drentlaw** said the language addressed the Partlow Road area. He then referred to page 11-17 that stated library goals and policies. Commissioner Neeley had some editing suggestions that reduced the number of policies to four with action items.

**Commissioner Bailey** expressed his approval.

**Mayor Norris** understood the goals should begin with the word “ensure”. If the Commission were to adopt a first reading at the regular session, would that be done with the understanding that the wording could be cleaned up a bit?

**City Attorney Ed Sullivan** said the wording must be exact, so it would be better to carry the item over. The first reading can be passed over to another time to allow changes; otherwise, he would have to read all the changes in the second reading. If the Commission intends to make extensive changes, he suggested carrying over the first reading to a time certain.

**Commissioner Neeley** noted deletions the Commission has not discussed.

**Mr. Drentlaw** said this item is also scheduled for the May 5, 2004 Commission meeting. He continued his discussion of the highlights. He referred to page 12-8 and discussed two new policies.

*Policy 12.1.5 – Investigate the possibility of a new street connection between South End Road and Highway 99E between downtown and New Era.*

*Policy 12.1.6 – Investigate the possibility of a new east-west connection from Highway 213 to Willamette Falls Hospital.*

**Commissioner Hewitt** thought these were action items rather than policies. If the City is going to do something, there is a problem with calling it an action item versus a policy. A policy is a general statement that provides a guideline.

**Mr. Drentlaw** had considered that, but the issues seemed significant enough to be a policy.

**Commissioner Hewitt** did not have a problem with that but recommended taking out the word “investigate” so it is a policy rather than an action item.

**Commissioner Neeley** said the document had a lot of action verbs. He does not want to get into a big editing process. For him the question is, “is it a big concept from which other action items will follow?”

**Commissioner Hewitt** felt the Commission should be cautious that the document does not say something must be done and later face possible litigation if it is not done. A policy should be a general statement.

**City Attorney Sullivan** concurred. There is a big difference between “investigate” which does not really oblige the City to do much and the word “target” which may. This would be his nightmare scenario in the context of a contested case. The language is general enough and says the City will do no more than investigate. The action items are up to the Commission.

**Commissioner Bailey** said he tries to preface things in his own mind by saying, “It is a policy of the City of Oregon City to...” If it is the policy to investigate, that is fine. It would be more of a commitment to say the policy is to provide for future connections.

**Mr. Sullivan** said “target” is an on-the-line word. He is comfortable with the word, if the Commission is comfortable doing it. The word “investigate” does not really oblige the Commission to take action.

**Commissioner Neeley** suggested the document go to a professional editor to select the appropriate verbs.

**Mayor Norris** felt it is how the document read as well as the verbs used.

**Commissioner Neeley** asked if an item of real import would actually be a policy. He does not wish to be caught up in the verbs.

**Mr. Drentlaw** said this was the fifth comprehensive plan he has worked on, and this language is not atypical when dealing with inspirational goals and policies. He is not too concerned.

**Mayor Norris** recommended keeping the language in 12.1.5 and 12.1.6 for the time being and giving Drentlaw direction on if it should remain.

**Commissioner Lemons** asked the Attorney for his suggestion.

**Mr. Sullivan** replied it depended on what the Commission’s intent. If the intent is to give policy direction, then use “target” or “provide”. If the Commission does not want to bind itself, then “investigate” is fine.

**Mr. Drentlaw** continued. The only other significant additions are on page 14-6 which addressed the Commission’s request to consider annexation policies. There were six new policies listed.

**Commissioner Bailey** started editing the document for clarity because some policies dovetailed with others. He felt everything was there, but there was a lot of redundancy. The sections on urbanization and annexation, he felt, were crucial and should be

reconsidered. He liked the changes and felt they moved the City in the direction it wished to go.

**Mayor Norris** wanted to discuss some specific areas and particularly the South End issue. There was a huge outpouring of thoughts from the citizens living in that area, but the Commission was not able to help them understand the City's direction in growth. She believed the outcome indicated the Commission listened and valued the citizens' input. She wanted to go on record that she appreciated and agreed with the letter submitted by the Oregon City Transportation Advisory Committee. She firmly believed the City needed to reduce its reliance on motor vehicles and miles traveled. The Committee said dispersion of commercial development to neighborhood nodes spreads out demands on the street network. Location is of paramount importance to commercial endeavors, and the site must have good access and visual exposure. As the City grows, certain commercial services will increase. Commercial zones need to be accepted by and fit into the neighborhood. Perhaps the neighborhood will wish to define the architecture or landscaping standards, trip generation, or parking lot limitations. A sense of community can grow from these local commercial nodes. Allowing all single-family residential development on collectors like those in the South End area will likely result in undesirable lots with non-residential uses. She endorsed the letter and those citizens who drafted it. She asked if the Plan would deal with the issues of neighborhood involvement in commercial development.

**Mr. Drentlaw** said that it would and include specific parcels along with general development.

**Mayor Norris** asked Drentlaw to comment on Mr. Berge's zone change issues.

**Mr. Drentlaw** explained that Berge owns a non-conforming business on Hwy. 213 south of Glen Oak Road that was annexed into the City several years ago. Berge inquired about several issues and asked if his property would be rezoned through the Comprehensive Plan process. The Planning Commission addressed this issue and felt that rezoning Berge's property was not specifically implementing any policies or visions in the Comprehensive Plan, so it was not been included. Berge may apply for a zone change at any time.

**Mayor Norris** asked Drentlaw to comment on the landfill.

**Mr. Drentlaw** said one of the issues with the Parker landfill was the recommended change from industrial/commercial to downtown mixed use. The proposed change limits big box development. A single, free-standing store of over 60,000 square feet would be under a conditional use permit, and there is a process Parker could go through. The other issue had to do with floor area ratios (FAR) or the size of the building compared to the size of the site. The interest is that the area not be underdeveloped, so there is a minimum FAR requirement. This was new for Oregon City. There was a concern that Parker could not build to that density with a typical, one-story suburban big box. Some changes were made to the code that called for an FAR adjustment similar to a variance.

**Commissioner Neeley** wanted to address this subject specifically in terms of issues dealing with the Rossman's landfill site. He understood there was a minimum FAR. He thought it might be better discussed in the context of a public hearing because some of the points made by an interested person were very good. He discussed the connection from Redland Road to Washington Street that looked like it went through that area. He did not visualize a lot of streets. Whatever kind of development takes place, there will likely be a major entity – or collector – with numerous access points with parking absorbed within the development site. He discussed the minimum FAR, parking accommodation, and the implications of underground parking on the structural load. He felt the Commission needed to look at the FARs on that particular site. At one point, that site was designated as a specific study area in terms of how it was going to be zoned. He believed the Commission should look at it in that unique fashion.

**Mr. Drentlaw** explained the reason for minimum FARs was that that zone corresponds to the regional center, so the purpose is to get a basic density of development in that area.

**Commissioner Neeley** did not generally have an issue with that, but this area is a challenge.

**Mr. Drentlaw** said even if the road goes through there in the future, the decision has not been made on whether or not there would be on-street parking.

**Commissioner Neeley** suggested there would probably not be that much in the way of additional streets.

**Mayor Norris** asked if anything the Commission was considering would not allow this to occur.

**Commissioner Lemons** thought the difficulty had to do with what it would cost these people to make these applications for changes. Would that result in developers going elsewhere with the projects versus coming to Oregon City? What kinds of burdens and barriers is the Commission placing on developers? The City needs to do everything it can to entice businesses to come to Oregon City and not cause them to go elsewhere.

**Commissioner Bailey** did not disagree with these comments. The FAR requirements apply to the regional center that includes the existing downtown area, and he asked if there were FAR requirements elsewhere in the City.

**Mayor Norris** believed there were some in the mixed use corridor.

**Commissioner Bailey** understood there was a process for varying that FAR as part of a specific development proposal.

**Mr. Drentlaw** said there were two approaches: go through the master provision or go through the mixed use downtown area adjustment process that is similar to a variance

except that the self-inflicted hardship provision was eliminated making it easier to meet the criteria.

**Commissioner Bailey** said it was hard for him to conceive of a property owner asking for an FAR adjustment out of the blue. It would likely be done in conjunction with a specific development proposal. The needs for parking versus street access versus floor area and potential sales volume would all be taken into account. He asked if these FAR requirements and the process were unique from other jurisdictions that Oregon City could not compete for development. He was not in favor of eliminating the City from the market, but he also understood it was not a bad thing to get some minimum floor area ratio to maximize use of a site.

**Mr. Drentlaw** said most suburban cities do not have these types of requirements.

**Commissioner Hewitt** understood FAR logic to be that if there is a large site but not a large building, then the developer needs to meet that size. If it cannot be met in the constraints of the setbacks, then the developer is forced to build up.

**Mr. Drentlaw** said building up is one way to meet the requirements.

**Commissioner Hewitt** made the point that this was not new. Other jurisdictions do this but may not call it an FAR. He did not anticipate that much competition and commented on Clackamas County's requirements. He did not believe developers would be driven to other areas.

**Mr. Drentlaw** said the theory in a regional center, particularly if there is a public investment in infrastructure and transit, is that there needs to be something there. A small, one-story building on a large site will not generate a lot of activity.

**Commissioner Hewitt** discussed the Clackamas Costco, which to meet the parking, landscape, and building standards, had to be a minimum of two stories. Other local jurisdictions have this regulation under another name, so he is not that concerned.

**Commissioner Neeley** had no problem with FARs in general. His concern is building up 2 or 3 stories on a landfill and the need for pilings and things of that nature on that specific site.

**Mr. Drentlaw** commented that Home Depot had to sink piers into bedrock.

**Commissioner Neeley** asked if the requirements would be different because a site was a landfill.

**Commissioner Bailey** said it sounded like the process for considering the variance of a FAR in response to design and engineering issues was part of the package. He believed there was a process that could deal with that as long as the process was part of the

development package but is a separate component and does not cost a lot of money or cause delay.

**Commissioner Lemons** supported the Comprehensive Plan but wanted to point out a potential problem area before moving on. He was not saying there needed to be changes to this section.

**Commissioner Hewitt** asked for clarification of what was suggested for the South End/Partlow issue.

**Mr. Drentlaw** said the zoning would remain at R-10 and not rezoned commercial. This basically takes it off the table.

**Mayor Norris** received a letter from the Blue Heron Paper Mill attorney.

**Mr. Drentlaw** said Blue Heron suggested several subtle refinements. The first was to add a policy that states a master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large scale development that includes changing the overall site to a non-industrial land use. This is section 2.2.12, and Drentlaw re-read the proposed language.

**Commissioner Hewitt** said the only thing it does is take the burden off the landowner for doing something now. He supported it and thought it was an insurance package for the owner at this time.

**Commissioner Bailey** agreed. It did not necessarily specify what was in the master plan.

None of the Commission had an issue with the proposed language.

**Mr. Drentlaw** said the second issue was in section 5.3.15 (page 5-12) which had been shifted. Blue Heron had one other suggestion having to do with zoning code changes and wanted to add to general commercial zone a specific definition of its type of industry to make it even clearer that it is an allowed use. Staff did not have an issue with that.

**Mayor Norris** followed up with a discussion of the 7<sup>th</sup> Street corridor and zoning related to business expansion.

**Mr. Drentlaw** said a new section was added to address this. It would allow non-conforming structures destroyed in some natural manner, such as a fire, to rebuild it as long as certain criteria were met through an administrative process. This section would apply citywide.

**Mayor Norris** commented on the letter from Les Schwab that said the business was satisfied with the proposed language. She referred to page 11-7 regarding public works operations reservoirs and pump stations sites. The entire paragraph regarding a new station on South End Road needs to be re-written.

The group reviewed the document by sections.

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### Section 1 – Community and Comprehensive Planning – Goal 1 Citizen Involvement

- **Commissioner Bailey** referred to page 1-2. There is no policy that says the Citizen Involvement Committee (CIC) is in fact the citizen advisory committee under Goal 1. He would like to see the CIC officially recognized in a policy statement for the purpose of meeting Goal 1.
- **Commissioner Hewitt** thought 1.5.1 spoke to that.
- **Commissioner Bailey** did not feel it explicitly made the tie with the Goal 1 requirement that this is Oregon City's official CIC.

### Section 2 – Land Use

- **Commissioner Neeley** referred to page 2-7. Even though it is still in process, this might be the place to discuss, even vaguely, Goal 5 -- Lands.
- **Commissioner Bailey** said the agriculture and forest lands goals do not apply within the City. The rest of the Plan is organized along the lines of the statewide goals. That is the reason those were included.
- **Commissioner Neeley** referred to page 2-9 and reference to Abernethy Greenway in section 2.2.11. It should be defined somewhere.
- **Commissioner Bailey** suggested referring to the concept of a greenway along Abernethy Creek.
- **Commissioner Neeley** asked why on page 2-11, policy 2.4.8 having to do with historic neighborhood infill was not an action item. **Drentlaw** said it was merged with another section to reduce redundancy.

### Section 5 – Open Spaces, Scenic and Historic Areas

- **Commissioner Neeley** suggested that 5-1 background actually call out the Willamette River Greenway, even though it is discussed elsewhere. He is not sure the Metro purchases are called out in the background statement namely Canemah Bluffs and Newell Creek.
- **Commissioner Neeley** asked why policy 5.3.12 – publicly owned property of historic significance should be considered for designation -- was deleted. **Commissioner Hewitt** said it was rewritten and is in 5.3.5.
- **Commissioner Neeley** asked if action items would be adopted as part of the Comprehensive Plan. **Sullivan** said they could be in there but would not be binding. **Commissioner Neeley** suggested adding language about identifying publicly-owned lands that provide open space and wildlife habitat within the City as a new policy to 5.4. There is a lot of publicly-owned land that is not on any map.

### Section 6 – Air, Water, and Land Resources Quality

CITY COMMISSION WORK SESSION -- APRIL 21, 2004

DRAFT MINUTES

Page 8 of 13

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- **Commissioner Neeley** referred to 6.4 and suggested adding an action item, “directing roof and other impermeable surface runoff into drywells, swails, or detention/retention ponds.” **Commissioner Hewitt** suggested prefacing that statement with “where feasible.”
- **Commissioner Neeley** thought there was an issue with 6.5 and 6.6 regarding prohibiting commercial aggregate extraction operations within the City and urban growth area. He discussed the City’s ability to dredge at the mouth of Clackamette Cove because of the commercial value of that aggregate. He suggested amending the goal slightly by adding “unless such removal is directed at habitat improvement or recreational uses.” **Sullivan** recommended deleting the parenthetical language regarding federal mining laws. **Commissioner Bailey** commented, though he would not oppose it, that the dredging could pay for itself by the sale of the gravel. **Commissioner Neeley** said the point was that a commercial operation would not do it unless directed by the City.

#### Section 7 -- Natural Hazards and Natural Disasters

- No comments.

#### Section 8 – Parks and Recreation

- **Commissioner Lemons** was concerned about 8.1.2 regarding availability of property adjacent to an existing neighborhood/community park. The group agreed to use “consider adding property....” There were several places in this section that puts a hindrance on maintaining and operating property dedicated by developers.
- **Commissioner Bailey** commented on policy 8.1.8 regarding developing a full service community recreation center; he suggested using the word “explore.” The concept was to allocate land resources, not provide a capital improvement program.
- **Commissioner Neeley** commented on 8.2 and the first complete paragraph regarding emphasis on the Oregon City Loop Trail and acquiring property or easement along Canemah Bluff.... He would retain that language but also identify an accompanying action item.

#### Section 7 -- Natural Hazards and Natural Disasters, continued

- **Commissioner Neeley** referred to page 7-6 and asked if there were actually a policy in 5.1.1. **Drentlaw** said it was removed, and **Commissioner Neeley** recommended an action item about providing residents and businesses with precautions....”
- **Commissioner Neeley** referred to Goal 5.3 on page 7-6 regarding unstable soils and asked if that language were elsewhere in the document. **Mayor Norris** said it was there. **Commissioner Bailey** added there were other reasons to avoid unstable soils and steep slopes beyond hazards.



## Section 9 – Economic Development

- **Commissioner Neeley** referred to page 9-4 – Economic Development Incentives, #2 regarding regulatory code compliance relief. He would like a statement that relief would be based on objective criteria. He was concerned an entity might try to look for relief from system development charges (SDC). **Commissioner Hewitt** believed Drentlaw was correct. One can leverage in a business by using SDC funds, or not collect SDCs from this entity to encourage that business to come into Oregon City. He is comfortable with the language.
- **Commissioner Neeley** referred to page 9-6 – Education, Skills and Workforce Training. He believed it should include Oregon City High School as well as Clackamas Community College in developing relations with industrial employers in the area. The group agreed to add that language to 9.4.1.
- **Commissioner Neeley** referred to page 9-8 and suggested adding a new policy – assess methods of integrating municipal elevator service into the pedestrian, bike and mass transit system. This would make it part of the multimodal system. The group agreed that it would be an action item.

## Section 10 – Housing

- **Commissioner Neeley** had a general issue. He did not see any policies or goals that deal explicitly with affordable housing. There was a discussion of it in the background. **Mr. Drentlaw** said these policies do that, but it can be called out specifically. **Commissioner Bailey** recommended making it a separate goal with several policies.
- **Commissioner Neeley** discussed the section on existing conditions beginning on page 10-1 and requested that regional statistics be included if readily available. **Commissioner Hewitt** did not feel it needed to be that extensive because policy 10.1.4 on page 10-3 discussed discouraging isolation of income groups by encouraging diversity of housing consistent with the Clackamas County Consolidation Plan. The City might add affordable housing in that statement without adding a new goal. **Mayor Norris** believed this spoke to a different issue. **Commissioner Hewitt** said undoing isolation between income groups by encouraging diversity in housing types calls for a possible development where a person gets a benefit or bonus if there is low income housing. **Drentlaw** believed this works in other jurisdictions, and developers are willing to go in that direction. The group agreed this would not be a new goal.

## Section 11 – Public Facilities

- **Commissioner Neeley** referred to page 11-5 – K-12 Education. The last sentence of the second paragraph talks about the disposition of the original high school land and beneficial uses. Even though there are actions being taken, he would like to see both Barcaly and Eastham be included. **Commissioner Hewitt** thought this was a good point, and since it is background information, it will not

hurt anything. **Mayor Norris** suggested language regarding vacant school properties so it will not be limited. **Commissioner Neeley** said the reason he wanted to earmark this was because public institutions are leaving the old neighborhoods.

- **Mayor Norris** suggested cleaning up page 11-8 – recreational facilities.
- **Commissioner Neeley** referred to page 11-9 and recommended reference to this in the Park and Recreation section. He did not see the Buena Vista House discussed elsewhere. **Community Services Director Dee Craig** said it was referenced on page 11-8.
- **Commissioner Hewitt** referred to the top of page 11-7 – OCPW Operations, Reservoirs, and Pump Station Sites – and suggested putting it on page 11-3 before electricity for consistency and readability.
- **Commissioner Neeley** referred to page 11-12 – Water Distribution action items. He recommended inserting the language “consider a fee structure that encourages water conservation” both from the use of water itself and production of waste water.
- **Commissioner Neeley** was pleased to see policy 11.6.2 on page 11-13 asking for bus turnouts.

## Section 12 – Transportation

- **Commissioner Neeley** raised the question earlier about including an action item to consider the elevator as part of the multimodal pedestrian, bike and transit system. **City Engineering and Public Works Director Nancy Kraushaar** said the elevator was discussed in the Transportation System Plan (TSP) as part of the pedestrian system because of the steps. It is not open 24-hours per day so cannot be considered part of the bike system. **Commissioner Neeley** suggested a standalone action item.
- **Commissioner Neeley** referred to page 12-8 and said he would like an action item relating to new policies 12.1.5 and 12.1.6 to investigate the development of an efficient intersection through 7<sup>th</sup> Street, Molalla Boulevard, Division Street, Taylor Street, and all other streets that come together. **Kraushaar** said that was a project in the TSP.
- **Linda Carter** referred to page 12-4 – Rail System Plan – and railroad naming.

## Section 13 – Energy Conservation

- No comments.

## Chapter 14 – Urbanization

- **Commissioner Neeley** referred to page 14-6, section 14.3.9 – Annexation. It discussed 25% of the perimeter property located in the city exclusive of any right-of-way. The County has a policy about subdividing parcels of less than 80 acres, and part of that has to do with urban development. By restricting itself to 25%, the City may have a 20-acre single parcel coming in. He would like to see it

structured in terms of a sufficient length in which to have appropriate traffic access points. He suggested, “25% or X number of feet along the perimeter” in terms of a contiguous boundary. **Commissioner Bailey** would support a more creative application of this concept because 25% does not necessarily make sense. **Commissioner Neeley** thought it was a case of being able to accommodate streets. **Commissioner Bailey** said the other part is development of concept or master plans for some of these areas to provide a basis for a more rational way of annexing parcels instead of having isolated criteria about individual sites. **Commissioner Hewitt** commented nothing can be annexed outside the urban growth boundary. Does Oregon City have a lot of 20-acre parcels to actually create a problem? **Mayor Norris** believed there were some. **Commissioner Neeley** thought 25% was pretty restrictive. A rectangular piece could still provide access. **Commissioner Hewitt** suggested a simple fix would be to say, “must have at least 25% of the perimeter property located within the city or a configuration consistent with efficient and economical service delivery.” The group agreed to this language.

- **Commissioner Bailey** said his proposed revisions to this section were incomplete and requested staff take a hard look at the urbanization section.

#### Section 15 – Willamette River Greenway

- No comments.

**Mayor Norris** suggested since the work session time had run out that zoning be discussed during the regular session.

**Mr. Drentlaw** had a mapping question and asked the Commission if it wanted staff to increase the zoning. He indicated increases from a low-density category to a higher density on the map.

**Commissioner Bailey** understood this map was an overlay of areas of increased zoning.

**Mr. Drentlaw** provided a map of publicly-owned property within the City.

**Commissioner Neeley** thought there are other dedicated properties in Newell Creek Canyon.

**Mr. Drentlaw** said this map showed only properties within the City limits.

**Mayor Norris** discussed the hearing process. If it is short, the code amendment discussion could be continued. The first reading of the Comprehensive Plan would then be at the May 5, 2004 meeting and second reading on May 19, 2004. The Commission talked informally and agreed not to separate the code amendments from the Comprehensive Plan.

**Commissioner Neeley** thought there would still be more questions.

**City Attorney Sullivan** said the Commission could adopt the first reading with amendments; however, he must read each amended section separately.

**Mayor Norris** adjourned the work session at 6:51 p.m.

Respectfully Submitted

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Leilani Bronson-Crelly  
City Recorder

**CITY OF OREGON CITY  
CITY COMMISSION  
STUDY SESSION MINUTES**

**MAY 3, 2004**

**Mayor Alice Norris** called the study session of the City Commission to order at 5:36 p.m. at City Hall, 320 Warner Milne Road, Oregon City.

**Roll Call:** Commissioners Tom Lemons, Gary Hewitt, Doug Neeley, and Mayor Alice Norris. Commissioner Bailey arrived at 6:03 p.m.

**Staff Present:** Larry Patterson, City Manager; Gordon Huiras, Police Chief and Public Safety Director; Dan Drentlaw Community Development Director; Dee Craig, Community Services Director; David Wimmer, Finance Director; Leilani Bronson-Crelly, City Recorder; and David Knoll, GIS Coordinator.

**Media Present:** Steve Mayes, *The Oregonian*.

**1.0 CALL TO ORDER**

**2.0 REVIEW WEDNESDAY MEETING AGENDA**

**2.1 Regular City Commission Meeting of May 5, 2004**

- Presentations
  - Law Enforcement Proclamation and Oregon City Police Department Accreditation
  - National Historic Preservation Week Proclamation
  - Friendship Cities
- Consent Agenda
  - No intent to remove item(s) for separate consideration
- Public Hearing
  - Commission Report No. 04-087, Proposed Ordinance No. 04-1004, Zone Change
- Commission Business
  - Commission Report No. 04-082, Award Contract for Renovation and Re-roofing of Atkinson Park Restroom Building
  - Commission Report No. 04-086, First Reading of the Comprehensive Plan
    - **Commissioner Neeley** asked if there would be a first reading followed by consideration of the maps, etc. He thought there were still some issues that the group had not completely discussed.

- **Mr. Patterson** said there were some edits and additional language from Commissioner Bailey. Staff will recommend scheduling both readings at the May 19 meeting.
- **Commissioner Hewitt** said all changes would need to be out by Wednesday so the group could discuss them
- Commission Report No. 04-090, Personal Services Agreement – Pavement Management Services
- City Manager Report
  - Determine date of study session for June, which falls on Memorial Day
    - The group agreed to determine that date at this meeting
- Commissioner Communications
  - **Commissioner Neeley** will provide a Metropolitan Policy Advisory Committee (MPAC) report.
- Executive Session to follow.

### **3.0 FUTURE AGENDA ITEMS**

### **4.0 DISCUSSION ITEMS**

#### **4.1 Presentation: “OC Web Maps”, an Internet Mapping Tool** GIS Coordinator David Knoll

**Mr. Knoll** introduced the Internet mapping tool called OC Web Maps for public use.

**Mayor Norris** commented her Maui hosts were most excited about the GIS features on the website.

**Mr. Knoll** said OC Web Maps was number 10 on the list of page hits. He showed a series of PowerPoint slides:

- Opening screen
- Data layers showing utilities, aerial photos, environmental layers, current Comprehensive Plan with color coding as well proposed zoning changes, and the historical overlay district
- Assessor information with addresses and valuation as well as information about greenway, slope, urban renewal district, floodplain, water quality zone, etc. Hyperlinks lead to additional information.
- Slope information and contours with color-coded legend
- Print basic map

**Mr. Knoll** continued with a live tour of the site that included:

- Main screen disclaimer
- Zoom feature
- Basic utility information
- Neighborhood layers

- Query screen that now includes address and tax lot searches with hyperlinks for additional information
- Information tool for each tax lot

**Mr. Knoll** showed other mapping applications:

- Crime site model that provides information on types, numbers, and locations. For example, one could determine what crimes are occurring near schools such as reported shots fired within 1,000 feet. Queries can be done by date range. This element has not been released for public use.
- Traffic accidents could be mapped.

Goals for this site are:

- Additional queries
- Live update applications for such things as emergency operations

**Mr. Knoll** said any data stored by the City would eventually be available. On-line users tend to spend some time and navigate the site. According to statistics, this is the longest visited website in the City, so people are taking their time.

**Mayor Norris** felt very proud that Maui found this site so interesting.

**Mr. Knoll** added that OC Maps has been available internally for some time, and hopefully this will be a research tool for the public.

**Mr. Patterson** thought there was a lot of potential particularly for targeting police resources.

**Mr. Knoll** commented there has been a lot of research devoted to GIS and police analysis, which can be a great tool.

**Mr. Wimmer** added this could also help resolve some controversial utility accounts.

**Commissioner Neeley** discussed the Oregon City Chamber of Commerce and its need for a street map.

#### 4.2 Recruitment and Replacement of Community Services Director Position City Manager Larry Patterson

**Mr. Patterson** wanted to accomplish three things. The first was to solicit thoughts from the Commission on how it wanted to proceed on the matter for the City, provide his thoughts, and discuss an interim step. He does not believe the position should be separated into two but is open to discussing that if the Commission wishes. He believes the City needs essentially what it has – a general manager that has some background but brings in management team skills rather than a departmental advocate. The number two positions in the library and

parks and recreation need to have technical skills to support the manager. The City also needs a manager with good public relations skills with an entrepreneurial approach while being seen as a member of the management team. This manager would not only be able to deliver recommendations to the Commission but also to staff in the framework of Citywide needs.

The Blue Ribbon Task Force (BRTF) is still working on prioritizing service levels, and there will be a library levy in November. Taking these into account, the recruiting process will be difficult particularly if there are deep cuts. He suggested interim staffing to the end of the calendar year. Patterson contacted the League of Oregon Cities (LOC) regarding the staffing need and was given a list of prospects. He made several preliminary contacts.

Community Services Director Dee Craig leaves at the end of June, so he needs to look with a greater sense of urgency for an interim if that is the Commission's wish. Staff can begin the recruitment process for one or more positions if the Commission so directs.

**Mayor Norris** asked what types of skill sets those on the LOC list had.

**Mr. Patterson** said most of them have been city managers or department heads from various backgrounds. They have had exposure and understand the work but did not necessarily have technical experience as library or parks and recreation directors.

**Commissioner Neeley** noted that Ms. Craig obtained grants to implement parks master plans and was concerned about getting information out about recreational programs. He asked Mr. Patterson if he thought an interim person would have those capabilities.

**Mr. Patterson** said those he spoke with have those capabilities; however, there may be something lost with a person acting in an interim, caretaker capacity. The person may not be as aggressive as one entering into a permanent position. His concern was recruiting in this environment.

**Commissioner Lemons** was frustrated about putting things off to some point in time and concerned about the interim aspect. The Commission needs to ask itself some questions. The previous city manager combined the departments to reduce costs. His felt was to best to get someone hired and on the job.

**Mayor Norris** asked if Mr. Patterson was concerned that an unsettled budget might result in not getting the best quality manager.

**Mr. Patterson** perceived two issues. The first was that the Task Force would make recommendations on service levels. One recommendation might be reductions in library and parks and recreation. If the recommendation is to move



forward with the annexation to the Fire District and maintain part of that tax rate to prop up those areas, then it looks promising. The end result will not be known, however, until the votes are counted on the annexation proposal. If the measure fails, the City is right back to the same table talking about what to do. The other issue was the November library levy. If it passes, the library will be in a good position. If it fails, there will be an additional \$200,000 in library cuts. In the end, there will be some form of library and parks and recreation operations. If there is a dwindling, the person hired would be perceived as having some accountability. This is something most potential candidates, unless unemployed, would take into serious consideration.

**Commissioner Neeley** thought, on the other hand, that the City could hire someone to help weather its problems. He thought he might agree with Commissioner Lemons.

**Commissioner Bailey** suggested going ahead with the recruitment. There may be major sea change in terms of the library and parks and recreation department makeup. Timing is everything.

**Commissioner Hewitt** agreed with Lemons. He did not want a manager position coming into the City that does not know specifically about parks and was concerned about keeping the programs vital.

**Commissioner Lemons** has seen time after time interims and their employers reaching a certain comfort level resulting in that person being hired. Parks and recreation is important to this community, and he recommended moving forward with hiring someone to run the program. Oregon City will have some form of parks and recreation.

**Commissioner Hewitt** said if there are going to be cuts, he wanted someone to come in with a parks background that could handle those cuts and respond to the Commission's questions. The person hired should be asked if he/she could deal with necessary changes. He was concerned a general manager or overseer could not sustain the program.

**Mayor Norris** did not think it was clear what the Commission wanted that position to do. The senior center should also be considered. She was leaning toward supporting the interim suggestion. There are people who would probably enjoy this type of challenge.

**Commissioner Neeley** said it was a case of prioritizing services. In terms of management, these services will still be under recreation. It should be made clear that candidates must be able to deal with constrained budgets and uncertainties.

**Mr. Patterson** shared his general thoughts about the job profile that he will discuss with Ms. Craig and the City Commission. The people he spoke with

would not be candidates for the position. Most of them are retired and limited by PERS restrictions. He might ask an interim for observations of the issues. He was concerned about whether there should be one or two positions, and discussed related issues. He will begin the recruitment.

**Commissioner Lemons** did not care how many positions there were. His main concern was staying within the budget.

**Mr. Patterson** said, in that case, it would be one position. It would be a Community Services Director with a strong background in parks.

#### 4.3 Final Process for Adoption of the Comprehensive Plan

**Mr. Patterson** provided an introduction and status report. In an ideal world, there would be a strong public involvement concept that would teach the entity a lot about citizen values, desires, and concerns. From that, the Commission would establish goals and directions, and then staff and the Commission would develop an implementation plan based on City resources. In doing so, the zoning, land use, Transportation System Plan (TSP), master plan, and facilities plan would all be brought together.

In his opinion, comprehensive planning in Oregon is anything but that process. In reality, the Plan was put together through a series of committees and groups with various strong opinions and viewpoints. In so doing, it is questionable if the City can come close to delivery. There may even be a desire among some groups to hold the City's feet to the fire with these documents. For the most part, that type of planning has little to do with reality in most cities primarily because of revenue limitations imposed over the past decade in Oregon. Additionally, it results in an almost incomprehensible plan of attack on how to go about doing things. The planning staff is charged with trying to interpret state laws, policies and goals that are confusing. Staff will undergo attack from all sides, and this is happening around the state. Management then has the task of putting together a plan without resources, and everyone is struggling to interpret the language.

For the City Commission, this means building politically difficult, unrealistic expectations. Though the Commission is not bound to make these things happen, to some it may appear the Commission is being unresponsive. Mr. Patterson considered the Plan before the City Commission to be better than most although some work still needs to be done.

Staff and Commissioner Bailey made some edits that need to be available for review. Patterson recommended that the first and second readings be at the May 19, 2004 meeting. Further, he recommended deleting the action items section because there is little hope of delivering. The City Commission can come back with a strategy based on budget and knowledge of the community's values. He cautioned against the Commission's saying it "will do" something.

**Mayor Norris** understood in this scenario, the Commission's annual goals and objectives would be the action plan.

**Mr. Patterson** added during the next few months, issues and resources would be made clear. While it is all right to say the City will "investigate" something, but to say "it will" do something is likely to result in unrealistic expectations.

**Community Development Director Dan Drentlaw** identified moving targets as a problem. Comments are continually coming into the City. By observing May 5<sup>th</sup> as the "drop dead" date for comments, staff will be able to put the document together. He asked if any comments would be made at this meeting.

**Commissioner Hewitt** felt brief comments needed to be made and agreed upon in the public forum. He reviewed comprehensive plans of five other cities and there was no mention of action items. This is a laundry list that probably should not be included. While he understood the Planning Commission's desire to include action items, these were actually the Commission's annual goals.

**Commissioner Neeley** commented on the pain and suffering of working with an outdated Plan.

**Mr. Patterson** said in his 10-year involvement with comprehensive plans in three cities, he found limited resources cause a certain disconnect. He has yet to see a Comprehensive Plan with action items.

**Mr. Drentlaw** wanted to ensure all Commission comments were captured so staff could distribute them to the Commission by Wednesday. At this point, there are about 12 – 15 changes. He discussed the urbanization section amendments made by Commissioner Bailey.

**Mr. Patterson** added there were still some goals with which the community might have some issues, and **Commissioner Bailey** asked that those be highlighted.

**Mr. Drentlaw** referred to page 1-3, policy 1.4.2 that discussed information being available in understandable format.

**Commissioner Bailey** said the attempt was to mimic part of Goal 1.

**Mr. Drentlaw** discussed the Parker landfill site and the downtown mixed use zoning with retail on the first floor. Another issue was the floor area ratios (FAR). He did not wish to have a lot of exceptions written into the Plan, and he discussed the variance process.

**Commissioner Neeley** thought certain constrained areas needed to be recognized.

**Commissioner Hewitt** agreed because there was more than just one zone. There could be an overlay district, floodplains, and all types of other issues going on beside just “the downtown zone.” He was concerned about vacant space and changing rent structures.

**Commissioner Bailey** discussed justification through a regular land use process. He did not believe an office on the ground floor was better than nothing and added that the courthouse would not be moving for a long time.

**Mr. Drentlaw** said currently there is only retail in the historic downtown.

**Mayor Norris** asked if the term “office commercial” would be used, and **Mr. Drentlaw** responded in the affirmative.

**Commissioner Lemons** disagreed with all of it because the discussion was about the Parker property and the owner’s concerns about marketing the property and a prospective buyer walking away because of the FARs. The Commission agreed the FAR would be changed for that particular property. He would not vote for a Comprehensive Plan that did not provide for jobs in the community.

**Mr. Drentlaw** discussed the structure of the Comprehensive Plan and code. It was structured so the owner will not have to rezone the property; it is being done for them. Further, it is structured so the Parker property could be subdivided for a series of big boxes and go through the conditional use process. This structuring was deliberate based on what was important to the Planning Commission and task forces.

**Commissioner Bailey** understood the single, integrated large-scale shopping center was different.

**Mr. Patterson** expressed his opinion that there is nothing in this Plan that would prohibit commercial and industrial development in the community. It may be more difficult in some cases because this process was also about community building. This is a piece in the future that will be very important in attracting the type of investment the Commission wants. This does not mean everyone who owns a piece of property will be happy because there will be regulations. The issue is balancing regulatory control with some types of development vis-à-vis big box development. One of the things the Commission should be concerned about is what the next generation will have to wrestle with. If the course can be set today through the regulatory climate, some of those issues might not have to be faced in the future. Not everyone will be happy, but he did not see anything in the Plan that would discourage development.

**Commissioner Hewitt** heard Mr. Drentlaw say that a person could develop that property today, and if they did not like the FARs, they could seek a fairly

simplified variance. If the developer wanted to go to a big box, he would have to go through a conditional use process. There is a mechanism in place for those, like the Mills Corporation, who want to build boxes with various applications to get there. He did not have a problem with that and thought what the Commission was told at this meeting fit the bill for the City. It is advantageous for one or multiple entities through different applications.

**Mayor Norris** felt it provided the flexibility she was seeking.

**Commissioner Bailey** provided handouts from Boulder, Colorado regarding floor area ratios.

**Mr. Drentlaw** said anyone who would be run off by this type of process might not be very serious in the first place. The proposed ordinance approving the Plan included a review period by the Planning Commission followed by City Commission consideration in the fall.

**Commissioner Lemons** asked if the city attorney had reviewed the changes, and **Mr. Patterson** said Assistant City Attorney Bill Kabeiseman had reviewed the changes.

**Mr. Patterson** referred to page 9-11 that read, "...attract high quality commercial industrial development that provides stable, high paying jobs in a safe, healthy working environment that contributes to a broad, sufficient tax base that does not compromise the quality of the environment." On the other hand, what happens when someone questions if a development going into his area is "high quality"? That creates an interesting debate for someone who wants to block a project.

**Mr. Patterson** referred to 9.2.3 that says, "...simplify, streamline and continuously improve the permit and development review process." This Plan adds more regulations. Policy 11.1.1 states, "Ensure adequate public funding for the following urban services and facility" and lists all of them. 12.6.1 states, "Provide a transportation system to serve the existing and projected future travel demand." Any development will have some impact. This language could be interpreted to say the City must do these things or hold up development.

**Mayor Norris** appreciated this second look.

**Commissioner Hewitt** suggested not using "provide" in a goal and replacing it with "encourage." He disagreed with City Attorney Sullivan that they were the same. He did not find the word "provide" in any of the five Comprehensive Plans he read.

**Mr. Patterson** reiterated that staff would need any changes by Wednesday to get the complete document to the public as required. If there are major changes, the

Commission could choose to set it back or read changes in their entirety at the hearing for the first and second readings.

**Mr. Drentlaw** explained the final draft must be available to the public seven days prior to the Commission meeting.

**Mayor Norris** felt it was important to make it clear to the public there will be a cleanup/update in August or September.

**Commissioner Hewitt** added these are living documents that can be changed if glaring issues come to light. They can be opened up if warranted.

**Mayor Norris** was given a pineapple on her recent trip Maui to share with the others. The City Commission recessed at 6:56 p.m. and reconvened at 7:06 p.m.

#### 4.4 Clackamas County – Water Environment Services, a Proposed Waste Water Treatment Facility

**Mr. Patterson** provided copies of Commissioner Hewitt's questions and a memo updating the group on his discussions with Kent Squires. He provided his thoughts on some additional questions. One was the City-owned property located between the plant and the Cove that Tri-Cities was interested in acquiring. In his opinion, the City should think long and hard before releasing it. He did not think the treatment plant should encroach upon the Cove. Adjacent areas are undeveloped, so what kind of limitations might develop? Revenue streams are important. What amenities would they be willing to commit to build? He is concerned about the financial forecast and the 3% labor costs, which he believes to be low.

**Commissioner Lemons** asked what the options were if the City says it does not want this.

**Mr. Patterson** said Oregon City holds the hammer.

**Commissioner Lemons** was involved with the Metro transportation process that Oregon City got shoved down its throat. What if the City does not want this?

**Mr. Patterson** said the study group would have to go back to the drawing board and develop one of the other options. Not finding a solution would impact all the entities, so something has to move forward. This is seen as the best option, so if it does move forward, Oregon City would have to extract something. He does not want another arrangement like the current one between Metro and Oregon City. It did not provide enough payment to the City.

**Commissioner Lemons** discussed the tipping fee that could not be increased without legislative action.

**Mr. Patterson** identified those things he felt Oregon City needed to discuss for a greater benefit:

- Level 4 treatment so water can be used for irrigation purposes and expanding the area of use.
- Unrestricted revenue stream with no strings attached like the Metro enhancement funds. This would truly be a payment to the City to be used as the Commission sees fit. For example, it could go into the general fund or for facility development.

**Commissioner Lemons** said the City would have to partner with Water Environment Services (WES), but he wanted to ensure there would be no restrictions by the legislature.

**Mr. Patterson** said there was discussion of building in the floodplain to relieve some urban renewal dollars. Also, Oregon City should demand the ball fields and some other things if the project is to happen.

**Commissioner Lemons** said right now he is hearing a lot of promises.

**Commissioner Hewitt** advocated for an index rating with no strings attached. The flows are already shifting from the Kellogg Treatment Plant. As Damascus comes on line, additional flow will come to Oregon City. It is important to realize what the future has to hold and not be compromised. The advantage to Oregon City is to say what it would be willing to negotiate and not back off this starting point. If there is a need to expand, why put the ball fields to the north? At the meeting, one of the professionals suggested starting at \$0.50 per equivalent dwelling unit (EDU). He was advised that should be the starting point for negotiations. He discussed future expansions. The flow will be coming from more than the current urban growth boundary over the next 26 years. Oregon City should pick up every benefit along the way by tying its rate to the EDU and an index.

**Mayor Norris** suggested doing research on how other entities handle this.

**Commissioner Neeley** said the property they want to purchase was intended to be a buffer. Expansion should not go into a riparian area or the sports complex. Growth should be met through technology. Any sale of land needs to be tied to a strong inter-agency agreement in terms of how the land will be dealt with in the long term.

**Mr. Patterson** agreed there should be an intergovernmental agreement, but he would not encourage the Commission to sell the land.

**Mayor Norris** would like to consider this issue at the June 1 meeting.

**Mr. Patterson** said staff would research the issues and prepare a report.

**Commissioner Neeley** discussed the value of the existing infrastructure and the potential value of the property for industrial use.

**Commissioner Hewitt** discussed the area along Hwy. 212 earmarked for industrial development and growth in Damascus. There is potential for huge development.

**Commissioner Neeley** asked Finance Director Wimmer for figures on the money for subsidized housing and noted that the revenue stream has been going down over the past few years.

**Mr. Patterson** discussed the unit of measure the City could consider including EDU, flow, and tax value.

The group agreed to tentatively discuss this issue at the June 7 study session.

#### 4.5 Review of Library Survey Findings

**Community Services Director Dee Craig** said this study was commissioned by each of the libraries using private funds. Ms. Harriet Schule, former President of Friends of the Library, and Library Board Chair, Christy Parrish, represented Oregon City. The study involved 500 randomly selected registered voters, which was conducted by Paul Vogel of Intercept Research Corporation.

Survey topics and responses included:

- Quality of library services was rated excellent to very good;
- Oregon City residents were 75% less likely than residents of other geographic areas in the county to believe the public library was important to the quality of life in the community. Craig explained that zip codes were used to sort the data.
- Frequency of library use: 6% said they never used it; 12% said they used it once a year.
- Sufficient funding levels: 34% said they do not know. 41% of Oregon City residents who responded felt funding for their library was not high enough of a priority to meet community needs.
- Spending priorities: 68% said buy more books; 68% wanted more children's services; relatively high was senior citizen services; homework and databases were not as high; updating computer less high; 48% rated increased hours high – 48% of Oregon City residents saw it as a very high priority; videos and CDs were rated relatively highly; Internet access is not that high; magazines and newspapers were low.
- Support for a five-year levy that would raise \$8 million to be shared among all the libraries in Clackamas County: 59% were in favor of the \$0.29/\$1,000 levy. When asked why, respondents said kids need the library, materials



would be updated, help supplement educational system, and improve and maintain access to information for all citizens. Those who were not in favor cited increased taxes, already have adequate funding, taxes are wasted on poor spending priorities, fixed incomes, should be spent on other areas such as schools.

- Reasons for supporting libraries were that they provide educational and cultural opportunities to all families regardless of income. The mean rating was 4.29. 65% of the Oregon City residents polled indicated that was a good reason to vote for the levy. Also, passage of the levy would provide a more reliable, predictable funding source for library operations. 64% of the Oregon City residents polled were likely to support the levy for this reason. 65% of the Oregon City respondents indicated they would support the levy as a supplement to education. Use of the libraries spiked after the passage of Measure 50.
- After going through the reasons for needing the levy, a small percent of the undecided indicated they would support the levy. The “no” vote is probably solid.
- When voters were asked if they would vote yes if they knew that County funding would be rolled back to 1994 levels, 68% said they probably would vote “yes.”
- Most respondents thought the most reliable source of information on the levy would come from the library director and staff. Most people do not believe the Chamber of Commerce was a good source. 39% of the Oregon City respondents thought the County newsletter would be a good source of information, which was a higher percentage than throughout the County. Local newspapers were not considered reliable.
- When asked if schools, parks and libraries were on the same ballot most people said they would be slightly more likely to vote for the library than for school funding. A few said they would vote “no” on all three, and some would vote for the cheapest.
- Past elections for library funding. Most people said they supported it in the past.
- Demographically divided equally by age. The newer the residents to the County were more apt they were to support the levy because they perceived some deficiencies.
- There was also data on household incomes and Internet usage.

**Mr. Patterson** saw a disturbing trend in credibility and trust in our nation.

**Mayor Norris** thought these numbers were relatively positive.

**Mr. Patterson** said overall people seem to realize there are issues and important things are at stake.

**Commissioner Hewitt** commented some jurisdictions are being very candid about these issues and discussing how they struggle to meet public demands.

#### 4.6 Goals and Objectives

**Mr. Patterson** provided a handout that included the goals and objectives document along with the goals from the budget. He indicated he still needed to do some editing but suggested the City Commission review the document. A lot of the goals were underway or completed, and he will revise accordingly.

#### 4.7 Update of the Blue Ribbon Task Force

**Mr. Patterson** provided a partial packet of what had been received from the Blue Ribbon Task Force, the upcoming meeting schedule, and some ancillary information. The packet included the agendas and minutes, letter of invitation and charge, roster, calendar for the September election, ground rules accepted by the task force, some gross statistics, the organizational chart, economic development and urban renewal information, scenarios and spreadsheets, an updated decision flowchart, livability index, memo regarding service delivery options, tax rate discussions, and a chart of hierarchical services. Initially the Committee was given orientation and an introduction to a variety of issues, City facility tours, and departmental briefings. Mr. Patterson said he met with Chief Johnson of Tualatin Valley Fire and Rescue (TVFR) and will provide the City Commission with that additional information. Basically, TVFR supported the annexation, but if it were a party to serving Oregon City there would be a political issue and financial realities. The next step will be to turn the issue over to the task force to deliberate on a recommendation to the City Commission. The process at this time is on schedule.

#### 4.8 Friendship City Report

**Mayor Norris** said the Maui Mayor Alan M. Arakawa is essentially the city manager, and the structure is very much like the old Metro model. When she first went to the mayor's office, she took the Oregon City proclamations and offered City pins. The City of Oregon City was given a beautiful monkey pod bowl. She discussed the gift exchange, and the group considered how these gifts would be appropriately distributed. Some of these items will be in the monthly display at the library. Maui was impressed to know that Oregon City had a regional visitor's center. They are very much into health and wellness, native people, web links, and culinary opportunities. Maui does not have a sales tax or system development charge, but it does have a bed tax and gets land from developers. Their development is hindered by the lack of fresh water. Mayor Norris thanked City Recorder Leilani Bronson-Crelly for her work on this friendship relationship.

#### 4.9 Industrial Lands Study Areas + Metro Hearings

**Mayor Norris** said there has been a lot of discussion about this issue and requested guidance from the group. Commissioner Neeley is a member of the

Metropolitan Policy Advisory Committee (MPAC), and that group will be making a recommendation to the Metro Council in June about what lands should be included.

**Commissioner Neeley** discussed what could be done in the Stafford Road area. City of Wilsonville Mayor Charlotte Lehan will talk about the lands designated industrial within its urban growth boundary (UGB) but not zoned industrial.

**Mr. Drentlaw** discussed lands currently zoned County FU-10 within the urban growth boundary.

**Mayor Norris** said the question is why more land should be studied.

**Commissioner Neeley** explained the land being brought in is not zoned either. The Metro Council must make its decision in June.

**Mayor Norris** said Wilsonville believes it has plenty of industrial lands if Metro were to look at it. This would alleviate pressure on South End. Would Oregon City benefit by having some of its land not now designated added to the list?

**Mr. Drentlaw** said most of it already is.

**Mayor Norris** asked if that should matter for the Commission, and **Mr. Patterson** was not sure.

**Commissioner Neeley** was looking at this more globally. There is a large expansion area that does not currently include the lands in the Comprehensive Plan. If Oregon City ends up with a surplus of industrial lands, it will be difficult to get developers to go into areas like that north of Milwaukie.

**Commissioner Lemons** understood Wilsonville Mayor Lehan and Lake Oswego Mayor Hammerstad expressed concern about these parcels of land being forgotten while others are added.

The group discussed an upcoming meeting in Wilsonville and how Oregon City should be represented. Mayor Norris said she would try to attend and express the City's interests. Drentlaw will contact Metro about the process.

**Commissioner Lemons** wanted to recognize B&B Leasing Co. President Richard Bloom for his induction into the Waste Haulers' Hall of Fame. He felt the Commission should do this type of recognition on a monthly basis. A plaque will be given to Bloom at the May 5<sup>th</sup> meeting.

**Mr. Patterson** announced a reception at Oregon City High School for the new superintendent.

The City Commission recessed the study session at 8:24 p.m. to go into an executive session pursuant to ORS 192.60(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

The City Commission reconvened the study session at 8:30 p.m. at which time Mayor Norris adjourned the meeting.

Respectfully Submitted

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Leilani Bronson-Crelly  
City Recorder

**CITY OF OREGON CITY  
CITY COMMISSION  
MEETING MINUTES**

**MAY 19, 2004**

**Mayor Norris** called the regular meeting of the City Commission to order at 7:05 p.m. on May 19, 2004 at City Hall, 320 Warner Milne Road, Oregon City.

**Roll Call:** Commissioners Doug Neeley, Gary Hewitt, Tom Lemons, Bob Bailey, and Mayor Alice Norris.

**Staff Present:** Larry Patterson, City Manager; Edward J. Sullivan, City Attorney; Gordon Huiras, Police Chief and Public Safety Director; Nancy Kraushaar, City Engineer and Public Works Director; Dan Drentlaw, Community Development Director; David Wimmer, Finance Director; and Leilani Bronson-Crelly City Recorder.

**1.0 CALL TO ORDER**

1.1 **Mayor Norris** asked each member to introduce himself.

1.2 Flag Salute

1.3 Presentations

- Oregon City Police Department Accreditation – Guest Rod Brown, Oregon Accreditation Alliance

**Police Chief and Public Safety Director Gordon Huiras** introduced Rod Brown, Retired McMinnville Chief and Oregon Accreditation Alliance (OAA) Executive Director, and Lieutenant Mike Conrad. Brown said the OAA was formed three years ago in connection with the Commission on Accreditation for Law Enforcement Agencies, which is an international accrediting body. The Oregon Association of Chiefs of Police began the initiative and Huiras was a charter member of that group. The purpose of the Alliance was to raise the bar of professionalism among all Oregon Law enforcement agencies. As of today, there are 11 agencies including Oregon City that have completed the process. There are 148 standards that are demanded of the participating agencies, and the assessment process is very thorough. About 25% of the officers in the country are represented by an accredited agency. Lt. Conrad was the accreditation manager, and the Oregon City police department did an outstanding job. He presented a plaque to Mayor Norris and Chief Huiras.

**Chief Huiras** presented the plaque to the City Commission for display in its chamber on behalf of the department. He acknowledged Mike Conrad for his effort, and every member of the team participated in the project. Oregon City is the first department in Clackamas County to receive accreditation.

**Commissioner Lemons** asked for examples of criteria the department had to meet.

**Mr. Brown** said the standards dealt specifically with life, health, safety, and high liability issues. Life, health, and safety have to do with officer training and equipment. Liability issues have to do with how the department is administered, victim and witness assistance, and traffic functions.

**Commissioner Lemons** congratulated Conrad on his role in the department's attaining this goal.

**Chief Huiras** commented on use of force and pursuit. Every use of force now has a separate report written and is reviewed by every level of the organization. Every pursuit is reviewed at every supervisory level. Annual reviews are done on both.

**Commissioner Bailey** thanked the captain, members of the force, and the chief. The department is woefully understaffed, and these people knock themselves out for the community. He feels as a Commissioner he is responsible for what goes on in the City, and he is really proud when he sees an officer on duty.

- David Evans & Associates (DEA) Abernethy Bridge Award – John Ferguson, Project Manager  
**Mayor Norris** said out of 17 projects, this project garnered a grand award. The Abernethy Bridge Project complements the historic character of the neighborhood, and she has heard nothing but positive comments about it.

**City Engineer and Public Works Director Nancy Kraushaar** was the City's project manager and DEA provided consulting services. The City made its expectations clear, and DEA achieved them. The goals were to replace a very quaint, old structure and to connect the downtown with the north end of the City. In the long-range development of Oregon City, high quality projects such as this will lead to good quality private development in the future. The City did not want to build another timber bridge. However, it wanted to have a 21<sup>st</sup> century structure that would withstand the seismic and flooding loads while carrying forth historic and natural elements. Further she had to recognize that Abernethy Creek was a tremendous water resource in Oregon City. Elements of the project were to remove blighted areas and to restore riparian areas along the Creek. She worked with a community task force on the railing design that resulted in something truly unique. She took pride in having taken part in a public works project with far-reaching community benefits and partnerships. She introduced John Ferguson of DEA was responsible for providing the deliverables.

**Mr. Ferguson** said it was an honor to be part of this project. There were many challenges. The extensive efforts of Ms. Kraushaar and her staff in collaborating with all of the project's stakeholders lead to the successful design and construction of this new bridge. Two aspects that exemplified this were addressing the many stakeholders and identifying the potential impacts that included historic and natural resources, mature tree growths, business impacts, construction impacts, and utilities. The unique approach that the City and DEA took in dealing with the stakeholders was a collaborative work session-type of format and partnering effort. Typically regulatory agencies are very protective of their resources, so the challenge was to get those people out of their mindsets. The group took a very broad view and looked collectively at the resources to determine a solution with the least impacts on all parties. It is really a unique approach that is not seen on many projects and one that the City should be proud of. The public opposition was apparent at the beginning of the project when several attendees brought their lawyers. It would be a challenge to get them to embrace the project. There were open houses where the public saw the options and had a chance to provide feedback. Focus groups had direct input on some of the design elements. Public education and trust building slowly shifted the tone from complete opposition to acceptance. He has not heard one bad thing about the project now that it is complete. The community embraced it, and the City should be proud. He acknowledged Ms. Kraushaar and her staff for their extensive efforts. The bridge truly represents a commitment to maintaining community integrity. He congratulated the City on being bestowed the engineering grand award from the American Council of Engineering Companies of Oregon.

**Ms. Kraushaar** recognized Tom Weatherford of the Oregon Department of Transportation (ODOT) for administering the funding.

**Commissioner Neeley** acknowledged Ms. Kraushaar's program as well as parks for their levels of involvement in projects such as this. Some projects face considerable opposition, and the City Commission takes ultimate responsibility for making the final decision. There were Molalla Corridor people who were not pleased with the project, but it is a better-looking road. The City Commission does listen to all viewpoints and then makes the decision on whether the improvement is needed badly enough to go forward. He complimented Ms. Kraushaar's and Ms. Craig's staff on getting the public involved in all these major projects.

**Commissioner Lemons** said to put things in perspective the ACEC awarded project of the year to the Brewery Blocks in Portland.

## **2.0 CITIZEN COMMENTS**

**Kathy Hogan**, 19721 So. Central Point Road, Oregon City. The minutes of the April 21 meeting are incorrect in that May 20 is the neighborhood association

meeting at the Methodist Church. There are a lot of land use issues, and she hoped people would attend. Ms. Hogan referred to page 8 of the minutes regarding the policies on annexation and property owners' rights to annex in. Part of her testimony was, "What are my rights?" Not what recourse she had.

**Rocky Younger**, 15080 S. Maple Lane Road. Number 1, Oregon City does not provide any zone where a wrecking yard can be operated. This is unfair discrimination. Number 2, the Commission failed to make provisions in the nonconforming use in the proposed Comprehensive Plan under MUC-1 for the dwelling at 1169 Molalla Avenue. On page 37 of revision 11, number 17.18.035 - pre-existing industrial uses -- states that "tax lot 700 located on Clackamas County Map #32E16B has a special provision to permit the current industrial use and the existing industrial sales of the products created and associated with the current industrial uses on the site. This property may only maintain and expand the current uses which are the manufacturing of aluminum boats and fabrication of radio and satellite equipment, internal and data systems, and antennas." The City overlooked Mr. Younger's pre-existing use, and provisions need to be made for his property. This change took place on May 5, 2004 and only came to his attention on May 12, 2004 in the Comprehensive Plan and the Zoning Code amendments. It is unfair, and it needs to be for everyone – not just one person.

**Linda Carter**, Oregon City Planning Commission Chair, 1145 Molalla Avenue, Oregon City. She spoke regarding the Comprehensive Plan. It has been a very difficult process. The City Commission has worked so hard and so seriously to work out the bugs and make a Comprehensive Plan that will make as many citizens as happy as possible and provide the vision and direction needed for the City to move forward. She encouraged the City Commission to adopt the Comprehensive Plan at this meeting keeping in mind it will not be a perfect document, and not all people will be happy with it. Adoption is needed so Oregon City can move forward. She drew attention to the fact that the planning staff has had three years of ongoing, continuing, never-ending, relentless work to carry this Comprehensive Plan forward. She has huge empathy in her heart for the work they have done and their dedication to the process, details, research, edits, and re-writes. She encouraged the City Commission to adopt the Comprehensive Plan and move the process forward.

**Paul Edgar**, 211 5<sup>th</sup> Avenue, Canemah area, Oregon City. He was there primarily to go eyeball-to-eyeball with the City Commission and invite them to Canemah. He did not want to talk about the specific issues he addressed in his e-mails. He wanted the Commission's eyes, ears, hearts and souls down to Canemah as his guests. They would have a chance to see Canemah and walk the roads. They would have a chance to meet the people. Many people at this meeting live close to him and share a concern that there is a gap of knowledge and appreciation for Canemah. It is one of the oldest historic districts in Oregon City. He would love to set up a meeting to bring the Commission and anyone from the City to learn about who Canemah residents are, what they are, what they have,



and why they hold it dear to their hearts. He lives in a house that has been in his wife's family for 120 years. They bought the house from grandma, but they did it within the idea they would accept their responsibility as stakeholders to the community. That was all Edgar asked – to feel that sense. Residents want to share these things, and he wanted the Commission to meet the community.

**Mayor Norris** thanked the Canemah residents for coming.

**Bob Meir**, 502 Hedges, Oregon City. There is a development proposed across the street from him which does not personally affect him but it does the neighbors. The proposal was to put 10 houses in a very small area. It is a beautiful community, but if you look at it from the other side of the river, it will be a big white blotch of houses in a small area. It should be just a few houses, not a tract development. He asked the City Commission not to allow that to happen.

**Commissioner Bailey** responded he lives on South End Road, so the Canemah area is one of his favorite walking places. He invited the residents to set up a session, and he would be more than willing to come down. He agrees Canemah is a treasure, and he liked Edgar's stewardship attitude that we only possess our real estate for a short period of time and have a certain responsibility to pass it on. In some respects, that is what Oregon City is about. He would love to come down and see what is going on.

**Shirley Taylor Vermeire**, 402 5<sup>th</sup> Avenue, Oregon City. She owns the house across the street where they want to put the 10 houses. She moved into the area because it is special. They are cutting trees without any permits. Someone bought the property about three weeks ago. There are no permits. It has not been approved by the City or county, but they are already doing work.

**Community Development Director Dan Drentlaw** responded the City does not issue permits for tree cutting on private property, so it has no control. These are existing lots of record that were platted as 5,000 square foot lots several decades ago. Oregon Revised Statutes give the property owner the right to develop a house on the 5,000 square foot lots. For information, he added that area is zoned R-6 which requires 6,000 square foot lots.

**Commissioner Neeley** said even though the City may have changed its zoning designations, something that is grandfathered in from an earlier platting takes precedence.

**Mr. Drentlaw** said in this case that statement was correct.

**Commissioner Hewitt** asked if this development had to go through an historic review and what that meant in general?

**Mr. Drentlaw** said the applicant does have to go through an historic review. Any time someone applies for a single-family building permit, that permit is not only reviewed by the building department but also by the Historic Review Board for issues related to compatibility with existing homes. Each building permit will be reviewed.

**Commissioner Hewitt** understood there have been several homes built in Canemah that met those standards.

**Mr. Drentlaw** said that was correct.

**Commissioner Hewitt** understood then that there are houses in the Canemah area that have met those standards, and there are examples of houses that look appropriate to the area. He could not say if they met the eye appeal of the Canemah residents, but the Historic Review Board required that the houses be compatible.

**Mayor Norris** understood that platting takes precedence over zoning.

**Mr. Drentlaw** said it was a very old plat.

**Carolyn Rothschild**, 408 4<sup>th</sup> Avenue, Oregon City. She owns the property that is being surrounded by this development. Everyone is relying on the 1865 platting. How can that be valid? It was even before the advent of cars. It was horse and buggy days. The roads are very narrow, and there are no sidewalks. The additional traffic will cause Canemah not to be a very nice place to live any more. People will not want to live there. The houses will be too close together, and people will feel too cloistered with those two little narrow roads. The intersections are very dangerous and there have been several close calls. This is something that should be looked at very carefully and more than just platting considered. The roads are very narrow. What about pedestrian rights? Everyone is talking about pedestrian rights, but she does not see this happening in the Canemah District. This is just 10 lots, and there are another 8 down the road that are subject to having 5,000 square foot lots. Then there are lots for sale across from Edgar's house. It is just the beginning if these 10 lots are approved. She thought it needed to be seriously looked at rather than just standing behind that old platting law from 1865 when there were still horses.

**Mayor Norris** asked if some work could be done with the neighborhood association.

**Commissioner Neeley** said this is state statute not an Oregon City law.

**Commissioner Bailey** said this was not the time to debate.

**Ms. Rothschild** said FedEx trucks and big pickup trucks take up over half the road. She walks those streets, and she has to move off if two cars are passing.

**City Attorney Edward J. Sullivan** had not yet been asked to look at the zoning issue and if the houses are appropriate for the lots. The statute relating to platting, regardless of when it was done, so long as a final plat was filed, makes these independent lots. Oregon City's Zoning Ordinance says independent lots, even though they are below the minimum lot size but greater than 3,500 square feet, are entitled to have a home on each one. This is nothing the City Commission can turn on or off. It is there, and it is in the statute.

**Mr. Drentlaw** explained that since the Comprehensive Plan hearing was closed people were told they could speak under citizen comments.

**Dave Stennick**, 1141 Molalla Avenue, Oregon City. He spoke regarding the Comprehensive Plan. He received a notice in the fall about a Comprehensive Plan, and that was the only notice he got. He just found out yesterday that his land was going to be rezoned, and he was not sure of the impact. He would appreciate more communication between the City and business owners. It seemed like there was the same go-round with the fiasco on Molalla Avenue. No one knew until the last thing. He understood the City complied with Measure 56 notification requirements. Just to send out a random Comprehensive Plan review notice does not mean to him that there will be a zone change on his property. He has been in Oregon City for 30 years, and he is not that far away. A little letter about rezoning his land would have helped.

**Commissioner Bailey** said in defense of the City pursuant to Measure 56, Mr. Stennick and every other property owner in the City received the notice that said specifically "this may affect your property." From his point of view, that would have started a process where he might have said, "heads up." Many people came to public meetings, workshops, and City Commission meetings, and it has been in the paper. Bailey could not say there was not been adequate notice for Mr. Stennick to start paying attention. The City does what it can.

**Mr. Stennick** came by twice to the outer office. He told them his name and address and asked if his zoning would be changed. He was told, "No sir, your zone is going to be commercial." He did this once in January and again in February. If he has to watch the City Commission every week or every month, please let him know that. To tell him one thing and do another makes him a little ticked off.

**Mr. Drentlaw** added the proposed ordinance has a provision for an automatic review starting on August 23. That would be a good time to look into this type of situation.

**Mr. Stennick** was fine with the zoning. He just wanted some communication. The man at the counter could not tell him if his property was going to be more or less valuable. The other gentleman told him it was not his job, and that he should see a real estate appraiser.

**Dr. Bill Elliott**, 1017 Molalla Avenue, Oregon City. He has his professional business there as well as a business office. He found out later than Mr. Stennick, as late as today about 4:00 p.m., about the Comprehensive Plan change that would actually be a zone change on his property. He received a card in the mail from the City saying there was a Comprehensive Plan review. He agreed with Mr. Stennick's comments. It does not mean a whole lot to him. If you had said the zoning on the property was going to be changed or that the City was considering a change from commercial to MU-1 that would have gotten his attention a lot more than a nebulous statement about a Comprehensive Plan change in Oregon City. He was not sure if this impacted his property value one way or another. What bothered him was that he found out about it at the eleventh hour, and it is very similar to how he found out about the Molalla Avenue Project. All of a sudden citizens on Molalla Avenue found out the project was being pushed through without getting really true input from those affected. "Commissioner Bailey, you shake your head, but that is exactly how it is." He has been in business for 25 years, and Dave has been in for 30. They just find out about this stuff at the eleventh hour – like it just gets sailed right through the City. It makes him mad and a lot of others feel that way too.

**Mayor Norris** agreed communication is one of the City's biggest challenges. Because the Comprehensive Plan has not been updated since 1982, a large number of changes are proposed. One notice went to everyone who owns property in the City, and unfortunately budget and time constraints are an issue. This has been a three-year process with many meetings. It is a huge challenge because of the costs. She reminded the group of the August 23 review and urged people to check the City website for supplemental information.

**Mr. Elliott** asked if this put him in opposition.

**Mayor Norris** said the public testimony portion is closed and noted there have been numerous hearings with hundreds of people testifying. The urgency is that there are so many outdated and piecemealed codes. Because Oregon City is on the move, these need to be in place today. It is, however, a living document that can be amended.

**Mr. Elliott** wanted time to review how it affects his property since he just found out today.

**Mayor Norris** urged him to take advantage of the August 23 review.

**Commissioner Lemons** was concerned about this early on because there was not a lot of response from some areas like Beavercreek Road. The City is required by law to say certain things in its notice. He did not like the wording because it seemed to be a scare thing. State law requires this, and the City's constraints are at the legislative level. He sympathized with Elliot and wanted people to have as much information as possible.

**Mr. Stennick** wanted to acknowledge the police chief for the 30 years he has been in Oregon City. **Mr. Elliot** seconded that statement.

**Commissioner Neeley** asked if another notice would go out for the August 23 review.

**Mr. Drentlaw** said no.

**Commissioner Neeley** thought in that case it would be important to get the appropriate information out to the press. This is a very expensive undertaking, and thousand of dollars were invested in just the mailing. He intends to bring up some issues he would like to have reviewed in August, but he does not want to hold up the process at this time.

**Mayor Norris** said the City will provide information on its website, in the *Trail News*, the newspaper, and through the neighborhood associations.

**Commissioner Hewitt** commented that everyone in town wants to know what is going on, but no one wants the City to spend more money. You cannot do both. It is very frustrating for the City Commission because everyone wants notice, but most notices were probably considered junk mail. It cost the City thousand of dollars to send them out the one time as mandated by state law. The City Commission heard from a few hundred people out a population of 28,000. Everyone wants the City to do something after the fact, but no one wants the City to spend the money to do it. If the residents want the City to run lean and mean, you get what you get pursuant to state law. The process is adequate. Hundreds of people read the notice; thousand threw it away. The City is trying to be responsible with its money, adhere to state law, and give people proper notice. The City is doing the best it can with the funds available.

**Mayor Norris** said communication is difficult, and the City Commission did extend its public hearing. She apologized to those who did not feel they had a chance to weigh in.

**Ralph Kiefer**, 15119 Oyer Drive, Oregon City. He has been following the Comprehensive Plan progress for some time. He applauded the planning staff for putting information on the website that included all the new versions and maps.

### 3.0 CONSENT AGENDA

**Mayor Norris** said the minutes would be amended to include Kathy Hogan's corrections.

**Commissioners Neeley/Hewitt m/s to approve Consent Agenda Item Nos. 3.1 and 3.2. A roll call was taken, and the motion passed with Commissioners Hewitt, Lemons, Bailey, Neeley, and Mayor Norris voting 'aye'. 5:0.**

3.1 Approval of Regular Meeting Minutes of April 21, 2004; and

3.2 Approval of Work Session Minutes of April 21, 2004.

### 4.0 COMMISSION BUSINESS

4.1 Commission Report No. 04-091, Second Reading Ordinance No. 04-1004, a Zone Change of Two Properties from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District; Clackamas County Map 3S-2E-7DD, Tax Lot 1900 and 3S-2E-7D, Tax Lot 501 – (ZC 04-01)

**Mayor Norris** explained this was the second reading of the Ordinance, and testimony was closed.

**City Attorney Edward J. Sullivan** asked if any member of the Commission had any pre-hearing or ex parte contacts since the last meeting.

The City Commissioners and Mayor received e-mails from Ms. Wallwork. Mayor Norris and a Commissioner had visited the site. There were no biases or anything that would prevent the City Commission from rendering a fair hearing.

**Mr. Sullivan** announced that testimony and other presentations must be addressed to the issues in the staff report. Other criteria must not be added in now. Failure to raise a criterion with specific testimony or evidence directed to it would preclude raising that issue before the Oregon Land Use Board of Appeals.

**Mr. Sullivan** asked the Commission, since this is extraordinary and the hearing is closed, that it restrict it to testimony and not evidence. If the Commission starts the chain of evidence, the hearing would have to be extended.

**Mayor Norris** opened the public hearing.

**Mr. Sullivan** said testimony and evidence means that if new facts are added that are not already in the record, the Commission cannot consider them. It can argue the issues already raised, but new facts cannot be accepted. He understood Ms. Wallwork had attended the Planning Commission hearing.

**Ms. Wallwork** believed that she had and that she had read the minutes of the last City Commission meeting.

CITY COMMISSION MEETING MINUTES

MAY 19, 2004

Page 10 of 22

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**Mr. Sullivan** understood then that Ms. Wallwork was familiar with what was already in the record. He said if she restricted herself to those facts she may make any argument she wishes but may not introduce any new fact. The Commission will disregard any that are made.

**Commissioner Neeley** said before the zone change was brought to the City Commission, Wallwork had letters of testimony in the packet as part of the record.

**Nancy Wallwork**, 12945 S. Noblewood Avenue, Oregon City. She spoke regarding VR-04-01, the Newberry Subdivision. She had a written testimony she wished to submit to the City Commission.

**Mr. Sullivan** said the subdivision is not before the City Commission. The rezone is before the body.

**Mayor Norris** understood the subdivision will go before the Planning Commission.

**Mr. Sullivan** explained the City Commission does not have any authority over the subdivision at this time.

**Mr. Drentlaw** added for further clarification that the subdivision is a Type II and will not go before the Planning Commission unless there is an appeal. The comment period for the subdivision has closed.

**Mayor Norris** accepted the correspondence.

**Commissioner Neeley** said this is also troublesome to the City Commission because it has concurrent subdivision and zoning changes. While the City Commission is considering the zone changes, the subdivision proposals come in at the same time. The process bothers him very much in that the comment period is closed on the subdivision. Those are closed before the City Commission even adopts the ordinance on the zone change yet the subdivision is dependent upon it. He feels the City Commission needs to deal with this. It even happens at the annexation phase. He understands a person annexing property and planning a development wants to have some basic concept of how it will be used. It disturbs him that one thing has to occur before another.

**Mr. Drentlaw** said this has traditionally been the process, and the city attorney's office is working on it.

**Mr. Sullivan** said the City Commission could expect an election by the applicant that either concurrent applications are considered at one time or the zone change is finished before the subdivision is begun.

**Commissioner Hewitt** was not sure the public understood what this was about. Someone asked to change the zoning on their property so they could build more houses.

At the same time the applicant sought a subdivision with a new zone. The applications came in simultaneously. The zone change comes before the City Commission, and in this case, staff reviews the subdivision administratively. Nobody really gets any input on the subdivision once the comment period has closed. Developers frequently bring the subdivision forward, however, as part of the zone change package. Neeley was saying that an applicant should come in with the zone change, and if it is granted then go on with the subdivision. The problem is that is not the process in Oregon City. He believed the City Commission should make it mandatory and that the applicant does not have choice.

**Mr. Sullivan** said there is a statute that says consolidation of applications is at the option of the applicant. He thought the other issue was that the City Commission could make of policy that the applicant has to wait.

**Commissioner Hewitt** asked if the zone change and subdivision applications are consolidated, would the subdivision application now being reviewed by staff then come before the Commission.

**Mr. Sullivan** said both would be before the City Commission if the applications were consolidated.

**Commissioner Hewitt** supported that process so public comment on both could be taken at the same time. That is what people have been wanting.

Commission Comments:

**Commissioner Bailey** supported the application because it looked as if the rezone allowed more flexibility in the design by taking into account this air safety fly zone issues that have been raised by the public. They could go in and develop under the existing zoning and not have the flexibility to move the homes. To him the rezoning gave more flexibility to build in that safety factor.

**Commissioner Hewitt** did not support the proposal. The applicant came in and told the City Commission it would be built to an R-8 density, but they wanted the R-6 zone for flexibility on a couple of lots. He believed if the applicant says it will build to an R-8, then that is what he will hold the applicant to. The lots were actually zoned R-10. The applicant is asking for a down size to an R-6 but saying they will do something in an R-8. He was willing to go with the 8 but not the 6 because there is one 6 there and the rest are 8's and 10's. It is out of character for the area, and that is his concern. He does not want to build something in area that is out of character. He understood that flies in the face of building every piece of land we have inside the Oregon City limits and inside the urban growth boundary (UGB) to meet Metro-housing standards. However, we also have to take care of the existing neighborhoods. The people have enjoyed the larger lot sizes and will now have to live next to smaller lot sizes spot zoned in the middle of the existing R-10 and R-8 zones.



**Commissioner Neeley** understood the fly safety zone in which no building would occur was part of that as well. He understood several lots were affected by that.

**Mr. Drentlaw** said that was correct.

**Commissioner Neeley** said several lots involve the safety zone that prompted the R-6 request.

**Commissioner Hewitt** understood these lots are in the safety fly zone area. The applicant says he is going to build to R-8 because the fly zone takes over the back side of that property, so there is a no-build strip. It is still a backyard; you just cannot build in it. The applicant is building the house up front. He felt it could still be accomplished with an R-8 designation and still be out of the fly zone. The same size house with the same basic setbacks, the same structure, the same square footage can be built in an R-8 zone. In analysis, the exception is the two lots. One of which is a corner lot by the roadway. All of the lots in that development are not affected.

**Commissioner Lemons** will vote “no” on the proposal for the same reasons he stated at the previous meeting.

**Mayor Norris** supported the zone change for essentially the reasons Commissioner Bailey expressed. This property has unique features. It is essentially an R-8 with some open space, and there would be flexibility for a higher quality development with this zone change.

**Commissioners Neeley/Bailey m/s for the second reading and adoption of the proposed Ordinance 04-1004 for a zone change of properties from R-10 to R-6 as shown in agenda item 4.1.**

**Sullivan** read the ordinance for the second time.

**A roll call was taken, and the motion passed with Commissioners Bailey and Neeley and Mayor Norris voting ‘aye’ and Commissioners Hewitt and Lemons voting “no.” 3:2**

- 4.2 Commission Report No. 04-092, First and Second Reading of Proposed Ordinance No. 03-1014, the Adoption of a New Comprehensive Plan, Comprehensive Map and Zoning Map; Amendments to the Zoning Code; and New Water and Sanitary Sewer Master Plans as Ancillary Documents to the Oregon City Comprehensive Plan.

**Mr. Drentlaw** provided the staff report. He briefly summarized the changes requested by the City Commission at the May 5, 2004 meeting. The binder contained correspondence in the form of e-mails and letters received since April 28, 2004. He reviewed the substantive changes as outlined in the May 12, 2004 staff report but did not cover each of the typographical error corrections:

- **Goal 14.4 – Annexation of Lands to the City.** The City Commission had some concern about the 25% figure, so some common language was added: “Long, linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to the City.”
- Staff report page 3, Zoning Code item #3 referring to page 26, **Chapter 17.08.040 – R-10 -- Dimensional Standards.** This was in response to a request to add a maximum building coverage in an R-10 zone for a single-family residence. This amendment sets it at 40%. Standards existed in all the other single-family zones, and Drentlaw believed this recommendation was put forth by Commissioner Neeley.
- Staff report page 3, Zoning Code item #5 referring to page 37, **Chapter 17.18.035 – Pre-Existing Industrial Use.** This was a request by the City Commission to allow industrial use on Berge’s property to continue. The language used was based on correspondence from Berge in terms of the existing uses on that property.
- Staff report page 3, Zoning Code item #6 referring to page 43, **Chapter 17.26.040 – Historic Building Preservation.** A provision was added that members of the Historic Review Board would be noticed of any Planning Commission decision related to the use of historic buildings.
- Staff report page 3, Zoning Code item #7 referring to page 47, **Chapter 17.29.020 – Mixed Use Corridor MUC-1 Permitted Uses.** Grocery and hardware were added into the permitted uses in MUC-1 and MUC-2 zones.
- Staff report page 4, Zoning Code item #9 referring to page 49, **Chapter 17.29.060 – Dimensional Standards: Mixed Use Corridor – 2.** This lowered the floor area ratio (FAR) from 0.35 to 0.30.
- Staff report page 4, Zoning Code item #10 referring to page 58, **Chapter 17.34.010 – Designated.** The word “primarily” was deleted from the purpose statement for the downtown zone.
- Staff report page 4, Zoning Code item #11 referring to page 59, **Chapter 14.34.020 – Mixed Use Downtown Permitted Uses.** It clarified that in the historical overlay district one may not have office on the first floor.
- Staff report page 4, Zoning Code item #16 referring to page 113, **Chapter 17.65.050.C(5).** This discussed the master plan process and the fact that for needed housing that there must be clear and objective standards. That language was added.

**Mayor Norris** understood a master plan was actually a concept plan.

**Mr. Drentlaw** said there are actually two processes. There is the master plan, which is the overall guide and is an elective process a development can go through. It is usually for projects of 10 acres or greater. It is a two-step process. The first step is approval of an overall concept plan that is general in nature followed by a more specific plan.

**Commissioner Hewitt** discussed the economic development review during the work session. He had been arguing with Drentlaw about using the word “primarily” and would

CITY COMMISSION MEETING MINUTES

MAY 19, 2004

Page 14 of 22

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like to revisit that at the August review. If someone comes into the downtown with a really innovative idea the City had not thought of, then he would suggest putting in a variance process. The City needs flexibility. He hoped Younger would attend the meetings in August to address his needs.

**Commissioner Lemons** was similarly concerned about a business such as an insurance agent that might become non-conforming just by moving down the street.

**Mr. Drentlaw** said that would not necessarily be what happens. The City would look at the permitted uses in the zone. This was more of an overall purpose statement.

**Commissioner Lemons** would not want to put restrictions on someone who has been in business for many years.

**Mr. Drentlaw** said typically in any zoning code a new chapter starts out with a purpose statement. There are situations where staff has not thought of every possible issue or configuration of a development, so there can be gray areas. In that case, one looks at the purpose of the zone and why it was created in the first place. It gives direction when gray areas come up.

**Commissioner Neeley** discussed a scenario of a person coming in with an application to have ground floor office space, and there is a variance provision. Does the fact that they are bringing forward a variance increase the cost of the application?

**Mr. Drentlaw** said a variance costs about \$2,000. For clarification, right now the way it is written for the historic downtown zone, if someone came in with a proposal for office on the first floor, he could not do it. There is no variance written into this chapter as was done for the FARs. He understood Commissioner Hewitt suggested adding a variance procedure for office use in the August review.

**Mayor Norris** felt after discussing the challenges of the downtown with Leland, the City Commission may not want the option to be so prescriptive. She would like additional conversation on this issue.

**Mr. Sullivan** said he would have to read any amended section at this meeting.

**Commissioner Lemons** could wait until August.

**Commissioner Bailey** supported having the flexibility and welcomed the opportunity to look at it again.

**Commissioner Neeley** referred to his written comments from the last meeting and indicated he had been able to work the issues out with Konkol. Earlier he expressed concern that the housing section contained nothing about affordable housing. The current version does, but he believed it was weak. He referred to page 10-3, Policy 10.1.4. It says, "aim to reduce the isolation of income groups within communities by encouraging

diversity in housing types within neighborhoods consistent with the Clackamas County Consolidation Plan while ensuring needed affordable housing is provided.” Is that the only place in the goals and policy statements that affordable housing is mentioned?

**Mr. Drentlaw** believes there was a similar addition to Goal 10.1.

**Commissioner Neeley** suggested some wording, but he did not want a re-reading. He thought language regarding affordable housing could be included in Policy 10.1.7 as well. The City will have to look for incentives and development standards to include affordable housing. He further suggested an additional policy having to do with developing an inventory process to determine the degree to which Oregon City is providing affordable housing to residents earning 50% of median income or less. He believed Oregon City needed an ongoing inventory process. The City has grown tremendously over the past 10 – 12 years, and little of the new construction was affordable housing. The percentage is probably going down. He urged that the City have an inventory mechanism and requested these issues be considered in August.

**Commissioner Neeley** discussed e-mails regarding the action plan issue. The decision was made not to include the action plans in the Comprehensive Plan because it is a binding document. Some of the action items will be challenging to finance, and the City could be held accountable for carrying them out. He suggested preparing a document outside the Comprehensive Plan for Commission consideration and adoption or acceptance. He acknowledged that a lot of work went into developing those action plans by the citizens, Planning Commission, and advisory groups. He would look to these coming back to the City Commission in some kind of formalized document.

**Mayor Norris** hoped to use those action items to develop the City Commission’s annual goals and departmental goals.

**Commissioner Bailey** supported taking them out of the Comprehensive Plan but agreed the action items needed to be captured. He thought part of what the group did was to cross check policies in the Comprehensive Plan with the action items. He was confident a lot was captured, but that said, he personally would volunteer to work with staff to go through the items and develop a document for the basis of budgeting, goal setting, and guidance for other activities.

**Commissioner Neeley** would also volunteer some time. He suggested creating a numbering system that tied the action items to the goals.

**Commissioner Hewitt** thought there was one important issue Commissioner Bailey failed to mention. The action items may change over time, and what is good today may be nothing in the future. He recommended having that document accepted by the City Commission and not including them anywhere near the Comprehensive Plan. The Plan can be amended to meet needs, and some action items may not make sense anymore. As the City grows, it will change.

**Mayor Norris** said it has been 20 years since the Plan was adopted and read some sections from the introduction she felt were very important:

- *“The City Commission firmly believes this Plan is necessary to protect and maintain the quality of life and social and economic vitality of the community.”*  
This is a broad-based guide, and it is important that it has seven principles that Commissioner Bailey helped draft.
  1. Sustainability and sustainable development
  2. Urban containment
  3. Promoting redevelopment
  4. Protecting natural resources
  5. Fostering economic vitality
  6. Providing efficient and cost effective services
  7. Ensuring a sense of history and place

The policies in the Comprehensive Plan are intended to reinforce those principles. She commended the citizens who attended the meetings, people who sent correspondence, and staff for spending time on the copious drafts. It is a living document and a guide for community direction.

**Commissioner Lemons** commented this was done in the early 1980's. There was a lot of input this time versus the last time. He was excited that everyone got their chance to talk about the Plan. He personally has problems with some of it, but he will not hold up its adoption. It is a good Plan, and one that can continue to undergo review.

**Associate Planner Tony Konkol** will research the numerous ancillary documents and reference them in the Plan.

**Mr. Sullivan** said there are three references in Section 6, but that does not invalidate the other documents.

**Commissioner Neeley** recognized the previous City Commission for getting this project moving forward under Mayor Williams.

**Mr. Sullivan** presented the Plan to LCDC in 1982 as a young man of 37. He will be 60 on his next birthday.

**Commissioners Hewitt/Lemons m/s to approve the first reading of Ordinance 03-1014.**

**Mr. Sullivan** read Ordinance 03-1014 for the first time by title only.

**A roll call was taken, and the motion passed with Commissioners Hewitt, Lemons, Bailey, and Neeley and Mayor Norris voting ‘aye.’ 5:0.**

**Commissioners Hewitt/Neeley m/s for the second reading and adoption of Ordinance 03-1014.**

**Mr. Sullivan** read the Ordinance for the second time by title only.

**A roll call was taken, and the motion passed with Commissioners Hewitt, Lemons, Bailey, and Neeley and Mayor Norris voting ‘aye/’ 5:0.**

**4.3 Commission Report 04-093, Proposed Resolution No. 04-19, Local Agency Endorsement for Transportation Priorities 2006 – 09, MTIP Funding Applications**

**Kraushaar** provided the staff report and recommended that the City submit two applications for Metropolitan Transportation Improvement Program (MTIP) funding:

1. Phase 2 of the South Metro/Oregon City Amtrak Station. The total cost of the project is about \$1.5 million, and the City would request \$1,335,000 in federal funding. The City’s match would be \$165,000 from urban renewal funds.
2. Refinement planning for interchange and intersection at Hwy. 213/I-205/Washington Street. The City is trying to draw attention to the intersection because two urban growth areas will be served by this transportation facility and is a direct connection to the regional Center. Although it looks as if the City would have to provide a substantial match to move forward, urban renewal and/or system development charges (SDC) could be used. She felt this was an important issue for Oregon City and its neighborhoods to at least move forward with some refinement planning on the original concepts.

**Ms. Kraushaar** noted two typographical errors in the resolution that will be corrected by the city recorder. One was under the seventh “whereas” the word “developed” was repeated in the sentence. The next was in the second “whereas” after that, in which the word “and” was repeated.

The City will also be seeking a grant from ODOT for bicycle and pedestrian funding this summer. With all of the development on South End Road, she believes it is time to install bike lanes. There are no guarantees on any of these applications. She would be looking for support from the City Commission and neighborhoods if they were approved. Metro and the Joint Policy Advisory Committee on Transportation (JPACT) want to ensure these projects are supported by the elected officials and the public.

**Commissioner Neeley** commented the separated crossing is not a new concept and understood the funds would be used for planning.

**Ms. Kraushaar** said that was correct. Even to move forward with construction design, an in depth analysis must be done on the concept plans developed in 2000.

The City must ensure these are good, workable alternatives before they are proposed. This particular planning process would be followed by an intense environmental process required for federal funding. It would consider right-of-way, business, social, economic, energy, and environmental impacts.

**Commissioner Hewitt** asked basically, for the public's benefit, what this is for and when it would start.

**Ms. Kraushaar** replied this funding would become available in 2009 because 2008 funds have already been programmed. The City is applying for the funds now and will compete with some other very good projects in the region. Clackamas County has a list of projects that is twice the amount of available funds. The competition will be tough, and funds are several years away.

**Commissioner Hewitt** understood the City may or may not get the funds it is soliciting, and monies would be used for a study and not construction.

**Ms. Kraushaar** said if Oregon City does not apply for funding in this cycle, the next opportunity would not be until 2012. The City can still look for other funding activities. The design phase of the Amtrak station is already complete as well as the contract documents. This application would be to acquire the historic SPRR building and moving it to the site and to construct a 63-vehicle parking lot making Oregon City more competitive with Portland.

**Commissioner Neeley** commented 2009 seems a long way out, but Kraushaar has gotten MTIP money for the intersection of Hwy. 213 and Beaver Creek. Oregon City committed to a high match, and Neeley believed that made a difference. Money was sought early on for the McLoughlin Boulevard engineering design and approval of phase 1 construction. It has been an excellent process, and Oregon City does a great job putting forth these proposals because of Kraushaar and her staff.

**Ms. Kraushaar** added the City's projects fit the criteria well. She noted that Molalla Avenue phase 2 would begin this summer.

**Commissioner Lemons** asked if there were two separate funding sources for the Amtrak station project.

**Ms. Kraushaar** replied all funding comes from the Federal Highway Administration Transportation Enhancement Act 21. There are two different types of funding. One is Congestion Management Air Quality (CMAQ) program funding that can only be used for projects that will decrease vehicular use on our roadways. Those are fairly restrictive. The other request is for Surface Transportation Program (STP) funds which are less restrictive.

**Commissioner Lemons** had concerns about using urban renewal funds as the City's match for these types of studies. He would favor this proposal if the motion included using SDC funds for that study. He would have no problem using those funds for the Amtrak station project. The difference in the match is huge.

**Ms. Kraushaar** said in order to put together a package that everyone in the county felt they could support, some adjustments were made. She understood the local match was significant.

**Commissioner Lemons** asked what part of that study involved Hwy. 213, which is not under Oregon City jurisdiction.

**Ms. Kraushaar** explained that Hwy. 213 does affect how Washington Street operates. It affects how people get in and out of Oregon City as well as how people go through Oregon City. The relationship is getting people into the regional center, to any new development, the Amtrak station, and any tourist facilities in that area.

**Commissioners Hewitt/Bailey m/s to adopt the resolution endorsing two transportation projects as Oregon City priorities for application of regional funds allocated through the upcoming transportation priorities 2006 – 09 funding solicitation process.**

There were no further comments.

**A roll call was taken, and the motion passed with Commissioners Hewitt, Bailey, and Neeley and Mayor Norris voting 'aye' and Commissioner Lemons voting 'no.' 4:1.**

5.0 COMMISSION/CITY MANAGER INFORMATION

5.1 City Manager's Report – None.

5.2 Commissioner Communications

5.2.a Mayoral Appointments

**Mayor Norris** appointed Lori Hunt to the Oregon City Civic Improvement Trust (OCCIT) and Melissa Bailey to the Oregon City Arts Commission, with a term to expire on 12/31/06.

5.2.b Reports on Regional and Intergovernmental Committees

**Commissioner Neeley** reported on Metropolitan Policy Advisory Board (MPAC) activities. At the last meeting there was a decision to adopt Goal 5 designations in terms of levels of protection. The classifications included upland wildlife habitat and riparian fish and wildlife habitat. Drentlaw serves on the Metro technical



committee, which is advisory to MPAC, and that group came forward with alternative recommendations to what the Metro staff proposed. One of them in a minor way increased protections in publicly-owned parklands. Others were less restrictive. MPAC adopted the more restrictive use in parklands but did not accept the technical group's recommendation for the less restrictive use in some of the other areas. These recommendations were forwarded to the Metro Council.

The second item before MPAC resulted in a straw poll. He asked Mayor Norris discuss her testimony regarding industrial lands.

**Mayor Norris** spoke to the industrial lands addition. She expressed solidarity with the City of Wilsonville for not going south of the Willamette River. She spoke in support of including Oregon City's 63 acres on Beavercreek as industrial land because of its importance to the community. Further she supported Wilsonville and urged the Metro Council to consider adopting Comprehensive Plan designations and not just zone as industrial land. Her final point was that if the Comprehensive Plan designation was accepted, then Oregon City has 93 acres to offer. Those 93 acres became a catalyst for people adding up the acres that might be designated in Comprehensive Plans around the region.

**Commissioner Neeley** said those items were brought forward and informally supported. It makes sense to consider those lands in terms of the degree to which urban growth boundaries are supported.

**Mayor Norris** believed there would be an ongoing battle over industrial lands.

The group discussed putting the City's ability to regulate land use on a future agenda and wanted information on the impact of the November General Election Land Use Measure.

#### 6.0 RECESS TO EXECUTIVE SESSION

The City Commission recessed to go into executive session at 9:09 p.m. pursuant to ORS 192.660(2)(h) to consult with counsel concerning legal right and duties regarding current litigation or litigation likely to be filed.

#### 7.0 RECONVENE TO REGULAR SESSION

The City Commission reconvened the regular session at 9:22 p.m.

#### 8.0 ADJOURNMENT

**Commissioners Bailey/Hewitt m/s to adjourn the regular session. A roll call was taken, and the motion passed with Commissioners Hewitt, Lemons, Bailey, and Neeley and Mayor Norris voting 'aye'. 5:0.**

**Mayor Norris** adjourned the meeting at 9:24 p.m.

Respectfully Submitted,

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Leilani Bronson-Crelly  
City Recorder