



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, February 27, 2017

7:00 PM

Commission Chambers

1. Call to Order

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

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

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

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. AN-16-0004 / ZC-16-0001: Annexation and Zone Change of 35.65 Acres North of Holcomb Boulevard

Chair McGriff opened the public hearing and read the hearing statement. She asked if the Commission had any conflicts of interest, ex parte contacts, bias, or any other statements to declare.

Commissioners Mahoney, Henkin, and Espe were familiar with the site.

Commissioner Espe said his wife worked for Holcomb Elementary School.

Commissioner Mabee visited the site and talked to a neighbor who was walking down the street. He had asked if the neighbor was aware of the annexation application and if he had any issues with it. The neighbor said he did not. Commissioner Mabee also asked if the neighbor had issues with water and the neighbor indicated whenever there was heavy rain there was a spring that ran through their property. That was consistent with what Commissioner Mabee observed on the site, which was open streams, freshly cut timber, and a lot of standing water.

Commissioner Geil recused himself from the hearing as he lived on Holcomb, drove the street several times a day, understood the concerns regarding the traffic, and knew those who were testifying personally. He left the hearing.

Chair McGriff visited the site and also observed the tree removal. She received an email from a constituent who did not live in the Park Place neighborhood and was not in support of the application.

Pete Walter, Planner, presented the staff report. He explained the approval process, continued hearings, aerial photo of the site, and adjacent zoning and access. He

summarized the application, which was an annexation request for 35.65 acres. It was not within the Park Place Concept Plan area. The applicant was also requesting rezoning of the property from FU-10 to R-10. There was no development proposed at this time. A traffic impact analysis with Transportation Planning Rule compliance findings had been submitted. He discussed the annexation factors and inventoried natural hazard and historic resources. The Natural Resource Overlay District would be applied to this property once annexed. There were also slope areas and Barlow Road Corridor easements on the property. He also discussed the zone change criteria, public facilities and services including water, wastewater, stormwater, transportation, police, fire and emergency, schools, parks, trails, and open space. The traffic analysis submitted by the applicant assumed the future development of 121 homes and analyzed three intersections impacted by the zone change. Two key intersections failed to meet the performance standards, Highway 213 and Redland Road and Redland Road/Holcomb Boulevard/Abernethy Road. There was a condition that would only allow development under the current zoning, FU-10, until elements such as financially constrained projects and alternate mobility standards were identified and adopted through the OR-213 Refinement Plan. The Oregon City Police Department and Clackamas Fire District #1 would serve the property and the property was in the Oregon City School District. No comments had been received from any of the affected agencies. No parks or open spaces were identified to be placed on the subject property. There would be a future trail system for the property. The applicant would need to pay Parks SDCs. He then discussed additional considerations for the annexation including SB 1573, which took away the requirement for voter approved annexation, and the refinement plan for Highway 213. The applicant had attended two Park Place Neighborhood Association meetings. Five written comments had been received today, which included concerns regarding traffic congestion, school capacity, property taxes, voter approval, air quality, noise, topography, parks, and sewer and water capacity. The Planning Commission would be forwarding a recommendation of approval or denial to the City Commission.

There was discussion regarding possible appeals of SB 1573 and how the court had said there was no municipal right to annexation. The City Commission had passed an annexation using SB 1573 previously.

Chair McGriff thought the Barlow Road corridor should be added to the conditions.

Seth Brumley, Oregon Department of Transportation, read the letter from ODOT into the record. ODOT had no objection to this proposal.

Laura Terway, Community Development Director, explained the alternate mobility targets process.

Mike Robinson, representing the applicant, said they were here to demonstrate that the application had met the burden of proof for the annexation and zone change. They also wanted to answer the questions of citizens. This property had been in the Urban Growth Boundary since 1979 and had been planned for urbanization for a long time. The law did not allow a subdivision application to be done at the same time as annexation and they wanted to know they were in the City and had the correct zoning before they started the subdivision work. He passed out a letter that included a citation to the Benton County Circuit Court decision regarding SB 1573. In that case the judge had agreed with the state's argument that SB 1573 was not unconstitutional. That decision would likely be appealed. The Planning Commission had to apply the standards that were in effect when this application was made and currently SB 1573 was in effect. This application met the criteria for not sending it to a vote of the people.

He referred to the relevant Charter provisions, which were in Exhibit 4 in his letter. They were in regard to boundaries and powers of the City. If this was approved, the natural and historic resources on the site would be taken into account. The City had no provisions regarding tree removal in annexations and it was not in the approval criteria. He did not see an identified Goal 5 archeological resource on the map, and it was not an approval criteria either.

Rick Givens, also representing the applicant, said regarding the trees, some of them had been harvested by the property owner, not by a developer trying to skirt compliance with tree ordinances. The property owner had worked with the State Forestry Department and had gotten all of the necessary permits for the harvesting. He then reviewed the annexation factors and how this application met them including adequate access, services, and school capacity. This was a first step, and development would be delayed at least a year while the alternate mobility targets process was occurring and development would be done in phases. The 121 units was a high-end estimate for how many units could be developed on the site and was used to assess the impact of this project. He gave the Commission the letter he sent to the School District and a copy of a study that was done for the Oregon City School District by Portland State University that forecasted school needs in the area. He also gave them a screen shot of the School District's website regarding school enrollment. The School District estimated about half a student per household and he listed how many students this property was likely to generate with that estimation. He thought there was capacity at Holcomb Elementary for this project, and there were plans for school expansion in the District. The impact would be spread over several years as development happened in phases, and it would be within the expected school capacity. There was a small steep slope area on the property and he thought the water on the property was due to the record rainfalls they had been experiencing. No wetlands were identified on the property, but there was one nearby where they would probably direct the stormwater from the site.

There was discussion regarding the standing water in the area and existing stormwater facilities. Mr. Givens thought it was conceptually feasible to mitigate the stormwater.

Chair McGriff said trees were a concern of the Commission.

Christine Kosinski, Clackamas County resident, passed out her written comments. She requested that the hearing be continued due to the plethora of new information that had been submitted that night. She thought six of the seven annexation factors had not been met. Without a Holly Lane extension, development on Holcomb would have to be scaled back. The largest issues for developing this area were the lack of a good transportation plan and landslides and steep slopes. There was question that the Holly Lane extension could be safely built. A complete geologic study should be ordered for the boundaries of the Park Place Plan and the alternate mobility targets study had not been completed. She thought no development or annexations should be approved until these were done.

Bob LaSalle, representing the Park Place Neighborhood Association, referred to annexation factor #3, adequate facilities and services for the potential development, and referenced the Lancaster Engineering Traffic Impact Study. He discussed the additional trips during peak hours and total daily trips as well as mitigation for the increased traffic and degradation of area intersections. He questioned where the funding would come from for the mitigation to the streets and intersections. He referred to the Replinger review of the Traffic Impact Study which talked about how development of this property would degrade the transportation system such that it

would not meet applicable performance standards. These issues needed to be figured out first before annexation was approved. He then discussed a map of the Park Place area which showed the recently completed and currently approved developments. These would add to the traffic and school capacity issues. He was also concerned about the standing water on the property. He asked that if the Commission did not deny the application that the hearing be continued.

Ryan Richards, Oregon City resident, thought the developer should share in the numerous improvements that were needed for this area. Tax payers and residents nearby should not be burdened with the impacts from others who would gain financially. He asked that the tax payers and residents be taken into consideration.

Mike Ziolk, Oregon City resident, was opposed to the application. He thought the proposed annexation did not adequately address the Comprehensive Plan and Municipal Code requirements. He read the requirements in regard to adequate public facilities and services, stating which ones he thought had not been addressed. Holcomb Elementary's playground could not be used as a park, as it was fenced and locked during non-school hours and it could not be used during school hours due to safety concerns. He then discussed the annexation factors and how access was not adequate. The transportation issues needed to be addressed prior to annexing. He thought the annexation would create an island and it should go to a vote. He submitted his written comments and thought the hearing should be continued.

Joe Novak, Oregon City resident, did a conservative study of the impervious surface that would be created when this property was developed. He discussed issues with stormwater in the area and the improvements he had to make to his own home to deal with all of the water. He was also concerned about the extra traffic and mudslides on Holcomb and pedestrian safety.

Lary Drake, Oregon City resident, discussed the water issues in the area and the need for homes to have french drains and sump pumps.

Bryce Borisch, Oregon City resident, discussed the lack of notification for this meeting as the signs had not been updated and not everyone in the neighborhood had received notices in the mail. Regarding the Traffic Impact Analysis, it was done in January where there were many icy days and where many people stayed home. Schools were currently overcrowded and he thought the projections were off on school attendance. He thought it was not a coincidence that the trees on the property had been harvested at the same time as the annexation application.

Chris Borisch, Oregon City resident, was concerned they were putting the cart before the horse and agreed with all of the testimony that had been given tonight. She submitted a petition from her neighborhood from people who did not get notification about this application. Many people did not know this was going on and it was a disservice to the tax payers who were going to be affected by this project. She thought the hearing should be continued because of all the new information that had been submitted.

Kim Krumm, Oregon City resident, did not receive a notice of this meeting. She was concerned about noise pollution and traffic congestion. She questioned when the traffic study was done, how long was it done, and how was it done. The school would have to expand, and they would have to ask the tax payers for more money. She did not think residents should foot the bill for future development. The development would not enhance the livability and quality of life in the area.

Susan Ziolk, Oregon City resident, stated annexation should be delayed until the issues that had been raised by the community were solved. She clarified which trees on the property had been cut down and which were slated to be cut down. Besides the intersection issues, traffic visibility at the entrance to Holcomb Elementary School was a problem. There was already a lot of congestion to get onto Highway 213 from Holcomb Boulevard. The playground at Holcomb Elementary was not good for a park because no one would walk to it as the street was too busy. There was a lot of run off behind the school and a pond had been put in. Ever since the Barlow Crest subdivision had been put in, she had water issues in her yard that she never had before and they had a water detention pond in that subdivision. It was not just the rainy season, but there were water issues in the area.

Commissioner Mabee clarified the traffic counts were done on January 24-25. Chair McGriff wanted to make sure someone checked the notice signs to make sure they were visible.

Kathleen Eisele, Oregon City resident, was concerned about the traffic on Holcomb as well as the soil erosion around her property since the trees had been removed. Due the grade of this property and the water issues already there, she thought a pump station would need to be installed. She had not seen any notice signs. She was also curious as to how the traffic study was done and with what devices.

Bruce Bogar was building a home behind Holcomb Elementary and there had been standing water around the foundation since construction had started. His home was not the only one with water issues. There was a drainage pipe from the school's parking lot that drained into the residential area and into his backyard. There were a lot of new kids in his subdivision.

Lynn Andersen, Oregon City resident, was opposed to taking away the right to vote on this through SB 1573. The annexation that had been passed using SB 1573 was less than an acre in size. It was not comparable to this annexation and she did not think there was a precedence. The Charter required voter annexation and they needed to listen to the citizens of Oregon City and uphold the Charter.

Janis Brownflagel (No Comment Card), Oregon City resident, had moved to this area because she thought it would be safe and peaceful. With the current developments already underway, Holcomb had become a very busy street and the intersections very congested. She thought this proposal would affect the quality of life in Oregon City. More planning needed to be done on how to handle all of the impacts of new housing before more annexations were approved.

Mr. Robinson presented rebuttal. He said the applicant would be willing to continue the 120 day deadline if the hearing was continued. The City had done a lot of planning as there were many standards in place. The City provided notice to everyone within 300 feet of the property and the applicant had posted notice within 10 feet of the street as per code.

Mike Ard, Lancaster Engineering, had prepared the Traffic Impact Study. This annexation and zone change had been intended to be done in the City's Comprehensive Plan. There were other properties in this area that were also planned for annexation and development and the traffic study took into account all of those developments. He explained the intersections that were studied and how the data was collected through cameras. There was no snow or ice on the road the days it was

studied. He also explained how the estimated maximum number of 121 lots was determined. The study determined there would be no impact on the intersection of Beavercreek and Highway 213. For the intersection of Redland and Highway 213, there was a congestion problem that required mitigation. The mitigation proposed would not be a comprehensive fix as a broader fix was needed to solve the problem. That was why there was a condition that this intersection should be studied further and the applicant would contribute to the future larger fix instead of doing a small fix. For the intersection of Redland and Holcomb, the intersection was operating within capacity but was projected to be over capacity by 2035. The mitigation proposed here was to add an eastbound right turn lane which would restore the intersection to be within capacity. The study did not count on the Holly Lane extension existing through the time of build out for this proposal.

Commissioner Mabee wanted it clarified whether or not the afternoon peak hours should be shifted to include the impact of school traffic.

There was discussion regarding the work that needed to be done before this property could be developed as well as comparing the congestion reported by the residents and the findings in the traffic study.

Chair McGriff expressed concern regarding the trees being cut down on the slopes.

A motion was made by Commissioner Henkin, seconded by Commissioner Mahoney, to continue the hearing for AN-16-0004 / ZC-16-0001: annexation and zone change of 35.65 acres north of Holcomb Boulevard to March 13, 2017. The motion carried by the following vote:

Aye: 5 - Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Recused: 1 - Tom Geil

4. Interview for Planning Commissioner Vacancy

Bob La Salle, Thomas Batty, Vern Johnson

The interviews were postponed to March 13 at 6 PM.

5. Communications

Ms. Terway said LUBA's decision to remand the Historic Properties application had been appealed to the Court of Appeals. She also reported on recent landslides and announced a new Building Inspector had started work today.

6. Adjournment

Chair McGriff adjourned the meeting at 10:30 PM.