



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, March 13, 2017

7:00 PM

Commission Chambers

1. Call to Order

Chair McGriff called the meeting to order at 7:10 PM.

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

Staffers: 4 - Laura Terway, Carrie Richter, Pete Walter and Aleta Froman-Goodrich

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.

Commissioner Geil said because he lived in this neighborhood and knew those testifying and the applicant personally, he recused himself from the hearing and left the dias.

Commissioner Espe had been by the site.

Chair McGriff said people in the community had sent her emails and called her, and she had referred those contacts to staff. She had also visited the site and was sent some photos. Those contacts and photos had been submitted into the record. Someone had stopped her at the grocery store yesterday, but she told them that she could not discuss the issue.

Pete Walter, Planner, presented the staff report. This was a request for annexation and zone change for 35 acres north of Holcomb Boulevard. He summarized the application, hearings that had been held, approval process, new items that had been sent with the agenda packet, new items that had been entered into the record that evening, and public notice procedures. The original signs that were posted at the site had fallen into disrepair, and the applicant reposted the signs on March 6. Notices had been sent out 300 feet from the site as required by code, and that only included parts of the subdivisions in the area. He explained how the annexation would not create an island due to the presence of a 20 foot strip and public facilities and services would not be duplicated. He discussed the Winston Acres plat of 1912 and the Winston Hills

plat of 1971 and where the 20 foot strip was located. He then discussed the annexation factors and how staff thought the application met the majority of these factors. He also discussed the public facilities and services including transportation, water, sewer, and storm; Condition #14; and new agency and city comments.

Mike Robinson, representing the applicant, agreed with the staff report that the application satisfied the annexation factors. The School District had submitted a letter noting there was school capacity for this site currently. There would be a slight capacity issue ten years from now, which gave the School District time to provide additional capacity and for this subdivision to be built out. ODOT and the City's traffic engineer agreed the transportation system would have adequate capacity based on the City's Transportation System Plan and there was a condition that development could not occur until all of the items in the condition were met. Another traffic analysis would be done when the applicant submitted a subdivision application. They would follow the City's Stormwater Master Plan and stormwater standards for adequate storm drainage. They could provide two access points for fire and emergency services. No county island would be created as the 20 foot strip separated the property that was in the City now from this area. The City's Comprehensive Plan anticipated development of this site. The applicant had complied with the City's notice requirements and had reposted the signs on the site. The tree felling was not an approval criteria. He asked that the Planning Commission recommend approval of the application to the City Commission.

There was discussion regarding the 20 foot strip.

Rick Givens, representing the applicant, explained the 20 foot strip of land was no longer being used as a driveway. The ownership of the strip had been transferred back to the applicant. It was not part of the annexation application, however. It no longer served any road function.

Wes Rogers, Director of Operations for the School District, discussed school enrollment and capacity. Current enrollment was slightly under 500 students and the capacity was 564 students. Based on current development projects there would be a few students above capacity in about 10 years. The average ratios provided by the applicant were valid. The District was aware of enrollment and capacity challenges going forward in the next 5 to 10 years. They recently completed a facilities study and were drafting a plan for the next 10 years that included a construction bond request.

There was discussion regarding the evaluation of capacity, impact of the bond, Park Place Elementary School which was a public charter school, and a joint meeting of the School District and Planning Commission.

William Gifford, Oregon City resident, was representing the Oregon City Business Alliance. He addressed the applicable approval criteria. This property had been in the Urban Growth Boundary for decades and those living in this area should have known that it would be developed at some point. For those already living in this area, there was an impact to the area when they moved in. He thought the traffic issues had been met by the conditions. The water issue would have to be addressed, but it was not criteria for denying the annexation. The school capacity issue had been addressed by Mr. Rogers. The School District encouraged the use of the playground by the public. He did not think there would be a parks issue. It was not the wisest move to remove the trees, but it was the property owner's prerogative and it was not criteria for denial.

Christine Kosinski, Clackamas County resident, discussed the annexation factors that she did not think were satisfied including adequacy of public facilities, natural hazards,

and adverse affects. Mature trees had been removed from the property. The stormwater system was inadequate to service the area which had wetlands and high water tables. A thorough hydrology and soil report should be done and the health of the Park Place drainage basin should be studied before the annexation was approved.

Kim Krumm, Oregon City resident, had an issue with approving the annexation with the condition that there would be no development until the transportation issues were addressed. She did not trust that the applicant would not find a loophole and the property would be developed without the roads being fixed. She thought the application did not meet the annexation factors of adequacy to the site and enhancing the livability of the community. She was still concerned about school capacity as well.

Janis Brownflagel, Oregon City resident, pointed out the aerial photo did not include construction that had already occurred or annexations that had already been approved. She thought they were getting an incomplete picture of the impacts and increased density of the area. She was concerned that in order to comply with the requirements, water and sewer improvements would need to be done and those bills would increase for the surrounding neighborhood. There were drainage issues in this area and she was not convinced there was a sincere effort going to be made to address it. She also questioned the school capacity and requirements for the school's size. She was also concerned about a possible school bond.

Mr. Rogers explained the preferred capacity and how they could go above that number and the possible school bond which had not been decided by the School Board yet.

Tom Geil, Oregon City resident, clarified he sent photos and texts regarding the tree cutting so the Commission would be informed.

Mr. Robinson gave rebuttal. The 20 foot strip had not been created for this annexation. It was created by an old plat and prevented the creation of an island. He thought Mr. Rogers had addressed the school capacity issues. This site had been in the Urban Growth Boundary and the City had anticipated this growth for many years. He thought there were adequate public facilities and services, there were no natural hazards on the property except for the steep slopes which would be handled in the development application, and there were no significant adverse affects and the Barlow Trail corridor would be protected when the property developed. There would be normal urban impacts, but they would not be significant. They were not allowed to weasel out of any of the conditions as they were legally binding. The code did not include looking at an accumulative impact for all of the development in the area. He asked that the hearing be closed and the Planning Commission recommend approval to the City Commission with conditions.

Chair McGriff closed the public hearing.

Commissioner Mabee expressed concerns regarding the stormwater as the current plans were not adequate to address this location.

Carrie Richter, City Attorney, said staff just informed her that there was an email placed in the record on March 7 that was not distributed to the Commission. She requested the hearing be reopened so she could read the email into the record and give the applicant time to respond to it.

Chair McGriff reopened the hearing.

Ms. Richter read the email from Jim Charriere.

Mr. Robinson responded to the email saying there was no plan to develop the 20 foot strip. It was not part of the annexation and it was not planned for emergency access.

Chair McGriff closed the public hearing.

Commissioner Mahoney thought the application met the standards and requirements in the code for annexation and he was in support of the application.

Commissioner Henkin was concerned about the transportation issues, however he thought the conditions addressed them. It had been in the Urban Growth Boundary for a long time and he was in support.

Commissioner Espe had concerns about school capacity, off-site stormwater capacity and facilities, and traffic. He asked about the condition that said the only development allowed would be the County zoning, but if the property was annexed, could a property in the City have county zoning? He was not in favor of a conditional annexation as the public facilities were either there or not. He thought all of these issues should be worked out before the application was approved.

Chair McGriff was also concerned about stormwater and traffic.

Wendy Marshall, Development Projects Manager, discussed the drainage plan for this property and explained the new stormwater standards that had been adopted in 2015. No downstream erosion would be created with the new methods and a hydrology report could be requested if appropriate at the time of the development application.

Aleta Froman-Goodrich, City Engineer, clarified new developments that were being constructed right now were being properly inspected to make sure public improvements were meeting the standards and that would not change for future applications.

Ms. Richter also clarified that the conditions were attached to the zone change, not the annexation. Once annexed the land would be part of the City. The condition had to do with when development could occur on this annexed area pursuant to a zone change. The annexation did not allow development to occur at urban densities, but the zone change did. The County's designation would allow three houses on this property, and if the applicant wanted to build a house, they would look at the County's standards and requirements. The traffic from those three houses would not significantly affect the transportation.

Commissioner Espe thought the condition should specify the density that they were allowed to develop until the transportation issues were rectified.

Ms. Richter did not foresee any loopholes with stating the condition the way it was stated. If an application came in for an R-10 development, they would look to see if the condition had been satisfied and it would be denied if it had not. There were a lot of steps that needed to take place before development could occur. This application would be taken to the City Commission on April 5.

A motion was made by Commissioner Henkin, seconded by Commissioner Mahoney, to recommend approval of AN-16-0004 / ZC-16-0001 with the conditions of approval as written to the City Commission. The motion passed by the following vote:

Aye: 3 - Robert Mahoney, Zachary Henkin and Damon Mabee

Nay: 2 - Paul Espe and Denyse McGriff

Recused: 1 - Tom Geil

4. Communications

Ms. Terway said the Court of Appeals decided in favor of LUBA and the City regarding the readoption of the Beavercreek Road Concept Plan. She announced a Willamette Falls Legacy Project public event on June 3.

5. Adjournment

Chair McGriff adjourned the meeting at 9:25 PM.