



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, September 25, 2017

7:00 PM

Commission Chambers

1. Call to Order

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

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

Absent: 1 - Paul Espe

Staffers: 4 - Laura Terway, Pete Walter, Carrie Richter and Christina Robertson-Gardiner

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

- 3a.** Adoption of Findings for Denial of VR-17-0005 - Variance from OCMC 17.54.110.(C)(1), to locate a marijuana retail dispensary at 1015 Molalla Avenue, within 250 feet of a public park (Mountainview Cemetery).

Pete Walter, Planner, reviewed the findings that formalized the Commission's denial of this application.

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, to adopt the findings for denial of VR-17-0005 - Variance from OCMC 17.54.110.(C)(1), to locate a marijuana retail dispensary at 1015 Molalla Avenue, within 250 feet of a public park (Mountainview Cemetery). The motion carried by the following vote:

Aye: 6 - Robert Mahoney, Zachary Henkin, Denyse McGriff, Damon Mabee, Tom Geil and Vern Johnson

- 3b.** Abernethy Place Hotel and Mixed Use Development - Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 (Tentative Approval and Continuance).

Chair McGriff reopened the public hearing and read the hearing statement. She asked if any Commissioner had any ex parte contacts, conflicts of interest, bias, or other statements to declare since the last meeting.

Commissioners Geil, Mabee, and McGriff drove by the site regularly. Chair McGriff looked at the backyard of the Hackett House.

Mr. Walter presented the staff report. The applicant had made suggested revisions to

the conditions of approval and staff was in support of the revisions. He explained the additional public input that had been received since the last meeting. He reviewed the application and summarized the six adjustments being requested. New exhibits were placed into the record from Trent Premore, James Nicita, Cameron McCredie, McLoughlin Neighborhood Association, Two Rivers Neighborhood Association, and the applicant.

Carrie Richter, City Attorney, summarized what the Commission should consider when regarding the other plan documents that had been submitted. The standard for review was the Comprehensive Plan and its ancillary documents. She did not think the End of the Oregon Trail Master Plan design guidelines were ancillary to the Comprehensive Plan. She also discussed the relationship between variances and adjustments. She pointed out how adjustments to dimensional standards and site plan and design review standards were allowed.

Mr. Walter said the City's transportation consultant had suggested a revision to Condition #17.

John Replinger, City's transportation consultant, stated the condition he had originally written could be open to misinterpretation and needed to be refined. The change proposed was in regard to the queuing of vehicles that would lead to blocking the intersection.

Chair McGriff declared that she was on the McLoughlin Neighborhood Association executive board, but did not participate in the testimony that was submitted.

Dan Fowler, one of the applicants, explained how they had tried to address the concerns raised through the public input. They planned to keep all of the native vegetation and the trees on the site.

Michael Robinson, representing the applicants, discussed the letters that had been submitted about trip distribution and soil permeability. He touched on the legal issues that had been raised regarding mandatory plans and the applicable approval criteria. The End of the Oregon Trail Master Plan design guidelines had not been adopted by the City and were not mandatory approval standards. The various recorded real estate documents submitted by Mr. Nicita were not approval standards either. All of the stormwater requirements were in the Municipal Code or standards adopted by the Public Works Department and the application would comply with them. He discussed how matching the design of the Hackett House was not applicable, how the neighborhood meeting standard had been satisfied, and clarified the adjustment and accessway standards. He asked that the hearing be closed tonight and a tentative decision be made.

Lloyd Hill, representing the applicants, reviewed the revised elevation that had been submitted which showed an adjustment to the tower element. They would preserve the existing landscaping as much as possible including the large mature trees. They had also incorporated traditional elements and materials into the design of the hotel including ones that would make reference to the design of the Hackett House. He entered into the record a letter that addressed the accessway concerns that had been raised by Mr. Nicita today. He suggested amending the language in the condition of approval regarding the easement to make it clear that it was for bicycles as well as pedestrians and vehicles and would provide access throughout the property.

Jerry Herrmann, resident of Gladstone, clarified the letter that had been submitted by

the Two Rivers Neighborhood Association. He thought this facility would be an anchor on this side of the City and thought the design features would fit the site.

Bob La Salle, resident of Oregon City, was representing the Park Place Neighborhood Association. The Association was in support of the hotel, but were concerned that the main entrance was not located on Washington Street and the architecture of the hotel needed to be in relation to the Hackett House.

Paul Edgar, resident of Oregon City, spoke about the historic reference of the hotel and linking it to the End of the Oregon Trail Interpretive Center and Hackett House so it would not detract from the area.

Jonathan Stone, Executive Director of the Downtown Oregon City Association, reiterated the Association's support for this development.

Jay Pierce, resident of Oregon City, did not think the accessway or architectural design issues were significant issues. He was in favor of the development and thought the criteria had been met.

Bill Daniels and Cameron McCredie were representing the McLoughlin Neighborhood Association. They summarized the position of the Association, who had three issues with the application. Those issues were: design compatibility of the hotel with the Hackett House and End of the Oregon Trail Interpretive Center, the question of whether the design guidelines were discretionary or binding, and the integrity of the citizen involvement process in this proceeding. They thought the applicant should make a presentation to the Citizen Involvement Committee, which could be done if the hearing was continued and the record kept open. They were also concerned that there was no dedicated bike lane.

James Nicita, resident of Oregon City, discussed the table and appendices he prepared on the End of the Oregon Trail Master Plan design guidelines and how he had found a copy of the 1991 Master Plan. He thought the Master Plan and the guidelines were mandatory, especially in stating that wood had to be used for the building material and the height limitation was 2.5 stories. There was a code provision regarding a Native American consultation requirement, and he thought other tribes needed to be consulted besides the Grand Ronde. He did not think the record could be closed because the tribes had to have time to comment. He added the current Urban Renewal Plan into the record as there was a graphic that showed this site in an End of the Trail District.

Janine Offutt, resident of Oregon City, was opposed to development in the flood plain.

Carrie Richter, City Attorney, stated the materials Mr. Nicita emailed to staff in a Dropbox today were not sufficient to place into the record. She suggested the following schedule to bring this to a close: the record would be left open for any written testimony until October 2 at 3:30 p.m., responses to the written testimony received would be due by October 9 at 3:30 p.m. when the record would then be closed, and the applicant would have until October 16 at 3:30 p.m. to submit final written argument. The Planning Commission would deliberate and make a decision on the matter on October 23. Notice was sent to all of the tribes and was entered into the record.

Commissioner Mabee suggested closing the hearing that night with the exception of the applicant's rebuttal which would be given at the next Commission meeting or the rebuttal could be done now and the Commission would only deliberate on the matter at

the next Commission meeting.

Mr. Robinson said the applicants were willing to extend the 120 day deadline if the Commission followed the City Attorney's schedule. He was comfortable with the evidentiary record and thought the record could be closed tonight. A neighborhood meeting had been held. The primary entrance was not on Washington Street because it left a visual corridor from I-205 to the End of the Oregon Trail Interpretive Center. He clarified the relevant approval standards for the architecture of the hotel. The proposed hotel did not overwhelm the Hackett House and there would be easements so no one would be excluded from crossing the property. The 45 foot height proposed would raise the hotel and would allow for the visual corridor as well. The City notified all five tribes by email. The 1991 End of the Oregon Trail Master Plan was never adopted by the City Commission and the adopted and acknowledged Comprehensive Plan controlled.

Mr. Hill discussed the building design and materials and how they were compatible and consistent with the historic area.

Mr. Nicita took issue with the statement that his submission via Dropbox was not sufficient because he had been doing that over the course of the proceeding. He would like it clarified that his past submissions had been put into the record. He requested the Commission use the schedule that was suggested by the City Attorney.

Ms. Richter clarified the materials submitted by Mr. Nicita today had not been received by staff before the meeting.

A motion was made by Commissioner Mabee, seconded by Chair McGriff, to continue Abernethy Place Hotel and Mixed Use Development - Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 to October 23, 2017 with the schedule for public testimony as stated by the City Attorney. The motion carried by the following vote:

Aye: 6 - Robert Mahoney, Zachary Henkin, Denyse McGriff, Damon Mabee, Tom Geil and Vern Johnson

3c.

Subdivision: TP 17-03 & Zone Change: ZC 17-02 for a Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots, w/ One Stormwater Facility Tract and one Open Space Tract near White Lane (Wheeler Farm).

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

Commissioner Johnson lived next to the Wheeler farm for 23 years and knew the property. In 2006 a group of adjoining property owners with 60-plus acres applied for annexation and he was one of those owners. They were successful, and he had sold his property. He had no personal bias and was capable of making an objective decision based on the merits of the hearing. He had no actual or potential conflict of interest. He talked with Don Wheeler on August 20, 2017 to give him a neighborly heads-up of his recent appointment to the Planning Commission. This application was not discussed.

Commissioner Mabee visited the site and was friends with one of the neighbors of the site.

Commissioners Mahoney and Henkin were familiar with the area.

Chair McGriff had been friends with the late Mr. Wheeler and had been a customer for many years.

Christina Robertson-Gardiner, Planner, provided the staff report. She entered a letter dated September 18, 2017 from West Rictor into the record. She gave a background on the combined zone change and subdivision application. The zone change request was to go from R-10 to R-8 for a 77 lot subdivision. She showed maps of the subject site, surrounding area, and subdivision layout. She discussed the constrained street that would allow the large Douglas Firs to be preserved. She then reviewed the public comments that had been received so far and the criteria for the zone change. Staff recommended approval with conditions, and a revised Condition #19 to provide more clarity on the delineation of the Geohazard overlay. The revised condition also removed the reference to a natural resource that was found to not be located on the site. She also made a revision to the findings regarding the modifications for the cul-de-sac and dead end street.

John Replinger, Traffic Engineer, gave an overview of the traffic study that was done for the property. He explained what the analysis included and how all the intersections would meet operational standards with this development. The intersection of Warner Parrott/Leland/Linn would have a roundabout installed in the future. He concluded that the applicant met all of the criteria related to traffic for the zone change and subdivision and no mitigation measures were recommended.

Chris Kadell, AKS Engineering representing the applicant, reviewed the site which was located in an area that was experiencing development. The surrounding subdivisions were low density residential with a wide variety of lot and home sizes. The existing power lines affected the site layout. The applicant planned to preserve 1.3 acres for open space and trees, which was the reason for the constrained street.

Don Wheeler, applicant, discussed the history of the site and how development had gone in all around it. He thought the highest and best use of the land was for homes as the Christmas tree farm and filbert orchard had not been a viable business. The open space would retain some of the old growth Douglas Fir trees which would memorialize the tree farm.

There was discussion regarding the lot layout and putting in R-10 lots next to existing R-10 lots and making the other lots R-8.

Monte Hurley, AKS Engineering, said it was not a requirement to match the R-10 lots and what was proposed was the best fit for the property.

Brian Zetlow, resident of Oregon City, would like a buffer zone between this development and his neighborhood. He was also concerned about increased traffic and lot sizes.

Leo Marsh, resident of Oregon City, had an issue with the lot sizes as many were smaller than the minimum 8,000 square feet.

Virginia Hokkenan, resident of Oregon City, was in favor of putting in R-10 lots next to the existing R-10 lots. She was also concerned about the need for more schools and raising taxes.

Brenda Wheeler, resident of Oregon City, would like to see the zoning stay at R-10.

Joe Wheeler, resident of Oregon City, stated at the neighborhood meeting the project was presented as an R-10 subdivision. Smaller lots would lead to more cars parked on the street and the streets were narrow.

Brenda Martin, resident of Oregon City, had along with Ms. Rictor gathered over 85 signatures from residents of the Hazel Creek Farm HOA opposing the zone change. The application proposed that 65 of the 77 lots would be less than 8,000 square feet. This change would dramatically alter the character of the neighborhood. She was also concerned about the increase in traffic

Serra Collins, resident of Oregon City, was opposed to the R-8 rezoning. She was also concerned about decreased property values, school capacity, increased traffic, construction impacts, and placement of the streets.

Terry Boyd, resident of Oregon City, agreed there should be a buffer of R-10 lots next to existing R-10 lots for a reasonable transition. He questioned Ms. Robertson-Gardiner talking with the applicant's representatives before the hearing began. He was opposed to the number of lots that were less than 8,000 square feet.

Ms. Richter explained there was no prohibition of City staff speaking to anyone regarding the application. The concern with contacts and bias was when it came to the decision makers.

West Rictor, resident of Oregon City, discussed how the smaller lots were not cohesive to the neighborhood and her concerns regarding lot size averaging. She would like the property to remain R-10. She entered the petition from the Hazel Creek Farms HOA into the record.

Bob Kelly, president of the Hazel Creek Farms HOA, noted how there had not been an R-10 development in the City since 2003. He thought the intersections in this area were already failing and he had concerns regarding run-off from this new development. He thought the property should be R-10 to be consistent with the neighborhood.

Commissioner Mabee asked for the minutes of the neighborhood association meeting to verify what was said at that meeting.

A motion was made by Commissioner Mabee, seconded by Commissioner Geil, to continue the hearing for Subdivision: TP 17-03 & Zone Change: ZC 17-02 for a Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots, w/ one stormwater facility tract and one open space tract near White Lane (Wheeler Farm) to October 9, 2017. The motion carried by the following vote:

Aye: 6 - Robert Mahoney, Zachary Henkin, Denyse McGriff, Damon Mabee, Tom Geil and Vern Johnson

3d.

PZ 17-01: Comprehensive Plan Amendment, ZC-17-04: Zone Change, SP 17-114: Minor Site Plan and Design Review to allow for Oregon City Community Development offices to relocate to an annex building at the former Mt. Pleasant School at 1232 Linn Avenue. The annex is located at 698 Warner Parrott Road at the intersection of Linn Avenue and Warner Parrot Road.

Ms. Robertson-Gardiner presented information on the tenant improvements to the Mt. Pleasant Annex for the new Community Development Department offices. She described the Comprehensive Plan amendment for the MR designation to be changed to Public/Quasi-Public and the zone change for the R-10/R-3.5 to become Institutional. Because only a small portion of the property was being improved, staff recommended a trip cap based on the number of trips that corresponded to the prior use as a school. She discussed the minor site plan and design review and the approval criteria. She then showed internal photos of the building for context.

Mr. Replinger gave the transportation analysis for the zone change. He explained the calculation for the trip cap. He noted this application was in compliance with the Transportation Planning Rule. The impact of the development was small, however there were some recommendations from the applicant's traffic engineer about signage and ADA accessibility. He recommended some of those items be included in the conditions of approval.

Laura Terway, Community Development Director, introduced the consultants on the project. She explained how this relocation was a fiscally responsible decision as well as a good location for the community.

A motion was made by Commissioner Mabee, seconded by Chair McGriff, to continue PZ 17-01: Comprehensive Plan Amendment, ZC-17-04: Zone Change, SP 17-114: Minor Site Plan and Design Review to allow for Oregon City Community Development offices to relocate to an annex building at the former Mt. Pleasant School at 1232 Linn Avenue to October 9, 2017. The motion carried by the following vote:

Aye: 6 - Robert Mahoney, Zachary Henkin, Denyse McGriff, Damon Mabee, Tom Geil and Vern Johnson

4. Communications

There were no communications.

5. Adjournment

Chair McGriff adjourned the meeting at 11:30 PM.