



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, November 27, 2017

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 5 - Robert Mahoney, Denyse McGriff, Damon Mabee, Tom Geil and Vern Johnson

Absent: 2 - Zachary Henkin and Paul Espe

Staffers: 4 - Laura Terway, William Kabeiseman, Kelly Reid and Christina Robertson-Gardiner

2. Public Comments

James Nicita, resident of Oregon City, requested the Commission reconsider the Abernethy Place Hotel approval based on the bicycle access question. At the October 23 meeting, he witnessed the applicant's attorney and architect whisper to staff which he thought was a way of getting around the ex parte contact prohibition since the record was closed. He asked that staff reveal what was said. He also thought staff was providing advice to the Commission to advance the applicant's position and withholding information that might have changed the decision.

Laura Terway, Community Development Director, explained the applicant's attorney pointed out an exhibit in the record to staff regarding bicycle connectivity.

Bill Kabeiseman, City Attorney, discussed the provision in the code for reconsiderations. He expressed concern about not meeting the 120 day rule. He thought it was past the 10 day period that a reconsideration would have been allowed.

Michael Robinson, representing the applicant, did not think the Planning Commission had the authority to act on the request and this request was not properly made to the Planning Division as stated in the code provisions.

Mr. Nicita stated since the Planning Director was in attendance, he thought verbally making this request constituted the request being made to the Planning Division or he could write the request and deliver it to the Planning Director tonight.

Staff would continue to look into the issue as the meeting proceeded.

3. Public Hearings

- 3a.** SP 17-127, CU 17-03, and VR 17-10, VR 17-12, and VR 17-13: Conditional Use, Site Plan Design Review, and Variance to allow a modular classroom building at 180 Ethel Street (Gardiner Middle School)

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

Commissioner Mahoney was familiar with the area. Commissioner Johnson visited the site. Commissioner Mabee worked for Oregon City School District. Chair McGriff was familiar with the site.

Kelly Reid, Planner, presented the staff report. This was an application for a new modular building at Gardiner Middle School. She explained the location, site plan, existing conditions, landscaping, building elevations, code criteria, and variance requests. Staff recommended approval of the application with conditions with the exception of the variance for nonconforming upgrades.

The Commission asked clarifying questions about the application.

Rick Givens, planning consultant representing the applicant, discussed the need for the project and the reasons for the variance requests. He thought there should be exceptions for existing structures and that the variances should apply to future modular buildings. He expressed concern regarding the condition relating to the nonconforming upgrades. He did not think it made sense to require them to comply to the new code standards when the entire campus was going to be torn down and rebuilt in the near future. They agreed with the findings in the staff report and asked that all of the variances be granted.

Larry Didway, Oregon City School District Superintendent, would like the modular in place when the students came back from winter break.

There was discussion regarding granting the variances for all future modulars and modifications to the landscaping plan.

Mr. Givens discussed code issues with the landscaping changes proposed. He asked that the Commission allow them to work out those details with staff rather than continue the hearing.

Chair McGriff closed the public hearing.

Commissioner Mabee suggested a modification to Condition #1 to clearly delineate the pedestrian area and to add a walkway, to Condition #3 to screen the mechanical equipment, to Condition #6 to add the word "barrier", and to add a Condition #9 regarding the placement of the trees and to allow the remaining proposed landscaping to be placed within a planter.

The rest of the Commission discussed how they were generally in support of the project, and thought the landscaping issues could be worked out with staff.

A motion was made by Commissioner Geil, seconded by Commissioner Johnson, to approve SP 17-127, CU 17-03, and VR 17-10, VR 17-12, and VR 17-13 with the modified conditions of approval. The motion carried by the following vote:

Aye: 5 - Robert Mahoney, Denyse McGriff, Damon Mabee, Tom Geil and Vern Johnson

4b.

AN 17-01, ZC 17-03, and TP 17-07: Annexation of a 6.33 acre property

into the city limits of Oregon City, Zone Change from Clackamas County Future Urban 10-Acre (FU-10) to "R-6" Single-Family Dwelling District, and a Subdivision of 28 lots.

Chair McGriff opened the public hearing. She asked if any Commissioner had conflicts of interest, ex parte contacts, bias, or any other statements to declare including a visit to the site.

Commissioners Mabee and Johnson had driven by the site. Chair McGriff visited the site.

Christina Robertson-Gardiner, Planner, delivered the staff report. This was an application for an annexation of 6.33 acres, zone change from Clackamas County FU-10 to R-6, and subdivision of 28 lots. She discussed the subject site on Leland Drive, proposed subdivision layout, public comments received, and code criteria. Staff recommended the Planning Commission recommend approval to the City Commission.

Chris Goodell, AKS Engineering, was representing the applicant. He gave a site overview and discussed project highlights.

The Commission asked clarifying questions about the application.

Mike Mitchell, resident of Oregon City, voiced concerns regarding lot averaging and how the majority of these lots were undersized.

Mr. Goodell presented rebuttal. This application included lot size averaging, which was common in many jurisdictions. The lots still averaged 6,000 square feet which complied with the density requirement.

Michael Robinson, attorney representing the applicant, explained how the code provided for lot averaging and how the application met the standards.

Chair McGriff closed the public hearing.

Most of the Commission agreed that the application met the code, however the lot averaging needed to be reviewed in the future.

Ms. Robertson-Gardiner asked if the applicant was willing to continue the 120 day deadline. Mr. Robinson said his client was not in attendance and the 120 day deadline would not be extended tonight.

Commissioner Geil had not had time to read the paper given to the Commission that night from staff regarding the process for the hearing and did not feel comfortable making the decision tonight.

Chair McGriff had issues regarding the increased traffic.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to recommend approval to the City Commission of AN 17-01, ZC 17-03, and TP 17-07. The motion passed by the following vote:

Aye: 3 - Robert Mahoney, Damon Mabee and Vern Johnson

Nay: 1 - Denyse McGriff

Abstain: 1 - Tom Geil

Request for Reconsideration of Abernethy Place Hotel Application

Mr. Kabeiseman discussed the request made by Mr. Nicita regarding reconsideration of the Abernethy Place Hotel application. He thought the request was untimely.

Mr. Nicita thought the code was ambiguous as to who granted the reconsideration. He thought the Planning Commission had the authority to make that decision. To say it was untimely produced an injustice per state statute. He thought he had a right to reconsideration.

Mr. Kabeiseman explained the difference between city code and state statute. He thought the city code prevailed.

Mr. Robinson stated the Commission was not obligated to make a decision on this issue. He thought if they did make a decision, it would be appealed. The applicant was not willing to extend the 120 days for a reconsideration. These issues could have brought up at the last hearing, but they were not.

Mr. Kabeiseman advised the Commission to make a decision on this request.

A motion was made by Commissioner Mabee, seconded by Commissioner Mahoney, to not take action on the request for reconsideration of the Abernethy Place Hotel application because it was untimely filed. The motion carried by the following vote:

Aye: 4 - Robert Mahoney, Damon Mabee, Tom Geil and Vern Johnson

Abstain: 1 - Denyse McGriff

4. Communications

Chair McGriff suggested holding a goal setting session for the Planning Commission before presenting the annual report to the City Commission. There was consensus to hold the goal setting on December 11.

Ms. Terway gave updates on the planning staff and upcoming meetings.

5. Adjournment

Chair McGriff adjourned the meeting at 10:11 PM.