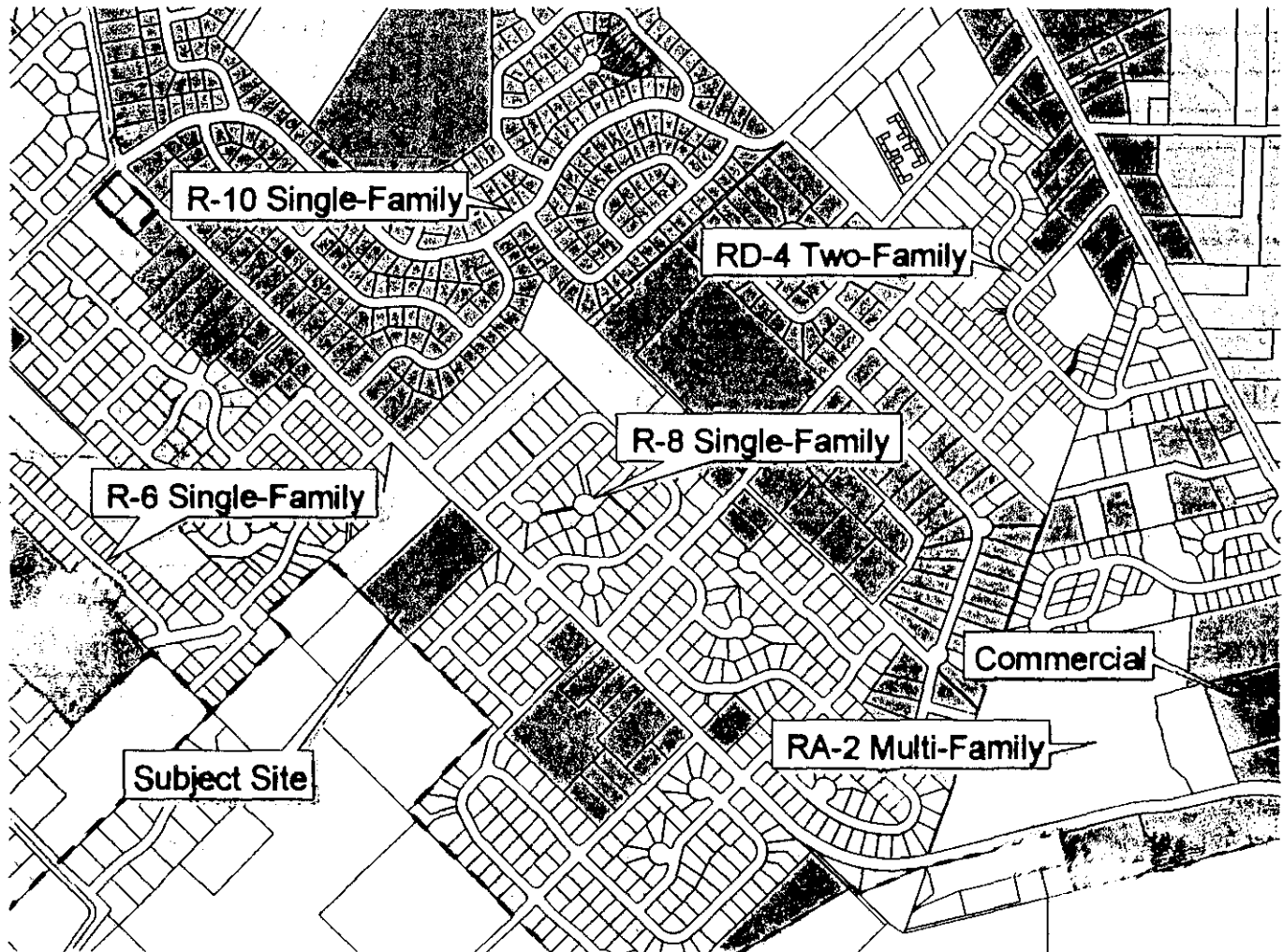
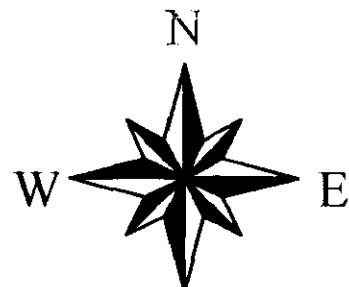


# Oregon City Zoning Map



0.3 0 0.3 0.6 Miles



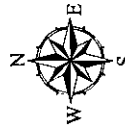
OC PLANNING COMMISSION  
HEARING DATE: 5/12/03  
CASE FILE: 2C 03-01

# Oregon City Vicinity Map

= R-6 Zoning

= R-8 Zoning

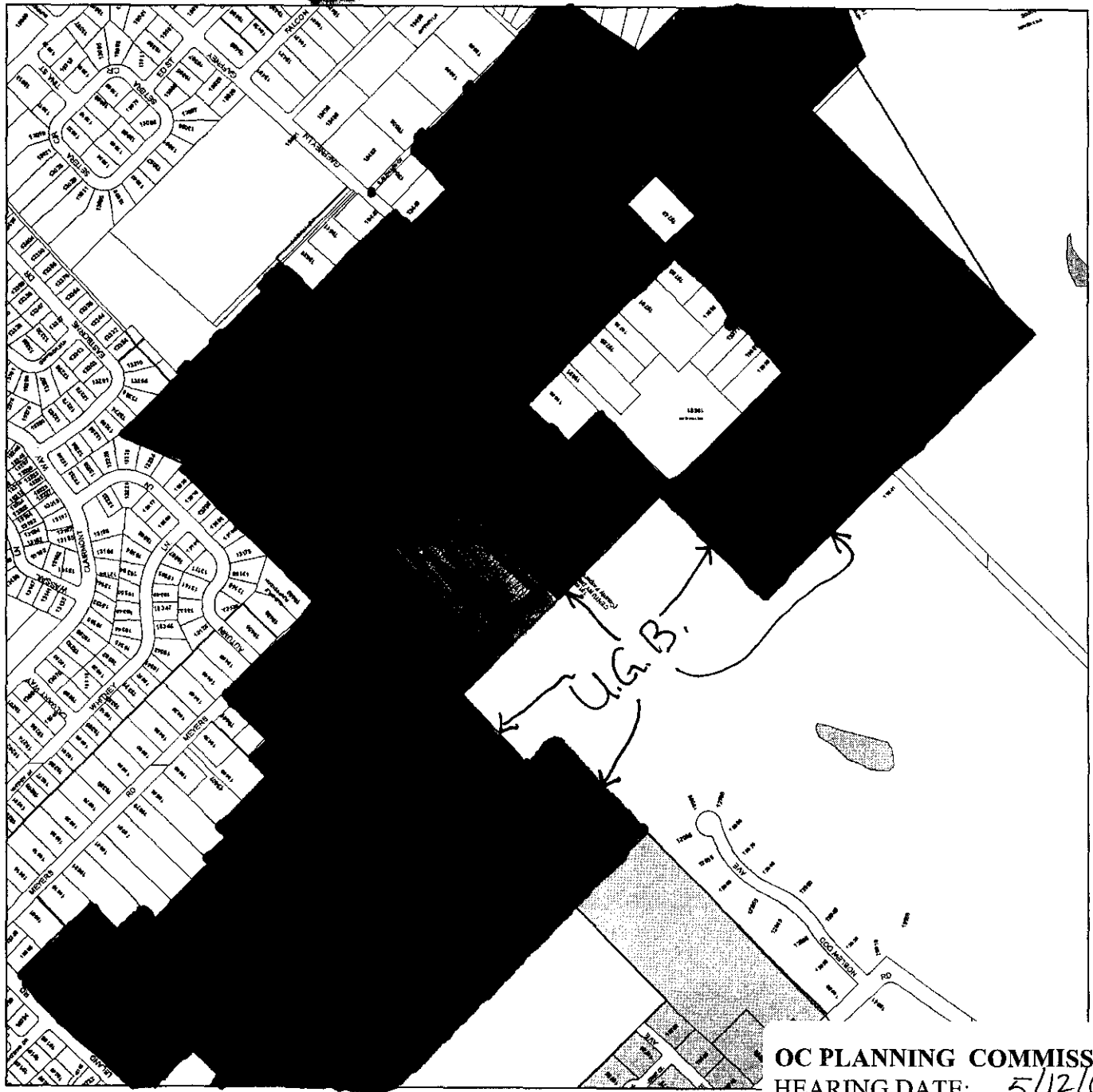
= Zone Change  
Property



City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

Map created with OCmap

05/05/2003



OC PLANNING COMMISSION  
HEARING DATE: 5/12/03  
CASE FILE: EC 03-01; VR 03-06  
EXHIBIT: B

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
May 12, 2003**

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT**

Chris Cocker, Consulting Senior Planner  
Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
William Kabeiseman, City Attorney  
Tony Konkol, Associate Planner  
Christina Robertson-Gardiner, Assoc. Planner  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

None

**1. CALL TO ORDER**

PZ 02-01 (Quasi-Judicial Amendment to the Comprehensive Plan Hearing), PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for an amendment to the Comprehensive Plan for 1.04 acres designated High Density Residential to Commercial for the properties identified as Map 3S-2E-5DB, Tax lots 2400, 2500, 2600, and 2700. (cont'd. from 4/08/03).

PZ 02-02 (Quasi-Judicial Amendment to the Comprehensive Plan Hearing), PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for an amendment to the Comprehensive Plan for 0.92 acres designated Low Density Residential to Commercial for the properties identified as Map 3S-2E-5DB, Tax Lots 2800, 2900, 3000, and 3100. (cont'd. from 4/08/03).

ZC 02-01 (Quasi-Judicial Zone Change Hearing), PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for a Zone Change for 1.04 acres zoned RA-2: Multi-Family Dwelling to C: General Commercial for the properties identified as Map 3S-2E-5DB, Tax Lots 2400, 2500, 2600, and 2700. (cont'd. from 4/08/03).

ZC 02-02 (Quasi-Judicial Zone Change Hearing), PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for a Zone Change for 0.92 acres zoned R-10: Single-Family Dwelling to C: General Commercial for the properties identified as Map 3S-2E-5DB, Tax Lots 2800, 2900, 3000, and 3100. (cont'd. from 4/08/03).

Chair Carter called the meeting to order at 6:00 p.m., noting that the Wal-Mart applications were a continuance from the hearing of April 8, 2003, at which time the public hearing portion was closed so this meeting would be for deliberation by the Commissioners. She said she wanted to make some opening comments that, had she known earlier how these proceedings were going to go, she would have made up front to give some clarity. However, she still wanted to voice them because she thinks it is important for everyone to understand what the role of the Planning Commission (PC) is, who they are, and how they got there.

Greg Hathaway, an attorney for the applicant, said he had a procedural objection for the record, which he had discussed with City Attorney William Kabeiseman, and he asked if the Chair would like to hear it now or later. Chair Carter granted him the floor.

Greg Hathaway, 1300 SW 5<sup>th</sup> Ave., Portland, Oregon, stated a procedural objection for the record that he feels prejudices the applicant's case, and it has to do with process. He thought it had been established early on amongst the City staff, the applicant, and the Planning Commission (PC) that everyone who desired to participate would be allowed to do so. At the last PC meeting (April 8<sup>th</sup>), the City staff clarified what the

remaining process would be: There would be an opportunity to introduce new information and then an opportunity for rebuttal, and then an opportunity for the applicant to submit a closing written statement. At that time, staff indicated that they would submit a staff report in the form of a summary of the evidence.

**Hathaway** said he had a conversation with the City Attorney [indicating Kabeiseman] prior to that meeting as to what constituted a summary of the evidence. At that time, **Hathaway** said his concern was whether or not the Planning staff would basically be doing a second staff report based upon the new evidence that had come in, which is oftentimes very typical (that staff would respond to the new information and provide an additional report).

He said the reason he raised that question to the City Attorney was because he wanted to make sure that if the staff was planning to do a second staff report commenting on the new evidence, that the applicant would be given an opportunity to respond. So he told the City Attorney that if that was the intention of staff, staff needed to produce that second staff report on April 15<sup>th</sup>, which was the last day for new evidence to come into the record, so that the applicant would be given the opportunity to review that new evidence before doing their closing written statement, which is authorized and allowed under ORS 197.763. But he was assured, and he said the PC was assured on April 8<sup>th</sup>, that all the staff was going to do was to summarize the evidence and that there was not going to be a second staff report.

**Hathaway** said he learned this afternoon that on Friday the staff submitted what he (Hathaway) calls a second staff report after the record was closed. He said it is not a summary of the evidence, but it is a brand new staff report. He said it has new findings and new information, and it talks about different standards than were referred to in the first staff report. He said there are inconsistencies in this staff report from the first staff report.

**Hathaway** said the problem the applicant has is that the process is closed, and if the PC accepts this into the record and considers it (which he said he believes they now have to do because it is before them), the applicant has no opportunity to respond. The matter before the City Council will be on the record.

Therefore, he said the applicant's objection this evening was to ask the PC to honor the process as it was defined and to allow the applicant and other parties who may wish to respond to this second staff report the opportunity to do so, both orally and in writing. He said the applicant would also like the opportunity for some form of oral rebuttal so that the differences in the first staff report and the second staff report could be explained, which would also give the PC the opportunity to ask questions.

**Hathaway** apologized for doing this at the last minute but he said he just learned of this earlier this afternoon. He said he contacted the City Attorney immediately, who himself indicated that this second staff report is certainly beyond a summary of the evidence. **Hathaway** said he is concerned that if the applicant doesn't get the opportunity to respond to this, it is severely prejudicial to the applicant's position. Therefore, he respectfully requested that the applicant be given the opportunity to respond to this second staff report. (He noted that they all thought this would be completed this evening and that he is going on vacation, so he was not pleased to be making this request either.)

**Kabeiseman** said he agreed that the staff report was not what he anticipated when he originally discussed it with Hathaway in March or April. However, he said they disagree about a number of other things, including:

- **Kabeiseman** said he doesn't believe there is any new evidence, although there is some additional analysis, which the Oregon Land Use law allows. Given the fact that the nature of the PC is volunteer members who may not be as trained as professionals, he noted that they rely on staff regarding interpretation of different Code provisions and statutory requirements.
- He said he feels that Oregon law is fairly clear that a party is not entitled to rebuttal regarding communications between staff and the decision maker (the PC, in this case).

**Kabeiseman** apologized for making himself the center of this because he did make the representation. However, he said that the PC's decision this evening was to consider the objection being stated and determine a course of action. His understanding was that Hathaway was suggesting that they reopen the entire process, which is one option, but he (Kabeiseman) doesn't believe it is required because he doesn't believe there is any new evidence.

Other options could include:

- Allowing the applicant alone to submit some type of additional argument.
- Moving forward with their decision.
- Getting new information and seeing if it causes them to reconsider their decision.
- Moving forward with the decision because the process as it worked did, in fact, comply with the statutes and Code.

**Jim Bean**, 1300 SW 5<sup>th</sup> Avenue, Suite 3400, Portland, Oregon, (the attorney for the Youngers, who had submitted materials earlier) said he also just received the report today and he would raise the same objections, saying that he thinks this would lend to prejudice, that there are wrong references in the second staff report, and that the applicant and other interested parties should be given the opportunity to respond. He said there is material in this report that they think is easily rebuttable. Therefore, he would join in the objection to this being put into record if there is no chance to respond.

**Kabeiseman** said staff had confirmed that the packet was mailed out on Tuesday (of the prior week) to these various parties, although he could not say when they received them.

**Hathaway** said he has never received a staff report from the City staff. He said he received this packet from PacLand earlier this afternoon. He noted that typically items have been e-mailed to him, but he said again that he has never received a copy.

**Bean** said he got his copy from Hathaway.

**Kabeiseman** reiterated that staff had indicated they mailed out their packets on Tuesday.

**Hathaway** clarified that he was not asking to reopen the entire process. He was only asking that it be reopened to be limited to and focus fully on this new report. He said he has not had time to review it fully, but specifically he thought there was new evidence, especially in reference to the ODOT letters.

**Chris Cocker**, of David Evans & Associates, said he has been assisting staff with the authoring of the staff report. He said he was asked to put together a summary of the information received to date, and the only technique he knows is to start with the criteria and determine what has or has not been addressed. The latest report is just a summary of the items identified in the original staff report, item by item, saying "This is what I see based on what we have" to help the PC make their decision. He said there were improvements from one to another; however, there were a number of things that were still outstanding. He said he doesn't believe he raised any new information in the staff report.

**Kabeiseman** said it comes down to a question of whether the PC wanted to make a decision this evening. They have heard the objection being submitted, so they could continue or they could allow some additional response arguments.

**Powell** asked if they (the PC) could choose not to accept this newest staff report as evidence and proceed.

**Kabeiseman** said he believed they could say they were not going to accept the staff report, but he reiterated that he didn't believe there was any new evidence in it. There is some analysis, but they could choose to strike that analysis and the staff report, and make a decision based on the materials received previously.

**Powell** asked if they were to allow this piece to be reopened, what is the timeline? **Kabeiseman** said they can control it. Although he doesn't believe they are required to reopen it, he said his guess was that the objectors would say they would want to go through the 7/7/7 period again or perhaps a 7/7 period where rebuttal evidence is allowed and then a final argument. Then, allowing time for another staff analysis, this would probably result in about a month's delay.

**Powell** said he would be uncomfortable moving forward if, in fact, there are facts they have not seen.

**Orzen** said she was confused because she had gone through the packet and hadn't seen any new evidence, but she said she is not a lawyer. She said at this point she would prefer to err on the side of doing the right thing.

**Lajoie** said this staff report feels like a summary, but he couldn't say for sure that in this huge packet every piece of information is only a summary and that there is no new information.

**Mengelberg** said she thinks it is unfair to make a decision if the applicant and the objectors haven't had time to review the material. She also said same-day notice is not fair. At the same time, to throw out this staff report seems unfair because she relied on it heavily in coming to her conclusion and, in order for her to be absolutely fair in making a decision, she would want to hear rebuttal if the applicant felt it necessary.

After hearing the Commissioners' feelings, **Chair Carter** said it sounded as though they were saying if there is new evidence in this staff report, none of them has caught it. So she would conclude that if there is nothing that stands out, she wasn't sure they needed to continue this hearing for rebuttal about this report. She said she personally took this as a summary of the information already presented, which was done in response to a request from the PC in order to clarify the criteria and the information that has been received. She said if there are discrepancies, at this point in time she doesn't think they will make a difference in the overall procedure. She said this has been very confusing and has involved an extremely large volume of material for review. In conclusion, she said she personally would prefer to complete this tonight. If it is recommended for approval, it can go forward and the applicant doesn't need to be concerned. If it is denied, they can appeal it.

**Hathaway** said there is more at stake than just the notion that the PC can make a decision and the applicant can appeal it if they so chose. He said it is a matter of honor and integrity in the process, especially after he had conversations about exactly what kind of staff summarization would occur.

He said there are two issues: 1) Is there any new information in the second staff report, and 2) Is this just a summary of the facts? He said it is not just a summary of the facts because staff has actually issued an opinion about the facts. This is the staff's closing statement, he said, because they are recommending denial of these two amendments.

**Hathaway** said a summary of the evidence would say, "The opponents say this and this" and then the PC would make the decision. He contends that the staff said, "Here is the evidence and here is our opinion," which he said is way beyond the characterization that staff made about what they were going to do. In fact, he thinks **Kabeiseman** told him as much on the telephone this afternoon.

**Hathaway** said he understands the statute to say that the applicant gets the final written statement. He said he wouldn't have a problem with this if it had come in on April 15<sup>th</sup> and the applicant had been given a chance to respond. But **Kabeiseman** said it would only be a summary of the evidence.

Then today they found out that it is much more, which is why they felt they must lodge the objection because what is at stake is what is called "prejudice in the process," and that prejudice, if not caught at the time it happens, can permeate the entire process, and it can't necessarily be cured at the City Council.

**Hathaway** said if this had come in on April 15<sup>th</sup>, he would have specifically dealt with it in his written statement, but he never got the chance to do, so that is the chance he wants now.

**Chair Carter** said if staff thought it was going to be anything other than a summary that was due by April 15<sup>th</sup> and they didn't do so, that would indicate that they believed it was a summary.

**Kabeiseman** said the applicant had no right to it under his understanding of the Oregon Land Use law. They have the right to rebut information from interested parties but they do not have the right to rebut staff's opinion.

**Kabeiseman** said the question is, Is staff an adversary or support staff for the PC? If, in fact, staff was a party, then the applicant would have the right to rebut. But from a legal aspect, Oregon Land Use law (Hunt vs. the City of Ashland, for instance) says they have no right to rebut staff. Therefore, he believes the PC could make a decision.

However, that doesn't deal with the aspect of what the applicant understood as they made their case, regardless of what staff did or did not do. Therefore, it is up to the PC to decide whether to allow more rebuttal or not.

**Chair Carter** said she was at a loss as to what to say or how to proceed, and she expressed her frustration that she had some things to say but still had not had a chance to say them. She said if the applicant did not have a legal right to rebuttal; if all parties, staff, and the PC took this as a summary; and if the PC has not gleaned out information that was new or adversarial to the applicant—that it was simply a restatement or reclarification of the testimony that everyone has been privy to—she didn't see any reason for further discussion. It is on the record as a procedural objection and she wanted to proceed.

**Hathaway** said he had to bring forth the objection in the best interest of his client.

**Lajoie** asked if it is compliant, with the way things are done, that staff can state their opinion in the staff report. **Kabeiseman** said he believes it is okay because staff is here to support the PC. They are a professional staff that is trained in planning and other specialties, and the PC relies on them for that information. He said he believes there is no legal problem with relying on that information and there is no right for the applicant to rebut that.

Because this is a fairly significant issue, **Kabeiseman** suggested they might want to take a brief break. **Powell** thought it was a good suggestion, so **Chair Carter** called a recess until 6:40 p.m.

Upon reconvening, **Chair Carter** said, for the sake of fairness to all parties since the PC's integrity seems to be consistently under attack, the PC would do whatever necessary for the applicant to feel satisfied that they have received a fair hearing. Therefore, they would allow the applicant to respond to what the PC considers a summary of the evidence and criteria that were submitted during the public process hearing.

A gentleman in the audience wanted to speak, but **Kabeiseman** asked if he had a procedural question. Based on prior discussion between them, **Kabeiseman** said he thought the gentleman's testimony was substantive and, therefore, not appropriate at this time. However, he noted that the man could appeal to the City Commission if he feels his material was not properly addressed and dealt with in a fair manner by staff.

**Chair Carter** asked if he would have an opportunity to speak if there were a continuation. **Kabeiseman** said that would depend on how the PC chose to proceed.

**Lajoie** moved for a continuance limited strictly to this newest staff summary (Exhibit A) on a 7/7/7 basis. **Please note, the vote was to continue on a 7/7 basis\***

**Kabeiseman** noted that he understood that the applicant would only be rebutting information within this newest staff report, not any other materials. He explained that they would grant anyone seven days to rebut new evidence and it would be limited—there would be no further opportunities for rebuttal. That would be followed by seven days for additional argument, for a total of 14 days.

**Mengelberg** asked if there would be yet another staff report. **Kabeiseman** reiterated that he didn't feel there was anything wrong with the staff report that was submitted, other than it might not have met the representations that were made to the applicant. He said, though, that legally the staff can make such a staff report (although he noted that some people disagree about that). He then asked if they would want another analysis. **Mengelberg** said no.

**Mengelberg** asked him for a clarification of the timing. **Kabeiseman** said the next seven days are for anyone to rebut new evidence, arguments, or testimony specifically related to this new staff report. If there is any submission of new evidence that is not actually new evidence, he would recommend that they not accept it. If arguments are submitted that were previously submitted, he would again recommend that they not accept it.

Following those seven days, another seven days will be allowed for a final closing argument by the applicant, after which the record should be complete. There will be no additional staff report.

Upon voting, the motion passed unanimously.

**Kabeiseman** said staff would have all the new information within 14 days, but the PC needed to set a date certain for the continuance. Staff recommended June 9<sup>th</sup>. **Hathaway** said he would be out of state at that time but since there would only be deliberations and no further testimony, he would agree with that date.

When told that the next available date would be June 23<sup>rd</sup>, the applicant said they would prefer June 9<sup>th</sup>. This was acceptable to the PC.

**Chair Carter** returned to the comments she wanted to say at the beginning of the evening. Specifically, she wanted to say that the City and County Planning Commissions are set out by the State of Oregon to do the job of land use planning and economic development. She said those serving on the PC are a volunteer group of human beings who, in this particular case, have been given the horrendous task of hearing and reviewing an exorbitant amount of information to come to a decision that is in the best interest of the City of Oregon City and its citizens. She said she truly believes there is no other PC in the State of Oregon that is more sincere and more honest in their efforts to be absolutely as clean, as concise, and as well read as this group. She said they are not attorneys and specifically not land use attorneys. They are volunteers who are picked by the Mayor to sit on the PC to try and do a job for the City.

She said their integrity has been attacked, and she believes they are experiencing what she would call "reverse bias" where the applicant seems to be coming with an attitude that neither the PC nor the staff are giving them a fair shake, and she simply can't agree. She said they do, to the utmost of their ability, what they think they can do about this work, and she said she is very upset about the way these proceedings have gone.

She said Hathaway says the public process is not being dutifully followed. In her opinion, public process, when being dutifully followed, allows everything to be cleanly laid out for all to see. She said the Commissioners



have given all benefit of the doubt to the applicant, including tonight's proceedings, so they can have the fairness the PC has to offer.

**Chair Carter** said she wants the community to understand (1) how hard a job this is, and (2) that each of the commissioners takes their job very seriously. Furthermore, she believes that staff has, under no circumstances, tried to do anything other than what was requested of them in providing staff reports to help explain and understand all the information that has been presented. She reiterated that they are not land use attorneys—they are citizens and business people in the community.

She said now this has become even more confusing and difficult to come up with a clean, fair, and accurate decision. When the public process works properly, there are five individual citizens who have come to the table to do the work of the City and, when allowed to do that work in a fair and above-board and un-prejudicial way, they are able to render a fair decision. Again, she said they are trying to make a decision that is in the best interests of the City, to think long-term, and to think of the entire city. Finally, she pledged that as long as she serves on this Planning Commission, that is what they will do.

With no additional comments from the other Commissioners, **Chair Carter** adjourned this portion of the meeting at 6:55 p.m.

**Chair Carter** reopened the Planning Commission meeting at 7:00 p.m. for those regular items listed on the agenda, noting that they are all quasi-judicial in nature.

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

None.

## **3. APPROVAL OF MINUTES: April 28, 2003**

**Powell** moved to approve the minutes of April 28, 2003 as submitted. **Mengelberg** seconded the motion, and it passed unanimously.

## **4. HEARINGS:**

**PD 03-01 (Quasi-Judicial Planned Unit Development Hearing), Paul Reeder/Tom Sisul; Request for a continuance to the June 9, 2003 Planning Commission Hearing date for the proposed Planned Unit Development on the properties identified as Map 3S-1B-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700.**

**WR 03-01 (Quasi-Judicial Water Resource Hearing), Paul Reeder/Tom Sisul, Request for a continuance to the June 9, 2003 Planning Commission Hearing date for the Water Resource determination on the properties identified as Map 3S-1B-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700.**

**VR 03-11 (Quasi-Judicial Variance Hearing), Paul Reeder/Tom Sisul, Request for a continuance to the June 9, 2003 Planning Commission Hearing date for proposed Variance to the pedestrian lighting standards within the Planned Unit Development on the properties identified as Map 3S-1B-1CD, Tax Lot 300 and 3S-1E-1A, Tax Lot 1700.**

**Tony Konkol** said the applicant, Paul Reeder, was requesting a continuance to June 9, 2003 for a Planned Unit Development (03-01), Water Resource (03-01), and a variance (03-11). **Konkol** said there is also a Site Plan running concurrently with this application, and he noted that the applicant has agreed to extend the 120-day requirement from July 24, 2003 to August 7, 2003 for all the files associated with this proposal.

**Orzen** moved to continue these related applications (PUD 03-01, WR 03-01, and VR 03-11) to a date certain of June 9, 2003. **Mengelberg** seconded the motion.

**Lajoie** asked when we might not grant a continuance. **Kabeiseman** said one instance might be if the commissioners could tell from reading the staff report that there would be no way the application could ever meet the criteria, even with a continuance. Typically, because of the tight timelines within the 120-day process, he said it makes sense to allow the applicant more time to bring forward a request that could be accepted, particularly if things have come to light during the initial process that still need to be resolved. He added that he didn't think staff would recommend a continuance unless they felt it was appropriate.

The motion passed unanimously.

**VR 03-08 (Quasi-Judicial Variance Hearing), Rick Sieverson, Request for a Variance to reduce the required R-10 Single-Family lot width requirement from 75 feet to 65 feet in order to complete a two-lot partition of the property located at 13798 Holcomb Boulevard and identified as Map 2S-2E-29DA, Tax Lot 2800.**

**Konkol** said this is a Type III land use application, wherein Mr. and Mrs. Sieverson of 13798 Holcomb Boulevard are requesting a variance to reduce the R-10 lot width requirement from 75 feet to 65 feet in order to complete a two-lot partition of the property.

(Note: Full copies of the application, the staff report, and all related documents are available for review in the public record.)

As a matter of background, **Konkol** said the original site went through a partition (Planning File MP 95-12) that was approved on March 8, 1996. The initial partition of the property had the intention of partitioning this subject site into two parcels once again. In 1996 when that partition occurred, the required lot width for an R-10 lot was 60 feet, which was what was anticipated as being needed for future partitioning of that property. Since the date of that decision, the R-10 standard has been increased to a 75-foot lot width for 10,000 square foot lots.

The property is currently zoned R-10 and it has a Comprehensive Plan designation of Low Density Residential. Directly north of the site is Holcomb Blvd., and north of Holcomb Blvd. is a property zoned R-10 and a property zoned R-8, Single-Family. Directly south of the subject site is a property zoned R-10 which was part of the original partition. West of the site is approximately a 1.04 acre site that is zoned R-10 and developed with a single-family home, and east of the site are two flag lots, which were part of the original partition totaling approximately 20 feet, which provide access to the two parcels behind the subject site.

Proper noticing was done to neighbors within 300 feet and through the *Clackamas County Review*, and the property was posted. The CICC and the neighborhood association were identified.

Specifically, the applicant is requesting a variance to Section 17.08.040, Sub B, of the Oregon City Municipal Code. The variance procedures spelled out in 17.60.020, and part A indicate that the literal application of the provision would deprive the applicant of rights commonly enjoyed by properties in the surrounding area or that extraordinary circumstances apply. The applicant said that the extraordinary circumstance is that the original partition in 1996 was designed to allow future division of the property at the existing zoning designation. The requirements were changed in 1998, requiring an increase to a 75-foot lot width, which cannot be accommodated on this site.

Criteria B is that this will not cause substantial damage to neighboring properties, including reducing light, air, and safe access. As stated, there is a 20-foot easement on the east side of the property, which would allow a significant buffer between this parcel and the property to the east. To the west of the site, there is an existing

home, and the existing house is on the west side of the property so there will not be another home put in there. In conclusion, the existing situation will remain and the setbacks in the rear will be maintained, so there should not be any impacts on the parcels surrounding this site.

The applicant's circumstances are not self-imposed. The applicant purchased the property in August of 1998, at which time the 60-foot lot width of the R-10 designation was in place. In October, 1998, the requirement was increased to 75 feet. The applicant did not get a partition submitted prior to the change in the lot dimensions. He maintains that this was not self-imposed and he had intentions of using that 60-foot lot width.

No practical alternative has been identified. Staff has worked with the applicant to try and utilize flag lots or a different design. There is no alternative that would allow frontage onto Holcomb and meet the 75-foot lot width.

The variance requested is the minimum. The applicant has applied for a second Type II decision of variance to reduce the lot size. The Oregon City Transportation System Plan (TSP) was updated requiring a larger right-of-way dedication than was initially given in 1996, and these parcels were proposed to be exactly 10,000 square feet under the old zoning designation. A combination of the increase lot width and additional right-of-way dedication on Holcomb has impacted this parcel.

The variance conforms to the Comprehensive Plan. The property is designated Low-Density Residential, and it would be developed as Low-Density Residential. It currently exceeds the maximum density allowed. This would permit the applicant to partition that piece into two R-10 Single-family parcels.

**Chair Carter** asked if the easement on the east side is a driveway easement for properties behind, and **Konkol** said yes.

Based on the staff report and findings, staff recommends approval of the variance for the lot width.

**Powell** started to ask if there was any response from the neighborhood association, but he saw it in the packet and was satisfied.

The applicant had nothing to add to staff's report.

There was no public testimony in favor, against, or neutral to this application.

**Chair Carter** closed the public hearing at 7:15 p.m.

**Orzen** moved to approve VR 03-08 for a reduction in the lot width from 75 feet to 65 feet. **Powell** seconded the motion, and it passed unanimously.

**ZC 03-01 (Quasi-Judicial Zone Change Hearing), Brett Eells/Matt Wellner; Request for a Zone Change for 4.97 acres zoned R-10 Single-Family to R-8 Single-Family for the property located at 19605 Meyers Road and identified as Map 3S-2E-8CA, Tax Lot 4501.**

**VR 03-06 (Quasi-Judicial Variance Hearing), Brett Eells/Matt Wellner; Request for a Variance to increase the maximum allowed cul-de-sac length of 350 feet per Section 16.12.100 of the Oregon City Municipal Code to approximately 520 feet for the property located at 19605 Meyers Road and identified as Map 3S-2E-8CA, Tax Lot 4501.**

**Konkol** gave the staff report, explaining that the applicant, Oregon City Excavation and Development, is requesting a zone change from R-10 Single-family to R-8 Single-family. The applicant is concurrently

requesting a subdivision review and a Water Resource Review (Type II decisions) for the property, as well as a variance to increase the maximum cul-de-sac length on the property.

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

The property is approximately 4.97 acres and has a Comprehensive Plan designation of Low-density Residential. It is currently zoned R-10 Single-family, which requires 10,000 square foot minimum lot sizes. The applicant is requesting a change to R-8, Single-family, 8,000 square foot minimum lot size, which is allowed under the Low-density Residential Comprehensive Plan designation.

**Konkol** put up an overhead of the Oregon City Zoning Map, which he entered into the record as Exhibit A for ZC 03-01. He then explained the location of the site as follows: Directly north of the site is Meyers Road (identified as a minor arterial in the TSP). North of Meyers Road is the Deer Meadows subdivision, which is developed as R-8 Single-family. (He said it received a zone change from R-10 to R-8 in 1996.) Directly south of the subject site is outside of Oregon City city limits and outside the Urban Growth Boundary (UGB), and it is zoned under County jurisdiction. (He said it does not show, but there is a creek running north to south across the parcel under County jurisdiction.) Directly west of the site is a water resource zone and a PGE easement. East of the site is the Millennium Park subdivision, which is zoned R-8 Single-family. (This property received a zone change from R-10 to R-8 in 1994.)

**Konkol** said comments were received (1) from David Evans & Associates, which does consulting work for the City regarding traffic impact studies, and (2) from the Police Dept., which indicated that increased densities in population would adversely impact their response time. A letter was also received from Charles Hoffman of 13159 Century Drive, who was concerned that the proposed zone change would overload the infrastructure and add to the already too-densely populated area, and add traffic to Meyers Road, which is already overloaded. Mr. Hoffman also indicated that the property was annexed into the City because of a failing septic system and that as of the date of his letter, the subject site had not been hooked up to the City sewer system.

Concerning existing systems that are required for development, **Konkol** said there is an existing 16-inch water main at Meyers Road that is adequate to serve the site, and it does not need to be upsized (after initial review by Public Works and the City Engineering Department). There is an existing 8-inch sanitary sewer in Meyers Road as well as in Andrea Street (north of the site and across Meyers Road) that are adequate if this site is developed as R-8 Single-family. The applicant would be required to manage stormwater on-site if it were developed into any type of subdivision at some point. The release would most likely empty into Mud Creek, a tributary of Beaver Creek (located to the west and south of the subject site). This would be determined at Subdivision review by staff.

Regarding transportation, David Evans & Associates did a traffic study and indicated that the Warner/Parrott, Warner/Milne, Leland/Linn intersection is reaching failing and will fail by 2003 with or without the proposed zone change. They indicated that the modest increase of density from R-10 to R-8 is not expected to substantially affect the plan in the 20-year transportation system identified in the City's TSP. Based on this minimal impact, additional future analysis of this zone change was not required of the applicant by staff. In summary, **Konkol** said there is no reason to deny the zone change based on traffic impacts.

The incremental impacts from additional units should be captured under SDC assessments at site development, and at the time the property is annexed into the City a non-remonstrance with the City was signed for the property.

Transmittals were sent to affected agencies, including the Oregon City School District, and there was no response from the School District. The applicant indicates in their application that they expect minimal impacts to the school.

Regarding fire and police, as stated earlier, the Police Department indicated that this would adversely impact a police department already strained to respond to the demand for services. Staff acknowledges that increased development and increased population does affect their ability to respond. Staff asked that the PC consider as well that appropriate planning can also alleviate some of those stresses.

The subject site is located on a minor arterial. It is in relatively close proximity to commercial opportunities for shopping and to Clackamas Community College, which is a major hub for Tri-Met bus service. Meyers Road is also anticipated for a future Oregon City bus service down that route (should it ever be implemented), and staff would propose that the surrounding land use is R-8 Single-family and that denying this request ultimately leads to increasing densities in other locations. This seems to be an appropriate location for the requested zone change at the requested density, as opposed to delaying it or perhaps putting it further out away from a minor arterial or collector that could serve the transportation needs associated with this site.

Regarding the Comprehensive Plan, Konkol said proper noticing was done as required, and that the zone change would result in an increase from 16 lots to approximately 19 lots. This would provide for flexible and affordable housing opportunities consistent with the Comprehensive Plan.

There are no natural resource overlays identified in the Comp Plan or on any Comp Plan maps for this site. It is in a wet soils high water table, which would be addressed during Site Design for a subdivision through the use of a geo-technical review.

The property is within a water resource overlay district for the tributary to Beaver Creek. For development of the site, the applicant would be required to comply with 17.49 of the Oregon City Municipal Code, which would protect the natural resource.

Regarding growth and urbanization, **Konkol** noted on the map that there is quite an array of zoning designations in this neighborhood from Commercial to Multi-family to Two-family to all three Single-family zones, as well as Limited Office. It is a diverse neighborhood with several housing types, and this would only contribute to additional housing types and opportunities for a diverse neighborhood.

The Parks and Recreation Master Plan discourages the development of mini-parks on properties unless the developer is going to maintain them. The property is located within a half-mile of the existing Hillendale Park and the newly created Wesley Linn Park. It is also within a mile of Clackamas Community College.

Based on the findings, staff recommends approval of the requested zone change (03-01) from R-10 Single-family to R-8 Single-family.

Before moving to the applicant's testimony, **Dan Kearns**, attorney for the applicant, asked if the two hearings could be consolidated, and **Chair Carter** granted the request.

**Konkol** then gave the staff report for the variance request (03-06) in which the applicant is requesting to increase the maximum allowed cul-de-sac length of 350 feet, per section 16.12.100 of the Oregon City Municipal Code, to approximately 520 feet.

**Konkol** said **Charles Hoffman** had submitted comments for the variance as well, indicating that the proposed variance would add more housing to the area, which would add to an already too-densely populated area, and that the applicant's only motivation is to make more money. **Hoffman** also indicated, as stated earlier, that the

property was brought in on an emergency annexation due to a failing sewer septic system and that at the date of his letter, the subject site had not been hooked up to City sewer.

Under the variance criteria of 17.60.020, Sub A, that the literal application of the provision would deprive the applicant or that extraordinary circumstances apply to the site, **Konkol** said the applicant contends that the maximum length of the cul-de-sac (350 feet) does not allow for the complete development of this site since it is 630 feet long. There is no ability to gain access from Millennium Park to the east/southeast nor the PGE easement wetland area to the west/northwest, and to the south is the UGB.

**Konkol** said staff and the applicant strongly considered the possibility of putting a road through the UGB, but the road would come out in the only buildable portion of the property to the south, due to the creek and the steep slopes on the back side of the parcel in the County. They considered stubbing to the existing Millennium Parkway to the middle of the lot and eventually the City would buy the house and extend the road through. However, that didn't seem like a viable option. They also considered doing a 350-foot cul-de-sac and running flag lots off it, but they didn't see that as a very sound development pattern, which the City is trying to achieve. The City discourages the use of cul-de-sacs and if there is any way to avoid them, we will not do them, he said. The other alternative would be that the back third of the property would not be developed, which would result in large lots with frontage on the cul-de-sac that would be extremely long and deep. It might be dividable under the City's partition rules, but it is not a fluid street design or subdivision design.

In conclusion, there did not appear to be any reasonable alternative.

Regarding Criteria B that the variance would not likely cause substantial damage to neighbors, **Konkol** said if the road were extended through, as a normal subdivision would be, the impacts would be the same as this cul-de-sac being extended to the properties to the east and southeast and Millennium Park. Staff doesn't see any impacts associated with the neighbors that would be depriving them of any air or safe access. Rear yard setbacks and lot sizes will be maintained the same.

Regarding Criteria C, that the applicant's circumstances are not self-imposed, Millennium Park did not provide a stub to the property and there is no alternative way to enter or leave the site other than from Meyers Rd. **Konkol** reiterated that neither staff nor the applicant could find a practical alternative to alleviate the design of this property.

This is the minimum variance that could alleviate the situation. The cul-de-sacs are not discussed in the Comprehensive Plan specifically, although pedestrian connectivity and automobile connectivity are discussed. He said if those could be provided on this property, they would be. The original recommendation from staff was to extend the road to the UGB, but after looking at the parcel directly to the south/southwest of the subject site in the County, it was determined that there is no alternative to put a road across that property and still develop on it.

Therefore, based on these findings, **Konkol** said staff would recommend approval of the increase in length of the cul-de-sac.

**Chair Carter** asked **Kabeiseman** about a recent cul-de-sac variance that was for an additional 50 feet for which there was an alternative of a connection to South End Road. **Kabeiseman** said that the City Commission affirmed the PC's recommendation at the last City Commission meeting.

**Chair Carter** said she was concerned that the PC might be perceived as being inconsistent, so it needs to be very clear why this application would meet the variance criteria and why the other one didn't. She then asked **Konkol** to summarize again the reasons for this recommendation for approval.

**Konkol** said on the previous request to increase the cul-de-sac length to 400 feet from the 350-foot requirement, staff looked at the lack of local street connection to South End Road in that situation and that there was an alternative to the cul-de-sac thereby connecting that street, which would serve for pedestrian and automobile connectivity. He said if there were someplace to connect from this parcel, we would be trying to do it. Staff did not feel it was appropriate to stub a street into the back of an existing home in an existing subdivision that was created just a few years ago. Next, staff investigated putting a road down the middle to the UGB although we don't usually like to run services to the UGB. The conclusion was that this was the only alternative in order for this road since there is nowhere to connect to in the future.

He said if a connection is desired in 15 or 20 years, there is a road stubbed in Millennium Park, which is stubbed to the UGB but not to the property next to it inside the City. The parcel directly south (outside the city limits) has a water resource going right down the middle of it in a north/south direction, it has steep slopes, and if it does need access, it can get it from the existing stub out of Millennium Park. He added that the applicant has proposed in the subdivision to provide an access to that rear parcel out of the cul-de-sac. But to put road in there, even a constrained road at 48 feet, would leave nothing to develop.

**Konkol** said a part of Code (Chapter 16 – Subdivisions) encompasses a site layout that is appropriate for the intended use. Since the City tries to discourage the use of flag lots, staff didn't feel this was appropriate.

Another alternative is to allow a 350-foot cul-de-sac with extremely large lots coming off it. **Konkol** said the Comp Plan tries to maximize existing vacant land within the UGB that has access to urban services.

In an effort to clarify things, **Chair Carter** said there are some situations with variances due to extenuating circumstances and those can differ from one application to another.

**Lajoie** asked, if they were to run the street clear to the end, would it be limited by steep slopes as well as being at the edge of the UGB? **Konkol** said that is correct. It would take a very big financial investment to span the existing water resource (the tributary to Beaver Creek) and the steep slopes. He said you could potentially come onto the site from the east right along the existing UGB line, but you would lose a substantial portion of the property—the only flat part that is developable for a house.

**Chair Carter** asked if that part is not developed at all at this point, and **Konkol** said that is correct.

**Daniel Kearns** of Reeve, Kearns, PC., spoke on behalf of Brett Eells, the owner and applicant. He noted that Paul Sedoruk, a land use planner, was also in attendance to explain some of the details.

**Kearns** said they agree with the staff report.

He then elaborated on some of the high points, as follows:

- Regarding the cul-de-sac length variance, he said this was not their idea, but the land constrains the options. The problem is that Millennium Park doesn't have a connection. The result is a long, skinny piece of property. He said before it was even annexed, it was like a "missing tooth" in the City's boundary. Now it forms a more logical boundary but it took so long that all the surrounding parcels developed out, leaving this odd-shaped parcel with no connectivity. So, he said, it is a rather long cul-de-sac, but this is the best of the options. He asked that the PC approve the variance regardless of the zone change because no matter what the zoning might be, this is the best configuration for this property.
- The water resource issues come into play in the little bump-out that accommodates the buffer for the wetland.

- Regarding the subdivision rezone, a subdivision application has been submitted which requests approval for 19 lots. He said, in considering the zone change request, the difference between R-8 and R-10 is three lots, given the small size of this property. He said he thought that was what really dominated the discussion at David Evans and Associates in their analysis of the actual traffic impact of R-8 versus R-10. Considering that the intersection that is a problem is about half a mile away, the difference between R-8 and R-10 is about one or two vehicle trips in the a.m. peak hour. He noted that it is already slated for upgrade on the City's TSP. In fact, he said, staff indicated that it might be possible to move it forward in terms of priority, so if the PC were inclined to approve this zone change, he suggested that they might encourage the City Commission to move it up on the priority list.
- Regarding surrounding zoning, he noted that all the light brown areas on the map are zoned as R-8 subdivisions. He said it is important to note that there are so many already zoned as R-8, making it a pretty dense area, but it is also important to note that all of these surrounding properties were rezoned within the last few years from R-10 to R-8.
- He reiterated that sewer, water, and storm water are not issues because those facilities are already available to the property.
- Regarding Metro's density targets for Oregon City, this is still not as dense as they would like to see, but he thinks this strikes a good balance between the existing rural land coming in and Metro's goals.

In summary, he said, given the small size of the property and small amount of the property that is developable, the impact of changing from R-10 to R-8 is negligible, and the staff report confirms that.

**Brett Eells**, 16770 S. Thayer Road, introduced himself as the developer, saying he is a local builder/developer looking to build homes in a price point of about the \$230-235,000 range, which is probably considered (through market analysis) the next step up from starter homes.

He said he thinks the cul-de-sac length would provide a nice backdrop for a family environment. Without the requested cul-de-sac length being applied, the hard surface areas of the property would be exceptionally large areas, which would in turn affect run-off, stormwater drainage, etc. Increasing the cul-de-sac length would improve water quality.

**Eells** said if the zoning is kept at R-10, the price point to make the whole project work would be about \$280,000, which might be a more acceptable market value in Oregon City in a year or so, but they were aiming for more affordable pricing, which is probably only possible in an R-8 zoning.

**Eells** submitted a detailed map, which staff entered into the record as Exhibit B.

**Chair Carter** asked if the PGE easement and the lower open space would remain unbuildable open space, the applicant said yes.

**Chair Carter** then said, from a price point, as a developer you could build three less houses and charge more, or build three more houses and charge less. Either way, the developer's dollar value is the same. **Eells** said there is a maximum number to make it work so they don't lose their home equity line of credit, which they need to get the project started. The necessary goal to accomplish this will have to be a certain price point, which works with the R-8 request.

**Chair Carter** said she was actually more concerned about the transmittal from the Police Department in which the Police Chief has expressed concern about not being able to provide adequate police protection. She said three less houses would be three less for the Police Department to worry about protecting if it doesn't make a difference to the development potential.



**Paul Sedoruk**, 4185 Monroe Ave NE., Salem, Oregon 97201, said he is a planner for Land Tech, Inc. He said he thought staff did an excellent job explaining the reasons for the variance. He noted that the map shows that the site is surrounded by existing development, an easement, a wetland area, and another development on the other side of the wetland area. They are also approaching a 15-20% slope on the undeveloped areas of the site toward the County portion of the site.

Regarding the criteria of exceptional circumstances or rights enjoyed by others, **Sedoruk** observed that other development took place with no regard to providing additional street stubs to this property. This, he thinks, is rather extraordinary. If Millennium Park had provided a street stub, they wouldn't be asking for a variance. Furthermore, they can't go through the protected wetland area and staff said it is not desirable to go outside the UGB. Therefore, common rights are provided to nearby property owners that are not accorded to the applicant because connectivity was not provided for in earlier development situations.

**Sedoruk** said another limitation is the shape of the site, which is very long and skinny. The site geometry limits the development potential to a single street down the middle.

He said it is also important that they are matching the adjacent intersection, which limits the options. There are access spacing standards along the road and even if they had a second road, they would probably have to ask for a variation to the access spacing standards because they would be too close.

Therefore, this appears to be the only logical solution.

Regarding impact on adjacent properties, **Sedoruk** said the only developed adjacent property is Millennium Park, which is zoned R-8. He said the applicant's street side setbacks and rear yard setbacks will be similar to theirs (the same, actually). The only impact is really internal to this subdivision. Visually from the street it will look like any other subdivision in the neighborhood, so the only impact is that the street is longer than what Code permits for a cul-de-sac.

Regarding whether the variance is self-imposed, **Sedoruk** said the property shape hasn't changed in a long time. It is a long, skinny piece of property and they had no control over the approval for Millennium Park; they had no control over the placement of the UGB; and they have no control of the easement along the creek. Therefore, this is not self-imposed.

Regarding practical alternatives, he said they considered all sensible alternatives with staff, and there is no practical solution to the problem. The property doesn't lend itself to development with two roads for the reasons already discussed. Stub streets in this case are moot points, and flag lots are frowned upon.

Regarding whether this is the minimum length necessary, the applicant would say yes because if they were to do R-10 lots, the lots would be a little wider and the length would stay the same to get the maximum amount of lots proposed for the property. He reiterated that if the request is denied, only about two-thirds of the property can be developed at this time.

Regarding conformation to the Comp Plan, **Sedoruk** said the property is zoned as Low-density on the Comp Plan and R-8 is a Low-density housing designation.

Regarding connectivity, he reiterated that they have no control over that because there is no opportunity for connectivity due to surrounding site conditions and features.

In conclusion, **Sedoruk** said the Comp Plan also encourages maximum use of existing City facilities and City's lands for development, and he thinks they meet all the criteria for a variance.

Regarding the zone change standards, **Sedoruk** said:

- There are utilities and services to the site, according to Exhibit 3-C.
- Regarding the intersection concern, David Evans & Associates says there will not be a substantial effect on the planned transportation system (Exhibit 3-B) and that the proposed intersection of concern is designated on the TSP as a capital improvement project.
- Regarding whether they are in compliance with the State planning goals, he said yes because the City's Comprehensive Plan has been approved by the State agencies.
- Regarding whether this plan is consistent with the Comp Plan, he said the zoning map shows that this is a diverse neighborhood with a diversity of housing types. The subject site is just a little sliver infill surrounded either by the UGB or by existing R-8 development. So he would say yes.
- Regarding density, he said moving from R-10 to R-8 would help the City achieve Metro goals.
- Regarding the question of whether they would impact or protect natural resources, he said just a small portion of the existing wetland would be protected by a 50-foot buffer. The remainder of that wetland is more than 50 feet from the proposed subdivision.
- It is consistent with the urbanization goals and growth of the Comp Plan, and it is really close to commercial and retail that has been developed within the last ten years or recent history of the City. This provides opportunity to put a higher density of people closer to places they would normally drive to.
- It provides mass transit opportunities. It is close to Clackamas Community College, which is a transit hub, and the City's transportation plan shows a future bus line going down Meyers.

Regarding the concern about the police issue, **Kearns** said he is aware of the staff cuts and he said he thinks everyone hopes this is a short-term situation. He noted, though, that the Police Chief doesn't say they can't cover it, just that they are spread thin and getting spread thinner with budget cuts and staff reductions.

**Kearns** said the efficient way to provide urban services (whether transportation, police, or fire) is to concentrate urban development in urban areas. This area is already pretty densely developed and it is densely zoned. It is in an area with park areas, major transportation hubs, the community college, and the high school. So, he said, it doesn't make sense to keep this as R-10 with the thought that it would reduce a burden on the police because it is already developed at R-8 levels and they are already covering this area. He noted staff's comment that if this were to be denied here, it might simply push out density in another area that might be lower in density rather than concentrating in one area where police can efficiently serve.

**Kearns** said the Chief's comment would justify denial in an area that was not already committed to this kind of development at this level, but this is only a difference of three houses, and he would suggest that this would make no difference to their burden in covering this area, particularly considering that most calls are medical related and the police wouldn't necessarily have the first-call response.

There were no further questions for the applicant.

**Kathy Hogan**, 19721 S. Central Point Road, thanked the staff for their diligence in consideration of the appropriateness of cul-de-sacs. She said the one they did recently was in her neighborhood, and she knows there will probably be a couple more coming in soon. In particular, from the standpoint of accessibility of fire trucks, she appreciates staff giving this the appropriate attention, especially since it apparently should have been considered more thoroughly before.

With that said, **Hogan** said she would encourage approval of this request because there appears to be no other alternative and she thinks the applicant is trying hard to make a good subdivision.

There was no further public testimony about this application nor were there further questions for the applicant. **Chair Carter** closed the public hearing at 8:10 p.m.

**Powell** asked about the reference to "Noble Wood Avenue" on this evening's handout and "Subject Site" on the overhead, and asked if they are the same. He said it appears to be a cul-de-sac, but he asked if it is stubbed off. **Konkol** said they are the same, and it is a cul-de-sac with homes built around it. **Powell** said he could see that it connects to Leland, which might have been an interesting option, but this answered his question.

**Lajoie** said the drawing infers that the connection to the main street is directly across from Deer Meadows. **Konkol** said it lines up with Andrea Street.

**Lajoie** asked if it is within the PC's jurisdiction to say they would like that to happen, or if that is part of Subdivision review? **Konkol** said under existing City Code, the center lines of streets intersecting may be a maximum of 10 feet off (the maximum separation). In this case, staff would look at this in the Design Review of the subdivision.

**Powell** said he appreciated staff's looking at cul-de-sacs, but he also wanted the public to understand that putting more people into an already crowded area is a difficult decision, even though he knows the City is already looking at fixing this problem area (Meyers Road). It is also very important to put as many people as possible into the space we have within the UGB without making it uncomfortable for people. We all enjoy the types of living we have here and the types of open space, but without making this R-8, we might not be able to do that. So, he said, those are considerations the PC has to include in these discussions, and he wants people to understand that we don't just create subdivision for any old reason. In this case, it is important to consider the traffic impacts on Meyers Road and to consider that intersection, which he hopes gets fixed quickly.

**Chair Carter** agreed that this project is clean-cut and simple to understand, it is the only alternative, it lines up with Andrea Street and comes out onto a main road, and she doesn't see any problems with approving these requests.

**Powell** moved to approve ZC 03-01 for a zone change from R-10 to R-8 and VR 03-06 for variance of the length of the cul-de-sac from 350 feet to approximately 520 feet. **Lajoie** seconded the motion, and it passed unanimously.

## 5. NEW BUSINESS

**Konkol** said staff has been talking again with Clackamas Community College about their master plans and that Mr. Erdman had extended an invitation to the Commission to come and see the new buildings that have been constructed since the last Master Plan approval. Staff proposed Wednesday, June 11<sup>th</sup>, from 5:00 to 6:30 p.m., which is a regularly scheduled work session night anyway. The PC agreed and **Chair Carter** suggested meeting there.

**Chair Carter** said she had some concern about the agenda for the upcoming work session with the City Commission on May 21<sup>st</sup>. **Konkol** said staff was working on that schedule and that an agenda would go out shortly.

**Konkol** said all staff reports, agendas, and minutes are now on the Oregon City web page. Also, the notice that is mailed to residents within 300 feet of a land use application is on the web site. **Chair Carter** said we have

come a long way in the last year regarding making good use of the web site as a community tool with the community and commended staff for their efforts.

**Mengelberg** asked what else people could see on the site, and **Konkol** said there is a link to e-mail addresses for the City Commissioners and Planning Commissioners as well as things like street tree lists, nuisance and native species lists, things relating to the Historic Review Board, land use applications, etc.

**Lajoie** asked if staff anticipates adding the Comp Plan to the site. **Konkol** said the Plan itself is a pretty big document, but the proposed map changes are there and there is some discussion about putting up the recommendations from C-TAC.

**Kabeiseman** said again that the recent appeal for the variance of a cul-de-sac was approved at the City Commission's last meeting and that the final decision would be made at their next meeting.

**Powell** said twice this week he was approached by citizens about the lack of volume on the TV broadcasts and he asked if there is any plan to resolve this problem. **Konkol** said staff can discuss this with the audio/visual folks and with Willamette Falls Cable, but this was the first he was aware of it. **Powell** said it has been brought up before with the City Commission and it is not a new problem. **Chair Carter** noted that everyone needs to speak closely to the microphones.

**Orzen** said she attended a seminar put on by Glazier about pervious concrete and that there was so much good information, she thought it might be advantageous to have them make a presentation at a future work session. **Chair Carter** said it might be good to invite some of the developers who work in the local area as well.

## 6. ADJOURN

With no other business at hand, the meeting was adjourned at 8:25 p.m.

 2.11.03  
\_\_\_\_\_  
Linda Carter, Planning Commission  
Chairperson

  
\_\_\_\_\_  
Tony Konkol, Associate Planner