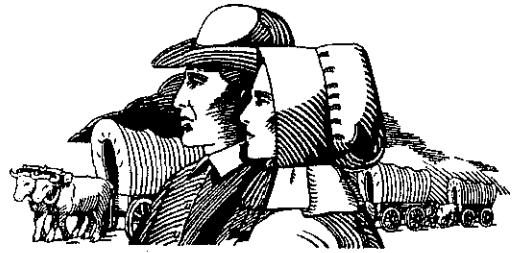


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Commission Chambers - City Hall

March 24, 2003 at 7:00 P.M.

The 2003 Planning Commission Agendas/Minutes, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:03 p.m. 3. **APPROVAL OF MINUTES:** *1/27/200 and 2/10/03 Work Session and Hearing (Draft available on the Oregon City web site or at City Hall for a fee)*
- 7:05 p.m. 4. **HEARINGS:**  
**VR 03-02 (*Quasi-Judicial Variance Hearing*);** Troy Weller; Request for a Variance to reduce the front yard setback from 20 feet to 9 feet for the property identified as Clackamas County Map 2S-2E-31DB, Tax Lot 8100 and located at 803 Brighton Avenue.
- 7:45 p.m. 5. **NEW BUSINESS:**
- 7:50 p.m. 6. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

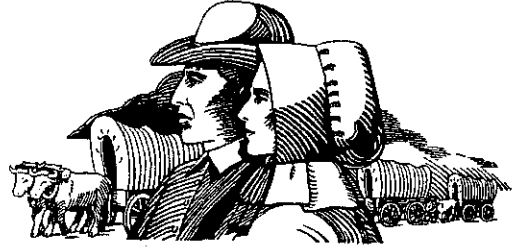


# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



### STAFF REPORT VARIANCE (Type III)

**Date: March 14, 2003**

**FILE NO.:** VR 03-02; Variance

**APPLICANT:** Troy Weller  
803 Brighton Avenue  
Oregon City, Oregon 97045

**PROPERTY OWNER:** Same as Applicant

**REQUEST:** The applicant is requesting a variance for the reduction of a front yard setback from 20 ft to 9 ft to allow for an attached garage.

**LOCATION:** 803 Brighton Avenue, Clackamas County Map 2-2E-31DB, Tax Lot 8100.

**RECOMMENDATION:** Approval

**REVIEWERS:** Sean Cook, Associate Planner  
Dan Drentlaw, Community Development Director

**VICINITY MAP:** Exhibit 1

The decision of the Planning Commission is final unless appealed to the City Commission within ten (10) days following the decision in accordance with OCMC 17.50. Only persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission. Grounds for the appeal are limited to those issues raised either orally or in writing before the close of the public record. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

## **BACKGROUND:**

The applicant is requesting a variance for the reduction of a front yard setback from 20 ft to 9 ft to allow for an attached garage (900 square feet). The size of the proposed garage (900 square feet) is similar to the size of the property owner at 819 Brighton (912 square feet). The applicant has discussed this proposal with the adjacent neighbors and has received signatures of approval from the adjacent property owners at 801, 809, and 817 Brighton. These three neighbors are the closest neighbors to the subject property. See Exhibit 2 for the Site Plan and neighbor's signatures with the locations of their properties in relation to the subject property.

## **BASIC FACTS:**

1. **Zoning/Permitted Use:** The property is zoned "R-6" Single-Family Dwelling District and is designated as "LR" Low Density Residential in the City's Comprehensive Plan.
2. **Property Description:** The property is located at 803 Brighton, which is near the intersection of Brighton Avenue and McKinley Avenue. The subject property is a flaglot that is approximately 12,675 square feet in size. Currently, there is an existing house present on the subject property.
3. **Dimensional Standards:** The "R-6", Single-Family Dwelling District, requires the following:

Minimum Lot Area:	6,000 square feet
Front Yard Setback:	20 feet
Interior Side Yard:	9 feet/ 5 feet
Corner Side Yard:	15 feet
Rear Yard Setback:	20 feet
4. **Surrounding Uses/Zoning:** "R-6", Single-Family Dwelling District borders the subject property on all sides. Surrounding developments consists mainly of single-family residential homes and associated structures.
5. **Comments:** Notice of the proposal was sent to property owners within three hundred feet of the subject property, the Rivercrest Neighborhood Association, and was published in the Oregonian. No written comments were received by the Planning Division concerning this proposal. Additionally, transmittals were sent to various City departments and other agencies regarding the proposed development. Relevant comments received from City departments are addressed in the body of this report.

## **DECISION-MAKING CRITERIA:**

### **Municipal Code Standards and Requirements**

**OCMC, Title 17- Zoning:**                      *Chapter 17.12, "R-6", Single Family Dwelling District*  
   *Chapter 17.50, Administration and Procedures*  
   *Chapter 17.60, Variances*

## **ANALYSIS:**

The applicant is requesting a reduction of a 20-foot front yard setback down to 9 feet to allow an attached garage.

According to procedures set forth in Section 17.60.010, the Planning Commission may authorize variances from the requirements of this title. The Planning Commission may attach conditions to protect the best interest of the surrounding property or neighborhood and otherwise achieve the purpose of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

**A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;**

As stated by the applicant, the two flag lot properties immediately to the northeast of the applicant's property both have garages with 9-foot setbacks. However, the applicant's house is much closer to the applicant's front property line, precluding the option of matching or exceeding the setbacks of these adjoining properties. The applicant wishes to have a garage that is similar in location to his neighbors. Similar garages to the kind sought by the applicant are also located at 704 Summit and 1013 Brighton. Without this type of garage, the applicant feels they would be deprived of rights commonly enjoyed by his neighbors.

Staff finds that the intent of this standard is to ensure neighborhood compatibility. Additionally, the intent of this standard is not to deprive a property owner of a use that is enjoyed by the nearby neighbors. The applicant is requesting a reduction in the setbacks to allow for a garage that is similar to the types owned by his neighbors.

In regards to "*rights commonly enjoyed by other properties in the surrounding area*", no written comments were received from neighbors within 300 feet of the property or from the Rivercrest Neighborhood Association in opposition to this request. Staff finds that the applicant's request is reasonable and meets this standard.

Therefore, the applicant satisfies this criterion.

**B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;**

The purpose of this criterion is to ensure that property life safety issues are not infringed upon by the proposed variance. The addition of a garage onto an existing house would not likely cause significant adverse impacts to the adjacent properties. Additionally, the

applicant has received approval from his adjacent neighbors for the project (Exhibit 2). Staff findings based on the above information that the request does not reduce light, air, safe access or other desirable qualities as protected under this ordinance.

Therefore, the applicant satisfies this criterion.

**C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;**

The applicant reports that the layout of the existing house on the site does not allow for other alternatives for a garage of the type requested by the applicant. While the applicant may or should have known the setback restriction prior to the purchase of the site, he was also aware of the other nearby properties with similar circumstances and presumed that if garages were available to them, he would enjoy the same consideration for a garage on his property.

Staff finds the applicant's explanation of the circumstances that apply to this property as reasonable.

Therefore, the applicant satisfies this criterion.

**D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;**

The applicant states that the proposed location is the only practical location for the requested garage. Enlargement of the existing garage would also require a variance, based on information provided by the applicant.

The purpose of this criterion is to ensure that all practical and reasonable alternatives to the variance have been considered. Staff and the applicant did analyze the option of a detached garage. However, the option would have reduced the allowable size and still would have required a variance. No other practical alternatives, which would allow the request garage, were determined.

Therefore, the applicant satisfies this criterion.

**E. That the variance requested is the minimum variance that would alleviate the hardship;**

The intent of this criterion is to require that the variance application does not reduce the required standard beyond that which is needed for the specific application. As stated by the applicant and as noted in "D", other variances were found to have various difficulties. In this case, the variance is the minimum variance needed to resolve the situation as requested. Staff finds the applicant's explanation as reasonable.

Therefore, the applicant satisfies this criterion.

**F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

The requested variance would allow the applicant to development, maintain, and enhance the subject property for single-family residential use, as intended by the City Code and the Comprehensive Plan.

Therefore, the applicant satisfies this criterion.

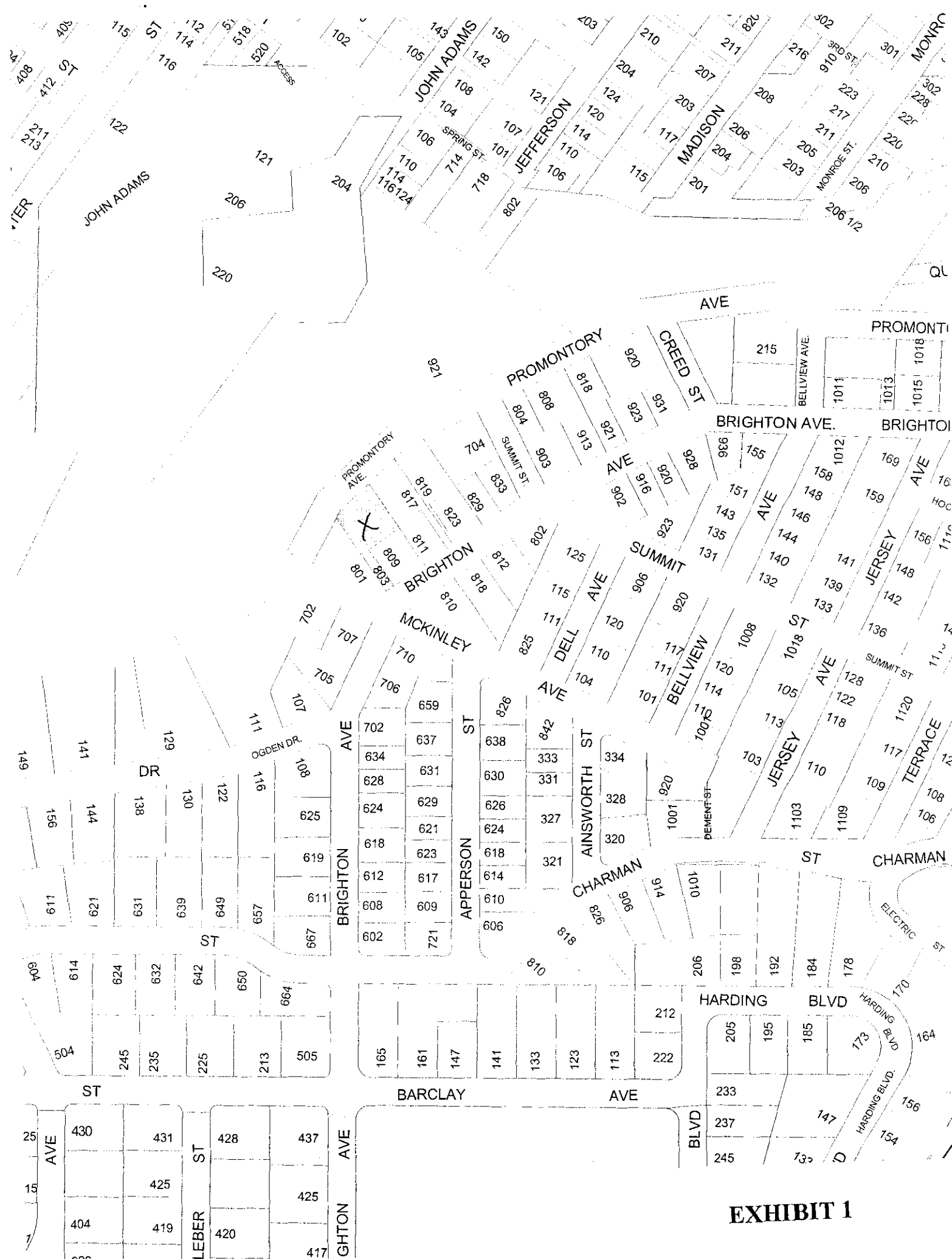
**CONCLUSION AND DECISION:**

Based on the analysis and findings as described above, staff recommends approval of variance request VR 02-03 for the property located at 803 Brighton.

**EXHIBITS:**

1. Vicinity Map
2. Site Plan with Neighbor's signatures
3. Applicant's Narrative

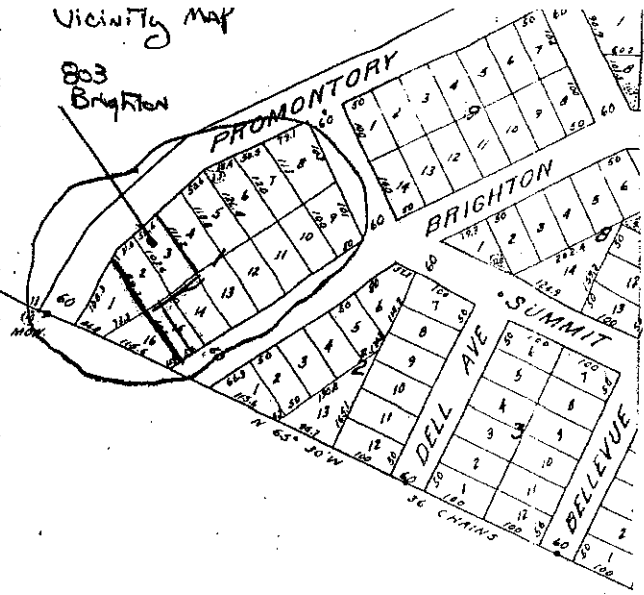
cc: File VR 03-02  
City Building Division



**EXHIBIT 1**



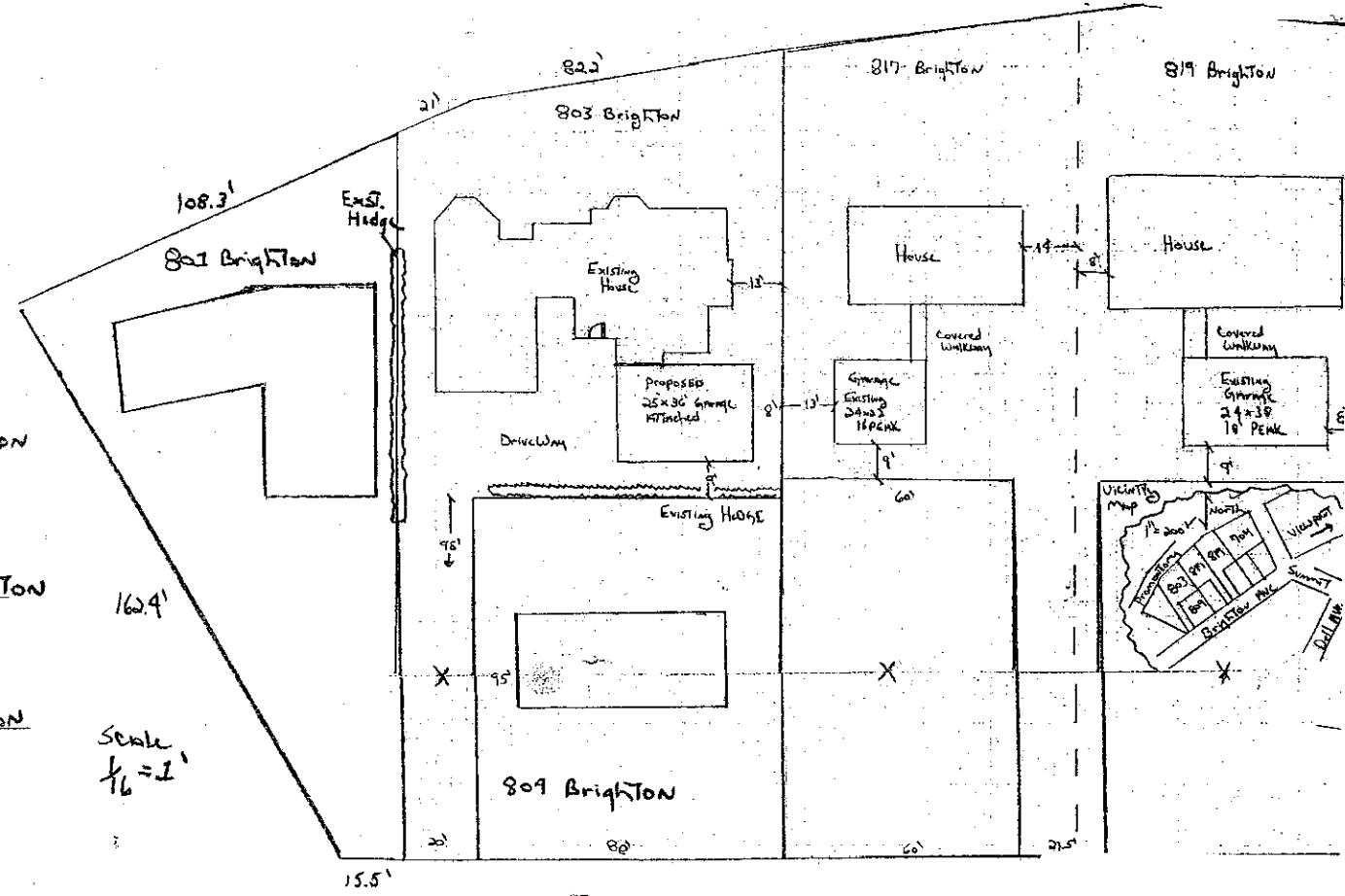
# Weller Residence 803 Brighton Ave. Oregon City

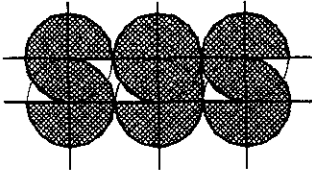


## Neighbor Approval

<u>Print</u>	<u>Signature</u>	<u>DATE</u>
<u>Th. D. Griffin</u>	<u>[Signature]</u>	<u>11-22-03</u>
<u>Print</u>	<u>Signature</u>	<u>DATE</u>
<u>Frank A. Jones</u>	<u>[Signature]</u>	<u>11/16/03</u>
<u>Print</u>	<u>Signature</u>	<u>DATE</u>
<u>L. Sikarskie</u>	<u>[Signature]</u>	<u>1-17-03</u>

<u>Address</u>
<u>801 Brighton</u>
<u>809 Brighton</u>
<u>817 Brighton</u>





## Memorandum

Date: January 17, 2003

To: Mr. Dan Drentlaw, City of Oregon City

From: Stewart

Re: Troy Weller property – 803 Brighton Avenue, Oregon City

At the request of Troy Weller, I have reviewed his revised proposal to add a garage to his existing residence at the above address. Attached to this memo are Troy's revised drawings, which show an attached garage with setbacks that are less than required under City Code, but consistent with those of existing neighboring garages. Troy is requesting a variance to allow construction with these setbacks.

In response to the grounds for variance, I offer the following arguments:

- A. "The literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site."

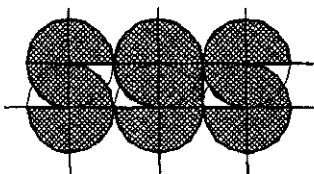
The two flag lot properties immediately to the northeast of the applicant's property (at 817 and 819 Brighton) include garages with setbacks of nine feet (9'-0") to the equivalent front property line. Both of these garages are 24' in depth. However, the main house on Mr. Weller's property is much closer to this front property line, precluding the option of matching or exceeding the setbacks of these adjoining parcels. Similar garages are also located on parcels at 704 Summit and 1013 Brighton. The values of the homes in this area are dependent upon providing oversized, detached garages to accommodate the types of equipment Mr. Weller intends to store. Without this garage, Mr. Weller would be deprived of rights commonly enjoyed by his neighbors.

- B. "The variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title."

The fact that adjacent properties include similar garages is indicative that "substantial damage" is not likely – this type of development has a track record that speaks for itself. The proposed garage will be screened from the neighboring property at the nine foot setback with an existing evergreen hedge.

Stewart Gordon Straus, Architect      Planning - Design  
6170 SW Cherry Hill Drive Beaverton, Oregon 97008  
Phone: (503) 672-7517 Fax: (503) 672-7808 E-mail: sgs

EXHIBIT 3



Mr. Dan Drentlaw  
City of Oregon City Planning  
January 17, 2003  
Page 2

- C. "The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience."

The layout of the existing house on the site does not allow for other alternatives for a garage of the type required by Mr. Weller. While he may or should have known of the setback restriction prior to purchase of the site, he was also aware of the other nearby properties with similar circumstances and presumed that if variance was available to them, he would enjoy the same consideration for a garage on his property.

- D. "No practical alternatives have been identified which would accomplish the same purposes and not require a variance."

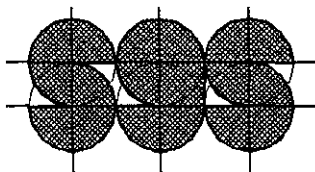
As noted in "C" above, the proposed location is the only practical location for a detached, oversized garage. There is an existing garage attached to the existing house, but it is not adequately sized for the equipment to be stored. Enlargement of the existing garage to accommodate this equipment would also result in a variance at the southeast property line and would require extension of the garage toward the front property line to the extent that maneuvering space would no longer be available between the garage and the property line.

- E. "The variance requested is the minimum variance which would alleviate the hardship."

As noted in "D" above, other options require other variances or create conditions that are unacceptable from a functional perspective. Space is not available on the site to reduce the extent of variance required.

- F. "The variance conforms to the comprehensive plan and the intent of the ordinance being varied."

*Stewart Gordon Straus, Architect      Planning - Design - Consulting*  
6170 SW Cherry Hill Drive Beaverton, Oregon 97008  
Phone: (503) 672-7517 Fax: (503) 672-7808 E-mail: [sgs@spiretech.com](mailto:sgs@spiretech.com)

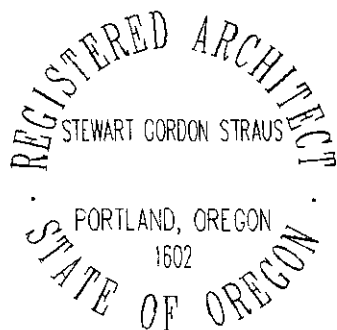


Mr. Dan Drentlaw  
City of Oregon City Planning  
January 17, 2003  
Page 3

The use type and intensity proposed are consistent with the characteristics of a residential neighborhood as defined in the comprehensive plan. The intent of setbacks is to assure reasonable "breathing room" and appropriate densities in the context of the comprehensive plan designation. There is nothing proposed that creates impacts that violate the general character of the residential zone within which this property is located.

I have served for seventeen years on the Board of Design Review for the City of Beaverton, including three terms as chairman. Based on my extensive experience in reviewing circumstances such as this, I believe the request by Mr. Weller is entirely reasonable and can be supported by findings consistent with the approval criteria.

Your positive response to our request will be appreciated. Please do not hesitate to contact me if you have any questions.



*Stewart Gordon Straus*

*Stewart Gordon Straus, Architect      Planning - Design - Consulting*  
6170 SW Cherry Hill Drive Beaverton, Oregon 97008  
Phone: (503) 672-7517 Fax: (503) 672-7808 E-mail: [sqs@spiretech.com](mailto:sqs@spiretech.com)

# CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,  
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892  
www.ci.oregon-city.or.us

## LAND USE APPLICATION FORM

### REQUEST:

- |  |  |   |
|--|--|---|
| Type II  | Type III                                     | Type III / IV                           |
| <input type="checkbox"/> Partition               | <input type="checkbox"/> Conditional Use     | <input type="checkbox"/> Annexation     |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision             | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change    |
| <input type="checkbox"/> Extension               | <input type="checkbox"/> Modification        |   |
| <input type="checkbox"/> Modification            |  |   |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please **print or type** the following information to summarize your application request:

APPLICATION # V12 03-02 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Troy Weller

PROPERTY OWNER (if different): Same

PHYSICAL ADDRESS OF PROPERTY: 803 Brighton Ave. Oregon City, or 97045

DESCRIPTION: TOWNSHIP: 2S RANGE: 2E SECTION: 310B TAX LOT(S): 8100

PRESENT USE OF PROPERTY: Residence

PROPOSED LAND USE OR ACTIVITY:

ADDITION OF ATTACHED GARAGE

DISTANCE AND DIRECTION TO INTERSECTION:

40' To South

CLOSEST INTERSECTION: Brighton/McKinley

PRESENT ZONING: R-6

TOTAL AREA OF PROPERTY: 13000 sq'

### Land Divisions

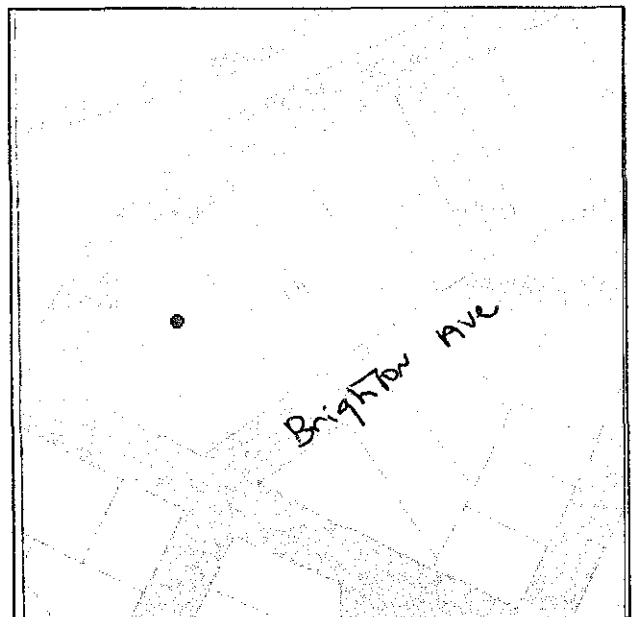
PROJECT NAME: \_\_\_\_\_

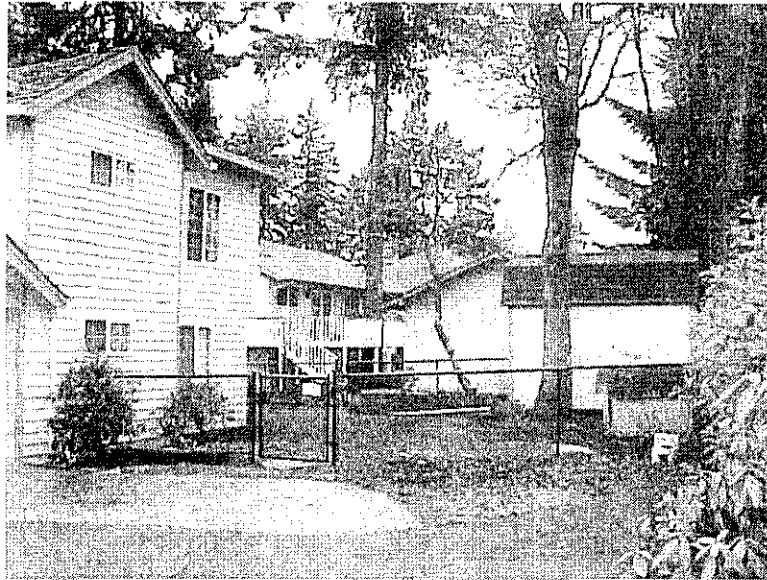
NUMBER OF LOTS PROPOSED: \_\_\_\_\_

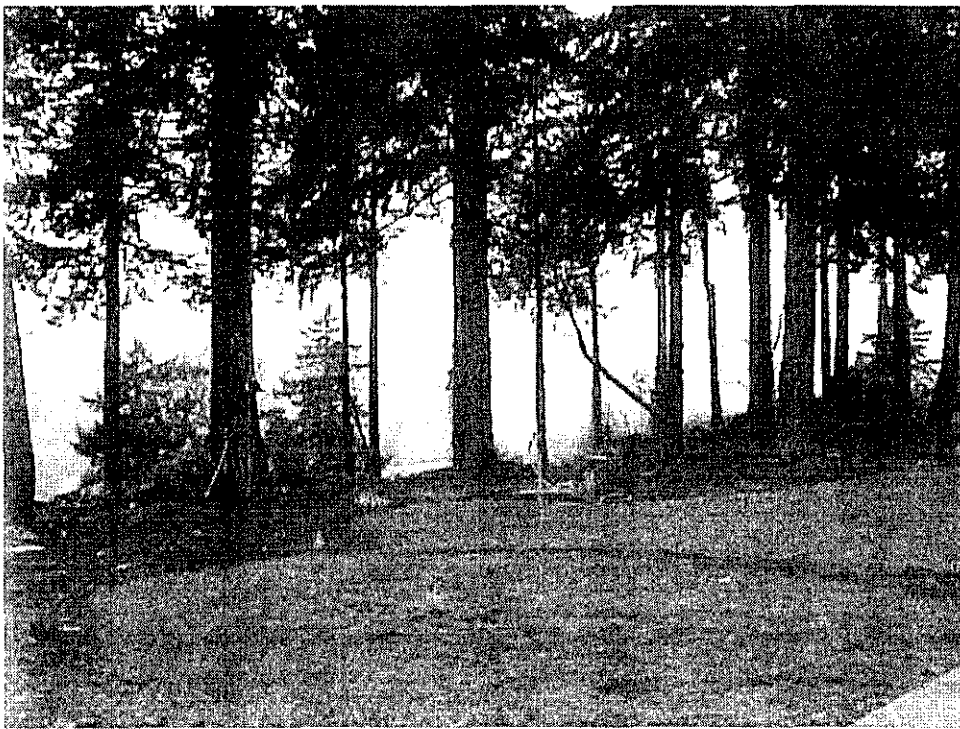
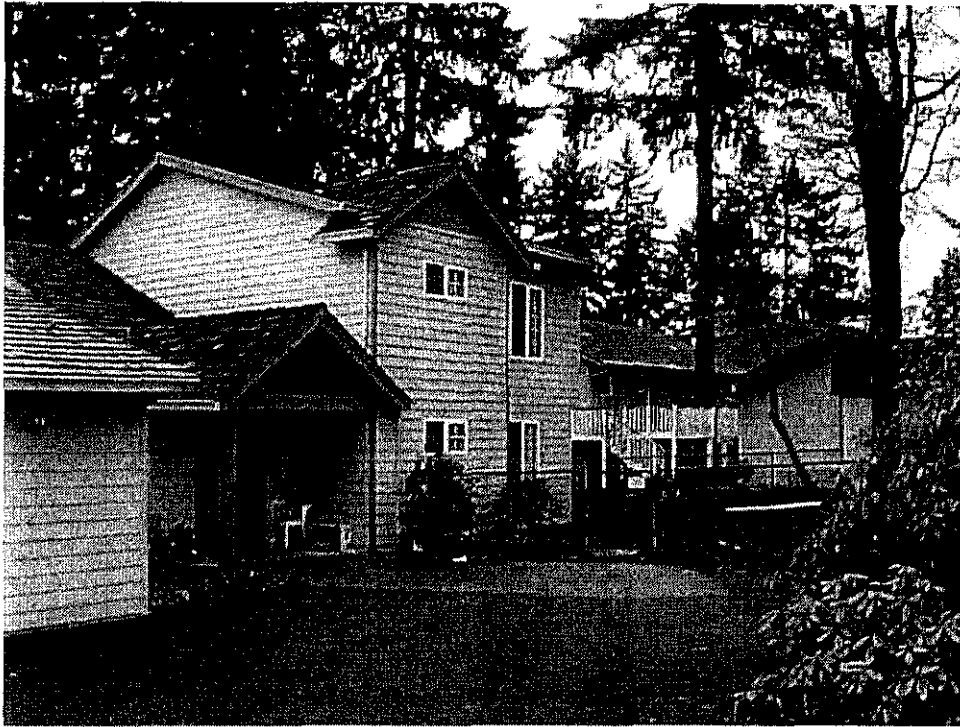
MINIMUM LOT SIZE PROPOSED: \_\_\_\_\_

MINIMUM LOT DEPTH PROPOSED: \_\_\_\_\_

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS  
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS  
NOTICE, IT MUST BE PROMPTLY FORWARDED TO  
PURCHASER

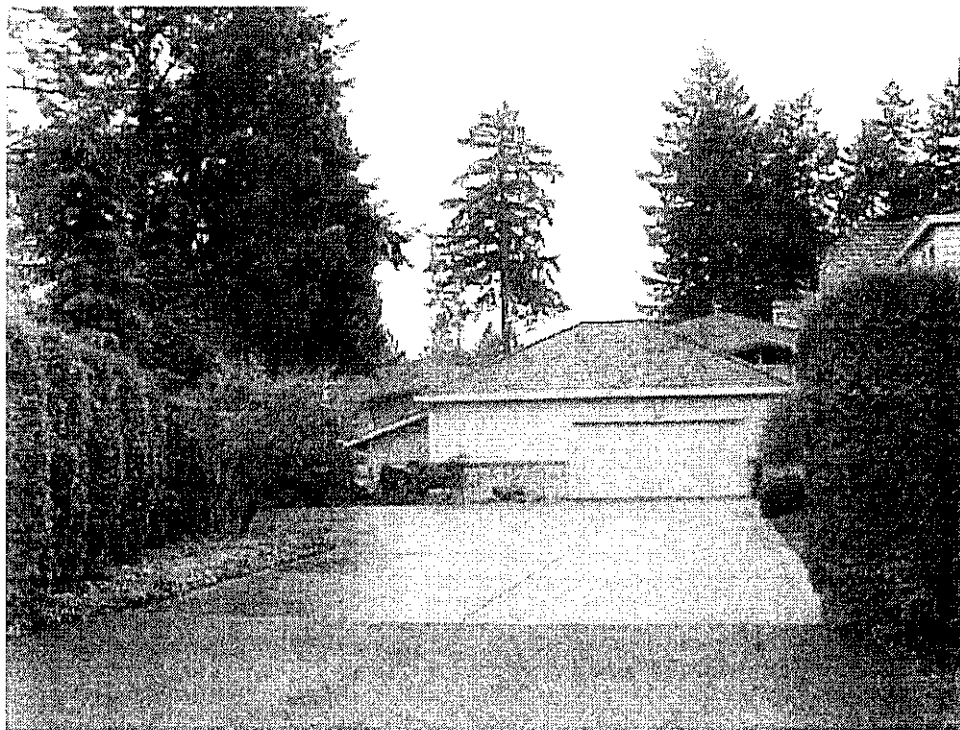




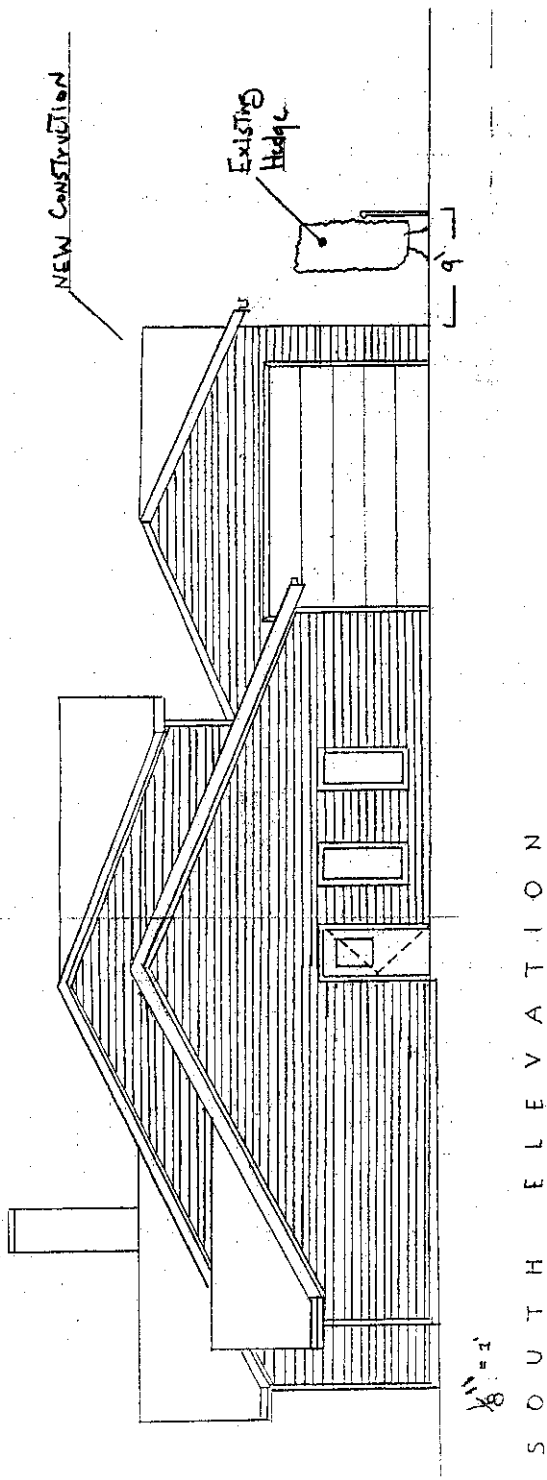




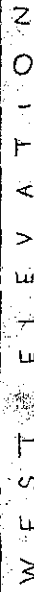
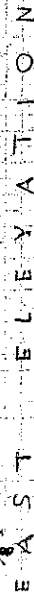




Weller Residence  
803 Brighton Ave.  
Oregon City



7 13345





**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
January 27, 2003**

**COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Main  
Commissioner Orzen

**STAFF PRESENT**

Dan Drentlaw, Planning Director  
William Kabeiseman, City Attorney  
Tony Konkol, Associate Planner  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

Commissioner Mengelberg

**1. CALL TO ORDER**

**Chairperson Carter** called the meeting to order at 7:00 p.m.

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

**Kathy Hogan**, 19721 S. Central Point Road, said she had read an article in a local paper about some signs which were put out near a school to remind drivers to slow down, and she asked if the Planning Commission could perhaps review and/or revise the City regulations to allow such because, whether these signs are paid for by the schools (whether St. Johns or the public schools), she thinks they are a good safety reminder.

**3. APPROVAL OF MINUTES: December 9, 2002, December 11, 2002, and December 16, 2002.**

**Chair Carter** said corrections had already been taken for the minutes of December 11<sup>th</sup> and December 16<sup>th</sup>, but had not yet taken any corrections for the minutes of December 9<sup>th</sup>. With no corrections to those minutes (Dec. 9<sup>th</sup>) but encompassing the previously submitted corrections, **Main** moved to accept all of them as submitted and corrected. **Orzen** seconded the motion, and it passed unanimously.

**4. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the hearings on the agenda this evening, both of which are quasi-judicial in nature.

**VR 02-10 (Request for a Continuance to February 10, 2003); Great American Development; Joe Spaziani; Request for a continuance of the Planning Commission Hearing for a Variance to increase the maximum cul-de-sac length by 50 feet for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.**

**Kabeiseman** asked if there were any conflicts of interest, bias, or ex parte contacts to be acknowledged by the Commission. There were none, nor were there any challenges by members of the audience against the Planning Commission (PC) or any individuals for participating in this hearing.

**Konkol** said the applicant was requesting a continuance to the next PC hearing date for this variance while reviewing alternative designs for the subdivision. **Orzen** moved to uphold the request for a continuance to Feb. 10, 2003. **Main** seconded the motion, and it passed unanimously.

**ZC 02-03 (Quasi-Judicial Hearing); Great American Development; Joe Spaziani; Request for a Zone Change from R-10 Single-Family residential to R-8 Single-Family Residential for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.**

**Konkol**, who would give the staff report, introduced a letter into the record as Exhibit A from Scott Sether, 19230 Pine Place, dated Jan. 16, 2003, in which he states he thinks this development should remain R-10 because traffic will increase if it is zoned R-8; there is a potential for flooding and problems related to the increased drainage from the development; and with increased housing there will be more children attending John McLoughlin Elementary. (**Konkol** had distributed copies of this letter to the Commissioners.)

**Konkol** then made some corrections to page 1 of the application. He noted that this is actually a Type IV application, not a Type III. Under "Process," he also clarified that Type IV permits are reviewed by the PC. If the decision is for denial, that is the final decision, which can be appealed to the City Commission. A recommendation of approval can be forwarded to the City Commission should the Planning Commission so determine. He noted that correct references are made within the body of the staff report to a Type IV permit and the correct process and procedures.

As background, **Konkol** said the applicant is requesting a zone change from R-10 Single-Family to R-8 Single-Family, for an approximately 8.09-acre vacant parcel located southwest of Partlow Road and southeast of South End Road. The parcel has a Comprehensive Plan designation of LR Low-Density Residential, which includes the R-8 Single-Family zoning designation.

**Konkol** said the applicant currently has a proposal for a 31-lot subdivision submitted with the City, and a variance for the cul-de-sac length (the latter of which was just continued to Feb. 10, 2003). The proposal has two temporary stubs terminating into the parcel (Pine Place and Mahogany Drive) both from the north and the south into the site.

The surrounding zoning and land uses are Single-Family Residential, including both R-10 and R-8. There is an R-8 Single-Family subdivision (identified as Hazel Grove 5); an R-8 Single-Family subdivision identified as Hazel Meadows, an R-10 Single-Family subdivision identified as Hazel Grove 3; and various R-10 Single-Family parcels. (A full copy of the application, the staff report, and related documents are available in the public record through the Planning Department.)

The site has frontage to the west on South End Road, which is classified as a minor arterial in the Oregon City Transportation System Plan (TSP); Pine Place and Mahogany Drive, both of which are local streets that are stubbed into the property to the north and to the south; Filbert Drive (directly to the south), which is classified as a neighborhood collector; and Partlow Road (directly to the north), which is classified as a collector.

**Konkol** said proper noticing was done to the immediate property owners and to the community, and transmittals were received and incorporated into this staff report as they pertain to the zone change.

The South End Neighborhood Association submitted comments opposing the requested zone change to R-8 based on the following:

- Existing traffic problems on Filbert Lane.
- There is no direct access from the subdivision to South End Road.
- South End Road and Partlow Road need improvements.
- The current retention pond may not be able to handle extra runoff.
- High density is not compatible with surrounding uses.
- The roadways must be 32 feet wide.

- The current traffic count on Filbert will increase from 600 to 900 daily trips.

**Konkol** also noted that comments were received from:

- Mr. Howell, 19240 Pine Place, requesting that the City grant a variance to allow the street to connect to South End Road and saying that if the variance is not granted, the zone change request should be denied to reduce the impacts on Filbert Drive and Pease Road.
- Mr. and Mrs. Fleming, 11795 Mahogany Drive, saying they are opposed to the zone change because there is inadequate police staff to patrol the area; the elementary school is overcrowded; and the increased traffic would be a burden to the developing traffic problems and road maintenance issues.
- Mr. and Mrs. O'Brien, 19364 South Hazel Grove Drive, saying the developer should have known the existing zoning and should not be able to change the zoning to get more lots after the fact.

Staff findings state that the applicant, Great American Development, submitted an application that was deemed complete on December 18, 2002.

Regarding criteria, after a preliminary review, it appears that there are adequate services (water, sewer, and storm drainage) to provide services to the parcel at the R-8 development level.

There is an existing storm pond south of the property, and the adequacy of the pond will be reviewed at the time of the subdivision application. That pond has the potential to be enlarged. If enlarging the pond does not alleviate the drainage coming from the site, there are also alternate design options that could accommodate storm water, but the applicant would be responsible for showing that during the application for the subdivision.

The applicant states that a traffic analysis report was prepared by Lancaster Engineering for this subdivision, and no problems were found with any intersections or traffic movements on the streets around the development through 2017. Staff would concur with that finding, that this development would not impact the surrounding intersections and will not warrant improvements identified in the TSP based on the level of development associated with this proposal.

Staff said the zone change from R-10 to R-8 would equate to approximately 6 homes, so a 20-year analysis was not required by staff for those impacts since they seem to be insignificant.

Regarding Statewide Planning Goals, **Konkol** said the Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982, and it was found that this proposal meets the Comp Plan goals associated with the requested zone change.

The applicant states the area is designated for Low-Density Residential use. The R-8 zone permits 5.5 dwelling units per acre, or 36 dwellings on the 8.09-acre subject site. The R-10 allows 4.4 dwelling units per acre, or 29 units on the site (assuming 20% of the property is used for public right-of-way). As stated, there are adequate services—transportation, water, sanitary, and storm—to accommodate the increased housing that would be associated in moving from R-10 to R-8. Further, as stated earlier, the R-8 is a zoning category identified under Low Density Residential as the Comp Plan designation for this site.

Under Policy 3 of "Housing" within the Comp Plan, it says, "The City shall encourage the private sector in maintaining an adequate supply of single- and multi-family housing units. This shall be accomplished by relying primarily on the home-building industry and the Private Sector Market Solutions, supported by the

elimination of unnecessary government regulations.” **Konkol** said the R-8 zone allows for smaller lots, which can be expected to provide for more affordable housing than the R-10 zone, and the requested zone change for R-8 would be similar to the R-8 zoned properties bordering a majority of this site, allowing for a more consistent development pattern with the adjacent properties. Currently 15 of the 24 properties and 1,863 linear feet of the 2,897 linear feet of properties abutting the subject property are zoned R-8 Single-Family. A majority of those properties in those R-8 subdivisions are at or near the 8,000 square foot minimum lot size allowed in the R-8 zoning designation.

The property is on a vacant parcel, and there are no natural resources or natural hazards on the property. It is not in the water resource overlay district. There is one large oak tree in the back corner, which the applicant is proposing to save. There would be no foreseeable impacts on habitat or fish since there is no habitat identified on this property.

The property is located on South End Road and has been identified in the TSP for bicycle and pedestrian connectivity. Improvements along South End Road would be required as part of the development, including a half-street improvement, which usually includes upgrading the road if it is needed, inclusion of a parking strip, curb and gutter, street trees, and a sidewalk. Local streets in the subdivision would also be to TSP standards, which include 32 feet of pavement.

**Chair Carter** asked, even with the possible site plan being proposed, if the developer would still be responsible for road improvements on South End Road, whether a road went out to South End or not, and if that would occur at the time of the site development. **Konkol** said that was correct.

**Konkol** said South End Road is on a bus line that currently has a bus stop right at the site that would allow potential users to utilize the other forms of transportation, including the bus. Also, the near proximity to John McLoughlin School District would allow students to walk to school and could thus reduce the number of vehicle trips in the City.

**Konkol** concluded by saying it is important to notice that this is an infill-type of development, meaning there is development on all sides of the subject site with four local street stubs into the property, affecting the street layout of the property and where lots can be located. Also, as stated earlier, adjacent properties are zoned R-8 to the north and the south. Therefore, staff would recommend that the PC recommend approval to the City Commission at a public hearing on Feb. 5, 2003.

**Orzen** noted that on page 7 it says there would be 36 homes with an R-8 and 29 homes with an R-10 listing. Yet on Exhibit 2, it shows only 31 home sites. **Konkol** said 36 represents the allowed density in the R-8 zoning, assuming 20% of the property is taken out as is the standard for roadway and public dedication.

**Orzen** asked if the 29 home sites would be consistent with R-10 zoning for that parcel size. **Konkol** said 29 dwelling units would be at R-10 with 20% taken out. However, on this site, it would be a difference of 6 homes so it would equate to 25. He said because of the four stubs coming into the property and the amount of local streets they would be building in this subdivision, it is probably a little more than the 20%.

**Main** asked for some clarification about the reference to the year 2017 on the traffic study. He said this subdivision would have some effect on the Partlow Road/South End intersection and the Warner Parrott/South End intersection, and he asked what triggers us to assess that developer for part of those improvements down the road. **Konkol** said he thought one of the recommendations from David Evans & Associates (who did the staff review of the traffic analysis) was that the developers should be responsible for their proportional share of



impacts to the Warner Parrot/South End Road intersection. He said that could be a Condition of Approval (COA) that could be applied at the subdivision review, which is yet to come.

**Main** noted that the David Evans report on the traffic study talks about queuing (page 3, item 7) and says the applicant should also submit the technical output from Synchro, and he asked if that was done. **Konkol** said that, too, would be a COA that would be added with the subdivision review because it is addressing the layout of the subdivision, not the actual zoning designation.

**Main** asked if that would be the same for item 9, which talks about clarification of the right-of-way dedication. **Konkol** said yes.

**Main** asked if the school had responded to the comments about the overcrowding at John McLoughlin School. **Konkol** said they did respond that this proposal does not conflict with their interests. (See Exhibit 9.)

**Main** asked what happens if they were to come back later and say it does cause a conflict. **Kabeiseman** said we must rely on what the service providers tell us at the time of the application, and they are currently saying it is not a conflict.

(**Chair Carter** stopped to introduce and welcome the new Commissioner, **Daniel Lajoie**, and apologized for overlooking this at the beginning of the meeting. She also said that Commissioner **Mengelberg** is still serving on the Commission but was not able to attend this evening.)

**Tom Sisul** of Sisul Engineering, Inc., 375 Portland Avenue, Gladstone, Oregon, spoke on behalf of the applicant, Great American Development. He explained that this parcel was brought into the City as part of the island annexation of parcels that were voted in by the citizens last year and that, as part of any new annexation, those parcels were given the R-10 zoning designation. He said a map prior to that effective date of annexation would show that between South End Road and the Hazel Grove subdivisions to the east (Phases 1-4), there were two subdivisions zoned R-8 (Hazel Grove V and Hazel Meadows), and the only large parcel zoned R-10 was the school property. All the others now shown as R-10 are the other parcels that were brought in as part of the island annexation and given the R-10 designation at that time.

**Sisul** said this parcel would be connected physically (by roads and by utilities) to developments to the north and to the south that were both re-zoned to R-8 in 1996 and developed as R-8 subdivisions. He said there would be no direct access from this site to any development zoned R-10 or any other zoning, for that matter.

**Sisul** said the sewer and storm drainage utilities for serving Hazel Grove 5 (to the north) actually cross what will be the future right-of-way of Mahogany Drive, as granted through an easement by the previous property owner. (He thinks the water is stubbed out to the side.) He said the street stubs in the proposed development connect the utility connections for water, and another requirement of this development would be to improve and fix the detention pond facility that was apparently constructed as part of the Hazel Mill subdivision to the south to make that a working, functioning detention facility.

**Chair Carter** asked **Sisul** to identify where the detention pond is actually located, which he did.

**Sisul** noted that many of the citizen comments were about access to South End Road. He said the applicant has asked for a continuance for further consideration of such because in the original discussions with staff, staff made it clear that access would not be permitted onto South End Road. However, he understands that this may be changing. Therefore, the applicant would like to work with staff regarding that.

**Sisul** explained that the difference between an R-8 and an R-10 zoning is approximately five. He said the impact to the street system, to utilities, and to the schools for these additional five homes is minor.

Regarding connections of the neighborhoods, **Sisul** said this neighborhood will be connected to the subdivisions to north and the south, both of which are currently zoned R-8, and this will be their neighborhood. He said the zoning map (Exhibit 1 in the staff report) shows that there are only two connections from Hazel Grove Drive to South End Road, those being Filbert Drive and Salmonberry Drive. Those lots that access on Hazel Grove Drive and lie to the west of it basically are creating a blockage because there is only one connection through, which leaves two isolated neighborhood areas with one inter-connection. Therefore, he would suggest that this subject site has more in common with the R-8 zonings on either side of it than with the R-10 zonings to the east. Therefore, the applicant would request that this parcel be recommended to the City Commission for approval for R-8 zoning.

There was no public testimony in favor of this application.

In opposition, **Mike Kolsut**, 19225 S. Mulberry Court, said he wanted to express some areas of concern for the residents of Hazel Meadows regarding the current proposed plan. They included the following:

- Regarding traffic, he said the residents have asked for speed bumps to be placed on Filbert Drive as a result of a recent traffic study, which showed that there are more than 700 daily trips on Filbert Drive, the majority of which are speeding.
- Also related to traffic, those residents have heard that there are plans for other developments in that area and the main access from Central Point onto South End Road is down Skellinger Way to Hazel Grove Drive and down Filbert Drive. With an additional 30 homes, this could result in as many as 1,000 trips on Filbert Drive every day, which is a big concern for a residential street.
- They also have safety concerns particularly from a fire standpoint since there is no access to South End Road. He said Filbert Drive, Pine Place, and Mahogany Drive are very narrow streets, and he is not sure a fire truck could go down those streets if cars and motor homes are parked along them.
- He said there is also concern about the lack of any crosswalk in the area, especially for students walking to school, and he said they have asked for a crosswalk on Filbert Drive that has access into the park area at McLoughlin. He said the school is not opposed to it, but they are concerned because there is no direct line of sight from the school to that area, so they couldn't really watch the students if there were to be a crosswalk there. Currently, he said, the students are at risk as they walk to school.
- Another safety concern is that the holding pond is currently unfenced. He said he personally observed earlier this day that there is about 2 ½ feet of standing water. Seeing this, he isn't sure if it can provide the holding power needed for an additional 30 homes.

**Chair Carter** noted that it is rather difficult to read the map (Exhibit 1) because there are no directional indicators (N/S/E/W) or street names, but she noted one of the difficult things about this particular parcel is that it is not possible for the residents of the Hazel Grove development to the east to get to South End Road, even if the subject site accessed onto South End Road, because of the row of houses that block access from Westwood Drive in the Hazel Grove development to the subject site. She said this needs to be considered because if there weren't houses along that line and they made a road that went through, that would alleviate a lot of the traffic problem, but the houses are already there so it won't alleviate any of the traffic coming out of "all of this neighborhood" even if they do put a road to South End through the proposed development. **Kolsut** said he disagreed, saying he lives on Mulberry and he observes that people who live in that neighborhood typically drive up and down Filbert to go to work. If a new development is put between Filbert Drive and Partlow Drive,

the road of choice is Filbert. Therefore, he thinks it would have an impact on Filbert. However, if there were an access onto South End Road, he thinks the people in the new development would use it as their first choice.

**Chair Carter** asked for a clearer understanding of where the traffic currently comes from, and **Kolsut** said traffic studies have shown that the traffic comes from the area of Central Point, Skellinger Way, and from behind the Hazel Meadows/Hazel Grove area. He said when the residents talked with Nancy Kraushaar about the request for speed bumps, it was noted that Skellinger and Filbert are the only two roads that are main access from one side of the development to the other, the other being Salmonberry. However, the big difference is that Salmonberry has a built-in S-curve that slows down the traffic.

**Orzen** asked if there is a lot of flooding in the area (in homes). **Kolsut** said he knows of one home across from him that has had some problems with water in the sub-floor and he has heard that others have had problems. Also, he has also been told, but he cannot verify, that there is an underground aquifer in the area.

**Jason Medford**, 11650 Filbert Drive, said he has no problem with changing the zoning from R-10 to R-8. His only concern is that he would like the road to go out to South End from the new subdivision.

**Kathy Hogan**, 19721 S. Central Point Rd., showed on the wall map that many of the surrounding properties are R-10, and only two neighboring parcels are R-8. She agreed that having a direct road access to South End would alleviate much of the traffic on the side roads. She identified herself as co-chairperson and land use person of Hazel Grove/Westling Farm, saying she lives within their boundaries. She said they were concerned about having a direct connection to South End Road to alleviate some of the problems, and she concurred that Ms. Kraushaar had spoken to their neighborhood association to discuss the issue because of the volume and speed of the current traffic.

She said there was also talk in the past that the Parks and Recreation Department might cover the detention pond and convert it to a parking lot, but she would encourage that it not be disturbed.

She acknowledges that the developers will lose one or two houses if the zoning is kept at R-10, but she thinks that the surrounding neighbors should be given consideration for their desires, and what they enjoy is the rural atmosphere of the R-10 zone. If it is to be changed, she suggested that perhaps the developer should pay for the speed bumps.

**Orzen** asked if the neighbors would consider a roundabout to slow down traffic. **Hogan** said no because that was considered before but was not found to be not feasible because of the width of the road.

**Tom O'Brien**, 19364 S. Hazel Grove Drive, said the staff report indicates that there is a design in this process for citizen participation, and he asked, What is the purpose of citizen participation in land use planning proposals? In this case, he said a total of 37 individuals have responded that they did not consider it appropriate to change the zoning to R-8, and only Mr. Spaziani and Konkol appear to be on record in support of the change. He asked if a decision to change this zoning would reflect the intent of the citizen participation policy goals.

Also, **O'Brien** referred to Sisul's comment that the area, other than what is currently R-8, is not isolated from the property to the east. **O'Brien** said he lives in Hazel Grove III and he is anything but isolated from the activities that go around in Hazel Grove V and the other development along Filbert.

**Hogan** asked if it would be a PC or a staff decision when it comes back for the plot plan and subdivision, and **Chair Carter** said that would be a staff decision unless they are also requesting a variance or a CUP, in which those would come to the PC. **Konkol** added that all the comments that are applicable to the subdivision will be

included in the subdivision review and applicable criteria may be appealed to the City Commission by those who commented on the proposal.

**Ron Phillips**, 19224 S. Pine Place, said he and Jack Tilden had both sent letters about this, which were not addressed in staff's comments, and he asked if they had been received. **Konkol** excused himself to pull the file, and **Kabeiseman** said staff had received several letters that addressed subdivision criteria, not zone change criteria. He said staff would look to see if any of those should also be submitted as exhibits to the zone change request.

**Jack Tilden**, 19196 Pine Place, said he is concerned about safety issues. In particular, he said he has two children who play on the street along with many others who live in the neighborhood, and he is concerned about adding more traffic to the local streets. He said he, too, would encourage that a street go out to South End directly from the new subdivision.

Upon his return, **Konkol** noted that the letter from Ron Phillips was received, but it specifically referenced TP 02-03, which is the subdivision file. Therefore, it was placed with that file, not the zone change file. **Konkol** noted that the letter from Phillips would be added to the record as Exhibit B.

In the applicant's rebuttal, **Sisul** said there were many questions about traffic on Filbert, and he admitted that he had not been aware of staff's meetings with the neighborhood associations where they discussed the traffic concerns and possible installation of speed bumps and/or roundabouts. He said the applicant will be discussing the access issue and they can also discuss a speed bump alternative, noting that it might be one of the solutions.

Overall, **Sisul** reiterated that he believes this parcel should be zoned R-8, as are the neighborhoods to the north and the south.

**Chair Carter** closed the public hearing at 8:00 p.m.

**Main** said it sounds like the majority of the issues expressed this evening can be addressed during the review of the subdivision. He asked **Konkol** if the TSP addresses any future connector from Central Point through to South End Road. **Konkol** said the TSP shows a proposed neighborhood collector to the south (by Parrish Road), which is quite a ways south.

**Main** agreed that we should be concerned with the safety issues (including the crosswalk and the unfenced pond) and the traffic volume issues, and he said he thinks staff and the applicant can work together to address those issues. However, he said he drove through the area again today to make sure he was familiar with it and it seems to him that the parcel is surrounded by R-8 on both sides and it connects to R-8 on both sides. The R-10 is Longstanding Court, which is an old subdivision that was built some time ago, and the Hazel Grove area. He said he is comfortable with this request for a zone change to an R-8 status, but he anticipates there will be a different discussion regarding the street outlet.

**Kabeiseman** noted **Main**'s comment that he had made a site visit, and said that could be construed as ex parte contact. **Main** said he did not leave his vehicle nor did he talk with anyone while he was there. **Kabeiseman** then asked if there was any challenge from the public regarding that, and there was none, nor were there any other site visits by the other commissioners.

**Orzen** said she agrees that there are traffic issues, and that a connector to South End Road might alleviate a little of the traffic but not a majority of the traffic coming through Filbert. She asked if Filbert is currently 32 feet wide, and **Konkol** said he thought it was.

**Orzen** said she was also concerned about the impact of more homes in that area, which would create more impervious surface in that area. She said we need to consider the testimony of flooding in that area and the overall impact to the area. She noted that if the detention pond is not working properly at this time it might need to be changed. Therefore, she was not ready to change the zoning on this parcel to an R-8.

Also, considering the difference between 36 houses for an R-8 and 29 houses for an R-10, even with the additional constrictions for roads, **Orzen** said she wasn't very concerned about an increase of two houses at the R-10 zone but an increase of six houses at R-8 is a concern.

**Lajoie** asked for clarification that the scope of this discussion was only for a zone change from an R-10 to an R-8, and was told yes.

He asked if the streets that are proposed on this particular document could change, and **Drentlaw** said yes, noting that this would be discussed at the time of design review.

**Lajoie** said he doesn't see anything that indicates that approval for a change to R-8 is a bad thing and he doesn't see any discrepancies in the findings and documentation.

**Chair Carter** noted first of all that the PC does listen to the comments of the public and she said most of their comments seem to be about the road access going directly to South End Road rather than relating to the zone change request. She said the people need to realize that if they want the developer to agree to an access out to South End Road, which wouldn't necessarily be his first choice, they must give him something in return, and in this case that is his request for an R-8 zoning.

**Chair Carter** said she thinks the majority of the traffic from the existing areas will still use Filbert Drive rather than any future connection from this site should it occur, and she said the question is whether people would prefer the road configuration that is proposed with an R-10 designation or if they would prefer a street to South End Road with an R-8 designation.

She said the PC always has a difficult challenge with zone change requests because they come before, not with, the developers' plans. However, as in this case, we must work based on the current criteria, and everything presented suggests that all criteria are met for an R-8 zone designation change. She said she has heard the citizens' comments and has also heard that the developer is willing to work with staff about access to South End Road, so she thinks they need to allow the developer to have the R-8 designation. She noted that this doesn't necessarily mean more houses, but it can mean a better, more functional development.

**Main** moved to approve recommendation of this zone change request from an R-10 to an R-8 to the City Commission. **Lajoie** seconded the motion. The votes were: **Orzen**—no; and **Main, Lajoie, and Chair Carter**—yes. The motion passed 3:1.

## NEW BUSINESS

- **Elections:** **Drentlaw** said Municipal Code Chapter 2, calls for election of officers (Chair and Co-Chair) for a term of one year at the first meeting of the new year.

**Orzen** nominated Chair Carter to continue for another year as Chair. **Main** seconded the nomination, and it passed unanimously.

**Chair Carter** nominated **Orzen** as Co-Chair. **Main** seconded the nomination, and it passed unanimously.

- **Crosswalk Signs:** **Main** said he, too, had heard some comments about the “green crosswalk men”, which are not approved for use in the current Code. He agreed that they seem to work in reminding people to drive more slowly in the school zones and he asked if staff could look into making some kind of an appropriate change.

**Drentlaw** said he would check with the City Manager and the Police. He said he doesn’t think the City will pursue their removal, but he will confirm the status.

**Orzen** asked if they are located in the street or along side the street. **Main** said sometimes they are in the middle of the street so perhaps some guidelines are needed.

**Chair Carter** agreed that if they are working, she would rather err on the side of safety with regard to school children, so she hopes they can continue to be used.

#### **ADJOURN**

With no other business at hand, the meeting was adjourned at 8:15 p.m.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES**

**February 10, 2003**

**(Joint Work Session between Planning Commission and City Commission)**

**COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Mengelberg  
Commissioner Orzen

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dee Craig, Director of Parks and Recreation  
Dan Drentlaw, Planning Director  
Gordon Huiras, Director of Public Safety  
Nancy Kraushaar, City Engineer  
Pat Johnson, Recording Secretary

**CITY COMMISSIONERS PRESENT**

Mayor Norris  
Commission President Lemons  
Commissioner Bailey  
Commissioner Hewitt  
Commissioner Neeley

**COMMISSIONERS ABSENT**

Commissioner Main

**1. CALL TO ORDER**

**Mayor Norris** called the meeting to order at 7:00 p.m.

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

None.

**3. WORK SESSION: Highway 99E/McLoughlin Boulevard Plan** (Nancy Kraushaar)

**Kraushaar** made the presentation for the McLoughlin Boulevard Enhancement Plan project, which is being funded by a TGM (Transportation Growth Management) grant, which is administered by ODOT (Oregon Department of Transportation). She explained that ODOT provides funds for cities and counties to do projects that link land use and transportation together.

**Kraushaar** said staff has working on the project since October 2002, along with Jerry Mitchell and Jeff Mitchem of Capital Project Consultants. (Mitchell is the project manager.) She said they have had one public open house for discussion with the stakeholders and many members of the community. She said there is also a Technical Advisory Committee comprised of representatives of ODOT (Traffic plus Planning), Tri-Met, Metro, and the City of Oregon City. There is also a Citizens Advisory Committee, which is comprised of about 20 people who represent many types of citizens in Oregon City, which has met twice thus far.

**Kraushaar** then introduced **Mitchell**, who used a Power Point presentation of various visual images of the City along with his verbal presentation. He said to date they have done the existing conditions assessment, which is summarized in the report which was distributed earlier. (Copies of this report and the project goals are available in the public record.) **Mitchell** said they looked at state, regional and local plans and policies very seriously because those guide what can and must be done. He said they looked most closely at Oregon City's Waterfront Master Plan and Downtown Community Plan, and also very closely at the proposed plan districts as set forth in the Downtown Community Plan. They then looked at streetscape, primarily from a pedestrian's perspective in walking the corridor. They also talked about motor vehicles, bicycles, and transit.

He said the third section of the Existing Conditions memo is about transportation, which is DKS Associates' assessment of existing conditions and which includes some new work considering existing traffic volumes and existing forecasts of future volumes. (He noted that Carl Springer of DKS was in attendance to discuss this further or answer questions, if so desired.)

**Mitchell** said if he had to summarize the existing conditions in one or two sentences, he would say that land uses adjacent to McLoughlin Boulevard have become disconnected from operations on McLoughlin Blvd., especially downtown and, to some extent, in spite of McLoughlin. In other words, the businesses have turned their backs to McLoughlin and in some cases have torn the buildings down and put surface parking next to McLoughlin. He said the challenge now is to figure out how to reconnect land uses to operations on McLoughlin.

Speaking briefly about the current work and the next task, **Mitchell** said they are now looking at the opportunities and constraints to achieving the project goals. They have developed a goals statement, pulling information from the existing plans as a guide from the community, and have divided the corridor into informal segments to better manage the process. They will then develop evaluation criteria that will be used to evaluate alternative designs (which is the next test). He then asked for input based on the evaluation criteria once they have distributed it to the two commissions (City and Planning).

**Neeley** noted that Mitchell had made a small reference to pedestrians, but said he wanted to note that he thinks it is important to have a connection from downtown to the riverfront, which **Mitchell** said they would consider.

**Mengelberg** added that she thinks we need to expand the sidewalk network on both sides of McLoughlin. Also, she would like to see some creative suggestions for buffering noise, and consideration for reducing the number of driveways onto McLoughlin.

**Mitchem** then gave a more detailed explanation of the project in three different segments. They were:

1. Opportunities and Constraints: This is a process of evaluating the existing conditions through the project goals. He said there are different layers of the street, which include street segments; sidewalk-oriented buildings; bike connectivity; mass transit facilities, operations, and related stops and transit centers; parks/open space (including the river resource nearby); signalized intersections (for motorists, bicyclists, and pedestrians); and major attractions which cause demand for travel for bicyclists and pedestrians.
2. Streetscape Composite: They have identified six segments from the south to the north (entitled South Entrance, Riverfront Historic Downtown, Multi-Use Path Commercial Corridor South, Freeway Interchange, Commercial Corridor North, and Green Corridor North Entrance on the "Opportunities & Constraints" page of the handout). To this color coded symbols have been added to indicate such things as surface conditions (parking lots or underdeveloped lots); views; pedestrian crossings, signals, bike routes, and bus stops and shelters. Regarding the issue of building orientation, the lots colored in green have direct relationship (primary pedestrian access) to the sidewalk and those in gray do not have a direct relationship to the sidewalk but have oriented their primary entrances to surface parking lots instead. (This only applies to the structures adjacent to McLoughlin.)

He said they would be dedicating their energies to exploring thoroughly what this composite means in terms of opportunities and constraints on a segment-by-segment basis. Within each segment, there is a series of primary (entry level) topics to which they will add the opportunities and constraints in the process of determining how to reach the goals.



3. **Design Elements:** In distinguishing the design elements, there must be a way to describe the distinctions among the alternatives for the improvements and recommendations in the final recommendations of this plan. For this project, a vocabulary has developed which is organized by different levels of improvement. **Mitchem** showed some pictures as he explained the different levels. They include:

- **Safety Improvements:** These kinds of things enhance safety to pedestrians and bicyclists, and improve operations for transit and vehicles. Some examples of safety improvements might include ADA requirements; pedestrian-activated crossings (crosswalk buttons); greater visibility of crosswalks and enhancing crossings where demand dictates; removing obstacles in existing problems; widening sidewalks; and providing crossings that provide pedestrians refuge.
- **Streetscape Improvements:** These are street furnishings or other things that make a street a more attractive and comfortable place to be. This is something that takes place over many blocks and might include street trees; historic paving materials; baskets and/or planters; seating; banners; aesthetic treatments to trash and recycling receptacles, and phone booths.
- **Focal Point:** Using the same set of improvements, investments, or tools, there is a focus at key crossings. This intensifies a feeling of a street-furnishing zone as you approach an intersection, reaching a crescendo at the intersection itself and then fading away fairly quickly. This might include pushing the streetscape back into the block face a little bit; demand or need for additional information (i.e., for bus routes or district activities); expanded/enlarged/improved transit facilities; fountains; special paving on the sidewalk and street itself (which is traffic calming); and gateway opportunities or vertical elements.
- **District Improvements:** These improvements are cumulative, but add improvements, which relate to the private side of the equation. They enhance the appearance of structures and provide a greater opportunity for people who are working or living or enjoying the inside of structures to participate with the environment immediately outside of the structure. This is a multiple-block condition, which might include building facade improvements (including reorientation to the sidewalk); improvement to use places in all weather; public art (murals); and painting of thematic treatments. The whole approach and sense of this is that of arriving at a place and experiencing it for many blocks, and then exiting it.

**Mitchem** then explained that they like to do these design elements in different types of levels or responses to the opportunities and constraints, and generally present these in three packages spatially or geographically. The elements are combined in one of three ways:

1. **Linear**, in which you treat the corridor as one element and you distribute most of these investments throughout the entire length of the corridor. There would be little variation or distinction throughout the length, and the tendency is to prioritize the multi-modal or throughput efficiency of the entire corridor.
2. **Point**, which consolidates these at key crossing locations for a consistent, repetitive level of crossing and emphasis of these improvements at a fairly predictable level or frequency throughout the length.
3. **District**, which recognizes or enhances some of the unique character opportunities throughout the district, recognizing that there is an opportunity to establish a cultural focus for different places within the district.

Or a preferred alternative might be to combine the best of all three of these. The hopeful result will be to create a feeling that, rather than a corridor; this is a collection of unique places connected by a segmental treatment (which may be the same or which may vary slightly).

**Neeley** recalled a walk the commissioners took through the downtown area during which **Bailey** had pointed out an area where the West Linn bridges crosses the river, which is a very constrained area for traffic (and not

particularly safe for traffic), but which could be an excellent pedestrian area from the elevator to the river and on up to the promenade. **Mitchell** agreed, saying that area (7<sup>th</sup> Street) is at least a focal point.

**Chair Carter** said an important issue to her is that the PC had a lot of discussion about what to do with the buildings that have frontage on both Main Street and McLoughlin (99E). She thinks this needs resolution before deciding many of the other issues. **Mitchell** agreed, saying they need a streetscape concept that will support and be supported by development on private property.

**Chair Carter** said another issue is the speed of traffic through that area, which directly relates to the feasibility of building fronts facing McLoughlin.

**Kraushaar** added that we need to consider on-street parking and whether there are places that are appropriate for such on McLoughlin.

With these issues being raised, **Mitchell** introduced **Carl Springer** of DKS to discuss the transportation issues.

Before his presentation, though, **Hewitt** asked if any of the downtown business-owners are included in these discussions, to which **Kraushaar** replied that anyone who owns property along the entire corridor (including on Main Street) were invited to the stakeholders meeting. **Mitchell** said some have attended and he has gone door-to-door to talk with some of the business owners. He said there seems to be a lot of interest and pretty good awareness, and some who are located between 11<sup>th</sup> and 15<sup>th</sup> have expressed an interest in seeing more pedestrian traffic.

**Springer** distributed a diagram from Chapter 3 of the existing conditions for a quick overview, which showed the corridor from north to south. He said the ADT (Average Daily Travel) varies from about 40,000 vehicles per day under the freeway down to about 20,000 by the tunnel, noting that about half of the vehicles turn and go up the hill. He also noted that the facility as it is currently sized is eight or nine lanes wide under the freeway and four lanes wide at the south end.

He said they counted volumes of autos, buses, trucks, bikes, and pedestrians during the morning, mid-day, and the p.m. peak hour periods to get a good feel for the volume throughout the day. They found that:

- The highest pedestrian use locations were at Main Street and Dunes, and all the other intersections on McLoughlin were fairly low because about the middle third of the corridor really has no place for pedestrians to cross, thus making attempted crossings very unsafe.
- There are basically no bike lanes or facilities on McLoughlin, and they observed zero bikes during those times of day. (This did not include Main Street, which is a much safer street to traverse on a bike.)
- Regarding vehicle capacity and its operation, the two intersections that showed up on a recurring basis were at the southbound ramps at 205, and at 14<sup>th</sup> Street in the morning. He added that the West Linn bridge, although not an actual intersection, bears heavy traffic in the afternoon.

**Springer** noted that the crash rate (calculated by a specific formula) from the freeway (205) on down is three to four times the average elsewhere in the state. He thought this could probably be directly related to the fact that the access spacing standards (for the number of driveways and streets) are three to four times as frequent as the city street standards suggest.

**LaJoie** said he thought part of the issue must also be one of speed (as compared to Hawthorne Boulevard in Portland), and **Springer** agreed. **Springer** said it might also be because of access control in that McLoughlin is

mostly 5-lane with no medians. He suggested that it might be more viable to either have some kind of median control or to close the gap.

When **Mengelberg** asked if Springer was talking about particular intersections, **Huiras** said the biggest problems were at the intersections of 99 and Dunes, all of the 205 ramps, and east of 99.

**Springer** said another issue is what will happen to the southbound slip lane, particularly if the desire is to produce a pedestrian crossing, perhaps at 14<sup>th</sup>. One question is whether the slip lane really gives good results because, in fact, traffic studies show that there is generally very little time savings associated with slip lanes.

He noted that another issue or option is to use the existing slip lane for something else (i.e., a bus rapid transit).

**Mengelberg** asked at what rate traffic volume is projected for increase per year. **Springer** said historically it is about 2%.

**Lajoie** asked if someone could cite another parallel of a street/corridor that carries 40,000 vehicles per day, and it was noted that Sandy Boulevard carries that much in parts, as does Macadam. **Springer** said in his experience it is not uncommon for well-designed five-lane arterials to carry 50-60,000, depending on how far apart the intersections are spaced, the amount of access control, etc. For instance, he said Murray Boulevard carries about 50,000 per day but that much of it is extremely well access-controlled in that there are absolutely no driveways between signals. The same amount (about 50,000) is true on Tualatin Valley Highway.

**Springer** said one question is whether it is likely that we would ever *not* have five lanes on McLoughlin, but according to the plans he has seen, probably not.

He also added that truck volumes are fairly high (about 10% in morning and peak hours), which is pretty high on arterials, and they are likely to remain so.

**Neeley** said he thinks the Transportation System Plan (TSP) calls for 12<sup>th</sup> Street coming onto McLoughlin, which was confirmed. In considering pedestrian issues, he suggested consideration of a tunnel underneath McLoughlin for access to the river. **Springer** said that is a possibility, noting that they are definitely looking for opportunities for more signalized pedestrian crossings but this might be an alternative.

**Chair Carter** suggested consideration of a pedestrian crossing over the top of McLoughlin as well, and Lemons agreed with an earlier comment in that he expects there will be even more truck traffic in the future.

**Bailey** referred to examples of surface treatment and asked to what degree those traffic-calming techniques work in high-volume, high-speed situations, and to what degree signals and landscaping affect traffic. **Mitchem** said the most sensible solution involves as many improvements as possible, which can make a real difference. For instance, he said he can't understate the value of the vertical element (i.e., perhaps a wall) which can make a difference in the perceived width yet not change the actual width at all.

**Bailey** said he sees two specific needs, those being traffic needs versus pedestrian and bicycle needs. He said if the crossings were limited but were made to be very attractive, he thought people wouldn't mind walking a ways to them rather than crossing at an unsafe place.

Regarding pedestrian crossings, **Neeley** recalled that the proposals include Mixed Use zoning. He thought that if people on the third floor of a building could gain access to the river from that level without having to go to the street level and cross the highway, which could be attractive. **Springer** said experience shows that over

crossings generally don't get used much. **Mitchell** agreed, saying they had done studies in Salem and Milwaukie and found this to be true, although he noted that in some cases this might be a good solution but they can also deactivate the street by taking away foot traffic from the businesses at street level.

## **ADJOURN**

Due to time constraints in order for the Planning Commission to continue with the evening's business, **Mayor Norris** closed this portion of the meeting at 8:05 p.m.

Before dispersing, **Kraushaar** noted that the PC has a representative in Mengelberg at these meetings. She also noted that the next public open house/stakeholders meeting is tentatively scheduled for May 1<sup>st</sup>.

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Linda Carter, Planning Commission  
Chairperson

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Sean Cook, Associate Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
February 10, 2003**

**COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Mengelberg  
Commissioner Orzen

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

Commissioner Main

**1. CALL TO ORDER**

**Chair Carter** called this portion of the meeting to order at 8:17 p.m. (the first hour having been spent in a joint work session with the City Commission to hear a proposal about the Highway 99E/McLoughlin Boulevard Plan). She noted that **Main** would no longer be serving on the Planning Commission (PC) because he has accepted a position to serve on the school board.

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

None.

**3. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the hearings on the agenda this evening, both of which are quasi-judicial in nature.

**VR 02-10 (Request for a Continuance to February 24, 2003); Great American Development: Joe Spaziani; Request for a continuance of the Planning Commission Hearing for a Variance to increase the maximum cul-de-sac length by 50 feet for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.**

**Drentlaw** said the applicant was requesting a continuance to the next PC hearing date for this variance while reviewing alternative designs for the subdivision. **Mengelberg** moved to approve a continuance to Feb. 24, 2003, as requested. **Orzen** seconded the motion, and it passed unanimously.

**ZC 02-03 (Quasi-Judicial Hearing); Pan Pacific Retail Properties: Roger Shirley; Request for a variance to the sign ordinance for height and allowable signage for a freestanding sign at the Oregon City Shopping Center identified as Clackamas County Map 2S-2E-29, Tax Lot 1800 and located at 1900 SE McLoughlin Boulevard.**

**Chair Carter** gave the parameters and procedures for this hearing and asked if asked any members of the Planning Commission (PC) wished to: 1) abstain; 2) declare a conflict of interest; or 3) report of site visits or ex parte contacts, and if all members of the PC were familiar with the application. **LaJoie** had visited the site, none reported bias or ex parte contacts, and all were familiar with the application. There were no challenges against the Planning Commission (PC) or any individual members to hear this case.

**Cook** made the presentation on behalf of staff, noting that no comment was received from the general public and that he had distributed a letter earlier this evening from the Park Place Neighborhood Association.

(Note: A full copy of the application, staff report, and other applicable materials are available in the public record.)

**Cook** said the proposal is for a sign (as shown on an overhead) with a variance request for height and allowable signage. The proposed sign is located along the McLoughlin Boulevard frontage at the entrance to the Oregon City Shopping Center. The existing sign is non-conforming to existing City standards. The applicant wishes to structurally alter the existing sign and convert it to the sign as shown. However, the sign code prohibits the altering or replacing of any non-conforming signs without bringing them up to current standards.

**Cook** noted that there is a small challenge in the fact that staff must review this variance based on the City Code and not on the existing sign. He explained that the maximum height allowed by the sign code is 30 feet and the proposed sign is 55 feet, 6 inches. The current maximum allowed signage is 150 square feet and this sign is 443 square feet.

The Code provides four variance hardship criteria:

1. Extraordinary circumstances that apply to the property but don't apply to other properties in the area.
2. A variance is needed to preserve a right that other property owners already have.
3. A variance does not conflict with the sign code or injure the use and enjoyment of the properties around it.
4. The variance is the minimum necessary to relieve a hardship.

As addressed in the staff report, staff finds that all four of these standards have not substantially been met. For example, regarding variance criteria #2, this variance would actually allow the applicant to have a sign larger than any of the nearby properties.

In closing, staff finds that the proposal does not meet all the necessary criteria for the variance request. Therefore, staff recommends denial of VR 02-14.

**LaJoie** asked if the PC could separate the two issues (height and signage) and approve one or the other. **Cook** said they could.

**Dan Osterman**, Tube Art Signs, 4243A SE International Way, Milwaukie, OR 97222, spoke on behalf of the applicant. He said the applicant felt this site was unique in that it does not have multiple entrances with multiple freestanding signs. He showed pictures of various other sites with multiple frontages and signs. In contrast, the subject property is unique because there is only one signaled entrance/exit. It has a setback of about 1,000 feet to Fisherman's Marine, which makes it very difficult to see what tenants are in the center without literally turning your head and reading the signs on the buildings. Therefore, he said it is fairly important to maintain the existing freestanding sign, both into the site and into the signaled intersection. He did note that there is a curb-cut to the north but it is tough to use, and a side access to the north which is not widely known about or used. These issues, then, are what the applicant feels are unique to this site as compared to other shopping centers in the area. He then submitted the picture into the public record. (**Chair Carter** also noted that the letter needed to be marked as an exhibit, which staff acknowledged.)

**Osterman** said they (the applicant) also think the site uniqueness extends to the fact that the site has been more or less a gateway sign into Oregon City from the north. Furthermore, this site is different than other shopping centers in Oregon City because it has a regional draw with Fisherman's Marine and Emporium, which are different than a draw for a grocery store.

Also, its proximity to I-205 adds to bringing people in from outside areas. However, a negative effect is that the some of the freeway ramps actually block visibility to the site, which creates some confusion. The existing sign is not dominating to the area in size because there is so much in the area with the I-205 overpass and the ramps. There are not a lot of visual corridors into the site.

**Osterman** then addressed the issues in the staff report as follows:

- Regarding staff's analysis on item 1 (page 5), it didn't feel like the setback nature of the buildings was an adequate claim as a difficulty. He said it is about 1,000 feet from the curb back to the main building, so that is a long way to rely on wall signs from McLoughlin.
- Visibility of the shopping center from I-205 is really negligible. If a person is looking for it, it can be seen, but for someone who hasn't been there before, it is not very visible.
- Regarding item 2, the analysis says, "This variance does not appear to preserve a right of the applicant..." He said they feel that this application for variance is basically requesting continuing use of the existing sign. They were told initially that, under the guise of a grandfather clause, they could change copy and paint the sign without seeking variance. What they didn't realize until they saw the staff report was that "As charged by the sign code, City management, and legal council, staff may be pursuing compliance of this code section in 2004" (page 2, paragraph 5). He said he had not been told whether there is an amortization program in place for removal of all non-conforming signs. He said Pan Pacific has just acquired this property and were unaware of this, and staff did not advise them of any amortization program being in place. The applicant simply wants to clean it up and rework it to give the sign a more modern appearance.
- Regarding item 3, which says that "the requested variance will not be materially detrimental to, or in conflict with, the purposes of this chapter...or be injurious to the public", the applicant felt it was an existing sign and has not had any negative impact in the 30-40 years it has been there and that they are not creating any new impact, so they couldn't see where they would be creating any negative situation by asking to maintain this existing sign. He noted that in Mr. Shirley's letter he expressed that he felt it was really important to clean up the old sign since it is a gateway to the City, and he wished to maintain the Oregon City name/logo on the top. Basically, they feel they are not attracting attention by showing a dominating-sized sign, considering the scheme of the area and the scale of the site. Without the applicant's pointing it out, he doesn't think anyone would have guessed the area because it simply doesn't appear to be that big.
- Finally, staff said the applicant had not met the requirement to show that the requested sign is the minimum size needed to adequately advertise the tenants of the shopping center. He showed visuals of the existing sign and the possibilities of a copy change and paint as proposed by an architect to update it and make it more compatible with the building. The proposal advertises all the tenants. Further, they have actually decreased the signage size (depending on how a person measures out the copy area) but added three feet in height, all of which is in the crown molding.

**Osterman** reiterated that they assumed the grandfather clause would allow them to clean it up, paint it, and make it appear a little more modern under general maintenance.

**LaJoie** asked if the aspect of adding additional tenants to the sign is an important issue for the applicant (since they are adding signage for smaller retailers). **Roger Shirley** of Pan Pacific, 13635 NW Cornell, Portland, OR 97229, said they are not adding panels, although it might look that way because of the blank signs on the bottom. He said it is not that important to them (the applicant) that people know that this is the Oregon City Shopping Center, but it is important that people know who is there. The concept is to enhance the exposure of the tenants and this design allows them to add the small-shop tenants, including the Merchants Association. Therefore, he said it is critical because they have had vacancy and it has been a challenge to lease space. They

are not trying to add space to the sign but add exposure for new tenants. He reiterated that they are simply trying to add architectural features—they are not trying to get around the sign code by adding surface area. He said they have spent \$1 million to upgrade the property and they are just trying to put the finishing touch on the property.

**Osterman** added that, if approved, the five bottom cabinets are existing and the three base steel components are existing, so they are basically reworking the top part with the “Oregon City Shopping Center” name and adding a faux trim on the outside to tie it altogether.

**Chair Carter** asked how much linear footage is on McLoughlin Boulevard. **Cook** said it is about 1,200 linear feet on McLoughlin and about the same on the south side.

**Chair Carter** asked for confirmation that they are not structurally altering the sign because they would use the same supports, so they are only cosmetically altering the sign. Yes.

There was no public testimony in support of the application.

In opposition, **Ralph Kieffer**, 15119 Oyer Drive, Oregon City, identified himself as chair of the Park Place Neighborhood Association Land Use Committee and asked if the Commission had received the letter from them. (The letter was noted as Exhibit A and had been distributed.) Although he didn’t know if the comments would help much in the PC’s deliberations, he wanted to tell them some of the citizens’ views. He said there are four appointed members to the Land Use Committee and of the four, two were in favor and two were against this application. Of those in favor, one said the size of the sign was not of bother to him/her. The second person said businesses are hurting economically these days and a large size gives them an “edge,” so we should allow one of its present size, especially if it helps attract vehicles from I205. Of those in opposition, one said the new ordinance has been known for nine years; the owners knew the sign would be non-conforming in 2004, and they should follow the rules. Therefore, the request should be denied. The other person said there is a McLoughlin enhancement project in process and they want to create a consistent and memorable image for McLoughlin that reflects the history and character of Oregon City. Another point was to create an attractive, functional frontage for properties adjacent to McLoughlin. This person felt, “In light of these goals, the large non-conforming sign should be replaced with a smaller conforming sign.”

The applicant made no rebuttal.

**Drentlaw** responded to Osterman’s question about an amortization schedule by saying that the current sign Code has a provision that was passed in 1994 that says “non-conforming signs will be required to be removed in ten years.” He said the policy question for the City in 2004 is how aggressive the City is going to be in pursuing non-conforming signs. He reiterated that this has been in the City’s Code since 1994, so it really is not new information.

**Drentlaw** said staff’s other concern is that if the variance is approved and the money is spent to update the sign, there is a legal question as to the validity of the City ever pursuing removal of this particular nonconforming sign simply because of the fact that they will have put additional money into a new sign which was approved with a variance by the City. **Chair Carter** asked if he was saying we would pursue the removal of the sign and not give them the ten years to amortize out their expense. **Drentlaw** said if the variance is approved and they pay a lot of money for a new sign, he doesn’t think the City could pursue it. The idea of amortization is that we’re giving people ten years to utilize their investment in their sign. However, if we approve a sign now and they spend the money, we should really give them another ten years to amortize that sign.



**Mengelberg** asked staff if Pan Pacific were to bring in a proposal for a shopping center today, given the existing access points, where would sign placement be permitted? She identified three existing access points: the one right by the exit ramp, the signalized access, and the one at Firestone. Therefore, with the same access and the same configuration, would they be allowed three smaller signs according to the nine-year old code, or what would staff advise them regarding signage under the existing code. **Cook** said under the existing code they would be allowed one freestanding sign per frontage (premise), so they would be allowed one on McLoughlin and one on any frontage abutting a road—essentially two signs.

**Orzen** asked how many other non-conforming signs exist in Oregon City. **Cook** didn't know but admitted that there are definitely other non-conforming signs.

**Osterman** asked if a definite decision has been made to pursue removal of the non-conforming signs, and **Drentlaw** said no. **Osterman** said that would affect what they do because if they know a sign will be removed a year from now, it wouldn't make any sense to spend any money on it now.

Regarding Mengelberg's question about where they might put new signs, **Osterman** said he understood Cook to say they would be allowed to put smaller signs on each frontage, so he said if they could identify three sides to the property, they would be allowed to have three smaller signs. Therefore, it sounds like they could put one at each end five feet from the property line [along the north and south sides] and one in the middle along McLoughlin. If they knew the existing non-conforming sign would have to come down in a year, that would probably be a more logical way to pursue this signage issue.

**Shirley** noted for information purposes only that Clackamas County has a grandfather clause that allows a continuing use permit so they don't force an amortization on non-conforming signs. He said the City of Portland has the same thing. They allow a certain amount of change but they doesn't force amortization because they felt it was unconstitutional to demand a private property owner to abandon, surrender, or stop using private property.

**Drentlaw** said that if the variance were approved, the sign would no longer be non-conforming.

With no other comments, **Chair Carter** closed the public hearing at 8:57 p.m.

In deliberations, **LaJoie** said he has struggled with this decision. He said he thinks it is important to understand the concept of how strip centers and malls function in that they are relying on the anchors. The smaller tenants don't get the ability to have their own big signs because they are relying on the anchors. So the part about adding more area for smaller tenants doesn't ring true for him because it isn't in the spirit of what that building type is all about.

He said another important part is that the idea of corner commercial because retail is all about exposure, and this is a corner. As such, it has a unique ability to get traffic from four directions as opposed to from just one street. He admitted that there is no visibility from I-205 westbound. He said from McLoughlin heading north, raising the sign doesn't help at all because the overpass blocks the view, and on McLoughlin heading southbound, raising the sign doesn't accomplish anything. From I-205 northbound, he would have thought they would want larger signs because you can't read the signs except for Rite-Aid. Further, had he been the architect, he would have advocated that all the major tenants should have had a larger sign. (He thought they are allowed 20 feet, but they are currently only 17.5 feet.)

**Orzen** said she likes the looks of the new sign. Normally she doesn't like "bigger", but this is only three more feet. She acknowledged that they have made major improvements in the shopping center. She noted that you

could see the shopping center from I-205 heading east. In conclusion, she said she would probably support approval of the request.

**Mengelberg** commended Pan Pacific for its investment in modernizing the shopping center. She said she thinks the sign design is attractive and would enhance the appearance of the shopping mall. On the other hand, she was not convinced that such a large sign is necessary. After looking at Osterman's examples of some of the other shopping malls (Berryhill and others), she said they have similar long setbacks and they are able to do just fine with the smaller signs. She said sign standards change over time, and to allow such a huge variance in height and sign surface sets a bad precedent for the new sign ordinance (even though it has been in place since 1994). This would give the shopping center an advantage over others in the community and it would make it much harder to enforce and ask new developments to comply with the existing sign ordinance. Therefore, even though she thinks the sign is attractive, she was not convinced that it needs to be as big as it is and she would encourage the shopping center to consider smaller signs that are in conformance, and perhaps more of them in key locations.

**Chair Carter** said personally she feels some of these issues do fit the criteria for variance based on the following considerations:

- They are owners of two frontages that are 1,200 linear feet each, for a total of 2,400 linear feet, but we have a sign code that goes up to 200 linear feet, which would logically seem to be a problem.
- Regarding the setback, she said she doesn't think there are any other shopping centers that have a setback that deep.
- She believes this is a continuing use. They are not structurally changing their sign; they are cosmetically altering their sign. If they were to take off the Oregon City logo from the top, the sign change would have no difference to it at all. So, she thinks in this particular instance it is a good thing for Oregon City to have a sign that is highly visible advertising that people are now entering Oregon City, especially since there is no other signage at the that side of town saying such.
- The sign clearly has had no negative impact and is not injurious to anyone else.
- From a mathematical point of view, with the current sign code, they would have the ability to have at least two signs, if not three if they could put something on the north side. Therefore, for the sake of argument, they could have three signs 30 feet high each, for a total of 90 feet in height in three signs instead of a total of 55 feet in one. They could also have up to 150 square feet on each side of each sign for a total of 300 square feet per sign, for a total of 900 square feet as opposed to 443 square feet. Considering these figures, she doesn't think it makes sense.
- If they were to put smaller signs at several locations, it would only serve to confuse the consumers about which is the major driveway or which is the safest.
- They would literally lose the south frontage because they can't use it due to the freeway off-ramp, which is an exception that other businesses don't have to deal with.

In summary, she said she doesn't think there is anything wrong with the overall size of the existing sign and she thinks it would be a great enhancement to have the sign updated as proposed. She said she might be a little "stiffer" on this if they were actually tearing down the existing sign and rebuilding a new one, but they're not. They are using the existing structural support for a sign that has been there for many years and there is no new construction. Therefore, she thinks the sign that existed at the time should be able to continue in existence and that the applicants are within their right to give Oregon City the benefit of some nice signage at the north end of the city. In summary, **Chair Carter** said she thinks this fits the criteria for a variance.

**Orzen** noted that they were looking at the sign code several years ago, but it was somehow put on the back burner. She said she would like to see it reviewed again. **Chair Carter** agreed, saying that it is intrinsically unfair to apply the existing code to large properties because it was designed for small properties.

**Orzen** moved to approve the request for variance for sign height and signage as requested in VR 02-14. **Chair Carter** seconded the motion. In polling the Commission, **Orzen** and **Chair Carter** voted in favor and **Mengelberg** and **LaJoie** voted against. The motion failed due to a tie vote, which resulted in no decision. **Drentlaw** noted that the decision is appealable to the City Commission.

## **NEW BUSINESS**

**Mengelberg** asked staff what the timeframe is for the next steps for changes to the Comprehensive Plan and when public hearings will begin. **Drentlaw** said staff has completed the policy portion and the map, but they are still working on several Code changes for implementation of the proposed changes, which are quite comprehensive because of the zone districts. He said he is holding back on setting a public meeting until those proposed Code amendments are done because of Measure 56, which requires that they must send out notices to every property owner in the city and he would like to send out notice only once to save costs. He said he would like to present a draft of the Code changes to the PC in a work session, to be followed by public hearings, probably in early April.

**Chair Carter** noted that the agenda for Feb. 24<sup>th</sup> would be very full and confirmed that they will start at 7:00 p.m. **Drentlaw** said staff would distribute materials for that meeting as soon as they are available.

**Mengelberg** asked what the procedures and timetable are for getting a new PC member. **Drentlaw** said the mayor is aware of the situation and has already begun interviewing people for the position. He thinks it is quite likely that someone will be appointed before the Wal-Mart hearings begin.

## **ADJOURN**

With no other business at hand, the meeting was adjourned at 9:15 p.m.

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Linda Carter, Planning Commission  
Chairperson

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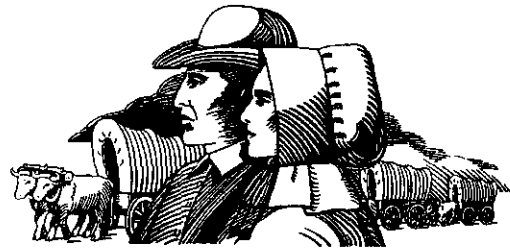
Sean Cook, Associate Planner

# CITY OF OREGON CITY

## PLANNING COMMISSION

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## AGENDA

City Commission Chambers - City Hall

February 24, 2003 at 7:00 P.M.

### PLANNING COMMISSION MEETING

7:00 p.m. 1. **CALL TO ORDER**

7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

7:05 p.m. 3. **HEARINGS:**

**WR 02-16 (*Quasi-Judicial Water Resource Hearing*)**, MJF Development: Mike Flurry; Request for a Water Resource Overlay District determination for the properties located at 19398 South Leland Road, Clackamas Map 3S-2E-7D, Tax Lot 301 and the southeastern portion of 19400 South Leland Road, Clackamas Map 3S-2E-7DB, Tax Lot 3000.

7:25 p.m. **VR 02-10 (*Quasi-Judicial Variance Hearing*)**; Great American Development: Joe Spaziani; Request for a Variance to increase the maximum cul-de-sac length by 50 feet for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.

8:05 p.m. **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.

**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.

**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.

**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.

**SP 02-09 (*Quasi-Judicial Site Plan and Design Review Hearing*)**, PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for Site Plan and Design Review of approval of a one-story retail building and associated parking lot for the properties identified as Map 3S-2E-5DB, Tax Lots 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3201, 3300 and Map 3S-2E-5D, Tax Lot 500.

**WR 02-12 (*Quasi-Judicial Water Resource Hearing*)**, PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for a Water Resource determination for the properties identified as Map 3S-2E-5DB, Tax Lots 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3201, 3300 and Map 3S-2E-5D, Tax Lot 500.

10:55 p.m. 4.      **NEW BUSINESS:**

11:00 p.m. 5.      **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
March 24, 2003**

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT**

Sean Cook, Associate Planner  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

None

**1. CALL TO ORDER**

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

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

None.

**3. APPROVAL OF MINUTES (1/27/03 and 2/10/03 Work Session and Hearing)**

There were no corrections or changes to the minutes of Jan. 27<sup>th</sup>. However, **Orzen** noted that in the minutes of Feb. 10<sup>th</sup> the references on pages 2 and 3 to "Mitchem" should read "Mitchell" (one on page 2 and two on page 3). With no other changes, **Orzen** moved to accept the minutes of 1/27/03 as submitted and of 2/10/03 as corrected. **Mengelberg** seconded the motion, and it passed. (**Powell** abstained on both since he was not in attendance, and **Lajoie** abstained on the 2/10/03 minutes since his copy was different and he couldn't verify them.)

**4. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the hearing on the agenda this evening, noting that it was quasi-judicial in nature.

**VR 03-02 (Quasi-Judicial Variance Hearing); Troy Weler; Request for a Variance to reduce the front yard setback from 20 feet to 9 feet for the property identified as Clackamas County Map 2S-2E-31DB, Tax Lot 8100 and located at 803 Brighton Avenue.**

**Chair Carter** asked if any commissioners had any ex parte contacts or bias with regard to this application, and there were none. **Lajoie** reported that he had visited the site.

**Sean Cook** gave the staff report, saying that this was a request for a variance in the reduction of a front yard setback from 20 feet to 9 feet to allow for the construction of an attached garage at 803 Brighton Avenue. He used an overhead map to show the location of the site (Exhibit 2 in the staff report).

**Cook** said the major relevant issues have been addressed in the staff report so he would not verbalize them all, but he would discuss the criteria that focus on rights commonly enjoyed by neighbors and compatibility with the neighborhood.

The applicant is requesting a variance to construct a garage in a similar location as his neighbors, who have garages in their front yards. Without this type of garage, the applicant feels he would be deprived of a right commonly enjoyed by his neighbors.

Regarding neighborhood compatibility, the applicant took the effort to talk to those neighbors immediately abutting his property and has obtained signatures from each of them showing their support of his proposal.

**Cook** said staff has received no letters of opposition after noticing, either from property owners or the neighborhood association.

In closing, staff finds the proposal appears to meet all the criteria necessary for the variance and, therefore, recommends the approval of VR 03-02.

**Chair Carter** asked if the 20 foot measurement is the entrance into the property, to curve in towards the garage and back out again. **Cook** said yes.

**Troy Weller**, applicant, 803 Brighton Avenue, said he has lived in the Rivercrest Park area for about eight years and in this house for about eleven months. After having lived there for awhile, he can see why his neighbors have built their garages in the locations they did. He approached the Planning Division with some preliminary drawings, for which they made some suggestions in order to make them meet Code. He worked with staff on the details, had an architect draw up new plans, and submitted the current application, which he believes now meets all the criteria. He noted that he did a lot of research on the bluff and he thinks his is the only flag lot on that bluff without the garage in this location.

**Weller** reiterated that he had worked through the details with an architect and the planning staff but noted that one difference from his neighbors' garages is that his is attached whereas theirs are actually detached. However, he believes this plan meets the criteria.

Regarding the aesthetics, **Weller** said the house can hardly be seen from Brighton due to the house in front, the hedges, and several oak trees. However, the proposal is that all the finishes will match the house, probably more so than on a typical garage. He added that the garage is right up against the house, which is 80 feet long, but the garage is only 36 feet in length.

When **Lajoie** asked if Weller is planning to maintain the existing garage as well, he said he would like to convert it to a family room for more usable space for his children.

There was no public testimony for or against this application.

**Chair Carter** closed the public hearing and moved to deliberations.

**Mengelberg** said she would support this application. She said it seems only fair since most of the neighbors already have a garage in front of their houses, and the house is well screened from the road and by a hedge as well. She said she was also encouraged that the property owner at 809 Brighton has signed the petition, since they are the closest and most impacted by the garage. Further, she said the design is attractive and blends well with the house.

**Lajoie** asked Cook about the staff write-up wherein it says the interior side yard is "9 feet/ 5 feet" and this is 8 feet, and he asked what the determining factors are. **Cook** said the 9 and the 5 are actually each of the side yard requirements. However, there is no distinction regarding which side either is on. This, then, allows for flexibility in the site planning according to which way it works, as long as they have 9 feet on one side and 5 feet on the other.

Regarding neighborhood compatibility, the applicant took the effort to talk to those neighbors immediately abutting his property and has obtained signatures from each of them showing their support of his proposal.

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**Orzen** said the application is very straightforward and well done. She noted that there are quite a few constraints in that area and she said this looks like it would be a good addition. Therefore, she would support it.

**Powell** said he appreciates the effort the applicant put forth and although he knows there were probably some staff issues, it is nice to see that the applicant is working through them and striving to make something very appealing, even though it may not be particularly visible to the neighborhood.

**Chair Carter** added that it was very nice of Weller to get the neighbors' approval of his proposal in advance, which **Weller** said the Planning Dept. actually suggested.

**Orzen** moved to approve variance VR 03-02 requesting a reduction of a front yard setback from 20 feet to 9 feet to allow for an attached garage at 803 Brighton Avenue. **Lajoie** seconded the motion, and it passed unanimously.

## 5. NEW BUSINESS

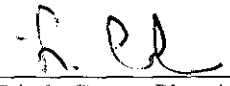
None from staff.

**Orzen** said the 16<sup>th</sup> Annual City Cleanup will be held on April 26<sup>th</sup>, 2003. It will be coordinated at Clackamette Park at 8:30 a.m. , and there are 12 sites scheduled for cleanup. There will be vouchers available, but they will be given out on a "first come, first serve" basis. She said more information will be available on the Oregon City web site ([www.orcity.org](http://www.orcity.org)).

Regarding the next meeting for Wal-Mart, **Chair Carter** said the next meeting was announced to be on April 8th, which is actually a Tuesday rather than a normal Monday meeting day. However, since it was announced that way, it will remain on that day and date.

## 6. ADJOURN

With no other business at hand, the meeting was adjourned at 7:20 p.m.

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

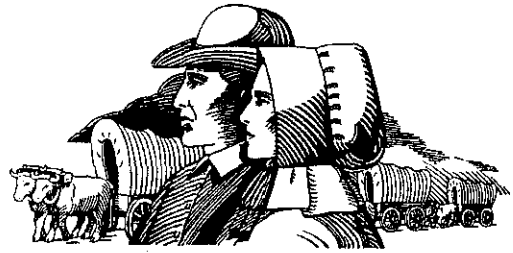
  
\_\_\_\_\_  
Sean Cook, Associate Planner

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Commission Chambers - City Hall

March 24, 2003 at 7:00 P.M.

The 2003 Planning Commission Agendas/Minutes, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:03 p.m. 3. **APPROVAL OF MINUTES:** *1/27/200 and 2/10/03 Work Session and Hearing (Draft available on the Oregon City web site or at City Hall for a fee)*
- 7:05 p.m. 4. **HEARINGS:**  
**VR 03-02 (*Quasi-Judicial Variance Hearing*)**; Troy Weller; Request for a Variance to reduce the front yard setback from 20 feet to 9 feet for the property identified as Clackamas County Map 2S-2E-31DB, Tax Lot 8100 and located at 803 Brighton Avenue.
- 7:45 p.m. 5. **NEW BUSINESS:**
- 7:50 p.m. 6. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

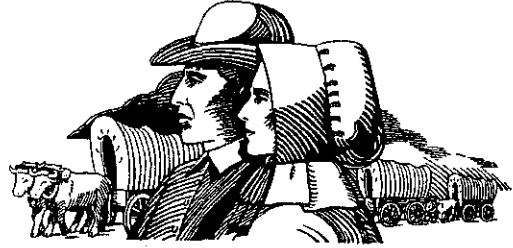


# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



### STAFF REPORT VARIANCE (Type III)

**Date: March 14, 2003**

**FILE NO.:** VR 03-02; Variance

**APPLICANT:** Troy Weller  
803 Brighton Avenue  
Oregon City, Oregon 97045

**PROPERTY OWNER:** Same as Applicant

**REQUEST:** The applicant is requesting a variance for the reduction of a front yard setback from 20 ft to 9 ft to allow for an attached garage.

**LOCATION:** 803 Brighton Avenue, Clackamas County Map 2-2E-31DB, Tax Lot 8100.

**RECOMMENDATION:** Approval

**REVIEWERS:** Sean Cook, Associate Planner  
Dan Drentlaw, Community Development Director

**VICINITY MAP:** Exhibit 1

The decision of the Planning Commission is final unless appealed to the City Commission within ten (10) days following the decision in accordance with OCMC 17.50. Only persons who participated either orally or in writing have standing to appeal the decision of the Planning Commission. Grounds for the appeal are limited to those issues raised either orally or in writing before the close of the public record. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

## **BACKGROUND:**

The applicant is requesting a variance for the reduction of a front yard setback from 20 ft to 9 ft to allow for an attached garage (900 square feet). The size of the proposed garage (900 square feet) is similar to the size of the property owner at 819 Brighton (912 square feet). The applicant has discussed this proposal with the adjacent neighbors and has received signatures of approval from the adjacent property owners at 801, 809, and 817 Brighton. These three neighbors are the closest neighbors to the subject property. See Exhibit 2 for the Site Plan and neighbor's signatures with the locations of their properties in relation to the subject property.

## **BASIC FACTS:**

1. **Zoning/Permitted Use:** The property is zoned "R-6" Single-Family Dwelling District and is designated as "LR" Low Density Residential in the City's Comprehensive Plan.
2. **Property Description:** The property is located at 803 Brighton, which is near the intersection of Brighton Avenue and McKinley Avenue. The subject property is a flaglot that is approximately 12,675 square feet in size. Currently, there is an existing house present on the subject property.
3. **Dimensional Standards:** The "R-6", Single-Family Dwelling District, requires the following:

Minimum Lot Area:	6,000 square feet
Front Yard Setback:	20 feet
Interior Side Yard:	9 feet/ 5 feet
Corner Side Yard:	15 feet
Rear Yard Setback:	20 feet
4. **Surrounding Uses/Zoning:** "R-6", Single-Family Dwelling District borders the subject property on all sides. Surrounding developments consists mainly of single-family residential homes and associated structures.
5. **Comments:** Notice of the proposal was sent to property owners within three hundred feet of the subject property, the Rivercrest Neighborhood Association, and was published in the Oregonian. No written comments were received by the Planning Division concerning this proposal. Additionally, transmittals were sent to various City departments and other agencies regarding the proposed development. Relevant comments received from City departments are addressed in the body of this report.

## **DECISION-MAKING CRITERIA:**

### **Municipal Code Standards and Requirements**

**OCMC, Title 17- Zoning:**                    *Chapter 17.12, "R-6", Single Family Dwelling District*  
    *Chapter 17.50, Administration and Procedures*  
    *Chapter 17.60, Variances*

## **ANALYSIS:**

The applicant is requesting a reduction of a 20-foot front yard setback down to 9 feet to allow an attached garage.

According to procedures set forth in Section 17.60.010, the Planning Commission may authorize variances from the requirements of this title. The Planning Commission may attach conditions to protect the best interest of the surrounding property or neighborhood and otherwise achieve the purpose of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

**A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;**

As stated by the applicant, the two flag lot properties immediately to the northeast of the applicant's property both have garages with 9-foot setbacks. However, the applicant's house is much closer to the applicant's front property line, precluding the option of matching or exceeding the setbacks of these adjoining properties. The applicant wishes to have a garage that is similar in location to his neighbors. Similar garages to the kind sought by the applicant are also located at 704 Summit and 1013 Brighton. Without this type of garage, the applicant feels they would be deprived of rights commonly enjoyed by his neighbors.

Staff finds that the intent of this standard is to ensure neighborhood compatibility. Additionally, the intent of this standard is not to deprive a property owner of a use that is enjoyed by the nearby neighbors. The applicant is requesting a reduction in the setbacks to allow for a garage that is similar to the types owned by his neighbors.

In regards to "*rights commonly enjoyed by other properties in the surrounding area*", no written comments were received from neighbors within 300 feet of the property or from the Rivercrest Neighborhood Association in opposition to this request. Staff finds that the applicant's request is reasonable and meets this standard.

Therefore, the applicant satisfies this criterion.

**B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;**

The purpose of this criterion is to ensure that property life safety issues are not infringed upon by the proposed variance. The addition of a garage onto an existing house would not likely cause significant adverse impacts to the adjacent properties. Additionally, the

applicant has received approval from his adjacent neighbors for the project (Exhibit 2). Staff findings based on the above information that the request does not reduce light, air, safe access or other desirable qualities as protected under this ordinance.

Therefore, the applicant satisfies this criterion.

**C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;**

The applicant reports that the layout of the existing house on the site does not allow for other alternatives for a garage of the type requested by the applicant. While the applicant may or should have known the setback restriction prior to the purchase of the site, he was also aware of the other nearby properties with similar circumstances and presumed that if garages were available to them, he would enjoy the same consideration for a garage on his property.

Staff finds the applicant's explanation of the circumstances that apply to this property as reasonable.

Therefore, the applicant satisfies this criterion.

**D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;**

The applicant states that the proposed location is the only practical location for the requested garage. Enlargement of the existing garage would also require a variance, based on information provided by the applicant.

The purpose of this criterion is to ensure that all practical and reasonable alternatives to the variance have been considered. Staff and the applicant did analyze the option of a detached garage. However, the option would have reduced the allowable size and still would have required a variance. No other practical alternatives, which would allow the request garage, were determined.

Therefore, the applicant satisfies this criterion.

**E. That the variance requested is the minimum variance that would alleviate the hardship;**

The intent of this criterion is to require that the variance application does not reduce the required standard beyond that which is needed for the specific application. As stated by the applicant and as noted in "D", other variances were found to have various difficulties. In this case, the variance is the minimum variance needed to resolve the situation as requested. Staff finds the applicant's explanation as reasonable.

Therefore, the applicant satisfies this criterion.

**F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

The requested variance would allow the applicant to development, maintain, and enhance the subject property for single-family residential use, as intended by the City Code and the Comprehensive Plan.

Therefore, the applicant satisfies this criterion.

**CONCLUSION AND DECISION:**

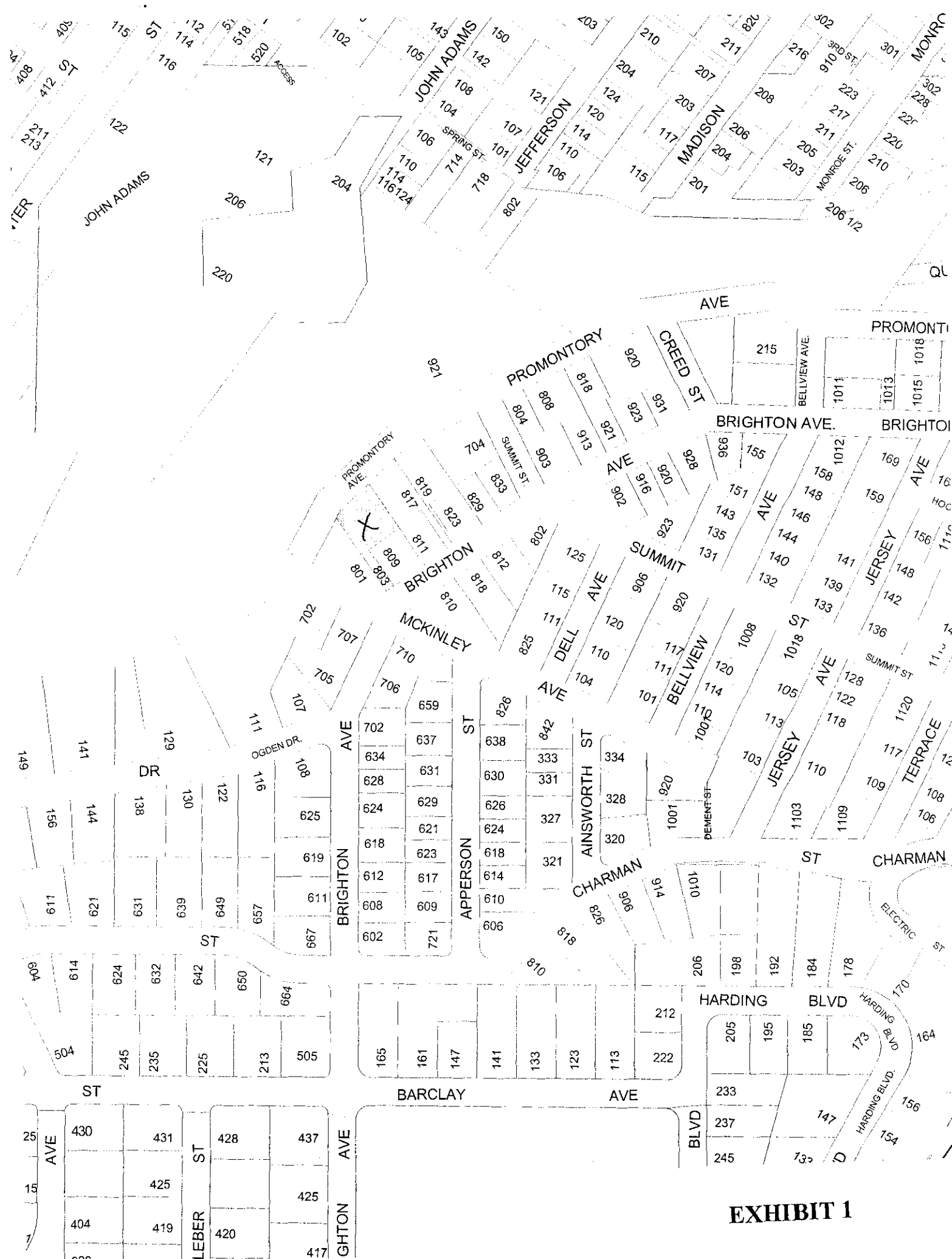
Based on the analysis and findings as described above, staff recommends approval of variance request VR 02-03 for the property located at 803 Brighton.

**EXHIBITS:**

1. Vicinity Map
2. Site Plan with Neighbor's signatures
3. Applicant's Narrative

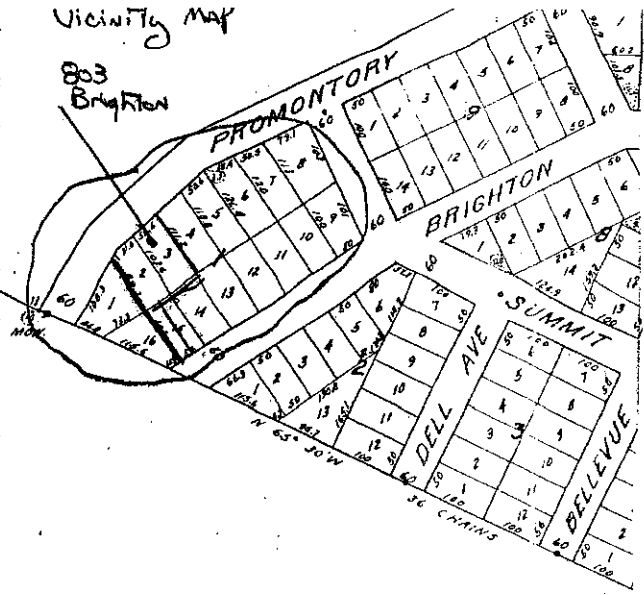
cc: File VR 03-02  
City Building Division





**EXHIBIT 1**

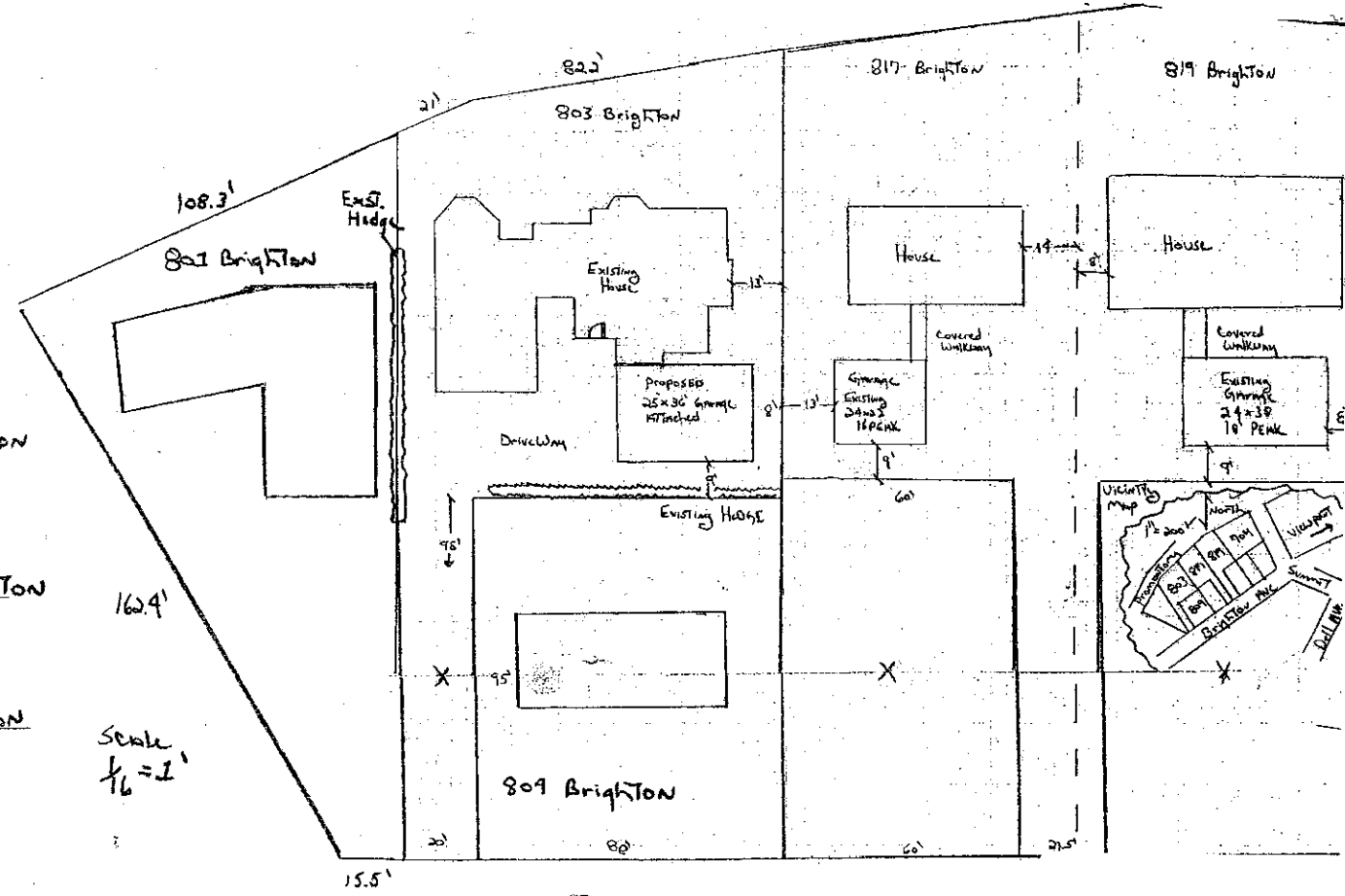
# Weller Residence 803 Brighton Ave. Oregon City



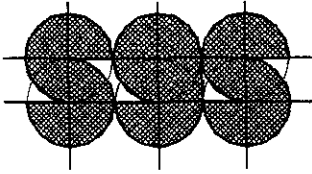
## Neighbor Approval

<u>Print</u>	<u>Sign</u>	<u>DATE</u>
<u>Th. D. Griffin</u>	<u>[Signature]</u>	<u>11-22-03</u>
<u>Print</u>	<u>Sign</u>	<u>DATE</u>
<u>Frank A. Jones</u>	<u>[Signature]</u>	<u>11/16/03</u>
<u>Print</u>	<u>Sign</u>	<u>DATE</u>
<u>L. Sikarskie</u>	<u>[Signature]</u>	<u>1-17-03</u>

<u>Address</u>
<u>801 Brighton</u>
<u>809 Brighton</u>
<u>817 Brighton</u>



- Brighton Ave -



## Memorandum

Date: January 17, 2003

To: Mr. Dan Drentlaw, City of Oregon City

From: Stewart

Re: Troy Weller property – 803 Brighton Avenue, Oregon City

At the request of Troy Weller, I have reviewed his revised proposal to add a garage to his existing residence at the above address. Attached to this memo are Troy's revised drawings, which show an attached garage with setbacks that are less than required under City Code, but consistent with those of existing neighboring garages. Troy is requesting a variance to allow construction with these setbacks.

In response to the grounds for variance, I offer the following arguments:

- A. "The literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site."

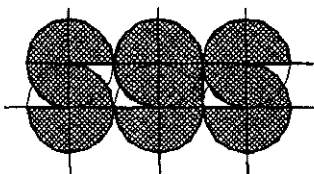
The two flag lot properties immediately to the northeast of the applicant's property (at 817 and 819 Brighton) include garages with setbacks of nine feet (9'-0") to the equivalent front property line. Both of these garages are 24' in depth. However, the main house on Mr. Weller's property is much closer to this front property line, precluding the option of matching or exceeding the setbacks of these adjoining parcels. Similar garages are also located on parcels at 704 Summit and 1013 Brighton. The values of the homes in this area are dependent upon providing oversized, detached garages to accommodate the types of equipment Mr. Weller intends to store. Without this garage, Mr. Weller would be deprived of rights commonly enjoyed by his neighbors.

- B. "The variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title."

The fact that adjacent properties include similar garages is indicative that "substantial damage" is not likely – this type of development has a track record that speaks for itself. The proposed garage will be screened from the neighboring property at the nine foot setback with an existing evergreen hedge.

Stewart Gordon Straus, Architect      Planning - Design  
6170 SW Cherry Hill Drive Beaverton, Oregon 97008  
Phone: (503) 672-7517 Fax: (503) 672-7808 E-mail: sgs

EXHIBIT 3



Mr. Dan Drentlaw  
City of Oregon City Planning  
January 17, 2003  
Page 2

- C. "The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience."

The layout of the existing house on the site does not allow for other alternatives for a garage of the type required by Mr. Weller. While he may or should have known of the setback restriction prior to purchase of the site, he was also aware of the other nearby properties with similar circumstances and presumed that if variance was available to them, he would enjoy the same consideration for a garage on his property.

- D. "No practical alternatives have been identified which would accomplish the same purposes and not require a variance."

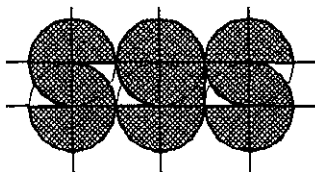
As noted in "C" above, the proposed location is the only practical location for a detached, oversized garage. There is an existing garage attached to the existing house, but it is not adequately sized for the equipment to be stored. Enlargement of the existing garage to accommodate this equipment would also result in a variance at the southeast property line and would require extension of the garage toward the front property line to the extent that maneuvering space would no longer be available between the garage and the property line.

- E. "The variance requested is the minimum variance which would alleviate the hardship."

As noted in "D" above, other options require other variances or create conditions that are unacceptable from a functional perspective. Space is not available on the site to reduce the extent of variance required.

- F. "The variance conforms to the comprehensive plan and the intent of the ordinance being varied."

*Stewart Gordon Straus, Architect      Planning - Design - Consulting*  
6170 SW Cherry Hill Drive Beaverton, Oregon 97008  
Phone: (503) 672-7517 Fax: (503) 672-7808 E-mail: [sgs@spiretech.com](mailto:sgs@spiretech.com)

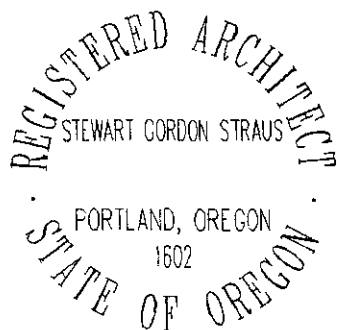


Mr. Dan Drentlaw  
City of Oregon City Planning  
January 17, 2003  
Page 3

The use type and intensity proposed are consistent with the characteristics of a residential neighborhood as defined in the comprehensive plan. The intent of setbacks is to assure reasonable "breathing room" and appropriate densities in the context of the comprehensive plan designation. There is nothing proposed that creates impacts that violate the general character of the residential zone within which this property is located.

I have served for seventeen years on the Board of Design Review for the City of Beaverton, including three terms as chairman. Based on my extensive experience in reviewing circumstances such as this, I believe the request by Mr. Weller is entirely reasonable and can be supported by findings consistent with the approval criteria.

Your positive response to our request will be appreciated. Please do not hesitate to contact me if you have any questions.



*Stewart Gordon Straus*

*Stewart Gordon Straus, Architect      Planning - Design - Consulting*  
6170 SW Cherry Hill Drive Beaverton, Oregon 97008  
Phone: (503) 672-7517 Fax: (503) 672-7808 E-mail: [sqs@spiretech.com](mailto:sqs@spiretech.com)

# CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,  
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892  
www.ci.oregon-city.or.us

## LAND USE APPLICATION FORM

### REQUEST:

- |  |  |   |
|--|--|---|
| Type II  | Type III                                     | Type III / IV                           |
| <input type="checkbox"/> Partition               | <input type="checkbox"/> Conditional Use     | <input type="checkbox"/> Annexation     |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision             | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change    |
| <input type="checkbox"/> Extension               | <input type="checkbox"/> Modification        |   |
| <input type="checkbox"/> Modification            |  |   |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please **print or type** the following information to summarize your application request:

APPLICATION # V12 03-02 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Troy Weller

PROPERTY OWNER (if different): Same

PHYSICAL ADDRESS OF PROPERTY: 803 Brighton Ave. Oregon City, OR 97045

DESCRIPTION: TOWNSHIP: 2S RANGE: 2E SECTION: 310B TAX LOT(S): 8100

PRESENT USE OF PROPERTY: Residence

PROPOSED LAND USE OR ACTIVITY:

ADDITION OF ATTACHED GARAGE

DISTANCE AND DIRECTION TO INTERSECTION:

40' To South

CLOSEST INTERSECTION: Brighton/McKinley

PRESENT ZONING: R-6

TOTAL AREA OF PROPERTY: 13000 sq'

### Land Divisions

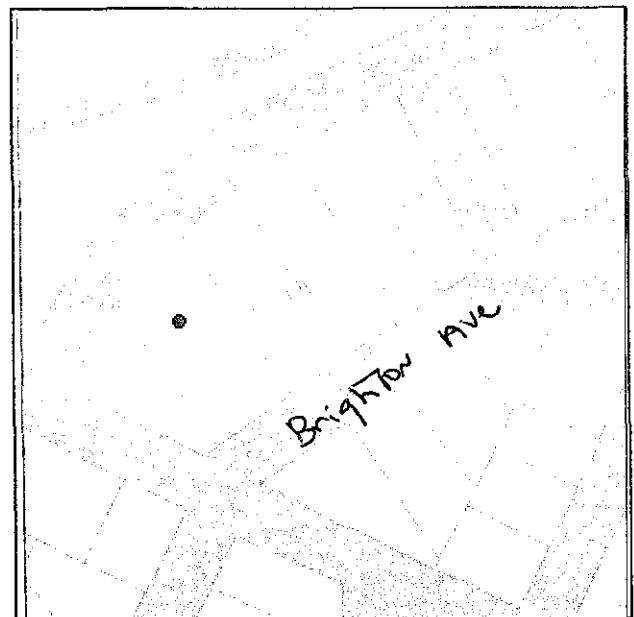
PROJECT NAME: \_\_\_\_\_

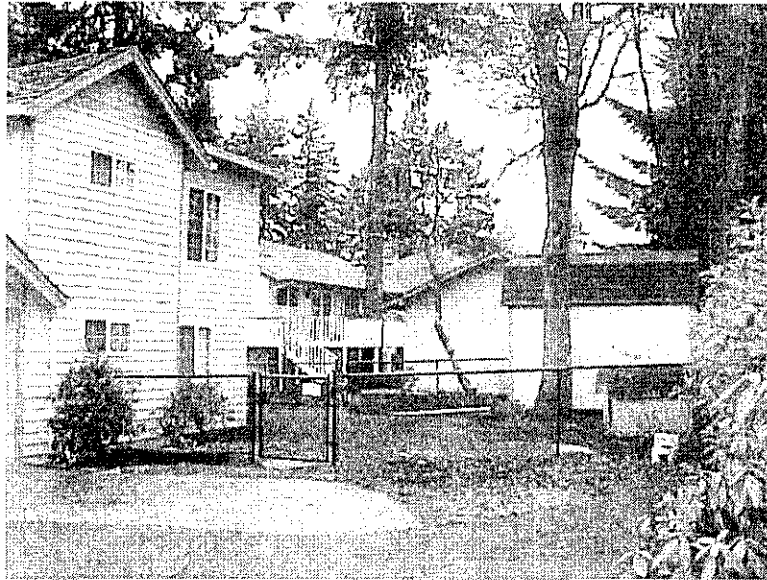
NUMBER OF LOTS PROPOSED: \_\_\_\_\_

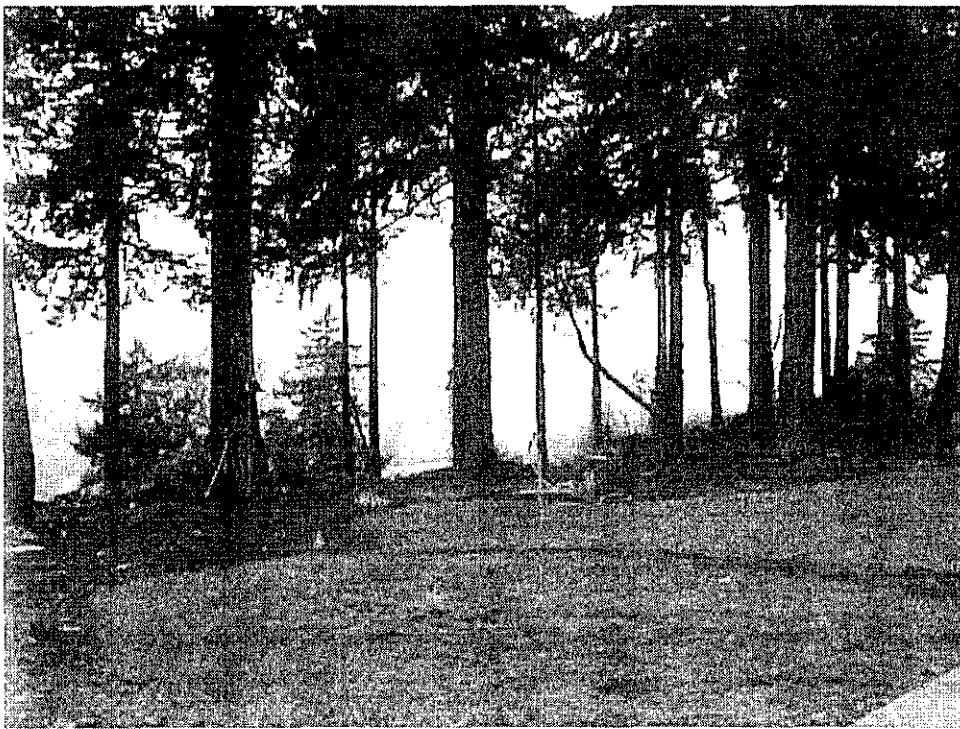
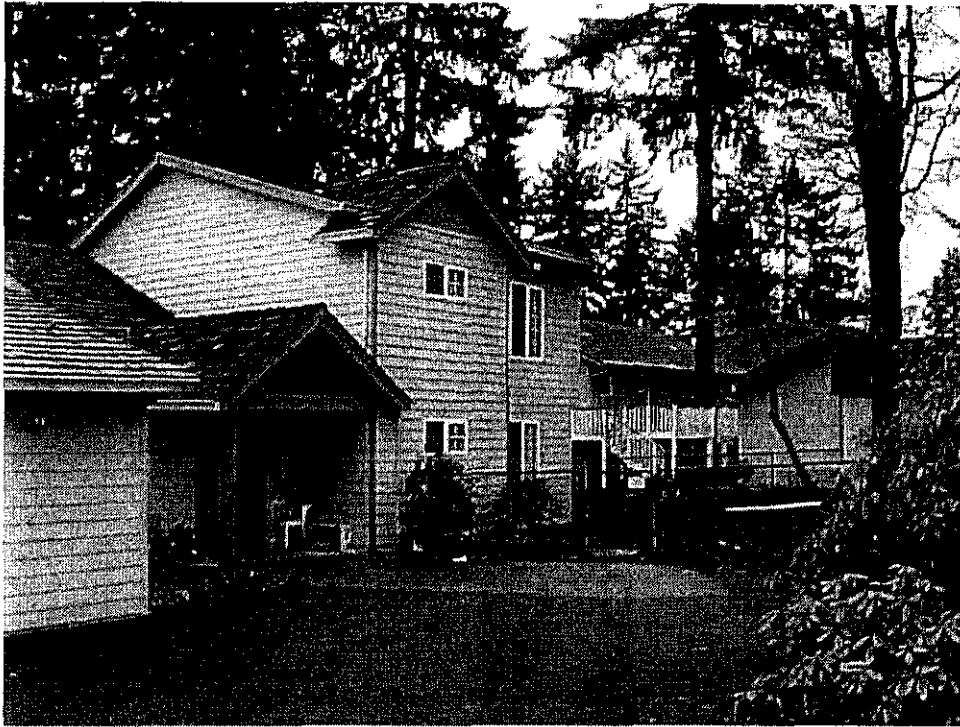
MINIMUM LOT SIZE PROPOSED: \_\_\_\_\_

MINIMUM LOT DEPTH PROPOSED: \_\_\_\_\_

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS  
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS  
NOTICE, IT MUST BE PROMPTLY FORWARDED TO  
PURCHASER

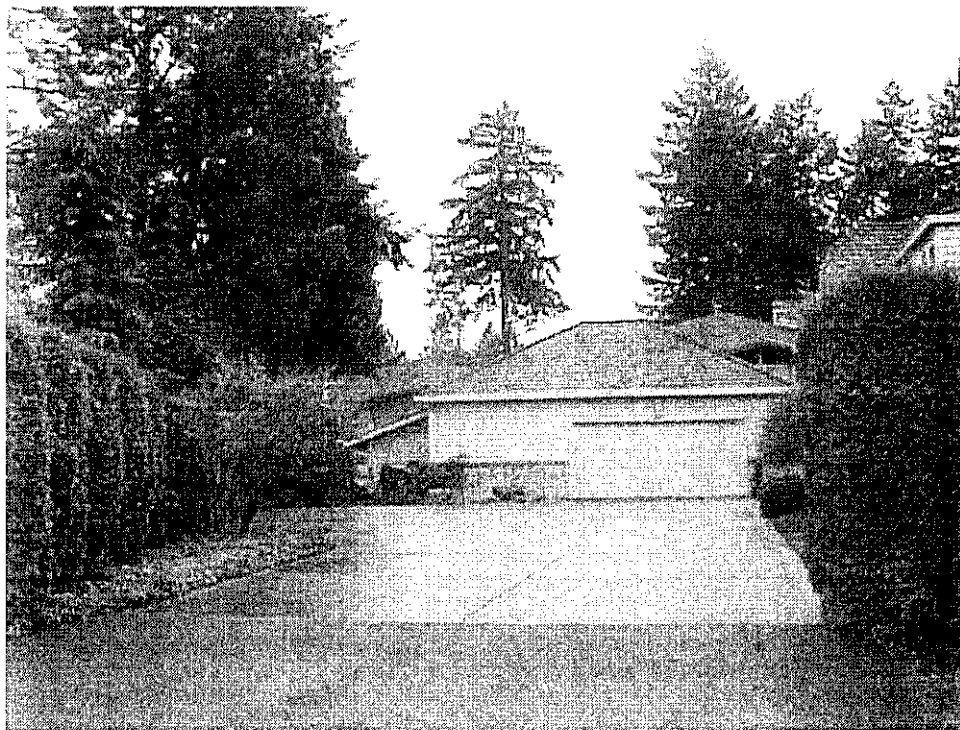




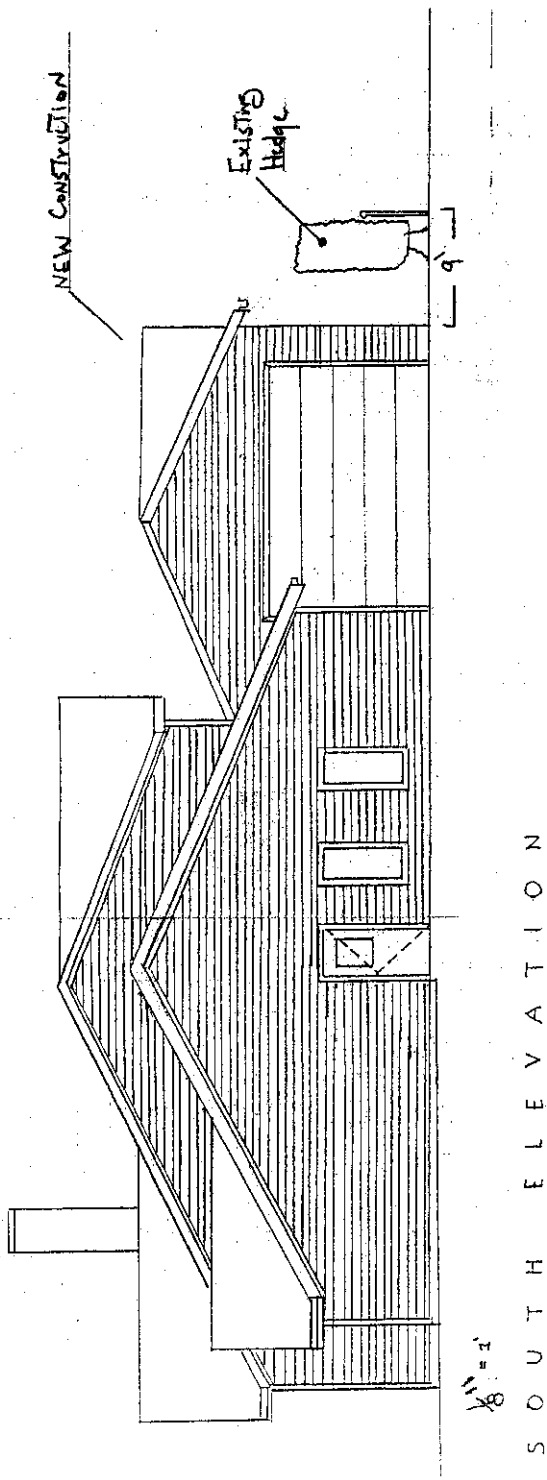






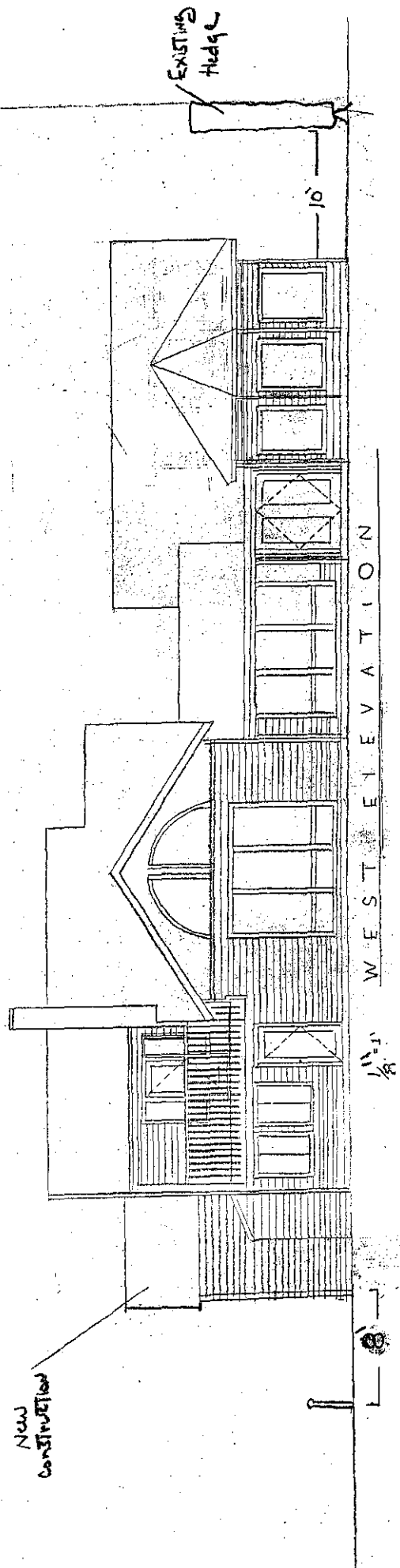
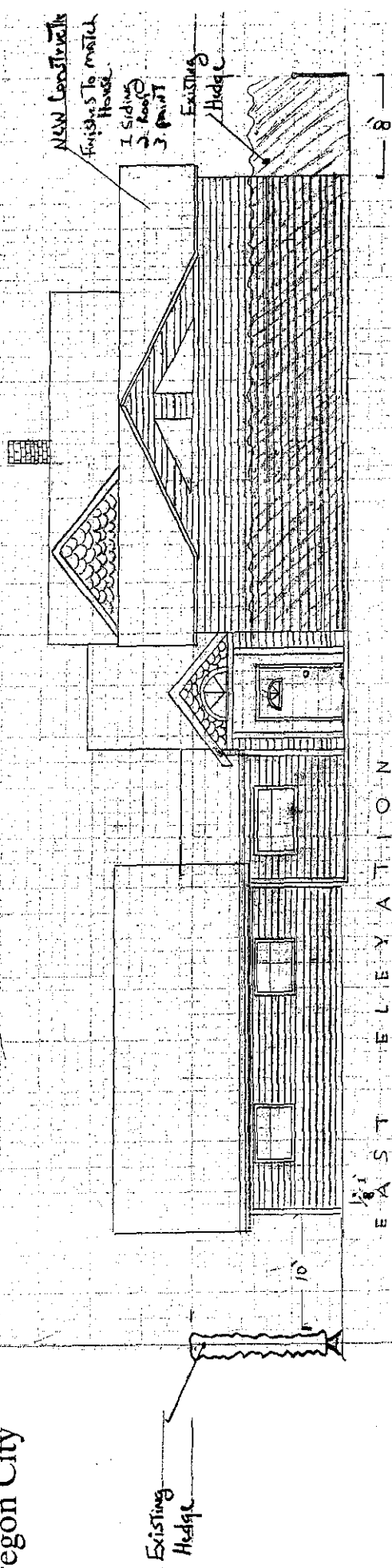


Weller Residence  
803 Brighton Ave.  
Oregon City



Weller Residence  
803 Brighton Ave.  
Oregon City

SHEET 2





**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
January 27, 2003**

**COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Main  
Commissioner Orzen

**STAFF PRESENT**

Dan Drentlaw, Planning Director  
William Kabeiseman, City Attorney  
Tony Konkol, Associate Planner  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

Commissioner Mengelberg

**1. CALL TO ORDER**

**Chairperson Carter** called the meeting to order at 7:00 p.m.

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

**Kathy Hogan**, 19721 S. Central Point Road, said she had read an article in a local paper about some signs which were put out near a school to remind drivers to slow down, and she asked if the Planning Commission could perhaps review and/or revise the City regulations to allow such because, whether these signs are paid for by the schools (whether St. Johns or the public schools), she thinks they are a good safety reminder.

**3. APPROVAL OF MINUTES: December 9, 2002, December 11, 2002, and December 16, 2002.**

**Chair Carter** said corrections had already been taken for the minutes of December 11<sup>th</sup> and December 16<sup>th</sup>, but had not yet taken any corrections for the minutes of December 9<sup>th</sup>. With no corrections to those minutes (Dec. 9<sup>th</sup>) but encompassing the previously submitted corrections, **Main** moved to accept all of them as submitted and corrected. **Orzen** seconded the motion, and it passed unanimously.

**4. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the hearings on the agenda this evening, both of which are quasi-judicial in nature.

**VR 02-10 (Request for a Continuance to February 10, 2003); Great American Development; Joe Spaziani; Request for a continuance of the Planning Commission Hearing for a Variance to increase the maximum cul-de-sac length by 50 feet for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.**

**Kabeiseman** asked if there were any conflicts of interest, bias, or ex parte contacts to be acknowledged by the Commission. There were none, nor were there any challenges by members of the audience against the Planning Commission (PC) or any individuals for participating in this hearing.

**Konkol** said the applicant was requesting a continuance to the next PC hearing date for this variance while reviewing alternative designs for the subdivision. **Orzen** moved to uphold the request for a continuance to Feb. 10, 2003. **Main** seconded the motion, and it passed unanimously.

**ZC 02-03 (Quasi-Judicial Hearing); Great American Development; Joe Spaziani; Request for a Zone Change from R-10 Single-Family residential to R-8 Single-Family Residential for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.**

**Konkol**, who would give the staff report, introduced a letter into the record as Exhibit A from Scott Sether, 19230 Pine Place, dated Jan. 16, 2003, in which he states he thinks this development should remain R-10 because traffic will increase if it is zoned R-8; there is a potential for flooding and problems related to the increased drainage from the development; and with increased housing there will be more children attending John McLoughlin Elementary. (**Konkol** had distributed copies of this letter to the Commissioners.)

**Konkol** then made some corrections to page 1 of the application. He noted that this is actually a Type IV application, not a Type III. Under "Process," he also clarified that Type IV permits are reviewed by the PC. If the decision is for denial, that is the final decision, which can be appealed to the City Commission. A recommendation of approval can be forwarded to the City Commission should the Planning Commission so determine. He noted that correct references are made within the body of the staff report to a Type IV permit and the correct process and procedures.

As background, **Konkol** said the applicant is requesting a zone change from R-10 Single-Family to R-8 Single-Family, for an approximately 8.09-acre vacant parcel located southwest of Partlow Road and southeast of South End Road. The parcel has a Comprehensive Plan designation of LR Low-Density Residential, which includes the R-8 Single-Family zoning designation.

**Konkol** said the applicant currently has a proposal for a 31-lot subdivision submitted with the City, and a variance for the cul-de-sac length (the latter of which was just continued to Feb. 10, 2003). The proposal has two temporary stubs terminating into the parcel (Pine Place and Mahogany Drive) both from the north and the south into the site.

The surrounding zoning and land uses are Single-Family Residential, including both R-10 and R-8. There is an R-8 Single-Family subdivision (identified as Hazel Grove 5); an R-8 Single-Family subdivision identified as Hazel Meadows, an R-10 Single-Family subdivision identified as Hazel Grove 3; and various R-10 Single-Family parcels. (A full copy of the application, the staff report, and related documents are available in the public record through the Planning Department.)

The site has frontage to the west on South End Road, which is classified as a minor arterial in the Oregon City Transportation System Plan (TSP); Pine Place and Mahogany Drive, both of which are local streets that are stubbed into the property to the north and to the south; Filbert Drive (directly to the south), which is classified as a neighborhood collector; and Partlow Road (directly to the north), which is classified as a collector.

**Konkol** said proper noticing was done to the immediate property owners and to the community, and transmittals were received and incorporated into this staff report as they pertain to the zone change.

The South End Neighborhood Association submitted comments opposing the requested zone change to R-8 based on the following:

- Existing traffic problems on Filbert Lane.
- There is no direct access from the subdivision to South End Road.
- South End Road and Partlow Road need improvements.
- The current retention pond may not be able to handle extra runoff.
- High density is not compatible with surrounding uses.
- The roadways must be 32 feet wide.

- The current traffic count on Filbert will increase from 600 to 900 daily trips.

**Konkol** also noted that comments were received from:

- Mr. Howell, 19240 Pine Place, requesting that the City grant a variance to allow the street to connect to South End Road and saying that if the variance is not granted, the zone change request should be denied to reduce the impacts on Filbert Drive and Pease Road.
- Mr. and Mrs. Fleming, 11795 Mahogany Drive, saying they are opposed to the zone change because there is inadequate police staff to patrol the area; the elementary school is overcrowded; and the increased traffic would be a burden to the developing traffic problems and road maintenance issues.
- Mr. and Mrs. O'Brien, 19364 South Hazel Grove Drive, saying the developer should have known the existing zoning and should not be able to change the zoning to get more lots after the fact.

Staff findings state that the applicant, Great American Development, submitted an application that was deemed complete on December 18, 2002.

Regarding criteria, after a preliminary review, it appears that there are adequate services (water, sewer, and storm drainage) to provide services to the parcel at the R-8 development level.

There is an existing storm pond south of the property, and the adequacy of the pond will be reviewed at the time of the subdivision application. That pond has the potential to be enlarged. If enlarging the pond does not alleviate the drainage coming from the site, there are also alternate design options that could accommodate storm water, but the applicant would be responsible for showing that during the application for the subdivision.

The applicant states that a traffic analysis report was prepared by Lancaster Engineering for this subdivision, and no problems were found with any intersections or traffic movements on the streets around the development through 2017. Staff would concur with that finding, that this development would not impact the surrounding intersections and will not warrant improvements identified in the TSP based on the level of development associated with this proposal.

Staff said the zone change from R-10 to R-8 would equate to approximately 6 homes, so a 20-year analysis was not required by staff for those impacts since they seem to be insignificant.

Regarding Statewide Planning Goals, **Konkol** said the Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982, and it was found that this proposal meets the Comp Plan goals associated with the requested zone change.

The applicant states the area is designated for Low-Density Residential use. The R-8 zone permits 5.5 dwelling units per acre, or 36 dwellings on the 8.09-acre subject site. The R-10 allows 4.4 dwelling units per acre, or 29 units on the site (assuming 20% of the property is used for public right-of-way). As stated, there are adequate services—transportation, water, sanitary, and storm—to accommodate the increased housing that would be associated in moving from R-10 to R-8. Further, as stated earlier, the R-8 is a zoning category identified under Low Density Residential as the Comp Plan designation for this site.

Under Policy 3 of "Housing" within the Comp Plan, it says, "The City shall encourage the private sector in maintaining an adequate supply of single- and multi-family housing units. This shall be accomplished by relying primarily on the home-building industry and the Private Sector Market Solutions, supported by the



elimination of unnecessary government regulations.” **Konkol** said the R-8 zone allows for smaller lots, which can be expected to provide for more affordable housing than the R-10 zone, and the requested zone change for R-8 would be similar to the R-8 zoned properties bordering a majority of this site, allowing for a more consistent development pattern with the adjacent properties. Currently 15 of the 24 properties and 1,863 linear feet of the 2,897 linear feet of properties abutting the subject property are zoned R-8 Single-Family. A majority of those properties in those R-8 subdivisions are at or near the 8,000 square foot minimum lot size allowed in the R-8 zoning designation.

The property is on a vacant parcel, and there are no natural resources or natural hazards on the property. It is not in the water resource overlay district. There is one large oak tree in the back corner, which the applicant is proposing to save. There would be no foreseeable impacts on habitat or fish since there is no habitat identified on this property.

The property is located on South End Road and has been identified in the TSP for bicycle and pedestrian connectivity. Improvements along South End Road would be required as part of the development, including a half-street improvement, which usually includes upgrading the road if it is needed, inclusion of a parking strip, curb and gutter, street trees, and a sidewalk. Local streets in the subdivision would also be to TSP standards, which include 32 feet of pavement.

**Chair Carter** asked, even with the possible site plan being proposed, if the developer would still be responsible for road improvements on South End Road, whether a road went out to South End or not, and if that would occur at the time of the site development. **Konkol** said that was correct.

**Konkol** said South End Road is on a bus line that currently has a bus stop right at the site that would allow potential users to utilize the other forms of transportation, including the bus. Also, the near proximity to John McLoughlin School District would allow students to walk to school and could thus reduce the number of vehicle trips in the City.

**Konkol** concluded by saying it is important to notice that this is an infill-type of development, meaning there is development on all sides of the subject site with four local street stubs into the property, affecting the street layout of the property and where lots can be located. Also, as stated earlier, adjacent properties are zoned R-8 to the north and the south. Therefore, staff would recommend that the PC recommend approval to the City Commission at a public hearing on Feb. 5, 2003.

**Orzen** noted that on page 7 it says there would be 36 homes with an R-8 and 29 homes with an R-10 listing. Yet on Exhibit 2, it shows only 31 home sites. **Konkol** said 36 represents the allowed density in the R-8 zoning, assuming 20% of the property is taken out as is the standard for roadway and public dedication.

**Orzen** asked if the 29 home sites would be consistent with R-10 zoning for that parcel size. **Konkol** said 29 dwelling units would be at R-10 with 20% taken out. However, on this site, it would be a difference of 6 homes so it would equate to 25. He said because of the four stubs coming into the property and the amount of local streets they would be building in this subdivision, it is probably a little more than the 20%.

**Main** asked for some clarification about the reference to the year 2017 on the traffic study. He said this subdivision would have some effect on the Partlow Road/South End intersection and the Warner Parrott/South End intersection, and he asked what triggers us to assess that developer for part of those improvements down the road. **Konkol** said he thought one of the recommendations from David Evans & Associates (who did the staff review of the traffic analysis) was that the developers should be responsible for their proportional share of

impacts to the Warner Parrot/South End Road intersection. He said that could be a Condition of Approval (COA) that could be applied at the subdivision review, which is yet to come.

**Main** noted that the David Evans report on the traffic study talks about queuing (page 3, item 7) and says the applicant should also submit the technical output from Synchro, and he asked if that was done. **Konkol** said that, too, would be a COA that would be added with the subdivision review because it is addressing the layout of the subdivision, not the actual zoning designation.

**Main** asked if that would be the same for item 9, which talks about clarification of the right-of-way dedication. **Konkol** said yes.

**Main** asked if the school had responded to the comments about the overcrowding at John McLoughlin School. **Konkol** said they did respond that this proposal does not conflict with their interests. (See Exhibit 9.)

**Main** asked what happens if they were to come back later and say it does cause a conflict. **Kabeiseman** said we must rely on what the service providers tell us at the time of the application, and they are currently saying it is not a conflict.

(**Chair Carter** stopped to introduce and welcome the new Commissioner, **Daniel Lajoie**, and apologized for overlooking this at the beginning of the meeting. She also said that Commissioner **Mengelberg** is still serving on the Commission but was not able to attend this evening.)

**Tom Sisul** of Sisul Engineering, Inc., 375 Portland Avenue, Gladstone, Oregon, spoke on behalf of the applicant, Great American Development. He explained that this parcel was brought into the City as part of the island annexation of parcels that were voted in by the citizens last year and that, as part of any new annexation, those parcels were given the R-10 zoning designation. He said a map prior to that effective date of annexation would show that between South End Road and the Hazel Grove subdivisions to the east (Phases 1-4), there were two subdivisions zoned R-8 (Hazel Grove V and Hazel Meadows), and the only large parcel zoned R-10 was the school property. All the others now shown as R-10 are the other parcels that were brought in as part of the island annexation and given the R-10 designation at that time.

**Sisul** said this parcel would be connected physically (by roads and by utilities) to developments to the north and to the south that were both re-zoned to R-8 in 1996 and developed as R-8 subdivisions. He said there would be no direct access from this site to any development zoned R-10 or any other zoning, for that matter.

**Sisul** said the sewer and storm drainage utilities for serving Hazel Grove 5 (to the north) actually cross what will be the future right-of-way of Mahogany Drive, as granted through an easement by the previous property owner. (He thinks the water is stubbed out to the side.) He said the street stubs in the proposed development connect the utility connections for water, and another requirement of this development would be to improve and fix the detention pond facility that was apparently constructed as part of the Hazel Mill subdivision to the south to make that a working, functioning detention facility.

**Chair Carter** asked **Sisul** to identify where the detention pond is actually located, which he did.

**Sisul** noted that many of the citizen comments were about access to South End Road. He said the applicant has asked for a continuance for further consideration of such because in the original discussions with staff, staff made it clear that access would not be permitted onto South End Road. However, he understands that this may be changing. Therefore, the applicant would like to work with staff regarding that.

**Sisul** explained that the difference between an R-8 and an R-10 zoning is approximately five. He said the impact to the street system, to utilities, and to the schools for these additional five homes is minor.

Regarding connections of the neighborhoods, **Sisul** said this neighborhood will be connected to the subdivisions to north and the south, both of which are currently zoned R-8, and this will be their neighborhood. He said the zoning map (Exhibit 1 in the staff report) shows that there are only two connections from Hazel Grove Drive to South End Road, those being Filbert Drive and Salmonberry Drive. Those lots that access on Hazel Grove Drive and lie to the west of it basically are creating a blockage because there is only one connection through, which leaves two isolated neighborhood areas with one inter-connection. Therefore, he would suggest that this subject site has more in common with the R-8 zonings on either side of it than with the R-10 zonings to the east. Therefore, the applicant would request that this parcel be recommended to the City Commission for approval for R-8 zoning.

There was no public testimony in favor of this application.

In opposition, **Mike Kolsut**, 19225 S. Mulberry Court, said he wanted to express some areas of concern for the residents of Hazel Meadows regarding the current proposed plan. They included the following:

- Regarding traffic, he said the residents have asked for speed bumps to be placed on Filbert Drive as a result of a recent traffic study, which showed that there are more than 700 daily trips on Filbert Drive, the majority of which are speeding.
- Also related to traffic, those residents have heard that there are plans for other developments in that area and the main access from Central Point onto South End Road is down Skellinger Way to Hazel Grove Drive and down Filbert Drive. With an additional 30 homes, this could result in as many as 1,000 trips on Filbert Drive every day, which is a big concern for a residential street.
- They also have safety concerns particularly from a fire standpoint since there is no access to South End Road. He said Filbert Drive, Pine Place, and Mahogany Drive are very narrow streets, and he is not sure a fire truck could go down those streets if cars and motor homes are parked along them.
- He said there is also concern about the lack of any crosswalk in the area, especially for students walking to school, and he said they have asked for a crosswalk on Filbert Drive that has access into the park area at McLoughlin. He said the school is not opposed to it, but they are concerned because there is no direct line of sight from the school to that area, so they couldn't really watch the students if there were to be a crosswalk there. Currently, he said, the students are at risk as they walk to school.
- Another safety concern is that the holding pond is currently unfenced. He said he personally observed earlier this day that there is about 2 ½ feet of standing water. Seeing this, he isn't sure if it can provide the holding power needed for an additional 30 homes.

**Chair Carter** noted that it is rather difficult to read the map (Exhibit 1) because there are no directional indicators (N/S/E/W) or street names, but she noted one of the difficult things about this particular parcel is that it is not possible for the residents of the Hazel Grove development to the east to get to South End Road, even if the subject site accessed onto South End Road, because of the row of houses that block access from Westwood Drive in the Hazel Grove development to the subject site. She said this needs to be considered because if there weren't houses along that line and they made a road that went through, that would alleviate a lot of the traffic problem, but the houses are already there so it won't alleviate any of the traffic coming out of "all of this neighborhood" even if they do put a road to South End through the proposed development. **Kolsut** said he disagreed, saying he lives on Mulberry and he observes that people who live in that neighborhood typically drive up and down Filbert to go to work. If a new development is put between Filbert Drive and Partlow Drive,

the road of choice is Filbert. Therefore, he thinks it would have an impact on Filbert. However, if there were an access onto South End Road, he thinks the people in the new development would use it as their first choice.

**Chair Carter** asked for a clearer understanding of where the traffic currently comes from, and **Kolsut** said traffic studies have shown that the traffic comes from the area of Central Point, Skellinger Way, and from behind the Hazel Meadows/Hazel Grove area. He said when the residents talked with Nancy Kraushaar about the request for speed bumps, it was noted that Skellinger and Filbert are the only two roads that are main access from one side of the development to the other, the other being Salmonberry. However, the big difference is that Salmonberry has a built-in S-curve that slows down the traffic.

**Orzen** asked if there is a lot of flooding in the area (in homes). **Kolsut** said he knows of one home across from him that has had some problems with water in the sub-floor and he has heard that others have had problems. Also, he has also been told, but he cannot verify, that there is an underground aquifer in the area.

**Jason Medford**, 11650 Filbert Drive, said he has no problem with changing the zoning from R-10 to R-8. His only concern is that he would like the road to go out to South End from the new subdivision.

**Kathy Hogan**, 19721 S. Central Point Rd., showed on the wall map that many of the surrounding properties are R-10, and only two neighboring parcels are R-8. She agreed that having a direct road access to South End would alleviate much of the traffic on the side roads. She identified herself as co-chairperson and land use person of Hazel Grove/Westling Farm, saying she lives within their boundaries. She said they were concerned about having a direct connection to South End Road to alleviate some of the problems, and she concurred that Ms. Kraushaar had spoken to their neighborhood association to discuss the issue because of the volume and speed of the current traffic.

She said there was also talk in the past that the Parks and Recreation Department might cover the detention pond and convert it to a parking lot, but she would encourage that it not be disturbed.

She acknowledges that the developers will lose one or two houses if the zoning is kept at R-10, but she thinks that the surrounding neighbors should be given consideration for their desires, and what they enjoy is the rural atmosphere of the R-10 zone. If it is to be changed, she suggested that perhaps the developer should pay for the speed bumps.

**Orzen** asked if the neighbors would consider a roundabout to slow down traffic. **Hogan** said no because that was considered before but was not found to be not feasible because of the width of the road.

**Tom O'Brien**, 19364 S. Hazel Grove Drive, said the staff report indicates that there is a design in this process for citizen participation, and he asked, What is the purpose of citizen participation in land use planning proposals? In this case, he said a total of 37 individuals have responded that they did not consider it appropriate to change the zoning to R-8, and only Mr. Spaziani and Konkol appear to be on record in support of the change. He asked if a decision to change this zoning would reflect the intent of the citizen participation policy goals.

Also, **O'Brien** referred to Sisul's comment that the area, other than what is currently R-8, is not isolated from the property to the east. **O'Brien** said he lives in Hazel Grove III and he is anything but isolated from the activities that go around in Hazel Grove V and the other development along Filbert.

**Hogan** asked if it would be a PC or a staff decision when it comes back for the plot plan and subdivision, and **Chair Carter** said that would be a staff decision unless they are also requesting a variance or a CUP, in which those would come to the PC. **Konkol** added that all the comments that are applicable to the subdivision will be

included in the subdivision review and applicable criteria may be appealed to the City Commission by those who commented on the proposal.

**Ron Phillips**, 19224 S. Pine Place, said he and Jack Tilden had both sent letters about this, which were not addressed in staff's comments, and he asked if they had been received. **Konkol** excused himself to pull the file, and **Kabeiseman** said staff had received several letters that addressed subdivision criteria, not zone change criteria. He said staff would look to see if any of those should also be submitted as exhibits to the zone change request.

**Jack Tilden**, 19196 Pine Place, said he is concerned about safety issues. In particular, he said he has two children who play on the street along with many others who live in the neighborhood, and he is concerned about adding more traffic to the local streets. He said he, too, would encourage that a street go out to South End directly from the new subdivision.

Upon his return, **Konkol** noted that the letter from Ron Phillips was received, but it specifically referenced TP 02-03, which is the subdivision file. Therefore, it was placed with that file, not the zone change file. **Konkol** noted that the letter from Phillips would be added to the record as Exhibit B.

In the applicant's rebuttal, **Sisul** said there were many questions about traffic on Filbert, and he admitted that he had not been aware of staff's meetings with the neighborhood associations where they discussed the traffic concerns and possible installation of speed bumps and/or roundabouts. He said the applicant will be discussing the access issue and they can also discuss a speed bump alternative, noting that it might be one of the solutions.

Overall, **Sisul** reiterated that he believes this parcel should be zoned R-8, as are the neighborhoods to the north and the south.

**Chair Carter** closed the public hearing at 8:00 p.m.

**Main** said it sounds like the majority of the issues expressed this evening can be addressed during the review of the subdivision. He asked **Konkol** if the TSP addresses any future connector from Central Point through to South End Road. **Konkol** said the TSP shows a proposed neighborhood collector to the south (by Parrish Road), which is quite a ways south.

**Main** agreed that we should be concerned with the safety issues (including the crosswalk and the unfenced pond) and the traffic volume issues, and he said he thinks staff and the applicant can work together to address those issues. However, he said he drove through the area again today to make sure he was familiar with it and it seems to him that the parcel is surrounded by R-8 on both sides and it connects to R-8 on both sides. The R-10 is Longstanding Court, which is an old subdivision that was built some time ago, and the Hazel Grove area. He said he is comfortable with this request for a zone change to an R-8 status, but he anticipates there will be a different discussion regarding the street outlet.

**Kabeiseman** noted Main's comment that he had made a site visit, and said that could be construed as ex parte contact. **Main** said he did not leave his vehicle nor did he talk with anyone while he was there. **Kabeiseman** then asked if there was any challenge from the public regarding that, and there was none, nor were there any other site visits by the other commissioners.

**Orzen** said she agrees that there are traffic issues, and that a connector to South End Road might alleviate a little of the traffic but not a majority of the traffic coming through Filbert. She asked if Filbert is currently 32 feet wide, and **Konkol** said he thought it was.

**Orzen** said she was also concerned about the impact of more homes in that area, which would create more impervious surface in that area. She said we need to consider the testimony of flooding in that area and the overall impact to the area. She noted that if the detention pond is not working properly at this time it might need to be changed. Therefore, she was not ready to change the zoning on this parcel to an R-8.

Also, considering the difference between 36 houses for an R-8 and 29 houses for an R-10, even with the additional constrictions for roads, **Orzen** said she wasn't very concerned about an increase of two houses at the R-10 zone but an increase of six houses at R-8 is a concern.

**Lajoie** asked for clarification that the scope of this discussion was only for a zone change from an R-10 to an R-8, and was told yes.

He asked if the streets that are proposed on this particular document could change, and **Drentlaw** said yes, noting that this would be discussed at the time of design review.

**Lajoie** said he doesn't see anything that indicates that approval for a change to R-8 is a bad thing and he doesn't see any discrepancies in the findings and documentation.

**Chair Carter** noted first of all that the PC does listen to the comments of the public and she said most of their comments seem to be about the road access going directly to South End Road rather than relating to the zone change request. She said the people need to realize that if they want the developer to agree to an access out to South End Road, which wouldn't necessarily be his first choice, they must give him something in return, and in this case that is his request for an R-8 zoning.

**Chair Carter** said she thinks the majority of the traffic from the existing areas will still use Filbert Drive rather than any future connection from this site should it occur, and she said the question is whether people would prefer the road configuration that is proposed with an R-10 designation or if they would prefer a street to South End Road with an R-8 designation.

She said the PC always has a difficult challenge with zone change requests because they come before, not with, the developers' plans. However, as in this case, we must work based on the current criteria, and everything presented suggests that all criteria are met for an R-8 zone designation change. She said she has heard the citizens' comments and has also heard that the developer is willing to work with staff about access to South End Road, so she thinks they need to allow the developer to have the R-8 designation. She noted that this doesn't necessarily mean more houses, but it can mean a better, more functional development.

**Main** moved to approve recommendation of this zone change request from an R-10 to an R-8 to the City Commission. **Lajoie** seconded the motion. The votes were: **Orzen**—no; and **Main, Lajoie, and Chair Carter**—yes. The motion passed 3:1.

## NEW BUSINESS

- **Elections:** **Drentlaw** said Municipal Code Chapter 2, calls for election of officers (Chair and Co-Chair) for a term of one year at the first meeting of the new year.

**Orzen** nominated Chair Carter to continue for another year as Chair. **Main** seconded the nomination, and it passed unanimously.

**Chair Carter** nominated **Orzen** as Co-Chair. **Main** seconded the nomination, and it passed unanimously.

- **Crosswalk Signs:** **Main** said he, too, had heard some comments about the “green crosswalk men”, which are not approved for use in the current Code. He agreed that they seem to work in reminding people to drive more slowly in the school zones and he asked if staff could look into making some kind of an appropriate change.

**Drentlaw** said he would check with the City Manager and the Police. He said he doesn’t think the City will pursue their removal, but he will confirm the status.

**Orzen** asked if they are located in the street or along side the street. **Main** said sometimes they are in the middle of the street so perhaps some guidelines are needed.

**Chair Carter** agreed that if they are working, she would rather err on the side of safety with regard to school children, so she hopes they can continue to be used.

#### **ADJOURN**

With no other business at hand, the meeting was adjourned at 8:15 p.m.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES**

**February 10, 2003**

**(Joint Work Session between Planning Commission and City Commission)**

**COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Mengelberg  
Commissioner Orzen

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dee Craig, Director of Parks and Recreation  
Dan Drentlaw, Planning Director  
Gordon Huiras, Director of Public Safety  
Nancy Kraushaar, City Engineer  
Pat Johnson, Recording Secretary

**CITY COMMISSIONERS PRESENT**

Mayor Norris  
Commission President Lemons  
Commissioner Bailey  
Commissioner Hewitt  
Commissioner Neeley

**COMMISSIONERS ABSENT**

Commissioner Main

**1. CALL TO ORDER**

**Mayor Norris** called the meeting to order at 7:00 p.m.

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

None.

**3. WORK SESSION: Highway 99E/McLoughlin Boulevard Plan** (Nancy Kraushaar)

**Kraushaar** made the presentation for the McLoughlin Boulevard Enhancement Plan project, which is being funded by a TGM (Transportation Growth Management) grant, which is administered by ODOT (Oregon Department of Transportation). She explained that ODOT provides funds for cities and counties to do projects that link land use and transportation together.

**Kraushaar** said staff has working on the project since October 2002, along with Jerry Mitchell and Jeff Mitchem of Capital Project Consultants. (Mitchell is the project manager.) She said they have had one public open house for discussion with the stakeholders and many members of the community. She said there is also a Technical Advisory Committee comprised of representatives of ODOT (Traffic plus Planning), Tri-Met, Metro, and the City of Oregon City. There is also a Citizens Advisory Committee, which is comprised of about 20 people who represent many types of citizens in Oregon City, which has met twice thus far.

**Kraushaar** then introduced **Mitchell**, who used a Power Point presentation of various visual images of the City along with his verbal presentation. He said to date they have done the existing conditions assessment, which is summarized in the report which was distributed earlier. (Copies of this report and the project goals are available in the public record.) **Mitchell** said they looked at state, regional and local plans and policies very seriously because those guide what can and must be done. He said they looked most closely at Oregon City's Waterfront Master Plan and Downtown Community Plan, and also very closely at the proposed plan districts as set forth in the Downtown Community Plan. They then looked at streetscape, primarily from a pedestrian's perspective in walking the corridor. They also talked about motor vehicles, bicycles, and transit.



He said the third section of the Existing Conditions memo is about transportation, which is DKS Associates' assessment of existing conditions and which includes some new work considering existing traffic volumes and existing forecasts of future volumes. (He noted that Carl Springer of DKS was in attendance to discuss this further or answer questions, if so desired.)

**Mitchell** said if he had to summarize the existing conditions in one or two sentences, he would say that land uses adjacent to McLoughlin Boulevard have become disconnected from operations on McLoughlin Blvd., especially downtown and, to some extent, in spite of McLoughlin. In other words, the businesses have turned their backs to McLoughlin and in some cases have torn the buildings down and put surface parking next to McLoughlin. He said the challenge now is to figure out how to reconnect land uses to operations on McLoughlin.

Speaking briefly about the current work and the next task, **Mitchell** said they are now looking at the opportunities and constraints to achieving the project goals. They have developed a goals statement, pulling information from the existing plans as a guide from the community, and have divided the corridor into informal segments to better manage the process. They will then develop evaluation criteria that will be used to evaluate alternative designs (which is the next test). He then asked for input based on the evaluation criteria once they have distributed it to the two commissions (City and Planning).

**Neeley** noted that Mitchell had made a small reference to pedestrians, but said he wanted to note that he thinks it is important to have a connection from downtown to the riverfront, which **Mitchell** said they would consider.

**Mengelberg** added that she thinks we need to expand the sidewalk network on both sides of McLoughlin. Also, she would like to see some creative suggestions for buffering noise, and consideration for reducing the number of driveways onto McLoughlin.

**Mitchem** then gave a more detailed explanation of the project in three different segments. They were:

1. Opportunities and Constraints: This is a process of evaluating the existing conditions through the project goals. He said there are different layers of the street, which include street segments; sidewalk-oriented buildings; bike connectivity; mass transit facilities, operations, and related stops and transit centers; parks/open space (including the river resource nearby); signalized intersections (for motorists, bicyclists, and pedestrians); and major attractions which cause demand for travel for bicyclists and pedestrians.
2. Streetscape Composite: They have identified six segments from the south to the north (entitled South Entrance, Riverfront Historic Downtown, Multi-Use Path Commercial Corridor South, Freeway Interchange, Commercial Corridor North, and Green Corridor North Entrance on the "Opportunities & Constraints" page of the handout). To this color coded symbols have been added to indicate such things as surface conditions (parking lots or underdeveloped lots); views; pedestrian crossings, signals, bike routes, and bus stops and shelters. Regarding the issue of building orientation, the lots colored in green have direct relationship (primary pedestrian access) to the sidewalk and those in gray do not have a direct relationship to the sidewalk but have oriented their primary entrances to surface parking lots instead. (This only applies to the structures adjacent to McLoughlin.)

He said they would be dedicating their energies to exploring thoroughly what this composite means in terms of opportunities and constraints on a segment-by-segment basis. Within each segment, there is a series of primary (entry level) topics to which they will add the opportunities and constraints in the process of determining how to reach the goals.

3. **Design Elements:** In distinguishing the design elements, there must be a way to describe the distinctions among the alternatives for the improvements and recommendations in the final recommendations of this plan. For this project, a vocabulary has developed which is organized by different levels of improvement. **Mitchem** showed some pictures as he explained the different levels. They include:

- **Safety Improvements:** These kinds of things enhance safety to pedestrians and bicyclists, and improve operations for transit and vehicles. Some examples of safety improvements might include ADA requirements; pedestrian-activated crossings (crosswalk buttons); greater visibility of crosswalks and enhancing crossings where demand dictates; removing obstacles in existing problems; widening sidewalks; and providing crossings that provide pedestrians refuge.
- **Streetscape Improvements:** These are street furnishings or other things that make a street a more attractive and comfortable place to be. This is something that takes place over many blocks and might include street trees; historic paving materials; baskets and/or planters; seating; banners; aesthetic treatments to trash and recycling receptacles, and phone booths.
- **Focal Point:** Using the same set of improvements, investments, or tools, there is a focus at key crossings. This intensifies a feeling of a street-furnishing zone as you approach an intersection, reaching a crescendo at the intersection itself and then fading away fairly quickly. This might include pushing the streetscape back into the block face a little bit; demand or need for additional information (i.e., for bus routes or district activities); expanded/enlarged/improved transit facilities; fountains; special paving on the sidewalk and street itself (which is traffic calming); and gateway opportunities or vertical elements.
- **District Improvements:** These improvements are cumulative, but add improvements, which relate to the private side of the equation. They enhance the appearance of structures and provide a greater opportunity for people who are working or living or enjoying the inside of structures to participate with the environment immediately outside of the structure. This is a multiple-block condition, which might include building facade improvements (including reorientation to the sidewalk); improvement to use places in all weather; public art (murals); and painting of thematic treatments. The whole approach and sense of this is that of arriving at a place and experiencing it for many blocks, and then exiting it.

**Mitchem** then explained that they like to do these design elements in different types of levels or responses to the opportunities and constraints, and generally present these in three packages spatially or geographically. The elements are combined in one of three ways:

1. **Linear**, in which you treat the corridor as one element and you distribute most of these investments throughout the entire length of the corridor. There would be little variation or distinction throughout the length, and the tendency is to prioritize the multi-modal or throughput efficiency of the entire corridor.
2. **Point**, which consolidates these at key crossing locations for a consistent, repetitive level of crossing and emphasis of these improvements at a fairly predictable level or frequency throughout the length.
3. **District**, which recognizes or enhances some of the unique character opportunities throughout the district, recognizing that there is an opportunity to establish a cultural focus for different places within the district.

Or a preferred alternative might be to combine the best of all three of these. The hopeful result will be to create a feeling that, rather than a corridor; this is a collection of unique places connected by a segmental treatment (which may be the same or which may vary slightly).

**Neeley** recalled a walk the commissioners took through the downtown area during which **Bailey** had pointed out an area where the West Linn bridges crosses the river, which is a very constrained area for traffic (and not

particularly safe for traffic), but which could be an excellent pedestrian area from the elevator to the river and on up to the promenade. **Mitchell** agreed, saying that area (7<sup>th</sup> Street) is at least a focal point.

**Chair Carter** said an important issue to her is that the PC had a lot of discussion about what to do with the buildings that have frontage on both Main Street and McLoughlin (99E). She thinks this needs resolution before deciding many of the other issues. **Mitchell** agreed, saying they need a streetscape concept that will support and be supported by development on private property.

**Chair Carter** said another issue is the speed of traffic through that area, which directly relates to the feasibility of building fronts facing McLoughlin.

**Kraushaar** added that we need to consider on-street parking and whether there are places that are appropriate for such on McLoughlin.

With these issues being raised, **Mitchell** introduced **Carl Springer** of DKS to discuss the transportation issues.

Before his presentation, though, **Hewitt** asked if any of the downtown business-owners are included in these discussions, to which **Kraushaar** replied that anyone who owns property along the entire corridor (including on Main Street) were invited to the stakeholders meeting. **Mitchell** said some have attended and he has gone door-to-door to talk with some of the business owners. He said there seems to be a lot of interest and pretty good awareness, and some who are located between 11<sup>th</sup> and 15<sup>th</sup> have expressed an interest in seeing more pedestrian traffic.

**Springer** distributed a diagram from Chapter 3 of the existing conditions for a quick overview, which showed the corridor from north to south. He said the ADT (Average Daily Travel) varies from about 40,000 vehicles per day under the freeway down to about 20,000 by the tunnel, noting that about half of the vehicles turn and go up the hill. He also noted that the facility as it is currently sized is eight or nine lanes wide under the freeway and four lanes wide at the south end.

He said they counted volumes of autos, buses, trucks, bikes, and pedestrians during the morning, mid-day, and the p.m. peak hour periods to get a good feel for the volume throughout the day. They found that:

- The highest pedestrian use locations were at Main Street and Dunes, and all the other intersections on McLoughlin were fairly low because about the middle third of the corridor really has no place for pedestrians to cross, thus making attempted crossings very unsafe.
- There are basically no bike lanes or facilities on McLoughlin, and they observed zero bikes during those times of day. (This did not include Main Street, which is a much safer street to traverse on a bike.)
- Regarding vehicle capacity and its operation, the two intersections that showed up on a recurring basis were at the southbound ramps at 205, and at 14<sup>th</sup> Street in the morning. He added that the West Linn bridge, although not an actual intersection, bears heavy traffic in the afternoon.

**Springer** noted that the crash rate (calculated by a specific formula) from the freeway (205) on down is three to four times the average elsewhere in the state. He thought this could probably be directly related to the fact that the access spacing standards (for the number of driveways and streets) are three to four times as frequent as the city street standards suggest.

**LaJoie** said he thought part of the issue must also be one of speed (as compared to Hawthorne Boulevard in Portland), and **Springer** agreed. **Springer** said it might also be because of access control in that McLoughlin is

mostly 5-lane with no medians. He suggested that it might be more viable to either have some kind of median control or to close the gap.

When **Mengelberg** asked if Springer was talking about particular intersections, **Huiras** said the biggest problems were at the intersections of 99 and Dunes, all of the 205 ramps, and east of 99.

**Springer** said another issue is what will happen to the southbound slip lane, particularly if the desire is to produce a pedestrian crossing, perhaps at 14<sup>th</sup>. One question is whether the slip lane really gives good results because, in fact, traffic studies show that there is generally very little time savings associated with slip lanes.

He noted that another issue or option is to use the existing slip lane for something else (i.e., a bus rapid transit).

**Mengelberg** asked at what rate traffic volume is projected for increase per year. **Springer** said historically it is about 2%.

**Lajoie** asked if someone could cite another parallel of a street/corridor that carries 40,000 vehicles per day, and it was noted that Sandy Boulevard carries that much in parts, as does Macadam. **Springer** said in his experience it is not uncommon for well-designed five-lane arterials to carry 50-60,000, depending on how far apart the intersections are spaced, the amount of access control, etc. For instance, he said Murray Boulevard carries about 50,000 per day but that much of it is extremely well access-controlled in that there are absolutely no driveways between signals. The same amount (about 50,000) is true on Tualatin Valley Highway.

**Springer** said one question is whether it is likely that we would ever *not* have five lanes on McLoughlin, but according to the plans he has seen, probably not.

He also added that truck volumes are fairly high (about 10% in morning and peak hours), which is pretty high on arterials, and they are likely to remain so.

**Neeley** said he thinks the Transportation System Plan (TSP) calls for 12<sup>th</sup> Street coming onto McLoughlin, which was confirmed. In considering pedestrian issues, he suggested consideration of a tunnel underneath McLoughlin for access to the river. **Springer** said that is a possibility, noting that they are definitely looking for opportunities for more signalized pedestrian crossings but this might be an alternative.

**Chair Carter** suggested consideration of a pedestrian crossing over the top of McLoughlin as well, and Lemons agreed with an earlier comment in that he expects there will be even more truck traffic in the future.

**Bailey** referred to examples of surface treatment and asked to what degree those traffic-calming techniques work in high-volume, high-speed situations, and to what degree signals and landscaping affect traffic. **Mitchem** said the most sensible solution involves as many improvements as possible, which can make a real difference. For instance, he said he can't understate the value of the vertical element (i.e., perhaps a wall) which can make a difference in the perceived width yet not change the actual width at all.

**Bailey** said he sees two specific needs, those being traffic needs versus pedestrian and bicycle needs. He said if the crossings were limited but were made to be very attractive, he thought people wouldn't mind walking a ways to them rather than crossing at an unsafe place.

Regarding pedestrian crossings, **Neeley** recalled that the proposals include Mixed Use zoning. He thought that if people on the third floor of a building could gain access to the river from that level without having to go to the street level and cross the highway, which could be attractive. **Springer** said experience shows that over

crossings generally don't get used much. **Mitchell** agreed, saying they had done studies in Salem and Milwaukie and found this to be true, although he noted that in some cases this might be a good solution but they can also deactivate the street by taking away foot traffic from the businesses at street level.

## **ADJOURN**

Due to time constraints in order for the Planning Commission to continue with the evening's business, **Mayor Norris** closed this portion of the meeting at 8:05 p.m.

Before dispersing, **Kraushaar** noted that the PC has a representative in Mengelberg at these meetings. She also noted that the next public open house/stakeholders meeting is tentatively scheduled for May 1<sup>st</sup>.

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Linda Carter, Planning Commission  
Chairperson

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Sean Cook, Associate Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
February 10, 2003**

**COMMISSIONERS PRESENT**

Chairperson Carter  
Commissioner Lajoie  
Commissioner Mengelberg  
Commissioner Orzen

**STAFF PRESENT**

Sean Cook, Associate Planner  
Dan Drentlaw, Planning Director  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

Commissioner Main

**1. CALL TO ORDER**

**Chair Carter** called this portion of the meeting to order at 8:17 p.m. (the first hour having been spent in a joint work session with the City Commission to hear a proposal about the Highway 99E/McLoughlin Boulevard Plan). She noted that **Main** would no longer be serving on the Planning Commission (PC) because he has accepted a position to serve on the school board.

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

None.

**3. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the hearings on the agenda this evening, both of which are quasi-judicial in nature.

**VR 02-10 (Request for a Continuance to February 24, 2003); Great American Development: Joe Spaziani; Request for a continuance of the Planning Commission Hearing for a Variance to increase the maximum cul-de-sac length by 50 feet for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.**

**Drentlaw** said the applicant was requesting a continuance to the next PC hearing date for this variance while reviewing alternative designs for the subdivision. **Mengelberg** moved to approve a continuance to Feb. 24, 2003, as requested. **Orzen** seconded the motion, and it passed unanimously.

**ZC 02-03 (Quasi-Judicial Hearing); Pan Pacific Retail Properties: Roger Shirley; Request for a variance to the sign ordinance for height and allowable signage for a freestanding sign at the Oregon City Shopping Center identified as Clackamas County Map 2S-2E-29, Tax Lot 1800 and located at 1900 SE McLoughlin Boulevard.**

**Chair Carter** gave the parameters and procedures for this hearing and asked if asked any members of the Planning Commission (PC) wished to: 1) abstain; 2) declare a conflict of interest; or 3) report of site visits or ex parte contacts, and if all members of the PC were familiar with the application. **LaJoie** had visited the site, none reported bias or ex parte contacts, and all were familiar with the application. There were no challenges against the Planning Commission (PC) or any individual members to hear this case.

**Cook** made the presentation on behalf of staff, noting that no comment was received from the general public and that he had distributed a letter earlier this evening from the Park Place Neighborhood Association.

(Note: A full copy of the application, staff report, and other applicable materials are available in the public record.)

**Cook** said the proposal is for a sign (as shown on an overhead) with a variance request for height and allowable signage. The proposed sign is located along the McLoughlin Boulevard frontage at the entrance to the Oregon City Shopping Center. The existing sign is non-conforming to existing City standards. The applicant wishes to structurally alter the existing sign and convert it to the sign as shown. However, the sign code prohibits the altering or replacing of any non-conforming signs without bringing them up to current standards.

**Cook** noted that there is a small challenge in the fact that staff must review this variance based on the City Code and not on the existing sign. He explained that the maximum height allowed by the sign code is 30 feet and the proposed sign is 55 feet, 6 inches. The current maximum allowed signage is 150 square feet and this sign is 443 square feet.

The Code provides four variance hardship criteria:

1. Extraordinary circumstances that apply to the property but don't apply to other properties in the area.
2. A variance is needed to preserve a right that other property owners already have.
3. A variance does not conflict with the sign code or injure the use and enjoyment of the properties around it.
4. The variance is the minimum necessary to relieve a hardship.

As addressed in the staff report, staff finds that all four of these standards have not substantially been met. For example, regarding variance criteria #2, this variance would actually allow the applicant to have a sign larger than any of the nearby properties.

In closing, staff finds that the proposal does not meet all the necessary criteria for the variance request. Therefore, staff recommends denial of VR 02-14.

**LaJoie** asked if the PC could separate the two issues (height and signage) and approve one or the other. **Cook** said they could.

**Dan Osterman**, Tube Art Signs, 4243A SE International Way, Milwaukie, OR 97222, spoke on behalf of the applicant. He said the applicant felt this site was unique in that it does not have multiple entrances with multiple freestanding signs. He showed pictures of various other sites with multiple frontages and signs. In contrast, the subject property is unique because there is only one signaled entrance/exit. It has a setback of about 1,000 feet to Fisherman's Marine, which makes it very difficult to see what tenants are in the center without literally turning your head and reading the signs on the buildings. Therefore, he said it is fairly important to maintain the existing freestanding sign, both into the site and into the signaled intersection. He did note that there is a curb-cut to the north but it is tough to use, and a side access to the north which is not widely known about or used. These issues, then, are what the applicant feels are unique to this site as compared to other shopping centers in the area. He then submitted the picture into the public record. (**Chair Carter** also noted that the letter needed to be marked as an exhibit, which staff acknowledged.)

**Osterman** said they (the applicant) also think the site uniqueness extends to the fact that the site has been more or less a gateway sign into Oregon City from the north. Furthermore, this site is different than other shopping centers in Oregon City because it has a regional draw with Fisherman's Marine and Emporium, which are different than a draw for a grocery store.

Also, its proximity to I-205 adds to bringing people in from outside areas. However, a negative effect is that the some of the freeway ramps actually block visibility to the site, which creates some confusion. The existing sign is not dominating to the area in size because there is so much in the area with the I-205 overpass and the ramps. There are not a lot of visual corridors into the site.

**Osterman** then addressed the issues in the staff report as follows:

- Regarding staff's analysis on item 1 (page 5), it didn't feel like the setback nature of the buildings was an adequate claim as a difficulty. He said it is about 1,000 feet from the curb back to the main building, so that is a long way to rely on wall signs from McLoughlin.
- Visibility of the shopping center from I-205 is really negligible. If a person is looking for it, it can be seen, but for someone who hasn't been there before, it is not very visible.
- Regarding item 2, the analysis says, "This variance does not appear to preserve a right of the applicant..." He said they feel that this application for variance is basically requesting continuing use of the existing sign. They were told initially that, under the guise of a grandfather clause, they could change copy and paint the sign without seeking variance. What they didn't realize until they saw the staff report was that "As charged by the sign code, City management, and legal council, staff may be pursuing compliance of this code section in 2004" (page 2, paragraph 5). He said he had not been told whether there is an amortization program in place for removal of all non-conforming signs. He said Pan Pacific has just acquired this property and were unaware of this, and staff did not advise them of any amortization program being in place. The applicant simply wants to clean it up and rework it to give the sign a more modern appearance.
- Regarding item 3, which says that "the requested variance will not be materially detrimental to, or in conflict with, the purposes of this chapter...or be injurious to the public", the applicant felt it was an existing sign and has not had any negative impact in the 30-40 years it has been there and that they are not creating any new impact, so they couldn't see where they would be creating any negative situation by asking to maintain this existing sign. He noted that in Mr. Shirley's letter he expressed that he felt it was really important to clean up the old sign since it is a gateway to the City, and he wished to maintain the Oregon City name/logo on the top. Basically, they feel they are not attracting attention by showing a dominating-sized sign, considering the scheme of the area and the scale of the site. Without the applicant's pointing it out, he doesn't think anyone would have guessed the area because it simply doesn't appear to be that big.
- Finally, staff said the applicant had not met the requirement to show that the requested sign is the minimum size needed to adequately advertise the tenants of the shopping center. He showed visuals of the existing sign and the possibilities of a copy change and paint as proposed by an architect to update it and make it more compatible with the building. The proposal advertises all the tenants. Further, they have actually decreased the signage size (depending on how a person measures out the copy area) but added three feet in height, all of which is in the crown molding.

**Osterman** reiterated that they assumed the grandfather clause would allow them to clean it up, paint it, and make it appear a little more modern under general maintenance.

**LaJoie** asked if the aspect of adding additional tenants to the sign is an important issue for the applicant (since they are adding signage for smaller retailers). **Roger Shirley** of Pan Pacific, 13635 NW Cornell, Portland, OR 97229, said they are not adding panels, although it might look that way because of the blank signs on the bottom. He said it is not that important to them (the applicant) that people know that this is the Oregon City Shopping Center, but it is important that people know who is there. The concept is to enhance the exposure of the tenants and this design allows them to add the small-shop tenants, including the Merchants Association. Therefore, he said it is critical because they have had vacancy and it has been a challenge to lease space. They



are not trying to add space to the sign but add exposure for new tenants. He reiterated that they are simply trying to add architectural features—they are not trying to get around the sign code by adding surface area. He said they have spent \$1 million to upgrade the property and they are just trying to put the finishing touch on the property.

**Osterman** added that, if approved, the five bottom cabinets are existing and the three base steel components are existing, so they are basically reworking the top part with the “Oregon City Shopping Center” name and adding a faux trim on the outside to tie it altogether.

**Chair Carter** asked how much linear footage is on McLoughlin Boulevard. **Cook** said it is about 1,200 linear feet on McLoughlin and about the same on the south side.

**Chair Carter** asked for confirmation that they are not structurally altering the sign because they would use the same supports, so they are only cosmetically altering the sign. Yes.

There was no public testimony in support of the application.

In opposition, **Ralph Kieffer**, 15119 Oyer Drive, Oregon City, identified himself as chair of the Park Place Neighborhood Association Land Use Committee and asked if the Commission had received the letter from them. (The letter was noted as Exhibit A and had been distributed.) Although he didn’t know if the comments would help much in the PC’s deliberations, he wanted to tell them some of the citizens’ views. He said there are four appointed members to the Land Use Committee and of the four, two were in favor and two were against this application. Of those in favor, one said the size of the sign was not of bother to him/her. The second person said businesses are hurting economically these days and a large size gives them an “edge,” so we should allow one of its present size, especially if it helps attract vehicles from I205. Of those in opposition, one said the new ordinance has been known for nine years; the owners knew the sign would be non-conforming in 2004, and they should follow the rules. Therefore, the request should be denied. The other person said there is a McLoughlin enhancement project in process and they want to create a consistent and memorable image for McLoughlin that reflects the history and character of Oregon City. Another point was to create an attractive, functional frontage for properties adjacent to McLoughlin. This person felt, “In light of these goals, the large non-conforming sign should be replaced with a smaller conforming sign.”

The applicant made no rebuttal.

**Drentlaw** responded to Osterman’s question about an amortization schedule by saying that the current sign Code has a provision that was passed in 1994 that says “non-conforming signs will be required to be removed in ten years.” He said the policy question for the City in 2004 is how aggressive the City is going to be in pursuing non-conforming signs. He reiterated that this has been in the City’s Code since 1994, so it really is not new information.

**Drentlaw** said staff’s other concern is that if the variance is approved and the money is spent to update the sign, there is a legal question as to the validity of the City ever pursuing removal of this particular nonconforming sign simply because of the fact that they will have put additional money into a new sign which was approved with a variance by the City. **Chair Carter** asked if he was saying we would pursue the removal of the sign and not give them the ten years to amortize out their expense. **Drentlaw** said if the variance is approved and they pay a lot of money for a new sign, he doesn’t think the City could pursue it. The idea of amortization is that we’re giving people ten years to utilize their investment in their sign. However, if we approve a sign now and they spend the money, we should really give them another ten years to amortize that sign.

**Mengelberg** asked staff if Pan Pacific were to bring in a proposal for a shopping center today, given the existing access points, where would sign placement be permitted? She identified three existing access points: the one right by the exit ramp, the signalized access, and the one at Firestone. Therefore, with the same access and the same configuration, would they be allowed three smaller signs according to the nine-year old code, or what would staff advise them regarding signage under the existing code. **Cook** said under the existing code they would be allowed one freestanding sign per frontage (premise), so they would be allowed one on McLoughlin and one on any frontage abutting a road—essentially two signs.

**Orzen** asked how many other non-conforming signs exist in Oregon City. **Cook** didn't know but admitted that there are definitely other non-conforming signs.

**Osterman** asked if a definite decision has been made to pursue removal of the non-conforming signs, and **Drentlaw** said no. **Osterman** said that would affect what they do because if they know a sign will be removed a year from now, it wouldn't make any sense to spend any money on it now.

Regarding Mengelberg's question about where they might put new signs, **Osterman** said he understood Cook to say they would be allowed to put smaller signs on each frontage, so he said if they could identify three sides to the property, they would be allowed to have three smaller signs. Therefore, it sounds like they could put one at each end five feet from the property line [along the north and south sides] and one in the middle along McLoughlin. If they knew the existing non-conforming sign would have to come down in a year, that would probably be a more logical way to pursue this signage issue.

**Shirley** noted for information purposes only that Clackamas County has a grandfather clause that allows a continuing use permit so they don't force an amortization on non-conforming signs. He said the City of Portland has the same thing. They allow a certain amount of change but they doesn't force amortization because they felt it was unconstitutional to demand a private property owner to abandon, surrender, or stop using private property.

**Drentlaw** said that if the variance were approved, the sign would no longer be non-conforming.

With no other comments, **Chair Carter** closed the public hearing at 8:57 p.m.

In deliberations, **LaJoie** said he has struggled with this decision. He said he thinks it is important to understand the concept of how strip centers and malls function in that they are relying on the anchors. The smaller tenants don't get the ability to have their own big signs because they are relying on the anchors. So the part about adding more area for smaller tenants doesn't ring true for him because it isn't in the spirit of what that building type is all about.

He said another important part is that the idea of corner commercial because retail is all about exposure, and this is a corner. As such, it has a unique ability to get traffic from four directions as opposed to from just one street. He admitted that there is no visibility from I-205 westbound. He said from McLoughlin heading north, raising the sign doesn't help at all because the overpass blocks the view, and on McLoughlin heading southbound, raising the sign doesn't accomplish anything. From I-205 northbound, he would have thought they would want larger signs because you can't read the signs except for Rite-Aid. Further, had he been the architect, he would have advocated that all the major tenants should have had a larger sign. (He thought they are allowed 20 feet, but they are currently only 17.5 feet.)

**Orzen** said she likes the looks of the new sign. Normally she doesn't like "bigger", but this is only three more feet. She acknowledged that they have made major improvements in the shopping center. She noted that you

could see the shopping center from I-205 heading east. In conclusion, she said she would probably support approval of the request.

**Mengelberg** commended Pan Pacific for its investment in modernizing the shopping center. She said she thinks the sign design is attractive and would enhance the appearance of the shopping mall. On the other hand, she was not convinced that such a large sign is necessary. After looking at Osterman's examples of some of the other shopping malls (Berryhill and others), she said they have similar long setbacks and they are able to do just fine with the smaller signs. She said sign standards change over time, and to allow such a huge variance in height and sign surface sets a bad precedent for the new sign ordinance (even though it has been in place since 1994). This would give the shopping center an advantage over others in the community and it would make it much harder to enforce and ask new developments to comply with the existing sign ordinance. Therefore, even though she thinks the sign is attractive, she was not convinced that it needs to be as big as it is and she would encourage the shopping center to consider smaller signs that are in conformance, and perhaps more of them in key locations.

**Chair Carter** said personally she feels some of these issues do fit the criteria for variance based on the following considerations:

- They are owners of two frontages that are 1,200 linear feet each, for a total of 2,400 linear feet, but we have a sign code that goes up to 200 linear feet, which would logically seem to be a problem.
- Regarding the setback, she said she doesn't think there are any other shopping centers that have a setback that deep.
- She believes this is a continuing use. They are not structurally changing their sign; they are cosmetically altering their sign. If they were to take off the Oregon City logo from the top, the sign change would have no difference to it at all. So, she thinks in this particular instance it is a good thing for Oregon City to have a sign that is highly visible advertising that people are now entering Oregon City, especially since there is no other signage at the that side of town saying such.
- The sign clearly has had no negative impact and is not injurious to anyone else.
- From a mathematical point of view, with the current sign code, they would have the ability to have at least two signs, if not three if they could put something on the north side. Therefore, for the sake of argument, they could have three signs 30 feet high each, for a total of 90 feet in height in three signs instead of a total of 55 feet in one. They could also have up to 150 square feet on each side of each sign for a total of 300 square feet per sign, for a total of 900 square feet as opposed to 443 square feet. Considering these figures, she doesn't think it makes sense.
- If they were to put smaller signs at several locations, it would only serve to confuse the consumers about which is the major driveway or which is the safest.
- They would literally lose the south frontage because they can't use it due to the freeway off-ramp, which is an exception that other businesses don't have to deal with.

In summary, she said she doesn't think there is anything wrong with the overall size of the existing sign and she thinks it would be a great enhancement to have the sign updated as proposed. She said she might be a little "stiffer" on this if they were actually tearing down the existing sign and rebuilding a new one, but they're not. They are using the existing structural support for a sign that has been there for many years and there is no new construction. Therefore, she thinks the sign that existed at the time should be able to continue in existence and that the applicants are within their right to give Oregon City the benefit of some nice signage at the north end of the city. In summary, **Chair Carter** said she thinks this fits the criteria for a variance.

**Orzen** noted that they were looking at the sign code several years ago, but it was somehow put on the back burner. She said she would like to see it reviewed again. **Chair Carter** agreed, saying that it is intrinsically unfair to apply the existing code to large properties because it was designed for small properties.

**Orzen** moved to approve the request for variance for sign height and signage as requested in VR 02-14. **Chair Carter** seconded the motion. In polling the Commission, **Orzen** and **Chair Carter** voted in favor and **Mengelberg** and **LaJoie** voted against. The motion failed due to a tie vote, which resulted in no decision. **Drentlaw** noted that the decision is appealable to the City Commission.

## **NEW BUSINESS**

**Mengelberg** asked staff what the timeframe is for the next steps for changes to the Comprehensive Plan and when public hearings will begin. **Drentlaw** said staff has completed the policy portion and the map, but they are still working on several Code changes for implementation of the proposed changes, which are quite comprehensive because of the zone districts. He said he is holding back on setting a public meeting until those proposed Code amendments are done because of Measure 56, which requires that they must send out notices to every property owner in the city and he would like to send out notice only once to save costs. He said he would like to present a draft of the Code changes to the PC in a work session, to be followed by public hearings, probably in early April.

**Chair Carter** noted that the agenda for Feb. 24<sup>th</sup> would be very full and confirmed that they will start at 7:00 p.m. **Drentlaw** said staff would distribute materials for that meeting as soon as they are available.

**Mengelberg** asked what the procedures and timetable are for getting a new PC member. **Drentlaw** said the mayor is aware of the situation and has already begun interviewing people for the position. He thinks it is quite likely that someone will be appointed before the Wal-Mart hearings begin.

## **ADJOURN**

With no other business at hand, the meeting was adjourned at 9:15 p.m.

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Linda Carter, Planning Commission  
Chairperson

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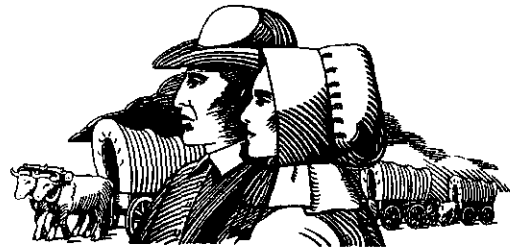
Sean Cook, Associate Planner

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Commission Chambers - City Hall

February 24, 2003 at 7:00 P.M.

### PLANNING COMMISSION MEETING

7:00 p.m. 1. **CALL TO ORDER**

7:01 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

7:05 p.m. 3. **HEARINGS:**

**WR 02-16 (*Quasi-Judicial Water Resource Hearing*)**, MJF Development: Mike Flurry; Request for a Water Resource Overlay District determination for the properties located at 19398 South Leland Road, Clackamas Map 3S-2E-7D, Tax Lot 301 and the southeastern portion of 19400 South Leland Road, Clackamas Map 3S-2E-7DB, Tax Lot 3000.

7:25 p.m. **VR 02-10 (*Quasi-Judicial Variance Hearing*)**; Great American Development: Joe Spaziani; Request for a Variance to increase the maximum cul-de-sac length by 50 feet for the property identified as Clackamas County Map 3S-1E-12A, Tax Lot 2300 and located southwest of Partlow Road and southeast of South End Road.

8:05 p.m. **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.

**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.

**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.

**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.

**SP 02-09 (*Quasi-Judicial Site Plan and Design Review Hearing*)**, PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for Site Plan and Design Review of approval of a one-story retail building and associated parking lot for the properties identified as Map 3S-2E-5DB, Tax Lots 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3201, 3300 and Map 3S-2E-5D, Tax Lot 500.

**WR 02-12 (*Quasi-Judicial Water Resource Hearing*)**, PacLand: Scott Franklin (Owners are indicated on the Staff report); Request for a Water Resource determination for the properties identified as Map 3S-2E-5DB, Tax Lots 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3201, 3300 and Map 3S-2E-5D, Tax Lot 500.

10:55 p.m. 4.      **NEW BUSINESS:**

11:00 p.m. 5.      **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
March 24, 2003**

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT**

Sean Cook, Associate Planner  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

None

**1. CALL TO ORDER**

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

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

None.

**3. APPROVAL OF MINUTES (1/27/03 and 2/10/03 Work Session and Hearing)**

There were no corrections or changes to the minutes of Jan. 27<sup>th</sup>. However, **Orzen** noted that in the minutes of Feb. 10<sup>th</sup> the references on pages 2 and 3 to "Mitchem" should read "Mitchell" (one on page 2 and two on page 3). With no other changes, **Orzen** moved to accept the minutes of 1/27/03 as submitted and of 2/10/03 as corrected. **Mengelberg** seconded the motion, and it passed. (**Powell** abstained on both since he was not in attendance, and **Lajoie** abstained on the 2/10/03 minutes since his copy was different and he couldn't verify them.)

**4. HEARINGS:**

**Chair Carter** gave the parameters and procedures for the hearing on the agenda this evening, noting that it was quasi-judicial in nature.

**VR 03-02 (Quasi-Judicial Variance Hearing); Troy Weler; Request for a Variance to reduce the front yard setback from 20 feet to 9 feet for the property identified as Clackamas County Map 2S-2E-31DB, Tax Lot 8100 and located at 803 Brighton Avenue.**

**Chair Carter** asked if any commissioners had any ex parte contacts or bias with regard to this application, and there were none. **Lajoie** reported that he had visited the site.

**Sean Cook** gave the staff report, saying that this was a request for a variance in the reduction of a front yard setback from 20 feet to 9 feet to allow for the construction of an attached garage at 803 Brighton Avenue. He used an overhead map to show the location of the site (Exhibit 2 in the staff report).

**Cook** said the major relevant issues have been addressed in the staff report so he would not verbalize them all, but he would discuss the criteria that focus on rights commonly enjoyed by neighbors and compatibility with the neighborhood.

The applicant is requesting a variance to construct a garage in a similar location as his neighbors, who have garages in their front yards. Without this type of garage, the applicant feels he would be deprived of a right commonly enjoyed by his neighbors.

Regarding neighborhood compatibility, the applicant took the effort to talk to those neighbors immediately abutting his property and has obtained signatures from each of them showing their support of his proposal.

**Cook** said staff has received no letters of opposition after noticing, either from property owners or the neighborhood association.

In closing, staff finds the proposal appears to meet all the criteria necessary for the variance and, therefore, recommends the approval of VR 03-02.

**Chair Carter** asked if the 20 foot measurement is the entrance into the property, to curve in towards the garage and back out again. **Cook** said yes.

**Troy Weller**, applicant, 803 Brighton Avenue, said he has lived in the Rivercrest Park area for about eight years and in this house for about eleven months. After having lived there for awhile, he can see why his neighbors have built their garages in the locations they did. He approached the Planning Division with some preliminary drawings, for which they made some suggestions in order to make them meet Code. He worked with staff on the details, had an architect draw up new plans, and submitted the current application, which he believes now meets all the criteria. He noted that he did a lot of research on the bluff and he thinks his is the only flag lot on that bluff without the garage in this location.

**Weller** reiterated that he had worked through the details with an architect and the planning staff but noted that one difference from his neighbors' garages is that his is attached whereas theirs are actually detached. However, he believes this plan meets the criteria.

Regarding the aesthetics, **Weller** said the house can hardly be seen from Brighton due to the house in front, the hedges, and several oak trees. However, the proposal is that all the finishes will match the house, probably more so than on a typical garage. He added that the garage is right up against the house, which is 80 feet long, but the garage is only 36 feet in length.

When **Lajoie** asked if Weller is planning to maintain the existing garage as well, he said he would like to convert it to a family room for more usable space for his children.

There was no public testimony for or against this application.

**Chair Carter** closed the public hearing and moved to deliberations.

**Mengelberg** said she would support this application. She said it seems only fair since most of the neighbors already have a garage in front of their houses, and the house is well screened from the road and by a hedge as well. She said she was also encouraged that the property owner at 809 Brighton has signed the petition, since they are the closest and most impacted by the garage. Further, she said the design is attractive and blends well with the house.

**Lajoie** asked Cook about the staff write-up wherein it says the interior side yard is "9 feet/ 5 feet" and this is 8 feet, and he asked what the determining factors are. **Cook** said the 9 and the 5 are actually each of the side yard requirements. However, there is no distinction regarding which side either is on. This, then, allows for flexibility in the site planning according to which way it works, as long as they have 9 feet on one side and 5 feet on the other.



Regarding neighborhood compatibility, the applicant took the effort to talk to those neighbors immediately abutting his property and has obtained signatures from each of them showing their support of his proposal.

**Cook** said staff has received no letters of opposition after noticing, either from property owners or the neighborhood association.

In closing, staff finds the proposal appears to meet all the criteria necessary for the variance and, therefore, recommends the approval of VR 03-02.

**Chair Carter** asked if the 20 foot measurement is the entrance into the property, to curve in towards the garage and back out again. **Cook** said yes.

**Troy Weller**, applicant, 803 Brighton Avenue, said he has lived in the Rivercrest Park area for about eight years and in this house for about eleven months. After having lived there for awhile, he can see why his neighbors have built their garages in the locations they did. He approached the Planning Division with some preliminary drawings, for which they made some suggestions in order to make them meet Code. He worked with staff on the details, had an architect draw up new plans, and submitted the current application, which he believes now meets all the criteria. He noted that he did a lot of research on the bluff and he thinks his is the only flag lot on that bluff without the garage in this location.

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**Orzen** said the application is very straightforward and well done. She noted that there are quite a few constraints in that area and she said this looks like it would be a good addition. Therefore, she would support it.

**Powell** said he appreciates the effort the applicant put forth and although he knows there were probably some staff issues, it is nice to see that the applicant is working through them and striving to make something very appealing, even though it may not be particularly visible to the neighborhood.

**Chair Carter** added that it was very nice of Weller to get the neighbors' approval of his proposal in advance, which **Weller** said the Planning Dept. actually suggested.

**Orzen** moved to approve variance VR 03-02 requesting a reduction of a front yard setback from 20 feet to 9 feet to allow for an attached garage at 803 Brighton Avenue. **Lajoie** seconded the motion, and it passed unanimously.

## 5. NEW BUSINESS

None from staff.

**Orzen** said the 16<sup>th</sup> Annual City Cleanup will be held on April 26<sup>th</sup>, 2003. It will be coordinated at Clackamette Park at 8:30 a.m. , and there are 12 sites scheduled for cleanup. There will be vouchers available, but they will be given out on a "first come, first serve" basis. She said more information will be available on the Oregon City web site ([www.orcity.org](http://www.orcity.org)).

Regarding the next meeting for Wal-Mart, **Chair Carter** said the next meeting was announced to be on April 8th, which is actually a Tuesday rather than a normal Monday meeting day. However, since it was announced that way, it will remain on that day and date.

## 6. ADJOURN

With no other business at hand, the meeting was adjourned at 7:20 p.m.

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

  
\_\_\_\_\_  
Sean Cook, Associate Planner