



City of Oregon City

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

Meeting Minutes - Final

Planning Commission

Monday, February 13, 2017

7:00 PM

Commission Chambers

1. Call to Order

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

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

Staffers: 3 - Laura Terway, Trevor Martin and Carrie Richter

2. Public Comments

There was no public comment on non-agenda items.

3. Public Hearing

3a. Request for Continuance to February 27, 2017: AN-16-0004 / ZC-16-0001: Annexation and Zone Change of 35.65 Acres North of Holcomb Boulevard

Chair McGriff opened the public hearing.

Laura Terway, Community Development Director, said the applicant had modified the annexation application to include a zone change. Staff had not done a staff report on the modified application yet and requested a continuance.

Mike Ziolk, Oregon City resident, asked questions regarding the public comment process.

Mike Robinson, representing the applicant, explained the reasons for the continuance. Any issues raised tonight would be addressed at the next hearing.

Kim Krumm, Oregon City resident, expressed her concerns regarding traffic, especially traffic back-ups on Holcomb Boulevard. More traffic would reduce her livability. She also had concerns regarding school capacity.

Chris Borisch, Oregon City resident, read the City Commission's mission statement. She discussed how this application did not meet that mission statement due to the lack of sidewalks in this area, two blind curves on Holcomb, and unsafe conditions.

Bryce Borisch, Oregon City resident, explained his concerns regarding traffic and congestion from his experience as a school bus driver as well as concerns about school capacity. He thought citizens should be able to vote on this annexation.

Troy Lavoie, Oregon City resident, spoke regarding the extra traffic this application would bring to the area, which he compared to four miles of traffic with 130 extra cars.

Bob LaSalle, representing the Park Place Neighborhood Association, quoted the Municipal Code regarding the factors the Commission should consider when reviewing a proposed annexation. There would be issues with school capacity and increased traffic and congestion if this property was developed and there was a cumulative effect of these developments on infrastructure and the community. The Association recommended denial of this application until solutions to these problems could be found. This property was also in the Barlow Road historic corridor.

Barbara Renken, Oregon City resident, agreed with what had already been said. Traffic was coming and going from Highway 213 and Highway 205 and it was already congested. There were also flooding issues on this property.

Joe Novak, Oregon City resident, agreed with the comments that had been made about the traffic issues. He discussed flooding issues he had on his property and those surrounding his property. He thought developers were not constructing homes with proper provisions for the water in the area.

Torey Lam, Oregon City resident, stated there was only one park in this area and traffic was an issue.

Gary Shaner, Oregon City resident, explained the issues at Highway 213 and Redland and Highway 213 and Highway 205, which were in the jurisdiction of the state.

Mike Ziolk, Oregon City resident, asked for the process to be extended longer to give people a chance to review the reports and give comments.

A motion was made by Commissioner Mabee, seconded by Commissioner Geil, to continue the hearing for AN-16-0004 / ZC-16-0001: annexation and zone change of 35.65 acres north of Holcomb Boulevard to February 27, 2017. The motion carried by the following vote:

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

3b.

Proposed Sign Variance an existing sign at 19352 Molalla Ave.in the General Commercial (C) Zoning District (Planning File VR 16-03).

Chair McGriff opened the public hearing and the hearing statement. She asked if the Commissioners had conflicts of interest, ex parte contacts, bias, or any other statements to declare.

Commissioner Henkin had been to Little Cooperstown and Le Croissant on occassion. Commissioner Geil drove by the site daily. Commissioner Mabee drove by the site daily and frequented several of the businesses there, but had not been in contact with the owners or their representatives. Chair McGriff had visited the site.

Trevor Martin, Planner, presented the staff report. This was a request for a variance to expand an existing sign beyond the dimensions specified by the General Commercial District, adding 30 square feet to an existing 50 square foot sign on Molalla Avenue. He explained the site plan, 2008 sign permit, and current sign configuration which showed the additional 30 square feet had already been added without a variance approval. He showed the street view of the sign and neighboring signs. He then reviewed the variance criteria. Staff recommended approval of the variance.

Mike Robinson, representing the applicant, said the applicant agreed with the staff report and findings. He explained why the photos of the neighboring signs were relevant as they showed this application was compatible with the same zoning district in the area. It also helped to understand the applicant's problem with the L-shaped lot and good visibility. This application met the approval criteria. This would provide better visibility for the businesses, if this site was 24 feet wider on Molalla they would be allowed 150 square feet of signage not 50, and the additional signage was on the base of the sign, not on the top. He asked for approval of the application. He apologized that the addition had already been done before the variance request was approved.

There was discussion regarding when the the sign addition took place, the allowed size of the sign, making sure the address was included on the sign for Fire Department purposes, what other options were proposed that would accomplish the same purpose without altering the sign, comparing this sign to the lack of signage for other neighboring businesses, and how this was a public benefit.

There was no further public testimony.

Chair McGriff closed the public hearing.

Commissioner Geil said he lived in an HOA where many times people made changes to their property and then asked for permission saying it was easier to ask for permission after it was done than to ask for permission before it was done.

Chair McGriff reopened the public hearing.

Mr. Robinson also lived in an HOA and he understood what Commissioner Geil was saying. There was nothing in the record, evidence, or testimony that the applicant had an intent to violate the code and then ask for forgiveness. He offered an apology on behalf of the applicant. He thought the application needed to be judged on the merits of the approval criteria, not on a motivation that was not apparent in the record.

Chair McGriff closed the public hearing.

Commissioner Mabee was concerned about setting a precedent. A lot of work had gone into the sign code revisions and he was not inclined to allow a variance to the sign code when the revisions were in place when this change was made.

Commissioner Mahoney had concern that the addition was done before approval, and suggested a fine be charged. He was also concerned about setting a precedent, but thought this would add to the safety of the public to have a bigger sign that was easier to see. He was in support of the application.

Commissioner Espe thought there were issues with these types of L-shaped lots where businesses were turned out of the public frontage and not visible. He thought adding to the sign beforehand was a miscommunication, not an intent. He agreed there was a possibility that this would set a precedent, but there was a problem with this lot and visibility. He was in support of the application as well.

Commissioner Henkin did not think the applicant was aware of the City's codes. There were problems with this lot and he was in support as it would not cause damage to the adjacent properties and this was the minimum variance that would alleviate the hardship of the lot. It was not a bad looking addition and would help the businesses be

more visible.

Chair McGriff disagreed with the staff report and did not think it was the minimum variance that would alleviate the hardship. She thought there should have been evidence showing how the applicant tried to use the current sign square footage and could not do it and that was why they were asking for a variance. She did not think the application met all of the criteria and there was no compelling reason to grant the variance.

Commissioner Geil would abstain as he had been stopped when asking questions regarding when the work was done and it seemed he was saying the wrong things.

Commissioner Mabee said with the knowledge that every variance stood on its own merits and did not necessarily create a record and with the comments by the other Commissioners about the shape of the lot, he was in support.

A motion was made by Commissioner Espe, seconded by Commissioner Henkin, to approve VR 16-03, sign variance for property located at 19352 Molalla Ave. The motion passed by the following vote:

Aye: 4 - Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

Nay: 1 - Denyse McGriff

Abstain: 1 - Tom Geil

4. Approval of the Minutes

4a. Approval of Planning Commission Minutes for June 13, 2016, June 27, 2016, July 11, 2016, July 25, 2016, August 08, 2016, and September 26, 2016.

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, to approve the June 13, 2016 Planning Commission minutes. The motion carried by the following vote:

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

A motion was made by Commissioner Henkin, seconded by Commissioner Mabee, to approve the June 27, 2016 Planning Commission minutes. The motion carried by the following vote:

Aye: 5 - Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Abstain: 1 - Tom Geil

A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to approve the July 11, 2016 Planning Commission minutes. The motion carried by the following vote:

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

A motion was made by Commissioner Espe, seconded by Commissioner Henkin, to approve the July 25, 2016 Planning Commission minutes. The motion carried by the following vote:

Aye: 5 - Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Tom Geil

Abstain: 1 - Damon Mabee

A motion was made by Commissioner Mabee, seconded by Commissioner Geil, to approve the August 8, 2016 Planning Commission minutes. The motion carried by the following vote:

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

A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to approve the September 26, 2016 Planning Commission minutes. The motion carried by the following vote:

Aye: 5 - Robert Mahoney, Paul Espe, Denyse McGriff, Damon Mabee and Tom Geil

Abstain: 1 - Zachary Henkin

5. Communications

Commissioner Mabee said he and Commissioner Mahoney were on the Alternate Mobility Study Committee for the Beavercreek/213 intersection. He reported on what the Committee had discussed.

Ms. Terway said a remand was received from LUBA for the zone change and Comprehensive Plan amendment for Historic Properties.

Chair McGriff would be attending a Willamette Falls Legacy Project Interpretation Framework Stakeholders Group meeting next Wednesday.

6. Adjournment

Chair McGriff adjourned the meeting at 9:06 PM.