



CITY OF  
**West Linn**

PLANNING COMMISSION

Minutes of August 17, 2011

Members present: Vice Chair Michael Babbitt, Gail Holmes,  
Laura Horsey and Christine Steel

Members absent: Chair Robert Martin, Holly Miller and Dean Wood

Staff present: John Sonnen, Planning Director; Chris Kerr, Senior Planner;  
Tom Soppe, Associate Planner; Sara Javoronok, Associate Planner; and  
Damien Hall, City Attorney

CALL TO ORDER

Vice Chair Michael Babbitt called the meeting to order in the Council Chambers of City Hall at 7:30 p.m.

PUBLIC COMMENTS (None)

PUBLIC HEARING

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

**VAR-11-01, Request for variance for proposed Legacy Medical Sign**

Vice Chair Babbitt opened hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest or bias. None were declared. Commissioners Holmes, Horsey, Steel and Vice Chair Babbitt each declared a site visit. No one present challenged Planning Commission or any individual Commissioner's authority to hear the matter.

*Staff Report*

Associate Planner Tom Soppe presented the staff report. He employed photographs to point out the location of Willamette Marketplace; the location of the clinic within the shopping center; the surrounding streets; and the proposed location of the sign above second floor windows. He advised the applicant was requesting a Class II variance to be allowed to have a sign that was two feet over the sign code's 25-foot height limit. Staff recommended approval subject to one condition. They found this was an exceptional circumstance under which the code would allow a variance. The applicant needed to be able to show people on the street where the clinic was. The applicant had reported many clients could not find the clinic. The clinic should be able to have the same level of visibility that other businesses in the same zone

and vicinity had. The request variance of 2 feet was the minimum necessary. Granting the variance would not adversely impact other properties.

During the questioning period, the Commissioners wanted to know if the height of the proposed letters was the same as the height of the Pacific West letters. The applicant answered that question later. Soppe clarified the condition of approval required the applicant to conform to the site plan and sign graphic they had submitted. He clarified the 25-foot height limit applied to wall signs. He recalled a similar sign variance had been granted to a business on Blankenship so that applicant could place a sign high enough on the building to be seen from the freeway.

#### *Applicant*

Landon Marsh, 8890 SW Laurel Leaf, Portland, Oregon; and Michelle Kurzhals, 15012 Smithfield Dr., Oregon City, Oregon; testified on behalf of the applicant. Kurzhals was the Legacy West Linn clinic manager. They explained the applicant could not place the sign on the lower part of the building because the landlord reserved that area for first floor tenants' signs. They explained having the signage was critical for the semi-urgent health care facility. They had a lot of Medicare and Medicaid patients and provided a lot of charity care. There were a lot of "no show" patients. Some gave up in spite of detailed directions. The applicant had submitted statistics that indicated that a significant percentage of people trying to find the clinic either could not find it or had difficulty finding it. That was a community health and safety issue. In addition, the economically struggling shopping center, which was a gateway to the City, needed more foot traffic. The clinic had the capability to serve 60 people per day. Those people would also patronize other businesses in the center. The applicant's representatives clarified that Pacific West's letters were five or six inches smaller than what they proposed. They said they wanted their sign to blend in with the building and not be an eyesore.

During the questioning period, the applicant's representatives clarified the sign would be illuminated 24 hours a day, or for however long the property manager required. Holmes advised them to find a way to ensure people understood the entrance was on the other side of the building. The representatives reported they were developing a directional plan. They confirmed that they had explored other signage options with the property manager but found none. They had rejected the alternative of placing the letters on the glass because it would not look good. They did not anticipate the third floor tenants above them would also want signage above their windows because that space was rented to small private offices that did not typically need retail type signage. There was no other testimony.

#### *Deliberations*

Vice Chair Babbitt closed public hearing and polled the Commissioners. Commissioners Horsey, Holmes and Steel each indicated she supported granting the variance. Holmes wanted patients to be able to find the clinic and to know they had to enter at the back of the building. Steel reasoned that an additional two feet was a small price to pay for the community benefits that

people would be able to find the clinic in an emergency and economic improvement of the shopping center. Babbitt explained he was torn. Improving business at the clinic would be great for the local economy and the shopping center, but he held the criterion that required an exceptional circumstance was not met. Every business in the City would want its sign to be as visible as possible, but some might not have that opportunity. The applicant had known the sign height limit was 25 feet when it chose the clinic location. Soppe clarified for Horsey that the criterion was that the variance was necessary to allow the applicant to enjoy the same property rights as other businesses enjoyed in the same zone or vicinity. Staff found they had the right to make the business visible enough that clients could see it clearly and be able to find it. Others in the vicinity enjoyed that right. Horsey did not favor forcing the applicant to place poor-looking signs in the windows in order to comply with the code. What they proposed had more visual appeal and would help clients find the clinic.

Commissioner Horsey **moved** to approve VAR-11-01 subject to the condition recommended by staff. Commissioner Steel **seconded** the motion and it **passed** 3:1. Vice Chair Babbitt voted against.

#### WORK SESSIONS/ACTION

**CDC-09-05, Proposed CDC amendments – regulatory improvement proposal** Continued from August 3, 2011.

#### *Staff Update*

Senior Planner Chris Kerr presented the August 11, 2011 staff report. The staff had revised the draft to reflect what the Commissioners had asked for at the previous meeting. Since then one email had been submitted to the record. He summarized the changes in the draft amendments. He noted the staff had removed amendments related to home occupation trip limits. It might be appropriate to consider them later, in a separate process in which the Commission was to consider more substantive code changes. During the questioning period, Commissioner Horsey suggested using the term, “religious organizations” instead of “churches” when talking about building height. Kerr suggested using “place of worship” because that term was used elsewhere in the code. Horsey suggested the Commission consider making changes to code limits on commercial office building height in a separate process. Kerr explained the new definition of “Structure” would help the City avoid legal issues the old definition caused. He agreed to correct a reference to “top of slope” in an illustration related to Chapter 32.

Commissioner Steel **moved** to recommend the Council adopt CDC-09-05 with the change that replaced “church” with “place of worship.” Commissioner Holmes **seconded** the motion and it **passed** 4:0. The Commission then took a short break and reconvened in work session format at approximately 8:45 p.m.

**Discuss draft work program for historic code update (CDC Chapters 25 and 26)**

Associate Planner Sara Javoronok presented the staff report (see her memorandum dated August 5, 2011). She advised the proposed amendments would change code related to the Willamette Historic District (Chapter 25) and historic landmarks (Chapter 26). Certified Local Government (CLG) funding had helped pay for the update project. Staff had incorporated suggestions from the Historic Review Board (HRB), the State Historic Preservation Office (SHPO) and the Willamette Neighborhood Association. An initial set of amendments to Chapter 25 had been adopted in 2010. This was Phase 2. She outlined a process work plan. The HRB and Planning Commission were to be briefed during the process. People in the historic district and real estate and building professionals would be surveyed. A technical advisory committee would be formed and work with a consultant to fashion the amendments. The draft amendments would be vetted at a public forum. Then the HRB would review them and forward a recommendation to the Planning Commission, which would make its recommendation to the City Council. The draft code included a delisting procedure and incorporated National Park Service Secretary of Interior standards. The map that identified contributing and noncontributing structures would be updated. Javoronok wanted to know if the Commissioners favored adding another classification of Landmark. Some existing Landmarks had been significantly changed. She asked if they favored having a different level of review of differing properties. The grant agreement set an August 31, 2012 deadline, but the process schedule ended in October 2012 in order to accommodate time for public involvement.

During the questioning period, Commissioner Holmes agreed with incorporating Secretary of Interior standards in the code. It was important to have consistent standards throughout the country. She advised the HRAB wanted the staff to be consistent in their answers when owners came to the City to ask if they could make changes, such as changing out windows. Javoronok clarified the HRB had review and approval authority for projects that involved changes to property in the historic district that would not be subject to review if the property was not in the district. The HRB had the authority to review proposed changes to property in the Willamette Falls Drive commercial district, but it could only forward a recommendation to the Planning Commission, which had Class 2 design approval authority. Vice Chair Babbitt advised the staff to ensure any proposed changes to the CDC were consistent with Comprehensive Plan goals, policies and action plans. He confirmed he would have no problem with changing the Comprehensive Plan and the CDC concurrently. If some of the goals had already been met the Comprehensive Plan should say that. Sonnen agreed to look at expanding the scope of the process to include fashioning a complementary Comprehensive Plan package. Javoronok anticipated the staff would reach out to try to involve owners of historic properties that were not within the historic district. Holmes suggested the City could have an historic conservation district as well as a national register historic district, so more homes were protected. She also suggested it would be logical to put the Heritage Tree Listing in the code with the Landmark Listing. The staff advised that it was the Municipal Code that gave the Council authority to designate Heritage Trees. They were under the purview of the City Arborist. Sonnen was reluctant to add review of Heritage Trees to HRB review authority. Javoronok offered to find out where the Listing was kept.



Holmes recalled the HRAB had talked about protecting properties near the mill with an overlay. Javoronok observed they might be affected by the Highway 43 process. But she advised that an overlay would require a code change and it might affect many businesses that operated out of those residences. Sonnen related the staff had been talking with the people marketing the former Blue Heron Mill property in West Linn and the surrounding neighborhood associations. Most of the property was in the floodplain or habitat conservation area. But it might be possible for about 15 acres of ponds to be filled in and redeveloped. The DEQ had determined that the materials there were not toxic.

Babbitt suggested shortening the timeline so the amendments could be adopted by August 31. He suggested the technical committee and HRB collaborate or work concurrently and conduct the survey earlier so they could achieve consensus earlier in the process. Javoronok was also the primary staffer on the Highway 43 project and that would require her time, but she agreed to look into how to shorten the time frame. She reported the neighborhood association felt the timeline was too short. Babbitt suggested deleting the part of the memorandum that said the amendments did not have to be approved by August 31 and retaining the language that advised it was supposed to be completed by August 31. Sonnen suggested the Commission examine the proposed package after it was put together and before public notice was distributed. Holmes volunteered to participate in the advisory committee. The staff planned to distribute an invitation to others to participate also.

ITEMS OF INTEREST – COMMISSION FOR CITIZEN INVOLVEMENT (None)

ITEMS OF INTEREST FROM STAFF (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

APPROVED:



Michael Babbitt, Vice Chair



Date