

CANBY PLANNING MEETING
REGULAR MEETING
MAY 14, 1990

1. ROLL CALL:

Present: Chairman Schrader, Commissioners Wiegand, Bear, Lindsay, Nicholson, Zieg and Mihata.

Others present: Rusty Klem, John Kelley, Marv Dack, Dave Peer, Suzi Finucane, Butch Olsen, Al Sizer, R. F. Losch, Joyce Faltus, Dan Larson, Eileen Osmer, Ethel Ketchner, Cheryl K. Learfield, Ed Sullivan, D. Nelson, Harold R. Wodtli, Velinda Poe, Reta De Santis, Tamara Maher, Helen Leach, John Watson, Lyle, Read, Joe Forsythe, Gary H. Sowles, and Robert Smith.

2. MINUTES:

(A) Planning Commission minutes of February 26, 1990, were read and approved with noted changes.

(B) Planning Commission minutes of March 12, 1990, were approved as read.

3. COMMUNICATIONS:

Communications were handed out to Planning Commission with regard to general information on the assisted living facility. There were no other communications.

4. UNFINISHED BUSINESS:

After the four public hearings items before the Planning Commission, the Planning Commission is to consider design review.

5. BUSINESS FROM AUDIENCE:

Sande Torgeson, 34815 Dickey Prairie Road, Molalla, Oregon, read a letter to the Commission. The letter is attached to these minutes as Exhibit "A". She stated that Mr. Klem's letter refers to the decision as ZC-89-02. She could find nothing in the files indicating that the conditional use permit issued to ALF, Inc., for a living center for frail elderly carried this designation. She believes ZC-89-02 designation belongs to the zone change decision for Marv Dack and not the decision she is presently appealing. In her April 8, 1990, letter, she also asked for a rehearing on the Dack zone change decision. Although the normal appeal procedure would be to go directly to LUBA, she chose this route in order to give the City of Canby an opportunity to rehear voluntarily the matter based on earlier LUBA decisions with respect to the lack of effective notice, thus save both the City and the Torgesons the cost of a LUBA appeal. However, since the City of Canby has no provision under its ordinance for rehearings and they have exhausted all available remedies and since the Torgesons have received no response as to voluntary rehearing, they filed an appeal of the zone change matter to LUBA. The appeal that the Torgesons are appealing to the Commission is a staff decision denying their right to appeal the conditional use decision made in April 1989.

John Kelley stated that the Torgesons' appeal is pending now. Staff has prepared the record and sent that down to LUBA. LUBA has received the record and the Torgesons are in the process of preparing Petitioners' Brief. The Commission may go ahead with the regular agenda for this meeting since the Torgesons have not applied for a stay which is their right if they want to prohibit the Commission from taking any further action on that piece of property. Consequently Mr. Kelley did not believe the Commission was prohibited from proceeding at this meeting.

Mrs. Torgeson stated that only the zone change is on appeal to LUBA at the present time. The conditional use is not. They are still going through local level on the conditional use.

Mr. Kelley stated that since Mrs. Torgeson's letter raises a different issue than the appeal to LUBA, he would like some time to read through it and respond at a later date. Mr. Kelley stated that the Commission has legal issues they need to deal with. The major issue they need to deal with must be dealt with without looking at the Torgesons' appeal. He suggested the Commission go ahead and hold a public hearing on the third item on the agenda.

Chairman Schrader asked the staff and city attorney to develop some responses to the issues raised by Mrs. Torgeson and bring them before the Commission.

Chairman Schrader stated the following with regard to the public hearings that are to follow:

According to ORS 197.805 the comments made at the public hearings must pertain to the applicable substantive criteria; testimony and evidence must be directed toward the criteria stated or other criteria in the plan or land use regulation which the person believes to apply to the decision; and failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue.

6. PUBLIC HEARINGS:

(A) Minor Partition Application--MLP-90-05 (Greg Anderson/Terry Learfield) The applicants have requested to adjust several lot lines, to create one additional lot for a total of seven, and to dedicate a portion of street. All lots are zoned R-1, Low Density Residential, and are 7025 square feet or more in size. The existing parcels are Tax Lots 400, 401, 402, 404, 500, 501 on Tax Map 3-1E-32A.

The staff report dated April 4, 1990, and setting out staff's position in this issue, was presented by Rusty Klem. Staff's recommendation includes the following conditions:

1. The applicant shall prepare a final partition map. The final partition map shall be a survey plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition plat shall be recorded with the Clackamas County Surveyor, and a copy of the recorded map shall be provided to the Planning Department. No building permits for the newly

created parcels shall be given until the recorded map has been provided.

2. New deeds and legal descriptions for the new lots shall be prepared and recorded with the Clackamas County Recorder. Copies of the new deeds shall be provided to the Planning Department prior to the issuance of building permits for the new lots.

3. The survey shall reflect dedication of N. Ash Street as approved by the Public Works Director.

4. N. Ash Street must be built with sidewalks and curbs and asphalt prior to any building permits being issued on created lots.

5. Knights Bridge Road adjacent to Tract 5 and 6 will be curbed and asphalt-improved from the existing street to the curb. Sidewalks will be part of that improvement also.

6. All streets will have 12-foot utility easements adjacent to them. All exterior lot lines will have 12-foot utility easements, and all interior lot lines will have six-foot utility easements.

7. All monumentation and recording fees are to be paid by the applicant.

8. All utilities must be installed according to the specifications of the service provider.

9. All construction of utilities in public rights-of-way and on utilities will be preceded by a preconstruction conference to be coordinated with the Public Works Director.

10. All engineering and curve data for N. Ash Street must be submitted to the Public Works Director for review prior to construction of the street.

11. Prior to extending any facilities, a preconstruction conference must be scheduled.

Commissioner Lindsay stated that now might be a good time to talk about the narrow portion of Aspen Drive.

Mr. Klem stated that this is mentioned on Page 12 of the staff report. Aspen Street is only half a street adjacent to Tract 6. It narrows down from a full street to a half street. When the subject first came up about two years ago, it wasn't required that the street be pushed through because of the house on Tract 6. The existing house was in the way of a straight continuation of Aspen. The applicants talked about taking down the house or moving it. Apparently that will not be done. We only lack one block of getting something done there. One thing that we could do is put a curb in and neck Aspen down at that point, two lanes right there with no on-street parking. The rest of the street is a regular full width street. Another solution is to stay with what was decided earlier, and that was if and when the house is removed, burned, or rebuilt substantially, the City would force it to be moved and the street extended at that time.

Commissioner Bear asked if that house is removed, would the lot be too small for a buildable lot?

Mr. Klem stated that it would be less than the 7,000 square feet needed, about 6,300, however if the City makes a lot substandard because of a street extension or widening the end of a street, the Planning Commission can consider it a buildable lot.

Mr. Klem stated that you could also swing the street around the house and gooseneck it down at that point, but the street would come very close to the house.

Chairman Schrader opened the public hearing.

PROPONENTS:

The applicant, Greg Anderson, stated that he felt by doing this partition they would be creating better lots than are there already. There is one lot in the very back section that is not a buildable lot and can only be used as a garden spot. He felt it would be a good way to take care of that lot and also get the street through. Mr. Anderson asked if there was a problem with the curb and asphalt on Knights Bridge Road.

Mr. Klem stated that it is a standard condition that the curb be placed and that asphalt be brought up to the curb, and in some cases the curb is not at the proper elevation and would have to be changed. The Public Works staff will make that determination at a preconstruction conference.

There was some discussion about Tract 6 and what the future plans were for that piece of property. Mr. Anderson stated that it is a rental house. They have no plans to tear it down or move it since it has a full basement.

OPPONENTS: None

Chairman Schrader closed the public hearing.

The Commissioners discussed what would be the best way to adjust the lot lines in this area.

Commissioner Nicholson asked whether there was a condition in the staff report about Tract 6 and the existing house on that piece of property.

Mr. Klem stated he did not put a condition in because he didn't know how the Planning Commission would want to proceed, however, there is already an existing condition stating if the house is destroyed or substantially rebuilt, it will have to be moved.

Commissioner Zieg moved to approve the minor land partition of property described as Tax Lots 400, 401, 402, 404, 500, 501 on Tax Map 3-1E 32A, as it meets all the criteria for approving a minor partition and subject to the conditions set forth above.

The motion was seconded by Commissioner Bear. The motion passed unanimously.

(B) Minor Partition Application--MLP-90-04 (Miriam Larson). The applicant has requested approval to divide a 6.41 acre parcel into two lots containing 3.00 acres and 3.41 acres on property identified as Tax Lot 1200 on Tax Map 3-1E-34C.

Chairman Schrader asked the Planning Commission if there had been any ex parte contact or any conflict of interest. There was none.

Mr. Klem presented the staff report regarding the Larson application for minor partition.

Discussion followed regarding the problems with access. Staff reinforced its recommendation of straightening the corners on South Pine.

Chairman Schrader opened the public hearing.

PROPONENTS:

Dan Larson spoke in favor of the application giving a brief history of the matter. In 1986, Miriam Larson purchased the property and applied for and received a conditional use permit for elderly housing project and, in fact, received a building permit for the subject piece of property. The original plan was to go with housing for frail elderly. However, there was a problem with financing and the project fell through. That was four years ago, and the matter was just resolved legally in the last month. One of the conditions as part of the judgment is that the subject property be split in half, each partner receiving three acres or approximately one-half of the property. This is the reason for applying for the minor partition. It is a recorded judgment from a standing judge in the Oregon Supreme Court. It is not a matter of special interest in what happens, but it was one of the conditions ordered by the judge. As of this time, there are no plans for the property. Mr. Larson also stated that the staff report he obtained dated April 4, 1990, recommended approval. He was unaware that a new staff report had been written and didn't find out until this meeting.

Miriam Larson, the applicant, stated that she felt there were many ways that access could be gained to the property and that access to the other portion of the parcel was guaranteed by the judgment.

OPPONENTS:

Joseph Forsythe, 792 SE Township Road, stated he was one of the adjacent property owners, and that he was concerned about where the road would go.

John Watson, 6 Othello, Lake Oswego, Oregon, is also one of the adjacent property owners. He indicated that he would like to have discussions between the property owners in this area to work out a mutual agreement regarding access to all these parcels.

REBUTTAL:

Mrs. Larson stated that she had an earnest money offer on that north half, and it is subject to approval of the minor land partition.

Dan Larson further stated that they were not here for development approval. The property has been listed, and there is an offer contingent on it right now. If the minor partition is not approved, it probably will cost \$30,000 in attorneys' fees to go back and try to rewrite the judgment. Mr. Larson agreed that there should be some workable solution regarding access that can be worked out with adjacent property owners.

Chairman Schrader closed the public hearing.

Commissioner Lindsay asked that a copy of the judgment be submitted to the Planning Commission for their review.

John Kelley said he would like to see this judgment and see what it says.

Chairman Schrader asked Mr. Kelley to review the judgment to so that it may be taken into consideration when making a decision on this matter. He also asked that the other property owners meet with the Larsons and city staff to come to some mutual agreement on access along S. Pine and/or 5th Street.

Commissioner Lindsay asked if the City could extend 5th as a city-owned street and connect it to a public right of way that is owned by neither the city or the county? How do you run a 50-foot paved street into a 20-foot dirt road?

Chairman Schrader asked that staff also address that issue.

Chairman Schrader moved to continue this to another meeting to allow the city attorney to review the applicant's judgment, and for applicant and staff and perhaps the adjacent property owners to work out access to the properties in that vicinity.

The motion was seconded and carried unanimously.

After a brief recess, Chairman Schrader stated that the meeting would be going until 10:30. He stated that the Commission would not get to Item No. 4. Item No. 4 (Leach) was rescheduled for May 21, 1990. Leach will be heard first, and the remainder of the meeting will be devoted to the design review issue.

(C) Subdivision--SUB-90-01 (Cedar Creek Development). The applicants have requested to subdivide a 14.27 acre parcel that is zoned R-1.5 Medium Density Residential with a Planned Unit Development overlay. Approval of a PUD with individual lot sales requires consideration as a subdivision. The property involves Tax Lots 800, 900, 1000, 1001 on Tax Map 4-1E-4C. Also Tax Lot 1000 on Tax Map 4-1E-4B. An address of a residence on the parcel is 715 S.W. 13th.

Chairman Schrader asked if there was any ex parte contact or conflict of interest. There was none.

Mr. Klem presented the staff report in this matter. He read the criteria on which the decision of the Planning Commission should be based and recommended approval based on the following conclusions:

1. This proposal conforms with the text and applicable maps of the Comprehensive Plan.

2. This proposal conforms with other applicable requirements of the Land Development and Planning Ordinance.

3. The overall design and arrangement of lots is functional and adequately provides building sites, utility easements, and access facilities necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

4. The City's Comprehensive Plan has been acknowledged to be in compliance with the Land Conservation and Development Commission's Statewide Planning Goals.

In addition, that recommendation for approval is based on 11 conditions:

1. Approval of this subdivision is subject to the conditions noted on the Zone Change ZC-89-02 and the Major Land Partition MLP-89-05 previously approved for this parcel with the exception of #10 for MLP-89-05.

2. Recommendations of other jurisdictions are to be considered as conditions of approval.

3. Internal walkways are to be well lighted to better serve the elderly.

4. Provide landscaping to improve living conditions for the residents.

5. Approval of the subdivision is subject to general conformance with the master plan.

6. The maximum number of units allowed on the site is 171 counting the 25 in the Assisted Living Facility.

7. The full width of SW 13th must be constructed to a 10'-2"-4" standard in order to obtain access.

8. Development must be preceded by a preconstruction conference.

9. Additional parking is needed (or fewer apartments) to meet parking requirements of two spaces per unit and one additional guest space per five units.

10. A subdivision plat must be prepared and surveyed consistent with the Canby Municipal Code.

11. The maximum building height is 35 feet or 2-1/2 stories, whichever is smaller.

Commissioner Bear expressed his concern about approving a master plan

with a deficit in parking spaces.

Commissioner Nicholson asked if this proceeding was equivalent to a tentative plat.

Mr. Klem stated that in his opinion it was. The first time it was heard they were not going to sell anything. The master plan was a conditional use permit. In this case, it should be reviewed according to the criteria for a subdivision plat as opposed to a conditional use permit.

Commissioner Lindsay asked about the report prepared by Cornforth Consultants Geotechnical Engineers. Did they find that the bank was stable enough to build on and would there be a required setback that they recommended?

Mr. Klem said they did not mention a required setback but did suggest putting a retaining wall right on top of the bluff. A building on the bluff is going to have to be engineered for strength and to avoid sloughing.

Commissioner Lindsay asked why the requirement for the road was 10"-2"-4" instead of the usual 6"-2"-2".

Mr. Klem stated that the road must be built to handle truck traffic.

Mr. Lindsay asked how many parking spaces were needed to conform to the ordinance.

Mr. Klem said they must have 271 parking spaces for 123 apartments. Phase 2 does not provide for sufficient parking either. The single family portion of Phase Two is adequate; but the northeast corner is apartments, and there are not sufficient parking spaces projected. It would require 66 parking spaces, and there are 41 projected.

Commissioner Bear expressed concern about the drywells. At some point during the design level that issue should be addressed so that the drywells are not too close to the bank.

Mr. Klem stated that at the preconstruction conference any drywells that are proposed near the bank will be moved, and the grades will be changed so it flows away from the bank.

Chairman Schrader asked about how much open space there actually is in this development.

Mr. Klem stated that it is good size. There is a little bit of flat land down on the bottom. In fact, it's near where the picnic kiosks are shown to be. Most of it is designated as steep slopes. It's all designated as steep slopes in the Comp Plan being the limiting factor for development. It's shown here as open space and that's the reason for it.

Commissioner Bear expressed concern about the eight-inch sewer line on S.W. 13th. Would the line be able to handle this project?

Mr. Klem said yes, it would handle it according to our engineering records. The slope is fine.

Commissioner Bear asked if when HOPE started to develop would that put an extra load on this area.

Mr. Klem stated that at that time something will have to be enlarged. The plan is to divert flows.

Chairman Schrader opened the public hearing.

PROPONENTS:

Ed Sullivan, attorney representing Cedar Creek Development, spoke on behalf of the applicant. He addressed the issue of parking and referred to 16.82.040.B which reduces parking spaces for elderly projects by up to 60 percent. If the 60 percent applied, it would be 162 required spaces and we have 171.

The applicant, Butch Olsen, addressed the Planning Commission giving a history of the project. It began about a year and a half ago. It was a unique opportunity to create something different in Canby, an opportunity to create dignity among elderly housing especially wrapping the project around the assisted living facility which is nearing completion.

Mr. Sullivan submitted a memorandum to the Commission stating the criteria that are applicable to this matter. He stated that this is an application for development for senior citizens complimenting the assisted living facility on the adjacent property. The proposed development will comply with all city plan code provisions and also the Federal Fair Housing Act. The Planning Commission approved the original application for a zone change with conditions about a year ago, and approved a major partition again with conditions at about the same time, and also a conditional use permit for the assisted living facility again approved with conditions. The conditions are set out as Appendix A to the staff report and the applicant is in general agreement with those with the one modification suggested by staff tonight. Those conditions indicate a fairly uniform concern to develop this property in a manner to compliment the assisted living facility, to provide for public services concurrent with development, including the continuation of S.W. 13th as a condition. He requested that the three previous files be contained in the record. On the basis of the applicant's presentation and the three previous files, there is basis for a planned unit development approval for senior citizens with the two-step process that the city has. At this point, the first step is in the process. The master plan or outline of development indicates that all facilities and services are either there or are feasible and may be provided in setting out the very broad outlined uses. A second step to occur at the staff level is site development under Chapter 16.48 of the code which must be consistent with the approved master plan and the subdivision will contain the specific locations of easements, uses and utilities. It was raised before the problem with the radius occurred which gave rise to going back to linking up the planned unit development process again. It is certainly arguable that the original grant of the radius curve in the original development still required the staff to go through and look for detail ways of making 13th go through. One of the things that the Commission should consider is whether or not the continuation of the road has already been approved through the original PUD and whether or not the road has the necessary hookups before the PUD may be put through. The Planning Commission has also seen this matter--this

matter was originally to come before the Commission and was put off because of a notice issue. The city's approval of the original reserve of the subject property plus the assisted living facility has recently been challenged. That challenge has been filed partially in LUBA for the zone change and partially at this meeting with regard to the conditional use permit. The applicant is not a party to either proceeding. The city attorney will tell you that at least until LUBA overturns the actions, the Planning Commission should assume that the previous rezonings and permits are valid. Personalities have gotten involved in what should be a fairly simple land use proceeding. The Commission should consider only the land use issues. There are a number of important points to be made. One is that the zoning is Intermediate Residential, R-1.5, which allows a variety of single family and multi-family housing types. Another is that this is an area of special consideration. It is listed as number "J" in the plan in which upzoning is encouraged with certain public facilities and services, particularly the road, S.W. 13th. That's been required in the three previous proceedings that have already been before this Commission. It's now appropriate that the city follow through in the implementation of the upzoning in accordance with it's plan so that we can now provide both the right of way and the improvements. Also, approval of this proposal is consistent with city plan policies providing for an increase of housing opportunity, diversifying housing types, and providing flexibility in design. The applicant also provided for open space, both with respect to designation and use of land and ultimate maintenance through the covenants and the home owners association. They have provided far more than the minimum 10% required under the PUD provisions, and have sought to maintain that open space after Commission approval. The applicant has also provided for solar re-utilization by the orientation of the property and the open space. Given the two step process, the feasibility of providing the required public facilities and services, it is evident from the staff report and from the material submitted that everything can be provided to make this project work. Now is not the time to deal with final plans for these facilities. That's left to the site review process. What must be done at this point is to deal with the feasibility of the provision of public services and facilities and open space and determine whether the outline provided meets the city's code. Because the staff report has not dealt specifically with a number of areas, Mr. Sullivan spoke with Mr. Klem earlier and wanted to make sure that the particular plan policies and zoning ordinance provisions have been met.

Mr. Sullivan asked Mr. Klem if it was his view that the development proposal now provides adequate access for emergency response vehicles and for access for the safety and convenience of the general public? Mr. Klem said yes.

Mr. Sullivan asked Mr. Klem if all required material provided for under Section 16.62.010 has been provided? Mr. Klem said yes.

Mr. Sullivan asked if all the design standards of Chapter 16.64 been met or are feasible to be met? Mr. Klem said yes with the addition of the subdivision survey considerations and the preconstruction conference.

Mr. Sullivan asked if the form of the materials used in the PUD application under 16.72.030 comply with that section? Mr. Klem said yes.

Mr. Sullivan asked if the form of the materials used in the PUD application under Section 16.76.020,030 comply with that section? These sections deal

with both PUD and subdivision applications. It is a form to make sure all the materials are there. Mr. Klem said yes.

Mr. Sullivan asked if there were any modifications required under 16.76.040, modifications from the planned unit development? Mr. Klem said there are no modification requirements considered in the conditions.

Mr. Sullivan asked if he concluded from the materials before him that every application requirement has been met or is feasible of being met with the conditions suggested. Mr. Klem said yes.

Mr. Sullivan stated that he had the memorandum so it could be used by the city attorney for findings or for the basis of findings for the Commission. He suggested the Commission add conditions requiring that the CCR's and the homeowners' association materials be approved by the city attorney in a form which assures implementation of the master plan and the city's planning and zoning ordinance and that those provisions be met at the design review stage.

Commissioner Nicholson asked if any of those point to criteria of required density level.

Mr. Sullivan that it referred to the density of the underlying zone.

Commission Nicholson disagreed that this is in complete conformance with the zoning because of the apartments.

Mr. Klem said they are if they stay within the densities of the PUD.

PROPONENTS:

Don Nielson, one of the partners in ALF, Inc., testified. He stated that in the beginning they wanted to put an assisted living facility into that part of the city realizing that there would be housing to essentially support this kind of a project. What that does, because those are going to be younger retired people that are living in the project park that Mr. Olson and Mr. Dack are developing, is create a continuum of living. In other words, they can move through the development eventually to the assisted living facility, and if there is a partner that can continue to live in the house or apartment, there is available adjacent to them a facility that could take care of someone who couldn't live independently. That is an important part of our criteria or what we like to see happen in a community like this--different levels of living. He stated they are very close to opening the assisted living facility at this point, and are very much in support of what Mr. Dack and Mr. Olsen are doing next door.

Lyle Read, 588 N. Juniper, spoke. He is involved in a limited way working with Mr. Olsen on his project as well as some other things. He stated that from his own personal family experience, it was extremely difficult to find places like this for someone to live. It's very difficult for older people to find a place to be independent in our community and yet not have to provide maintenance, lawn care, etc. He though it was an unique opportunity and would like to see it go through.

OPPONENTS:

Sandra Torgeson, 34815 S. Dickey Prairie Road, Molalla, Oregon, spoke. She stated that she and her husband John own property directly below the subject development. She asked for a continuance of this meeting in compliance with ORS 197.763, paragraph 4 (A) which states that " All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public at the time notice provided in subsection (3) of this section is provided." She said that this means is if they wanted to rely on any of this extra information that they have submitted tonight they should have submitted it 21 days ago when the notice was sent out. This is procedural error. The remedy for that is that she may request a hearing or at least a continuation of the hearing for at least seven days, and that continuation does not affect the 120 day time frame. Any extensions because of a lack of what the applicant submits just extends that time.

Commission Schrader stated that the meeting would, no doubt, be continued.

Dan Larson stated that he was interested in doing a project similar to this one and would like to understand the procedures necessary to put this through.

Mr. Klem drew the Commission's attention to Section 16.76.030(A) which requires consideration of this request as a subdivision when parcels will be sold. He stated that the lengthening of the radius is the primary reason this matter was before them at his meeting. Once you lengthen the curve that changes the way you get access. That changed the size of the parcels on the northeast corner of the property and changed the general layout. The concept is virtually the same. Some of the footprints in the circulation have changed.

Sandra Torgeson suggested that at the continued hearing they be able to see a copy of the old plan and the new plan.

Mr. Sullivan suggested further that no additional information be dealt with at the continued hearing, but only what the Commission had before them at this meeting so there would not be a need for another continuation based on receiving new materials.

Mr. Kelley asked Mrs. Torgeson what new materials she was specifically referring to other than the applicant's memorandum.

Mrs. Torgeson stated that in addition to the memorandum submitted, Mr. Sullivan had introduced three files into the record that he would rely that were not previously part of the record. People who have not had any opportunity to know these changes are taking place will not know that this application is being supplemented and who knows what subtle changes are being made. There has to be some point in time when the application is complete and then a notice goes out about the hearing on this application. That gives everyone time to come in and see what they really want done with this application.

Mr. Kelley stated that the meeting needed to be continued because there

were people who needed to testify. He suggested continuing the meeting to a time when the Commission could devote the whole evening to this matter, close the record, and make a decision. It should be at least ten days. That will comply with the statute.

There was discussion among the Commissioners regarding the date to continue this hearing to. It was decided to continue the hearing until May 31, 1990, at 7:30 p.m.

The meeting was officially continued. The public hearing remains open. The meeting was adjourned.