

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
November 24, 1997
7:30 pm

I. ROLL CALL

Present: Chairman Dan Ewert, Vice Chair Keith Stewart, Commissioners Jean Tallman, Vern Keller, Terry Prince, Mark O'Shea

Staff: Jim Wheeler, Jason Kruckeberg

II. MINUTES

September 22, 1997
October 13, 1997
October 27, 1997

Commissioner Stewart moved to approve the revised draft of the minutes of September 22, 1997, as submitted, seconded by Commissioner Keller. Chairman Ewert asked if these minutes included the appeal on the 10' access panel. Staff acknowledged they do. Chairman Ewert stated that on page 3, item 3, **SUB 97-06 Riverside Homes** is taking issue with the fact that they are required to put in a 10' access panel. Minutes were approved and carried unanimously.

Chairman Ewert called for any further discussion. Mrs. Tallman questioned, from the last page, the Air Touch cell tower discussion, modifications and plan as to whether it needs to come before the commission again. The building for a church on Elm and NW 4th was discussed regarding the sidewalk in the front of the church being 8' instead of 5'. Staff indicated it was discussed at the following meeting. Page 5, last paragraph, of the October 27, 1997, minutes covers the discussion.

Commissioner Stewart moved to approve the October 13, 1997, minutes as submitted, seconded by Commissioner Tallman. Minutes were approved and carried unanimously.

Commissioner Stewart questioned the Director's Report, Page 5, 2nd paragraph. He stated there was discussion about options and recommendations, but is not reflected. He felt, based on the fact it was a City Council discussion item, our official records should reflect that dialog between the city and Planning Commission. Commissioner Stewart moved to deny the minutes until such time as the Director's Report can be rewritten to expand on the discussion. Seconded by O'Shea. Motion to deny minutes of the regular meeting of October 27, 1997, was carried unanimously. Staff was asked to follow up.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

Mr. Prince asked staff about City Council discussions about the IGA for traffic study of NE Territorial and Hwy 99E. He asked if they were looking to redo the SDC portion for Territorial for the light there. Staff said it hasn't been figured out yet, but that it is a possibility. Staff stated the IGA was strictly for dealing with the preliminary design and cost estimate for the construction of a signal and improvements to the intersection only. Staff indicated they may look at revamping the SDC's to deal with it, and now they were dealing with the transportation system plan for changing the north-south arterial from Holly to Ivy. Mr. Wheeler stated in doing that, it could save close to \$400,000 because of right of way acquisitions that would be necessary to turn Ivy into an arterial. He also stated the savings could get rolled into partial SDC funding of the Territorial light.

Mr. Prince asked about funding possibilities for NE Territorial. Mr. Wheeler stated that there are many possibilities, such as if the church wanted to give monies. He said there are monies dedicated prior to SDC for that signal of between \$10,000-20,000 from Willow Creek and Redwood Terrace Apts. Mr. Prince commented it will be interesting to see what they do as it seems like they'll have to do something pretty soon if they're going to accept any money for the light

otherwise it's going to be difficult for the Commission to justify spending that much money there if it's not part of the SDC plan.

Commissioner O'Shea asked to discuss the sign issue at Canby Car Wash and Lube. He stated that upon several visits back to the site, he was still in disagreement with Mr. Scott about the sign being placed there. While Commissioner O'Shea realizes the issue cannot be opened back up, he would like the Commission to require that future plans include the sign in the original design so the design could include a monument sign. It was even suggested to eliminate both pole and monument signs if adequate signage was on the building. Chairman Ewert stated he could see a problem in that it would take a rewrite of the sign ordinance as it stands because buildings that have a certain amount of square footage are allowed a certain amount of signage. Mr. Prince stated allowance needs to be made for the distance between the sidewalk and the curb, or make some kind of adjustment for that. Mr. O'Shea volunteered that if it requires a rewrite of the sign ordinance, he would be willing to do it. He stated he would like to see the commission avoid situations in the future where, because the sign was not approved with the plans, the commission is forced to approve what will fit.

Staff indicated the current sign ordinance was approved about three years ago, along with input from the Chamber of Commerce and the business community. Staff recommended the commission look at the matrix and offered suggestions to make a significant increase to the value of signage. Staff felt this formula may be easier to get approved and less controversial.

Mr. O'Shea accepted the task of working on a rewrite of the sign ordinance, along with Mr. Stewart and Mrs. Tallman. Mr. Stewart asked others interested to make a draft, possibly even city staff, then come back to the Planning Commission and share the ideas. Chairman Ewert cautioned that no more than three could work on the rewrite, as more than that would represent a quorum. Staff stated that as long as they don't deal with business, public notice is not required.

Mrs. Tallman questioned when the industrial park plan (Otak meeting) would be put in effect. Staff stated probably by the end of April. Chairman Ewert said it will come before the Commission before it's actually put in effect. A City Council/Planning Commission workshop would be scheduled in January.

Mr. Wheeler said they basically took the current matrix and made a couple of changes. Staff suggested Commissioners O'Shea, Tallman and Stewart look at the industrial park matrix since they will be rewriting the sign ordinance matrix and they may have some ideas to incorporate. Commissioner Stewart noted pole signs were prohibited in the industrial zone and asked staff if they could do that. Staff indicated that as a planned district for this area, yes they could. Chairman Ewert stated he could see us looking at the matrix for the industrial park, taking our current matrix, adding in more site specific items for the industrial park, blending those two sometime in the future, and coming out with a matrix that could be applied across the board. Commissioner Stewart asked if anyone like Heidi Henry from downtown revitalization should be involved. Commission felt that it wasn't necessary.

Chairman Ewert suggested discussing the information from the Master Plan meeting. Using a map, Chairman Ewert outlined areas targeted for future changes. He felt the Commission needed to be aware of these for planning issues.

Staff indicated ODOT would do traffic studies of impact for areas such as First Street that will need to be significantly changed from its current configuration. Commissioner Prince asked about lights being at both ends of a street, that First Street doesn't exist in current traffic plan, and about traffic flow. He stated the industrial park should pay for the infrastructure, lights being a big part of that, and not the rest of the city. Chairman Ewert responded that was why it was being covered now, so people knew the plan ahead of time and what it will cost before they move in.

Commissioner Prince asked about the storm water. Staff explained it would go through a swale that runs through the property then into a pond next to Hazel Dell. If additional storm water control is needed, it allows for a dry creek bed to be worked in streetscapes, and a bioswale type of configuration.

Commissioner Prince stated that the Commission should have a plan for major reconfiguration for the Mulino, Bremer, and Haines road area. He felt this area was a key pivot point to north side of town. Staff responded that the Commission may need to address the transportation plan as it falls outside of the scope of the industrial plan.

Chairman Ewert stated that Territorial was important and that the key was a light. Commissioner Tallman said the extension of Redwood and where the realignment would swing should be in the plan. Staff stated ODOT says they're not certain about how much Redwood is going to move or not move where it crosses. Commissioner Prince pointed out the transportation plan shows the realignment. Staff responded that even though it's in the transportation plan, it wasn't meant to be an exact alignment, and they will determine how much it does or does not move.

Chairman Ewert mentioned there was discussion into the access into a Parkway with driveway separation of 200'. Staff said that for full access it was 400'; 200' for a right turn in and out. Chairman Ewert said we should try to keep a minimum 200' in the boulevard so we have a symmetrical look all the way down.

Commissioner Prince asked about the Mulino Rd./First Ave. lane change and the bike paths (page 4) off road. Chairman Ewert said the state law says we have to have bike lanes. Staff indicated that on the collector arterials, the state transportation planning rules require bike paths. Chairman Ewert asked if there was anything in rules that says we could have an alternative means of handling pedestrian/bike traffic and would it have to be in there. Staff indicated it may be a possibility, but also might depend on the distance. Dealing with the boulevard could be a problem, with a one way direction travel lane; it needs 20' and because of emergency access, another 10' or so of additional right of way and no parking on the parkway. Commissioner Prince felt it was a good idea to have off-road paths. Commissioner Stewart said he did not want to see something like Salem, a bike lane between a right hand turn lane and a curb.

The Commission liked the idea of under curb drains, preferred over the storm sewers at the intersections, where it makes it difficult for wheelchairs to get by. Chairman Ewert stated the area is not being actively marketed, but others are aware that it is available to be sold prior to this plan being approved. Staff said it was between the property owners and the buyers and to speculation for the buyers as to what the city will end up requiring and the configuration.

Chairman Ewert said that street lights were an issue and need to be considered in the matrix. He suggested the Commission needs to decide on high or low lights, in the canopy of trees or out of trees. He also said the Commission would need an idea of what was wanted. What were they going to allow in the 20' set

back, as far as lights, signs, shrubs, no grass, and barkdust. Staff stated grass and trees are the majority, with landscaping and low shrubs back to the parking spaces to provide some type of screen. No large shrubs for security reasons. Commissioner Prince liked an idea he saw in California, berms surrounding the parking lots so you couldn't see parking area, just the top of the cars, and the building. Staff mentioned one difficulty with that is security and safety issues.

Chairman Ewert mentioned the sign situation. Staff stated the maximum for individual signs is 32 sq ft. on face. A sign would go on 99E and would list retail tenants. Staff mentioned sign shown at meeting was bright red and 250-300 square feet on the face, but we'd be looking at 100 square feet on the face.

Chairman Ewert suggested items to consider in matrix: signs, lighting, color, type of building, what's in the 20' set back, street, creek beds, and waterfalls. Staff suggested water conservation be considered.

Final report due: Due to Joe Dills at OTAK by December 15, 1997,

V. FINDINGS

ANN 97-06 Oregon Development, Inc.

Commissioner O'Shea moved to approve the Findings and Conclusion and Final Order for ANN 97-06, recommending approval, to City Council, as submitted. Commissioner Stewart seconded the motion and it carried.

Commissioner Prince urged the City Council to look over what was discussed at the meeting and note there is no reason we can find that would justify this coming in. It would be a precedent setting move if they did and one which would be against the plan that we followed for these many months.

SUB 97-08 Erica Acres, Willow Creek Estate, applicant

Commissioner Tallman noted what appears to be typographical errors: page 3, item 5, the statement "each walkway" was redundant as there is only one walkway, and on page 6, item 25, the word "plant" should be plat.

Commissioner Stewart moved to approve the Final Order for SUB 97-08, recommending approval, as amended, seconded by Commissioner Prince and it carried unanimously.

DR 97-07 Canby Builders

Commissioner Ewert stated a decision was made at the last hearing that he would like to possibly see if the Commission could come to a resolution on. He stated that in light of the fact the city is trying to work out the alignment on Ivy where Canby Builders is located, it would help the city immensely if they moved. He asked that the Commission consider doing possibly something further because denying access onto 99E may stop the development and move of Canby Builders. His recommendation would be to consider allowing the access onto 99E if the yield sign were taken off the right hand entrance turn from Pine St onto 99E and a stop sign put in its place. One reason was because it is of great interest to the city of Canby to get Canby Builders out of their present location. Commissioner Ewert was questioned as to who he has been speaking with and he indicated Mr. Jordan. Commissioner Ewert also asked the Commission to consider a second issue: that the applicant did not bring out completely the discussion with ODOT, who said they would allow an access to this piece of property and will allow access to Millar's property, but probably would not allow an access at the empty piece between the two.

Chairman Stewart said that based on what Commissioner Ewert had said so far, it seemed reasonable to reopen a public hearing. Commissioner O'Shea felt that Canby Builders was threatening, coercing, and black mailing the Commission, and felt putting up a stop sign was not going to solve the safety problem. Chairman Ewert's recommendation would be that before we finalize the Final Order that we change the conditions to say if ODOT would put in a stop sign there in place of the yield sign that we would allow the access onto 99E.

Commissioner Prince said he too would like to see Canby Builders move. However, Commissioner Prince felt that the safety issue is very serious in terms of drivers attempting to merge even with a stop sign it would still be the same problem. He stated he was not opposed to access if it were only one way but can't see how a right in right out only access could be designed.

Chairman Ewert indicated he wanted to have a discussion before it goes to City Council, so they knew it had been talked about it. Commissioner Prince said the focus presented to the Planning Commission can change once it goes before the City Council, so the decision that comes out of their meeting is different.

Commissioner O'Shea felt that by granting an access the Commission would be trading congestion (at the current Canby Builders site) for high speed risks. Commissioner Prince said that they need to look at this as a special type of intersection as it handles large events, like the county fair, and left turns are used heavily at that intersection. The Commission felt it was a real safety issue, didn't like having a left and right hand turn, and doesn't see a stop sign helping. It was agreed that no vote could be taken tonight and that it would need to be on the record in a public hearing.

Commissioner Stewart asked for a clarification of the Findings on page 3, #2 in regards to joint access that changes it to say joint access would be prohibited by ODOT. Staff responded that it was a matter of error in interpretation and the Commission agreed to strike item #2.

Commissioner Stewart moved to approve the Findings and Conclusion and Final Order **DR 97-07** Canby Builders Supply, as modified on page 3, striking #2 and renumbering appropriately, seconded by Commissioner O'Shea and it carried unanimously.

VI. PUBLIC HEARINGS

None

VIII. COMMUNICATIONS

Mr. Wheeler informed the Commission that there is a joint Planning Commission/City Council/School District meeting scheduled for December 10, 1997, at 7:00pm at Trost Elementary School. The Commission called for the meeting to have the school district share updated demographics.

Information was provided to Commissioners Tallman, Prince, O'Shea and Stewart for the planning commissioner training seminar in the City of Stayton on January 24, 1998.

IX. NEW BUSINESS

Chairman Ewert said that since Jim Wheeler was leaving he encouraged the Commission to be as helpful as possible in working with Jason Kruckeberg as he wouldn't be expected to know the historical background on the information that's been talked about, encouraged everyone to read material before meeting, and question Jason before the meeting so he has time to research. He stated that during meetings, if we have a situation where a question is asked and Jason needs more time, short breaks may be called for.

Commissioner Prince asked if the City Council could put something in the paper when advertising for a planner that the city is looking for someone willing to live in the community in which he plans. Chairman Ewert mentioned he had talked with Mike (Jordan) about the hiring process. Commissioner Stewart suggested that the Planning Commission should have one of the Commissioners sit in on the search committee for the new planning director. Chairman Ewert explained that the City Administrator would go through the applications, looking for those who obviously shouldn't be applying, forward others on to City Council, and the council would make the decision who to interview.

Commissioner Ewert mentioned an interview is scheduled for November 25, 1997, at 7:00pm for the new planning commissioner, and that there are two applicants; one lives in Aurora, the other is an architect who lives in Canby .

Commissioner Tallman stated she spoke with Mayor Taylor last night about her opinion of the Commission. She told him the Commission does get a little upset when we find important decisions have been made by the council that affect what the Commission is doing from the paper. She said she really felt we don't have much communication between the Commission and the Council. Staff indicated they have started to put council's agenda in Commission's packet.

It was also noted that the secretarial position had not been filled. The City Administrator had indicated the job description was being rewritten.

Mr. Wheeler stated the Boundary Commission approved the Gramor annexation and the Commission would be getting a Final Order when done.

Mr. Wheeler also mentioned the ordinance amendments that were worked on for a year are now in affect, and that the voter approved annexation is in affect as of today also. He stated no applications have been received in the meantime. Staff also clarified that there were duplicate sections on the applications, and that was being corrected.

Staff said it would be their recommendation to uphold the appeal on Riverside Homes on N. Redwood because of staff interpretation. Mr. Wheeler stated he discussed this with the Planning Commission regarding the 28' street to a development and it was not the intent when the ordinance amendment was written, it is not the way it reads, and staff tried to go with that the best he could. Mr. Wheeler said he couldn't find an interpretation in reading the ordinance provisions in dealing with the 28' access to a development that is explicit to N. Maple and S. Elm only. He indicated Planning Commission discussion, decision, and tapes will all be with the Council. Commissioner Prince asked how you could change it to affect the whole city. Staff indicated by amendment.

Mr. Wheeler provided handouts from the last council meeting regarding single family residential zone design standards for Forest Grove. Mr. Wheeler said he gave just a cursory look but thought there were ideas that may have merit and worthy of discussion.

Commissioner Prince stated that the amount of time it takes for an appeal to go through and if it turns out it is not upheld, and that we change the ordinance to reflect the 28' minimum street width to reflect the rest of the city vs just those two streets. He voiced his disappointment that he thought it was a part of it and thought he had read it that way. Other Commissioners agreed with that. Chairman Ewert agreed with staff that it doesn't support that. Staff said that if you do more than a single change it was going to take some time to get done. Chairman Ewert asked the Commission if they felt strongly enough about this to make a single change to the ordinance, and it was agreed. The Commission asked Mr. Wheeler to prepare a draft ordinance before he leaves.

Mr. Wheeler has agreed to stay on as a consultant. He would be available on Mondays, working through Mr. Kruckeberg with any help he needs. He would work no more than 8 hours and no evening meetings.

X. ADJOURNMENT

The meeting was adjourned.