

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
January 19, 1998
7:30 pm

I. ROLL CALL

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

Staff: Jason Kruckeberg

Others Present: Curtis and Lila Gottman, Steve Skinner, Keith Liden, Tracy Livingston, Bev Willis, Jerry Corcoran

II. MINUTES

November 10, 1997

November 24, 1997

December 8, 1997

Commissioner O'Shea moved to accept minutes of November 10, 1997, with modifications. Commissioner Prince seconded the motion and it carried unanimously.

November 24, 1997, minutes deferred to another meeting.

Commissioner Tallman moved to accept minutes of December 8, 1997, as corrected. Commissioner Stewart seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Lila Gottman, Chairman to the Bicycle & Pedestrian Advisory Committee, asked what steps would need to be taken to ensure that bicycle parking is included in the permit review process, and if it was possible to have bicycle racks added to parking structures completed since 1994. Commissioner Ewert stated the Commission may be able to look at the bicycle parking standards, and that it

IV. FINDINGS

VAR 97-06 Hot off the Press

Commissioner Stewart moved to approve the Findings and Conclusions for VAR 97-06, as submitted. Commissioner Prince seconded the motion and it carried unanimously.

DR 97-08 Hot off the Press

Commissioner Prince moved to approve Findings and Conclusions for DR 97-08, as submitted. Commissioner Keller seconded the motion and it carried unanimously.

ANN 97-10 Simnitt

Commissioner Brown moved to approve Findings and Conclusions for ANN 97-10, as submitted. Commissioner Stewart seconded the motion and it carried 6-1.

V. PUBLIC HEARINGS

Chairman Ewert reviewed the hearing process, procedures and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report and other criteria in the comprehensive plan or land use regulations. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. No conflict of interest was indicated. Several Commissioners stated they had visited the site, but drew no conclusions. No one from the audience had any questions of the Commission.

ANN 97-09, an application by Keith Liden and Pat Hanlin (applicants) and Willamette Capital Investment (owner) for approval to annex 2.6 acres into the City of Canby. The property is located on the southeast corner of S. Ivy Street and SE 13th Avenue (Tax Lot 300 of Tax Map 4-1E-4D)

Mr. Kruckeberg presented the staff report. The site, he explained, is located on the SE corner of 13th and Ivy and is located in an area known as island properties - it is not located in the city limits, but is surrounded by properties that are in the city limits. HOPE Village is located just across Ivy Street, north across 13th is the Canby Adult Center and Ackerman Middle School is east of the Adult Center. He stated the property is currently used as residential and agricultural as there is a small nursery of the property. Comp. Plan land use designation is Low Density Residential. If annexation is approved, the property would be R-1, Low Density Residential. It is currently zoned EFU, Exclusive

Farm Use, and is designated Priority A for annexation. Mr. Kruckeberg referred to table on page 5 of the staff report regarding buildable land inventory. He stated, excluding HOPE Village, the city has buildable lands for 3 years, 1 month; with HOPE Village, 3 years, 6 months. It is staff's opinion that the amount of buildable lands is not an overabundance of land in the city limits, and that, if approved for annexation, the 2.5 acres would bring in approximately 12 lots.

With the return of Request for Comments forms from utility and service providers, no overburdening of public utilities was mentioned. Canby Utility Board had a comment related to the development of the property, and Clackamas County commented on the road dedication in terms of any conditions that may be placed on the property. Roy Hester, Public Works Director, originally felt there was not enough sewer capacity in the Ivy Street main, however, the city engineer had considered all properties at proposed buildout when calculating the sewer capacity. Mr. Hester and the engineer, Curt McLeod, met to discuss capacity and both agreed that there was sufficient sewer capacity.

Regarding traffic access, Mr. Kruckeberg explained the applicant was asked to do a traffic study, even though one was not required. He stated the city had made a commitment to having only one more access to the south of SW 13th, and if access was granted to the subject property, it would be temporary until the surrounding property was fully developed, then the access would most likely move to the east. David Kelly, Traffic Engineer, suggested the preferred access would be on 13th, across from one of Ackerman Middle School's driveways.

Regarding the retention of agriculture land, staff stated that, at 2.6 acres, the subject property is not considered to be a highly productive piece of land.

In conclusion, staff recommends approval for annexation as city services are available, owner is seeking annexation, and would be a step in eliminating the few lots that are left in the "island".

The Commission questioned Mr. McLeod's comment on the Request for Comments form that the sewer main was shallow and would a pump station be needed. Staff indicated that Mr. McLeod had done a full calculation of capacity and no sewer capacity problem was noted.

Applicant

Keith Liden, 204 SW Oak #200, Portland, OR 97204, on behalf of Pat Hanlin, agreed with the staff report. He commented that only a traffic study had been done; no engineering had been done and applicant would only be speculating as to the intent of the shallow sewer main comment. Mr. Liden stated that since the

parcel was small enough, different street options could be considered to make traffic access compatible with Tofte Farms. Applicant agreed to the conditions for approval of annexation.

Proponents

None.

Opponents

None

With no additional questions, the public portion of the hearing was closed for Commission deliberation.

Commissioner O'Shea moved to approve ANN 97-09. Commissioner Keller seconded the motion.

The following discussion took place after the motion was made.

1. Commissioner Prince stated he had grave concern about the temporary access, that it appears to be precedent setting, and would like to see the temporary access requirement stricken from the Findings of the Commission.
2. The Commission asked staff to get more detail from Mr. McLeod in reference to the shallow sewer main.
3. Chairman Ewert also stated he would like to see HOPE Village included in the buildable lands calculations as he felt it does make an impact. Commissioner Keller felt that both sets of calculations were important; because, although HOPE Village consumes water, sewer, and electricity, it is not a regular subdivision. Commissioner Keller stated that the HOPE Village issue does not have any bearing on the annexation application being considered. Chairman Ewert disagreed feeling that HOPE Village does apply.
4. Commissioner Stewart asked staff to invite Mr. McLeod and Mr. Hester should the parcel come in for development.

Motion was approved 6-1.

DR 97-09/CUP 97-04, an application by JSL Investments (owner) and Proactive Sports (applicant) for Site and Design Review and Conditional Use approval to

locate a manufacturing/distribution center for golf accessories. The applicant is seeking a Conditional Use permit because the site is in a light manufacturing zone which does not expressly permit the use proposed. The site is located at the east end of SE 2nd Avenue (Tax Lot 300 of Tax Map 3-1E3-4C)

Mr. Kruckeberg presented the staff report. The application to be considered is for a 24,000 square foot warehouse and office building for manufacturing, packaging, warehousing, and distribution of golf accessories. The 2.2 acre site is located at the east end of SE 2nd Avenue between S. Pine St. and the Logging Road. The property is zoned for heavy commercial manufacturing. West and south of the property is land zoned for light industrial use; north and east is for heavy commercial manufacturing. Application is seeking a Conditional Use permit as use is not specifically permitted in this zone, but is through a Conditional Use.

Public facilities and services were sent Request for Comments forms. Canby Utility Board mentioned applicant may be subject to reimbursing the owners of the mini-storage for utility improvements under the advanced financing district, and noted they had spoken with the applicant. Another comment by Public Works Department stated a 6' sewer lateral needed to be installed from the existing manhole on SE 2nd to the property line.

Mr. Kruckeberg stated applicant is proposing more landscaping than is required, but that since there is very little street frontage, street trees will not be required. He stated the appropriate number of parking spaces with wheel stops are also required, and architecture will be compatible with surrounding buildings.

Applicant

Jerry Corcoran, 1586 N. Redwood, Canby, OR 97013, one of the owners of JSL Investments, and agreed with staff's report. He stated the building will be leased to Proactive Sports, which is also owned by the proprietors of JSL Investments. Mr. Corcoran stated the business would bring about 15 jobs to the city, with a payroll exceeding \$650,000, and was a clean, non-polluting business, dealing mostly in distribution of golf equipment. Mr. Corcoran agreed to bicycle parking if the Transportation Plan does apply to Canby. Mr. Corcoran further explained that the business assembles and packages golf accessories; spikes, head covers, and tees, and uses non-toxic glue to manufacture clubs, using no raw materials. The Commission deferred choice of color of the building to the applicant who stated gray with green trim, but would confirm the color when finalized.

Proponents

None.

Opponents

Lila Gottman, Chairman of the Bicycle & Pedestrian Advisory Committee, 10381 S. Mulino Rd., referred to page 90 of the state standard to clarify one bike rack would be required.

Commission asked staff to provide verbiage for the bike rack requirement.
Applicant agreed.

With no additional questions, the public portion of the hearing was closed for Commission deliberation. Issues discussed were:

1. Commissioner Brown voiced concern over street alignment of SE 2nd as a safe way to terminate the street is not provided.
2. The Commission looked for possible options to solve the turn around problem at the end of SE 2nd. Since the city agreed to abandon the cul de sac to Canby Builder's Supply, the cul de sac was no longer a viable solution. It was acknowledged that this discussion had previously taken place when the cul de sac was given away, and the applicant should not have to resolve a problem he had no control over.
3. The Commission requested hooded parking lot lights.

Commissioner Stewart moved to approve DR 97-09/CUP 97-04 as written with the following additions:

1. The parking lot lights will be hooded.
2. Building color will be green with gray trim.
3. Bicycle parking will be provided as required by the state.
4. Conditional approval to be granted.
5. SE 2nd to remain as is.

Seconded by Commissioner Keller. Motion approved 5-2.

VAR 97-07, an application by Bald Peak LLC (owner) and Bev Willis (applicant) to request allowance of a 12 foot wide access road instead of the required 20 foot wide road. The site is located on the east side of S. Locust Street just north of SE Township Road (Tax Lot 1910 of Tax Map 3-1E-33DD).

Chairman Ewert asked the audience if all were present when the public hearing format was read. Everyone was present. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. No conflict of interest was noted. Commission members visited the site, but drew no conclusion. No one from the audience had any questions of the Commission.

Mr. Kruckeberg presented staff report. He explained the application is requesting variance approval to erect a driveway which is more narrow than is allowed. The property is located east of S. Locust, just off SE Township. A half acre lot of strange shape, it has 70' of street frontage. This property is zoned R-2, High Density Residential, as are all properties surrounding the subject property. The minimum access for six residential units is 20 feet and requires a 5 foot sidewalk. The applicant is proposing a 12 foot driveway with a 5 foot sidewalk. Code states no driveway is to be within 5 feet of the property line, and applicant is requesting the sidewalk at the property line. Staff stated the primary concern at 12 foot would be access for emergency vehicles. The Fire Marshall had been contacted by the applicant and sent Request for Comments form. The applicant met with the Fire Marshall to discuss what would be necessary if the variance was granted. The Fire Marshall indicated the two eastern most buildings would need to be equipped with fire sprinklers, and the Public Works Director was concerned about the congestion the 12 foot access would create.

Staff itemized the variance criteria:

- 1) Exceptional and extraordinary circumstances. Because of the strange shape of the lot, the property was challenging to develop. It was very difficult to work with set backs, landscaping, solar access and other requirements, and still maintain high density.
- 2) Same property rights as others in zone. R-2 zoning can potentially be developed at 17 units per acre, and this property is at 11.7 units per acre, which is a good effort to maintain high density and use land for what it is zoned for.
- 3) Materially detrimental. Applicants are trying to use the property as is designated, and made every attempt to meet code requirements.
- 4) Detrimental to other properties. The property most affected is directly north and contact has been attempted. The site will be greatly enhanced by the extensive landscaping plan.
- 5) Alleviate hardship. The applicant has attempted to meet as many of the requirements as possible by putting in landscaping and sidewalks and the appeal of the site could not be maintained without the variance.
- 6) Unique conditions not caused by the applicant. Staff scknowledged the applicant has taken an unusually shaped lot and attempted to develop an aesthetically pleasing site.

Applicant

Bev Willis, PO Box 387, West Linn, OR 97068, concurred reducing the sidewalk was a good suggestion; he didn't know that was an option, agreed douglas fir tree in front could be changed, that they could barrel out the driveway, and there would be no problem in moving the sidewalk.

Proponent

None.

Opposition

None.

With no additional questions, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission asked if the Fire Marshall could be willing to waive the fire sprinkler requirement if the driveway was expanded to 19'. Staff suspected he probably would but didn't know for sure. **Tracy Livingston, 2013 Ridgewood Rd., Lake Oswego, OR 97034**, the managing partner of Bald Peak Limited Liability Corp., commented the back two buildings would be sprinkled anyway because it lowers insurance rates.
2. The Commission discussed options to increase the width of the driveway. It was proposed to:
 - A. Keep the parking space with some type of curb.
 - B. 4' sidewalk continues down the entire south side then cuts north and connects to the parking lot.
 - C. 3' landscaping against the building, north and south sides, using landscape previously proposed.
 - D. 20' driveway

Commissioner Prince moved to approve VAR 97-07 as rewritten, seconded by Commission Brown, and carried unanimously.

DR 97-10, an application by Bald Peak LLC (owner) and Bev Willis (applicant) for Site and Design Review approval to construct 3 duplexes

The site is located on the east side of S. Locust Street just north of SE Township Road (Tax Lot 1910 of Tax Map 3-1E-33DD).

Chairman Ewert noted the audience has remained the same and were present when the public hearing format was read. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. No conflict of interest was noted. Commission members visited the site, but drew no conclusion. No one from the audience had any questions of the Commission.

Mr. Kruckeberg presented the staff report, noting the site has remained the same, and is zoned R-2. As mentioned in VAR 97-07, the landscaping has been modified, but still is substantially more than what is required. Twelve parking spaces are required; 12 spaces are proposed. Staff stated buildings have been sited as effectively as possible to meet solar access requirements. A two square foot small sign will be in front, and all utilities will be available. Mr. Kruckeberg also stated separation of sewer and water will be a condition for approval as proposed by CUB and the Public Works Director. Public Works Director also mentioned a manhole over the sewer main on S. Locust and an 8 inch line right of way with a 6 inch lateral to each of the units would need to be installed.

In regards to the compatibility matrix, Mr. Kruckeberg noted all six criteria have been met and received 100% of points.

Applicant

Bev Willis, PO Box 387, West Linn, OR 97068, stated hooded parking lot lights are intended to be directed at the parking lot.

Proponents

None.

Opponents

None.

With no additional questions, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. Commission requested that wheel stops be placed at the parking spots, a 5' sidewalk placed out front, hooded lights directed down, separation of sewer and water, and a no parking sign in the driveway.

Commissioner Stewart moved to approve DR 97-10 with modifications as discussed. Seconded by Commissioner Tallman, and it carried unanimously.

VI. COMMUNICATIONS

Staff reminded Commission of master plan workshop on January 28, 1998, 7:00pm at the Library.

Also, a reminder of the planning commissioner training in Stayton on January 24, 1998, and more information will be provided at next meeting on advanced training seminar to be held on February 14, 1998, in Seaside.

Format of minutes were discussed. Commission agreed more condensed information can be listed.

VII. NEW BUSINESS

None.

VIII. DIRECTOR'S REPORT

Mike Jordan stated interviews for director position are finished, and background checks are being done.

IX. ADJOURNMENT

The meeting was adjourned.