

# MINUTES

## CANBY PLANNING COMMISSION

Regular Meeting  
February 9, 1998  
7:30 pm

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### I. ROLL CALL

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

**Staff:** Jason Kruckeberg

**Others Present:** Peter Bouman, Jill Clark, Anthony Dramov, Byron Kibbey, David Lampe

### II. MINUTES

November 10, 1997

November 24, 1997

December 8, 1997

Commissioner Stewart moved to accept minutes of November 10, 1997. Commissioner Keller seconded the motion and it carried unanimously.

Commissioner Tallman noted that on page 8 on the November 24, 1997, minutes the statement should reflect two duplexes would be equipped with fire sprinklers, not three. Commissioner Keller moved to accept the minutes of November 24, 1997, as amended. Commissioner Prince seconded the motion and it carried unanimously.

Commissioner Tallman suggested #9 of page 8 should read appropriate address signage should be on all flag lots. Commissioner Stewart moved to accept minutes of December 8, 1997, as corrected. Commissioner Keller seconded the motion and it carried unanimously, with one abstain.

### III. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

#### **IV. FINDINGS**

##### **CPA 97-01 Picullel-Chimento Group**

Commissioner Stewart moved to approve the Findings and Conclusions for CPA 97-01 as submitted. Commissioner Tallman seconded the motion and it carried unanimously, with one abstain.

##### **ZC 97-03 Picullel-Chimento Group**

Commissioner Tallman moved to approve Findings and Conclusions for ZC 97-03 as submitted. Commissioner Stewart seconded the motion and it carried unanimously, with one abstain.

##### **SUB 97-09 Picullel-Chimento Group**

Commissioner Prince moved to approve Findings and Conclusions for SUB 97-09, as written. Commissioner Stewart seconded the motion and it carried unanimously, with one abstain.

#### **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. Commissioner Keller visited the site, drew no conclusions, and had a conversation with a neighbor, Cherrol Pacholl, who was questioning street parking. Other Commissioners stated they had visited the site, but drew no conclusions. No one from the audience had any questions of the Commission.

**DR 97-11** (3rd Ave. Industrial), an application by Anthony & Doris Dramov seeking approval to construct a 19,440 square foot flexible space industrial building.

Mr. Kruckeberg presented the staff report. The application is for a 19,440 square foot industrial flexible space building to be used by various businesses with light industrial uses. The site, he explained, is located at 493 NE 3rd, on the south side of Third Ave, between N. Locust Street and the fairgrounds. To the west, east and south of the property are other properties also zoned for light industrial use. Across NE 3rd are some residential properties zoned R-2, High Density Residential.

Mr. Kruckeberg stated extensive landscaping is proposed that is more than the 15% required, with lawn areas at the entrance, six trees along the street as well as planter islands throughout the parking lot with different types of shrubs and ground covers. One tree will be retained in the northwest corner of the lot. Mr. Kruckeberg noted that although the proposal provides 12% of the required 15% of the paved area be landscaped, the intent of the code is to breakup expanses of parking and landscape lines which the plan does provide. He stated that since the entire area exceeds the landscaping requirement, Mr. Kruckeberg recommends allowing this adjustment. Eleven trees are required throughout; applicant is proposing 22. Staff noted an arborist report was done to look at the health of the tree which will remain.

Mr. Kruckeberg stated 39 parking spaces are required; applicant is proposing 46, two of which will be ADA accessible, and all spaces will have wheel stops. Access requirements are also met. Two 4' sidewalks are also proposed. He stated architecture proposed calls for metal roofing and siding, which is compatible with other developments in the area. One 56 square foot directional sign to be located at the east entrance is proposed.

Staff indicated all utilities are available to service the site as most are used by the existing houses. Public Works mentioned a dry well will need to be installed on NE Third Ave. and the property could use the existing sanitary system if elevations are correct.

Mr. Kruckeberg stated this property scored 32 out of 39 points on the compatibility matrix, and feels the application is compatible with the Comp. plan, the development code, surrounding industrial properties, Site and Design Review criteria and design matrix.

Mr. Kruckeberg also read a letter received from Cherrol Pacholl who stated concerns regarding on street parking and suggested the street should be widened. She also stated existing exterior lighting seemed to provide more than enough illumination, and also had concerns about increased traffic.

Commission noted traffic issues were not specifically addressed in the staff report and Mr. Kruckeberg stated it was difficult to address because of the wide variety of business that would be permissible. He stated that when a business license is applied for they could check at that time, but suggested the applicant be asked since they have more experience in developing this type of building.

In regards to on street parking, staff commented Third Ave., west of Locust, is an 80' right of way and narrows to 40', all future right of way dedications are on the north side of the street, the curb is located where it should be on the

south side and there will be no more widening of the street on that side. Staff stated there would be no on street parking in front of the site.

### **Applicant**

**Byron Kibbey, 15800 SW Boones Ferry Rd., Lake Oswego, OR 97035,** architect for the project, stated he was available for any questions.

Commissioner Keller voiced concern over the parking lot design in relation to the loading dock doors and use by 18-wheelers. Mr. Kibbey stated the project is modeled after projects in Durham, and doesn't remember seeing any large trucks being on site. He explained the people attracted to this type of project are small businesses and deliveries by 18-wheelers would not be common. The Commission was concerned any type of truck would block parking spaces, but Mr. Kibbey stated tenants could schedule delivery for odd hours.

Commissioner Brown questioned whether the current design met the ADA requirement for vehicle and van access of 9' wide in regards to exiting around the back of other vehicles.

### **Proponents**

None.

### **Opponents**

None

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

1. Disposable storm water issue was discussed. Staff stated a drywell is a part of the storm water condition to go into NW Third St., plus a catch basin drywell in the property.
2. ADA parking requirements were also discussed. The Commission suggested a stripped area be marked for ADA parking as it would prevent parking or unloading in the designated area. The Commission deferred to the owner and the architect to work on an acceptable solution.
3. The Commissioners agreed outside lights should be hooded and directed down.

4. The landscaping was further discussed. The Commission felt the reconfiguration of the ADA parking would affect the landscaping. A straw poll supported the removal of a black walnut tree that an arborist determined may not live if a 30' radius of its root system was disturbed. The Commission requested four 3" caliper trees to replace the walnut tree.
5. Mr. Kibbey suggested moving the ADA parking spot next to the building, with proper access between the parking lot and the buildings, and expand it from 6' to 9'. He stated they will work with staff to make sure it meets code.
6. In regards to parking lot landscaping, the Commission was agreeable with staff as to the intent, as the project still exceeded landscaping requirements overall.
7. The Commission agreed no on street parking would be allowed and proper signage would need to be posted.
8. The Commission asked that the first paragraph on page four of the staff report be corrected to read NE 3rd Ave.
9. The Commission also agreed fencing should be between the building and all property line openings.

Commissioner Prince moved to approve **DR 97-11**, with the conditions noted. Commissioner Brown seconded the motion. Motion was approved unanimously.

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 conclusions. No one from the audience had any questions of the Commission.

**CUP 97-05/PUD 97-01**, an application by Peter Bouman, Trademark Development seeking approval of a Conditional Use permit and Planned Unit Development to convert their existing apartment building to condominium type ownership.

Mr. Kruckeberg presented the staff report. He stated the property, known as Pinewood Apartments, is located at 841-891 NE Territorial Rd, between N. Maple and N. Oak. Tax Lots 2000 & 2001 of Tax Map 3-1E-28D and zoned for High Density Residential use. He stated the code specifically states that

condominium conversions shall be treated as planned unit developments. This is a Conditional Use request since there is no subdividing taking place.

Pinewood Apartments, he explained, were built around 1970, with 14 existing units, and there would be no change in the number of units. The property falls within an "Area of Special Concern" as identified in the Comprehensive Plan. The property is within Area of Special Concern "N", which is a strip of land bordering Territorial which stipulates that new developments must be up-zoned to R-1.5 or R-2, Medium to High Density. This property is zoned R-2. No street improvements are required, but sidewalks would be, which would reduce the landscaping by 650 square feet. It was suggested that the Commission may want to consider whether sidewalks should still be a requirement.

Staff stated Police and Fire have reviewed the project and stated emergency access is adequate. One issue was raised by Canby Telephone Assn. in that the units would need to be rewired for cable TV since they are privately owned. Staff stated the application meets the Conditional Use criteria, and, since there is no new development, the majority of the PUD criteria does not apply. One requirement was that a suitable number of rental units be available in the city. After calling rental complexes to determine units available, and two other developments which will be available soon, staff determined this criteria was met as well, and recommends approval.

### **Applicant**

**Peter Bouman, 4774 Oakridge, Lake Oswego, OR 97035**, applicant, stated he understood the wiring was to be done because the type of telephone lines required for apartments was different than a private residence. In regards to the sidewalk, applicant felt the property had beautiful landscaped frontage and stated it would be nice to keep it that way.

When questioned by the Commission about a statement from a December 16, 1997, letter stating there were no specific ordinances that applied to condo conversions and that no applications were necessary. Mr. Bouman stated he spoke with Jim Wheeler and quoted him as saying "we have never done a condo conversion in the city and there is nothing required", and that it was after the building was purchased, they were told they needed to go through a PUD.

In response to what cosmetic updates would be done, Mr. Bouman stated one unit has been upgraded for use as a model with new interior paint, tile counter tops, and new sink and faucet fixtures. Externally, they will pressure wash the roof, put shutters on building, clean the swimming pool, and put a new deck and fences around the pool area. He explained the units would be sold as is or with the above minor upgrades.

## Proponents

Jill Clark, 13429 Applegate Terrace, OCUPregon City, OR 97045, also one of the owners, stated in regards to the vacancy factors, two current tenants in the complex will be purchasing a unit. She said the units would be extremely affordable at \$84,950 to \$92,950, and has financing approved with 5% down.

## Opponents

None.

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

1. The Commission agreed that a sidewalk should be put in to provide an uninterrupted, safe passage way on Territorial, allowing 60 days for the sidewalk to be constructed.

Commissioner Keller moved to approve **CUP 97-05/PUD 97-01** with the condition the sidewalk be constructed within 60 days after signing of the findings. Seconded by Commissioner Prince. Motion approved unanimously.

## VI. COMMUNICATIONS

Staff informed Commission the school district is looking for a representative to serve on the Long Range Facility Planning Committee. Mr. Brown and Mr. Prince volunteered.

City Council has scheduled a workshop on February 18, 6:00pm. Staff was asked to reschedule to March 4, and all Commission members were expected to attend.

Commissioners asked a letter be sent in support of the Planning Commissioner training as funding from LCDC was in question.

Staff mentioned the next two meetings have no public hearings, but there were issues that need to be dealt with: (1) street widening ordinance, and (2) transportation system plan.

OTAK meeting scheduled for Friday February 20, 9:00-11:30am, at the Library.

Staff stated the T-Shirt Factory Outlet store has applied for a new pole sign on Hwy 99E. They had banners which are illegal.

Jason asked for assistance in an interpretation of code for building height limitation which is 35' or 2 1/2 stories, whichever is less. The development code doesn't describe what a story is and what constitutes a half a story. The Commission suggested Jason check with two more jurisdictions for interpretation, plus the ICBO which writes the UBC.

Discussion took place in regards to the Metro Intergovernmental Agreement concerning rural reserves and green corridors.

## **IX. ADJOURNMENT**

The meeting was adjourned.