

MINUTES
CANBY PLANNING COMMISSION

Regular Meeting
April 13, 1998
7:30 P.M.

I. ROLL CALL

Present: Chairman Ewert, Commissioners Stewart, Brown, Tallman, Prince and Keller.

Staff: Aneta Synan, Planning Director; Jason Kruckeberg, Associate Planner; Dixie Harms, Secretary

Others Present: Jerry Barkman, Bob Kauffman, Nancy Salber, Walt West, Adrian Fisher, David Lampe, Steve Marsh, Jeff Wriston, Paul Howard

II. MINUTES

Commissioner Keller moved to approve the minutes of February 9, 1998. There was discussion regarding sidewalk construction for CUP 97-05/PUD 97. Mr. Kruckeberg stated that he has contacted Trademark Development. Commissioner Prince seconded the motion and it carried unanimously.

Commissioner Stewart moved to approve the minutes of February 23, 1998. Commissioner Keller seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

None

V. PUBLIC HEARINGS

A. **DR 98-01**, an application by Walt West Construction Co., (applicant and owner)

seeking site and design review approval to construct a combination office and condominium building on the southeast corner of NW 4th Avenue and N. Douglas Street.

Chairman Ewert reviewed the hearing process, procedures and format. He referred to applicable criteria posted on the wall and on page 2 of the staff report dated April 3, 1998. When asked if any Commissioner had a conflict of interest or ex-parte contact, except for visiting the site, but coming to no conclusions, none was expressed.

Mr. Kruckeberg presented the staff report. The applicant is proposing a 4896 square foot building comprised of office space, townhouse condos, and condo flats. The applicant has previously built an almost identical building across the alley adjacent to the subject property. To the east and south of the property are lots zoned for Downtown Commercial while to the north and west are lots zoned for High Density Residential. The applicant is proposing more than adequate landscaping, and paved area landscaping. The parking requirements have been met. All service providers were sent request for comment forms.

No problems or inadequacies were noted. A preconstruction conference will be required prior to building permit application. The project meets or exceeds most of the criteria as rated on the design review matrix, receiving 29 points out of a possible 33 (88%). With 65% of possible points being compatible, this application, in staff's opinion easily qualifies as being compatible. In conclusion, we feel that the application is consistent with the applicable standards and requirements of the Code as well as the Comprehensive Plan. The proposed building is compatible with other buildings in the area in terms of design and proposed use. It will provide housing options in the downtown area which is a positive in terms of the City's density goals. For these reasons, staff recommended approval of DR 98-01 with the 10 conditions listed.

Applicant

Nancy Salber, Walt West Construction, mentioned that the staff report adequately addressed the proposal and that she was available to answer any questions the commission might have.

Commissioner Brown asked if lighting in the parking lot was proposed. Ms. Salber responded by saying it was proposed in both the alley and on the building. The Commission stated that the lights used should be "hooded".

Chairman Ewert ask if there was anyone to speak in favor of the application. There being none, ask if there was anyone in opposition? There were none.

Commission Deliberations

The Commission discussed stormwater management in this area, and Commissioner Prince asked if this property was intended to be served by drywells. Staff responded that drywells were proposed and that drywells work well in this area.

Commissioner Ewert asked staff about bike parking and whether or not we were going to require bike parking as a part of new commercial development. Mr. Ewert further stated that the City had made a commitment at a previous meeting to including bike parking standards. Staff responded by saying that bike parking should be included as a part of this development and the State's standards would be followed.

Commissioner Prince asked about the required size of sidewalks in this area. Staff mentioned that typically sidewalks should be eight (8) feet wide in the C-1 zone. However, two previous developments on the block had installed five (5) foot sidewalks against the curb. Because of this, the entire block was required to have five (5) foot sidewalks.

Commissioner Tallman mentioned that she felt the building will be a nice feature of the downtown area and that the existing building across the alley was very attractive. Other Commissioners agreed.

Commissioner Stewart mentioned that it was a nice touch to match the existing street trees further west on NW 4th Avenue.

Commissioner Stewart asked if this project was ok with Roy Hester, Public Works. Mr. Kruckeberg referred to the request for comment form. Commissioner Keller had no questions. Commissioner Ewert ask if bike racks would be available as the Commission has been asked to make this recommendation of all new applications.

Mr Kruckeberg said he had a condition for hooded lights. Commissioner Stewart made a motion to approve the application with the addition of bike racks. Commissioner Prince seconded the motion. The motion was approved unanimously.

- B. ZC 98-01**, an application by Pacific Rock Products (applicant) and Adrian Fisher (owner) seeking a zone change from light industrial to heavy industrial for 12.74 acres of a 14.4 acre parcel.

Chairman Ewert opened the hearing for ZC 98-01. He asked the Commission if

anyone needed to declare a conflict of interest. There being none, Chairman Ewert asked if any members of the Commission needed to disclose ex-parte contact. Commissioners Keller and Chairman Ewert indicated they had visited the site and had drawn no conclusions. Commissioners Brown, Stewart, and Prince indicated they had visited the site, and read the Canby Herald article and drew no conclusions. Ms. Tallman indicated that she was unable to find the site. Chairman Ewert asked the audience if there were any questions of the hearing body. There were none.

Aneta Synan, Planning Director presented the staff report. Ms. Synan stated that the Zone Change request will apply to 12.74 acres of a 14.4 acre parcel located north of the intersection of Highway 99E and S. Berg Parkway on Tax Lot 407, Tax Map 4-1E-5. Chairman Ewert interrupted to state that this hearing was for the Zone Change only, discussion concerning the proposed use would not be allowed. He asked for comments by the Commission. Commissioner Stewart argued for including the proposed use in the discussion as the use was mentioned in both the staff report and the applicant's narrative. Commissioner Keller suggested that the use be discussed because the applicant indicated the use in their application. Chairman Ewert emphasized that this is the Zone Change only, that the use should be discussed at a later hearing on the Conditional Use Permit. Chairman Ewert asked Ms. Synan to proceed with the staff report. Ms. Synan mentioned that although the application filed addresses the proposed use and indicates how the use will be served with various utilities, the staff analysis and recommendation only address the zone change and in no way extend to the proposed use. Ms. Synan emphasized that approval of the proposed use will occur through the site design and conditional use permit process.

Ms. Synan noted that the property directly north of the site was undeveloped but that there were plans to develop a regional park that would accommodate active recreational uses on part of the site. She further noted that property to the northeast contains an office building and the Post Office, property to the southeast contains a real estate office and restaurant, property to the south is vacant, and the Molalla River is west of the site.

Ms. Synan stated that the site is undeveloped with the exception of a few propane tanks and a retired railroad track.

Access to the site is currently provided via Highway 99E. Future access to the property at the time of development will be provided by South Berg Parkway, which will be extended north of Highway 99E. To date, the property owner has dedicated right of way 60' in width for the extension of South Berg Parkway to the north and has paid for the engineering and installation of the traffic lights to serve access from the north.

The application indicates that the site contains a well. After further discussions with the property owner, it was clarified that a permit to dig a well has been requested from the Department of Water Resources but is not yet approved.

Ms. Synan noted that the findings proposed in the written staff report were generally supportive of the request because the zone change would bring the zoning map into compliance with the Comprehensive Plan. She added that there were several policies in the Environmental Element of the Comprehensive Plan that were not addressed in the written staff report. These policies were Nos. 2R, 3R, 4R, 7R, 8R, 9R, and 10R.

These policies, in general, require the city to maintain and protect surface and ground water resources, require future development to meet standards for air, water and land pollution, mitigate noise pollution from new proposals, and improve the overall scenic and aesthetic qualities of the community.

She noted that air and water pollution, which includes surface and ground water, are regulated by state and federal government. The state DEQ is the agency responsible for administering and enforcing the pollution control programs and laws. With the exception of regulating industrial discharges into the city sewer system, the city does not set water pollution standards. All heavy industrial uses proposed for the site will be required to obtain the necessary permits and demonstrate compliance with the regulations administered by DEQ.

Ms. Synan noted that Chapter 9.48 of the Canby Municipal Code establishes noise control standards that apply to all zones in the city, including the industrial zones. She further noted that DEQ also regulates noise pollution and to her knowledge, the state standards are more stringent than the city's for industrial uses.

With respect to scenic and aesthetic qualities, Ms. Synan noted that the site is somewhat obscured from view of the Highway because it is roughly 25' below grade. However, because the maximum height limitation in the M-2 zone is 45', development on the property may be visible from surrounding properties.

Ms. Synan briefly addressed the findings in the staff report that pertain to the adequacy of public services in the vicinity. She concluded the report and stated that staff's recommendation was that the Planning Commission recommend approval of the zone change to the City Council.

Commissioner Brown questioned the differences between M1 and M-2 zones. Mr. Brown asked if the M-2 zone was for all uses not permitted outright in the M1 zone, and if Conditional Use was needed for all M-2 uses. Jason Kruckeberg, Planner, stated that this was correct. Any use not permitted outright in the M1

zone required a Conditional Use Permit for the M-2 zone.

Applicant

Adrian Fisher (owner) testified that he bought the property thinking it was zoned for Heavy Industrial because the property was shown as Heavy Industrial on many of the City's maps. He thought he could develop it as Heavy Industrial when he bought it and now he is attempting to change the zoning to what the Comprehensive Plan says it should be. Mr. Fisher mentioned he had been working with the City for quite some time.

Ms. Tallman asked Mr. Fisher why small portions of the lot were not being included in the zone change. Mr. Fisher stated that because these portions were unbuildable given their configuration.

Commissioner Stewart then asked Mr. Fisher why he did not just attempt to site the concrete plant in the M-1 zone. Mr. Fisher replied that he did not know he could. Commissioner Stewart asked Mr. Fisher if the concrete plant could be permitted in the M-1 zone, would Mr. Fisher still want to rezone the property. Mr. Fisher replied that he would still want the rezone, because he would like to have the flexibility of heavy industrial tenants.

Commissioner Stewart then asked staff why the concrete plant could not be permitted in the M-1 zone and why Mr. Fisher even needed a rezone. Ms. Synan replied that she did not know and asked Mr. Kruckeberg for help. Mr. Kruckeberg indicated that the staff felt a rezone was appropriate given that the use was not permitted outright in the M-1 zone and that it was up to the Planning Commission for an interpretation.

Jeff Wriston, the General Counsel for proponents, Pacific Rock Products, testified as the applicant. Mr. Wriston mentioned that Pacific Rock had met with Mr. Fisher and with the City and had decided that the best way to go through the City's hearing process was to do the zone change first and the design review and conditional use later. In hindsight, Mr. Wriston stated that it may have been more appropriate to bring the zone change prior to the use being proposed to separate the applications. Mr. Wriston conferred with Mr. Ewert in that it was appropriate to focus on the criteria for zone change rather than for site and design review and conditional use as Pacific Rock Products would be back in front of the Planning Commission for these issues.

Mr. Wriston explained that Pacific Rock loves the site because of its topography and location and feels that the site will be ideal for the proposed use. He mentioned that the zone change applied for will fit with the City's original plan

for the site. Mr. Wriston also mentioned that, at the site and design review hearing, Pacific Rock Products will bring back groundwater studies, schematics which show the sight lines of the property with the proposed use, traffic studies, and other information to introduce the Commission to the company.

Mr. Wriston mentioned that the batch plant would diversify the economy of Canby and provide an economic benefit as local residents would be hired for the plant and to drive trucks. Mr. Wriston concluded by stating that Pacific Rock was available to answer questions.

Opponents

Ms. Synan read into the record a letter from Pat Ewert, dated April 13, 1998, in opposition to the Zone Change. She felt there were environmental concerns such as noise, dust, and water pollution which could negatively impact our community. There being no other opponents, Chairman Ewert called for rebuttal.

Jeff Wriston, counsel for Pacific Rock Products, LLC, emphasized that they will submit various studies with the development application that would address environmental concerns.

At this time Chairman Ewert closed the hearing.

Commission deliberations

At the onset of Commission deliberations, Commissioner Stewart read Policy No. 1 of the Land Use Element from the City of Canby Comprehensive Plan.

Commissioner Brown asked Chairman Ewert (because he felt that if anyone would know it would be Chairman Ewert) why the property had been slated for Heavy Industrial in the Comprehensive Plan. Chairman Ewert said that it probably seemed like a good idea at the time.

Commissioner Brown indicated that he was torn between following the Comprehensive Plan and keeping Heavy Industrial uses away from the proposed park.

Several Commissioners stated that they felt Heavy Industrial zoning was inappropriate in this area. The Commission questioned staff as to why Heavy Industrial was put in this area in the first place. Staff explained that it was presumably due to the topography of the site and the fact that the City had not designated much of the Urban Growth Boundary as Heavy Industrial. Staff went on to say that if there was a spot in Canby which should be zoned Heavy

Industrial, this would be the one.

Chairman Ewert read through the permitted uses in the M-1 zone and pointed out fueling stations as particularly undesirable considering the proximity to the City's water intake. Mr. Fisher explained that the site currently contains a propane refueling station. Chairman Ewert indicated that that use may not be passed today.

Mr. Fisher stated that he was told by staff that the City would rezone the property to M-2. Commissioner Stewart said "That's unfortunate". Mr. Fisher stated that plans had already been drawn up to bring services to the site, but had not been completed, because the City (Curt McLeod) suggested waiting for the LID.

Several Commissioners mentioned that, with periodic review of the Comprehensive Plan approaching, upzoning to Heavy Industrial is not the direction the City wants to take for this property. Generally, Commissioners felt that this area should be left Light Industrial, or it should be downzoned through periodic review. Several members of the Planning Commission noted that development of the property with Heavy Industrial uses would have a negative impact on the appearance of the community on the west end of town. With a City Park proposed for an adjacent property, Commissioners felt that a Heavy Industrial use is incompatible and inappropriate.

Public facilities and services were viewed by nearly all Commissioners as a concern. There was concern that the Local Improvement District (LID) had not been approved and that it may be quite some time before facilities were available. Staff mentioned that the applicant had met with City service providers in a pre-application conference and had subsequent meetings with the Canby Utility Board and the City Engineer. At the pre-application conference utility providers proposed methods for getting services to the property. Mr. Fisher stated that services could be brought to the site without the LID.

Commissioner Ewert felt that the proposal did not meet the requirement that City services were available to service the site. The primary reason for this was that the LID has not been approved by the City Council and this creates uncertainty as to whether the services can be made available. Mr. Ewert also mentioned that portable toilets were not a good idea in this area.

Mr. Prince asked if the owner was aware that a great deal of right of way would be needed when South Berg Parkway was connected and that this requirement would essentially cut the property in half. Mr. Fisher stated that he was aware this was the City's plan.

Commissioner Stewart moved to deny the application on the grounds that 1) City services are not available to service the property, 2) the proposal is incompatible with surrounding uses and proposed uses in the area, and 3) the LID for this area has not yet been approved.

Commissioner Keller seconded the motion to deny. Motion carried 6-0.

- C. **DR 98-02** an application by HOPE (owner and applicant) for the construction of 22 units of garden homes/community center as part of the HOPE Village Campus. The property is located at 1589 S. Ivy Street.

Chairman Ewert reviewed the hearing procedures and format. He referred to the applicable criteria posted on the wall and the staff report dated April 3, 1998. He asked if any of the Commissioner had a conflict of interest or ex-parte contact, except for visiting the site, but coming to no conclusions, none was expressed.

Mr. Kruckeberg presented the staff report. He explained that the property is located at 1589 S. Ivy Street and is part of the HOPE project. The property is zoned R1.5 (Medium Density Residential). In the staff report, the garden homes and the community center were handled separately with regard to site and design review criteria. Both meet or exceed the landscaping and parking requirements. Access for both garden homes and community center are covered in the application. The architecture of the 22 garden homes will be exactly the same as the existing garden homes. The architecture of the community center will be very similar to the garden homes and other buildings on the HOPE campus. All street improvements along 13th and Ivy were developed as part of the installation of the traffic light at 13th and Ivy. Improvements along 13th extend to the west to Holly street., improvements to be made as those lots are developed. To coordinate efforts for construction activity with utility providers, developers, and city departments, a pre-construction conference will be necessary. Staff recommends approval of this application with the 6 conditions for the Garden Homes and 7 conditions for the Community Center.

Applicant

Jerry Barkman, Executive Director of HOPE, P.O Box 1128, Canby, OR applicant, mentioned that this project represented the fourth phase of the HOPE Village campus. Mr. Barkman mentioned that the HOPE Village campus had been subdivided and that the current application proposed development on Lots 2 and 9.

Mr. Barkman briefly described the each of the previous phases of the HOPE development and explained the HOPE Village master plan. Mr. Barkman

explained that the garden homes were exactly like the existing garden homes which currently on the site. He discussed landscaping and access to the garden homes and mentioned that the access onto SW 13th Avenue would be developed along with this phase of garden homes.

Mr. Barkman also described the community center and some of the various rooms which will be provided. He also explained parking on the site and the use of the some of the other lots which surround the community center.

Proponents

Mr. Kauffman discussed the requirement for bike parking and the fact that bicycles were discouraged in HOPE Village because they pose a safety risk.

Opponents

None.

Commission deliberation

The Commission discussed the HOPE Village master plan and the total number of garden home units proposed overall. Jerry Barkman, applicant, stated that approximately 120 garden homes were proposed for the entire campus. The Commission asked if there were any plans to modify the architecture of the garden homes. Mr. Barkman responded that, at this time, there were no plans to modify architecture although the market would be the determining factor as garden homes are developed in the future.

Commissioner Ewert raised the issue of bike parking and the State's bike parking recommendations. The Commission noted that they had made a commitment to following the State's recommendations at a previous meeting with the Chair of the Bicycle and Pedestrian Committee. There was additional discussion about the dangers associated with bicycles sharing the same paths as the elderly residents of HOPE Village. Commissioner Ewert explained that by having bike parking, the Commission was not advocating bike use on the walking trails around HOPE Village. Commissioner Keller added he felt it would be appropriate to have bike parking at the community center for residents of the campus who may want to bike to the community center.

The Commission discussed parking lot lighting at the site and the requirement that the applicant use "hooded" lights.

Commissioner Keller asked about the linear park proposed around the perimeter

of the campus. Mr. Barkman mentioned that the park was moving forward as scheduled and each phase of the campus would install another portion of the linear park.

The Commission raised the issue of the numbering system for the garden homes and whether or not it will be difficult for emergency services to locate certain homes given their similarities. It was determined that City staff and Mr. Barkman had worked out a system of addressing which had been distributed to the Fire Department, Police Department, etc.

Commissioner Brown asked about the number of parking spaces required for the community center and how the number proposed had been calculated. There was discussion relating to the number of spaces which were being provided as part of the application and the number necessary for the proposed use. The Commission agreed that the number of spaced shown on the Community Center site plan was adequate for the use.

Commissioner Stewart made a motion to approve DR 98-02 with conditions staff recommended. The motion was seconded by Commissioner Keller and carried unanimously.

VI. NEW BUSINESS

Commissioner Ewert said he would like a motion to recommend to Council a Comprehensive Plan change to change the area of 3rd and Hwy 99 to Highway Commercial from Heavy Industrial and possibly place an environmental overlay on the property that would not allow uses that would pollute the water system. This is an area of special concern. We need to amend text and comp plan map to remove reference to the M-2 zone. Commissioner Brown stated this area is the gateway into the City and should not be M-2. Commissioner Ewert stated we need to modify the zone, expand Area B (3rd and Cedar to the Molalla River to 99E) and recommended we take out Heavy Industrial. The Commission asked staff to propose language amending the Comprehensive Plan to that effect.

VII. COMMUNICATIONS

Ms Synan indicated that the Planning Department has recently been approached about the regulations dealing with portable eating establishments such as catering trucks. The City has no definition of restaurants and is requesting an interpretation by the Planning Commission. The Planning Commission definition of a restaurant that was agreed upon was "permanent building with restrooms and sit down seating that meets health, safety and fire regulations." The Planning Commission ask staff to get sample ordinance language from some neighboring communities concerning this issue and bring back to the

Commission.

VIII. DIRECTOR'S REPORT

Mr. Kruckeberg told the Commission that we have 3 applications for the Planning Commission and all three live outside the City.

Commissioner Brown stated that he would like to make people aware of what the Planning Commission does. He suggested possibly televising a Planning Commission meeting.

Ms. Synan announced that the City is not been under orders to do Periodic Review. An order will be issued by DLCD.

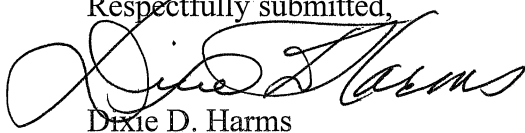
Commissioner Ewert ask about the sign at the T-Shirt Shop. Mr. Kruckeberg reported has been approved but has not been built yet.

Commissioner Ewert took a poll as to whether the Planning Commission should be paid or not. Consensus was no pay.

IX. ADJOURNMENT

Meeting was adjourned by Chairman Ewert.

Respectfully submitted,



Dixie D. Harms