

MINUTES
CANBY PLANNING COMMISSION

Regular Meeting

June 8, 1998

7:30 P.M.

I. ROLL CALL

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

Staff: Jason Kruckeberg, Planning Director; Clint Chiavarini, Project Planner; Dixie Harms, Secretary

Others Present: Katherine Smith, Roger Reif, J.D. Barton, Justin Barton, Paul Farrar, Randy Carson, Mark Greenfield, Adrian Fisher, John Woodward, Albert Duble, Douglas Gless, Jon Eymann, D. Zimmer, Bob Zimmer, Roy Zimmer, David Kelly, Terry Tolls, Bud Roberts, Rich Maier, Elsie Cutsforth, Glenn Cutsforth, Lanae Lyon, John Kelley, Michael Jordan

II. MINUTES

None

III. FINDINGS

MLP 98-01 Harmon Chairman Ewert made a motion to approve findings, conclusions and final order as submitted. Commissioner Keller seconded the motion. Motion carried by vote of 6 ayes, no nays.

IV. CITIZEN INPUT ON NON-AGENDA ITEMS

Terry Tolls introduced Bud Roberts, with Roberts Consulting. Mr Roberts requested that we change our assessment procedures so we have a reasonable method for determining the improvements. In the case of the Industrial Park, there are some serious inequities that may require amendments to the code. Commissioner Stewart suggested it would be best to go through Planning staff first. Mr Roberts felt that part of the difficulty was that the Master Plan will set in stone the land use patterns and street patterns that would carry some of the inequities with them. Method of assessment needs to be

considered before the land use decision.

V. COMMISSION DISCUSSION OF PLANNING ISSUES

Jason Kruckeberg asked for the Commission's interpretation of permitted uses in a M1 zone with regard to a concrete batch plant being considered as a manufacturing use. Discussion followed with regard to this use being permitted outright in the M1 zone as a manufacturing use using only previously prepared materials.

Pacific Rock asked if they could present their case prior to the Commission making their interpretation.

Acting Chairman Stewart took a straw poll of the Commission to see if they wanted to make their decision after Pacific Rock made their presentation for Site and Design Review. The Commission chose to make their decision before the presentation. At this point Pacific Rock lodged a formal protest. Mr. Kelley interjected and stated that Pacific Rock should be allowed to present their case. It is a quasi judicial situation.

Commissioner Prince thinks they should be allowed to make their presentation. Mr Kelley feels the public hearing for the interpretation should be opened and go through the public hearing process then make your decision as to whether the criteria has been met. Acting Chairman Stewart made the decision as Chairman to open the public hearing.

VI. PUBLIC HEARINGS

Acting Chairman Stewart reviewed the hearing process, procedures and format. He referred to applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest or ex-parte contact, except for visiting the site, but coming to no conclusions, only Commissioner Tallman who mentioned an offer of free cement for parks, and Commissioner Ewert, who expressed his concern regarding offers of free cement for projects in town, in his opinion, have tainted the process. Mr. Greenfield ask Commissioner Ewert if he could render a fair and impartial decision on this matter. Commissioner Ewert felt that he could.

Interpretation

Mark Greenfield, attorney for Pacific Rock introduced Mr. Lampe, Mr. Marsh, and Mr. Wristan. Mr. Greenfield stated that the proposed application meets all the criteria of the M1 zone as an outright permitted use.

Mr. Lampe made a presentation about how a concrete batching plant works. He made the comment that the plant has to meet all DEQ requirements, and that all water is treated. Discharges will not affect water quality.

Planning commission questions were answered by Mr. Lampe.

Steve Marsh, Project engineer discussed water quality issues.

Mr. Greenfield stated that the proposed manufacturing meets the common and legal definition of manufacturing; it disseminates no dust, no atmospheric contaminations, no noise.

PROPONENTS

None

OPPONENTS

None

With no additional questions, the public portion of the hearing was closed for Commissioner deliberations.

Discussion followed regarding the ordinances and interpretation of the existing ordinances. Commissioner Prince talked about the listed uses in M1 and feels a Concrete Batch Plant is a Conditional Use. Commissioner Brown thinks concrete is a raw material when it leaves a batch plant. Commissioner Keller stated that the City Council will make the area M2 and a batch plant would have to come in as a Conditional Use in an M2 zone. He also has environmental concerns. Commissioner Tallman believes a concrete plant is a manufacturing use. Commissioner Ewert is in agreement with Commissioner Prince. He believes this will also create a traffic problems and that our water system could be in jeopardy. Acting Chairman Stewart asked for a motion on the Interpretation. Commissioner Prince made a motion to deny that a batch plant is a manufacturing use as it does not meet the City standard for a manufacturing facility. Commissioner Keller seconded the motion. The vote was 3 ayes and 3 nays, motion to deny failed.

John Kelley suggested that the hearing on DR 98-03 would not be held as the interpretation finding shows that Conditional Use Permit is necessary.

DR 98-05 an application by Hot Off The Press requesting Site and Design approval to build a warehouse for their business. Acting Chairman Stewart reviewed the hearing process, procedures, and format. When asked if any Commissioners had a conflict of interest or ex-parte contact, except for visiting the site, but coming to no conclusions, none were expressed.

Clint Chiavarini presented the staff report. The site is located on the North side of

Township Road., approximately midway between S. Pine St. and S. Redwood St. Staff concludes that the applicant meets or exceeds the Design Review matrix. The City Engineer had a comment on the Request for Comments submitted, that being the sewer service must come from one of three locations, Redwood and Township intersection, or Pine and Township intersection, or Redwood across lots 1 & 2 of the Township Industrial Park. Applicant will need to coordinate with the City in a pre-application conference for the street improvements. Shared access drives were discussed. The landscape plan submitted by the applicant meets or exceeds the standards. Staff has a concern for the four trees that screen the eating area. The trees being proposed should be looked at more closely as to their relationship with the surrounding trees.

Commissioner Tallman asked about the concerns with the trees and Mr Chiavarini explained his concerns with the size of the proposed trees. Commissioner Keller asked the height of the proposed building. Mr Chiavarini stated the building height was 34 feet.

APPLICANT

Katherine Smith representing Hot Off The Press described the type of materials that would be used on the building, signage would match. Parking would run on the eastern side of the building because of shared access. Ms Smith explained the size of the trees selected were small because it will be an eating area for employees and it would be a garden landscape type area. The sewer situation will not be a problem, the applicant will do whatever the City wants.

Commissioner Keller asked about the shared access drive and feels it should be conditioned so we would have the area maintained. Commissioner Stewart questioned the shared access. Commissioner Keller asked about bike racks, he thought the Commission had agreed to include in all applications.

PROPONENTS

None

OPPONENTS

Justin Barton, Portland stated he owns the property on the west side of applicant. At this point Commissioner Keller interrupted stating that he had a potential conflict of interest as he had been the real estate agent procuring Mr. Barton's property next door to the applicant's property. Acting Chairman Stewart ask if anyone in attendance had any questions of Commissioner Keller. No questions were asked. Mr. Barton stated that he had some very severe criticism of the design as it is laid out. He understood there would be a site obscuring fence and landscaping. He is requesting a continuance of Public

Hearing so that he may get his attorney into this issue, or meet with staff and applicant to try to solve this problem.

Acting Chairman Stewart recognized Ms Smith who stated that there were no requirements for fence or landscape in the zoning requirements. Ms Smith stated that the site would be secured during construction by the contractor. Changing the color of the roof would not be a problem with the applicant, they were concerned with the design review matrix. She ask if they would need both a fence and landscaping screening, or just one of them. Ms Smith ask the Commission to define what kind of fence would be required as they are not building on the entire property.

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

Commissioner Brown asked if the Commission heard as he did that the applicant said that they would do either a fence or landscaping. The consensus was yes. Commissioner Keller felt that this building is ugly as it is. He feels something should be done with the color. He thinks a fence and trees to break up the outline of the building should be required as a condition as well as the shared drive and bike racks. Commissioner Ewert would like a fence from corner to corner. He would prefer a dark green roof. Sewer plan will be conditioned to be acceptable with Roy Hester and Curt McLeod. Landscaping to be conditioned to be acceptable with the planning staff. Mr. Barton was asked if he was withdrawing his request for a continuance, he answered yes.

Based on the findings and conclusions contained in the staff report, on testimony at the hearing, and on Commission deliberations, Commissioner Prince moved to approve DR 98-05 with the conditions discussed. Commissioner Tallman seconded the motion. The motion passed with a vote of 6 ayes, no nays.

VII. COMMUNICATIONS

Commissioner Stewart told the Commission that an invitation had been received from Hope Village announcing their open house at Cascade House on June 19, 1998.

VIII. OLD BUSINESS

The person that wanted to discuss the Mobile Food Vending Policy was not in attendance. Planning Commission requested that we wait until the person was able to attend.

IX. NEW BUSINESS

Work session: **CPA 98-02** Beth Saul, Director of Parks and Recreation, presented

thePage 6 of 6 Parks Master Plan. Mike Jordan, City Administrator, gave background on the Parks Department. Several members of the Parks Advisory Board were in attendance and available to answer questions. Discussion by the Planning Commission followed. The Public Hearing on CPA 98-02 will be on June 22, 1998, then will go on to the City Council.

X. DIRECTOR'S REPORT

Mr. Kruckeberg reported that he wrote a letter to Mr. Bauman with regard to the sidewalk situation on the condominium conversion on Territorial Road. He gave some background on and some of the possible resolutions to the problem. Discussion followed. It was decided to pursue resolution of the problem aggressively but not to the point of hurting residents.

Discussion followed about the scheduling of Public Hearings. It was felt that 3 hearings were probably enough on one night, depending on what kind of hearings.

Commissioner Ewert read his letter of resignation that he sent to Mayor Taylor and Administrator Jordan.

Commissioner Ewert entertained a motion to appointment a chairman and vice-chairman to the Planning Commission. Commissioner Tallman made a motion to appoint Commissioner Stewart as Chairman of the Planning Commission. The motion was seconded by Commissioner Prince. Motion carried unanimously. Commissioner Stewart made a motion to appoint Commissioner Keller as Vice-Chairman, the motion was seconded by Commissioner Prince. The motion carried unanimously. Both gentlemen accepted their appointments.

XI. ADJOURNMENT