

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
July 13, 1998
7:30 P.M.

I. ROLL CALL

Present: Chairman Stewart, Vice-Chairman Keller, Commissioners Brown, Tallman, Prince

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

Others Present: Terry Tolls, Bud Roberts, R. J. Hasler, Kathryn Lewelling, Dean & Helen Basinger, Debbie Zacher, Roy Zimmer, Bob Zimmer, Matt Grady, Roger Reif, Pat & Buzz Weygandt, Derek Bliss, Ray & Irene Burden, Lisa Weygandt, Matt Madeira, George Diamond, Evelyn Staehely, Gladys McConnell

II. FINDINGS

DR 98-04

Commissioner Keller made a motion to approve the Findings, Conclusions, and Final Order for DR 98-04 as submitted. Commissioner Brown seconded the motion and it carried 5-0.

MLP 98-02

Commissioner Keller made a motion to approve the Findings, Conclusions, and Final Order for MLP 98-02 as submitted. Commissioner Prince seconded the motion and it carried 5-0.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. PUBLIC HEARINGS

MLP 98-03 an application by Ira and Helen Basinger to partition an existing .5 acre lot into two lots.

Chairman Stewart 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. 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 were expressed.

Clint Chiavarini presented the staff report. The property is located at 1520 N. Maple and is approximately one half acre in size. The applicant wants to create two parcels. The front parcel contains the current residence. It is a nonconforming structure at this point due to the two foot setback from the property line. The parcel to the rear is the larger of the two. This parcel would be required to make a 10 foot street dedication. To the north, half street improvements have been made. There is a 4 foot sidewalk in place along the northern properties. Staff feels a 5 foot sidewalk could be accommodated. A street light will need to be moved.

Commissioner Tallman asked if the 4 foot sidewalk was across the front of the property. Mr. Chiavarini explained that several properties had been developed with 4 foot sidewalks. At the time of any development to the south, 5 foot sidewalks would be the norm.

Commissioner Keller asked who would pay for the relocation of the light pole. Mr. Chiavarini explained that the property owner would be responsible for that as well as the sidewalks.

Applicant

Roger Reif, 217 N. Grant St., stated that he represented the applicant. He stated that the garage that was there has been removed as the present owners had been unaware that it was a nonconforming use. Mr. Reif has a concern that the street light is unlike any other on Maple Street. He stated that typically street lights are located on the property lines, this one is on the lot. It is stated in the conditions that the sidewalks and street have to be in before the plat is signed by the City, and the street light will be taken care of when utilities are put into the back lot. He ask that this be clarified.

Mr. Chiavarini explained that these two conditions, half streets improvements and sidewalks, would take place during construction. The back lot could be platted and sold. The street light would also be moved at the time of sidewalk construction.

Proponents

None

Opponents

None

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

1. The Commission discussed the 5 foot sidewalk and the light pole. It was agreed the light pole was the applicant's responsibility and that sidewalks should be 5 foot to keep it consistent with the rest of the City.
2. The Commission discussed the nonconforming issue. It was noted that any additions or changes to the existing structure would need to meet code.
3. The Commission would like to see the understandings added to the findings to avoid misunderstandings.
4. It was noted that Solar Access may limit the height of the house on the flag lot.

Based on the findings and conclusions contained in the staff report dated July 1, 1998, on testimony at the July 13, 1998 hearing, and on Commission deliberations, Commissioner Prince moved to approve MLP 98-03 with the conditions as discussed. Commissioner Tallman seconded the motion, and the motion carried by a vote of 5-0.

MLP 98-04 an application by Margaret Hubbard to partition an existing .47 acre lot into two lots.

Chairman Stewart 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. When asked if any Commissioner had ex-parte contact or conflict of interest, except for visiting the site, but coming to no conclusions, none was expressed.

Clint Chiavarini presented the staff report. The property is located at 1351 N. Locust St., The front parcel is the larger of the two parcels being partitioned. Mr. Chiavarini indicated that the reason for the way that the property was divided was to attempt to maintain a large fir grove that is on the property. The setbacks along the access drive were proposed to be 6 ½ feet. Normally five feet is the setback from an access drive. This was done primarily to facilitate flag lots like this one. As a condition, sidewalks will be constructed when construction takes place.

Commissioner Tallman stated that pole of the flag lot was not included in the square footage.

Applicant

Roger Reif, 217 N. Grant, stated that he represented the applicant. He stated that they agree with the staff report and request some clarification on the trees that will have to be moved. Mr. Reif felt that a Fir and a Dogwood would have to be removed. As the trees will act as a natural buffer, most will remain.

Proponents

None

Opponents

None

With no additional testimony, the public hearing was closed for Commission deliberations. Issues discussed included:

1. The Commission discussed the hedge, but felt a 20 foot access for fire protection was more important than retaining the hedge.
2. The Commission requested that the understandings be added to MLP 98-04 as they were to MLP 98-03.

Based on the findings and conclusions contained in the staff report dated July 1, 1998, on testimony at the July 13, 1998 hearing, and on Commission deliberations, Commissioner Keller moved to approve MLP 98-04 with conditions as discussed. Commissioner Brown seconded the motion and it carried by a vote of 5-0.

DR 98-07/CUP 98-02 an application by the City of Canby to develop a new aeration basin and associated buildings to house equipment and staff at the Wastewater Treatment facility.

Chairman Stewart asked if there was anyone in attendance who had not heard the public hearing format read earlier this evening. There was no one. When asked if any

Commissioner had ex-parte contact or conflict of interest, Commissioner Prince stated that he had discussed the upcoming meeting agenda with a neighbor, all other Commissioners expressed no conflict or ex-parte contact. Chairman Stewart asked if anyone had any questions of Commissioner Prince, there were no questions.

Jason Kruckeberg presented the staff report. He stated that this application was for the remodeling and upgrading of the City's Wastewater Treatment Plant located on Tax Lot 601 of Tax Map 31E27. The site has been used since the late 1950's. The property is zoned R-1, thus a Conditional Use Permit is required.

Mr. Kruckeberg read a letter into the record that has been submitted to the city from the Willamette Valley Country Club. The letter stated the concerns of the membership about the odor associated with the present plant. They are asking for corrective action. If the present problem continues, they intend to take the necessary steps with the proper federal and state agencies to obtain corrective action and eliminate the odors.

Mr. Kruckeberg forwarded this letter to Curt McLeod, City Engineer; and Steve Hanson, Wastewater Treatment Plant operator. They met with representatives of Willamette Valley Country Club and discussed two main issues. The two issues were the odor and the screening of the course. It was Mr. Kruckeberg's understanding that the City has agreed that they will no longer store sludge in the open pond adjacent to the course, and they will work with Willamette Valley Country Club to put up some adequate screening to meet their needs.

Applicant

Kurt McLeod, Curran-McLeod Engineers, explained that his firm has been involved with the Wastewater Treatment Plant since 1991, and came before the Planning Commission with their first design review in 1993. At that time they presented the entire program. They are now implementing a 5 to 6 year program. This is the first of three components. The new building is to be wood frame with a metal roof. It will be painted gray to match the other buildings in the complex. A landscape plan will be submitted to the Planning department. There has been a meeting with Willamette Valley Country Club to discuss the odor problems. A walk through was taken to explain where the odors were coming from. Mr. McLeod explained that improvements have been made, but the storage of sludge over the winter does create a problem. Arrangements have been made to have a sludge hauler come in and drain the storage tank. This is an interim solution. The solution is not to store sludge on site and the City has agreed not to do so in the future. A plan will be submitted to Mr. Kruckeberg identifying the interim plan.

Proponents

None

Opponents

Bob Hasler, 32675 SW Lake Pt Ct, Wilsonville, Board of Directors, WVCC, stated the board authorized him to write the letter to the City. WVCC doesn't care how the problem is solved, just that it is solved.

Wayne Livdahl, 286 NW 4th, Project Manager for the new club house stated that he felt the same as Mr. Hasler. The problem is not as bad as it used to be, but is still bad. The 11th hole is very close to the Wastewater Treatment Plant.

Bill Schafer, 1291 NE 12th Way, asked that they not stir the sludge on Saturday or Sunday.

Mr. McLeod stated that they expect to be complete and operational by the fall of 1999.

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

1. The Commission discussed the landscape and screening issue. Mr. Kruckeberg explained that in the draft findings, one condition was that the City would produce a site screening plan that met the needs of the WVCC, to be submitted to the Planning staff. A second condition was that the City will produce an operation plan that precludes the onsite storage of sludge at the Wastewater Treatment Plant.
2. The Commission discussed the odor problem and agreed that the conditions as proposed by staff should help.

Based on the findings and conclusions contained in the staff report dated July 2, 1998, on the testimony at the July 13, 1998 hearing, and on Commission deliberations, Commissioner Prince made a motion to approve Dr 98-07/CUP 98-02 with conditions from the supplemental findings. Commissioner Tallman seconded the motion and it carried by a vote of 5-0.

CPA 98-01 Industrial Parks Master Plan

As there were members of the audience who had arrived late, Chairman Stewart 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. When asked if any Commissioner had ex-parte contact or conflict of interest, both Commissioner Brown and Commissioner Stewart stated their contact. The audience was asked if they had any questions of those two Commissioners, there were none.

Jason Kruckeberg stated that at the May 11 public hearing, the Commission provided some changes to the Industrial Master Plan by OTAK. Commission also directed OTAK and staff to have a meeting with landowners along 1st Avenue. All changes mentioned at the meetings have been incorporated in the draft plan. He introduced Steve Dixon, OTAK, to give a presentation.

Mr. Dixon reviewed the changes that have been made since the first meeting. He stated some of the changes are dependent on ODOT approval. He discussed the revision of the east-west connection in the vicinity of Walnut. Much depends on the development of various parcels in the area. The straightening out of the north-south collector that runs along the west, instead of swinging through it and creating an awkward parcel. This also depends on how the parcel is developed, and the extension of the roadway to the north. Future transit access was discussed. There would possibly be three bus stop locations between Township and Highway 99E. Mr. Dixon discussed the adjustments to land uses where certain parcels were split zoned. The Planning Commission directed OTAK to make the plan reflect the existing Comprehensive Plan Designations. Mr. Dixon felt that questions about financing were beyond the scope of his work on the Master Plan. He noted that they made the changes to the overlay zone and the design review matrix.

Joe Dills discussed an open public meeting that he facilitated with property owners. Most of the discussion was about the proposal to extend 1st Ave. to Hwy 99E. ODOT did not feel that it met their standards, but they would look at it further. Commissioner Keller asked about the Redwood and Hwy 99E intersection being the beginning of the Parkway, and that the 1st Ave. connection will need to be made then. Mr. Dills said that to make that connection, the Parkway would need to be developed for at least 180' to 200'.

A letter from Mr. Tolls to the Planning Commission was discussed. Mr. Tolls discussed the Zimmer property and the zoning of that property. He asked that the whole property be zoned CM to avoid splitting it.

Mr. Bud Roberts had questions about zoning, Local Improvement District, and street patterns. He felt that the City Council should make a firm commitment to make other financing methods available before incurring anymore costs to property owners. He felt that the provision to allow no metal buildings should be handled with site and design review. He felt that land owners should not be asked to approve a land use that affects their property value and access without knowing what it will cost. He would like some flexibility to the plan.

Matt Grady discussed signs and the language in the draft with regard to signs. He felt the language stating 'one sign allowed' was unfair considering the size of the Gramor project. He would like changes to the setbacks from 20 feet to 25 feet to allow for architectural

components in design features. Parking and landscaping are a concern considering the type of development.

Barry Cain had questions about the point system in the Design Review Matrix, in an Industrial Park. He felt the Gramor commercial development could increase the number of trees and buffers. He felt a change in the point system would be better in an industrial area.

Mike Jordan was asked for some guidance with regard to land use and financing. He stated that the suggested language was that the City Council not take action to implement the Industrial Park Master Plan prior to an analysis of financing issues.

Mr. Dan Ewert recognized OTAK for its work. He felt this was a good plan.

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

1. Access to Hwy 99E from 1st Avenue. The existing plan offers options.
2. There is more than one way to implement the general north-south and east-west conductivity. There is a need for a circulation plan that illustrates the conductivity for this area.
3. Zoning and possible changes in zoning.
4. It was brought to the attention of the Planning Commission that the Comprehensive Plan text is contradictory to the maps, and the Planning Commission has called for an interpretation. This issue will be tabled until the next meeting.
5. Design Matrix with regard to parking and landscaping points allowed. It was agreed that the Matrix would be the same for both industrial and commercial applications. The statement "as viewed from the public right-of-way", will be added to Parking areas in the Matrix.
6. Street yards 20 feet for buildings up to 25 feet in height, 35 feet for buildings between 25 feet and 45 feet in height.
7. Monument signs will be limited to 1 monument sign per 10 acres of development, not to exceed 2 monument signs per development.
8. Metal building exterior will be prohibited.

Chairman Stewart closed the public hearing stating that it will be continued at the next Planning Commission meeting.

V. FINDINGS

DR 98-07/CUP 98-02 WWTP

Commissioner Tallman made a motion to approve the Findings, Conclusions, and Final Order as submitted. Commissioner Prince seconded the motion and it carried by a vote of 5-0.

VI. DIRECTOR'S REPORT

Mr. Kruckeberg said Vine Meadows Subdivision has asked if they can add a fence around the development like the one around the Willow Creek development. It states in the code that all fences around subdivisions need to come back in front of the Planning Commission if it was not part of the subdivision approval. Planning Commission agreed a fence should be there. It would need to be brick and match the Willow Creek fence.

Mr. Kruckeberg said the Planning Commission would discuss the Intergovernmental Agreement at the next meeting.

Mr. Kruckeberg said he checked with John Kelley about moratoriums as Planning Commission had asked. In looking into this, Mr. Kelley found that there is a lot of case law dealing with this issue. It is a constitutional issue as well. John Kelley will get a memo to the Commission soon.

Mr. Kruckeberg said that the meeting with the City Council and Commission will be changed. The Mayor would like as many of the Commissioners to attend as possible.

VII. ADJOURNMENT

The meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Dixie Harms