

MINUTES
CANBY PLANNING COMMISSION

Regular Meeting

July 27, 1998

7:30 P.M.

I. ROLL CALL

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

Staff: Jason Kruckeberg, Planner; Dixie Harms, Secretary

Others Present: Tim Sercombe, Scott Beck, Wayne Scott, Roy Zimmer, Bob Zimmer, Tom Scott, Steve Dixon, Terry Tolls, Betty Faist, Buzz Weygandt, John Dewar, Irene Dewar

II. FINDINGS

MLP 98-03

Commissioner Keller made a motion to approve the Findings, Conclusions, and Final Order for MLP 98-03 as submitted. Commissioner Brown seconded the motion and it carried 4-0.

MLP 98-04

Commissioner Prince made a motion to approve the Findings, Conclusions, and Final Order for MLP 98-04 as submitted. Commissioner Keller seconded the motion and it carried 4-0.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. PUBLIC HEARINGS

DR 98-06 an application by A. Wayne Scott (owner/applicant) for site and design approval for development of a restaurant and office building just west of the Canby

Professional Center Phase I.

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.

Jason Kruckeberg presented the staff report. The site is located on the north side of SW 2nd Avenue between S. Ivy and S. Grant. The property is zoned Highway Commercial. The applicant is proposing a 4,560 square foot office building and a 3,000 square foot restaurant. The first phase of the Canby Professional Center was approved in 1995. Crossover easements for parking will be conditioned with this application. The project meets or exceeds the criteria, as rated on the design review matrix, for a total of 26 points out of a possible 33 points (79%). The architecture will be essentially the same as the first phase. This proposal meets all the requirements for Design Review. There are 12 conditions listed in the staff report.

Commissioner Prince asked about sidewalks on SW 2nd, and fences. Mr. Kruckeberg said there were sidewalks, and there was no proposal to do fences.

Commissioner Brown asked several questions; 1) how we deal with internal property lines for properties that have more than one commercial project involved, 2) are there any internal lot line separation or any assumed property line to take into account with regard to setbacks between each building. Mr. Kruckeberg stated that the applicant will be proposing a lot line adjustment to make the parking lot easier to deal with.

Commissioner Stewart asked if wheel stops are required for all spaces, or just those that abut landscape areas. Mr. Kruckeberg stated that, as per code, only those that abut landscape areas or pedestrian walkways will require wheel stops..

Applicant

Scott Beck , Architect, 361 NE 3rd stated that he represented the applicant. He stated that he had just received a copy of the declaration of crossover easements for the three lots and presented a copy to staff. The document was recorded in March of 1995. He stated that the intent was to match the architecture and overall design of the existing Canby Professional Center. He stated that the applicant has no problem with the staff recommendations with the exception of the separate 6 inch sewer laterals to each of the two proposed buildings as per the specifications of the Public Works supervisor. He would like to discuss this situation with the Public Works Supervisor. Mr. Beck said the applicant would like to be able to come back at a later date for separate Design Review approval for the signs to be associated with this project. He discussed various options with regard to the issue of this project being one building or two. Mr. Beck would like

the two buildings to be called one in the eyes of the building code. The project would be compatible with the neighborhood and work well with the existing structures.

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 sign issue. It was agreed that the signs for this project would come to the Commission under a separate Design Review application.
2. The Commission discussed code questions. It was agreed that these were building department requirements that the applicant would have to deal with.
3. The Commission discussed the sewer laterals. It was agreed that the condition in the staff report would handle the sewer lateral question.

Based on the findings and conclusions contained in the staff report dated July 17, 1998, on testimony at the July 27, 1998 hearing, and on Commission deliberations, Commissioner Prince made a motion to approve DR 98-06 with the added condition that the signs would be handled as a separate Design Review at a later date. Commissioner Keller seconded the motion, and the motion carried by a vote of 4-0.

CPA 98-05 an application by Oregon Development, Inc., requesting approval of a legislative Comprehensive Plan Amendment which would modify annexation criteria for properties which are (a) included in an advanced financing district, and (b) are out of sequence in the City's priority phasing system.

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 were expressed.

Jason Kruckeberg presented the staff report. He explained that this Comprehensive Plan Amendment is sought to modify the City's annexation policy for properties which are (a) included in an advanced financing district, and (b) are out of sequence in the City's priority phasing system.. He discussed the major approval criteria. He stated that the City will be going through Periodic Review, at which time our annexation criteria and policy will be evaluated . Mr. Kruckeberg gave some background information on this application. The Faist property is classified as Priority C in the Comprehensive Plan, and has been denied several times when they have applied for annexation. He also stated that the Faists and Oregon Development, Inc. have an associated annexation application (ANN 97-06) under consideration.

Chairman Stewart asked about the Miller Nash recommendation from attorney Jeff Condit. Mr. Kruckeberg explained that the Miller Nash recommendation was to allow prepayment of advanced financing fees to stop the accrual of interest. We will possibly be bringing that to the City Council. It is being reviewed by the City Attorney at this time.

Applicant

Tim Sercombe of Preston Gates & Ellis is representing Oregon Development, Inc., and Larry and Betty Faist, who are the applicants. Mr. Sercombe explained that the annexation of the Faist property was before the Council earlier this year, and several of the arguments deal with the inequities of the assessments made on the Faist property in 1994 for their share in the advanced financing district. That assessment was approximately \$69,000 at that time. They were being charged for services, but not being allowed to use them. The assessment now totals approximately \$100,000. Annexation of this property will provide an economic benefit to the City. It will also allow the City to retire almost \$100,000 of debt. Several suggestions have been made to deal with this issue; 1) to forgive the interest at the time of denial of annexation, 2) the owner pay the assessment to stop the interest. Neither suggestion is practical. Mr. Sercombe suggested that annexation of this property is appropriate, timely, and will not have deleterious effect on public services which have been extended to the property. He stated that this Comprehensive Plan Amendment is fair, makes planning sense, and it is timely. It is a band-aid solution, a temporary solution. This amendment does not prevent the City from looking at this issue at the time of Periodic Review.

Proponents

None

Opponents

None

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

1. The Commission discussed the A, B, C priority issue.
2. The Commission discussed the advanced financing plan and a more equitable way to deal with assessments. There should be a modification of the financing package.
3. The Commission agreed this is an equity issue and that it is unfair.
4. The Commission agreed that Periodic Review is the appropriate time to review and revise the Comprehensive Plan.

Based on the findings and conclusions contained in the staff report dated July 17, 1998, on testimony at the July 27, 1998 hearing, and on Commission deliberations, Commissioner Prince made a motion to deny CPA 98-05 as it does not meet major approval criteria C., D., E. Commissioner Brown seconded the motion, and the motion carried by a vote of 3-1, with one Commissioner absent.

CPA 98-01 Industrial Parks Master Plan

As the hearing process, procedures and format were reviewed previously, and everyone in attendance was present when it was read, Chairman Stewart did not reiterate it. When asked if any Commissioner had ex-parte contact or conflict of interest, Commissioner Brown stated he is an associate of an architectural firm that had been employed by Gramor, and has met with OTAK, ODOT, and property owners in the future industrial area. The audience was asked if they had any questions of Commissioner Brown, there were none. Other than visiting the site, but coming to no conclusions, no other ex-parte contact or conflict of interest was reported.

Jason Kruckeberg stated that this was the 4th public hearing on CPA 98-01. At the last meeting there was an issue that was not addressed. The issue was the zoning of tax lot 800. There is a conflict between the Comprehensive Plan text and the Comprehensive Plan map. There is also letter from DLCD regarding zoning of a CM parcel. Mr. Kruckeberg stated the staff is looking for a recommendation to go on to the City Council.

Steve Dixon, OTAK, reviewed the three revisions made since the last meeting. The first revision was to the proposed overlay zone to change the minimum building height at the setback line from 20 feet to 25 feet. There was also a revision to the narrative on page 7 that reflects the recommendation that at time of annexation, adjustments to split zone parcels should also occur. There was also a revision to the Design Review Matrix. The

revision would change the percentages of parking spaces and the point spread.

Jason Kruckeberg discussed the letter from DLCD and the recommendation that they made regarding the uses in the CM zones. He stated that staff position was that the Land Use Map should be a guide for the interpretation of zones. A letter from Terry Tolls has recommended that the CM zone be moved an average of 150 feet south of Road C. This would allow more CM zoned land.

Mr. Terry Tolls asked to address the letter from DLCD. He stated that he sent a letter to Mr. Kruckeberg relative to the zoning issue. He feels that the DLCD's zoning issue should be deferred till the Comprehensive Plan review. He realizes Road C location is not a fixed location.

Barry Cain, Gramor, stated that from a land use perspective, there is more CM land being taken for roadways proportionally to how much CM land there is. They have a concern with the advanced financing districts or LIDs for infrastructure. Gramor would like to see a credit being given for the expenditures they have incurred with major intersections and roads to get this project started. He also had a question about signs. There had been a discussion about two signs for large developments at a previous hearing. Commissioner Brown suggested the following language with regard to signs, that 1 monument sign is allowed for developments up to 10 acres in size. Developments over 10 acres in size may be permitted a maximum of two monument signs. Only one monument sign per street frontage is allowed.

Mr. Zimmer was pleased with Mr. Kelley's letter giving the Commission the ability to arrive at something that makes sense on the narrow piece of Zimmer property. He was glad to see that Road C has the ability to float up and down. He would like to have the flexibility to develop these properties. He felt the landowners would like to have some input on LIDs and advanced financing districts.

John DeWar stated that he was concerned with lowering Road C as it could go through his house.

Proponents

None

Opponents

None

There was Commission discussion of a memorandum from Mr. Cain. The Draft Master Plan says that cost and impact should be addressed as a parallel process prior to the implementation of the Master Plan. Mr. Cain feels that this should be part of the language. Mr. Roberts and Mr. Tolls have submitted a copy of another city's code on financing options and assessment methodology. John Kelley and Curt McLeod are reviewing that now to put together some type of package recommendation for City Council to consider as a parallel process to the Council's consideration of the Master Plan.

There was Commission discussion on zoning. The CM zone will be established in the Zimmer property which would be 1000 feet south of the northwest property corner of the west side of the Zimmer property.

Commissioner Brown felt Gramor should have two signs and be able to put them where he wants. Signs should be 300 to 400 ft. apart. This was not agreed to by the other Commissioners.

Commissioner Keller stated that rules should be the same for the whole industrial park.

Chairman Stewart closed the public hearing.

Commissioner Prince made a motion to accept CPA 98-01 Industrial Parks Master Plan with the exceptions noted. Commissioner Keller seconded the motion and it carried by a vote of 4-0.

The Planning Commission requested copies of the recommendations that will be sent to the City Council. Mr. Kruckeberg indicated that he would do so.

V. COMMUNICATIONS

None

VI. NEW BUSINESS

Intergovernmental agreement regarding green corridors/rural reserves. Planning Commission requested that this be tabled till the next meeting.

As part of subdivision approval, Vine Meadows Subdivision agreed to put solar building lines on some of the lots in the subdivision. The orientation of some of the streets has

made this very difficult to meet the requirements of the code. Tom Scott, the developer, has asked that the solar building lines be waived on some of the lots. The developer will still have to meet the solar requirement for the individual houses. This would be an interpretation for the Planning Commission. Commissioner Brown made a motion to waive the solar building lines in Vine Meadows on lots 8, 9, 10, 11,13, 14, 19 & 20. Commissioner Keller seconded the motion and it carried 4-0.

VII. DIRECTOR'S REPORT

Mr. Kruckeberg reminded the Commission of the dinner meeting with the City Council scheduled for August 10, 1998 to discuss mutual direction. The meeting will be at the Community Room at the Library.

He also discussed the list of cities that will be going through Periodic Review. Canby is on the list but has not received a letter at this time. He gave an update on search for the Community Development Director.

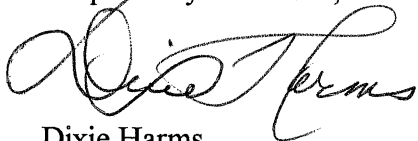
There has been a pre-application meeting with Gramor.

There will be no public hearings the next two meetings.

VII. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dixie Harms".

Dixie Harms