

MINUTES
CANBY PLANNING COMMISSION

Regular Meeting
September 14, 1998
7:30 P.M.

I. ROLL CALL

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

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

Others Present: Mark Greenfield, Adrian Fisher, David Kelly, Steve Marsh, Pete Kelley

II. MINUTES

July 13, 1998

Commissioner Brown made a motion to accept the minutes of July 13, 1998 as submitted. Commissioner Prince seconded the motion and it carried 5-0.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

None

V. PUBLIC HEARINGS

DR 98-03 an application by Pacific Rock Products requesting site and design approval to place and operate a portable concrete batch plant. The site is located on the north side of Highway 99-E, at the intersection of the Highway and Berg Parkway (Tax Lot 407 of Tax Map 4-1E-5).

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted of 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.

Jason Kruckeberg presented the staff report dated September 4, 1998. Staff recommends approval with conditions as stated in the staff report, with one added condition stating that a revised site plan will be submitted that depicts all written conditions of approval.

Commissioner Prince asked for clarification of the added condition. Mr. Kruckeberg restated the wording of the added condition.

Commissioner Stewart asked if the applicant will be storing trucks on site. Mr. Kruckeberg stated that he had been told by the applicant that they will bring trucks from other Pacific Rock sites, that none will be stored on the Canby site.

Commissioner Stewart asked if the fence ran the full length of the northern boundary and Mr. Kruckeberg answered that it was his understanding that it did.

Commissioner Tallman asked about the sidewalks in the area. Mr. Kruckeberg stated the intersection design is just being submitted by Curt McLeod. At the time of development of other properties in the area, sidewalks will be constructed by developers. He stated that due to truck traffic, it may not be a good idea to have sidewalks in this area.

Commissioner Keller asked how people who work at the site get to it, do they walk in the truck traffic? Mr. Kruckeberg stated that they would probably walk in the road.

Applicant

Mark Greenfield stated that he was the attorney representing Pacific Rock Products and Adrian Fisher. He requested more than the 15 minutes allowed for the applicant as they have many experts to testify. He stated that there is general agreement with the staff report. He addressed the compatibility issue stating that the closest structure is over 600 feet away, making it difficult to consider it "same general vicinity".

Steve Marsh, Project Engineer for Pacific Rock Products, went over the site plans, showing visuals and describing operations of the plant. He discussed the noise levels, and said the total noise level at this site would be 46 DBA, the daytime standard is 55

DBA, nighttime standard is 50 DBA, so this plant would be well below the standards.

Commissioner Prince asked about the noise on-site. It was stated that a Heavy Industrial site is not considered a noise sensitivity site.

Chairman Stewart stated that an additional 2 minutes will be added to the allowed time.

Mr Marsh continued with discussion of the stormwater and processed water management plan. He stated that they recycle as much water as possible. Discharge from the Canby plant will not impact local water quality. Landscaping plan was explained, and Mr. Marsh stated that they would work with Beth Saul of the Parks Department to move some of the trees and possibly plant additional trees on the park side of the plant.

Mr. Marsh addressed the Suburban Propane issue. Suburban Propane is on a month to month lease with Adrian Fisher and they do share a access drive with Pacific Rock and will continue to do so.

Commissioner Prince asked about the plant hours of operation and noise. Mr. Marsh stated that they would like the flexibility to operate at any time as concrete is a perishable item and heat tends to make it more perishable. Many times contractors need an early start time on a large pour.

Commissioner Keller asked where the access was for Suburban Propane and Mr. Marsh pointed out on a map where the access was located. Commissioner Keller asked if that access was adequate for emergency vehicles. Mr. Kruckeberg explained that the fire and police departments have not expressed any concerns about access.

Mr. Jeff Wristan, general council and business manager for Pacific Rock, stated that Suburban Propane is on a monthly basis and not considered a permanent tenant on the site. If they wish to stay on the site, they will have access.

Mr. Greenfield talked about several of the conditions in the staff report. He stated that Pacific Rock would like it stated in Condition 7 that construction of the roadway be on piers not on fill. Condition 15 deals with access road to the site and Mr. Greenfield felt that this condition needed to be clarified.

Proponent

None

Opponent

None

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

Commissioner deliberations. Issues discussed included:

1. Access roads and sidewalks
2. Noise monitoring, testing, and frequency of testing
3. Water monitoring, testing quarterly for the first year then revisited at that point
4. Hours of operation
5. Height and color of the plant
6. No truck storage or additional equipment added to site without coming before the Planning Commission
7. Landscaping-concern that if Berg Parkway eventually goes thru some or most of the landscaping will be taken out
8. Sewer
9. Conditions #7 and 15 that deal with right of way, road to be built on piers not fill, and clarification of access road responsibility
10. Offer of additional trees north of railroad to be worked out with Beth Saul of Parks Department and the applicant

Based on the findings and conclusions contained in the staff report, on testimony at the hearing, and on Commission deliberations, Commissioner Brown made a motion to approve DR 98-03 with amended and/or added conditions as stated by the Chairman. Commissioner Keller seconded the motion and it passed by a vote of 4-1.

CPA 98-03 an application by Leonard Kelley requesting an amendment to the Comprehensive Plan Land Use Map to include two parcels of approximately 1.5 acres in the Urban Growth Boundary. 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 dated August 29, 1998.

Commissioner Keller asked about the mitigating flood plane situation and how much of the area is wetland. Mr. Chiavarini explained conditions for the annexation. Conformance with any requirements of the Division of State Lands would take precedence. It was unclear how much of the area was wetlands. Mr. Chiavarini stated that potentially only the creek. Wetland study would be required when the property was developed.

Commissioner Brown stated that a 100 foot area on both sides of the creek could be impacted.

Commissioner Tallman asked about the creek and the trail that she had seen on the site. She asked about a deep depression. Mr Chiavarini stated that there had been some earth

moving being done in that area. The area is regulated by the county.

Commissioner Prince asked about the Village on the Lochs and the flood plane regulations and management. Mr. Kruckeberg added that FEMA had exempted Village on the Lochs development from the flood plane.

Commissioner Keller asked about the current UGB and where the creek runs in relation to the city limits. Mr. Chiavarini said he believed that it was at the northern property line, where the City limits are. Without a survey it would be hard to determine an exact location.

Applicant

Leonard J. Kelley, 840 NE 10th Ave, Canby, OR., explained why he applied for a Comprehensive Plan Amendment. Mr. Kelley felt that the maps that have been used are in error. He discussed meetings with various members of the Canby Planning Department, LCDC, Clackamas County, and former employees of the Canby Planning Department. Everyone agrees that there is a conflict with regard to maps. Mr. Kelley stated that all utilities are in place in the area and no governmental agencies such as fire, police, schools have objected. He feels that the City is committed to affordable housing and are not near the commitment set up in 1984 and that this would help.

Proponents

Mr. John Torgeson, 26940 S. Barlow Rd., Canby, OR., said that there were no wetlands on the property in question. He discussed developing in that area years ago and that fill was put in to raise his project a foot above the flood plane. He stated that 5 acres were dedicated to Parks when he developed Village on the Lochs. He stated that this piece of property absolutely did not flood during the last high water in 1995.

Opponents

None

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

1. Discussion of the Urban Growth Boundary
2. Property being an extension of property that is within the City limits
3. Affordable housing issue
4. Wetland issue
5. Discussion of Periodic Review and timing.

Based on the findings and conclusions contained in the staff report dated August 29,

1998, on testimony at the September 14, 1998 hearing, and on Commission deliberations, Commissioner Keller made a motion to deny CPA 98-03. Commissioner Prince seconded the motion and it carried by a vote of 3-2. Staff asked if the Commission could state the grounds for denial. Commissioner Keller stated the grounds for denial are based on 1) staff recommendation that the property is outside the UGB, 2) the City has begun Comp Plan review and should wait until that process is completed, 3) Policy 10R on page 5 of the staff report with regard to flood zones and wetlands.

Chairman Stewart noted that denial has been recommended for CPA 98-03, therefore Annexation 98-01 will not be heard at this time.

VI. NEW BUSINESS

Mr. Kruckeberg received a letter from Mr. Duane Weeks, Kiwanis Thrift Shop, requesting an 8 foot fence at that site. Staff cannot allow an 8 foot, according to ordinance. Discussion followed about on site storage. It was felt that this was management problem, and an 8 foot fence would not solve this. Commission ask Mr. Kruckeberg to set up a meeting with Barbara Kirwan, Kiwanis Thrift Shop and Chairman Stewart.

VII. DIRECTOR REPORT

Jason Kruckeberg told the Commission that the Periodic Review public hearing is scheduled for September 28, 1998 at 6:30 p.m. in Council Chambers. There will be only one public hearing.

Mr. Kruckeberg told the Commission that the Gramor Design Review hearing will be held October 26, 1998

Mr. Kruckeberg talked about current code changes he would like to discuss with the Commission and possibly doing some changes before the whole Comp Plan review.

There were 41 applicants for the Associate Planner position.

Clint Chiavarini talked about the buildable lands inventory. He said that population projections still need to be coordinated. Todd Chase from OTAK will set up a workshop October 7, 1998 at 6:30 p.m.

Commissioner Brown said he would not be able to attend the scheduled joint meeting of the Council and Commission to tour Gramor facilities. That meeting will start at 5:30 p.m. at the Adult Center. Dinner will be at the Adult Center at the end of the tour.

Commissioner Prince will be the only Commissioner available for the Joint meeting with

the School Board September 23, 1998.

VIII. ADJOURNMENT

The meeting was adjourned at 11:28 p.m.

Respectfully submitted,

Dixie D. Harms