

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
May 10, 1999
7:30 pm

I. ROLL CALL

Present: Chairman Keith Stewart, Commissioners Derek Bliss, Terry Blackwell, Jim Brown and Jean Tallman

Absent: Geoff Manley

Staff: Jason Kruckeberg, Planning Director, Clint Chiavarini, Project Planner, and John Williams, Associate Planner

Others Present: Judy Price, Craig Bowcock, Dick Morse, Brian Ament, Ron Berg, Gary Alfson, Nicholas Bilyeu

II. CITIZEN INPUT ON NON-AGENDA ITEMS

Dick Morse, 102 NW 1st, owner of Canby Builder Supply, asked the commission to reconsider the eight (8) parking spots on S. 2nd. Mr. Morse stated he understood four (4) parking spots together were acceptable, but inquired as to the spacing required between. He stated when it came before the Commission, the ruling was changed from off-street to no parking. Mr. Morse referred to a letter received by the Commission from Chief Giger in support of the eight (8) parking spots.

Commissioner Brown stated the letter from Chief Giger said there were similar situations on dead end streets, indicating a couple of locations, and such parking practices have been acceptable. Mr. Brown also read the ordinance Chief Giger attached to the letter.

Jason Kruckeberg reiterated that Mr. Morse had asked how much separation was needed, but when the Commission was modifying other items, the Commission felt the situation was unsafe and eliminated the parking completely.

Commissioner Stewart asked Mr. Morse to submit an application, at no cost to him, so the Commission could consider the modification.

III. PUBLIC HEARINGS

CUP 98-03, an application by Brian Ament for Conditional Use approval to allow a duplex in the downtown commercial zone.

Commissioner Brown 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, no conflict of interest was indicated. There were no questions of the Commission. Some Commissioners visited the site, but drew no conclusions.

John Williams, Associate Planner, presented the staff report. He stated some elements of the site plan were not in conformance with City code, but these would be reviewed during the building permit process. This application is to approve strictly residential use on site. In reviewing the Comprehensive Plan, he explained the plan stated that commercial property should be used for commercial use.

Chief Giger commented he had concern with business and residential being combined in a mixed neighborhood, as it sometimes create conflicts.

Staff stated that the 8600 square feet of property could be difficult to develop commercially, and that downtown commercial zone standards would apply to this development, including an 8' sidewalk.

Public Works mentioned several concerns: the removal of trees, an easement to access sewer, and parking on 4th street.

Staff concluded that the application meets the requirements of the Comprehensive Plan and land development ordinance, however, sets a precedent by using commercial land for a residence. Mr. Williams stated that there were no commercial businesses within one (1) block.

Chairman Stewart asked if the applicant if he was aware of Chief Giger's concern. The applicant stated he was, but agreed with staff's comments that this development was already in a residential area.

Applicant

Brian Ament, 11280 S. Bremer Rd., stated the property was far enough away from the core downtown area and too small a lot to be desirable to put a new business there. He stated there was a duplex next door, and residential

development all around.

Proponents

None.

Opponents

None.

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

The following points were discussed:

- The proposal promotes mixed use development
- The project does not appear to impact the downtown core
- The project may add affordable housing to the City
- The project sets a precedent, but is a good plan for the specific area
- Whether or not the Commercial zone should be used for commercial use only
- The nearby water tower might preclude commercial development

The commission felt the proposal met all requirements. Discussion continued regarding a rather large tree on the property. The Commission asked applicant to attempt to save the tree, using a wraparound sidewalk, if necessary. Applicant agreed. The Commission asked staff to review easement language and determine if any change is necessary.

Commissioner Tallman made a motion to approve **CUP 98-03**. Commissioner Brown seconded the motion. The motion carried with a vote of 5-0.

MLP 99-03, an application by Spectrum Properties and Harper Houf Righellis for approval to partition an existing 172,349 square foot industrial lot into two lots. The site is located to the southwest of S. Redwood Street in Phase I of the Logging Road Industrial Park.

Chairman Stewart read the public hearing format again. When asked if any Commissioner had a conflict of interest or ex-parte contact, other than visiting the site but drawing no conclusions, none were expressed.

Mr. Chiavarini presented the Staff Report. He explained the property was originally subdivided in 1997 from larger property, and that an access easement would run through the front of the property rather than a dedicated access. Staff stated shared access was only required for lots along SE Township. He stated access management was an issue – three major driveways in a row will be a problem. It was mentioned the owner should seek joint access with the flag lot property owner. He also noted the conditions listed in the staff report would be renumbered as they had been numbered incorrectly.

When questioned by the Commission, staff explained cable stand pipe shows where future power supply will come from, and that the 40' access road necking to 24' shouldn't be a problem and could be dealt with at the Site and Design Review.

Staff recommended approval based on the conditions outlined in the Staff Report.

APPLICANT

Gary Alfson, 5200 SW Macadam, Portland, OR 97201, with Harper Houf Righellis, concurred with all the comments by staff. He stated they could not get shared access from the neighbor, and were combining the two parcels with a single access.

PROPONENT

None.

OPPONENT

None.

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

The Commission felt this was a straight forward application, and little discussion took place.

Commissioner Bliss made a motion to approve **MLP 99-03**. The motion was seconded by Commissioner Blackwell. Motion carried with the vote 5-0.

PUD 99-01/CUP 99-01, an application by Kurt Mitchell for approval to convert an existing four-plex into four condominium units with a common area. This parcel is located on the south side of SW 3rd, between S. Grant and S. Ivy Street.

Chairman Stewart asked if any Commissioner had a conflict of interest or ex-parte contact, other than visiting the site but drawing no conclusions, none were expressed.

Mr. Williams presented the Staff Report. He explained there is no new construction associated with this application, but under the municipal code, all condominiums must be processed as planned use developments, which require a conditional use permit. He stated this is a flag lot, built in 1992, with all utilities and frontage improvements. Staff said no street improvements were needed, there were no concerns about access, and this application would cause minimal changes to the property and neighborhoods.

Request for Comments forms were sent to utility providers. Curt McLeod commented separating water and sanitary services should be considered. Staff commented the only condition could be that the type of electrical service should be approved by the county electrical inspector.

Mr. Williams concluded the application meets all criteria and recommends approval with the one condition listed in the staff report..

The Commission asked about Mr. McLeod's concern. Staff stated the water department and Public Works did not have any comments, felt they were more familiar with the conditions, and did not pursue any discussion with them. The Commission felt additional discussion should take place to clarify statements.

APPLICANT

Craig Bowcock, 24250 S. Skylane Dr., explained the neighborhood would benefit by owners taking pride in their homes, and this would provide housing for moderate income families. He stated external improvements would include painting and new siding. Mr. Bowcock also mentioned water was paid by the owner as other common areas for landscaping were paid for by the owner, but that sewer was billed directly to the tenant. He stated running separate water lines could be a problem but a condominium association could pay from dues and doesn't think the water billing would be an issue.

PROPONENT

Ron Berg, 203 SW Third, stated he testified at the Planning Commission meeting that the complex was not compatible when it was originally built, but favors this application because of illegal activity that had taken place at this site, and hopes that if the property is owned, there will be more pride.

Mr. Berg also mentioned the pole or the flag lot had been calculated as part of the lot square footage requirement, but should not be. Staff agreed and mentioned that square footage requirements were still met.

OPPONENT

Nicholas Bilyeu, 167 SW 3rd, felt tenants did not receive proper notification and asked the Commission what the legal requirements were. He also asked about how this process and the state notification law works. Staff stated notice goes only to the property owners, but that a rental contract is still in force. It was suggested tenants review their rental contracts. Staff also explained, if this application is approved tonight, the application would be finalized in one (1) month, with a two (2) week appeal period.

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

Discussion covered separating water meters for each unit. The commission agreed water meters should be separate for each unit, but asked staff to word the condition appropriately to allow for further comments from the Water Department.

Commissioner Bliss moved to continue this application to May 24, 1999 7:30pm to allow staff to follow up with the Water Department, and to allow applicant to think about common areas to be used by owners. Commissioner Blackwell seconded. Motion carried by a vote of 5-0.

IV. NEW BUSINESS

The sign permit for Highway Marketplace was discussed. Staff explained the sign for Pacific NW Title meets the square foot requirements.

Commissioner Brown moved to approve the sign for Pacific NW Title; Commissioner Tallman seconded the motion. Motion carried by a vote of 5-0.

V. COMMUNICATIONS

Citizen Involvement Techniques were discussed. Ron Berg suggested getting a special person to meet with the elderly community, specifically Commissioner Tallman. Chairman Stewart explained a meeting had already been scheduled with Commissioner Tallman and himself to meet with the senior population.

Staff also provided suggestions for getting public input for the Periodic Review:

- Presentation at civic organizations ie Rotary, Chamber
- Hispanic center
- "Coffees" hosted in private homes
- Committee members hold neighborhood meetings
- Town hall meetings
- Surveys

Commissioner Brown also read a letter he drafted advocating a grant application from Traffic Growth Management (TGM) to do a master plan of the downtown area. Commissioner Brown asked other Commission members to sign if they concurred.

VI. DIRECTOR'S REPORT

Jason announced Craig Harper has been appointed to the Planning Commission, and a briefing discussion would take place after Mr. Harper returned from vacation.

Other items mentioned:

- Next meeting would cover one (1) annexation, the continuation of PUD/CUP from tonight, and probably a modification from Canby Builders Supply
- Annexation spread published in the Canby Herald was provided by Clint and John
- Four (4) applications for annexation could possibly be on the next ballot, all fairly small – three (3) on N. Redwood; one (1) on N. Locust
- There will be a meeting scheduled for June 23 with the state. Presentation will cover various housing types, ways to develop and connect transportation to new developments, etc. Hope to have large venue possibly held at Canby Adult Center.

VII. ADJOURNMENT

The meeting was adjourned.