

MINUTES
PLANNING COMMISSION
REGULAR MEETING
December 13, 1999
7:00PM

I. ROLL CALL

- Present:** Vice-Chairman Jim Brown, Commissioners Jean Tallman, Derek Bliss, Teresa Blackwell, Geoffrey Manley.
- Absent:** Chairman Keith Stewart.
- Staff:** Jason Kruckeberg, Planning Director, John Williams, Associate Planner
- Others Present:** W. H. Burnum, Don Staehely, Wayne Oliver, Mike Cushing, Keith Baker, Bob Brown, Sam Flaherty, Marty Hunter, Ethan Manuel, Allen Manuel, Tom Scott, Barry Lucas, Bret Dawson.

II. CITIZEN INPUT ON NON AGENDA ITEMS

NONE

III. PUBLIC HEARINGS

CUP 99-05/DR 99-08 Cougar Pride Baseball, an application to build a 2,806 square foot clubhouse containing locker rooms, concession stands and scoreboard operations at Canby High School Varsity Baseball Field.

Vice-Chairman Brown reviewed the hearing process, procedure 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, none was expressed, when asked if any Commissioner had ex-parte contact, Mr. Bliss, Ms. Blackwell and Vice-Chairman Brown stated they had visited the site but drew no conclusions. No questions were asked of the Commissioners.

John Williams, Associate Planner presented the staff report stating that this project is both a Site and Design Review (because the clubhouse is over 2,500 square feet) and a Conditional Use Permit (because it is an expansion of the school which is a conditional use in a R1 Zone). John stated that the applicant went before the City Council and that fees have been waived.

John stated that the Public Notice procedure had been modified to facilitate input from people in the neighborhood and that one letter had been received from **Maile Inness, 729 S. Douglas St. Canby, OR.** stating that she was in favor of the improvement to the School, but had concerns about the increase in use, she suggested paving the parking lot and putting speed bumps on Douglas St. John commented this was a Traffic Safety Committee issue and if a safety concern came up it could be passed along to Chief Geiger.

John added that staff felt this application was an improvement and not an expansion and the increase in traffic volume would be minor. John noted that the Public Works Supervisor recommended the vacant lot be paved and that the sidewalks be installed. He added that there is a requirement in the Municipal Code that all areas used for vehicle parking or maneuvering be paved. Jerry Pineau, Community Service Director, recommended that the entire lot be paved and the applicant be given 6 months to raise the extra money needed to finish the work. Ms. Tallman asked if this project was funded by donations, John answered that he thought it was.

There were concerns stated by Ms. Blackwell and Mr. Brown that there was no design for the parking lot. John stated that the application was submitted using the available parking at the school to meet the criteria and the vacant lot was not considered by the applicant to be part of this application. He added that the vacant lot in question is used for parking at this time and this land use application is an opportunity for the city to get it paved.

Mr. Bliss questioned whether the recommendation from public works regarding ADA accessibility was intended for the vacant lot or for the existing parking facility. John thought that the comments were meant to be for the development of the vacant lot. Ms. Tallman asked what would happen if they did not have the parking lot paved in 6 months. Mr. Brown stated that the temporary occupancy could be revoked.

APPLICANT

Marty Hunter, Baseball Coach, 1894 North Teakwood addressed the Commissioners, stating that this project has been in existence for over 2 years, it is an all volunteer effort that receives no funds from the school district. He added that the vacant lot was purchased by the school district as a residential lot and over time has been used as parking for the baseball field and he doesn't know what plans the school has for the vacant lot. He asked for a year to raise the funds and finish the work.

Ms. Tallman stated that she would like to hear some feedback from the school. Mr. Don Staehely, Business Manager for the Canby School District stated that there has not been much discussion on the lot, it has always been used for parking for the baseball field. Mr. Brown noted that paving the lot was a long term use and it would be hard to remove if the lot was ever considered for the construction program. Mr. Staehely agreed that this should be presented to the School Board, and he would bring the subject up at the next meeting. Mr. Brown asked if the applicant would like to separate the parking lot from the building on the application. Mr. Staehely stated he would request that they deal with them as two separate items.

PROPOSERS

W. H. Burnum, 580 S. Douglas St., gave John Williams a written response to the request for comments and stated that he had visited the planning office and reviewed the applicants proposal and the staff report. He lives ½ block from the varsity baseball field and is in support of this application. He feels that the project would enhance overall life experience of the youth and is even willing to volunteer his help to assure this happens. Mr. Bliss asked if speeding was a problem on Douglas St. Mr. Burnum replied that since the city has increased enforcement around the school there has been an improvement.

Keith Baker, Athletic Director Canby High School, stated that paving the vacant lot wasn't in the plans and would appreciate the extra time to have fund raisers, he suggested that if the lot was not paved after the 6 months, that the school could install a gate to keep people from parking there. He is confident that supporters could raise the funds and complete the work in the 6 months time.

OPPOSERS

NONE

Mr. Brown closed the Public Hearing and opened Commissioner Deliberations.

Mr. Bliss asked how the vacant lot got to be part of this application. John responded that the applicant is using an easement across the lot to provide utilities, so the lot became part of the application and the Public Work Supervisor identified it as a concern. Mr. Bliss asked if the utilities could be brought in from somewhere else to remove the vacant lot from consideration. John responded that it could be possible, but that it is not just a vacant lot, it is a lot that is used for parking. John mentioned that no parking is needed for this facility, the lot could be barricaded off which would require no improvements be done to it. Mr. Bliss asked if they would still need to meet ADA requirements if that happened. John answered that the school should already be ADA compliant.

Mr. Brown addressed the applicant and offered to continue the hearing in order for the School District to have input on how they wanted to deal with the property. Jason Kruckeberg, Planning Director clarified that the application did not include the vacant lot, it was included by the utility providers and staff believed that it should be attached to the recommendation. Jason added that the Commission could make a recommendation regarding the building without including the parking lot.

Mr. Bliss asked if the applicant would be using the current scoreboard, or if there would be another scoreboard added. The response was that there would still be just one scoreboard with

the controls being located in the clubhouse.

Mr. Brown stated that the lights on the exterior building needed to be hooded light fixtures so they point downward, lighting the building and not the neighbors' residential lots. He also proposed separating the vacant lot from the application but then conditioning the application. Jason suggested adding a condition that the applicant would come back within a year with a design to pave the lot or an alternative plan.

Mr. Manley stated that keeping it linked is a good idea, requiring that within a year the school district have a proposal to pave it or a definite way to keep it from being used as a parking lot. Ms. Blackwell stated that the new clubhouse is a great idea. She added that the lot has been used for parking for a long time and it needs to be paved as required elsewhere in the city.

Mr. Bliss questioned if the vacant lot was not going to be considered at this time if some of the conditions needed to be eliminated or modified. Jason suggested combining condition 13 and 14 and stating that a plan must be presented to the Planning Commission within one year from the signing of the findings.

Mr. Manley moved to approved CUP 99-05/DR 99-08, with modification of conditions 13 & 14, seconded by Ms. Tallman. Motion carried 5-0.

SUB 99-03/CUP 99-06 Asset Development Group. An application for a 5 lot subdivision located at the SW corner of S. Township Rd and S. Redwood St. Consisting of 2 single family lots and 3 common wall lots.

Vice-Chairman Brown reviewed the hearing process, procedure 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, none was expressed, when asked if any Commissioner had ex-parte contact, all stated they had visited the site but drew no conclusions. No questions were asked of the Commissioners.

John noted that this is the second application for this subdivision, the Commission had approved a six-unit design earlier this year with a condition that the applicant obtain right of way from Clackamas County, that proved to be impractical, so the applicant has submitted a design with only five units.

John stated that the property has frontage on South Township and on South Redwood Streets. The frontage on S. Township is improved and the conditions recommend that the S. Redwood improvements be made. He added that the 20' access strip is conditioned with no parking, that easements will be needed so everyone will have full use of the strip and the existing sewer will need to be disconnected and a common underground connection installed. NW Natural Gas has requested an easement be created for the common wall units, the Police Dept. has requested that the addresses be visible from the street and the Fire District has stated that either a new fire hydrant or fire sprinklers be installed.

John continued that the existing accessory structures will be removed to meet setback requirements, there are birch trees and a large fir on the property that have been conditioned to be saved with street trees planted to compensate for trees that will have to be removed for the development. John added with the industrial area across the street and high and medium developments around this project it would not negatively impact the neighborhood. John stated that the project is within the Logging Road Advanced Financing District and those fees will be paid.

Mr. Brown questioned the shape of the lots, with 2 lots not having their own flags. John responded that the easements are just as binding as the tract would be and that the applicant had stated that each lot being connected to the street makes it easier for lending purposes.

Mr. Brown questioned how an emergency vehicle would turn around at the end of the access. John explained that each unit has 2 paved parking pads located off of the access strip making the total paved length 60' wide and commented that the fire district didn't show a concern there. Mr. Brown also questioned who was responsible for the maintenance of the access strip. John responded that it could be conditioned that each property is equally responsible.

Ms. Blackwell noted that the staff report made no mention of requiring signing for the no parking on the access strip. It was stated that typically no signs are conditioned.

Mr. Bliss asked if there was a well on the property and Ms. Blackwell stated that the Canby Utility Board wants to be notified prior to existing wells being capped.

APPLICANT

Allen Manuel applicant stated that they worked for 2-3 months trying to obtain the right of way needed for the first application before calling it quits and submitting another design. In doing so they lost one unit, but were able to keep the single access. He clarified that mortgage lenders like to have each lot have physical access to a street.

Mr. Manuel continued that the common wall structures are individually owned and that the gas provider had stated that all meters would be attached to one of the common wall units, he would like to have each common wall unit have its own meter. He asked that condition #3 be removed which would require an easement for the gas company to install the meters and that condition #9 be enforced which states that all utility providers requirements be met.

He added that the intention is to cap the existing well but if the utility board wants the well he would be happy to give it to them.

Mr. Bliss asked if it wouldn't be more cost effective to have all common wall units meter be on one riser. Mr. Manuel answered that it may be more cost effective but feels it would detract from the sale-ability of the lots.

Ms. Blackwell asked what the status of the septic system was. Mr. Manuel answered that when the property was annexed into the city, it was abandoned and connected to sewer. Ms. Blackwell asked if the birch trees would be saved. Mr. Manuel responded that more trees will be saved than the plan shows. Mr. Bliss asked if the septic tank had been removed. Mr. Manuel replied that the septic had been certified abandoned either by being removed or by being filled.

Mr. Brown closed the Public Hearing and opened Commissioner deliberations.

Mr. Bliss asked for clarification on condition # 11 which states a traffic control sign be installed by the applicant, did it mean a traffic signal? John responded that it meant a stop sign. Ms. Tallman asked if that included no parking signs on the access strip. John stated that they have not been requiring that, but it could be added to the conditions. Ms. Tallman requested that a no parking sign be conditioned and that a precedent be set for future applications

Mr. Manley asked staff their opinion of removing condition #3. John stated that condition #9 did cover the situation. There was consensus among the Commissioners that removing condition #3 was acceptable.

Mr. Bliss asked if the applicant would have a chance to rebut a no parking sign if the Commission conditioned one. Mr. Brown stated that they would not and added that in most jurisdictions that once a public hearing had been closed, most Commissions don't allow any input from the applicant, proponents or opponents. Jason added that the applicants course of action would be to appeal the findings.

Mr. Bliss suggested that it be conditioned that the Canby Utility Board be notified before the well would be capped. Mr. Brown asked staff if something could be written to that effect. Jason responded that typically it is conditioned to read that the applicant be required to put CUB on notice that the well is there so CUB could evaluate it. Jason continued that CUB has checked 3 or 4 wells since they requested notification, and have rejected all of them, they are looking for high out put wells with high water quality.

It was moved by Mr. Manley seconded by Ms. Blackwell that the Commission approve SUB 99-03/CUP 99-06 as amended. Motion carried 5-0.

IV. FINDINGS

CUP 99-04/DR 99-06, Casa of Oregon and Catholic Charities, a proposal to construct a 46 unit farm worker motel located south of Redwood St. between 3rd and 4th Ave. Prepared by Dorothy Cofield, Attorney for Mr. Bruce Broetje.

Ms. Blackwell stated that there were personal comments that had been made during the public hearing that she felt were inappropriately cited as Findings. Ms. Tallman stated that Ms. Cofield stated that some businesses would fail if the Redwood Inn was approved and that she recalled some businesses had threatened to move but did not recall anyone stating their business

would fail.

Mr. Manley stated that most of the Findings were actually just discussion items and that the conclusion section contained what he felt were the real findings, if the conclusion part was labeled Findings he would approve them. Mr. Bliss stated that he liked the format that was used listing the specific criteria, and would like that included in the Findings. Ms. Tallman stated that she didn't feel the conclusion covered everything, and disagreed with the finding that stated the applicant hadn't demonstrated that farm worker housing is a needed housing type in an industrial zone because there is available housing in other districts. Mr. Manley stated that the period should be placed after the word zone and to leave the rest of the sentence out.

Jason stated that there were 3 options for the Commissioners, whether to go through the document and move items into the discussion section, send it back to Ms. Cofield to have it condensed into what was actually found or just cross off sentences that they don't agree were part of the findings or were inaccurate. John added that there was time to do what was necessary since the 120 days doesn't expire till the end of February. There was consciences that the Findings be sent back to Ms. Cofield with instruction that the discussion items need to be separated from the findings.

It was moved by Mr. Bliss, seconded by Mr. Manley to send the Findings back to Dorothy Cofield for modification per Commissioner input. Motion carried 4-0 with Mr. Brown abstaining.

V. NEW BUSINESS

John handed the Commissioners a sign design for DR 96-09, Chris Bogue's Auto Body shop on SW 2nd Ave. During the Design Review the Planning Commission requested that any signing come back to them for approval.

John stated that the design calls for a 2 sided wooden plywood sign that would hang on the fence. When asked what the verbiage would be John stated no verbiage was submitted with the application and added that there is no requirements in the signing code stipulating what a sign says or what it looks like.

Mr. Brown commented that it was a structural drawing with no sign design. John stated that the application was just received and that he brought it in because it will be a month before the commission meets again, if the Commissioners needed more information he would get it.

Mr. Bliss moved that DR 96-09 be resubmitted with additional information, seconded by Ms. Tallman. Motion carried 5-0.

Ms. Tallman questioned when Hope Village would be installing the sidewalks on 13th street. John stated that the building permits for the townhouses on 13th have recently been issued and the sidewalks will be installed with that construction. Jason stated that he would look in the

Findings to see what the condition regarding the time frame was.

VI. MINUTES

October 25, 1999 Ms. Blackwell moved to accept the minutes as written, seconded by Ms. Tallman. Motion carried 5-0.

November 8, 1999 Ms. Tallman moved to accept the minutes as written, seconded by Mr. Bliss. Motion carried 4-0, with Mr. Brown abstaining.

November 22, 1999 Ms. Tallman suggested replacing the word "undue" with "negative". Mr. Manley moved to accept the minutes as amended, seconded by Ms. Tallman. Motion carried 4-0 with Mr. Brown abstaining.

VII. COMMUNICATIONS

NONE

VIII. DIRECTORS REPORT

Jason stated that this is his last Planning Commission meeting, he stated that John Williams will be Interim Planning Director. Matilda Deas will be present at meetings when she is giving reports and added Jerry Pineau and/or John Kelly will be in attendance as necessary.

Jason stated that when Jim Wheeler left it was very helpful that if the Commissioners had significant questions or concerns with a land use application, for them to call the staff in advance so that they can do any necessary research before the meeting.

Ms. Tallman commented that she had heard on the radio that a study had been made of states preparing for the year 2000 and beyond and Oregon was one of the 6 which were highly commended for their planning, reviews and land use plans that are in effect at this time. Jason stated that he had received a newspaper article from someone in Florida, where Oregon had been cited as an example of what Florida needed because they had no control over their growth in a particular area.

Jason addressed the Planning Commission Appointments, there is one vacant seat and 2 up for reappointment. Interviews were held recently and the City Council will announce the appointments January 5th.

Jason stated that there have been 6 proposals received regarding the Downtown Master Plan and that staff is now in the process of putting together a reviewing team. The next step is to interview 2 or 3 of these teams. He reminded the commissioners that there is no meeting on December 27th so the next meeting will be on January 10th. He added that Periodic Review has had several citizen involvement meetings and there will be a more coordinated advertising effort

in the newspaper and other media to get more of an understanding of where the long range planning is headed.

Mr. Brown stated the Commissioners appreciated the time Jason has spent in Canby not only for his leadership and direction but also for his ability to get grant money and stated he would be sorely missed. Mr. Brown commented that it has been a worth while year and that Canby is getting to the position of making decisions ahead of growth and we should be proud of the things the Commission has done and wished everyone Merry Christmas.

IX. MEETING ADJOURNED