

MINUTES
PLANNING COMMISSION
REGULAR MEETING

January 10, 2000

7:00PM

I. ROLL CALL

Present: Keith Stewart, Chairman, Vice-Chairman Jim Brown, Commissioners, Jean Tallman, Geoffrey Manley, Teresa Blackwell, Paul Thalhofer, Corey Parks

Staff: John Williams, Interim Planning Director, Carla Ahl, Planning Staff

Others Present: Lee Gellinger, Matt Grady, Curtis Gottman, Lila Gottman

Chairman Stewart introduced the new Planning Commissioners, Paul Thalhofer and Corey Parks welcoming them to the Commission. He welcomed Teresa Blackwell back for her second term as Planning Commissioner.

II. CITIZEN INPUT ON NON AGENDA ITEMS

NONE

III. PUBLIC HEARINGS

John Williams stated that there was a problem with the posting of notices on the property for 2 of the scheduled Public Hearings and suggested that they be opened and then continued till January 24, 2000 time certain.

MLP 99-06, Robert Downing, an application to partition an existing 37,462 square foot lot into three parcels.

Chairman Stewart 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, Mr. Thalhofer stated that Direct Link (a utility provider) is a client of his but did not see this as a conflict of interest. When asked if any Commissioner had ex-parte contact, Mr Brown stated he had visited the site but drew no conclusions, Ms Tallman stated that she had visited the site while Mr. Downing was there. She explained why she was there, stated that she could not discuss the matter and questioned where the public

notices signs were. Mr. Stewart visited the site and drew no conclusions. No questions were asked of the Commissioners. Chairman Stewart continued the Public Hearing for MLP 99-06 until January 24, 2000.

SUB 99-04, Oregon Development, Inc., an application to approve Phase II of the Faist Addition subdivision, which contains 27 single family homes on 5.85 acres.

Chairman Stewart asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Commissioners Brown, Manley, Tallman, Blackwell and Stewart had visited the site but drew no conclusions. Chairman Stewart continued the Public Hearing for SUB 99-04 until January 24, 2000.

DR 99-09/CUP 99-08, Canby Alliance Church, an application to expand their existing building at 900 N Juniper St. adding 9,500 square feet to the building, 77 new parking spaces and landscaping.

Chairman Stewart asked if any Commissioner had a conflict of interest. Mr. Stewart stated that he was a member of Canby Alliance Church but did not know of this proposed use until he received his packet, and intended to participate. No questions were asked of the Commissioners. When asked if any Commissioner had any ex-parte contact Ms. Tallman and Mr. Stewart had visited the site but drew no conclusions.

John Williams presented the staff report. He explained that the proposed application is to add approximately 9,500 square feet of new floor area, covered walkways outside, 77 new parking spaces and additional landscaped areas.

John stated that Site and Design review is needed because the area is over 2,500 square feet and a Conditional Use permit is needed because a church is a conditional use in the low density residential zone and this is an expansion of that use.

He noted that there had been one written response to the request for comments returned by Mr. Elmer Gilbertson, 324 NE 10th stating that he had no objections to the project.

John went through the Comprehensive Plan noting under the land use element that the only item that applied was Policy # 1 (separating conflicting or incompatible uses), John added that no conflicts between the church and their neighbors have been brought to his attention.

John stated that there were no environmental concerns noted and that under the transportation element the Public Works Supervisor has recommended ½ street improvements for 9th Avenue and N Juniper St.

John stated that under the public facilities and services element there is a new condition regarding private dry wells. This is a new item coming from the Department of Environmental

Quality and the City Engineer wanted to flag this concern, so a condition has been added stating that the applicant is responsible for obtaining a permit if needed. Mr. Stewart asked if this process is something that the city will take over for the DEQ. John stated that he doesn't have a lot of information on this yet, but he will look into the matter because he believes there will be more requirements put on dry wells.

John added that there are several standard utility related comments regarding the cost of moving facilities, required easements and that recommendations had been written covering them. John stated that are some lot line issues that need to be addressed, the proposal as it stands has some problems with setbacks, so conditions have been written stating that setbacks have to be met before building permits will be issued.

John stated that the Fire Marshal had some concerns regarding the building as it stands now with no fire protection or alarm system in place and only one existing fire hydrant located on the corner of 9th and Juniper. The Fire Marshal's letter stated that existing water lines are not large enough to meet the demands that would be put on them. So the Fire Marshal has submitted a 5 step plan to improve the safety of that building and conditions have been written incorporating his suggestions. If the applicant and the Fire Marshal can reach other agreements they must submit written evidence from the Fire Marshal agreeing to the change.

Ms. Tallman stated that she would like the 5 comments included in the findings as conditions that are negotiable. John stated that could be done but if the applicant and the Fire Marshal reached a different understanding then they would have to come back before the Commission to modify the Design Review. Mr. Stewart asked if the letter could be added as an addendum to the Finding and Final Order. John stated that it could or that there could be some tight language written into the findings. Ms. Tallman noted that non specific items seem to come back to the Commission often.

Mr. Stewart explained that as Canby looks at redevelopment, more situations will come up where hydrants and water lines will be less than adequate. Mr. Stewart stated that the Fire Marshal's concern is that this is a large facility with a large potential for loss of life and that the intent is to work with the Canby Alliance Church to help them provide a safe environment for the community they serve.

John explained that for the Site & Design Review a compatibility matrix is used, the applicant needs to score 65% of possible points in order to be considered compatible. John noted that the first proposal did not meet the landscape requirements so the applicant submitted a revised plan which adjusted lot lines of property creating a "fellowship circle" that has bushes, grass, stone benches and adding some landscape islands to the parking lot. John explained that with these additions the applicant would be within 900 square feet of the requirements if the Commission only considered the areas that would be added and not the entire site.

Mr. Brown asked if the additional building areas would reduce the existing landscaped

areas. John replied that most of the site is hardscape. John stated that the applicants proposal is approximately 30,000 square feet with about a 11,000 square feet of landscaping that would meet the landscape requirements of 30% but not all of the new landscaped area is in the 30,000 square feet, a small percentage of it is located in other areas of the site. Mr. Stewart asked how close they would be if they counted just the landscaping in the area that is being added, John responded that they would be approximately 900 square feet short.

John stated that he felt there were 3 options:

1. Approve their request and consider the landscape requirements met.
2. Approve the request that the area counted is the added area but require 30% of that to be landscaping
3. To require 30% of the total site requiring an additional 4000 square feet of landscaping.

Mr. Stewart asked how many parking spaces the applicant would lose if they were required to landscape 30% of the additional area, John responded it equaled about 3 or 4 parking spaces. Mr. Brown asked what the parking ratio was now. John responded that there is no standard for parking at a church, it is figured 1 space per four seats or 8' of bench length. John stated that the church currently uses 292 seats, they are proposing 140 spaces which would give them a capacity for close to 600 people. Mr. Brown asked what the calculation for their church capacity is now. John stated that it is not easy to figure since the sanctuary is a wide open space. Mr. Brown asked what the fire occupancy rating was for that room, John stated that he did not have that information.

Mr. Thalhofer asked what the parking situation was on a typical Sunday. John stated that apparently there was a lot of parking on the side streets near the church and that is one of the major reasons for this application.

John discussed the Conditional Use criteria stating that the application must be consistent with other policies. John stated that it meets setback requirements, lot coverage, building height, lot size and that public facilities and services exist. John added that it must also meet criteria "D" which states that it will not alter the character of the surrounding area and added that there is no evidence of conflicts generated by the church. John stated that condition 6 requires that bicycle parking be installed.

The conclusion was for approval with 16 conditions. If approved, condition #3 will need to be modified (regarding landscaping), and condition 6 states that bicycle parking would be provided. Mr. Manley asked if they had 15 bicycle parking spaces would some of it have to be covered. John responded that was correct.

APPLICANT

Lee Gellinger, Associate Pastor of Canby Alliance Church, stated that this application

stems from need and that the church does not want to be a nuisance to the neighborhood. The church has been acquiring land for the last 2 years so they could increase their parking capacity. Mr. Gellinger explained the existing layout of the church parking noting that the new addition will only remove a 3' landscape strip that runs along the side of the church. He stated that the church is trying to save as many of the existing trees as possible, especially one that is apparently the largest tree in Canby.

Mr. Gellinger asked John about the ½ street improvements, and stated that it had been addressed the last time they did improvements to the property and they had not been asked to do the improvements.

Mr. Gellinger stated that he has spoken with Ron Yarbrough, Fire Marshal regarding his concerns, it was agreed that the church would provide a sprinkler system for the proposed addition, install a smoke and heat protection system in the complete facility and develop a work plan in concert with the Fire Marshal to sprinkle the existing building.

Mr. Stewart asked about the other recommendations from the Fire Marshal. Mr. Gellinger responded that it is unknown at this time if the city or the church will be responsible for the upgrade in the fire hydrant at 9th and Juniper and in response to supplying 2 additional fire hydrants the Fire Marshal had stated that there was no use in installing the hydrants until the water lines had been upgraded.

Mr. Stewart commented that he felt what the Fire Marshal and the applicant ultimately decides (based on continuing discussions) would suffice and if the work plan extends beyond 10 years it would be between the applicant and the Fire Marshal as long as the Fire Marshal will certify to the planning staff that his concerns have been met.

Mr. Gellinger stated that the parking as adjusted now would be 141 spaces, if the spaces along 9th street were lost to ½ street improvements they would be down to 114 spaces. Mr. Manley asked if 9th street could be reconfigured to include some parallel parking, Mr. Gellinger agreed it would be possible.

Ms Tallman asked John how much area would be lost if they had to put in ½ street improvements. John responded that he didn't think there would be any loss, it wasn't included in the Public Works Supervisors comments. John checked the Tax Map and the city has the 60' of right of way on 9th St that it needs. Mr. Manley asked if the sidewalk would be in the right of way, John agreed that it would.

PROPONENTS:

NONE

OPPONENTS

NONE:

Mr. Stewart asked if Mr Gellinger had received any comments from the neighbors. Mr. Gellinger stated that there were concerns that the church was purchasing too much land and that was one reason why they did not purchase property all the way to Locust St.

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

Mr. Manley stated that he would be amenable to looking at just the additional area instead of the entire site when figuring the landscape, and was pleased that the church is planning on keeping the larger trees on the site.

Mr. Brown first addressed the Conditional Use criteria and stated that he believes the project to be consistent with policies of the Comprehensive Plan, the characteristics of the site are suitable, he is very concerned about the adequacies of public facilities and does not believe the proposed use will alter the surrounding area. Mr. Brown stated that his only concern is the adequacy of public works especially fire since this is an assembly use. There was a discussion regarding Mr. Brown's concerns that the figures for fire and life safety were based on attendees and not on the UBC (uniform building code) calculations, in the event of fire or seismic activity can the Commissioners say that to the best of their knowledge the infrastructure is in place to safe guard the people. John stated that it was his understanding the Fire Marshal has reviewed the site plan and with his recommendations he considers it to be safe.

Mr. Brown stated that he understood the comments to mean that as it stands now, there is not adequate fire line capacity to the site, adding capacity to the site just increases the problem. John asked if Mr. Brown would like to see the existing structure brought up to code prior to this project. Mr. Brown stated that he feels the new structure and the existing facility should be brought up together.

Mr. Gellinger stated that the Fire Marshal used a formula that allows for a 25% reduction in the water requirements when sprinklers are installed.

Mr. Thalhoffer stated that he is comfortable with the addition of the water sprinklers in the new area and believes the church is in pretty much the same position they would be in if they had not added the additional capacity.

Mr. Stewart commented that this maybe the first of several requests received from existing churches as they find themselves lacking the required space to adequately handle folks within our community, where older existing structures do not have adequate water and the Fire Marshal will take into account what is available in terms of sprinklers and hydrants.

Mr. Parks stated that he concurs with Mr. Thalhoffer's comments and feels that the Fire

Marshal's recommendations address the situation where there is not an adequate water supply by allowing a sprinkler system to be installed and if the applicant and the Fire Marshal can reach an alternative agreement on the upgrading of the entire facility he is comfortable with that also.

Ms. Tallman stated that she trusts the Fire Marshal requirements. Ms. Blackwell stated that she is concerned that there is not a tangible number to base figures on but agreed that she trusts the Fire Marshal's requirements and feels they should be solidly figured in the conditions.

Mr. Stewart asked for concerns or questions regarding the applicant's Site and Design Review.

Ms. Tallman stated that since the facility has existed for so long, the lack of landscaping is Grandfathered in. She feels that the Commission should just consider the new areas when figuring the landscaping, which is 900 square feet short of requirements instead of the 4,000 square feet if figured on the entire site.

Mr. Brown commented that this is an unusual application, and suggested approving the original application as presented granting them a variance since this is a condition that has existed for a long time and based on the existing conditions they are given relief from this requirements. Mr. Stewart asked John if the Commission could grant a variance with this application or if it would require a separate application. John stated that variances require their own application, there is a \$900.00 fee and they must meet 4 criteria one of which is that the condition can not be created by the applicant.

John informed the Commissioners that the Site and Design Review has no clause that would allow less than 30% landscaping. Ms. Blackwell suggested going with just the new additional area and have the applicant come up with 900 square feet.

Mr. Brown stated that he did not think the trash enclosure is adequate and needs to be located where it can be accessed directly from the aisle. After discussion it was decided that a condition would be written that states the applicant would comply with the trash haulers requirements and that trash haulers may have to be provided notification in the future.

Mr. Brown stated that he was satisfied with the Site and Design Review issues. Mr. Thalhoffer stated that he agreed with using the additional area to figure landscaping and has no problem with the design as presented. Mr. Parks agreed with using just the additional area to figure landscaping but stated concerns about creating a precedent. Mr. Parks added that this project would remove a lot of cars off of the neighborhood streets and that he would support an exception for this application, not because it was a church facility but because the application warranted it. Ms. Tallman stated that she agrees every application is unique and in this case the loss of the 900 square foot of landscaping is more than balanced by the parking that would be lost, and in another situation that may not be the case. She added that she did not feel that they would be setting a precedent.

Mr. Brown stated that he is in favor of requiring ½ street improvements to be done, since the area is there to place the curb and gutters without the lose of any parking spaces. Mr. Thalhofer, Ms. Tallman, Ms. Blackwell, Mr. Parks and Mr. Stewart concurred. Mr. Stewart talked about the importance of improving the community infrastructure (curbs, sidewalks and saving trees) as redevelopment occurs. Ms. Tallman stated that it would set a precedent if ½ street improvements were not required.

Mr. Stewart summarized that the Commissioners have reached a consensus except for the fire, life and safety issue. Mr. Brown stated that he still had concerns regarding the lack of adequate fire flow. Mr. Stewart asked Mr. Brown if he would feel more comfortable if they continued the hearing so the Fire Marshal could address the Commission regarding these concerns. Mr. Brown stated that this will be an issue that will be brought up in the precon, John stated that there is a blanket condition that everything that is required will be done.

John asked for clarification of the ½ street improvements, was it for all of the lots including tax lot 800 which wasn't a part of the application until they made a lot line adjustment. Mr. Brown stated that it would be possible to require street trees on this application. Mr. Stewart stated that there would not be enough room on the east side to support street trees there. John stated that there are trees planned on the south side.

Mr. Stewart asked where they will require ½ street improvements. Mr. Brown stated that there were two options: requiring improvements on the commercial development and wait until the residential lots are developed, or just do it all now. Mr. Brown stated that it would be more cost effective to have all improvements done at one time. Mr. Stewart suggested that the street in front of the residence may be torn up by the construction for the church and that the increase in cost would be nominal.

Mr. Brown asked for clarification, were they asking for total ½ street improvements or just the curb and gutter. John stated that the service provider had requested total ½ street improvements.

Mr. Stewart summarized the Commissioners discussion that the ½ street improvements will be done now, that the required landscaping would be figured from the added area which would provide more off street parking and maintaining a concern regarding fire life safety. Mr. Brown stated that he would like to see a condition added that the applicant would do what was necessary (the use of other material to pave, pruning the tree) to save the large tree on the project even to the extent of the lose of a parking space. John stated that he would add it to the conditions.

Mr. Stewart asked John if he could bring to the next meeting information regarding whether or not the Commission had made the correct assumption that the Fire Marshal's 5 conditions had addressed the concerns regarding the fire flow, mitigating the lack of fire water.

John recapped the 5 changes to the recommendations that have been discussed:

1. Condition #3 will have to be changed.
2. The trash enclosure would have to meet the trash haulers requirements.
3. Write a condition regarding tree preservation.
4. Add tax lot 800 to condition #11.
5. Insure the Fire Marshals letter is included as an addendum to the findings.

Mr. Brown moved to approve DR 99-09/CUP 99-08, as amended by staff, seconded by Ms Tallman. Motion carried 7-0.

IV. FINDINGS

DR 99-08 /CUP 99-05 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.

Ms. Blackwell noted that her name had been omitted from the last page and Craig Harper's name had been used instead.

Ms. Tallman moved to approve Findings, Conclusion and Final Order for DR 99-08/CUP 99-05 as amended, seconded by Ms. Blackwell. Motion carried 4-0 with Stewart, Parks and Thalhofer abstaining.

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.

Ms. Blackwell moved to approve Findings, Conclusion and Final Order for SUB 99-03/CUP 99-06 as written, seconded by Mr. Manley. Motion carried 4-0 with Stewart, Parks and Thalhofer abstaining.

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.

There was discussion regarding the validity of a statement stating the number of children that would reside per unit, was it a finding or a discussion item. It was decided to remove the sentence.

Mr. Manley asked if the intent of the Commission was to go on record stating that the Redwood Inn was not a motel. Mr. Brown replied that during the Code Analysis process the uses

would be rewritten that we might not need to base decisions like that one on interpretations, that clearer language would be used. Mr. Stewart added that the Commission had found that because of the income restraints the application was not a motel.

There was a consensus that sections that contained the phrase "businesses would fail" be changed to say that businesses would move or potentially move.

Mr. Manley moved to approve the Findings, Conclusions and Final Order of CUP 99-04/DR 99-06 as amended, seconded by Ms. Tallman. Motion carried 4-0 with Brown, Parks and Thalhofer abstaining.

V. MINUTES

December 13, 1999

Mr. Brown moved to approve the Minutes for December 13, 1999 as written, seconded by Ms. Blackwell. Motion carried 4-0 with Stewart, Parks and Thalhofer abstaining .

VI. NEW BUSINESS

John presented Chris Bogue's revised sign design. John stated that Mr. Bogue is allowed 75 square feet of signage and that he is well below that with a total of 30 square feet proposed. Mr. Manley asked what type of material the sign would be made of. John responded that weather resistant material is what was proposed. Mr. Stewart asked if this was a residential neighborhood and John responded that it was a commercial district that faced a residential zone. Mr. Thalhofer asked if the sign would be illuminated, John responded that none was proposed. Mr. Brown asked how the sign would be attached and if it would present a vision clearance problem. John responded that 5/16" clevis bolts would be used and it would hang 8' off the ground 15' back from the street so there would be no vision clearance problem.

Mr. Brown moved that they approve sign design for Mercy Motive, seconded by Ms. Blackwell. Motion carried 5-0 with Thalhofer and Parks abstaining.

John stated that Gramor of Oregon is requesting a modification of the design of the 2 large monument signs at the Fred Meyer complex. Matt Grady, Gramor of Oregon presented the report stating they had looked at the signage that had been approved and saw that what they had was a 15' X 30' wall that obscured the vision of the tenants from traffic on Hwy 99E. Mr. Grady presented exhibits that showed the proposed position of the sign. He noted that until the buildings were constructed it was hard to visualize how the signs would impact the site.

Mr. Grady explained that the sign code requires an enclosed base, for there to be visibility for tenants and to have continuity on the site. He presented several computer generated photographs that showed how the proposed signs would look at the location. Mr. Grady added

that time is important since Fred Meyer is ready to install their sign and are holding up the construction until they hear the results of this meeting.

Mr. Stewart asked for confirmation that the size of the sign is the same, that just the base is being reduced. Mr. Grady confirmed that was what they were asking for. Ms. Tallman stated that the new design is much more aesthetically pleasing. There was consensus from the Commissioners that the extra detail on exhibit E was preferred.

John stated that this is an official modification and a vote would be required and we do need to make sure that the Commissioners agreed that the sign is an enclosed base which is what the code requires. The Commissioners concurred that it is not a pole sign and it is considered an enclosed base.

Mr. Stewart stated that he did have a concern regarding a potential problem in inclement weather due to the position of the signs and the curve of the road and it may have to be addressed in the future.

Mr. Manley moved to approve the design modification of DR 98-08 to ensure that the bases of both the Gramor and Fred Meyer signs conform to Exhibit E, seconded by Mr. Brown. Motion carried 7-0.

Mr. Brown questioned when the signal at Redwood and Hwy 99E would be functional. Mr. Grady stated that the light has to be fully operational and no flaws by February 16, 2000 when Fred Meyer opens. Mr. Grady added that there will be a notice in the newspaper and a mailing to residences regarding the impact to Redwood St. Mr. Grady stated that the Railroad Crossing would not be functional until the spring or early summer and that he has spoken with John Trumbel who is the spokesperson for Union Pacific, who stated it may take as long as 2 months to complete the installation.

VII. DIRECTORS REPORT

John asked if there are any changes the Commissioners would like to make in the way traffic studies are done. How is the consultant doing, do you like the process, are there changes you would like to see? Mr. Stewart suggested giving the Commissioners time to think about the question and a chance for the new Commissioners to take a look at some of the traffic reports that have been done in the past. Mr. Brown suggested that there be some suggestions from staff of what alternatives there may be.

John stated that there will be a joint meeting of the School District Board, City Council, Planning Commission and CUB Utility Board on the 23rd of February at the Adult Center. Mr. Stewart commented that these are very informative meetings and encouraged everyone to attend. Mr. Stewart asked the Commissioners to think of items they would like to see put on the agenda.

John mentioned that Beth Saul is forming a committee regarding the possible development of the 13th street park. John stated that if any Commissioner wished to become more involved they could contact Beth Saul.

John stated that there will be another session of basic training and that the new Commissioners maybe interested in attending. Mr. Stewart suggested that the new Commissioners attend and asked John to inform the Commissioners when an advanced class is scheduled. John agreed to keep them informed.

John stated that the Citizens Involvement Committee for Periodic Review will be meeting on 26th of January, they will be discussing citizen involvement on a neighborhood level.

John added that there will be a Historic Review Board meeting on the 11th of January, 7:00PM at the Library.

John stated that the selection committee for the TGM Downtown Redevelopment Plan interviewed 3 consultant teams. The teams were all very good and he thinks that the consultant will probably be selected next week.

John stated that the closing date for the Planning Director recruitment is February 11th.

John stated that there will be 3 Public Hearings next week. Mr. Stewart asked if there was a way to limit the number of Public Hearings in one evening to 2, so the Commissioners can make more focused decisions. Mr. Brown remarked that it depended on the type of Public Hearings whether or not the Commissioners could hear 3 Hearings in one evening and still be done by 11:00PM. Mr. Stewart suggested that if the Commissioners were not through the 3rd Hearing by 10:30 that it be continued until the next meeting.

Mr. Brown asked about a mixed use development that may possibly be going in the Trost area. John responded that it is a 40 acre piece of property and a tentative plan that includes a small commercial area, high density housing, possible senior housing and maybe some offices. He added that it is quite an involved process with annexations and zone changes but it will be a good way to lead off Periodic Review.

Mr. Brown talked about some of the ideas that the Citizen Involvement Committee have come up with which includes a system that would have neighborhood associations in some form giving them an opportunity for them to comment on things that are taking place.

VIII. MEETING ADJOURNED