

MINUTES

CANBY PLANNING COMMISSION

7:00pm March 12, 2001
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Jim Brown, Jean Tallman, Geoff Manley, Paul Thalhofer, Randy Tessman

ABSENT: Commissioner Tom Sanchez

STAFF: John Williams, Planning Director, Clint Chiavarini, Associate Planner

OTHERS PRESENT: Michael Foley, G. E. Kelly, Tracy Boyce, Bob Wolf

Mr. Stewart welcomed Commissioner Tessman to the Planning Commission.

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARINGS

ZC 01-01/CPA 01-01 An application by Jerry G. Robinson, Architect to amend the Comprehensive Land Use Map and Zoning. From existing Highway Commercial to Light Industrial, and from existing Light Industrial to Highway Commercial.

Mr. 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, none was stated. When asked if any Commissioner had ex-parte contact, Commissioners Thalhofer, Brown, Tallman, Manley, Tessman, and Stewart had visited the site but had drawn no conclusions. Commissioners Manley and Stewart read the article in the Canby Herald but had drawn no conclusions. No questions were asked of the Commissioners.

Clint presented the staff report, he explained this zone change/comprehensive plan amendment follows the property line adjustment LLA 00-06 and the conditional use permit that the Commission heard a month and a half ago which allows Canby Square to expand. Clint explained this application would clean up the zoning designations and follow the lot lines that are already approved, utilizing land that is currently vacant and unusable.

Clint stated the application was in conformance to the Urban Growth, Land Use, Environmental, Public Facilities and Services, Economic, and Energy Conservation Elements of the Comprehensive Plan. He stated in Canby's effort to use land more efficiently there is a public interest in allowing companies to expand onto land that is readily available to them, rather than having them look for land elsewhere. The Police Department has commented there is a public safety issue with the vacant land, which will be eliminated upon development of the property.

Clint stated the applicant would be required to come before the Planning Commission for Site and Design Review, and will be responsible for any costs associated with moving of existing services.

Mrs. Tallman questioned if the 70' section of land OBC was trading is used for parking. Clint stated that OBC would be coming before the Planning Commission shortly with a Site and Design Review to reconfigure their parking lot, and a 10,000 square foot warehouse. Mr. Brown stated the map shows a proposed parking lot, currently the land is not being used for parking.

Mr. Stewart asked if this application was approved would the connection between Berg Parkway and 13th St. be made. Clint stated the connection with 13th is pending until Canby Disposal is entirely moved out of their facility. Clint explained previous developments to the south were not required to do frontage improvements, but will be required to do so when the connection between Berg Parkway and 13th is made. Mrs. Tallman asked if OBC would be required to move the existing driveway. Clint stated that it would be part of their Design Review.

Mr. Stewart opened the Public Hearing

APPLICANT:

Bob Wolf, Jerry Robinson Architect, addressed the Commissioners. He stated his company has been hired by OBC to design a new warehouse, and develop the property. He explained there will be a 5' sidewalk along the west property line and it will be shown on the Design Review. He stated there have been no objections raised by utility providers, and this is an excellent opportunity for OBC to expand their business without having to relocate.

Mike Foley, First Commercial Real Estate Advisors, explained they are the leasing agents for the Canby Square Shopping Center. He explained their motivation for this application is to acquire a 50-60000 square foot facility, which will allow a large major retailer into the area.

Jerry Kelly, Essex Management Corporation, stated they are in the process of signing a 20 year lease agreement with a major grocer, this zone change will allow maximum flexibility to work within that zone on the final design. When asked by Mr. Stewart who the "major grocer" was, Mr. Kelly stated as soon as the lease was signed he would tell him.

PROPONENTS:

Tracy Boyce, owner of OBC Northwest stated he hoped the Commission would vote in favor of the zone change to allow for the future expansion of his company, and this was a win/win situation for both the City and his company. Mr. Stewart asked how much expansion this would allow for his company. Mr. Boyce explained there was room to build approximately 40,000 square feet but it would be built in stages, they are looking at building a 10,000 square foot structure this year.

OPPONENTS: None

REBUTTAL: None

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

Mr. Thalhofer stated this would keep a commercial center alive and thriving by using available land for it's highest use. He believed it met all 5 elements of the Comprehensive Plan, and felt there was a need for the change.

Mrs. Tallman stated it would be serving the public need better than the vacant land is at this time, and the safety issue expressed by the Police Department would be resolved with the development. Mrs. Tallman stated it was a reasonable land swap, and believes it will keep Canby Square viable.

Mr. Manley stated he believes the application meets the zoning criteria, will conserve land, and will help keep the commercial center viable.

Mr. Tessman agreed the application is beneficial to both parties and the City of Canby.

Mr. Brown addressed the criteria for approval, he believed this action would improve the layout of the existing zones, preserve existing functions, would serve the public need by making a deeper parcel, and would solve the police's safety concerns by removing a secluded vacant lot.

Mr. Stewart agreed this application would help clean up the area, and facilitate the extension of Berg Parkway. He stated bringing in a major magnet would be a benefit for the Shopping Center.

It was moved by Mr. Brown to forward to the City Council a recommendation for approval of ZC 01-01/CPA 01-01. Seconded by Mrs. Tallman. Motion carried 6-0.

MLP 01-01 An application by Mr. Robert Reznicek to partition an existing 18,225 square foot lot into 2 lots with the existing single family home on Lot 1, and a new home to be built on Lot 2.

Mr. Stewart asked if any Commissioners had a conflict of interest, none was stated.

When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Clint presented the staff report. He explained the lots in that area are large, deep lots, and many people have divided them into smaller parcels, which helps in-fill the City. He explained the applicant had presented 2 different driveway configurations with this application, but after visiting the site Clint suggested the applicant move the driveway to the other side of the property, which created option #3. This option would allow for the possible retention of existing trees on the north side of the property, and allow the applicant to keep the carport of the existing home.

Clint stated the applicant is open to any of the proposals, and the Fire Marshal has approved the accesses on both design #2 & design #3. Mr. Brown asked for clarity on which design was being submitted. Clint stated the application is for design #3, it is the design staff feels best serves the property, he had the applicant include plans 1 & 2, because the Fire Marshal had preferred plan 2, and plan 3 was a mirror image of that plan.

Mrs. Tallman asked if there was room for a sidewalk. Clint stated that if there is just 1 or 2 units accessed sidewalks are not required. Mrs. Tallman asked how close the nearest driveway is to the proposed design. Clint stated there would be a 5' separation between driveways. Mrs. Tallman asked if that is a problem. Clint stated it shouldn't be a problem in a residential zone.

APPLICANT: Mr. Reznicek stated he agreed with the staff report and had nothing to add.

PROPOSERS: None

OPPOSERS:

Vicki Jeneski, addressed the Commission, she stated she was Mr. Reznicek's neighbor to the south. Her concerns were whether there was enough room on the south side of the property on the south side of the property to allow for the access drive, and thought there would be more room on the north side.

Mrs. Jeneski asked if the required easement would force them to give up part of their land. Clint explained that there was 15' from the property line to Mr. Reznicek's house, and that the City was not asking for them to dedicate any of their property.

Mrs. Jeneski expressed her opinion that since this is something Mr. Reznicek wanted to do, it should have as little impact upon them as possible. She was concerned that a house would basically be in their back yard, and questioned if it would be a one or two story house. Mrs. Jeneski stated there were trees on the north side of the property that would create a visual barrier for the access. Clint explained that if the access drive were located on the north side of the property the trees would have to be removed.

Mr. Brown suggested that Mrs. Jeneski visit the Planning Department and have John explain the code and what options were available for Mr. Reznicek since once this application goes through any construction that met the City's code would be allowed, including a 35' tall house.

Mr. Don Jeneski stated they have a swimming pool on that side of their property with only a 6' fence, he questioned how responsible they would be if a child climbed the fence. Mrs. Jeneski stated children would be able to see their pool and be tempted to climb the fence. Mr. Brown explained that maximum height for a fence in the City code was 6'. Mr. Stewart asked if the access was allowed on the south side would she want a sight-obscuring fence. She stated she would.

Mr. Brown questioned whether the Commissioners could condition a fence, since they had never done it before. Clint stated the Commission could.

Mrs. Jeneski asked who would make the decision as to which side the access drive would be on, the Commissioners or Mr. Reznicek's. John stated that the Commission had to respond to the application. Clint explained the applicant prefers the option of the access drive on the south side.

Mr. Reznicek stated that he would be willing to put the access on either side, but he preferred option #3.

Mr. Stewart closed the Public Hearing.

Mr. Brown stated that usually Minor Land Partitions are fairly straight forward, and he had not visited the site prior to the public hearing. He stated he was not comfortable making a decision without understanding the situation. He suggested, that if the applicant were willing to have the decision postponed he would like time to visit the site.

Mr. Reznicek stated he was agreeable with continuing the hearing until the next meeting. Mr. Stewart explained the 120 day rule to the applicant, and that there was time to continue this hearing for 2 weeks without violating that rule.

Mr. Brown suggested the applicant should speak with his neighbors and try to find a solution to their concerns. Clint explained the Commissioners packets for the March 26th meeting would be delivered on Friday, and suggested Mr. Reznicek submit a site plan, which showed the existing trees.

Mr. Tessman stated he had reservations about making a decisions on a proposed plan without having had time to review it. He was agreeable to continuing the hearing until the next meeting.

Mr. Stewart continued MLP 01-01 until March 26, 2001. Date and time certain.

DR 00-10 Randy Kehoe,

Clint stated Mr. Kehoe had withdrawn his application.

IV. FINDINGS

SUB 00-07, An application by Oregon Development for approval of Phase IV of the Faist Addition Subdivision, containing 26 single family homes on 5.8 acres.

Mr. Stewart stated he would abstain from voting due to being absent at the last meeting.

Mr. Brown asked if there were any new developments regarding the intersection at S. Redwood and Township Rd. John stated after the last meeting, Public Works had cleared a lot of vegetation off of the corner and it was an improvement. Mr. Stewart stated he wanted the Planning Commission to make a recommendation regarding that intersection to the City Council. John explained that Township is a Clackamas County Road, and they have to approve any changes.

Mr. Tessman stated his major concern with the intersection is during school entrance and exit hours, when there are a large number of children crossing there. Mr. Stewart stated speed control is a problem.

Mr. Stewart stated he was disappointed the original traffic report did not include the accidents that Mr. McGraw had brought to the Commission, when the Commission heard the original application, safety was their major concern, that intersection was presented to them as problem free. Mr. Stewart stated he appreciated Mr. McGraw's involvement. John stated he would be looking at the requirements of the traffic studies to make sure everything is covered.

Mr. Thalhoffer moved to approve the Findings, Conclusions, and Final Order for SUB 00-07 as written. Seconded by Mr. Brown. Motion carried 4-0 with Mr. Stewart and Mr. Tessman abstaining.

V. DIRECTOR'S REPORT

John informed the Commissioners the first Residential Zoning Neighborhood meeting was held on the East Side and attended by approximately 30 people. Mr. Stewart stated people had expressed the desire to have another meeting when there is a final draft. John stated there is the possibility of having regular neighborhood meetings, to increase neighborhood involvement.

John reminded the Commissioners there would be a joint meeting with the City Council to discuss the Parks Master Plan, March 20th, 7:00pm at the Adult Center.

John stated the Transit plan is still on going, and is still several hundred signatures short. The draft plan is coming together, but it must be submitted with the signatures to be considered by Tri-Met. He added they are looking to submit the application in April.

Mrs. Tallman suggested taking the signature petitions to meetings, any place where people gather. John congratulated Mrs. Tallman, she was one of three people who have gathered more than 100 signatures.

John presented the Commission with a letter he received from concerned citizens. The letter stated they did not believe there was enough information presented to them to make decisions on annexations. They would like to have information regarding how the annexations would affect such things as taxes, schools, and fire safety.

John explained that the contents of ads placed in the paper only contain information regarding the annexations, they must be neutral.

Mr. Brown asked if it was appropriate for the Commissioners to take a position one way or another, once they have made a recommendation to the City Council. He stated that very few people come into the Planning Department to read the staff reports, or watch the Commission's meeting on television. Mr. Stewart stated most people get their information regarding annexations from the newspaper ad the City places, and whatever informational ads (pro or con) that are placed in the paper by people who are willing to pay for them.

Mr. Stewart suggested this could be discussed at the joint meeting with the City Council, since people are saying they don't know how to vote because they don't have enough information. Mr. Manley stated most citizens don't understand what low density means, that there could be 7 homes per acre built. Mr. Brown agreed citizens did not realize it includes 6 vehicle trips per day, per household, and impacts on schools and on fire protection.

Mr. Stewart stated this was a topic to discuss with the City Council since this was their decision to make. He added it was the Planning Commission's responsibility to educate citizens, and ways need to be found besides taking out expensive full page ads.

Mr. Stewart addressed the issue of the Planning Commission receiving information from applicants, opponents, and service providers immediately prior to the start of their meetings, some of the handouts have been lengthy and require the Planning Commission to take recesses to read the information. He suggested if the information is not received by the Commissioners before 6:00pm the Friday prior to the meeting it would not be considered.

Mr. Manley stated it could be considered but it may cause the hearing to be continued to give the Commissioners time to review the information. John stated that applicants could be told the deadline and if additional information is received it may cause a continuation.

Mr. Manley suggested the cut off should be Thursday to give staff time to get the information to the Planning Commission by Friday. Mr. Brown stated other jurisdictions have

cut off times, and few jurisdictions will hear applications in less than 2 months like Canby does. Clint stated that service providers are asked to return comments in 2 weeks. Mr. Stewart stated service providers not returning comments within 2 weeks is not acceptable.

Mr. Brown stated that City service provider comments are easy to deal with, it is information received from applicants and citizens that the Commissioners need time to review. Mr. Tessman stated it would be hard for him to vote on any application that is not complete.

John stated there were 3 public hearings plus the continued hearing from tonight to be heard at the next Planning Commission meeting.

V. ADJOURNMENT