

# MINUTES

## CANBY PLANNING COMMISSION

7:00pm June 11, 2001  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

**PRESENT:** Chairman Keith Stewart, Commissioners Jim Brown, Jean Tallman, Tom Sanchez, Randy Tessman, Paul Thalsofer, Geoffrey Manley

**ABSENT:** None

**STAFF:** John Williams, Planning Director, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Beth Saul, Parks and Recreation Director, Mr. Laitinen

### II. CITIZEN INPUT ON NON AGENDA ITEMS

**Beth Saul**, Library and Parks Director, gave a presentation to the Commission of the proposed parking lot improvements to be done by the Mormon Church during the Neighbor to Neighbor program in July. The proposed parking lot would be located in Eco Park and would provide access to the Logging Road.

Ms. Saul explained the condominiums located south of the Eco Park have an access easement to use the Logging Road, a meeting has been scheduled with the Traffic Safety Committee regarding how to provide safe travel lanes for pedestrians, bicycles, and vehicles. Ms. Saul stated it is unclear when the City will be able to develop the Logging Road solely for pedestrian and bicycle use, since the future of the Log Boom located at the northern end of the Logging Road is still in question.

Mr. Brown explained the first project the Neighbor to Neighbor program had chosen to do was to clear the ivy out of the trees in Eco Park, but it would have taken all of the volunteers all day to remove it, so the parking lot project was chosen instead. He asked Ms. Saul what preliminary work had been done, she stated they would have to discuss that issue with Mr. Hester, Public Works Supervisor. She stated there have been discussions with Mr. Hester regarding having the City supply the materials and the paver, and the Neighbor to Neighbor group do the excavation, laying the rock and compaction. Mr. Brown questioned the four proposed handicap parking spaces when there are only 15 spaces provided, and suggested reviewing the plan.

Mr. Thalhoffer suggested an informational sign could be placed in the parking lot, to explain what is happening there, and stating the parks department would be accepting donations. Mr. Brown questioned if the proposed location of the park sign would allow for expansion of the parking lot in the future. Ms. Saul explained any future expansion would be in the other direction to retain the trees on that side of the park.

Mr. Stewart questioned if this was the appropriate time to go forward with this project, since there were so many unanswered questions. Ms. Saul stated the main issue has to do with safety, crossing Territorial, and the flow of people, cars and bicycles. She stated that if during the meeting with the Traffic Safety Committee there were some obvious answers, then the project would be good to go, if there is a problem then the process could bog down. Mr. Stewart stated there was very little time after the June 26<sup>th</sup> meeting with the Traffic Safety Committee to get all of the questions answered.

Mr. Sanchez asked if the area was gated, to close it off after hours. Ms. Saul explained there is a gate approximately 1/4 mile north of this location, which will come down once some decisions are made regarding the northern section of the property. But there are no plans or money at this time to gate the proposed parking lot.

Mr. Brown stated he had recently taken a walk in the park and attested to it's beauty. He agreed the proposed parking site was in the best location.

Mr. Stewart asked what the next step was for the project. Ms. Saul stated the proposal needs to be reviewed by the Planning and Building Department, go through a Traffic Safety Review, (if there are any unsurmountable problems the project would probably stall) but if there were issues that could be addressed, then the initial work could be started.

Mr. Brown asked if there were trees in the proposed parking lot location. Ms. Saul said there are no substantial trees there, just a few saplings. Mr. Brown asked if Roy Hester would put together a drawing of what the City wants, and asked if the City would provide the materials. Ms. Saul explained before she goes to the Traffic Safety Committee meeting, she plans to meet with Mr. Hester and possibly with Curt McLeod to get some direction regarding any problems with drainage, grading, etc.

Mr. Brown explained that on July 21<sup>st</sup> the Neighbor to Neighbor program, will work in conjunction with the City and other service organizations will be doing service projects, such as the work in the Eco Park, working in the Community Park, pulling blackberries on the Molalla Forest Rd, hopefully demolishing the restroom facilities in Wait Park in preparation of the new facilities being installed, and many other various projects. He would like to see other service organizations and individuals volunteers get involved on that day. The project is being spearheaded by the Church of Jesus Christ of Latter Day Saints, but the intent is to have the whole community involved, there will be a lot of things to do, and if people would like to participate they can contact City Staff.

### III. PUBLIC HEARINGS

**CUP 01-02**, An application by E. W. Laitinen to allow the applicant to use more than 25% of the ground floor area of the house located at 410 NW Grant for residential use. The remaining ground floor area will be a print shop and office space. Continued from May 29, 2001.

Mr. Stewart asked if any Commissioner had a conflict of interest. Mr. Sanchez, and Mr. Tessman stated they would abstain from voting since they were absent at the original hearing. When asked if any member had ex-parte contact, Mr. Brown stated he visited the site, Mrs. Tallman stated she had spoken with Mrs. Laitinen regarding personal issues, Mr. Stewart stated he had visited the site but had drawn no conclusions.

John Williams, Planning Director, stated Mr. Chiavarini had researched the Commission's question from the last hearing regarding off street parking and had found the code gave the Commission the ability to not require the parking spaces, if they made a finding that backing up on the street, and over the sidewalk to be unsafe. John stated tying the reduced parking to the Conditional Use permit would require it to be reviewed if the use intensified.

Mr. Stewart opened the public hearing.

#### APPLICANT:

Mr. Laitinen, applicant stated that currently his print shop is located in Portland and has two parking spaces with no off street parking and it has not created a problem.

Mr. Laitinen explained that using only 25% of the ground floor for residential use would require major remodeling to bring the structure in to compliance with building codes. He stated if this conditional use application was not granted the cost of remodeling would be prohibitive, and he would be forced to sell the property and return to Portland.

Mr. Stewart asked if the fence between the house and the duplex would be replaced. Mr. Laitinen stated he had spoken with the renters next to him and they had expressed a desire to have the fence replaced, but he did not have a preference on the type of fence to install.

Mr. Stewart commented the heavy equipment that was brought in to demolish the garage had done significant damage to approximately 100' of alley way, he asked Mr. Laitinen if there were plans to repair the alley. Mr. Laitinen stated he intended to repave the alley when he paved the parking areas. Mr. Stewart stated he would like to add that as a condition to the application.

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

Mr. Brown questioned the location of the handicapped parking space, he explained it did not meet the state standards for width and length. Mr. Manley asked if the other space could be utilized for the ADA space since there was lawn that could be used to extend the depth.

Mr. Stewart explained there is unutilized parking on Grant Street, and did not want to see stacked parking on Grant Street and since Mr. Laitinen has testified that parking is not intensive with his business, he did not believe the parking requirement to be ultra critical. He explained the Planning Commission would have to allow the bare minimum parking to accommodate the ADA handicapped parking space.

Mr. Thalhoffer stated this is an example of what type of issues will come up as the City redevelops the downtown area and tries to make old sites fit new laws. He stated allowing bare minimum parking to accommodate 1 ADA space seems like a good match of modern laws with a 100 year old building.

Mrs. Tallman stated the place to use variances was with 100 year old buildings, and believes there is adequate parking by using existing on street parking.

Mr. Brown stated there is adequate rationalization for this variance, the existing facility provides 1 off street parking space, and it would be reasonable for the Commission to condition that space be retained as a handicapped space.

Mr. Tessman expressed his concern that there may be a precedent set if the Planning Commission reduces required parking with this application. He stated future applicants may expect the reduced parking requirement. Mr. Stewart explained that each application rises and falls on its own merits. He added the only precedent that might be set is that the Planning Commission is willing to work with applicants to the best of their ability.

Mr. Manley stated the suggestion of making the one on site parking space the required ADA space was reasonable.

Mr. Stewart stated he has no problem increasing the residential use of the building, but since this proposed print shop abuts a residential zone he was concerned regarding the noise level that may be created by the operation of the shop, and asked what hours the shop would run. Mr. Laitinen stated the business may run into the evenings but it would not run 24 hours. Mr. Laitinen explained the presses that he owns are small and do not require the operator to wear hearing protection when in use, he did inform the Commission that he would be installing the machines on rubber pads, so there should not be a noise problem.

Mr. Stewart stated if this application is approved he would like the planning staff to send a note to the 3 businesses that access the alley, stating there is a residential zone that begins on the other side of the alley, and ask them to respect their neighbors. Mr. Stewart explained people

travel 30 to 35 mph through the alley, and that creates a hazard for pedestrians. He thought the letter would be a good place to start addressing the problem.

It was moved by Mr. Thalhofer to approve CUP 01-02, with the conditions as written in Clint Chiavarini's memo, to amend the parking requirement to one space that is ADA accessible, a condition requiring repair of the damage to the alley, and a condition requiring a fence (type of which to be selected by the owner). Seconded by Mr. Brown. Motion carried 5-0 with Mr. Sanchez and Mr. Tessman abstaining.

#### **IV. FINDINGS**

**DR 01-02** An application by OBC to build a 27,420 square foot warehouse.

It was moved by Mrs. Tallman to approve the Findings for DR 01-02 as written. Seconded by Mr. Thalhofer. Motion carried 5-0 with 2 abstentions.

**DR 01-03** An application to build a Denny's Diner at the Canby Market Center.

It was moved by Mr. Thalhofer to approve the Findings for DR 01-03 as written. Seconded by Mr. Brown. Motion carried 5-0 with 2 abstentions.

**DR 01-04**, An application by the City of Canby to build new restroom facilities in Wait Park.

Mr. Brown suggested item #4, which states all materials will be secured prior to the work beginning to be changed to include materials and/or money to be available, he also stated he would be abstaining from the vote. Mrs. Manley moved to approve the Findings DR 01-04 as amended. Seconded by Mrs. Tallman. Mr. Brown noted he was shown as voting on the application and he had abstained and requested it be corrected. Motion carried 4-0 with 3 abstentions.

#### **V. NEW BUSINESS**

##### **PUBLIC NOTICE DISCUSSION**

John Williams, Planning Director explained there are 4 kinds of notices done for land use applications, a newspaper display ad, a mailing to surrounding the property, posting on the property, and posted at City Hall bulletin board, Post Office bulletin board, and at the Library.

John stated the old newspaper notices were displayed in the legal section of the newspaper and contained unnecessary legal language. He has created a boxed display ad with the City Seal at the top that gives the basic information on the application. The feedback from people has been that these ads are more noticeable than the old ads were.

Mr. Brown suggested adding a map to the display ad to help people understand the location of the proposed changed, and whether it will affect them.

John stated if he finds the time he will revive the "Planning Perspective" column for the Canby Herald. It would be either once or twice a month and be used to discuss current planning issues and to answer frequently asked questions regarding the planning code.

Mr. Tessman expressed his concern that when the notices were placed in the legal section, people knew where to look for them, he asked John if there could be one place in the paper where the ad was always placed. John stated he had discussed that with the newspaper staff and was told it would be difficult for them to always put it in one spot since the size of the ad changes and the newspaper varies from issue to issue.

Mr. Manley commented that he has seen the notices since John made them display ads, but he had never noticed them in the legal section of the paper.

John showed the Commissioners an example of notice that is sent surrounding residents and property owners. It contains a summary sheet with basic facts, a map showing the location of the property, and a comment sheet that they can fill out and return to the planning office. He stated people are encouraged to come to the hearing but if they can't make it they can submit their comments through the mail.

John questioned the Commissioners regarding what distance surrounding a property should people be noticed. Currently notice is sent to property owners and residents within a 200' radius around the property, (except for lot line adjustments which is 100'), but it could be increased to what ever distance the Commissioners felt was necessary to provide adequate notice to neighbors. It was decided to create a graduated scale with Lot Line Adjustments staying at 100', basic land use applications increased to 300', with zone changes, annexations, comp plan amendments, and subdivisions increasing to 500'.

John informed the Commission that the City is doing a cost of services study, looking at what services the City charges for, and if there is anything the City is losing money on. John stated he expected some of the planning department fees will be increased for some applications.

Mr. Tessman stated the comment forms received from people become part of the public record, but are not read during the meeting. John stated they did not have to be read verbatim into the record. In the past Clint has stated that a letter was received and what the gist of the letter was, but the letters could be read allowed if the Commissioners would like.

Mr. Sanchez asked if John receives many e-mailed comments. John stated he doesn't receive many comments but he does get an occasional question. Mr. Sanchez explained there are Cities that use the web page as a "front door", or information gathering place, where people can type in their comments. John explained there are plans to get more information on line, such as

application forms, and the City code, but due to the recent staff cuts the City does not have the ability to do to get all the information on the web site that is planned.

John showed the Commission the new method of posting notices on the affected property, which replaces the 8 ½" X 11" orange paper that was used previously. John explained he had the notices made so they were generic enough they could be used by other departments to notify the public of meetings and road construction projects.

John explained that currently the City has a code assistance grant looking at residential zoning, which sponsored the neighborhood meetings that were held. He stated during the meetings, people expressed an interest in looking at the design of residential developments. He explained the City could apply for an additional code assistant grant for that project by submitting a letter of support from the Planning Commission and the City Council. If the State decides the project has merit, and it competes well against other jurisdictions, then they will work closely with the City to work out the specifics of a budget and work plan. The Planning Commission signed the letter John had prepared.

## **VI. MINUTES**

**May 14, 2001**

Mr. Manley noted a correction that was needed on page 1, to clarify that he had abstained from the voting. It was moved by Mr. Thalhofer to approve the minutes of May 14, 2001 as amended by the correction on page 1, and with a corrected page 12. Seconded by Mr. Brown. Motion carried 6-0 with Mr. Stewart abstaining.

## **VII. DIRECTOR'S REPORT**

John stated the City Council had approved the System Development Charge increases and explained the way they will be phased in, 25% of the increase is immediate, with a 6 1/4% increase at the first of September, October, November, and December, a 25% increase February 1, 2001, and the final increase of 25%, April 1, 2002.

John explained for a single family home, the SDC's will approximately double, from \$3,400 to \$7,000. He stated this is quite an increase, but there have been no increases to the SDC's for things such as the increase in the cost of land for parks, the new fees are more realistic.

John stated that Clackamas County had certified the signatures the City had submitted and had informed him there were more signatures than were needed for withdrawing from Tri-Met. The first meeting will be Tuesday July 31<sup>st</sup> at the Adult Center, a Hearings Officer from Tri-Met will be present who will make a recommendation to Tri-Met's Board of Directors. John stated he would attend the meeting to answer any questions, but would try to get citizens who use

Tri-Met now, or who would use an expanded system to testify. He stated everyone, those for and those against the proposal, should come and give their opinions.

Mr. Thalhofer questioned who would be notified of the meetings. John explained that Tri-Met would do a minimum notice, which would include notices at the bus stations and on the buses themselves, he will notify citizens who have been involved with the process.

Mr. Stewart stated since this was such an important issue it should be given a larger notice in the paper. John stated there would be an article in the paper and there may be a display ad placed also if there is money in the budget.

John stated there will be a follow up round of 4 or 5 neighborhood meetings in mid-July. Mr. Stewart suggested any citizen who had any issue they would like to discuss should come to the meetings because there will be representatives from both the City Council and the Planning Commission in attendance. John stated that there will be time set aside at the end of the meeting to discuss any issues the neighborhoods might have.

John stated work will start soon on the next periodic task, which is rezoning. The zone code is almost finished and after the last neighborhood meeting it will be time to go ahead with a formal zone change application for the residential zoning text. Then we will have to look at what needs to be done to meet the state law on that topic. John stated he will see if there is any grant money available to hire a consultant, if there is not any grant money available, the work will be done by John and Clint.

It was decided the first meeting in July would be a workshop on periodic review.

## **VIII. ADJOURNMENT**