

# MINUTES

## CANBY PLANNING COMMISSION

7:00pm August 27, 2001  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

**PRESENT:** Chairman Keith Stewart, Commissioners, Paul Thalsofer, Jim Brown, Tom Sanchez, Geoffrey Manley.

**ABSENT:** Jean Tallman, Randy Tessman

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

**OTHERS PRESENT:**

### II. CITIZEN INPUT ON NON AGENDA ITEMS

None

### III. PUBLIC HEARINGS

**TA 01-02** An application by Sean Ragain to amend the text of the Canby Land Development and Planning Ordinance to allow some parking areas to use engineered aggregate (high-quality gravel) in certain instances.

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. Thalsofer stated his firm does business with the land owner and would be abstaining from the discussion and vote. When asked if any Commissioner had ex-parte contact, Commissioner Stewart stated he had visited the site but had drawn no conclusions, and he had spoken with Mr. Dennis Jurries, Department of Environmental Quality, Northwest Regional Office, Storm Water Engineer, and had asked his opinion of environmental contaminates, and his opinion was the same as what was reported in the staff report. Mr. Stewart stated he also received information regarding dry wells versus gravel in the City. No questions were asked of the Commissioners.

Clint Chiavarini, Associate Planner presented the staff report. He explained this application is indirectly tied to a land use application but is a Text Amendment which would apply to any property that meets the proposed criteria. He stated there will be an application

before the Planning Commission in the near future.

Mr. Stewart questioned when this text amendment would be in effect. Clint stated once the City Council approves it, it would become part of the City Code. Currently the code requires all areas used for parking or maneuvering of vehicles be of asphalt or concrete. The applicant is asking that the text be changed to allow high quality gravel for certain uses. Staff recommends this be a conditional use because of concerns with gravel creating dust, and the transportation of the aggregate through the City streets causing problems for public works during street sweeping.

Clint explained that the Public Works Supervisor had contacted the State of Oregon Department of Environmental Quality and they raised no concerns regarding this application. The Fire Marshal has required a minimum of 50,000 pound load capacity and that the gravel remain grass and weed free for fire concerns.

The applicant believes from a market prospective that there is a need in the community for RV storage, and allowing engineered gravel would make it financially feasible to provide the service. Clint stated there could be benefits from using gravel for surface water infiltration instead of collecting it all in a single dry well. Clint stated this change would serve the public need by allowing more flexibility for owners and developers while maintaining a review process under the conditional use.

Clint stated the health concerns associated with this application include air pollution from dust, and ground water pollution from fluids that may leak from engines. The applicant is proposing the use of high quality gravel which must pass certain standardized tests that minimize dust. Staff recommends on going tests for any future projects to meet ASTM standards. The seepage of engine fluids would be dispersed over a wide area instead of being caught in a dry well then diffused in higher concentrations. Clint explained there are no state wide planning goals that relate to this application.

Clint had included proposed amendment language with the application, and recommended a set of City Standards be adopted that could be revised as situations change without having to do another text amendment.

Clint stated staff recommends approval of this text amendment.

Mr. Brown questioned the use of the term *solid concrete paver* in the staff report. Clint explained this is not what the applicant is proposing, but is a related issue that staff is proposing to fix. By interpretation of the code decorative concrete pavers have been allowed to be used for driveways, etc. and since the section is being amended, adding this wording would clarify that interpretation.

Mr. Brown questioned how an applicant could insure that there would be no oil changing, radiator filling, RV septic discharge etc. on the property. Clint stated it could be added to the

standards, and the applicant will require tenants to sign lease agreements that would have consequences to those actions.

Mr. Stewart questioned why the City Council was excluded from the process that allows revisions of City standards for a text amendment to the comprehensive plan. John explained the Public Works Department maintains a set of standards for driveways, drywells, etc. this language would include the standards for engineered gravel. Mr. Stewart expressed his concern regarding approving a text amendment change where the City Council does not have a review.

Mr. Brown questioned if the language was referring to the standards. Mr. Stewart stated the way he interpreted the wording it could be a text amendment. Clint explained that the advantage to referencing City standards is that standards can be changed and testing procedures can be updated without requiring full text amendment, adopt the text and reference the standards, but the standards are not adopted as part of the text amendment. John explained the standards were too detailed oriented and to liable too change.

Mr. Sanchez asked what process is in place if someone wants to use this material at this time. Clint stated that is not possible. Although some existing "grandfathered" parking lots are dirt or gravel, all new construction is required to have paved surfaces. Mr. Stewart explained that in the past DEQ advocated paved parking lots, believing it was safer and more environmentally friendly, but they no longer have an official position on the subject.

Mr. Stewart opened the public hearing.

#### **APPLICANT:**

**Sean Ragain**, addressed Mr. Browns concerns regarding ensuring there were no releases of oil, septic, or other contaminates into ground water supplies. He stated the lease agreements will have environmental liability insurance as part of a rider for the business insurance. He explained that this type of parking facility would not have as much traffic as a supermarket parking lot would have, instead of a thousand vehicles a day there maybe a hundred vehicles there for an extended period of time. The facility will have the ability to inspect the ground around the vehicles to assure that leakages were not occurring.

Mr. Brown stated the proposed text includes the term aggregate base, but doesn't talk about assembly, would the applicant propose a geotech fabric or something similar to eliminate the pumping action of aggregate. Mr. Ragain stated the site consists of Canby sand, and is well compacted, and is unsure if a geotech fabric would be necessary but he is unsure of the final design of the project at this time.

There was a discussion regarding adding the requirement of a geotech liner under the gravel. Mr. Jurries, Oregon DEQ had stated to Mr. Stewart that the liner would be necessary to met the 50,000lb load requirement and for grass and weed abatement. Mr. Ragain stated his

concern that the geotech liners could create problems in the future by becoming clogged with fines and causing water to pool up on the liner. He suggested that the 50,000lb condition would require applicants to obtain engineering, and once the engineer has put his stamp on a design (whether it has a geotech liner or not), it should meet the criteria.

**PROPONENTS:**

None

**OPPONENTS:**

None

**REBUTTAL:**

Mr. Ragain believed staffs recommendations had adequately addressed the concerns that required paved surfaces in the first place. He stated by putting in the Fire Departments geotechnical requirement of 50,000lb load rate, applicants will be required to obtain engineering and the concerns of the site pumping should be a non issue.

Mr. Stewart closed the public hearing, and opened Commissioner deliberations.

Mr. Stewart explained that Mr. Jurries favored aggregate over concrete, because the ability to degrade contaminates was better.

Mr. Brown stated he believed the application met the state wide planning goals, but questioned if there is a need, and if the need would be served better by this application. He questioned why a design or method had not been established instead of a set of standards. Mr. Brown agreed that 50,000lb weight capacity is substantial and stated he is not against the use of gravel, but is unsure about using the proposed standards to determine the adequacy.

John Williams, Planning Director explained that this amendment would be creating a process allowing this type of use through a conditional use permit. He stated that when a conditional use permit was applied for there would be a design attached to it to be reviewed by the Public Works, City Engineer, and the Fire Department Their recommendations would be attached to the application.

Clint stated storm water is addressed by the condition that states the application will meet storm water standards. Mr. Stewart added the geological tests would be available for review also. Mr. Brown stated technical reports are hard to understand and complicated. Clint explained that is why the staff defers to the City Engineer, DEQ, and who ever else reviews these things. Mr. Brown stated he was still unsure the proposed standards were the right ones to approve.

Mr. Sanchez stated he did not have a problem with the application since the engineering standards will have to be met in order to be approved and will have to perform as well as conventional surfacing materials.

Mr. Stewart questioned if Mr. Sanchez believed there was a public need for the change. Mr. Sanchez stated he was not aware of situations that could benefit from the change. Mr. Stewart suggested it could mean more business in the community, but did not see a large demand from the community for this modification to the Comp Plan.

Mr. Manley stated he did not have a problem with the use of gravel given the standards that have been recommended by staff. He believed the issue that needed to be addressed was the public need for the change. He cited Mr. Jurries comments to Mr. Stewart which suggested it was better for the environment to use aggregate, could fit the criteria for a need for the change. Mr. Stewart explained it was Mr. Jurries professional opinion that when it rains on paved surfaces all of the water is carried to the drywell, taking all of the contaminates at once into one location. The use of aggregate would be a natural filtration system and less contaminates would go into the ground water. Mr. Stewart stressed this was Mr. Jurries professional opinion and not the official position of the DEQ.

Mr. Brown stated one concern he had with the use of gravel instead of a paved surface is that gravel moves, sloughs off, and is displaced by tire movements, how long will it be before the surface degrades.

Mr. Stewart questioned the wording in the staff report that aggregate transport through city streets is minimized by providing paved access drives to City right of ways that exceeds 200' in length, where did the 200' requirement come from. Clint explained it came from the applicants proposal, they currently have a driveway that is paved 500' and contend that the majority of gravel that sticks in tire treads will come off on the driveway, as opposed to having a gravel driveway next to the right of way which would allow the gravel to come off on the City streets.

Mr. Brown suggested the use of gravel was a good idea, but was unsure what the standard should be. Clint stated that the text amendment would address the code where it stipulates that areas used for parking or maneuvering vehicles be of a paved surface, by adding that the Commission may approve engineered aggregate. He explained he had taken all of the standards that were discussed at this meeting (50,000lb, 200', oil changing) and put them in the City standards which can be modified by the experts in their fields, the City Engineer, Public Works Supervisor, the Fire Marshal.

Mr. Stewart had concerns that the Planning Commission could be forced into approving aggregate by applicants who state they have met the minimum requirements and therefore should automatically have their conditional use permit approved. Mr. Brown stated they would have to show how they meet the 3 standards for approval. Mr. Sanchez questioned if the last sentence

didn't give the Commission the capability of imposing additional conditions to ensure the 3 standards are met since each site might have its own factors to take into account.

Mr. Manley stated that it would be up to the City Engineer, Fire Marshal, or other Officials to decide if an application would need additional conditions for approval. He questioned if City standards are public knowledge. John explained the standards are available on a handout sheet and are updated by the City Engineer, and Public Works Supervisor as rules change. Mr. Manley stated if the Commission sets up the standards, they would be acknowledging that the Public Works Supervisor, and City Engineer are going to make sure the standards are adequate standards for gravel.

Mr. Brown stated the code doesn't address structural adequacy for emergency vehicles. Clint stated there could be instances where the Fire Marshal may decide meeting structural adequacy for emergency vehicles would not be necessary.

There was a discussion regarding the wording of the text. The Commission decided to include the wording "The Planning Commission may approve the use of an engineered aggregate system", which would open up the possibility of using geotechnical fabric, and to include the DEQ list of environmental contaminates.

It was moved by Mr. Brown to recommend approval to the City Council for TA 01-02 as amended. Seconded by Mr. Manley. Motion carried 3-0 with Mr. Thalhofer and Mr. Tessman abstaining.

Mr. Stewart stated Mr. Jurries is also concerned that Canby may have future problems if they continue to use catch basins. He sees a time in the near future when all catch basins will have to be licensed and certified which will be a time consuming and costly measure. Mr. Jurries has volunteered to attend a workshop with the Planning Commission to further explain the problem.

Mr. Brown stated he was surprised catch basins were allowed by DEQ, since they are injection wells which penetrates the strata. They take the oils off parking lots, and pesticides off peoples lawns and dump them straight into the ground water system. John stated injection wells are an area of concern and would be glad to set up a workshop with Mr. Jurries.

#### **IV. FINDINGS**

**SUB 01-04** An application by John Meredith to subdivide 1.66 acres into 6 lots suitable for building single family homes. The site is located on the west side of N. Redwood, south of NE 18<sup>th</sup> Place, east of the Molalla Forest Road

Mr. Brown proposed changing hooded light fixtures to cut off fixtures. He also stated he would like to have the phrase swing around sidewalks reworded, but he had no suggestions at

this time.

It was moved by Mr. Brown to approve the Finding, Conclusions and Final order for SUB 01-04 as amended by corrections. Seconded by Mr. Manley. Motion carried 3-0 with Mr. Thalhoffer and Mr. Stewart abstaining.

## V. NEW BUSINESS

Clint addressed the issue of planter strips. He explained there are pending applications and applicants have expressed concerns regarding the City's planter strip requirements. Clint gave a slide presentation showing the different planter strip styles that are located in Canby at this time. He gave examples of how the transition between different sized planter strips have been made. He showed slides of how the street and sidewalks have been disturbed by the planting of trees in a 2' planter area, and showed slides of Faist II which require 5' bump outs in the planter strips to accommodate the planting of trees.

Clint stated the idea that staff had come up with when looking a planter strips before was to have a minimum set back from the property line of 20', there is a minimum setback of 19' from the back of the sidewalk to the front of the garage. If you push the sidewalks back, it will force the garages to go back. With the current street standards from the face of the garage to the back of the sidewalk would be 27'. Clint stated it was his understanding it would cost more to build houses with the garages further to the rear yard, due to the added foundation costs.

Clint stated that developers don't like the larger planter strips because it breaks up the useable space in a front yard. Mr. Stewart asked if developers wanted to place sidewalks next to curbs and not build planter strips. Clint stated that the 2' planter strip was an experiment that failed.

John stated the intent with planter strips is to make the sidewalk a more attractive place to walk, it visually breaks up the design of the street. He explained Canby has wide streets, when you have 36' of pavement and then add five more feet on both sides for a sidewalk that's 46' of nothing green. The planter street gets the trees closer to the street and breaks that up.

John explained the current standard is 4 ½' of green, with a 6" curb and 5' of sidewalk. Mr. Stewart remarked that those were precisely the standards that were in place in the early 1900's. John said one issue to discuss is whether local streets and busier streets should have the same standard.

John stated one benefit with that width is that the slope of the curb, the transition from the street up the ramp can be build into the planter strip and then the sidewalk continues flat through the neighborhood.

John said he has also heard comments that planter strips are hard to maintain, most do not

have irrigation, and the City does not have a standard of what should go into them. He explained most developers choose to install grass in the strips, but not everyone likes that, when you park on the street and open the passenger side door, you have to step out on wet grass in the winter instead of pavement. He stated it is a decision between visual/safety against convenience/maintenance. Mr. Thalsofer questioned if this was an issue that neighborhood associations could become involved with.

**Tom Scott**, Local Developer addressed the Commission. He stated he had a few concerns with how planter strips ultimately turn out. He explained that some are well kept and look good, but they are hard to maintain. That is why many are covered in rock or ground cover which is more convenient for home owners to maintain. He stated the planter strips are all different, shrubs, ground cover, rocks, and he doesn't know you can ensure they will all look the same.

Mr. Scott stated that if you ask citizens who like to walk down the sidewalks with the trees lining the walk they think they're great, but ask the home owner who had to give up 10' of his backyard which is very important to them and they would rather have the bigger backyard. He thinks the consideration should go to the home owner who lives there, rather than the community who may walk there, or the commuter who may pass by.

Mr. Scott stated the trees cause problems and there are areas where trees are pushing up the sidewalks even with 5' planter strips, they are older trees, but the problems do occur. He stated that greenspace should be useable space, to him it means a backyard. Planter strips are negatively impacted by bicycles, people parking on the street and walking on the grass, and people walking dogs.

Mr. Scott suggested looking at planter strips that have been put in during the last couple years, in his opinion they don't look very good.

## **VI. MINUTES**

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

## **VIII. ADJOURNMENT**