

MINUTES
CANBY PLANNING COMMISSION
7:00 PM, May 13, 2002
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Jim Brown, Paul Thalhofer, Geoffrey Manley, Randy Tessman.

STAFF: John Williams, Planning and Community Development Director, Matilda Deas, Project Planner, Clint Chiavarini, Associate Planner, Carla Ahl, Planning Staff.

OTHERS PRESENT: Jerry Barkman, Pat Johnson, Tom Perry, Ed Netter, Wayne Feters, Carol Barrow, Melody Thompson, Paula Smidt, Allen Manuel, Glennette Danforth.

II. CITIZEN INPUT

City Councilor, Pat Johnson presented Commissioner Tessman with a purple heart for his participation in the Urban Renewal Agency meeting May 1, 2002.

Mr. Stewart stated that the Planning Commission has been opposed to the City Council being the applicant for an annexation of the industrial area and asked if Mr. Johnson still believed it was a good idea. Mr. Johnson explained that he believed it was a good idea to keep all options open and that is a policy question the Planning Commission and the City Council both need to be in agreement with.

Mr. Stewart asked that since the Commission voted 2 years ago not to recommend the City be the applicant on the annexation and the City Council chose to ignore the recommendation, why would the City Council think the Commission has changed their minds. Mr. Johnson stated he believed the Commission members had open minds and that if it was part of a program to increase the economic viability of the community maybe they would support it.

Mr. Brown stated there was a motion to do another industrial needs analysis, what would the Council expect to find. Councilor Johnson stated it was a demand study not a needs study, he doesn't know what the study will show. He stated that Damascus, Molalla and Estacada are looking to increase their amount of industrial land

inside their UGB so maybe this is something Canby needs to look at. He stated it is always a good idea to be dealing with fresh numbers.

III. PUBLIC HEARINGS

DR 02-01/CUP 02-02 An application by the City of Canby to construct the remaining components of Phase II of the City's wastewater treatment facility improvements. Located at the City's wastewater treatment facility, north of Territorial Road off of N. Redwood St.

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, none was stated.

Matilda Deas presented the staff report. She explained this is an application to construct the remaining components of phase II of the City's Wastewater Treatment Facility upgrade and expansion. The site is located north of Territorial Rd and Redwood Street. The property to the north is outside of the City limits and UGB, to the west is the Country Club, the east is privately owned property that is outside the UGB and to the south is the City of Canby Shops and the Canby Utility Shops.

Matilda explained the City developed and adopted a master plan for the waste water treatment plant in 1992. The remaining components of the phase II upgrade includes a building to house filtration equipment, a building to house bio-solid processing equipment and a covered storage area to store dewatered bio-solids. She stated with these upgrades the City will be able to provide more efficient and effective wastewater treatment.

Matilda stated the location is suitable for the project, it's flat, is not close to residential development, public services are either available or will be available with development and the site is compatible with the surrounding uses.

Matilda stated the project is required to provide 30% landscaping, current they have 59% in landscaping and any landscaping that is disturbed will be replaced. Matilda stated this project should not create an increase demand for parking. She added the architectural elements will be similar to the existing structures.

Matilda stated the application meets the criteria, and staff recommends approval of the application.

APPLICANT:

Tom Perry, Currin McLeod Engineers stated their firm has been involved with the

wastewater plant for 10 years, he explained that these improvements are necessary so that the City will meet the stringent discharge requirements for water quality and to create a more efficient method of bio-solid management at the plant.

Mr. Brown questioned the elevation of the existing and the proposed buildings. He asked if Mr. Perry had any concerns regarding the 100 year flood plan levels, and the slight differences in height. Mr. Perry stated it is difficult to predict when major catastrophes could happen, but at the 100 year level the flood would not cause any permanent damage to any structure.

Mr. Brown stated the worst case scenario would be that a dike would have to be created to prevent the bio-solids from being washed away. Mr. Perry explained one bin has an opening at ground level which allows the material to be moved in with a loader, the intent is to store the bio-solids through the winter when it can't be applied to the fields so there would be a method of keeping the material from falling outside the storage area.

Mr. Brown asked where the sanitary sewer connection was that is shown on the plans. Mr. Perry stated there is an existing deep sewer that connects into the entrance into the main treatment plant to capture any run off and send it back into the facility.

Mr. Stewart stated that in 1998 there were complaints from the golf course regarding odors during construction, he questioned if the City would be receiving similar complaints this time. Mr. Perry did not believe so, in 1998 there was a complete process change which can create problems, the proposed improvement does not disturb the biological process so there is no anticipated increase in odor.

PROPONENTS:

None

OPPONENTS:

None

Mr. Stewart closed the public hearing and opened Commissioner deliberations. Mr. Manley stated it looked like a straight forward application. Mr. Thalhoffer approved of the application as presented. Mr. Brown believed the application met all the policies for conditional use and for site and design review, and his concerns regarding disaster scenarios had been addressed. Mr. Tessman agreed it was a straight forward application.

Mr. Thalhoffer moved to approve DR 02-01/CUP 02-02 as written. Seconded by Mr. Brown. Motion carried 5-0.

DR 02-02 An application by Housing and Outreach Project for the Elderly (HOPE) to build 24 new garden homes on the HOPE Village campus. Located South of SE 13th Avenue, between S. Ivy and S. Fir Street.

Mr. Stewart asked if any Commissioner had a conflict of interest. Mr. Thalhofer stated his firm represents HOPE Village and would be abstaining from the discussion and vote, no other Commissioner stated a conflict of interest. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Clint Chiavarini presented the staff report. He explained the applicant was requesting approval of 24 Garden Homes in the Hope Village Campus. He stated this application is phase 7 & 8 of the Garden Home facility and very similar in design to previous phases.

Clint stated the applicant is proposing two 12-plexes which will be located on Washington Court. He stated the new Garden Homes would provide 36 more parking spaces and explained that the Planning Commission had reduced the amount of required parking spaces to 1.3 spaces per unit at a previous meeting due to the code allowing substantial parking reduction for housing for the elderly.

Clint stated that the main entrance to the site would be from SE 13th St. with internal drives that would connect it to the S Ivy St. entrance. Comments from the Utility providers were mostly advisory comments regarding construction issues.

Clint explained that the Planning Commission had approved delaying improvements to 13th St at the last Public Hearing, but the applicant would be required to construct half street improvements from Holly to Fir St. as part of this application.

Clint stated staff believes this application meets all the criteria for approval as addressed by the design review matrix and approval criteria with the standard conditions and condition #12 regarding half street improvements.

Mr. Brown stated the half street improvements will go all the way to Fir and 13th, and questioned how the corner will be dealt with. Clint suggested Jerry Barkman, Director of HOPE Village could address that question during his testimony.

Mr. Stewart opened the Public Hearing.

APPLICANT:

Jerry Barkman, Director of HOPE Village stated this was his seventh appearance before the Planning Commission. He explained that they are proposing to build the next phase of HOPE Village of 24 Garden Homes using the same plans, materials, colors and landscaping as the previous phases have used.

Mr. Barkman stated the half street improvements on 13th St will bring the curb to the start of the curve at Fir St. The master plan calls for the construction of an internal cross street which will be completed with the final phases of the development. He hopes to bring the last phase of development to the Planning Commission this fall.

Mr. Brown stated that if the curb goes to the point of the radius of the curve, there will be a jog and questioned how it will be feathered back to the street. Mr. Barkman stated it would be feathered back to the previous street width until the next phase was built. He explained that if there was funding they will be back this fall for approval of the next phase.

Mr. Stewart asked Mr. Barkman if the corner would create any hazard to pedestrians or bicyclists. Mr. Barkman did not believe it would create a hazard, that they will probably do some temporary paving, bringing it to the corner without a curb. He explained the actual street if further over than the half street improvements will be on Fir Street, so there will have to be some realignments made to make it work.

Mr. Stewart questioned if the emergency entrance on S. Ivy had been modified. Mr. Barkman stated they have a proposal in to Clackamas County (who have required that a traffic study be done) to modify the entrance. He explained the Fire Marshal had requested the one way entrance so emergency vehicles would have quick access to the back of the facility.

PROPONENTS:

None

OPPONENTS:

None

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

Mr. Brown believed the complete curb radius should be built at the corner of Fir and 13th because it forms an obvious termination for the edge and give them a hard surface to pave to.

It was moved by Mr. Tessman to approve DR 02-02 as amended by condition #13 which requires the curb to extend around the radius to Fir St. Seconded by Mr. Brown. Motion carried 4-0 with Mr. Thalhofer abstaining.

MLP 02-03 An application by Allen Manuel and Glennette Danforth to partition an existing 8,700 square foot lot into two lots located at 464 SW 4th Avenue. Lot one would be 5,200 square feet, and lot two would be 3,500 square feet.

Mr. Stewart asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, Commissioners Brown and Stewart had visited the site but had drawn no conclusions. No questions were asked of the Commissioners.

Clint Chiavarini presented the staff report. He explained the proposed partition is located in a high density zone, and if the application is approved, there would be a lot for the existing single family home, and a lot that the applicant intends to build a duplex on. Clint explained the updating of the City code allows for the creation of denser developments, as long as the parking and landscaping standards are met.

Clint passed out a letter he had received from Leroy and Marie Raper living at 383 S. Elm St., who stated they were concerned that the character of the neighborhood will be changed if Mr. Manuel is allowed to build a modern type dwelling on the new lot.

Clint explained that all standard conditions would apply and that a sidewalk would be required along S. Fir St. Clint stated that Mr. Manuel is concerned about a large heritage oak tree on the property, and that the City Engineer has stated if the sidewalk were to be narrowed to 36" (which would still meet ADA requirements, but would not be a typical City sidewalk) it should not disturb the tree.

Mr. Manley questioned why the City is not requiring the street to be expanded to the full street width there. Clint stated it wasn't brought up by the Public Works Supervisor or the City Engineer and he is unsure why it is not being required.

Mr. Brown questioned what the parking requirements would be for the duplex. Clint explained two spaces per unit, so there would need to be 4 spaces provided. Mr. Brown stated his concern about having a 7' set back, and a 20' drive aisle. Clint explained that there would not be a drive aisle and that nose in parking would be used.

APPLICANT:

Allen Manuel addressed the Commission he explained that the street narrows at the property to give the heritage oak tree 10' of room to protect the root system. He added that because of the oak tree it will be difficult to place a street tree on the property.

Mr. Manuel requested approval for a 7' utility easement on the west side of the property which he explained the code would allow if the adjoining property had recorded at least a 4' easement.

Clint explained that Canby Utility has deviated from standard easements in certain circumstances, but they want to make sure they have the ability to cover the utilities. Mr. Stewart stated the Planning Commission could not make that determination, it will have to be made by Canby Utility.

Mr. Stewart asked why Mr. Manuel believed a street tree would not be viable. Mr. Manuel stated that besides the heritage oak tree there is also a Norway Maple tree, he is in favor of street trees and if it was required he would find a place to plant one, but he did not believe another tree along the street would be successful.

PROPONENTS:

None

OPPONENTS:

Pat Johnson stated he drives through that neighborhood on his way home every night. He explained he is not really opposed to the project but wanted to point out that it is very tight through that area with on street parking and sometimes it is difficult to get a passenger car through there.

Mr. Stewart closed the public hearing. He explained that the letter received from Mr. & Mrs. Raper was part of the public record. Mr. Stewart suggested holding the application until the Commission could receive Canby Utility's response to Mr. Manuel's request. Clint suggested an addendum could be written that says "unless otherwise exempted by Canby Utility". He explained that a lot of time the side easements are not used.

Mr. Stewart stated he prefers to make the conditions clean so it is clear what Canby Utility wants to do. Clint stated that for expedience it could probably be worked out with Canby Utility and if not then Mr. Manuel will have a hard time doing the project.

Mr. Brown stated he believed the project was inappropriate. He stated the most important places in the City are the edges of different zones, in this case there is a commercial area, historical housing and a school very close by. Most of the existing houses are smaller homes on small treed lots. This project would be a duplex on a small lot, which requires the City to make exceptions to easements and will have 4 nose in parking spaces. Mr. Brown believed requiring Fir St. to be widened and allowing the 36" proposed sidewalk would only encroach on the drip line of the tree 2'.

Mr. Manley stated it would be appropriate since the road narrowed at that location to accommodate the oak tree for there to be no parking signs installed on the narrow section of road. He would prefer that the applicant design the style of the duplex to be similar to the existing homes in the neighborhood.

Mr. Tessman stated the Planning Commission is looking at creating design standards for residential housing, trying to make new developments fit into the existing neighborhood. He stated that a duplex is an allowed use in the R2, high density zone.

Mr. Thalsofer stated that if the Planning Commission determines that a use is not appropriate in a zone that allows for that use specifically the Commission might get into problems with other proposed dense uses in other neighborhoods. He stated that if

it comes down to density verses sprawl then he is in favor of using the land that is available rather than using farm land.

Mr. Stewart questioned the Commission on the easement issue of the application. Mr. Manley stated he was willing to wait for Canby Utilities response to the issue. Mr. Tessman stated he was in favor of the public process, and was willing to wait.

John explained that the May 27th meeting had been canceled and the next scheduled Planning Commission meeting was June 10th. Mr. Stewart proposed holding the next meeting on June 3rd and asked staff if it proposed a significant problem. Clint asked if the Planning Commission was considering moving the June 10th meeting or holding an additional meeting June 3rd. Mr. Stewart explained it would be moving the June 10th meeting to the 3rd. Clint explained that if the meeting was moved he would have to have the notices out tomorrow for public hearings that are scheduled.

Mr. Brown questioned what the Planning Commission needed clarification on from Canby Utility. Mr. Stewart stated they would need to decide if the easements could be reduced on the west side of the property. John explained the issue could be handled administratively that Clint could work with Canby Utility and come back to the Planning Commission with draft findings. Mr. Stewart stated the Planning Commission wanted to see it in a public hearing, and continued the hearing until the 10th of June, at 7:00 PM.

John asked if there were other issues that staff could be researching. Mr. Brown suggested getting more information regarding the street narrowing at that location, would the tree survive if the street was moved 5' closer.

MOD to DR 01-05/PUD 01-01 An application by the developers of Canby Grove Apartments to add carport covers to 86 parking spaces, (one per unit) in their parking lot.

Clint explained that when the applicant came into the office for a building permit to erect carports, staff found that carports weren't part of the original application. Clint explained that the carports are of a standard design with flat roofs, but it is a modification to an approved site and design review.

Mr. Stewart asked if there would be a carport for each unit, and if wheel stops would be required. Clint stated that there would be one carport per unit and that wheel stops are a standard condition of the original approval.

Mr. Stewart asked the representative from Multitech why they had decided to put in carports. He stated his understanding was that the applicant had done carports in other developments and it was unclear why they had not been included in the original application. Mr. Brown believed that the application was appropriate and similar to what is done universally.

Mr. Manley moved to approve the MOD 01-05/PUD 01-01 as presented. Seconded by Mr. Tessman. Motion carried 5-0.

IV FINDINGS

SUB 02-01/CUP 02-01/ZC 02-01 An application by Manuel/Bowcock to subdivide 3 parcels into 8 lots and develop, 5 row houses, 2 single family homes, and a duplex.

It was moved by Mr. Brown to approve the Findings for SUB 02-01/CUP 02-01/ZC 02-01 as written. Seconded by Mr. Thalsofer. Motion carried 4-0 with Mr. Stewart abstaining.

V DIRECTOR'S REPORT

Matilda stated there has been increased interest in developing neighborhood associations and suggested having a Planning Commission workshop. It was decided that a workshop would be held June 10, 2002, at 6:00 PM.

John stated he has been working with the state and county to get a data base together for the street maintenance fee, but the process is taking longer than expected. He explained that the Planning Technician position should be filled by July 1st and they would be available to assist with the periodic review process.

John added that the Clackamas County Assessors office will be converting some of their hard files into electronic files in July, so hopefully by the end of summer the data will be available to start the discussions again on the street maintenance fee.

Clint informed the Commission that the City had received a \$35,000 grant from the state to do the last large piece of the rezoning work and to hire a consultant. He stated he hope to have the consultant selected by the end of June.

Mr. Brown asked how long before the City would have to start the process of periodic review all over again. Clint explained that it is updated every 5 to 7 years, and since it can take 5 years to complete, it can be an ongoing project. John stated that he has had discussions with DLCD to change the process of periodic review, making it an on going process where one piece is done at a time.

Clint stated there is a meeting May 16th at the Adult Center for the residential design standard focus group. He questioned the Planning Commission on how to handle cases where the design doesn't get enough points on the matrix system, but is a nice looking house, at what point did the Planning Commission want to be involved.

Mr. Brown stated it is difficult to enforce design standards unless there are specific enforceable elements, but there will always be an arbitrary nature to design and

there has to be some flexibility in the design standards for creativity.

John stated the residential designs standards are still in the working stage, the idea is to come up with some basic things that will produce a good looking house, but realizing that there are other solutions and designs, what kind of process would the Planning Commission like to put in place for people to go around the standard. Mr. Brown questioned what would happen if someone came in with a design that hit 100% on the matrix, but was a horrible design.

Mr. Stewart stated that the original intent was to have the residential design standards for in-fill developments only, citizens had concerns about the City allowing 32' high, square box duplexes next door to or in the back yard of a 1925 style home. He stated dealing with the width of trim or the type of shutters was beyond what he believed the original intent was and expressed his concern that the committee was headed in that direction.

Clint stated that the issue had come up at the meetings and it was on the table to be discussed. He explained there was a menu of design elements options and the community will have to decide how many of those elements an applicant would have to meet.

John explained one issue the committee is still discussing is whether the standards should apply just to in-fill developments or to the entire City. Should they apply just to specific areas where it would be easier to create a compatible code or should it apply everywhere.

John explained this process started because of a few houses that were built. Mr. Stewart agreed that it was started by in-fill developments and how to keep people from rightfully complaining about huge 2 story homes put up in the back yards of single story ranch style homes. Mr. Brown explained people don't complain about the new subdivisions, they complain when one of the big lots on the north side of town subdivides, cuts the trees and puts a huge 4,000 square foot home in the midst of 1,800 square foot homes. Clint explained there will be public meetings where the focus group will propose ideas to the citizens, then come back to the Planning Commission with a consensus of the opinions they received. Mr. Tessman stated he would like to see more community involvement, and encouraged people to attend.

Mr. Brown stated he did not believe it was ever the intent of the Planning Commission to become the design review board. He believed it would be appropriate to have staff try to deal with compliance to the design standards and the Planning Commission would be the final step.

Mr. Brown suggested using language in the code stating that styles in the code are evocative of 6 or 8 styles that people like which would allow people to include individual architectural elements without the City specifying trim widths and eave overhangs.

John reminded the Commissioners that the May 27th meeting had been canceled.

Clint asked the Commission that if a development with a master plan that had been approved by the Planning Commission, didn't deviate from the master plan and the code hadn't changed, would the Commission want them to come back for every phase, or could it be handled by staff administratively

Mr. Stewart stated that when it comes before the Planning Commission it gives the community a chance, not only to see the process but to understand what is being built, which is as important as trying to lessen the bureaucracy. It was agreed that the way the process is currently set up allows the Commission to look at any deviations from the original plan and gives new neighbors the opportunity to get information on projects.

Mr. Stewart congratulated staff and their ability to apply for and receive grants.

Mr. Stewart stated that City Councilor Jean Tallman is resting well after her car accident and has asked Mr. Stewart to thank everyone for their well wishes, cards and flowers she has received.

Mr. Stewart informed the audience that the City's gas tax allocation has dropped another \$24,000 the second drop this year. He questioned the State's population figure for Canby of 12,790 people and believed that the population was over 13,000. John stated it was too late to challenge the numbers for this year.

John explained the figures are based on the census numbers and then every year Portland State University makes an estimate, but when the 2000 census came out the PSU figures had over estimated the population. But the City should have an increase with the next census.

IV ADJOURNMENT