

MINUTES

CANBY PLANNING COMMISSION

October 11, 2004
7:00pm Regular Meeting
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners, John Molamphy, Tony Helbling, Geoffrey Manley, Randy Tessman,

STAFF: John Williams, Planning & Community Development Director, Carla Ahl, Planning Staff

OTHERS PRESENT: Keith Galitz, Ron Tatone, Michelle Dahl, Justin Mott, Jerry Simonson, Marilyn Simonson, Tom Ferrin, Roger Harris, Kevin Batridge

II. CITIZEN INPUT

None

III. NEW BUSINESS

MOD 04-04 Willamette Valley Country Club The applicant is requesting to expand their membership to 200 social members while limiting their "golf memberships to 500. Current membership is limited at 500 members total.

John Williams, Community Development and Planning Director explained that the modification process was created to allow modified versions of applications that were not substantial enough to warrant new public hearings. There are two types minor, such as changing the type of street tree that is required and intermediate modifications that don't change the entire application but are still worthy of public review.

John explained that in 1996 the Planning Commission approved an application for a clubhouse with the condition that membership would not increase with the new facility. The Commission found that an increase in membership would have an adverse effect upon local traffic.

In 2001 the Club applied for a Conditional use permit, which would have allowed an increase the number of memberships and to build a swimming pool at the facility. John stated most neighbors who testified were concerned about the amount of noise that would come from the pool and that it would negatively impact their quality of life. Some people who were concerned about the added traffic on Maple. The Commission

found that North Maple St. was inadequate in width and could not safely support more traffic in its current condition. John explained that there had not been a traffic study done at that time the decision was made based on citizens input.

John explained the applicant would like to modify the 1996 conditions of approval so they could increase their membership to 500 full golf members and 200 social members for a total of 700 members. He explained that social members have limited use of the club and the golfing facilities and would generate less traffic.

John asked the applicant to complete a traffic study for this modification and based on the result of that study he decided to move ahead with the intermediate process. He explained that the Planning Commission will make a decision on the modification and if approved, notice would be sent out to the full radius area. If a request for a public hearing is received the applicant will be required to pay for the full notice process to be done.

John explained the Commission would use the same criteria that was used for the original application, that all public services and facilities be in place and that the use will not alter the character of the surrounding neighborhood or substantially limit or preclude the use of surrounding property.

John explained that there are approximately 430 golf members and 70 social members at this time. So there will be an increase of 70 full golf memberships and 130 social memberships. Those are the numbers that the traffic study worked with.

John stated the traffic study deals with volume, but volume is not the problem with Maple St., the problem is that Maple St. is in substandard condition and the lack of sidewalks. He explained that Maple St. is listed in the TSP as a street that needs widening and upgrades, but it is not funded at this time. John explained that it is the existing homes that do not have sidewalks are what causes the street to be substandard. One solution is to create an LID for property fronting onto Maple St to pay for the improvements. It is not a popular solution but if pedestrian safety is the main issue, it might be the most viable option.

John stated the traffic study determined the maximum impact from this application would be 98 trips a day. He explained that the peak hours from the Country Club would not be the same as peak hours from a subdivision. The total weekday traffic at the intersection of Maple and Territorial would increase about 5%, from 1350 to 1420 trips per day. The traffic states that the traffic load is not above standard for a neighborhood connector street.

John stated that the right-of-way exists and the issue is how to fund the street improvements. Other than traffic generation and traffic concerns there are no other impacts to the neighbors.

Mr. Brown questioned if the Planning Commission could condition a modification application. John believes that it could be conditioned.

Mr. Tessman stated at the last meeting residents were not as concerned about the volume of traffic as they were the speed of the traffic. John stated that speeding has become a problem in many areas around Canby. The Commission could decide that the problem needs to be solved before there could be extra traffic added to the area, or decide that there are options to help reduce the speed in the area at this time.

Mr. Molamphy questioned if the traffic study had taken into consideration the social events that are held at the Clubhouse. He stated that there could be 200 to 300 guests invited to these events. John stated that the traffic study only looked at the addition of 200 social members. Mr. Molamphy questioned if the traffic study was based on subdivision standards or on social standards. John explained the study was based on existing membership use of the facility, road tubes had been used in the driveway to accurately count the exact number of vehicles in and out of the club.

Keith Galitz, Board of Directors for the Country Club. He explained that older members of the Country Club are looking to change the status of their memberships from active golf members to social members. This would be a drastic change in revenue that the Club can't afford. He explained that there is a waiting list at this time of approximately 15 people who are waiting for social memberships to become available.

Mr. Galitz explained that an increase in social memberships would increase the use of the food and beverage facilities of the restaurant. He stated that the traffic counts were taken at the driveway of the club over a period of weeks and it would have reflected the traffic from social events, golf players, wedding guests and restaurant patrons.

Mr. Galitz explained that there are also 10 nonresident members who are only at the club every couple of months and there are current members who would like to convert to nonresident memberships. But the club cannot afford to diminish the total number of full paying memberships to add to the number of social memberships. That is why they are asking to increase the total number of social memberships to 200.

Mr. Brown stated that nationally golf clubs have had financial problems since the change in tax policies several years ago. He stated that the Willamette Valley Country Club is marketing heavily for new members. Mr. Galitz explained they are trying to keep their full membership level up especially during the winter months.

Mr. Brown asked if Mr. Galitz had noticed that improvements from Territorial to the club are spotty. Mr. Galitz explained that the traffic study shows the traffic volume does not even come close to what the streets are designed for, but saw the comments regarding sidewalks. He stated the entire club frontage has the only sidewalk in the immediate area. He questioned why there was a brand-new housing development across the street that has no sidewalks at all. Mr. Brown asked if there were any sections that had a full curb-to-curb width. John believed there might be one section.

Kevin Batridge stated he lives on the corner of Maple and Territorial and is impacted daily by the vehicles zooming by his property. He was concerned about the

safety issue of not having sidewalks up and down Maple. He also has seen a lot of near misses making a left turn from eastbound Territorial to northbound Maple. He believes the intersection is unusually wide and suggested the intersection be restriped and relined to assist people through the intersection.

Mr. Molamphy questioned the process for this type of process. John explained that if the Commission approves this request, notice would be sent to the surrounding properties. If anyone requests a public hearing then a full public hearing process would be held

John stated that he has had conversations with the Public Works Supervisor who would like to improve the intersection, install the sidewalks and narrow the road to help reduce the speed from Territorial to the Club House, but he hasn't priced out each element.

Mr. Brown stated that the Country Club is a fantastic facility, it would be a shame to lose the investments they have out there. It is difficult to keep it full, especially during this time of year, and they need every membership they can get, on that level it doesn't seem unreasonable to ask for a modification, especially based on the level of traffic that was reported in the traffic report. He suggested linking the expansion of memberships to the completion of the improvements on Maple Street. Mr. Brown explained that the reason for denial at the last modification hearing was the inadequacies of Maple St. and questioned how the Commission could approve a modification now with Maple Street in the same condition. John explained that the previous decision was made without hard numbers from the a study.

Mr. Molamphy stated that the intersection is a mess; it needs new striping, a new stop sign and possibly a streetlight. He stated that if you drive that road at night, it suddenly turns into a 4-lane road without striping so you don't know where everything is. Mr. Brown stated that it just needs to be fixed, and they are not asking the Country Club to pay for it, just to organize it. Mr. Brown questioned where in the 20-year plan this project was listed. John explained it was listed as a 0-6 year project costing \$641,000 and would possibly be delayed by the building of the bridge over Molalla.

John stated that the Commission's decision seemed to be based on criteria C, that all public services are not available. Mr. Brown stated he would like to figure out a way to make this happen, and suggested continuing this discussion until the next meeting to give the applicant the opportunity to look at some options for making the improvements on Maple.

Mr. Galitz informed the Commission that they are not a wealthy club and have recently increased the memberships a little bit, but part of the reason they want the increase in the social memberships is to try and stabilize what has been a disastrous financial situation. Mr. Brown stated the Commission is not asking the club to pay for 600' of road, just to delay the membership increase until improvements could be organized. Mr. Galitz stated he felt they would be held blackmail by the residents to do something that the club does not have the resources to do.

Ron Tatone addressed the Commission. He asked the Commission to consider the traffic study that was done for this application. It states that 200 social members are not going to make a change to the pedestrian traffic and will only increase vehicular traffic by 5%. He believes there would be no significant increase to the traffic volume.

Mr. Tatone stated the Club has all the facilities to accommodate 200 social members, but the Clubhouse will not support more than 500 golf memberships. He explained that the social members do not normally use the club at peak hours so there would not be a significant impact on pedestrian or vehicle traffic.

Mr. Tatone stated he understood the problems with the width of Maple St. He questioned why a subdivision on the west side of Maple that was not required to put in sidewalks when it would have helped the situation.

Mr. Brown agrees there are benefits the club would bring and that there is a need to increase membership. The Commission's concern is that there is a less than ideal situation that could be fixed by this application.

Mr. Tessman stated that if this modification were approved by the Commission there is a large possibility a public hearing would be requested. He suggested there could be some solutions brought to the Commission by the neighbors.

Mr. Manley stated that while he agrees adding social members does not increase pedestrian traffic, adding additional cars creates more hazards for pedestrians who are walking on an inadequate street. The traffic study says yes the street can handle more cars, but it does not make it safer for pedestrians.

John explained that the challenge is, if an LID is the only funding option then the property owners are able to say yes or no since a majority can defeat it. Do we as a city prevent the Country Club from moving forward if the neighbors are the ones who walk on the streets and it's their homes that do not have sidewalks? He believes this is a policy decision.

Mr. Helbling stated the Country Club is an employer in Canby and provides jobs for the community and believed this modification would enhance their ability to stay in business. Mr. Brown questioned one the Country Club gets their approval what incentive would there be to do the improvements.

John stated when he wrote the report he tried to separate out the caused problems caused by this application from the problems that exist, such as the speeding. The Planning Commission and the Traffic Safety Committee could probably work on something that would solve that problem, so the question for the Commission would be if this application would make the situation less safe. He believes the City has some responsibility to fix some of these problems that exist there.

Mr. Molamphy stated that the adding of the additional members is not going to happen over night, it will happen gradually. He did not believe the Country Club should be held hostage because one subdivision does not have sidewalks, or because there is

a bad street, the traffic study shows the street has enough capacity.

It was moved by Mr. Molamphy to approve MOD 04-04 to increase the golf memberships from 430 members to 500 members and the social by 70 members to equal 500 full golf members and 200 social members. Seconded by Mr. Tessman. Motion carried 5-0.

Nonconforming Structure

John asked the Commission for an interpretation regarding allowing rebuilding or expansion of nonconforming structures. He explained that in the past they have not been allowed and the process was used for approving expansions that met the city code.

John explained that there is an owner of an existing home that has a garage and carport that are only 18" from his property line, there is a building permit in the file for the carport, which was built in 1968, so it is unclear how the code was interpreted at that time. The carport is leaking and nonfunctional and the owners want to expand the garage towards the street and attach it to the house. The problem is that if it is built matching the existing structure it would not conform to the zone. John believed the code was written to allow houses like this to be expanded and to allow nonconforming additions.

John explained there are a lot of old homes around town that people would like to replace or rebuild but won't do it because they can't do it on the current footprint. He believes that the nonconforming structure section should be used for cases like this.

John stated he would like an interpretation on whether the code can be used to replace structures that don't conform to setbacks and whether an structure can be expanded along the existing setbacks with the notification set to the neighbors.

Mr. Brown questioned why the City would want to expand a nonconforming structure. John stated the expansion would be a little different than the replacement, if people weren't allowed to replace structures, houses will eventually sink into the ground.

John stated he does have a little concern that one owner would be allowed to expand the carport 18" from the property line but someone else wouldn't be allowed because the house wasn't set up like that now. John stated this would be one way to be a little more flexible if the Planning Commission believes it is appropriate.

Mr. Justin Mott addressed the Commission. He presented the Commission with a photograph of a property in Canby that illustrated what he intended to do with his carport. He explained that there is an existing detached garage connected to the house by way of this carport. He explained that the carports roof leak and it needs repairs but the structure is unsound and he does not want to put money into it.

Mr. Mott stated currently there is an enclosed mudroom in the carport that is

used as the laundry facility. This room is not insulated and they would like to have a laundry room that wouldn't be affected by the extreme temperatures. He stated that the expansion of the garage would create a better living situation and increase property values. He does not feel there would be a problem with any neighbors if they increased the garage.

Mr. Mott stated that the existing garage is 18" off the property line and there is a neighbor who's garage is approximately 12" off the property line, which shows this neighborhood has a lot of nonconforming structures.

Mr. Mott explained this would be a simple remodel/expansion. They would tie it into the house so it would look like it is part of the house and not make anything that would make the house not fit with the neighborhood, which is how it should have been done when the house was built.

Mr. Tessman questioned if the garage has ever been an issue with any of the neighbors. Mr. Mott stated they have only lived there a year but they have talked to the next door neighbor, but he rents the house and they haven't spoken with the actual owner yet but the seems to be no problem with the rest of the neighbors.

Mr. Mott addressed the safety issue and access for the Fire Department, he stated that at this time there is approximately 14' between his carport and his neighbors nearest structure and stressed that this remodel would not change that distance..

Mr. Brown stated that the lot is about 11,000 sq. ft. and there is 41' from the existing property to the curb in front, if they were going to tear down the carport why wouldn't they build it back, why wouldn't they want to build a larger 2 car garage in the front. Mr. Mott explained they have no desire to have a 2 car garage. Mr. Mott stated they did not want to move their laundry room. Mr. Mott believed having a garage that extends 30' out from the house looks disproportional and would decrease the value of the house.

John asked that the Commissioners not make a decision on his question based on Mr. Mott's particular case.

Jerry Simonson addressed the Commission. He stated he was Mr. Mott's father and a contractor from Vancouver, Washington. Mr. Simonson stated he has looked at the situation from many angles but the carport itself is only 7' high at the lowest side so a car can't even be parked there. There is a concrete footing that has been poured so it would be financially beneficial to build the garage there. If they garage was moved to the other side of the house they would have to enter the house through a bedroom, this is the only location that makes sense.

John explained that he did not want to waste the owner's money by encouraging them to apply for an expansion since in the past it has been interpreted they were not allowed. John ask the Commission for an answer to 2 questions, can a nonconforming structure be rebuild and can a nonconforming structure be expanded.

Mr. Brown stated he believed an expansion should be allowed only for situations where it could not be done meeting existing codes. Mr. Helbling stated he understood having financial issues, but there is a lot of property there and other options available even if they are more expensive. He was concerned granting a permit for this situation would set a precedent.

Mr. Tessman believed that if the expansion or alteration was improving the property he did not have a problem approving it.

Mr. Brown stated he would not discourage the owner from making an application, but he was sure the Commission was split on the issue.

Mr. Manley agreed that the code was designed to allow people the opportunity to rebuild and expand a nonconforming structure.

John clarified that the Planning Commission agreed that a nonconforming building could be replaced and could be expanded. Mr. Helbling had concerns that it should only be allowed to expand if there are no other opportunities to do so. John explained that the NCS process is that staff makes a determination and notifies surrounding properties, and if it is contested then a public hearing is held. John explained that they could bring these in front of the Commission if they want to hear them. Mr. Molamphy stated that as long as the neighbors are notified and if they have a complaint or a problem they would come before the hearing body he was satisfied.

John stated he would take the comments the Planning Commission had under advisement when he reviews these things. Mr. Brown stated that he would have not voted to approve this application. Mr. Manley stated he did not have enough information to make a decision on this application.

John explained to Mr. Mott that he would need to come into the office with an application and staff would make a decision, then notice would be sent to surrounding property owners and if there were no appeals filed within the appeal period then the decision would be final.

IV. OLD BUSINESS

Proposed: Pedestrian Walkway Closure at SE Township & 6th Way

John stated that there is no mention of the pedestrian walkway in the conditions of approval, possibly there is a water easement there and it seemed a good idea to pave over it and create the walkway. So a modification application is not required and all we need is a recommendation from the Planning Commission.

Mr. Brown explained that he had walked the pathway at night and his recommendation was to close not only this walkway but the other one also. He did not notice some of the things that were mentioned such as broken glass, but it is very long, dark and narrow. John believed the Commission should focus on the one the group

asked to be closed since there might be people who wish to keep the other one opened. This would give the group a chance to talk to those neighbors. John stated he would write a recommendation to the City Council and they can decide the financial matter on the brick.

John stated they would focus on the one that the group asked for and if they come in for the other one. John believes there may be more that people would like to have closed. John stated he would write a recommendation to the Council and they can decide the financial matter on the brick.

Mr. Tessman questioned what would happen if it were a utility easement. John stated that issue would be addressed in the recommendation, but if the utility company need to access the easement and there were structures or fences along it, it would be at the owners expense to remove them. The Commission agreed that the City should not pay for the bricks to close the path.

IV FINDINGS

TA 04-01 It was moved by Mr. Manley to approve Ta 04-01 as written. Seconded by Mr. Tessman. Motion carried 4-1-1 with Mr. Helbling voting no and Mr. Ewert absent.

V. MINUTES

September 27, 2004

Mr. Manley noted that in the new business section, it stated that Mr. Brown had closed the Public Hearing when it had actually been Public Testimony. Mr. Tessman noted a misspelled word on page 3. Corrections noted. It was moved by Mr. Manley to approve the minutes for September 27, 2004 as amended. Seconded by Mr. Molamphy. Motion carried 5-0

June 28, 2004

It was moved by Mr. Manley to approve the minutes for June 28, 2004 as written. Seconded by Mr. Tessman. Motion carried 4-0-1 with Mr. Helbling abstaining.

VI. DIRECTOR'S REPORT

John stated the first meeting for the master plan for the area behind the Spinning Wheel would be in mid November, with a citizen's task force leading the work. He asked the Commission if they would want a representative attending the meetings and if they did who would that be. Mr. Helbling stated he would be at some of the meetings for CBRD and would share the task with someone. Mr. Brown stated he would be willing to attend some of the meetings.

John handed out a form that the City Council will be using for people to sign up on if they wanted to testify at a hearing. He questioned whether the Commission would be interested in implementing the same type of system. The Commission decided

there could be hearings that the use of the cards would move the process faster, but they would prefer to have most meetings held the way they are held now.

John stated he has heard that ODOT would be starting on the intersection of Territorial and Hwy 99E very soon. The added traffic volume could be a problem with N. Redwood St. since both sides are in bad shape at this time, due to the excavation at the Postlewait property, he had asked that ODOT delay the start of the project for 2 days until that project gets done. They are trying to get the County to upgrade the east side of Redwood so that it will be a decent road to travel on for 2 years.

John asked if the Planning Commission wanted to have their next workshop with the Traffic Safety Committee so they could deal with some of the issues that have been brought up. The Commission asked John to try and set up a night meeting with the Traffic Safety Committee.

John stated that the Agency and the Advisory Committee would be meeting tomorrow night to discuss funding a position for economic development. Mr. Manley stated that the paper had suggested John might be taking that position. John stated he hadn't read the article, but the discussion has been whether there needs to be additional emphasis placed on recruitment and marketing, coming out of the fact that there are not a lot of big projects sitting out there. The Agency and the Advisory Committee will be looking at hiring a city staff person, giving more money to CBRD or hiring a contract firm that can do recruitment and marketing.

VIII ADJOURNMENT