

# MINUTES

## CANBY PLANNING COMMISSION

7:00 PM March 14, 2005  
City Council Chambers, 155 NW 2<sup>nd</sup>

### Recreated set not approved by the Planning Commission

---

#### I. ROLL CALL

**PRESENT:** Chairman Jim Brown, Commissioners Geoffrey Manley, John Molamphy, Tony Helbling, Geoffrey Manley, Randy Tessman and Barry Lucas

**STAFF:** John Williams, Community Development and Planning Director, Darren Nichols, Associate Planner, Carla Ahl Planning Staff

**OTHERS PRESENT:** Matt Madeira, Scott Enyart, John Vandenburg, Ahran Spilker, Vicki Pounds, Jennifer Nicholson, Darrell Nicholson, Robin Perez, Tom & Donna Wolfe, Don Knight, Andrew Rivinus, Luv Bailey, Mike Harms, Debra Sommer, Heinz Rudolf, Cat Sumrain, Rod Beck, Pattie Flagg, Jeff Kirkmall, David Morehouse, Sandy Ricksiger, Dick Adams, Patti & Patrick Ryall, Ken Pagano, David Moore.

#### II. CITIZEN INPUT

None

#### III. PUBLIC HEARINGS

**DR 04-09 / CUP 05-01 Canby Middle School** - The applicant is requesting approval to construct a new Middle School on a 37 acre parcel located south of SE Township, east of Trost Elementary School, currently zoned for residential development. Site plans propose to construct one middle school building with vehicle parking and bus transportation facilities. Site design also proposes construction of two soccer fields, two softball fields and one baseball field at the south portion of the site. The new school facility would accept approximately 1/2 of the current student body from Ackerman Middle School (initially estimated at 550 students). This hearing was continued from 2-28-05.

Chairman Brown presented a recap from the last meeting. He explained there were 5 main issues to be addressed.

1. The Fire Department had stated they wanted improved emergency access. The applicant has comments from the Fire Department indicating they are okay with the additional provisions.
2. Lighting on the Logging Road trail. The applicant's stand is that it has not been required since it is City of Canby Park Property.
3. Establishing an east west pathway for connectivity.
4. Whether Teakwood Street should be closed.
  - a. Staff stated the City has always intended for the street to go through, but agree that a regular street may not be appropriate.
  - b. The Fire Marshal and the Chief of Police stated it is important to have an emergency vehicle entrance on the south side of the property by the ball fields.
  - c. The road should not create a short cut between 1<sup>th</sup> and Township and should be designed to deter speed.
5. The issue of parking spaces required with the application.
  - a. The application meets the parking code requirement of 150 spaces.
  - b. Neighbors are concerned that the code is not written for today's schools and the community sporting events that the ball fields will have.
  - c. Neighbors are anti-street parking, but the homes do not front onto Teakwood Street.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Manley stated he had received an e-mail from Dave Flagg regarding the parking issue. Mr. Manley and Mr. Brown both had read an article regarding the new school in the Oregonian. Both Commissioners stated they intended to participate.

#### **APPLICANT:**

**Debora Summer, Superintendent Canby School District** addressed the Commission. She stated that everyone involved wanted to do things the right way; there were just different opinions of what the right thing was. She stated that they had been unprepared at the last hearing. They have been working on this process for over 1 year, and they did not know that parking was an issue until that meeting. The code requires 150 spaces, they are proposing a total of 257 spaces for use for community events at the ball fields.

Ms. Summer explained that the school has no need for the ball fields, since budget cuts forced the school to eliminate the middle school sports program. She did not believe the school should pay the added cost for paving more area for parking. The school is in partnership with Canby Kids and Whiskey Hill Kids, the school provides the property and the fields are maintained and all scheduling is done through those programs.

**Hienz Rudolf, BOORA Architects** addressed the Commission. He stated that the north south road from Teakwood is designed to slow traffic. He explained they had located the building to create a view corridor for Trost School, so they could continue to have a view of Mt. Hood. They have improved the fire access by creating a 26' wide road that would accommodate a bus and an emergency vehicle at the same time. He stated that the area to the south is overgrown and even though it is 10-15' off school property they have agreed to grade and clear the area and to reseed. There will be a motion detector connected to the exterior lights at the rear of the school to increase safety between the school and the Logging Road, but they did not believe they should light the Logging Road since it was not part of the approved Bond and was not on school property. He discussed the elimination of the pedestrian path to keep it away from the school building and to put a sidewalk on the east side of the property.

Mr. Rudolf stated that Teakwood was always intended to go through. The Fire Marshal requires 2 entrances. The road way has been designed not to encourage speeding through the property, there are brick piers and the road surface narrows down with a definite grade difference between the private drive and Teakwood.

Mr. Rudolf stated that it would be signed as 15/20 MPH, signs could be installed that state they are leaving public streets, and signs explaining that parking is allowed on road way as overflow for sporting events, this would reduce the amount of paving and give the access drive a double use.

Mr. Rudolf explained there would be an improved pathway between Trost and the new middle school for scheduled school functions as Band Concerts, Drama Productions, Open Houses and Parent/Teacher conferences. He believes there will be adequate parking for all those events. He explained that it would cost \$200,000 to add 80 parking spaces north of the soccer fields. He stated using the existing road paving for the dual purpose of extra parking and including the parking spaces that would be available from Trost there would be 357 parking spaces available for after school programs and for weekend sporting events.

Mr. Rudolf stated this application meets the Fire Marshal's requirements. They have improved the lighting on the back side of the school. The pedestrian path has been moved away from the building. The connection with Teakwood is an appropriate solution. The parking exceeds the required amount needed, and there is also a possibility of 60 more spaces if the school used the hard paved surface of the basketball courts.

Mr. Helbling stated that adding the spaces available at Trost would be appropriate with proper scheduling of events. There was discussion regarding the traffic generated. Most of the trips are already on the road, there will just be

a change in the destination. If drop off traffic becomes an issue, the two schools could stagger start times to alleviate peak hour traffic.

**Chief Pagano, Canby Police Department** believed this is a good plan. He did not want any type of gate on the access roads, if there any blocked roads, the police will not patrol the area. He wants the access to the Logging Road and did not think it would increase crime in the area since it is not highly traveled.

## **PROPONENTS:**

**Jim Frisbee**, Pastor of the Canby United Methodist Church addressed the Commission. He explained that the decision to work with Habitat for Humanity went through official channels of the Church's property regulations including an all church conference vote in August to approve this proposal. He explained that there was a further delay due to the Church working on the Master Plan for the entire site.

Pastor Frisbee stated the Church encourages the Commission to approve this application.

**Tim Gilmer**, Chair of the Leadership Team, which is a steering committee for Habitat for Humanity. He explained this is a Christian organization and operate by Christian principles, but they do not require either the families or the volunteers to be of a certain faith.

Mr. Gilmer stated there is a huge need for housing in this income bracket, which is between 25% and 50% of the median income in the area. He believes the home will sell between \$95,000 to \$100,000, but the appraisal should be around \$150,000. He explained that the family has to make the payments, which gives them a stake in the property and in the community.

Mr. Gilmer stated this is about more than building homes, when people cooperate it's a win/win situation for everyone involved. He stated he supports this application and hopes the Commission approves it.

## **OPPONENTS:**

**Sean Jagers** 1526 N. Ivy St that is directly across the street from this access. He stated he was not really opposed to helping people but he has concerns regarding how this project would affect his property value. He was also concerned regarding the speed of traffic coming up Ivy and the safety of children. He explained he has contacted the City regarding installing speed bumps in the area. He would like to see some improvements to the street to increase safety.

Mr. Tessman questioned if Mr. Jagger believed there was adequate policing on the street. Mr. Jagger believed there is adequate police but he does not see them policing the street and addressing the speeding issue. He believes they need to make more of an appearance to have any influence on the problem.

## **REBUTTAL:**

**Tom Scott** expressed his opinion that further development of the area would actually slow traffic down. So he did not believe this development should require speed bumps be installed or any other traffic control mechanisms. He addressed the property value issue and stated he believes this home will fit in well with the mix of homes in that area.

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Molamphy stated he has been involved with Habitat for Humanity in other areas and believes they do a good job. He believes this home would fit in with the existing neighborhood. He stated he had a concern regarding where the family will store things since this does not include a garage, but as long as there is a shed he doesn't have a problem with this application.

Mr. Manley believes this application meets all five criteria and approves of the application.

Mr. Tessman agrees that the application meets the criteria for approval. He stated the neighbors concerns regarding the traffic are true in many areas of Canby. He stated wherever there is a long straight of way, people will speed. But he does not believe it affects this application. He believes this is a great program and fills a need.

John Williams, Community Development and Planning Director addressed the speed issue. He stated the City is trying to figure out what to do, people slow down as long as there is a cop sitting there, but it doesn't slow them on the other 360 days. He explained that speed bumps are a problem because the Fire Department doesn't like them due to their truck having to slow down to go over them and Emergency Service vehicles having to go over them with someone in the back. The City will be looking at the long stretches of streets and if Mr. Jagger is interested the City will be looking for volunteers to help figure out what to do.

Mr. Lucas stated he lives on Knights Bridge Rd and knows about speeding cars. He stated he thinks this is a good project and it meets the criteria for approval and is in favor of the application.

Mr. Helbling stated it is a good project and he supports it.

Mr. Brown stated he has been involved with the location process and was surprised at how difficult it is to find lots in Canby. He hopes there is a benefactor in Canby who will assist in locating the next place.

Mr. Brown stated that speeding is an on going problem, but did not believe that one dwelling would affect the problem. He also believed the application met the criteria.

It was moved by Mr. Manley to approve MLP 04-05 as written. Seconded by Mr. Molamphy. Motion carried 6-0 with Mr. Ewert absent.

**MLP 04-06** the applicant is seeking approval to partition one 24,040 square foot parcel located on the south side of SW 1st Ave, west of S. Grant St., into three separate tax lots of 8,794 SF, 7,018 SF and 8,228 SF. One existing house would remain on the front lot, creating two buildable lots to the rear of the parent parcel.

Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, none were expressed. No questions were asked of the Commissioners.

Darren presented the staff report, he explained that this is a residential development on the south side of Hwy 99E behind the El Chilito restaurant and is zoned C2 for Highway Commercial.

Darren explained that this partition would place each existing 4-plex on it's own lot and create one lot to develop. The newly created vacant lot could be developed as residential or commercially. He stated that any development would be subject to site and design review.

Darren stated that no sidewalk is proposed with this application, the driveway has been in use for over 40 years and there is very little foot traffic associated with this development. The applicant has stated that if and when vacant parcel or the existing 4-plexes where redeveloped it would be appropriate for the Commission to look at pedestrian needs at that time through the site and design review process. Staff supports that view also.

Darren believes this partition would have very little impact on the surrounding development; future development should be assessed at that time.

Darren stated that public service providers had no major concerns; Canby Water did have a question regarding meter size and how to service the development. Darren believed those concerns had been worked out by the

applicant and surrounding property owners. He stated that the applicant had done a good job of working out shared easements/access and maintenance agreements had been clearly laid out.

Darren stated that staff's conclusion was that the application met the necessary criteria for approval.

**APPLICANT:**

**Pat Harmon** 735 NE 30th PI stated this is an unusual neighborhood. He explained that for the area to develop commercially someone would have to purchase whole thing and he doesn't see that happening anytime in the near future.

Mr. Harmon stated he has owned this for 4 or 5 years and has done some substantial clean up of the area. Taking off this last piece would preclude anymore development there. He explained that by dividing the 4-plexes into individual lots he could get residential financing, if they were 8-plexes it would require commercial financing.

Mr. Harmon explained he has been working with CUB regarding improvements along Hwy 99. By giving CUB an easement they were able to run their line without removing several large Sequoia trees.

Mr. Harmon explained there could be many options for developing the vacant lot. He stated that any development that went on the lot would be limited in size and did not see it having a negative impact upon the surrounding uses, or that it would have a great impact on traffic flow.

**PROPONENTS:** None

**OPPONENTS:** None

Darren stated that letters had been received from Les Schwab, Butch Neff stating their support of Pat Harmon and this application.

Mr. Brown stated he did not understand the value of this application to the applicant but did not see a harm to the City. He believed it was an odd lot and would be hard for someone to build a commercial space back in there.

Darren stated that this would facilitate someone buying this piece and develop something separate from the residential uses. Mr. Brown agreed that the best thing for the area would be that someone purchases the entire area and create something. Mr. Harmon stated he believed the restaurant could be taken down and incorporated with this parcel then develop them together. Mr. Brown

stated that if the parcel were divided among several owners it would become more difficult to coordinate development.

It was moved by Mr. Helbling to approve MLP 04-06 as written. Seconded by Mr. Lucas. Motion carried 6-0 with Mr. Ewert absent.

## **V. FINDINGS**

### **ANN 04-07 McMartin Farms**

It was moved by Mr. Molamphy to approve ANN 04-07 as written. Seconded by Mr. Tessman. Motion carried 5-1-1 with Mr. Ewert absent and Mr. Manley voting nay.

## **VI. MINUTES**

January 24, 2005 it was moved by Mr. Manley to approve as written. Seconded by Mr. Helbling. Motion carried 6-0 with Mr. Ewert absent.

July 26, 2004 it was moved by Mr. Manley to approve as written. Seconded by Mr. Molamphy. Motion carried 5-0-1-1 with Mr. Ewert absent and Mr. Lucas abstaining.

## **VII. DIRECTOR-S REPORT**

John stated that the City Council and the Urban Renewal Agency will be holding a meeting March 23rd to receive input from Community Groups or individuals regarding the Ardnt Rd project.

John explained that the Planning Commission had provided input already but they haven't had an opportunity to see the revised financial data from Urban Renewal. The project costs haven't been changed yet but the financial ability of the Agency has been refined and the System Development Charges. The Commission stated they would like information included in the packet.

John stated the NE Canby plan is moving forward; there will be a meeting February 24th at the Four Square for members of the Task Force and another public meeting in March.

Darren will be holding a master planning meeting for the N Redwood area on February 24th also. He stated the topics for discussion are Willow Creek, opportunities for open space and development around the wet lands.

Darren stated 50 to 60 people attended the last meeting and the group worked on street lay outs and access points. Darren stated some of the



components that the Planning Commission had presented had been well received.

Darren stated that the March meeting will be discussing residential design standards, subdivision design standards to decide what these neighborhoods should and should not look like.

John stated that the Northwood's application has come back to the City from the Court of Appeals through LUBA, through the City Council to the Planning Commission. John explained that the Court of Appeals determined that the case law the applicant was relying on was overturned, but they did say that there is another category that the City could approve the application under if they chose to.

John explained it is the same application with revised Findings. Mr. Brown asked if the applicant had waived the 120 day rule. John stated that when an application is remanded back to the City, there is no 120 day rule.

Mr. Helbling and Mr. Lucas requested information on the original application. John stated it is not clear if there will be new public testimony or if it will be new Commission deliberations. Mr. Brown questioned how the Commission could not take new testimony. John explained that it is the same application it's just changing the Findings. John stated he would come back to the Commission with the City Attorney to discuss this issue.

John stated there will be 2 public hearings at the next meeting, the School District Middle School and an eight lot subdivision in the Pioneer Industrial Park.

Mr. Brown stated he had an enforcement issue with SMS Auto Fabrics. They still do not have their landscaping installed and have huge containers sitting in their yard. John explained that Matilda had been working with the owners on their landscaping issue and believes they have bonded for the improvements until spring and they won't get their final until everything is complete.

## **VIII. ADJOURNMENT**