

MINUTES
CANBY PLANNING COMMISSION

7:00 PM April 24, 2006
City Council Chambers, 155 NW 2nd

PRESENT: Chairman Jim Brown, Commissioners Geoff Manley, Dan Ewert, John Molamphy, Randy Tessman

STAFF: John Williams, Community Development/Planning Director,
Kevin Cook, Associate Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Kenneth Duhon, Charles E. Burden, Bob Hill, Terry Tolls, Bodie Bemrose, Pat Sisul, Erik Bond Tony Blomquist, Scot Conroy, Pam Keil, Bob Zimmer, Jessica Iselin

I. CITIZEN INPUT

None

II. PUBLIC HEARINGS

MLP 60-01 Rydquist/Duhon

Chairman 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, none was stated. No questions were asked of the Commissioners.

Kevin Cook, Associate Planner addressed the Commission. He presented a letter that was presented to him at the meeting from the applicant. Kevin explained that 2 access points were not allowed per the access spacing standards.

The Fire District was okay with the revised site plan with the condition that the south corner vegetation be limited to low growing plants. The also stated that a turnaround would be required on the flag lot. There were concerns from neighbors regarding the fence location. Kevin stated he had measured from the post and there appears to be 17', this would be confirmed by the survey.

The Fire Marshal had requested the eave on the east side be modified to allow room for emergency vehicles

APPLICANT:

Ken Duhon addressed the Commission. He explained that the large tree that was in the front yard has been removed because the root system was damaging the foundation of the home. There will be one access point for both lots, the driveway for the flag lot will cross in front of the existing house and access on the flag lot on the east side.

PROPONENTS: None

OPPONENTS: None

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

Mr. Ewert asked what the requirement for a turnaround was. John Williams, Community Development, Planning Director stated it was the same as for a vehicle either 24' backing distance or a hammerhead. Mr. Ewert suggesting adding Condition #10 requiring an adequate turnaround.

It was moved by Mr. Tessman to approve MLP 06-01 with the removal of condition #21 which would have required grasscrete pavers and modifying condition #10 to require an adequate turnaround for emergency vehicles. Seconded by Mr. Ewert. Motion carried 3-1-0 with Mr. Brown voting no and Mr. Manely absent.

MLP 06-02 Burden

This application was continued until May 8, 2006 at 7:00 pm.

MLP 06-03 Burden

Chairman 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, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report, he explained the applicant is seeking approval to partition a 10.15 acre, C-2 zoned parcel into two separate tax lots. The northern parcel would be approximately 4.37 acres. The southern parcel will be approximately 5.77 acres and will contain the existing residence, and a commercial greenhouse.

Mr. Brown questioned if there was enough distance to allow access onto Hwy 99E. Kevin explained there is an existing access for the house. ODOT requires 700' spacing between drive accesses. This parcel is 900' so it could be possible for a second access. If there is a change of use ODOT would relook at the criteria for approval.

Mr. Ewert question if the pond was being used for stormwater drainage, the property does contain a natural spring and a portion of the property is preserved as a watershed/wetlands basin. Kevin stated that the water works it way to the pond and on to Willow Creek. John Williams explained there have been recent conversations regarding the storm water drainage in that area. Mr. Ewert questioned why the pond was being divided between the lots. Kevin stated it is not a benefit to either property.

Kevin stated that frontage improvements will include curbs and curb-tight sidewalks. Half street improvements will be required along the parent parcels' entire frontage at SE 1st Ave.

APPLICANT:

Charles Burden, Representative for Ray Burden Trust addressed the Commission. He explained that they were asking for this partition to create more flexibility for development of the parcels and for taxation purposes. He stated there are currently 2 access drives for the main property, one for the commercial greenhouse which passes through to SE 1st and one for the residence.

Mr. Ewert questioned why they were dividing the ownership of the pond. Mr. Burden stated it was for flexibility for future development. Mr. Burden added that there would be a sewer pump station on Parcel 2.

Terry Tolls addressed the Commission. He stated that the property line would go through the center of the pond and there would be a common agreement for the 2 properties to share the waterway. Mr. Tolls stated there were concerns regarding how to improve the quality of the pond and that they are looking at properties that put water into the pond to provide adequate filtration. Mr. Ewert questioned if water from across SE 1st Ave. drained into the pond. Mr. Tolls stated that it did.

Mr. Brown questioned if the parcels were developable. Mr. Burden stated they were. Mr. Brown asked why they wanted to even keep the pond. Mr. Burden replied that they would like to make it a beautiful asset and they would create CC&Rs for the maintenance of the pond.

PROPONENTS: None

OPPONENTS: None

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

Mr. Ewert questioned what the City's liability is regarding the stormwater drainage into the pond. John explained that this is an issue the City is already working on. The Commissioners discussed the issue of the pond being under 2 owners and the possibility of differing opinions for the ponds future. Mr. Molamphy stated the applicant is willing to include CC&Rs and a maintenance agreement for the pond.

It was moved by Mr. Tessman to approve MLP 06-03 as amended by modifying condition #16 by creating CC&Rs to maintain useage of stormwater. Seconded by Mr. Brown. Motion carried 4-0-1 with Mr. Manley absent.

DR 06-02 Willamette Falls Commons

Chairman 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, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. He explained that the applicant is requesting to construct a 22,665 s.f. urgent care facility in the Pioneer Industrial Park. This would be a 5 phase development which would include additional medical and office buildings.

This application is for Phase I and approval for the overall master plan. The additional Phases will require separate Design Review approval for each building in each future phase.

The applicant is proposing a single 24 foot wide north-south drive from SE 1st Ave through to Haze. Dell Way. Staff has recommended that this access be built through at full width as part of Phase I. The applicant has agreed to build the entire length. The applicant may be applying for a subdivision application to allow flexibility for development.

Phase I would contain an Urgent Care Center and an Imaging Facility for Willamette Falls Hospital, a satellite clinic for the Women's Health Center of Oregon and other offices.

The applicant is proposing to install a detention pond in the northeast corner of the property. Currently stormwater drains to the north and eventually into an 18" pipe that is maintained by the City. This pipe discharges into the pond located on the Burden property which in turn eventually drains into Willow Creek. The detention pond will slow down runoff and there will be a filtration system installed.

Staff has suggested 4.5 parking spaces per 1000 s.f. of gross floor area. There are several large trees that the applicant has stated will be retained if possible to create a landscape island and pedestrian area.

Kevin stated there were some corrections to the staff report, condition #23 is to be deleted, condition # 35 will be modified for clarity and Condition #36 added for Fire Department requirements.

Mr. Brown questioned the requirement for pavers at crosswalks. Kevin explained the applicant was looking for more points to pass the design review matrix. The Industrial Overlay Zone requires reaching a minimum in each category. The Commission discussed the internal street system. John explained that the code does not address the internal streets on a development. He stated most pedestrians would use Hazel Dell and suggested signage to use the light at Sequoia. Kevin suggested the Commission could require some walkways could be raised.

Jessica Iselan, Architect addressed the Commission, she stated the applicant desires to have safe and convenient pedestrian access for the development. She stated there is a conflict between providing a drop off area for clients and retaining the trees. She presented graphics showing a curved building with brown and red toned masonry and metal awnings. Mr. Brown why a tilt up building. Ms. Iselan stated it was a financial decision balanced with efficiency of construction.

Pat Sisul, Sisul Engineering addressed the Commission. He agreed with the revisions to the findings that Kevin has proposed. He believed the main drive through the site for Phase I was a good idea. He stated that his research had showed that a on site treatment system with a detention pond would be the preferred stormwater system. Mr. Sisul stated the detention pond would be fenced and privately maintained through all phases.

Mr. Sisul explained that the applicant agreed to improving the driveway to have as much possible access from 1st Ave. and Sequoia.

The commission questioned how long the water would remain in the bio-swale. Mr. Sisul stated about 9 minutes. Mr. Molamphy asked how the swale would be maintained. Mr. Sisul stated it would be professionally landscaped and the pond would be fenced. The commission discussed the detention pond and questioned who would decide to shut the valve off in case of a spill and

possible contamination to the water. Mr. Sisul stated that Public Works and the Fire Department would both have the ability to shut down the valve.

Mr. Brown stated that the existing trees are cedars and firs and questioned what the applicant can do to protect them during construction. Mr. Sisul stated that it is the applicant's plan to retain the trees if at all possible to be an amenity for the development and they have kept the utilities out of that area.

Bob Hill, Representing the Hospital, Developer and the Contractor addressed the Commission. He explained that a tilt up building would create a commonality and is the most cost effective. Mr. Hill stated that Willamette Falls wants a beautiful gate way. The hospital is committed to making an environmentally friendly development.

Jessica Iselan stated that it will be hard to maintain a 35' setback while keeping the driveway away from the trees. Kevin explained that the code requires a 35' setback for buildings 25' to 45' tall.

PROPONENTS: None

OPPONENTS: None

John stated that there were only positive comments made regarding this application, and that people only come to public hearings when they are upset about the development.

The Commissioners discussed condition #35 which is intended to make an industrial building more palatable. The proposed not requiring pavers at crosswalks and allowing impressed crosswalks from parking areas. The Commission would like to allow a reduction in the setbacks to accommodate the retention of the existing trees. John stated that a variance would allow a 10% reduction in the setback.

It was moved by Mr. Ewert to approve DR 06-02 as amended by striking condition #24 and #30 to modify condition #35 to allow impressed colored asphalt on raised crosswalks, #36 to state that a portion of Phase II which requires the internal drive to be constructed during Phase I, to modify condition #39 to have pond maintained as part of the facility and create #40 which would allow a setback reduction of 10%. Seconded by Mr. Molamphy. Motion carried 4-0-1 with Mr. Manley absent.

III. FINDINGS

MLP 06-04 Netter

It was moved by Mr. Molamphy to approve the findings for MLP 06-04 as written. Seconded by Mr. Tessman. Mr. Ewert stated that he was in attendance at that meeting not Mr. Manley. Correction noted. Motion carried 4-0-1 with Mr. Manley absent.

IV. ADJOURMENT

