

MINUTES

CANBY PLANNING COMMISSION

7:00 PM May 22, 2006
City Council Chambers, 155 NW 2nd

PRESENT: Chairman Jim Brown, Commissioners John Molamphy, Randy Tessman, Geoffrey Manley and Dan Ewert.

STAFF: Matilda Deas, Project Planner, Kevin Cook, Associate Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Charles Burden, Terry Tolls, Jeff McCollum, Chuck Curry, Lee Gellinger, Clayton Vorse, Elmer Gilbertson, Jan Milne, Sharon Henry, Tom Feller, Terry Kirsch, Carl Curry, Chuck Curry, Warren Bueller, Bill Moss Don Burden Dave LaRue, Pam Rockwood, Dan Leishner, Mary Rock, John Linkey, Gale Williams, Anthony Davis, Jan Ashland, Joseph O'Connel, Bernie Levi, Jeff Egli, Scott Beck, Kevin Cappell, Mr. Lawrence, Frank Russell, Larry Schonberg, Mr. Wescott, Paul Thalhofer

I. CITIZEN INPUT None

II. OLD BUSINESS

North Baker Street traffic calming

Mr. Brown explained the options that were discussed at the last meeting regarding the Baker Street closure. He explained that most speed bumps are not approved by Emergency Responders but there are several that they would be wider than the traditional speed bump and not as objectionable as the old ones. There was a discussion to close the access all together, and one to make N. Baker a one way option going southbound only.

Mr. Brown explained that the Planning Commission will listen to the issues and then forward to the City Council a recommendation. The final decision would be made by the Council.

Kevin Cappell stated he works for Willamette Plastic and uses Baker Dr. He believed that it should be made into a two lane road. He questioned if this issue as a conflict of interest for two of the Commissioners that live on either side of the intersection. And he believed that Mr. Ewert would gain the property for his yard if the intersection was closed.

Mr. Cappell stated that closing the intersection would not stop speeding on the street, it would require stronger enforcement. He agreed the wide type of speed bumps could make a difference.

Mr. Cappell did not believe closing the intersection would be a good solution because it would leave just one way in and out of the industrial park. He stated that

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Baker and 3rd are heavily congested with truck traffic and that the intersection at 6th is needed.

Mr. Brown explained that for there to be a conflict of interest a Commissioner would need to receive a gain. But there has been no conversation by the City to vacate the property.

Mr. Brown stated that most of the Planning Commissioners have served on the Commission for many years. The Commission asks for citizen input to help them make decisions and this shouldn't be a contentious process.

Mr. Lawrence stated the tall hedge is a hazard because it prevents drivers from seeing around the corner. He suggested using a "bang bar" to prevent trucks from using the road and place Truck Route signs that drivers can't miss.

Frank Russell stated his concerns that there will be an increase of traffic from the subdivision at the Honda Pits. He believed that Berg Parkway should be extended to 3rd Ave to allow better emergency access.

Mr. Brown explained that connection has been looked at and is in the 20 year plan. He stated that the Arndt Road connection was looked at last year and the estimated cost was 22 million dollars. Mr. Brown explained that the Commission has no funding authority.

Mr. Brown believed there was no consensus on the issue and question what process there was for going forward to find alternative solutions. Mr. Manley believed it would be appropriate to go back to the neighborhood for suggestions.

Mr. Tessman stated the intention at the beginning was to close the intersection. Trucks are parking on both sides of the street. Employees are using Baker to come and go to work; they ignore the stop sign and speed through the neighborhood.

Mr. Brown stated he would like to have a concrete proposal brought back to the Planning Commission.

Mr. Ewert addressed the audience and explained that he has no gain in what ever solution that is decided on and doesn't care what the solution is, he has had concerns about this area since Darcy's Country Estates was approved and doesn't want residential traffic to mix with the truck traffic. He stated he had nothing to gain either way.

Mr. Tessman stated that N. Baker is not a street it is City Property. Mr. Westcott explained that when he was on the City Council there was a trade for the property so it could be right-of-way for the purpose of building a street. Mr. Brown explained there is only enough funding in the budget for improvements to 4 blocks a year. So the N. Baker intersection has never been funded.

III. NEW BUSINESS

MLP 06-02 Canby Alliance Church at 900 N. Juniper is requesting to modify their 1999 CUP/DR approval (CUP 99-06/DR 99-09), to allow removal and replacement of the fire-damaged sanctuary structure. Also a new narthex structure would tie together the sanctuary with the existing education building.

Mr. Brown questioned what the process would be for this modification. John explained that it was not a requirement to open the hearing for public input. It is a Type II application which allows the Commission to make a decision on the matter, then send notice to property owners and neighbors, who then have a right to object to the decision.

The Commission discussed the height and the definition of a spire.

Mr. Clayton Vorse representing the Canby Alliance Church addressed the Commission. He believed that the 52' height of the spire/tower falls within the exemption since it is similar to a bell tower. The spire is faced away from the residential side of the property and is compatible with the educational use.

PROPOSERS: None. **OPPOSERS:** None. **REBUTTAL:** None.

It was moved by Mr. Ewert to approve MOD 06-02 of CUP 99-06/DR 99-09 as written. Seconded by Mr. Molamphy. Motion carried 5-0.

IV. PUBLIC HEARINGS

MPL 06-06 The applicant is seeking to partition one 0.48 acre (20,806 sq. ft.) R-1 zoned parcel, located at 701 S. Fir St. into two separate parcels. Parcel 1 is proposed to be 13,298 sq. ft. and contains the existing single family residence. Parcel 2 is proposed to be 7,384 sq. ft. and contains an existing carport, which is to be removed. The applicant is proposed a shared access for both parcels.

Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, Mr. Molamphy explained that Mr. Thalhoffer was his attorney, and that he intended to participate in the hearing. 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 handed the Commissioners a copy of a comment that was received after the packet had been delivered. Public Works stated that sewer is not available to Parcel 2 at this time. The applicant would be responsible to extend the main.

Access for the parcel is from SW 7th Ave. The applicant is proposing a shared entry for both lots. The existing curb-cut would be widened. The eastern parcel would be greater than 10,000 sq. ft. which would exceed the maximum lot size allowed in this zone. However Section 16.16.030 (A) allows an exception for parcels that contain an existing dwelling. The existing home is a single story home the new residence would be required to comply with Infill Home Standards through the building permit process.

Debbie Goff stated that she would like to purchase both lots so it could stay as one home.

Mr. Tessman asked if sidewalks would be required on 7th Avenue. Kevin stated that sidewalks will be required along the property's frontage with 7th Avenue prior to the signing of the final plat, which is in condition #6.

Mr. Brown questioned if joint access would be required.

Mr. Thalhofer addressed the Commission representing the applicant. He explained that the applicant has proposed a shared access. Parcel 1 would be larger than 10,000 sq. ft. but it would be consisted with the code for an existing home and would fit with the existing neighborhood. Mr. Thalhofer explained that the sewer stops at 7th Ave. The applicant understands that they have to connect to the sewer and are responsible for the cost.

Proponents:

Mr. Scott Baker addressed the Commission. He stated he lives across the street from this property and that the property had been used to store equipment, he believed this would be an improvement.

Opponents:

None

Mr. Molamphy stated this was a straight forward application and sees no problems with approving it.

It was moved by Mr. Manley to approve with the amendment of

Motion carried 5-0.

MLP 06-07 The applicant is seeking approval to partition one 5,750 C-1 zoned parcel into two separate parcels. Parcel 1 (north) is proposed to be 3,250 sq. ft. and contains an existing single family residence. Parcel 2 (south) will be 2,500 sq. ft. and also contains a single family residence. Existing access for Parcel 1 is from NW 3rd Avenue. Existing access for Parcel 2 is from the mid-block alleyway.

Chairman Brown read the public hearing format. 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. No questions were asked of the Commissioners.

Kevin Cook presented the staff report, he explained back in the 1980's a lot line adjustment was done, in the recording process 4 lots were created. The City of Canby recognizes just 2 lots. Kevin explained that while a parcel is usually represented by a single tax lot number, tax lots themselves are simply polygons that are assigned by the County Assessors office for taxation purposes. Therefore, it is possible to have a single

parcel that is made up of more than one tax lot, although this is unusual within the City limits of Canby.

Kevin stated that the subject parcel was "L" shaped and the applicant applied for a lot line adjustment which was supposed to have created two equal sized rectangles of 50' by 115'. The lot line adjustment was approved by the City however the resulting plat that was recorded with Clackamas County created four tax lots instead of the original two. Because a lot line adjustment cannot create new parcels, the City has never recognized the four tax lots as being four separate parcels. The present owner of the subject parcel has indicated that there are actually separate deeds for the two tax lots that make up the parcel. The purpose of this partition request is to create two separate parcels out of the existing tax lots that comprise the subject parcel.

Kevin explained the Public Works Supervisor has stated the sewer lateral will need to be moved since they can't cross property lines.

There was one citizen comment that was brought to the meeting from Mr. Ross who believed the lots were too small and did not want the application approved.

Mr. Brown asked if the home could be rebuilt if destroyed. Kevin explained that the home could be rebuilt with the approval of the Planning Commission. He asked how the applicant intended to get sewer to the parcel. Kevin explained that it would be the applicants responsibility to have the lateral moved.

It was moved by Mr. Ewert to approve MLP 06-07 with the added condition that all City service requirements be met. Seconded by Mr. Tessman. Motion passed 5-0.

IV. FINDINGS

MLP 06-02 Burden

Mr. Ewert questioned since the parcels toward Sequoia have already been built out, what the trigger would be for the installation of the sidewalk. Kevin explained that ODOT's requirement was for sidewalks to be required for the parent parcel at the time of redevelopment. The Commission asked that Kevin affirm that the condition which requires the sidewalks still applies to the parent parcel.

Mr. Manley asked that Kevin affirm that the condition that triggers the sidewalks still applied. It was moved by Mr. Manley to approve the Findings for MLP 06-02 with the addition of the approval of the original application still applies to this application regarding installation of sidewalks along all parcels.

ZC 06-01 Mccollum Withdrawn

MLP 06-05 McCollum It was moved by Mr. Ewert to approve the Findings for MLP 06-05 as written. Seconded by Mr. Molamphy. Motion carried 3-0-2 with Mr. Brown and Mr. Tessman abstaining.

CPA 06-01 The City of Canby It was moved by Mr. Molamphy to approve the Findings for CPA 06-01 as written. Seconded by Mr. Ewert. Motion carried 3-0-2 with Mr. Brown and Mr. Tessman abstaining.

V. MINUTES

It was moved by Mr. Ewert to approve the minutes for March 27, 2006 as written. Seconded by Mr. Tessman. Motion carried 4-0-1 with Mr. Tessman abstaining.

VI. DIRECTORS REPORT

Kevin Cook stated there would be 3 annexations at the next Planning Commission hearing and one Conditional Use Permit application on Elm St.

The signal light at Territorial and Hwy 99E is still on track, and ODOT still plans on starting the project in June.

The Berg Parkway connection still has some right-of-way issues that are being worked out. Canby Place is also still working on getting the right-of-way issues worked out.

Mr. Ewert mentioned that there are two vacancies on the Planning Commission to the audience and invited anyone who is interested to ask for an application.

VII. ADJOURNMENT