

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – September 11, 2006
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Vice-Chair Geoffrey Manley, Commissioners John Molamphy, Janet Milne, Bruce Holte, and Randy Tessman

STAFF: John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; Jill Thorn, Planning Staff

OTHERS PRESENT: Dennis Nolder, Pat Sisul, Doris Creedon, Ryan Oliver, Ron Berg, Seth Moran, Catherine Davis, Esther Nelson, Bev Doolittle, Cynthia Shipp, Catherine Comer, Tom Scott, Charles Burden, Michael Vissers, Roger Reif, and Robert Hixson

I. CITIZEN INPUT

Ryan Oliver representing the Chamber of Commerce spoke to the Commission about the sign code and a group of Chamber members working with the Planning Department to modify the code. Members of the Commission expressed a desire to have periodic reports and Commissioner Holte volunteered to participate in the work group.

II. NEW BUSINESS None

III. PUBLIC HEARINGS

DR 06-08 – Andrus Building - Continued from August 28, 2006

Chair 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 reported the applicant has decided to stick with the proposed materials.

Applicant: Roger Reif, representing the Andrus family, presented a walking tour that he had conducted of buildings in the area of the proposed building and a petition of support from surrounding businesses and property owners. The tour revealed that the majority of the homes were wood. There are many different styles of buildings. The client had looked at alternative materials, but felt that cedar still fit the tenor of the neighborhood.

Seth Moran of Fletcher, Farr Ayotte, Inc and architect for the project said that he and the applicant had taken seriously the comments from the previous hearing. He said that compatibility with the neighborhood was one of the original principles of the applicant as

well as having a building they will be proud to own. Cedar will soften the impact. He passed out new color renderings of the buildings with great detail of the various materials that will be on the building along with the cedar.

Chair Brown asked Mr. Moran what had changed. Mr. Reif responded that the applicant had contacted the neighbors and they didn't mind the cedar being used on the building.

Proponents: Dennis Nolder said that he was a former member of the Library Board, Canby Utility Board and Canby City Council and he would not lend his support to a project unless it was in the best interest of Canby. He felt the proposed building was similar to the Graham Building.

Cynthia Shipp said she had no objections to the building and felt it would be an asset to downtown commercial. She also had no objection to the two-story building.

Catherine Comer of Canby Business Development said that the Board had approved this project. CBD was working with other downtown property owners for future projects.

Commissioner Tessman asked about the vision for downtown and when was that going to happen. Ms Comer responded that within the next six weeks the Planning Commission would be seeing a vision for redevelopment on 2nd Avenue.

Michael Vissers, Vice President of the Canby Chamber of Commerce spoke of the need for a professional building of this type. He felt the cedar helped to tie between the Magnus Building which is concrete and the homes that are of wood. The Chamber would be in support of the project.

Opponents: None

Chair Brown closed the public hearing.

Commissioner Molamphy felt the project was a nice step and has no problem with the cedar. He felt the application meets criteria A, B, C, and D.

Commissioner Tessman said that after listening to people talk he was a little afraid because this is the first step in change for downtown Canby. He felt that the application met the criteria.

Commissioner Milne approves of the idea of a commercial building and feels there is no legally defensible grounds upon which to deny, thus will vote in favor of the project.

Commissioner Manley indicated that last time he could have lived with the overall design but would like something other than cedar and would have liked a third story for residential use.

Commissioner Holte stated the Commission could have voted at the last meeting, but didn't. We gave the applicant an opportunity change the design. He wasn't happy with the cedar but has changed his mind.

Chair Brown felt this was an opportunity lost. This is the first significant commercial building in downtown and the Commission is setting a precedence for future buildings. There is a weakness in the matrix and the need for downtown standards are critical. The one other thing is that Canby has been discovered and people are starting to look at Canby.

It was moved by Commissioner Molamphy to approve DR 06-05 as submitted. Seconded by Commissioner Holte. Motion carried 6-0.

DR 06-05 – Scott Family Limited Partnership

Chair 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. The Applicant is seeking approval to construct a 5,009 square foot, one-story professional office on the northwest corner of S Ivy Street and SW 2nd Avenue. Additional parking for the existing development is also proposed. Access is proposed onto S. Ivy Street as well as SW 2nd Avenue. The City's code addresses city facilities only and S Ivy Street is a county road. Staff is recommending that the applicant comply with County standards on Ivy Street. Access on S Ivy Street is still being discussed with Clackamas County. The most recent proposal is a right in; right out with a median on S Ivy Street.

John Williams noted that this item had been continued several times in the hope that staff could bring a final plan to the Commission, but at this point the City needs to complete the 120 day process. The Applicant will be dealing with Clackamas County, and the staff is proposing conditions in the staff report for the applicant to work out the access with the County.

Chair Brown asked if this application included modifying the lot line. Mr. Williams responded that it would have to be a separate application.

Applicant: Tom Scott, applicant, wished they had a total solution for the Commission. The lot has been vacant for 15 or 16 years. The paper recycling and towing yard will be removed. Proposing parking for the new building as well as other buildings on the site and there might be modifications in the future as the site develops. The loading spot will be marked with paint or reflectors. Dry wells will be installed for storm drainage. Access to a site is crucial to a development. It keeps people coming back. Requested access on 2nd Avenue to be west of the building, which will provide ease to the site. Would like access on 2nd as proposed rather than the access proposed by the traffic engineer. Would like access on S Ivy Street to be right in; right out with some type of median. The Applicant would like Condition 17 modified for 5-foot sidewalks instead of 8 feet to match the current sidewalk on 2nd Avenue. Would like

modification of Condition 18 to keep the access at the proposed position. Requests that Condition 20 be modified to comply with all International Building Code requirements.

Commissioner Molamphy asked about the property line. The Applicant is planning to combine two tax lots and make one tax lot, which does not require City approval.

Commissioner Milne noted that there was no plan for lighting the parking lot. Mr. Scott indicated that a condition for lighting the parking lot would be acceptable.

John Williams asked Mr. Scott to explain the purpose of the loading area. Mr. Scott explained it was for vehicles that pick up and drop off for the medical building. The vehicles are small trucks and the space is for them to get in and out quickly.

Commissioner Holte inquired about the cars at the auto repair shop and would they be parking on the applicant's site. Mr. Scott indicated that building would be going away in the near future.

Commissioner Tessman commended the Applicant for getting rid of an eye sore. He asked the Applicant what happens if the County does not allow any access from S Ivy Street. Mr. Scott responded that he hopes to work with the County to solve the access issue, but ultimately if that doesn't happen it would be closed.

John Williams introduced Robert Hixson, Clackamas County Engineer and asked that he be allowed to make comments.

Mr. Hixson, Clackamas County Engineer, first became aware of the project in May of 2006 when he received an application for a pre-application conference. His direction at that time was that it was a City of Canby land use and provided comments in regard to Ivy Street. His supervisor, Joe Marek, believes in full access or no access. When Mr. Hixson saw the right in; right out access on the plan he got back to the applicant and Mr. Cook stating the County would not recommend that. Within the last week the City has come to the conclusion that the City did not have any say in the matter since it is not a City facility. There are no proposals for a transfer of jurisdiction. County standards, roadway standards and comprehensive plans clearly steer you away from any access to a major arterial and that is what Ivy Street is in the County Comprehensive Plan. The one possibility is from the roadway standards where it talks about a traffic management plan that can show that the function of the arterial will continue to work adequately and safely, then you can look at an alternative access like this right in; right out. What would be needed is a median to help enforce the right in; right out. When you have a median in the road you need some shy distance. Queuing issues are being discussed with the applicant. The County is working with the Applicant to put together a scope of work for a traffic study to look at the issues.

Chair Brown asked what would the County base its decision on. Mr. Hixson responded that it will focus on safety and operation of that access and how it functions with Ivy Street and the realigned 2nd Avenue.

Pat Sisul of Sisul Engineering representing the Applicant, stated that Mr. Hixson has been very cooperative. The County has Ivy Street designated as a major arterial in their TSP which as speeds of 35 to 50 mph, which is well above the posted 30 mph speeds in this block. The County has a curb to curb width of 50 feet, and there isn't 50 feet right now. The City's design was for 44 feet.

Proponents: Ron Berg likes the design and feels it is compatible with the other structures. He likes the buffering between the commercial and residential.

Opponents: None

Rebuttal: Mr. Scott noted that the request to build 5foot sidewalks on 2nd Avenue is because of some grade issues and to match the existing sidewalks on 2nd Avenue.

Chair Brown closed the public hearing.

Chair Brown commented it was hard to view this plan as it is a phased project. It would be helpful to know what the master plan is. Would like a condition for the combining of the lots into one lot. Would like to see the loading space relocated. He is in favor of the 5 foot sidewalks on 2nd Avenue. Would favor modifying Condition 16 to require lighting the parking lot. Condition 18 should be dropped. Loading area would be located to preclude cross short cuts.

It was moved by Commissioner Manley to approve DR 06-05 as modified. Seconded by Commissioner Tessman. Motion carried 6-0.

CUP 06-02 – City of Canby

Chair 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.

John Williams presented the staff report. The City of Canby is requesting approval to locate a sanitary sewer pumping station along SE First Avenue for the purposes of providing sanitary sewer service to SE First Avenue and S. Hazel Dell Way. A conditional use permit is required under current City code. The pump station will be enclosed with a 6-foot black chain link fence. Security lighting will be provided. The site of the pump station will require removing one tree, but will save two fir trees on the site.

Applicant: Roger Reif, representing the property owner, requested flexibility in the findings to allow for final location to be approved by the property owner without coming back to the Planning Commission.

Proponents: None

Opponents: None

Chair Brown closed the public hearing.

It was moved by Commissioner Molamphy to approve DR 06-05 as modified. Seconded by Commissioner Tessman. Motion carried 6-0.

V. FINDINGS

MOD 06-12 – Kimco Properties – Chair Brown reported he had a conversation with the real estate agent for the applicant after the last Commission meeting regarding options the applicant could pursue. Commissioner Tessman moved to approve the findings, conclusion and final order for MLP 06-12 as written. Motion seconded by Commissioner Holte and passed 6-0.

DR 06-06 – Ward-Henshaw - Commissioner Molamphy moved to approve the findings, conclusion and final order for MLP 06-12 as written. Motion seconded by Commissioner Milne and passed 6-0.

MLP 06-12 – Kreigshauser - Commissioner Tessman moved to approve the findings, conclusion and final order for MLP 06-12 as written. Motion seconded by Commissioner Milne and passed 5-1 with Commissioner Holte voting no.

DR 06-05 – Scott Family Limited Partnership - Commissioner Holte moved to approve the findings for MLP 06-12 as modified. Motion seconded by Commissioner Milne and passed 6-0.

CUP 06-02 – City of Canby - Commissioner Molamphy moved to approve the findings, conclusion and final order for MLP 06-12 as modified. Motion seconded by Commissioner Tessman and passed 6-0.

VI. MINUTES

Commissioner Molamphy moved to approve minutes of August 28, 2006 as presented. Motion seconded by Commissioner Holte and passed 6-0.

VII. DIRECTOR'S REPORT

The September 25th meeting will only have the approval of the findings for the Andrus Building. Mr. Williams suggested that it might be appropriate to have a work session with the staff and go over the various work plans of the staff.

Chair Brown agreed with Mr. Williams' suggestion.

VIII. ADJOURNMENT