

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 23, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Commissioners Bruce Holte, John Molamphy, Janet Milne, and Jared Taylor

ABSENT: Dan Ewert

STAFF: John Williams, Community Development and Planning Director; Carl Ahl, Planning Technician; and Jill Thorn, Planning Staff

OTHERS PRESENT: Dean Zarosinski, Terry Tolls, Allen Patterson, Juanita Struble, Bruce Orr, Fred Kahut, Tina McCormick, Brett Allen, Cliff Parsons, John Middleton, and Roger Reif

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

SUB 07-01 – J.B.S. Estates, LLC – Sequoia Parkway and Walnut Street - An application from J.B.S. Estates LLC who proposes to subdivide Tax lot 1800 into a 5 lot subdivision of four approximately equal one acre lots and one larger, approximately 4 acre lot.

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 property is located in northeast Canby within the Pioneer Industrial Park. The subject parcel fronts Sequoia Parkway on the south and S. Walnut Street on the east. All adjoining properties are within city limits except tax lot 1900 to the north, which retains its County RRFF5 zoning. All annexed adjoining properties are zoned Light Industrial with the Industrial Overlay Zone (I-O), except the property to the west which is zoned Heavy Industrial with the I-O overlay.

The property has been used for years for growing row crops such as strawberries. It is generally flat with no existing significant trees or natural features.

Sequoia Parkway is fully developed with the exception of sidewalks and developed planter strip in front of the subject property. S. Walnut Street is minimally improved with a road width of less than 24 feet and minimal base.

Mr. Williams reported that several property owners had been working to come up with a plan for the Walnut Street area, but so far had not reached agreement and the City did not have this particular area in the Transportation System Plan. Therefore, staff recommended requiring frontage improvements on Walnut following the current alignment or on another alignment as approved by the City.

Chair Brown asked about the curve on Sequoia.

Mr. Williams said it had been designed to meet the traffic requirements of the area.

Applicant: John Middleton of Ztec Engineers spoke for the applicant. Mr. Middleton said the road issue had been very difficult and they had tried to make it work.

Chair Brown asked if equal portions from the applicant's lot and the Burden property were possible.

Mr. Middleton said that other people were also involved in the discussion and felt the road was for somebody in the future.

Commissioner Molamphy asked to what standards the road would be built.

Mr. Middleton said it would be built to industrial street standards.

Commissioner Molamphy asked about providing access to Lot 5 through the shared driveway on Sequoia Parkway.

Mr. Middleton said it had been discussed but was more complicated.

Proponents: Roger Reif, attorney for the Estate of Ray Burden, said his client was in favor of the proposed application but had issues with the Walnut Street portion. Mr. Reif expressed concern about Condition 13.

He presented the Commission with a letter from The Roberts Company of Oregon which contained suggested language for Conditions 12 and 13.

Chair Brown asked if the suggested alignment raised the value of the property for Mr. Rief's client, or what was the issue.

Mr. Reif responded that it was the funding and who would pay.

Chair Brown asked if the application was approved and the parties came to an agreement regarding a new alignment, would it have to come back to the Planning Commission.

Mr. Williams responded that it would be a Lot Line Adjustment or a Modification of the Subdivision application that was before the Commission now.

Terry Tolls said he was not opposed to the application but had concerns about the Walnut Street alignment. He felt that time was needed to resolve the issue, but the first four lots of the application would not be impacted.

Chair Brown asked if the language in the conditions of approval get at Mr. Tolls issues.

Mr. Tolls said he would prefer the language in The Roberts Company's letter.

Opponents: None

Rebuttal: Mr. Middleton agreed with Mr. Tolls that the four lots would not be impacted in regard to the alignment of the road.

Chair Brown closed the public hearing.

Commissioner Molamphy said that he would like to see the street alignment before approving the application.

Commissioner Taylor felt the four lots were ready to go and the road was a side issue that could be conditioned with Lot 5 that who ever buys Lot 5 would have to fix before development.

Chair Brown said he disagreed with Commissioner Taylor. He had no problem with the four lots and felt the Commission all agreed with the alignment that John Williams was proposing on the second page of Exhibit 2 of the staff report. He felt that criteria C - the overall design and arrangement of lots shall be functional and shall necessary for the development of the subject property without unduly hindering the use or development of adjacent properties was not met with what was before the Commission.

Commissioner Holte felt that language in The Roberts Company's letter to deal with Conditions 12 and 13 should be added in the conditions. He felt the formation of a Local Improvement District for the construction of the realignment of Walnut Street should be required.

Commissioner Molamphy would prefer to see the road situation worked out before approving. He felt the alignment of Walnut Street should occur before Lot 5 is developed and preferred the alignment that was shown on the second page of Exhibit 2 of the July 13, 2007 staff report.

Commissioner Milne asked how long the applicant had to record the subdivision.

Mr. Williams responded that it was one year.

Commissioner Taylor felt this was a huge burden on the property owner.

Chair Brown asked if you could allow the plat for half a subdivision.

Commissioner Taylor said you would not allow occupancy on Lot 5 until the road was done.

Commissioner Molamphy said that until he could see something on the road, he was opposed.

It was moved by Commissioner Holte to approve SUB 07-01 as amended in Conditions 12 and 13. It was seconded by Commissioner Milne. Motion carried 5-0.

DR 07-05 – 1st Student Bus Facility – The applicant requests approval to construct a bus barn facility on a 4.87 acre vacant lot located on the North side of SE Township, west of the Molalla Forest Road.

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. Chair Brown and Commissioner Molamphy stated they had visited the site. No questions were asked of the Commissioners.

Carla Ahl presented the staff report. The site is located between SE Township Road and SE 4th Avenue. The Logging Road Trail is to the east and Canby Disposal is to the immediate west.

The bus facility was once located between SW 2nd and SW 4th Avenues across the street from Canby High School. They moved to the Barlow area and are now looking to relocate back in Canby.

The area is designated as M-1 (Light Industrial). Properties to the west and north are also zoned M-1, across the Logging Road to the east the property is zoned M-2 (Heavy Industrial) and to the south is Baker Prairie Middle School which is zoned R-1 (Low Density Residential).

The applicant discussed the possibility of locating the bus facility at this location during the April 23, 2007 Planning Commission meeting. A bus facility is not listed as an outright use in any zone, but the M-1 zone does allow such uses as automotive repair shops, contractor equipment storage and "other uses as determined by the Planning Commission". The Planning Commission decided in a 4 to 1 decision to allow the bus facility in the M-1 zone as an outright use.

A 60' wide access is proposed from SE Township Rd, there are no plans to access the site from SE 4th Avenue. An office area of 3,150 sq. ft. and a 4,550 sq. ft. maintenance building would require 16 parking spaces; the applicant has proposed 101 passenger spaces due to the high volume of drivers they employ.

The applicant has proposed 73 bus parking spaces. The parking area for the passengers will be separate from the parking area for the buses.

The Park and Recreation Board has had discussions in the past regarding establishing a pedestrian access to the Logging Road from this property. With the Baker Prairie Middle School ADA accessible access on the south side of the school, the pedestrian access on the south side of the school property and the newly created access from the Perman Professional Village development to the north, this access was deemed unnecessary by the Parks Director.

Chair Brown asked what the minimum parking requirements for such an application were and if there was a lighting plan.

Ms Ahl said that 16 spaces are required, but the applicant was proposing 101 because of the type of business.

Commissioner Taylor had concerns about the stormwater and surface water in the parking lot.

Ms Ahl said it would all be contained on the site.

Mr. Williams said that the lighting was handled in Condition 16.

Applicant: Dean Zarosinski, engineer for the applicant stated that the building and site would be a bus facility completely fenced with an electronic gate. The stormwater would have a surface infiltration. There was no loading dock with the building. The color scheme would be similar to KB Recycling of off beige and a green roof. The Douglas firs on the landscape plan had been replaced with maples.

Commissioner Molamphy asked if fuel would be stored on site. Mr. Zarosinski said no fuel would be stored on site.

Commissioner Taylor asked if the 4 foot siding would be brick. Mr. Zarosinski said it would be a decorative masonry.

Mr. Kahut said it would be a brick type.

Commissioner Molamphy asked if Mr. Zarosinski had any response to the traffic study of Lancaster Engineering on page two that spoke to the intersection of SW Township Road and S Ivy Street which is currently operating at high delays.

Mr. Zarosinski said he had no response.

Commissioner Molamphy expressed frustration that the bus company did not have a representative present to discuss the traffic issues with the Commission.

Chair Brown asked about lighting of the facility.

Mr. Zarosinski responded that because of the early morning and late evening requirements the bus company wanted lighting for the safety of the employees.

Chair Brown asked if all the parking spaces had adequate back up area for spaces 17 and 18.

Mr. Zarosinski said that they would be used for smaller buses and each bus had an assigned spot depending on the size that would be used all the time for that bus.

Chair Brown asked if the parking lot would be gravel.

Mr. Zarosinski said it would be fully paved.

Commissioner Holte said he was in favor of the project but upset no one was present to address the traffic issue.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Taylor said the application looks okay and had a lot of trees. He felt the elevations were very plain and would like more information on the traffic issue.

Chair Brown said that the Commission could require a plan for the traffic.

Commissioner Milne felt it was an excellent use of the parcel. She liked the landscaping, security fence and the alignment to the middle school of the entrance.

Commissioner Holte moved to hold the application to the next regular meeting in order to hear more information on the traffic issues. There was no second.

Chair Brown said the site was not great for industrial use, but the bus facility was an effective use for the site. He said a school bus service operational plan could be required before occupancy.

Commissioner Taylor asked about the colors of the facility and asked that the Planning Department review this with the applicant.

It was moved by Commissioner Molamphy to approve DR 07-05 as amended with Conditions for a school bus service operational plan to be approved before occupancy and colors for the building to be reviewed by the Planning Department. It was seconded by Commissioner Holte. Motion carried 5-0.

III. NEW BUSINESS

NCS 07-02 – McCormick/Allen – 431 SW 3rd Avenue – Expansion of a Nonconforming Structure – Remove existing garage and build a new larger garage

Carla Ahl presented the staff report. The applicant is requesting approval to replace an existing nonconforming garage and shed room located at 431 SW 3rd Ave. with a larger garage using the same setbacks. Currently the garage is 2' 4" from the south property line. The applicant stated the need for the replacement is because the roof is leaking, the whole building is leaning away from the house and the garage door cannot be secured.

The applicant proposes demolishing the existing garage and shed room and building a new attached garage. The addition would duplicate the existing roof line of the house, be painted in coordinated colors and trimmed in the same manner as the existing house. The applicants will use the fire resistant siding as recommended by the Fire Department. The applicants believe this garage will be more functional for them and would be an attractive addition not only to their property but to the neighborhood.

The Planning Commission approved changes in the Zoning Code recently (TA 07-01) to allow applications such as this. This change followed a Planning Commission interpretation in 2004 on this issue. In 2004 the Planning Commission told staff that replacement structures would generally be viewed favorably if there is a demonstrated need for replacement and the new structure is well-designed.

Chair Brown asked if the neighbors had been notified. Ms Ahl said that she had suggested that the applicants talk with their neighbors before submitting the application as they would receive notice after the decision of the Planning Commission.

Commissioner Taylor asked how high the new garage would be. Ms Ahl said it would be the same at the edge, but increase towards the center of the roof.

The applicants, Brett Allen and Katrina McCormack said the current garage was an eye sore for the neighborhood and not functional for them. They have consulted with the Fire Marshall who suggested a Class A siding (non-combustible) and eve soffets due to the distance between the garage and the neighboring home. Mr. Allen said he had been trying to contact the neighbors, but they were out of town.

Commissioner Holte felt it was clean and nice.

Commissioner Milne commended them for the investment in their property and neighborhood.

Commissioner Taylor asked about the height of the garage. Mr. Allen said it would be 8 feet at the edge and 10 ½ feet at the center.

It was moved by Commissioner Holte to approve NCS 07-01 as presented. It was seconded by Commissioner Milne. Motion carried 5-0.

Mr. Williams asked the Commission if they wanted to continue to see applications such as this one; or did they want the staff to handle such applications.

Chair Brown said he would like to see expansion of non-conforming structures, but felt that staff should handle replacement of existing non-conforming structures that were not expansions.

The other Commissioners concurred.

IV. FINDINGS

DR 07-04 – American Steel - Commissioner Molamphy moved to approve the findings for DR 07-04 as presented. Motion seconded by Commissioner Holte and passed 5-0.

SUB 07-01 – J.B.S. Estates, LLC – Mr. Williams read the modified language for Conditions 12 and 13 as requested by the Commission. The language that was added to Condition 12: “The Plat shall include a reservation for the future Walnut Street realignment as shown on the second page of Exhibit 2 of the July 13, 2007 staff report. The subdivider will provide a waiver of remonstrance regarding formation of a Local Improvement District for construction of the realigned S. Walnut Street.” The language that was added to Condition 13: “Walnut Street shall be improved as shown on the second page of Exhibit 2 of the July 13, 2007 staff report.” Commissioner Molamphy moved to approve the findings for SUB 07-01 as amended. Motion seconded by Commissioner Taylor and passed 5-0.

DR 07-05 – 1st Student Bus Facility - Commissioner Holte moved to approve the findings for DR 07-05 as amended. Motion seconded by Commissioner Taylor and passed 5-0.

V. MINUTES

July 9, 2007 - Commissioner Milne moved to approve minutes of July 9, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

VI. DIRECTOR’S REPORT

John Williams announced that the August 13th Commission meeting would be cancelled as there were no public hearings scheduled.

Chair Brown asked when the unit on the top of the Willamette Falls building would be brought into compliance with the conditions of approval.

Mr. Williams indicated that staff was working on the situation and would be bringing this back to the Commission in the near future.

Commissioner Molamphy said that he had driven past the American Steel facility in Portland and was very impressed with how well the property was maintained. He felt it had been always taken care of and was pleased to have the business coming to Canby.

City Councilor Tony Helbling announced that there was one vacancy on the Planning Commission and urged any interested person to contact the City for an application.

Chair Brown commented that the Commission had received a copy of the City Council Goals and was pleased to see a goal of mater planning for all undeveloped areas in Canby's urban growth boundary.

VII. ADJOURNMENT