

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 28, 2008
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Bruce Holte, Misty Slagle and Jared Taylor

ABSENT: None

STAFF: Melissa Hardy, Associate Planner; and Jill Thorn, Planning Staff

OTHERS PRESENT: Gary Spanovich, Jim Shaver, Mark Ferris, Jack Benson, Bob Cornelius, Larry Pelatt, Dirk Borges, Chuck Kocher

I. **CITIZEN INPUT** None

II. **PUBLIC HEARINGS**

DR 08-02/CUP 08-01 – Canby Utility Board – Site and Design Review and Conditional Use Permit application for construction of 2 million gallon water reservoir at 440 SW 13th Avenue. The proposed water reservoir will be located on a 1.9 acre property that is zoned R-1 (Low Density Residential) with a Comprehensive Plan designation of P (Public).

Chair Ewert 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.

Melissa Hardy presented the July 21, 2008 staff report for the record.

Ms. Hardy stated that staff concluded the application meets all approval criteria.

Commissioner Taylor asked for clarification concerning the chain link fence. Ms Hardy said the applicant could respond to that question.

Commissioner Taylor asked if there were standards to manage 4 million gallons of water. Ms Hardy stated that Condition 8 would require the applicant to submit an emergency plan.

Applicant: Gary Spanovich of Spanovich & Associates representing the applicant stated the applicant was happy with the process and generally okay with all the conditions. He stated that two tanks had always been planned for the site. He stated that at this time they would probably leave the fence alone and just remove the cedar slats and use landscaping to separate the site from the neighbors.

Mr. Spanovich requested that Condition 4 dealing with irrigation be modified to allow temporary above ground irrigation for three years and then be removed. The reason for the request was the original landscaping did not require irrigation and they intend to remove the rodent attracting landscaping and replace with landscaping that did not require irrigation after three years for conservation reasons.

Mr. Spanovich also requested a modification to Condition 8. Mr. Spanovich stated that tanks were built not to have catastrophic problems. He requested the Condition 8 be modified to allow a two to four foot high earthen berm to be built along the perimeter of the site as the emergency water containment plan.

Jim Shaver of Pace Engineering said the soil was river gravel which would help in absorbing water and that a berm that was higher was not possible because of the size of the tanks.

Mr. Spanovich stated that the new tank would be built and put into use, and then the current tank would be drained, refurbished inside and out and finally painted. This work would begin one year after the new tank was completed.

Commissioner Taylor felt that installing the irrigation system for three years was not a problem as it would conserve the use of water.

Commissioner Ewert stated from his view it looked like the site would be clear cut.

Mark Ferris, landscape architect for the applicant, stated they would be saving as many of the trees as possible and adding additional landscaping.

Commissioner Ewert asked what the neighbors would see when the project was completed. Mr. Ferris stated that there would be plantings like a laurel hedge.

Commissioner Ewert stated he did not feel good about the response of the two to four foot berm would do if the tank ruptured. Mr. Shaver stated the tanks were designed not to rupture and the berm was a reasonable solution and would accept the water of one tank.

Mr. Spanovich stated that because this will be a public works project, there is a one year warranty and they did not want to take the first tank off line until that period had passed and was requesting that the refurbishing and painting of the current tank to happen after that one year period.

Proponents: None

Opponents: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Milne stated she felt the fence height was adequate and agreed with the request for the above ground irrigation for three years. She stated she had no concerns about the berm being adequate.

Commissioner Holte stated he would like to see how the berm would look.

Commissioner Slagle complimented the applicant on the creativity on the irrigation system.

Commissioner Taylor was concerned about containment, but felt the new tank was very secure. He felt the above ground irrigation was a good solution.

Commissioner Ewert wanted to address in the conditions what would be planted on the berm rather than leaving that undefined.

At the request of Mr. Jack Benson the Commission agreed to re-open the public hearing to hear Mr. Benson's neutral testimony.

Jack Benson stated the current tank was in his back yard and raised issues of security. He stated he was not opposed to the tank, but was concerned about people running through his backyard. He also stated that the fence was in poor condition and would like to see the slats replaced.

Rebuttal: Dirk Borges, General Manager for Canby Utility Board said that CUB would be happy to replace the slats.

Commissioner Ewert asked if there had been any mitigation to discourage people from entering the property.

Mr. Borges stated that extra lighting would hinder rather than help the situation.

Chair Ewert closed the public hearing.

It was moved by Commissioner Milne to approve CUP 08-01/DR 08-02 with the following changes to the staff recommendation. Condition 3 to include a landscape plan for the berm; Condition 4 to allow temporary above ground irrigation for a minimum three years from the date of the final occupancy permit; Condition 7 modified that the existing water tank must be repainted within two years of final occupancy of the new tank; and Condition 8 to require the applicant to build a berm of two to four feet in height along the north, east and west perimeters of the property, and that is designed in the event of any emergency water release to keep such waters from flooding neighboring properties.. It was seconded by Commissioner Holte. The motion passed 5-0.

III. NEW BUSINESS None

IV. FINDINGS None

V. MINUTES

June 23, 2008 - Commissioner Slagle moved to approve minutes of June 23, 2008 as presented. Motion seconded by Commissioner Milne and passed 5-0.

VI. DIRECTOR'S REPORT Melissa Hardy stated that the three annexations had been approved by the City Council for placement on the November General Election ballot.

She also stated that a representative from the Public Works Department would be at the September 8th meeting to provide information on the sidewalk improvement project and any other public works questions the Commission had.

VII. ADJOURNMENT