

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 13, 2009
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Sean Joyce, Misty Slagle and Jared Taylor

ABSENT: Commissioner Ishah Ahumada and Chuck Kocher

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

OTHERS PRESENT: Eric Wilson, Trent Warren, Ken Hostetler and Mike Wellman

1. CALL TO ORDER

2. CITIZEN INPUT **None**

3. PUBLIC HEARINGS

a. Nonconforming Structure or Use to replace two legal nonconforming wall signs with one new nonconforming wall sign – Napa – 505 SE 1st Avenue – NCS 09-01.

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, Associate Planner presented the June 30, 2009 staff report for the record.

Commissioner Milne stated the sign being replaced is simply one light bar and felt it would tie the building together.

Commissioner Joyce asked what makes it a sign instead of a light. Ms Hardy responded that the code defined many things as signs, such as sculptures, symbols and graphics.

Applicant: **Eric Wilson** – stated that there was another previous sign that was about to fall down and he removed it for safety reasons. He felt the illuminated light bar would look better than the existing signs.

Commissioner Ewert asked if the bar came in other sizes. Mr. Wilson said they did, but he had already purchased this size before the sign code was changed, but had not been able to get it installed until now.

Commissioner Taylor asked why another standard type sign was not proposed. Mr. Wilson said it was all one building with the roof lines being different.

Proponents: **None**

Opponents: None

Neutral: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Taylor stated that there was no reason to have a sign code and not enforce it. He stated he would oppose the application.

Commissioner Joyce stated the light bar did tie the building together and met the intent of the code. He felt it would hopefully eliminate confusion and was more pleasing.

Commissioner Slagle felt the proposal was more pleasing than what is there now and had no problem with the application.

Commissioner Milne stated she could not see making the owner spend more money. She felt an illuminated light bar was not a sign and it would tie the two buildings together.

Commissioner Ewert said he agreed with Commissioner Taylor that since we had a sign code, it should be enforced. He didn't think the code was intended for things of this nature. He felt it was a good effort to tie the building together.

Commissioner Milne moved to approve Nonconforming Structure or Use application NCS 09-01 as presented. It was seconded by Commissioner Slagle. The motion passed 4-1 with Commissioner Taylor voting no.

b. Site and Design Review to construct a single story 2,033 sq ft commercial building and accessory parking lot – Warren Medical Building – 1507 SE 3rd Court – DR 09-01.

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, Associate Planner presented the July 1, 2009 staff report for the record.

Commissioner Slagle asked if lights in the parking lot were being proposed. Ms Hardy said the code did not require lights, and the applicant was not proposing to install any parking lot lighting.

Commissioner Joyce asked if any of the lots on 3rd Court were had buildings. Ms Hardy stated there was one medical building already built on the lot that is on the other side of the driveway.

Commissioner Joyce voiced concerns about the parking during construction.

Commissioner Milne asked staff to elaborate on the requirements for pedestrian access and extending the walkway to the next lot. Ms Hardy said it was to encourage and accommodate alternate forms of transportation such as pedestrians and bicyclists.

Commissioner Milne stated she felt three bike parking spaces would not be used and one ADA parking space would not be adequate.

Ms Hardy responded that in each case that was the minimum required by the code, but that the applicant could install more bicycle parking or more handicapped parking if he felt he needed it.

Applicant: Mike Wellman – Architect for the project – stated all of the existing sidewalks were already 5 feet wide; the bike parking as shown in the drawings would be put in. He said the driveway on page C1 met ADA requirements. He felt the sidewalk extension to neighboring properties was a bad idea for safety reasons. He said the landscape plan was drawn to 8 scale and met the criteria.

Commissioner Slagle asked if the landscape, if the walkway was extended, was a problem. Mr. Wellman stated that it wasn't because of the grade.

Commissioner Ewert asked how much the grade was. Mr. Wellman said it was a 1 / 2 slope and discussed his intention to install a retaining wall system.

Commissioner Milne asked what the depth of the lot was. Ms Hardy said it was 117.29' x 93.6'.

Ms Hardy asked Mr. Wellman where the retaining wall was shown on his plans. Mr. Wellman responded it was on the civil plans, but felt it would go away and not be an issue.

Proponents: Ken Hostetler – Mr. Hostetler stated he was the contractor for the project. The light pole will have to be re-sighted. The business hours would be until 6 PM. He felt the current sidewalks were sufficient for connectivity.

Commissioner Taylor asked if it would be possible to make the sidewalk at the site's grade and the neighbor could then make their site to that grade. Mr. Hostetler said it could possibly be used for bike parking.

Trent Warren – Owner – He indicated he was there to answer any questions. He also stated that the color of the building is restricted by CC&Rs.

Commissioner Ewert asked how many employees would be at the site. Dr. Warren said that daily there would be 5 to 6 employees.

Commissioner Ewert asked what the average turnover of clients was. Dr. Warren indicated they had 30 to 40 patients daily.

Commissioner Ewert asked about the signage. Ms Hardy said that the applicant has stated that his sign proposal will be submitted later.

Opponents: None

Neutral: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Taylor said he felt the pedestrian access and connectivity was necessary because the use of the building, or a neighboring building, could change at a later date. He felt

it was reasonable thing to ask to allow the neighbor to adjust to grade. He would like to add a condition for the retaining wall. He said the color of the building siding should be compatible, but not necessarily tan and should be handled by staff. He didn't think a lot of lighting was needed.

Commissioner Milne agreed with Commissioner Taylor on the color and felt that Condition 8 should be modified.

Commissioner Taylor said Condition 2 should be modified so that if the plans were correct, they would not need to be revised and could be submitted as is.

Commissioner Ewert felt Condition 8 should be dropped as the property had CC&R's that governed color. He would have rather have seen the drawings with the grade and retaining wall. He felt a new Condition 8 was needed to deal with the retaining wall. He felt Condition 5 should be modified to require signs to deal with the No Parking and not allow painting the curb for no parking.

Commissioner Joyce asked for a new Condition 11 to deal with the construction parking and sight distance.

Commissioner Milne moved to approve Site and Design Review application DR 09-01 as presented with the following modifications: Revise Condition 2 to remove the word "revised" modify Condition 5 to allow only signs; remove Condition 8 and replace with a condition about the retaining wall and add a Condition 11 to prohibit parking of vehicles and equipment on Redwood and SE 3rd Court 40 feet from the intersection during construction. It was seconded by Commissioner Taylor. The motion passed 5-0.

c. Municipal Code Title 16 Land Development and Planning Ordinance Text Amendment for the purpose of regulating temporary vendor activity on private property – TA 09-02.

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, Associate Planner presented the July 1, 2009 staff report for the record.

Applicant: None
Proponents: None
Opponents: None
Neutral: None
Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Ewert stated he felt the application process could be more labor intensive than staff anticipates. Ms Hardy said that after processing several applications, staff will have a better idea.

Commissioner Slagle asked if the enforcement would be by the Code Enforcement Officer. Ms Hardy said it would.

Commissioner Milne felt the language dealing with “no public safety incidents have occurred” was too broad.

Commissioner Ewert wondered if Item F dealing with generators needed to be addressed in regard to noise. He felt a vendor could operate 24 hours a day.

Commissioner Taylor said the City deals with noise in the nuisance section of the code and this situation would be covered.

Commissioner Ewert said the amendment was well crafted and as good as it gets, but personally he did not feel it met the criteria. He felt there was no public need for the change.

Commissioner Taylor stated he felt the amendment added more control and did meet the criteria and that there is a public need for the change because the current code does not control these activities at all, and this will create standards for these uses.

Commissioner Milne felt the amendment will have more teeth and would benefit the public.

Commissioner Taylor moved to recommend to the City Council approval of TA 09-02 as presented. It was seconded by Commissioner Joyce. The motion passed 4-1 with Commissioner Ewert voting no.

4. NEW BUSINESS None

5. FINAL DECISIONS

a. NCS 09-01 – Napa - It was moved by Commissioner Joyce to approve the written findings for NCS 09-01 – Napa – as presented. It was seconded by Commissioner Taylor. The motion passed 5-0.

b. DR 09-01 – Warren Medical Building – Bryan Brown, Planning Director, said that staff would make the changes to the findings and conditions the Commission approved at the close of the public hearing and route the document via email to the Commissioners for their approval. It was moved by Commissioner Milne to await the electronic version with the changes for DR 09-01, upon receipt of the Findings each Commissioner would respond via email their approval or disapproval. It was seconded by Commissioner Taylor and passed 5-0.

Commissioner Slagle asked if by sending the findings to each commissioner’s personal email made the commissioner’s entire email a public record. Commissioner Ewert asked that staff research the question and if it was possible to have the City could set up an email address for each commissioner on the City’s system.

Mr. Brown said the staff would make the changes to the findings and conditions as directed and notify the Chair to stop by the office and sign the document.

It was moved by Commissioner Taylor to approve the written findings for DR 09-01 – Warren – as submitted and modified in the Public Hearing. It was seconded by Commissioner Milne. The motion passed 5-0.

6. MINUTES

June 8, 2009 - Commissioner Milne moved to approve minutes of June 8, 2009 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

7. ITEMS OF INTEREST FROM STAFF – Bryan Brown reported that members of the Commission received copies of the City Council goals.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT