

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – December 12, 2011
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Vice Chair Janet, Commissioners Chuck Kocher, Sean Joyce, and Randy Tessman

ABSENT: Chair Dan Ewert and Commissioners Misty Slagle and John Proctor

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, Renate Mengelberg, Economic Development Director, Dan Drentlaw, Urban Renewal Project Manager and Laney Fouse, Planning Staff

OTHERS: Brian Hodson, City Council Liaison; Tom Pettit, Village on the Lochs owner; Mark Ellingson, Pacific NW Engineering; Michael Cerbone, Cardno WRG; Bev Doolittle, Canby Chamber of Commerce; Manfred Zysk, Scott Sasse, Barry Lucas, Matt Zacker, Greg Mitchell, Josef Fleischman, Solomon Jacobsen, Roger Skoe, and Phil Shepard

1. **CALL TO ORDER** 7:00 pm

2. **CITIZEN INPUT-** None

3. **PUBLIC HEARING:**

- a. Continued Public Hearing - Consider a request from Tom Petit for approval of a **Site and Design Review and Conditional Use Permit (DR 11-04/CUP 11- 02)** application for a 10-unit manufactured home park on property adjacent to the existing Village on the Lochs manufactured home park on S. Elm Street.
Staff: Bryan Brown, Planning Director

Vice Chair Milne opened the public hearing. Commissioners indicated no exparte contacts, no conflict of interest and Commissioners Tessman, Kocher and Vice Chair Milne visited the site but drew no conclusions.

Staff Presentation:

Bryan Brown, Planning Director entered his staff report into the record and reported on the additional information provided by the applicant for the Phase II addition to the Village on the Lochs manufactured home park. The staff report addresses the issues from the Public Hearing on October 10, 2011 Planning Commission meeting. He said the applicant has submitted a revised plan addressing previously identified issues: the flood plain issue; elevation of the pad sites; and lowest floor elevation of the units. Staff feels the height for the units is quite adequate and meets flood plain requirements, drainage, on-street parking, visitor parking, site distance, sidewalks, and landscaping

Mr. Brown asked Commissioners if they had any specific questions about the list of conditions.

Chair Milne called for questions from the Commissioners.

Commissioner Kocher asked if the low shrubbery was proposed instead of the street trees which were indicated on the site plan to be placed in the area adjacent to the Elm Street frontage. Mr. Brown responded that the site plan still indicates street trees.

Mr. Brown said he did not have time to resolve the mailbox locations that are shown to be on Elm St. on the uphill side and the mailboxes may prove to be a site issue.

Applicant Presentation:

Tom Pettit, applicant and Mike Ellingston, Pacific NW Engineering presented a slide presentation to address the issues of their site plan. It covered drainage issues, parking, the Flood Hazard Designation, and showed the base flood elevation line. Mr. Ellingston explained how they arrived at the base flood elevation (BFE) for each site. He said where the stream comes out of the channel by the road, the BFE is 111 feet and at the bottom of the property the BFE is at 110 feet.

Mr. Ellingston's slides showed the direction and amount of storm water runoff in the new park. Vice Chair Milne asked what type of storm was the information was based upon. Mr. Ellingston responded their calculations were based on a 25-year storm. Mr. Ellingston said that to take care of the water coming off the roadways they are putting in some bio-swales to process and slow down the water. He said there will be two bio-swale locations, one in Lot 5 and one in Lot 7.

To address wetlands preservation, Mr. Ellingston said they have building setbacks on each site. He said they have proposed a concrete landscape curb strip along lots 5, 6, 7, 8 along with signage indicating it is a protected wetland. Mr. Brown asked Mr. Ellingston to address staff's alternative suggestion of using a split rail fence. Mr. Ellingston said they are still proposing to do the curb instead because it does not set up a barrier therefore, leaving the wetlands open to the residents and general community.

Mr. Ellingston said that as far as parking and sidewalks they are going to restrict parking on the streets. He said the mailboxes will be placed wherever the Postmaster and City agree upon. Mr. Ellingston said as far as landscaping goes they too would like to eliminate the street trees in order to have a good line of site.

Vice Chair Milne called for questions from the Commissioners.

Commissioner Kocher asked if access to the existing trails would be lost because of the development. Mr. Ellingston pointed out that the access area for the trails will not be on private property.

Vice Chair Milne asked about the location of the proposed one tree on each lot. Mr. Ellingston said the location of the tree was not set in stone but one tree will be required at the time of occupancy.

Vice Chair Milne said she could see the advantage to the entire property if deciduous trees were planted on the west side of property.

Commissioner Joyce asked if the entire property is inside the flood plain and if the applicant applied for a LOMA if that would bring the property out of the flood plain. Mr. Ellingston said that only lots 4, 5 6 and 7 were in the floodplain. Mr. Pettit said it was their intention to apply for a LOMA which could potentially bring those properties out of the flood plain. He agreed with Vice Chair Milne that it would be beneficial to the homeowners for insurance purposes.

Commissioner Kocher asked if the units were actually tied to ground. Mr. Pettit responded it was required by code to meet earthquake standards.

Commissioner Tessman asked where visitor parking would be located. Mr. Pettit said visitor parking would be located at lot 6.

Commissioner Joyce asked if the elevations for the pads would change if they got the LOMA. Mr. Ellingston said the elevations are based on the contour of the land.

Vice Chair Milne thanked Mr. Ellingston for bringing the slide show.

Public Testimony:

Proponents: None

Neutral: None

Opponents: Manfred Zysk lives at top of the hill on S. Elm St. and sees safety issues with the development for S. Elm St., especially the large delivery trucks having no turnaround that would have to back out on Elm St. He's worried about vehicles speeding down the hill and possible accidents. He also thinks the expansion needs a separate sewage system.

Applicant Rebuttal:

Mr. Pettit said the turnaround meets the needs of an emergency service vehicles and delivery trucks. Mr. Brown said the applicant has agreed to restrict parking on both sides of the street which will assist in trucks being able to turn around and thereby eliminating the need to back out. Mr. Pettit said parking on Elm St. is currently happening in Phase I of the park and, according to management, it is monitored by the city's enforcement division.

Mr. Pettit said the original sewage system's pump station was designed to handle the additional sites.

Mr. Ellingston said the speed study determined that 85% of the cars traveling on the downhill curve are going 32 mph or less. Commissioner Kocher said he drives a 15-passenger bus into the park quite frequently and the only problem he sees is if there were trees in the curve; otherwise he doesn't see problem. He would like to see low vegetation planted on the downhill curve.

The Commissioners and the applicant are agreeable to whatever decision is made between the Postmaster and the City of Canby on the location of the mailboxes.

Vice Chair Milne closed the public testimony part of the hearing.

Commission Discussion:

Commissioner Kocher said he wants low vegetation in the 25-foot buffer.

Commissioner Tessman asked if the Commission was going to waive the street tree policy. Vice Chair Milne replied yes, because it was a safety issue.

The Commissioners favored the concrete curbing as a better long term solution over the split rail fence which would require ongoing maintenance.

Commissioner Tessman said the only concern he had with the base floor elevation was with the drainage but that it would be addressed in the construction process.

The Commissioners were all in agreement about the restricted parking inside the manufactured home park. Commissioner Kocher said parking on S. Elm St. has not been a problem because it is not a main thoroughfare. He said most of the people who use this street are the people who live there.

Commissioners were in agreement about the five guest parking spaces. Mr. Brown said Planning had included a condition that guest parking spaces will be required.

Commissioner Tessman said the line of site issues are an overriding concern for cars entering and exiting the park. He said the trees offsite may need to be addressed and the applicant may need to contact the person who owns the property.

Vice Chair Milne asked about the rotation of the Canby Police speed sign. Mr. Brown said that it was included as a condition of approval.

Commissioner Joyce voiced concerns about the line of site distance and asked if it should be increased and by how much distance. Mr. Brown said, based on the findings of the speed study, the applicant has agreed to meet and comply with the 280 foot site distance stopping standard by eliminating the vegetation. Commissioner Joyce said he sees a liability associated with approving this when a registered engineer states that the site line distance needs to be increased. Mr. Brown explained that with the engineer's suggested speed control sign used on rotation there will not be a problem and with Conditions 7 and 15 they are addressing the traffic engineer recommendations.

Vice Chair Milne said, perhaps by developing the property this may help to reduce the speed. Commissioners Tessman and Kocher agreed.

Commissioners agreed to delete Condition 4 requiring a split rail fence.

Commissioners agreed to change Condition 5 to "On-street parking shall be disallowed on interior private streets."

Commissioners agreed to change Condition 8 to include 5 additional trees in the 15 foot wide buffer. Mr. Brown said in Condition 8 an irrigation system is required within the front setback on Elm St. Vice Chair Milne ask that they consider a temporary irrigation system when that plan is submitted.

Mr. Brown suggested the wording on Condition 10 be changed regarding the location of the mailboxes. It was agreed upon that the wording will be determined in the final order.

Mr. Brown said that Condition 22 addresses concerns about the sanitary sewer system. He said Planning would make sure the City engineer evaluates and makes certain the pump station will accommodate the Phase II addition because that proof has not yet been submitted.

MOTION:

A motion was made by Commissioner Tessman to approve Village on the Lochs Phase II – DR 11-05/CUP 11-02 with the following: delete Condition 4; we change the wording on Condition 5 to "On-street parking shall be disallowed/restricted on interior private streets"; we make a requirement in Condition 8 for five street trees, one per lot; and change the language in Condition 10. The motion was seconded by Commissioner Kocher as amended. The motion passed 4-0.

PUBLIC HEARING:

- a. Consider approval of a **Site and Design Review DR 11-05** for the redevelopment of the First Avenue corridor between Elm and Ivy. The site is approximately 0.3 acres and is zoned Downtown Commercial (C-1); and is within the Downtown Canby Overlay Zone (DCO). Staff: Angie Lehnert

STAFF PRESENTATION:

Angie Lehnert, Associate Planner entered her staff report into the record regarding the **Site and Design Review DR 11-05** for the redevelopment of the First Avenue corridor between Elm and Ivy Streets. The site is approximately 0.3 acres and is zoned Downtown Commercial (C-1); and is within the Downtown Canby Overlay Zone (DCO). Ms. Lehnert said this is an urban renewal project to revitalize downtown Canby to make it more attractive and a more pedestrian friendly city center. Ms. Lehnert said the private parcel in the parking lot is the only part of the project subjected to land use review. She said the project includes several improvements including widening sidewalks; bump outs at intersections to improve pedestrian safety, addition of street trees, and incorporating four pavilion structures.

Overall, Ms Lehnert said, the design complies with the code although there are some areas of deviation which include the 1) parking stall depth which does not meet requirements; 2) some of the driveways do not meet the City's driveway standards; 3) the setback for the pavilions is 16 feet; 4) floor area ratio requirement is not met but would not be applied to a parking lot; 5) the window transparency requirement will not apply to the windows of the restrooms, and 6) the maximum number of contiguous parking stalls before breaking it up with landscaping. Ms. Lehnert said the conditions of approval mainly apply to landscaping and lighting design. Staff will expect the applicant to meet the landscaping and lighting requirements along with other conditions of approval.

Ms. Lehnert said there was both written and verbal public testimony. She said there are concerns about the loss of parking, construction signage, consistent façade designs in the downtown area, and suggested tree species. She said the designs before the Commission were the result of extensive public outreach and consensus including consensus from business owners, public agencies, Public Works. A list of all the parties involved is included in the Public Involvement Summary.

Vice Chair Milne called for questions.

Commissioner Kocher said a lot people driving an RV or pulling a trailer are unable to find a place to park in the downtown area and we should be have a place to accommodate these bigger rigs. Commissioner Tessman said he hoped we would have busloads of people coming to town but we needed a place for the bus to park.

There was discussion about the parking spots being wide enough but shorter than normal and if the bigger rigs would be able to negotiate the parking lot. Ms. Lehnert responded that the code calls for a depth of 18 feet 9 inches but the applicant's are only 16 feet deep. Mr. Brown said staff felt the extra half foot of width accounted for the lack of depth and would allow the extended cabs with long beds the ability to park and back out of the spaces. Ms. Lehnert said the loss of most of the parking spaces is due to the railroad right away requirement. Mr. Brown said the railroad is requiring fence on the property boundary. Commissioner Kocher pointed out the total backup shown in the documents is 26.5 ft. and that should be enough room.

Applicant Presentation:

Michael Cerbone, Cardno WRG representing the City of Canby Urban Renewal Agency said he worked with an advisory group from the community -- First Avenue Working Group which consisted of council members, city employees, the Chamber of Commerce, the Planning Commission and residents. He said this group ultimately formed the recommendations that were taken to the Urban Renewal Agency for final approval. That same group, he said, also worked with the design team.

Mr. Cerbone said there were three community open houses where they brainstormed about the opportunities and constraints about this piece of property and discussed what the vision was for the downtown area. He said once the contractor is on board then another open house is being planned. He said that both he and the landscaped architect interacted with business owners and property owners.

Mr. Cerbone said the parking lot design meets the City's standard. He showed how their design would provide enough room to allow a street cleaner to be able to clean. In addition, he said they designed a smooth curb which allows for a 2 foot overhang thus making the parking spot 18.9 feet which meets City standards,

Mr. Cerbone addressed the condition of approval requiring pervious paving. He said pervious paving was optional at this point due to the cost.

Public Testimony:**Proponents:**

Scott Sasse said he thought the applicant did a good job but with the loss of the railroad property when fence goes up, parking will be an issue. He's opposed to the bump outs and trees on the sidewalk because business owners do not want them. As a landscaper, he said, he's sorry to lose the big trees but the design allows for a 3 to 1 replacement ratio.

Commissioner Kocher said he agrees with Mr. Sasse about sidewalk trees and bump outs.

Neutral:

Bev Doolittle, Director of the Canby Chamber of Commerce has been a part of the process since the beginning and said she fought hard for parking for businesses. She said, the parking has been lost and it's not something we can fix or replace. She said she believes the compromises are adequate. Once the construction starts it will hurt businesses she said, and the contractors will need to work with businesses because the construction is going to hurt them. She said she has been pleased with the process so far especially the open meetings.

Commissioner Tessman asked if there was full buy in. Ms. Doolittle said no and that there would not be full buy in especially with some of the business losing parking. Commissioner Tessman asked if the businesses realize it's not under the City's control. Ms. Doolittle said that once the police and transit buses are out there will be more parking.

Vice Chair Milne asked if Ms. Doolittle would share her opinion on the pavilions. Ms. Doolittle said she does not like them. She said she sees it more as a gathering transient area with kids hanging out and would rather see it open because it's just another thing that blocks storefronts.

Commissioner Joyce asked Ms. Doolittle about business concerns regarding the pervious paving. She said the businesses felt like there was not a need to spend a lot of money doing the bricks and dahlia design.

Opponents:

Barry Lucas from the American Legion and longtime resident said he doesn't like the project and believes the construction will cause some of the businesses to close as well as the lack of parking. He said he also does not like the trees that are planned for the parking lot because they block business storefronts.

Matt Zacker, part of the ownership group of Canby Rentals on First and Elm said he admires the process and the results because he thinks it will look nice. Be he's not sure if bringing foot traffic into the area is worth the cost. He agrees with the others that the City will lose some First Avenue businesses. He would like to see less trees and more parking as well as the streets open during construction especially to accommodate the bigger vehicles and trailers that frequent Canby Rentals.

Applicant Rebuttal:

Mr. Cerbone said it's possible not to have a pavilion on the property but the space could not be used for parking. The pavilions, he said, will provide for micro business opportunities.

Mr. Cerbone said the planned curb extensions are eight feet off the curb while the ones on 2nd Street are 17 feet off the curb due to diagonal parking. He explained that the curb extensions provide visual cues for pedestrian safety and serve as a traffic calming measure.

Mr. Cerbone said the standard they used to design the parking spaces was equal to a F350 crew cab, long bed truck. Accommodating RV parking in the downtown area would require larger parking spots because the RVs are wider and longer and this would take up a lot of space, he said.

Mr. Cerbone said only one or two businesses requested no trees on the sidewalks but more often than not the businesses said they did not want benches. He said they did not want to put anything in front of the businesses that the owners did not want there.

Mr. Cerbone pointed out that the parking spaces are going away and the railroad is still going to require a fence to be erected. He explained what type of trees that will be planted in the parking lot.

One of the biggest concerns, Mr. Cerbone pointed out, is the construction impacts and how they are going to be managed. He said phasing the construction into small areas will not make construction less painful. One of the keys is for people to know that the businesses are open, as well as safe and efficient access to the businesses.

Mr. Cerbone requested that the Commission to remove Condition 4 requiring pervious paving.

Commissioner Kocher asked if the construction would be done all at one time or block by block. Mr. Cerbone responded that it could be done either way. He said Dan Drentlaw would be the first line of defense in coordinating with the contractor to get the job done and Carndo WRG would be the second line of defense. He said one of the key things would be to look and see what the contractors are offering so the impact to the community would be lessened.

Vice Chair Milne closed the public hearing.

Commission Discussion:

Vice Chair Milne said she feels some people are not in favor of this project because they think that the City bought the railroad parking lot because they wanted to. She said the way it was explained to her was the City had leased the railroad parking for a long time, for which the City

paid a minimal amount of lease. The City, she said, learned that their lease was expiring and the railroad was not going to renew it unless the price was renegotiated to an amount that was well over six figures which put it out of the range of affordability. The City, she said, was forced into a position to purchase the property because it could not afford to lose the parking.

Commissioner Kocher said he likes the design, but not totally. He said he has a problem with closing off Ivy. He said he does not like the bump outs because of maneuverability issues for the bigger vehicles but overall feels it is a good plan.

Commissioner Tessman said he looks at the design issues and has some issues in excluding Condition 4 especially when they make that a requirement of others. He said he also has concerns with the depth of the parking spaces.

Vice Chair Milne said that the applicant explained that once you take into consideration the two foot overhang where the first tire hits the curb the depth meets the City's requirements.

Commissioner Tessman when he travels down 2nd Avenue he sometimes has to go into the other lane when someone does not park fully into the slot.

Vice Chair Milne said she does not share Commissioner Tessman's concern about pervious paving because it does not make sense for the City to spend the extra money for the pervious paving as well as maintain it since the water runoff is already being treated. Commissioner Tessman said the Commission has made that requirement for parking on another development. Commissioner Joyce agrees with Commissioner Tessman saying it is extremely hypocritical when it's required of the private citizens.

Commissioner Joyce said he has concerns about the trees on the sidewalk and impacts to the business and prefers that businesses have the opportunity to opt out. He said, he also has concerns with the pavilions as hangouts and wondered about the design of them. Ms. Lehnert said the pavilions are enclosed. Commissioner Tessman wanted to know why there were so many pavilions. Mr. Cerbone said the pavilions were made to anchor the corners and they want people to gather in those pavilions. Vice Chair Milne said the pavilions and trees add to the aesthetics.

Mr. Cerbone said this is unique circumstance because they are basically building a park that is a parking lot in the City's downtown that will serve multiple purposes.

Mr. Cerbone explained that it would not be necessary to tear apart everything that had been built when the Civic block is constructed.

There was more discussion regarding the pervious pavement. Mr. Brown said the matrix is still new and we are still testing it and the matrix is primarily applied to building situations where this project is pavilions and a parking lot. It makes it difficult, he said, when you try to apply it to an odd situation. Ms. Lehnert said the applicant met the other elements of design standards with high scores and would not have a problem with excluding Condition 4. She said they could make up the 2 points using drought tolerant species of trees. Vice Chair Milne said the reason for requiring pervious pavement was to reach the City's goal to reduce storm water runoff. Commissioner Tessman wanted to know if they would grant the same variance to other applicants. Vice Chair Milne said it was one item on the matrix but it isn't required, and that the matrix was designed to address buildings.

Commissioner Joyce had questions about the turning radius on Holly and Grant. Mr. Cerbone said they are working with the Fire Marshall.

Commissioner Tessman asked if this project goes on to the City Council and Vice Chair Milne said it did not; the Commission would we have final authority for this application.

Mr. Brown told the Commission that what they were approving was the railroad parking lot and not the street right-of-away was for the City and Community to decide.

Vice Chair Milne ask Commissioner Tessman if they were in agreement on condition #4. Commissioner Tessman said yes. Commissioner Joyce said he is concerned about removing the pervious payment condition, and if another applicant came in requesting the same thing, he feels they would be morally obligated to approve it. Mr. Brown said the findings would reflect why the Commission chose to delete Condition 4 because it's a design of a park and the stormwater runoff will be piped to a regional low-impact facility.

MOTION:

A motion was made by Commissioner Joyce to approve the conditions of approval for the Site and Design Review DR 11-05 with the exclusion of Condition 4, as submitted and seconded by Commissioner Tessman. The motion passed 4/0.

4. NEW BUSINESS - None

MINUTES - November 21, 2011

Commissioner Tessman moved to approve minutes of November 21, 2011 as written and seconded by Commissioner Kocher. Motion passed 4/0.

5. ITEMS OF INTEREST FROM STAFF –

Mr. Brown read a farewell/thank you letter to Vice Chair Janet Milne whose term will end on Dec. 31, 2011. Tonight was her last meeting.

Vice Chair Milne said, "It has been an honor, a privilege and a real pleasure to work with my fellow Commissioners and City Staff."

6. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

7. ADJOURNMENT: 10:25 PM.

(Approved by the Planning Commission January 9, 2012)