

**PLANNING COMMISSION
Meeting Agenda
Monday – March 26, 2012
7:00 PM**

City Council Chambers – 155 NW 2nd Avenue

**Chair Dan Ewert – Vice-Chair Randy Tessman
Commissioners Sean Joyce, Charles Kocher, John Proctor, Misty Slagle and Tyler Smith**

- 1. CALL TO ORDER**
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
- 3. PUBLIC HEARINGS - None**
- 4. NEW BUSINESS**
- 5. FINAL DECISIONS**

Note: These are final, written versions of previous oral decisions. No public testimony.

- a. Site and Design Review for Zoar Evangelical Lutheran Church located at 190 SW 3rd Avenue (DR 12-01)

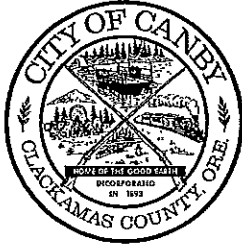
- 6. MINUTES**
March 12, 2012 Regular Planning Commission Meeting
- 7. ITEMS OF INTEREST/REPORT FROM STAFF**
- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
- 9. ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.

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BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY

A REQUEST FOR SITE AND DESIGN) FINDINGS, CONCLUSION & FINAL ORDER
REVIEW FOR THE PHASE II DEVELOPMENT) DR 12-01
OF A NEW CHURCH BUILDING) ZOAR LUTHERAN CHURCH
AT 190 SW THIRD)

NATURE OF THE APPLICATION

The City received DR 12-01, a Site and Design Review application, for the Phase II development of a new church building at 190 SW Third. The site is approximately 1.73 acres and is zoned Highway Commercial (C-2).

CRITERIA AND STANDARDS

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040. Other applicable code criteria and standards were reviewed in the Staff Report presented at the March 12, 2012 meeting of the Canby Planning Commission.

FINDINGS AND REASON

The Planning Commission held a public hearing on March 12, 2012 during which the Staff Report was presented. Staff recommended approval of the Site and Design Review application with conditions of approval in order to ensure that the proposed development will meet all required Code approval criteria.

Applicant Representative/Owner Testimony: Oral testimony was received from the representatives of Zoar Lutheran Church, stating that the applicant was able to meet the code criteria as presented in the Staff Report, with the following Planning Commission interpretations so that the DR12-01 application meets the intent and standards of the Code:

- The Planning Commission waived the loading requirements of 16.10.060.G due to the non-commercial nature of a church use; it was determined that loading berths are not needed for the proposed development.
- Flexible Code interpretation was required for the development to be in conformance with Table 16.49.040, Site Design Review Menu. The Planning Commission found that the loading requirement of the table was not applicable to this development. In addition, no arborist report was prepared and was therefore also not applicable. Thus, there were 60 total possible points for this development's Site Design Review Menu. In order to pass, the development needed 42 points to pass this table, with 9 LID points. The following items from the Site Design Review Menu required more Code interpretation so that the applicant would receive the necessary points to pass the Site Design Review Menu:
 - The applicant has indicated that their existing signs are approximately 24-25 square feet, thus earning points for the sign being <50% of the maximum size of 48 square feet. The applicant proposes to use the same signs currently in use. The Planning Commission determined that an approximate measure of the sign area was sufficient to receive sign

- size points from the Site Design Review Menu.
- According to the applicant, the total parking lot area is 17,602, which would require ~2640 sf of landscaping to reach the 15% landscaping requirement. The Planning Commission accepted the applicant's determination of what constituted the parking lot area and therefore the total required landscaping for the development's parking lot. Therefore, the parking lot landscaped area is ~3754, thereby earning points for 111-120% of parking lot landscaping.
- The development has a playground for use by the community, thereby earning 4 "park" points.
- The applicant indicated that they allow adjacent businesses to use their parking lot, thereby earning points for ≥50% shared parking.
- The Planning Commission determined that the interior landscaping island requirements of 16.49.120(E) are not applicable to this development. The Planning Commission made the interpretation that this section of the code only applies to large scale commercial developments and not a church, and/or that the addition of a landscape island within a row of parking spaces is not needed until 16 spaces exist in a row.

Proponent/Opponent/ Testimony: Oral testimony was received from one audience member in support of the project. In addition, written testimony was received that included topics including, but not limited to, general project support, engineering recommendations, plumbing recommendations, and communication infrastructure recommendations.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluded that the Site and Design Review application meets the Code approval criteria, and recommended that File #DR 12-01 for the Phase II development of a new church building at 190 SW Third be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 12-01** is approved, subject to the following conditions:

Design Conditions:

Prior to issuance of Building Permits the following must be completed:

1. Prior to development, the applicant must submit a detailed site plan demonstrating conformance with the parking standards of Table and Figure 16.10.070 by labeling all parking angles, the minimum stall widths, the minimum stall depths, minimum clear aisle widths, minimum clear stall distances at bay side, and minimum clear bay widths to ensure that the required parking dimensions are met.
2. Prior to development, the applicant must submit a detailed site plan and/or narrative demonstrating conformance with the bicycle parking standards of 16.10.100 prior to the final development of Phase II.
3. Amended from the original Staff Report Condition #3 per Planning Commission decision: The applicant will be required to bring all lights into conformance with the standards of 16.43, Outdoor Lighting Standards, and the standards of 16.10.070.A.5 pertaining to offsite light glare during future Phase III developments. If existing parking lot lights are non-conforming with the standards of 16.43, the applicant will be allowed to use any existing non-conforming lights in

association with this Phase II development. Any new lighting, including building lights, must be in conformance with the standards of Chapter 16.43, Outdoor Lighting Standards.

4. Prior to development, the applicant must submit a detailed site plan and/or narrative demonstrating conformance with the design menu standards of Table 16.49.040, including the following elements:
 - The applicant will be required to bring all lights into conformance with the standards of 16.43, Outdoor Lighting Standards. *If* existing parking lot lights are non-conforming with the standards of 16.43, the applicant will be allowed to use any existing non-conforming lights. Any new lighting, including building lights, must be in conformance with the standards of Chapter 16.43, Outdoor Lighting Standards. (*Amended from the original Staff Report Condition #4 per Planning Commission decision*).
 - Designated pedestrian walkways and not more than one crossings across the accessway drive from the parking lot an entrance
 - A narrative or similar illustrations detailing how at least 75% of the selected species are drought tolerant. The Code suggests using a species that is drought tolerant per Metro.
 - A site plan showing where pervious paving will be installed and showing that it is at least 10-50% of the total paved area of the development. Pervious paving materials may include grass pavers or porous concrete.
 - A detailed stormwater management plan that demonstrates on-site stormwater treatments and the disconnection of downspouts (Also see Design Condition #5 and Procedural Condition #10 regarding stormwater).
5. The development shall comply with the requests from agencies that submitted comments, including comments from:
 - Hassan Ibrahim, City Engineer, provided comments regarding driveway improvements, driveway materials, and ADA standards. Mr. Ibrahim also provided comments pertaining stormwater management and storm drainage plans. The development shall dispose of all stormwater on-site and shall be approved by the City Engineer, Public Works, and the Oregon Department of Environmental Quality (DEQ).
 - Darvin Tramel, City of Canby Environmental Services Manager/Industrial Pretreatment Coordinator, requesting that a City-approved grease removal device be incorporated into plumbing designs.
 - Dinh Vu, Canby Telcom, advising a 1" communications CAT5 conduit and other communications infrastructure options.
6. The applicant shall submit a landscaping plan with a narrative that demonstrates compliance with the Code requirements pertaining to the landscaping, tree protection, vegetative species selection, landscaping maintenance standards of 16.49.080, 16.49.090, 16.49.100, and 16.49.120.

Procedural Conditions:

Prior to issuance of Building Permits the following must be completed:

1. The applicant may submit the civil construction drawings separate from the building permit submittal package for final preconstruction conference sign-off approval.
2. A Pre-Construction Conference with sign-off on all final plans is required.

3. The property owner's design engineer shall provide 3 copies of the final Storm Drainage Report detailing infiltration and drainage analysis with the final construction plans submittal.
4. A Grading and Erosion Control Permits will be required from the City prior to commencing site work.
5. The building permit application shall include a revised set of all full size contract ready development plans (including site plan, landscape plan, elevations, etc.) which depicts each of the written conditions to the satisfaction of the City Planning Department. All written conditions must be met prior to final occupancy of the building unless otherwise noted.
6. Prior to the issuance of a building permit, installation of public utilities, or any other site work other than rough site grading, and construction plans must be approved and signed by the City and all other utility/service providers. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provision is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
7. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
8. Clackamas County will provide structural and mechanical review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must also be obtained from Canby Fire prior to issuance of a City building permit.
9. A non-residential wastewater survey must be submitted for review and approval prior to final building occupancy.
10. The development shall dispose of all stormwater on-site and shall be approved by the City Engineer, Public Works, and the Oregon Department of Environmental Quality (DEQ).
11. The applicant and the city shall receive approval from Clackamas County to build over the boundary between lots tax lots 31E33CD07000 and 31E33CD06600.
12. Approval of this Site and Design Review for Phase II plans, including the construction and occupancy of the new Phase II building, the demolition of the existing church, the construction of a replacement parking lot where the old church is removed, and completion of landscaping and lighting plans is specifically based on the completion of all of the above aspects in a logical and timely manner per the schedule submitted by the applicant.

I CERTIFY THAT THIS ORDER approving DR 12-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of January, 2012

Daniel K. Ewert, Chairman
Canby Planning Commission

Bryan Brown
Planning Director

Attest

ORAL DECISION: March 12, 2012

WRITTEN DECISION: March 26, 2012

Ayes: Ewert, Joyce, Kocher, Procter,
Slagle, and Smith

Ayes: _____

Noes: None

Noes: _____

Abstain: None

Abstain: _____

Absent: Tessman

Absent: _____

MINUTES
CANBY PLANNING COMMISSION
7:30 PM – January 23, 2012
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Commissioners Sean Joyce, Chuck Kocher, John Procter, Misty Slagle and Tyler Smith

ABSENT: Commissioner Randy Tessman

STAFF: Bryan Planning Director; Angie Lehnert, Associate Planner and Laney Fouse, Planning Staff

OTHERS: Jerold A. Rothi, Ronald S. Berg, David R. Wishman, and Jeff Scott

PRESENT:

1. **CALL TO ORDER 7:30 pm**
2. **CITIZEN INPUT - None**
3. **PUBLIC HEARINGS – Site and Design Review for Zoar Evangelical Lutheran Church located at 190 SW 3rd Avenue (DR-01)**

Chair Ewert opened the public hearing and read the public hearing format. He asked the Commissioners if they had any conflicts of interests and there were none. He asked if there was ex parte contact and there were none.

Angie Lehnert, Associate Planner entered her staff report into the record for the Site and Design Review for Zoar Evangelical Lutheran Church located at 190 SW 3rd Ave. The applicant's submittal is for Phase II of a three-phase development for a new church building. Angie stated this property is zoned C2 and is being considered highway commercial and is split into two tax lots. Angie stated this proposed addition includes a multi-purpose room, kitchen, storage and narthex with a bell tower, steeple and cross. Angie stated that once Phase II is completed, the existing church will be torn down and replaced with a new parking lot.

Angie stated the standards of Historical Protection Overlay and Historic Preservation were not applicable review criteria and therefore, not required. Angie said staff was requesting the Commission waive the loading requirements because of the non-commercial nature of the church.

Commissioner Smith asked why there were fewer points rewarded for more lawn grass. Planning Director Bryan Brown stated it was due to the promotion of xeriscaping and water conservation, so grass is actually discouraged. Mr. Brown said when the code was changed it included a push for Low Impact Design/sustainability measures in order to encourage landscaping that moved away from intense maintenance and water consumption to a more natural sustainable plan. Mr. Brown stated this LID standard applied across all zoning districts.

Angie stated the conditions of approval will include requirements for a more detailed site plan demonstrating compliance with parking standards, bicycle parking standards, and lighting standards, including parking lot lighting standards; designated pedestrian walkways; at least 75% drought tolerant plant species; a site plan to show where pervious paving will be installed; a detailed stormwater plan, comply with agency requests, submit a landscape narrative, and meet all other standard procedural conditions.

Angie stated the church property is divided into two tax lots, and part of their building crosses over the tax lot boundary. Angie stated despite efforts by the applicant to clear this up with Clackamas County, a solution had not yet been reported to staff.

Mr. Brown said he has concerns there may be difficulties for the applicant in obtaining a building permit from the County because they may be hesitant to issue a permit because the building would cross a property boundary of two tax lots and two different taxing districts.

There was discussion on what could be done to clear up the complication. The applicant stated they would clear up the tax lot boundary matter during their presentation.

Angie also requested some interpretation from the Planning Commission about the code requiring landscaping islands to break up rows of parking to apply only to large scale commercial development and not to a church.

Mr. Brown stated it was important that the applicant not decrease the usable amount of parking which exists on the site now. Mr. Brown stated that staff has proposed a condition of approval to address the plan for paving the new parking area once the old church building is torn down, but was unsure of any binding legal way to assure this plan is carried out.

Chair Ewert stated, they would have to answer to a higher power.

Commissioners had no questions for staff.

Applicant:

Applicants Ron Berg, Dave Wishman, and Jerry Rothi, members of the Building Task Force at the Zoar Evangelical Lutheran Church presented information about Phase II of their construction project.

Mr. Berg said they contacted the County about resolving the issue about the building crossing over the boundary lines. Mr. Berg said the County said all they would need was to get a deed restriction so one side of the property could not be sold without the other. Mr. Berg stated the deed restriction had been developed and the County wanted an additional statement that they be notified of any change of ownership. Mr. Berg stated the deed restriction should be signed and recorded by the end of the week.

Mr. Berg responded to the conditions of approval stating that parking will be at a 45-degree angle because there is not enough room for straight in parking and they already had two 40- lineal feet of rail in place for bike parking.

There was discussion regarding the applicant being able to meet the lighting standards by using the lights already on their property. Mr. Rothi stated their existing lights are the same as the ones called for in the code according to the information he had received from Planning.

Mr. Berg stated the pedestrian walkway will be striped, adjacent to the landscape strip, and the roadway crossing to the entrance will be marked as a crosswalk.

Mr. Berg said the drought tolerant plants will be provided by Clint Smith from Four Mile Nursery. Mr. Wishman stated they were advised by Mr. Smith that the plants will need to be watered for two years and then will be able to turn their watering system off.

Mr. Berg stated previous paving will cover the area of the parking lot as well as the area where the building is being torn down.

Mr. Berg stated their old building has four downspouts which drain into street and when this building is taken down so the downspouts will be disconnected. Mr. Berg stated they have a letter from DEQ confirming they have met all stormwater requirements and allowing the use of their two existing drywells. Mr. Berg stated they will provide a copy of the DEQ letter to the City. Chair Ewert asked for clarification from the applicant about being allowed to use their drywells. He stated that the City is trying to get away from using drywells and going to a different type of stormwater collection. Mr. Berg stated the DEQ letter allows them to use their two drywells for all three phases.

There was more discussion on the applicant's current lighting meeting the lighting standards and if the lights did not conform then the applicant would need to make them conform.

Mr. Berg stated he had met with the City's Environmental Services Manager Darvin Tramel who was completely satisfied with their stormwater plan; the only question was about using the proper grease trap.

Mr. Berg stated the telephone had already been moved into the communications room during Phase I; the landscaping narrative will be available in next couple of days and that the property will no longer have grass.

Chair Ewert called for questions from the Commissioners and there were none.

Opponents – None

Proponents –

Jeff Scott, stated he was in full support of this new church building and was excited to see Phase II happening and that it would be great for Canby.

Chair Ewert closed the public hearing.

Commissioner deliberation:

Commissioner Smith moved to amend staff recommendations of the parking lot lighting must be in conformance with the lighting code prior to issuance of the occupancy permit. Commissioners discussed the applicant's existing lighting and whether the lights would conform to the lighting standards. Commissioner Smith decided to strike his motion.

Commissioners also discussed bike parking and agreed that the applicant would be required to maintain sufficient bike parking. This requirement would be exempted during construction.

Chair Ewert said the applicant would provide the Planning staff with the letter from DEQ regarding their two drywells.

Commissioners discussed the deed restriction and decided to change the language of staff's recommended condition to read, "The applicant and the City shall receive approval from Clackamas County."

Commissioners discussed the interior landscaping island in the parking lot to break up rows of parking of more than 8 spaces. The applicant requested they not be held to this requirement because they would lose parking. Chair Ewert explained that the interior landscaping island in a parking lot was originally intended for large scale commercial and industrial developments.

Commissioners agreed that the church would be exempted from requiring a loading berth.

Commissioner Smith moved to approve DR 12-01 with staff recommendations and Planning Commission amendments, the motion was seconded by Commissioner Slagle. Motion passed 5/0.

4. NEW BUSINESS - None

5. FINAL DECISIONS - None

6. MINUTES –

Commissioner Slagle moved to approve the January 23, 2012 minutes as submitted; the motion was seconded by Commissioner Kocher . Motion passed 3/0 with 2 abstentions.

7. ITEMS OF INTEREST FROM STAFF -

Mr. Brown stated a pre-application meeting was held for a proposed Fred Meyer Fuel Station located at the southwest corner on Hwy 99E and S. Locust Street, across from the 76 Station on Oliver's vacant lot.

Mr. Brown stated Planning had received the second Hope Village Annexation request and it will be processed for possible placement on the November, 2012 ballot.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION - None

9. ADJOURNMENT at 8:48 PM.