

**MINUTES**  
**CANBY PLANNING COMMISSION**

7:00 PM – January 8, 2007

City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

---

**PRESENT:** Chair Jim Brown, Commissioners Dan Ewert, Bruce Holte and Janet Milne

**ABSENT:** John Molamphy

**STAFF:** John Williams, Community Development and Planning Director; Matilda Deas, Project Planner; Kevin Cook, Associate Planner; Beth Saul, General Services Director; Jill Thorn, Planning Staff

**OTHERS PRESENT:** Patricia Hatfield, Greg Pancio, Rodney Rose, Job Cacka, Scott Beck, Susan Myers, Rod Larios, R J Larios, Dave DeVore, Tom Scott, Margaret Ward, Ron Ward, Rick Davis, Bruce Broetje, Eric Anderson, Isabella Flynn

**I. CITIZEN INPUT**

None

**II. PUBLIC HEARINGS**

**DR 06-13 – 1300 N Maple Street and 1200 SE 13<sup>th</sup> Avenue** - An application from City of Canby requesting Site and Design Review approval for 2 restroom facilities to be located in Maple Street Park and Legacy Park.

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.

Matilda Deas presented the staff report. The City of Canby is proposing to construct new restroom complexes at Legacy and Maple Street Parks. The existing restroom complex at Maple Street Park has been demolished. The 700 sq. ft. restroom complex at Maple Street Park includes restroom facilities, two storage rooms, a concession area, and a covered picnic area. The total projected roof area for this entire structure is 1,777 sq. ft.

The proposed complex for Legacy Park is 350 sq. ft. and includes bathroom facilities, a storage area, concession area, but no covered picnic area. The total projected roof area for this entire structure is 1,014 sq. ft.

**Applicant:** Scott Beck, Architect for the Applicant showed the Commission color renderings for the proposed project. Mr. Beck said the buildings had been sited to

allow visibility from the parking lot for safety reasons. He indicated the two sites were being done in tandem and bid together for economy of scale.

Chair Brown asked about the materials being used and why painting had been chosen over other products.

Beth Saul, General Services Director, said this was for economic reasons and the preference of the Parks Department staff.

Chair Brown asked why the use pattern of the area was the opposite of the location of the building in the Maple Street Park.

Ms Saul indicated that Canby Kids would continue to bring in porta-potties for large events held on the school district property adjacent to the park property.

**Proponents:** None

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

Commissioner Milne said she appreciated and enjoyed the design of the buildings, especially the copula on the top which reminded her of some of the old barns that were common to the area.

Commissioner Ewert declared that someday is here in reference to finally having this project moving forward.

It was moved by Commissioner Ewert to approve DR 06-13 as presented. It was seconded by Commissioner Holte. Motion carried 4-0.

**DR 06-10 – 1410 S Township Road** – An application from Roderick F Larios and Roderick J Larios requesting Site and Design Review approval a two story warehouse building.

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.

Kevin Cook presented the staff report. The City has received an application request to develop a new 10,200 sq. ft. warehouse building with office space. The proposed office area will total 3,600 sq. ft. and warehouse space will total 6,600 sq. ft. The warehouse space will be divided in two and there will be two distinct office spaces. The offices will be tied to one warehouse unit each as a rental package. One of the warehouses is

intended to be used for a wholesale forest products business. There is an existing access to the site by way of a 20 foot wide easement over lots 1816 and 1817 to the south; evidence of which is required prior to permits.

Mr. Cook said the Applicant was now proposing to shorten the building length to allow for more parking. The storm water swale has been changed to two dry wells what will have to be approved by DEQ.

Commissioner Ewert asked about the code requirements for a loading dock and what would happen if the building was sold and the new owner had need for a loading dock. He was also concerned about the easement issue not being settled. He also asked about the requirement of 15% landscaping and how would that be handled.

Mr. Cook said these were issues that the Applicant would be able to answer.

**Applicant:** R J Larios said that the change in the size of the building was no problem and would be submitting new plans to that effect to the City. He indicated he wasn't sure how the landscaping issue would be settled.

Chair Brown asked if the building was being built a spec building. Mr. Larios said no that his company would occupy part of the building.

Commissioner Ewert expressed his concern about the landscaping, loading dock, easement and final design for the site.

Chair Brown asked Mr. Larios if he was willing to extend the 120 day limit by 30 days in order to allow him to come back with the answers to the questions that had been raised.

Chair Brown suggested that it might be better to continue the hearing and allow the Applicant to update his plans and bring them back.

Mr. Larios said he was willing to extend the 120 day limit.

Chair Brown continued the hearing until February 12, 2007.

**CUP 06-03 – 505 N Baker** – An application from Margaret Ward for a conditional use application for a gravel parking lot in lieu of asphalt.

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.

Kevin Cook presented the staff report. The applicant is requesting permission to maintain a gravel parking lot over the entire site. In August of 2006, the Commission approved a site plan for a new building to serve the existing construction yard operation. A condition of approval for site plan (Condition 20) requires that the parking and

circulation area of the site be paved unless otherwise approved by the Commission through a Conditional Use Permit. Section 16.10.070(A)(3) requires parking and maneuvering areas to be paved unless the Planning Commission approves the use of an engineered aggregate system.

Chair Brown expressed concern that the Commission would be setting precedence by allowing this applicant to use gravel instead of paving.

John Williams explained that this portion of the code had been put in by a citizen who had issues and used the text amendment process to change the code.

Commissioner Ewert had several issues with the site in regard to springs and wells. He also felt that other businesses were made to pave their parking areas and didn't understand the position of the City Engineer. And did this all mean that Fred Meyers could come and make their parking lot of gravel. He felt the Commission had made others hold the line of the code.

Chair Brown indicated that to allow approval for financial reasons was not valid.

**Applicant:** Eric Anderson, Engineer for the Applicant, said the property was used as a construction area. Geotechnical engineers had done tests and examined the soils and concluded that engineered gravel would work as well as asphalt and the Applicant did not intend to change the characteristics of the remaining property.

Chair Brown asked what the reason was for the gravel.

Mr. Ron Ward, Owner, said that paving would change the use of the property. He would not be able to walk a crane on asphalt and when trailers were placed on the asphalt they would puncture the asphalt.

**Proponents:** None

**Opponents:** Job Cacka had concerns about how oil and fuel would be cleaned up when spilled. He said the Applicant had been a good neighbor over the years. He said that the storm drainage is poor in the area and would like to see water percolate into the soil.

**Rebuttal:** Mr. Anderson said the storm drainage problem had been solved by connecting the dry well to the next one down the line.

Chair Brown closed the public hearing.

Chair Brown wondered if the approval could be conditioned to be for this site only.

John Williams said the Commission could make a finding that the use was specific to this site only.

It was moved by Commissioner Ewert to approve CUP 06-03 with the following modifications: approval was because the site had been used with a gravel area over a period of time; if use or ownership were to change the use would come back to the Planning Commission; all State standards would be adhered to; and the curbing process as requested by the Applicant for striping the parking places was approve. It was seconded by Commissioner Holte. Motion carried 4-0.

**SUB 06-05/ZC 06-04 – 1592 S Ivy Street** - An application from Willow Creek Estates, Inc. which proposes to amend the Zoning Map and to develop a 22 lot subdivision, with eight lots suitable for attached single family dwellings and 14 lots suitable for detached single family dwellings.

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.

Kevin Cook presented the staff report. The applicant is seeking approval to subdivide one 4.86 acre parcel into 22 residential lots and to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation. The applicant proposes to provide access to newly created lots by means of a wide half-street (SE 16<sup>th</sup> Avenue). SE 16<sup>th</sup> Avenue would access S Ivy Street and would end in a cul-de-sac. A proposed stub for S Juniper St. is proposed as well as a connection to S Lupine St. in the Tofte Farms Subdivision. Sidewalks would be located behind a planter strip.

The submitted plan indicates that the westernmost eight lots will most likely consist of 4 duplex units – this configuration is contingent on the approval of the zone change submitted with this application (see Condition 1). The remaining 14 lots would be developed as single family residences. A 7,914 square foot open-space tract is proposed (Tract A) north of the eight proposed R-1.5 lots – this open-space lot will not be a public facility, rather it will be maintained by the homeowners. The applicant has stated that the rear yards of the duplex units will not be fenced off from the open-space tract.

John Williams spoke to the lack of the ability of the City for a master plan on annexations at this time, but said the Commission would in the future see possible changes in the code to require such plans. This site had been included in two previous annexation proposals that failed at the ballot.

Mr. Cook gave the Commission a copy of a letter from the Tofte Farms Owner Association.

Chair Brown had concerns about the permanent easement and the 12 foot lot and the monument wall.

Commissioner Ewert questioned the issues surrounding Lot 19 and the fire access.

Mr. Cook said that the Applicant had received approval from the Canby Fire District for using Lot 19 until the cul-de-sac is completed

Commissioner Ewert asked about the small lot on Tract A – Tax Lot 5300 being land-locked and what liability that created for the City.

Mr. Williams indicated he didn't know but would check with the City Attorney. However this process was where the property owner had the opportunity to speak as they would have received notice of the hearing.

**Applicant:** Tom Scott of Willow Creek Estates. Mr. Scott said he had attempted to contact the property owner, but had not received any response. He said the purpose of the Zone Change application was to bring the property into alignment with the Comprehensive Plan designation and it was a transition zone between high density and low density zoning. Mr. Scott said he is planning on building eight attached homes that are a new style not duplexes which would overall be more attractive and keep property values high. He said it was a new type of housing that accommodated a certain life style for the owners. The remaining 14 lots would be homes designed similarly to the neighborhood. The masonry wall would serve as an entrance to the neighborhood. Mr. Scott said the street would be a  $\frac{3}{4}$  street with parking on one side only.

Commissioner Milne asked how Lot 19 would be maintained while serving as a fire access. Mr. Scott said it would be the responsibility of the home owners association.

Commissioner Ewert asked about the picnic table.

Mr. Scott said it was open space that would be used by all the residents.

**Proponents:** None

**Opponents:** Susan Myers representing the Tofte Farms Owner Association wanted to express the concern of the members and read the letter into the record. The association was requesting a barricade where 16<sup>th</sup> Avenue came into Tofte Farms until 16<sup>th</sup> would be developed to full width. The association requested that the intersection of Maple Street and 14<sup>th</sup> Place become a 4-way stop. The association was concerned about the R-1.5 zoning and the impact on the value of the homes in Tofte Farms.

Commissioner Ewert said that the barricade would be an issue with the Canby Fire District and probably could not happen.

John Williams said that the request for a 4-way stop was being considered by the Traffic Safety Commission and he would follow up and let Ms Myers know how that was progressing.

Mr. Williams said the zone change was limited only to that area.

Isabella Flynn said that when she and her husband bought their property they thought the entire area was going to be R1 and was very concerned about the value of her property decreasing.

Commissioner Milne said that the public process for zoning that area R-1.5 had been very extensive and lots of community meetings were held to take input from the citizens.

**Rebuttal:** Tom Scott agreed that the barricade was not realistic because of the fire district concerns. Mr. Scott felt that more people from Tofte Farms would come through the new area rather than the other way around. He again said he the zone change would bring the property into alignment with the Comprehensive Plan and serve as a transition zone. Mr. Scott said the homes would be selling for \$300,000 to \$400,000 range.

Chair Brown closed the public hearing.

Chair Brown said he felt the application met the code criteria.

Commissioner Milne agreed with Chair Brown that the application met the code.

It was moved by Commissioner Holte to approve ZC 06-04 as presented. It was seconded by Commissioner Milne. Motion carried 5-0.

It was moved by Commissioner Ewert to approve SUB 06-05 with the following modifications: there would be no fencing on Lots 1 to 8 at the back yard easement; Lot 19 would be maintained by the home owner association as long as it was an emergency access; the picnic table would be maintained by the home owner association and the Planning Commission recommends to the Traffic Safety Committee that 14<sup>th</sup> Place and Maple Street become a 4-way stop. It was seconded by Commissioner Holte. Motion carried 5-0.

### **III. NEW BUSINESS**

The election of a Vice Chair was put on the next meeting agenda.

### **IV. FINDINGS**

**MOD 06-19 – Modification of SUB 00-01 Tofte Farms III** - Commissioner Milne moved to approve the findings for MOD 06-19 as presented. Motion seconded by

Commissioner Holte and passed 2-1-1 with Commissioner Holte voting no and Commissioner Ewert abstaining.

**MOD 06-20 – Modification of MLP 06-12 – Condition 7** - Commissioner Milne moved to approve the findings for MOD 06-20 as presented. Motion seconded by Commissioner Holte and passed 3-0 with Commissioner Ewert abstaining.

## **V. MINUTES**

**December 11, 2006** - Commissioner Milne moved to approve minutes of December 11, 2006 as presented. Motion seconded by Commissioner Holte and passed 3-0 with Commissioner Ewert abstaining.

## **VI. DIRECTOR'S REPORT**

John Williams presented a letter to the Commission from Catherine Comer, Executive Director of Canby Business Development. In the letter, Ms Comer states that there are two architectural/planning teams who are finalists for the design standards project and they will be interviewed on January 18, 2007 with a decision following shortly. Ms Comer would also like the Planning Commission involved in the project and suggested a joint City Council, Planning Commission and Urban Renewal District meeting would be held prior to the first visioning session.

Mr. Williams said the staff had prepared a code update and asked how the Commission would like to handle reviewing the changes. It was decided to have a work session on February 12, 2007.

Mr. Williams said there would be four applications before the Commission on January 22, 2007 meeting. They include two annexations, one subdivision and a site and design review for Burger King.

Mr. Williams said that the staff would be bringing to the Commission the draft proposal for code changes for annexations as well as some other items dealing with lighting and storm water.

Mr. Williams announced that the Land Use Board of Appeals had upheld the City's position on the Krishchenko appeal.

Mr. Williams indicated that the staff would be looking into the questions raised by the Commission on Tract A of SUB 06-05 being land locked; gravel parking issues raised on MOD 06-03 and the request for a stop sign at 14<sup>th</sup> and Maple.

## **VII. ADJOURNMENT**