

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

7:00 PM – January 22, 2007

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

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

**ABSENT:** John Molamphy and Bruce Holte

**STAFF:** John Williams, Community Development and Planning Director;  
Kevin Cook, Associate Planner; Jill Thorn, Planning Staff

**OTHERS:** Jason Bristol, Paul Wenrick, Craig Carlson, Erik Aften, Bryan  
**PRESENT:** Orthel, Joseph Clifford, Nick Netter, Jamie Netter, Cliff Parsons,  
Catherine Comer, Rick Givens, L. G. Perkins, Theresa Snelson,  
Lisa Weygandt, Eugene Wolf

**I. CITIZEN INPUT**

Catherine Comer, Executive Director of Canby Business Development, invited the Commissioners to attend a work session scheduled for February 15, 2007 at 7 PM at the Canby Adult Center. The City Council and Canby Business Development Board will also be participating. The purpose of the work session is to give input to the consultants who will be working on the Canby downtown and Highway 99E design standards. Ms. Comer said the consultants plan on having a preliminary report in June of this year. She asked that the Planning Commission have a representative at the various design work shops.

**II. PUBLIC HEARINGS**

**SUB 06-06/DR 06-11 – 296 and 346 S Knott Street** - Develop a 10 lot subdivision with attached single family dwellings and Site and Design Review.

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 0.58 acre parcel into ten residential lots, which would result in 10 attached town homes. Tract A would be a 20-foot wide private access drive to serve the units. The access drive would access S Knott Street and would have an east-west orientation. The proposed town homes are arranged so that there would be five attached units along the north side of the access road and five attached units along the south side. The site plan shows a 14.8 foot setback to S Knott St. for lot 6; the requirement is for a 15 foot setback – the applicant may either adjust the building eastwards (there is a 7 foot setback and the applicant currently is showing 10 feet) or resize the building in

order to meet the required setback (Condition 18). This application meets the criteria for the Comprehensive Plan designation of R-2 High Density Residential. An arborist report suggests saving the grove of cedars currently located on the site (Condition 19). An infiltration trench is also located in the vicinity of the cedars; in order to preserve the trees it appears that the trench will need to be offset and resized (Condition 20).

Mr. Cook stated that Condition 15 should be deleted and Condition 21 should be modified in regard to the fence.

Commissioner Ewert asked about the grove of cedar trees and why they were being protected.

Commissioner Milne stated she felt the trees were at the end of their life.

Chair Brown asked about the vehicle storage requirements.

Mr. Cook responded that each unit must have storage for 2 cars plus guest parking.

**Applicant:** Jason Bristol, applicant, said that the buildings would be setback to the 15 foot requirement. He also said that drain water would be collected and distributed on site; all landscaping would be irrigated and the characteristics of this project would enhance the neighborhood. These units would be sold to individuals and would promote home ownership.

Mr. Bristol did have concerns about the number of street trees being required. He felt that a total of four made more sense.

Commissioner Milne asked who would be responsible for maintaining the front and rear landscape.

Mr. Bristol indicated the home owner association would be responsible for the front.

Commissioner Milne asked if the privacy fences between the units were a part of the construction or up to each individual.

Mr. Bristol responded it was part of the construction process.

Chair Brown suggested the placement of the street trees not cover the windows.

**Proponents:** Joseph Clifford of 494 S Knott Street said he had several questions about the application. Is the intent to sell the units not rent them; how would it improve the value of his property; when would the project start and why 10 units instead of 8.

Chair Brown stated that generally when an application is heard this time of the year, it is the intent to start in the summer.

**Opponents:** None

**Rebuttal:** Jason Bristol, applicant, stated the intention is to sell the units for individual home ownership. He stated the current houses on the property were run down and not in condition to live in. Each unit would be worth around \$200,000 each and would provide ownership in the neighborhood.

Mr. Bristol stated that as soon as the utilities and street improvements were complete construction would start.

Mr. Bristol stated that 10 units were being proposed for financial purposes.

Chair Brown closed the public hearing.

Commissioner Milne stated she agreed with the applicant about the improvement in values to the neighborhood. She felt home ownership was an advantage as more people in the neighborhood had an investment. She thought it was a great plan and met the criteria.

It was moved by Commissioner Milne to approve SUB 06-06/DR 06-11 as with the following amendments: to delete Conditions 15 and 19, to modify Condition 21 that the applicant would maintain and repair the fence as needed, the applicant would work out a plan for the trees in Condition 14, the applicant would provide a color board to the staff, and the homeowners association would be responsible for the landscaping and signage in the access drive. It was seconded by Commissioner Ewert. Motion carried 3-0.

**DR 06-12 – 1157 Highway 99E – Site and Design Review approval for a restaurant.**

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 DR 06-12, an application by Kaizen Restaurants to construct a 2,565 sq. ft. Burger King drive-through restaurant. The site is located on Pad B of the Canby Place retail center that was previously approved by the Planning Commission in 2005 (file DR 05-05). Most aspects of the site have already been determined through the original Design Review; which had assumed that the site would be utilized as a drive-through restaurant. Access to the site will be from within the existing development which has an access from Highway 99E and Berg Parkway.

Chair Brown voiced concerns about the elevation from Highway 99E to the entrance.

Commissioner Ewert asked about the landscaping on the bank and who was responsible as well as any fencing.

Mr. Cook said these were conditions in the previous approval.

Commissioner Ewert said this was a very visible area as you enter the City and needed to look good.

**Applicant:** Craig Carlson, Carlson Veit Architects PC spoke on behalf of the applicant. Mr. Carlson stated that the typical Burger King plan was being adapted to fit into the current development. He stated that the route for the drive thru might be cumbersome, but that was to allow for stacking of vehicles in line. He stated there was a 20 foot fire lane that was being required by the Fire District.

Commissioner Ewert asked about directional signage.

Mr. Carlson stated that Burger King provides in/out signage and could add more if needed.

Chair Brown asked about the trash enclosure area and how would it look.

Mr. Carlson responded that it was a six foot wall about would match the exterior of the building.

Chair Brown asked if the wainscoting could be extended.

Mr. Carlson responded that was possible.

Commissioner Milne asked about the future play space.

Mr. Carlson said that in the future the applicant may want to add, but was not on the table at this time and would be an indoor playground.

Commissioner Ewert expressed concerns about the traffic circulation.

**Proponents:** None

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

It was moved by Commissioner Ewert to approve DR 06-12 amended as follows: add directional signage for site exit; safety barriers; wainscoting to continue to inside corner; and add a sloped directional curve to direct traffic through the drive-through area. It was seconded by Commissioner Milne. Motion carried 3-0.

**ANN 06-04 – 1401 S Fir Street – Request** to annex 1.95 acres into the City.

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 to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel. The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

There were no questions of staff.

**Applicant:** Jamie Netter stated she felt this site was suitable for annexation even though previously it had been rejected by the voters.

Chair Brown asked why it was not approved previously. Mrs. Netter responded with the last election the tide had turned. She felt that small growth was the best way for Canby to grow.

Commissioner Ewert stated that Canby was still a good place to live.

Mrs. Netter felt Canby needed medium density housing as it helps keep sustainable growth.

**Proponents:** Theresa Snelson of 1401 S Fir Street stated that she felt the property should be annexed as three sides of the property are already in the city limits.

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

Chair Brown stated that this application fit the criteria.

Commissioner Milne stated that previously voters might have felt there was no master planning, thus a lack of control on growth. She felt with the balancing of the tax base with the growth of the industrial park, voters would look favorably on this application.

It was moved by Commissioner Ewert to approve Ann 06-04 as presented. It was seconded by Commissioner Milne. Motion carried 3-0.

**ANN 06-05 – 23849 and 26325 S Mulino Road** - Request to annex 32.62 acres into the City.

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 approval to annex 32.62 acres into the City. The site is located north of Township Road, along the west side of Mulino Road. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

Mr. Cook noted that an email from Craig Harris had been received in regard to the alignment of the roads.

Chair Brown asked with the projected in development; what was the rate of usage to the current land.

John Williams responded that there was no down side to faster development of the industrial park.

Chair Brown stated that it would be nice to have larger parcels for prospective companies who want to locate in Canby.

**Applicant:** Cliff Parsons, representing the Parsons Family Trust, and Rick Givens, consultant for the applicant. Mr. Givens stated the only gray area in the application was the public need that the Commission should determine.

Mr. Givens stated that Terry Tolls, a real estate developer in the industrial park, indicated that 75% of the land was locked up.

Commissioner Milne asked about the seedling nursery now on the site.

Mr. Parsons indicated that the business might remain, but that product would be brought from other farms they own. He said that half of the product sold now is from off-site.

**Proponents:** None

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

Chair Brown asked if industrial land was to be treated differently from land for residential use.

Commissioner Milne felt that industrial land was “a horse of a different color” and felt that large parcels were needed. She also stated she liked keeping the options open especially if having this parcel in the City would help fix Walnut Street. Commissioner Milne felt all the criteria had been met.

Commissioner Ewert felt this should happen to show that Canby was serious about wanting a stable tax base. Also having an exit point on Mulino Road was a plus.

Chair Brown felt the industrial market was just coming back and there would be a flurry of activity and Canby needed to be in competition with other sites in the Metro area.

It was moved by Commissioner Ewert to approve ANN 06-05 as presented. It was seconded by Commissioner Milne. Motion carried 3-0.

### **III. NEW BUSINESS**

The election of a Vice Chair was moved to the February 12, 2007 agenda.

### **IV. FINDINGS**

**CUP 06-03 – 505 N Baker – Ward Baker** – Commissioner Milne moved to approve the findings for CUP 06-03 as presented. Motion seconded by Commissioner Ewert and passed 3-0.

**SUB 06-05 – 1592 S Ivy Street – Dinsmore Estates** - Commissioner Ewert moved to approve the findings for SUB 06-05 as presented. Motion seconded by Commissioner Milne and passed 3-0.

**DR 06-13 – 1300 N Maple Street and 1200 SE 13<sup>th</sup> Avenue** - Commissioner Ewert moved to approve the findings for DR 06-13 as presented. Motion seconded by Commissioner Milne and passed 3-0.

**ANN 06-04 – 1401 S Fir Street** – Commissioner Milne moved to approve the findings for ANN 06-04 as presented. Motion seconded by Commissioner Ewert and passed 3-0.

**ANN 06-05 – 23849 and 26325 S Mulino Road** – Commissioner Ewert moved to approve the findings for ANN 06-05 as amended: the Planning Commission finds the annexation is in compliance with the Pioneer Industrial Park Master Plan; will facilitate the needed infrastructure improvements; allow Canby to be competitive in the

marketplace and provide transportation access to Mulino Road and Highway 99E. Motion seconded by Commissioner Milne and passed 3-0.

## **V. MINUTES**

**January 8, 2007** - Commissioner Ewert moved to approve minutes of January 8, 2007 as presented. Motion seconded by Commissioner Milne and passed 3-0.

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

John Williams said that the next meeting, February 12, 2007 would have the continued hearing for DR 06-10 – 1410 S Township Road.

Mr. Williams suggested that the Commission have a work session on the minor code amendments that staff has been preparing on February 12, 2007.

Mr. Williams announced the land acquisition had been completed for the Berg Parkway.

## **VII. ADJOURNMENT**