

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – April 23, 2007  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, Bruce Holte, and Jared Taylor

**ABSENT:** Jim Brown, Rick Gamble

**STAFF:** Kevin Cook, Associate Planner; Carla Ahl, Planning Technician and Jill Thorn, Planning Staff

**OTHERS PRESENT:** Ken Sandblast, John Harney, Phillip Poole, Fred Kahut, Roger Reif

**I. CITIZEN INPUT** None

**II. PUBLIC HEARINGS**

**MLP 07-04 655 NW Territorial Road** – A minor land partition to divide Tax Lot 901 of Map 31E32AA into three new tax lots.

Vice 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.

Carla Ahl presented the staff report. The applicant is requesting approval to partition one 27,007 square foot parcel zoned R-1 into three separate parcels. The existing home would remain on a 12,960 square foot lot, and two flag lots would be created to the south consisting of 7,020 square feet each.

The applicant is proposing access to lots 2 and 3 by means of an existing 25' drive that is part of Tax Map 31E-32-AA Tax Map #900. A reciprocal access easement shall be recorded with the deed to provide access to parcels #2 and #3.

The property is zoned R-1 (Low Density Residential) with a comprehensive plan designation of R-1 (Low Density Residential). Adjacent property to the south, east and west has a designation current and comprehensive zoning of R-1 (Low Density Residential). Property to the north, across NW Territorial Road is currently out of the City Limits, but in the Urban Growth Boundary, with a Comprehensive Plan designation of R-1 (Low Density Residential). The R-1 designation requires a minimum of 7,000 square this application if approved would create 2 lots of 7,020 square feet.

Commissioner Taylor asked about the existing trees.

Ms Ahl responded that the one tree may have to be removed for the street improvements, but all others would remain.

Vice Chair Ewert asked about the fire hydrant.

Ms. Ahl responded that the Fire District required a hydrant within 600 feet of the back structure.

Commissioner Milne asked about the shared driveway and would the applicant have to get an easement.

Ms. Ahl responded that was correct.

**Applicant:** Ken Sandblast of Planning Resources, Inc. for Phillip Poole, applicant submitted a statement from the adjoining property owner granting permission for use of the easement. He said the tree survey showed that the trees would not be impacted by the road improvements.

Vice Chair Ewert asked if the applicant was aware of the Fire District was requiring a turnaround.

Mr. Sandblast said they were aware of the requirement.

Vice Chair Ewert asked about the storm water and DEQ requirements.

Mr. Sandblast said they had had tentative conversations with DEQ and would be meeting the DEQ requirements.

**Proponents:** None

**Opponents:** None

**Rebuttal:** None

Vice Chair Ewert closed the public hearing.

Commissioner Molamphy stated the application was straight forward and the requirement of the Fire District had been met.

Commissioner Holte stated he had no problem with the application.

Commissioner Milne stated this application was the trend as land was becoming more scarce, but that it was better than encroaching on farm land.

Commissioner Taylor stated he hated to see the trees come down.

It was moved by Commissioner Holte moved to approve MLP 07-04 as presented. It was seconded by Commissioner Molamphy. Motion carried 5-0.

### **III. NEW BUSINESS**

**Interpretation of Planning Commission** – School bus storage and maintenance yard use in the Light Industrial Zone.

Kevin Cook gave a staff report. First Student – the transportation provider for the Canby School District – is looking for a new property from which they can base their bus fleet and maintenance operations.

Canby's code does not clearly allow a school bus yard in any zone. However, it's clear that Canby needs a school bus yard. Staff has been asked by Fred Kahut with Canby Disposal and Recycling whether such a use would be considered an outright permitted use in Canby's Light Industrial and/or Heavy Industrial zoning districts.

Section 16.32.010 lists uses permitted outright in Canby's industrial zones – none of the listed uses specifically identifies school bus yard storage and maintenance yard. However, many similar uses are listed, such as automotive repair shop, contractor's equipment or storage yard, and motor freight terminal.

Section 16.32.010(W) lists "Other light industrial uses as determined by the Planning Commission."

Staff believes that a school bus storage and maintenance yard is similar enough to the mentioned uses to be considered an outright permitted use.

Staff has discussed the possibility that the application may initially be for a Parking Lot Paving Permit, followed by a Design Review for the associated building.

Vice Chair Ewert asked if the Planning Commission determined that the use was appropriate for Light Industrial and would that roll forward to the Heavy Industrial zone.

Mr. Cook responded that that was correct.

Mr. Cook stated that the paving lot application was a staff decision, but that staff would require a traffic study and input from all the utility providers before making a decision. When the bus company was ready to build a building, then a Site and Design Review process would occur and the application would come to the Planning Commission for a decision.

Commissioner Molamphy stated that he felt this was a "Catch 22" and had concerns about allowing the paving before the Site and Design Review process and he was not in favor of allowing the use.

Commissioner Milne stated that people had expressed concern over the use of land in industrial zones being used for other purposes.

Commissioner Holte said he needed to see which lot was being proposed.

Commissioner Milne said this discussion was not site specific.

Vice Chair Ewert asked if it would be a Conditional Use if the Commission allowed the use.

Mr. Cook stated it would be an outright use.

Roger Reif of 273 NW Grant and legal counsel for Fred Kahut stated that the Commission was being asked to make an interpretation of the code. He stated that the site being considered was across from Baker Prairie Middle school and it was the plan at this time to submit the Paving Lot

Paving application at the same time as the Site and Design Review application. He said that there would be 75 buses using the site and the office for the business would be staying at the current location for a period of time.

Vice Chair Ewert said that access would be off of Township Road.

Commissioner Holte said that knowing what the site was, he felt better about the request.

Commissioner Milne moved to allow a school bus storage and maintenance yard under Chapter 16.32.010 (W) as an allowed use in the Light Industrial Zone. Commissioner Taylor seconded. Motion carried 4-1 with Commissioner Molamphy voting No.

#### **IV. FINDINGS**

**MLP 07-02 - 1303 N Maple Street** - Commissioner Molamphy moved to approve the findings for MLP 07-02 as presented. Motion seconded by Commissioner Holte and passed 4-0 with Commissioner Holte abstaining.

#### **V. MINUTES**

**April 9, 2007** - Commissioner Molamphy moved to approve minutes of April 9, 2007 as presented. Motion seconded by Commissioner Milne and passed 4-0 with Commissioner Holte abstaining.

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

Kevin Cook reported that the May 14, 2007 Planning Commission meeting's agenda would include public hearings for Kimco, a Minor Land Partition, and Canby School District, a Conditional Use and Site and Design Review application. Under New Business the Commission would be asked to look at the parking use at Canby Retail Place.

Mr. Cook also said that applications for KFC/A&W and Countryside Living would be coming to the Commission later.

#### **VII. ADJOURNMENT**