

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – May 14, 2007  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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

**ABSENT:** None

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

**OTHERS PRESENT:** Catriona Sumrain of Lancaster Engineering; Todd Mobley of Lancaster Engineering; Heinz Rudolf, Andy Rivinus, Cornell Anderson, Pat Johnson, Don Jeskey, Marty McCullough, Todd Anacher, Jeff Rasak, Debra Pearson, Deborah Sommer, Jack Gallagher, Sabino Arrendondo, Neil Thogerson and Mark Dane

**I. CITIZEN INPUT** None

**II. PUBLIC HEARINGS**

**MLP 07-03 - 371 SE 13<sup>th</sup> Place** - Kimco Properties – Minor land partition to divide Tax Lot 4100 of Map 4 1E 04DA into 3 new tax lots

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, Commissioner Holte said he had talked with a realtor many months ago about the project; and none was stated by the remaining commissioners. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The applicant is proposing to partition one 27,131 square foot lot into three (3) Parcels. Parcel one (northwest) would be 9,721 square feet, Parcel two (southwest) would be 7,740 square feet. Parcel 3 (east) would be 9,668 square feet. There is an existing residence that would remain on proposed Lot 1. There is a detached garage with driveway currently located on proposed Lot 2; the applicant proposes to remove the garage and relocate the driveway farther south.

**Applicant:** Mark Dane of Blue Sky Planning represented the applicant. Mr. Dean stated that the applicant had no objections to the conditions as written.

Commissioner Holte said the site was not part of the homeowners association and future owners of the lots would not be able to use the pool unless they became members of the association.

Mr. Dane stated it was not the intent of the applicant to remove the large trees, especially the one on the property line but did not want a condition because the health of the tree was unknown at this time.

Commissioner Milne asked about two points in the information submitted by Susan Myers on behalf of Tofte Farms Home Owner Association regarding safety at the corner of 13<sup>th</sup> Place and Maple; and the buffering of the garage.

Mr. Dane responded that site does comply with vision clearance and felt that buffering was unnecessary.

John Williams stated that the driveway could be dealt with at the time the building permit is issued.

**Proponents:** None

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

Commissioner Taylor expressed concern about the tree on the property line.

Mr. Williams stated the City had no regulations in regard to trees except for street trees.

Commissioner Molamphy felt the application was straight forward and meet the criteria.

Commissioner Holte liked the layout of the plan.

Chair Brown said he had no problems with the application.

It was moved by Commissioner Ewert moved to approve MLP 07-03 as presented. It was seconded by Commissioner Milne. Motion carried 6-0.

**DR 07-01/CUP 07-01 - 721 SW 4<sup>th</sup> Ave** - An application from Canby School District requesting a conditional use permit and site and design review for 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 Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4<sup>th</sup> Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4<sup>th</sup> Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

Commissioner Molamphy asked where the letter from ODOT was addressed in the conditions.

Mr. Cook replied it was in Condition 24.

Commissioner Ewert said the buses were double stacked and had concerns about how police, fire or emergency services would get to the middle of the line if there was a situations that needed fast attention.

Chair Brown asked how many parking spaces were lost because of the proposed street vacation.

Mr. Cook said that overall there was an actual gain in parking spaces.

Chair Brown asked how the street is terminated.

Mr. Williams stated that 4<sup>th</sup> Avenue would dead end just before the entrance and there would be a way for cars to turn around using the school's parking lot.

Commissioner Milne asked if there was adequate turn radius off of Elm for buses.

Catrina Sumrain of Lancaster Engineering stated that ODOT was comfortable with the radius.

Commissioner Ewert asked how far towards Pacific Pride the turn lane would be.

**Applicant:** Heinz Rudolf of Boora Architects represented the applicant. He presented a PowerPoint presentation on the scope of the project. He stated this plan was for classrooms and counseling facilities and doesn't increase student population. The project would create an entrance for the school as well as flexible spaces for community use.

**Proponents:** Andy Rivinus of 9292 S Centennial Lane, a school board member and a member of the Bond Oversight Committee, stated that the plan met the needs of the District and would add value for the district and City.

Chair Brown asked if the base bid plus alternates one and two would be built. Mr. Rivinus stated that it would all be part of one project.

Marty McCullough of 32405 SW Armitage Road, a school board member, stated her support for the project and felt that several traffic problems were being corrected with this plan.

Pat Johnson of 721 SW 4<sup>th</sup> Avenue, principal of the high school stated that there would be a separate drop off for parents from the area for the buses and the plan improves safety for the students.

Commissioner Ewert asked if the school had a solution if there was an emergency in the middle of the bus line.

Mr. Johnson said it had never been a problem in the past but that an emergency plan could be put together.

Debra Pearson, project manager for the school district, stated the fire district had given their approval for the current plan. She also said that the bollards were removable.

**Opponents:** None

**Rebuttal:** None

Chair Brown closed the public hearing.

Commissioner Taylor felt the bus plan was better than when he was a student at the high school.

Commissioner Ewert stated that the stacking of buses on 2<sup>nd</sup> Avenue would impact the business of Pacific Pride.

Catriona Sumrain stated that after observing traffic in the area as part of the traffic study, the busy time for Pacific Pride and the school were at two different times of the day.

Commissioner Ewert felt that the plan was over burdening 2<sup>nd</sup> Avenue.

Mr. Cook stated that 2<sup>nd</sup> Avenue was considered a collector in the Transportation Plan.

Commissioner Taylor felt the time of one minute for a bus and 16 buses was not an issue and he had no problem with the application.

Commissioner Milne stated that she felt Boora Architects and the Bond Over Sight Committee had done an excellent job addressing the community issues.

Chair Brown felt it was a good project and was satisfied with all of the conditions.

Commissioner Ewert had concerns about the emergency issue and felt the center lane on 2<sup>nd</sup> Avenue was a problem.

Mr. Williams suggested that the turn land on 2<sup>nd</sup> Avenue could be reviewed separately and that Condition 21 could be reworded accordingly.

It was moved by Commissioner Milne moved to approve DR 07-01/CUP 07-01 as amended to reword Condition 21 and add a condition that the school district develop an emergency plan addressing the bus stacking area. It was seconded by Commissioner Holte. Motion carried 5-1-0 with Commissioner Ewert voting No.

### **III. NEW BUSINESS**

#### **MOD 07-05 of DR 05-05 – Canby Place Retail Development – Parking Modification**

Kevin Cook presented the staff report. Sterling Development, owners of the Canby Place retail center, have submitted a modification application and request to reduce the overall parking requirement for the retail center in order to allow for a restaurant in the multi-tenant retail building located along the south side of the property. Based on the parking study, the current site is 2 parking spaces short of the bare minimum needed.

Mr. Williams stated that the Planning Commission can make a finding to reduce the number of spaces required, but that staff had to adhere to the code and the staff does not enjoy being bureaucratic in situations like this.

Jeff Rasak of Sterling Development stated that he felt 104 spaces were adequate for this center. He said that based on his experience in the shopping center business, no center was ever full all the time. He stated that Burger King felt that 60% of their business was drive thru and KFC felt that 55% of the business was drive thru.

Mr. Rasak said that in the original development of the site the fire district had requested a fire lane to get to SR Smith Company and they had allowed such a fire lane which took up 3.5 parking places. He said that SR Smith supports the request for the restaurant. Mr. Rasak stated that two of the tenants in Building C would be Verizon and UPS, both of which generally had customers who only stayed less than 10 minutes.

Chair Brown asked what the blended parking rate was for the site.

Mr. Rasak said it was 5.8 per 1000. Chair Brown noted that many shopping centers, albeit larger one, go as low as 4.5 per 1000.

Jack Gallagher of Norris Beggs and Simpson said he had worked with SR Smith to find a buyer for the site and that staff had done a good job of working with the developer on the project. He felt that a large portion of the business for the restaurant would be from the high school and thus would be foot traffic.

Catriona Sumrain of Lancaster Engineering stated that her study was based on national standards as well as a study of a comparable retail center. She stated that the peak time would be on Saturday. And both sit down and fast-food restaurants peak at noon.

Commissioner Milne asked if employee parking could be off site.

Mr. Williams stated that the code does allow for parking agreements.

Commissioner Holte liked the idea of a local owner for the restaurant and felt that he was willing to give back 2 spaces since the developer had given up 3 for the fire lane.

Commissioner Molamphy asked how many spaces were needed.

Mr. Cook said that the applicant was short two spaces.

Commissioner Milne stated that it was exciting to have a local owner and was willing to give back 2 spaces.

Commissioner Taylor had no problem with the 2 space difference.

It was moved by Commissioner Ewert to approve MOD 07-05 of DR 05-05 to reduce the parking requirements to a total of 104 spaces for Building C for the addition of one restaurant only. It was seconded by Commissioner Holte. Motion carried 6-0.

#### **IV. FINDINGS**

**MLP 07-04 - 655 NW Territorial Road** - Commissioner Ewert moved to approve the findings for MLP 07-04 as presented. Motion seconded by Commissioner Milne and passed 5-0 with Chair Brown abstaining.

## **V. MINUTES**

**April 23, 2007** - Commissioner Holte moved to approve minutes of April 23, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0 with Chair Brown abstaining.

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

John Williams announced that the Highway 99E Design group would present the first draft of the report at 5:30 PM on May 31, 2007 at the Adult Community Center and urged the members of the Commission to attend.

Mr. Williams said that Rick Gamble had submitted his resignation from the Planning Commission.

Mr. Williams said that the City Council had approved the first reading of the ordinance that awarded the bid for the Berg Parkway project.

## **VII. ADJOURNMENT**