

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – February 11, 2008  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Chair Dan Ewert, Commissioners Janet Milne, and Jared Taylor

**ABSENT:** Bruce Holte, Misty Slagle

**STAFF:** Matilda Deas, Project Planner; Carla Ahl, Planning Technician; and Jill Thorn, Planning Staff

**OTHERS**  
**PRESENT:**

- I.      **CITIZEN INPUT**                      None
- II.     **PUBLIC HEARINGS**                   None
- III.    **NEW BUSINESS**

**Review of Fencing at Darcy’s Country Estates** – Carla Ahl presented a summary of the issue of the fence at Darcy’s County Estates. Apollo Custom Homes received approval for the project in 2003 and Sequoia Homes is the third owner of the project. The original approval was for a wrought iron fence with brick pillars. As the project progressed, the fence became difficult because of slopes, sidewalk configurations and utility boxes. Sequoia Homes asked for a change in November of 2007 to build a cedar fence four feet high with brick pillars. The fence was constructed in December of 2007 with four feet on Third Avenue and six feet along Cedar. The Commission had approved four feet on Cedar. The City Attorney notified Sequoia Custom Homes that the fence on Cedar was in violation of the approval and would have to be removed within 30 days.

Ms Ahl reported that one of the property owners had contacted her about their desire to have a six foot fence. And she explained to him that was not possible without coming back to the Planning Commission for approval.

Commissioner Taylor requested to be updated on why the four feet fence had been proposed. Ms Ahl responded that it was being built on top of a four foot retaining wall. Commissioner Milne also noted that six foot fences were not allowed in front yards and this application had required the area on Cedar to look like front yards, thus the four foot fence requirement.

Evan Harney of Sequoia Custom Homes – Mr. Harney said that it had never been the intention of Sequoia Custom Homes to go against the Planning Commission. It had been a field decision on the part of Sequoia Custom Homes to meet the needs and requests of the property owners. There had been expressed concern about privacy, pets jumping the fence and protection of children in the yard that they considered when changing the height of the fence.

Commissioner Milne asked about the field decision, and had Mr. Harney been the one to make the decision.

Mr. Harney responded that it had been mutually agreed upon by Sequoia and the property owners and apologized for not getting the input from the City.

Commissioner Ewert expressed that the Commission had come to an agreement with Sequoia Homes previously by allowing the solid wood fence instead of the wrought iron. He was concerned that now the code was not being met.

Jim Dearborn of 215 N Cedar Street – Mr. Dearborn said his main concern was the security of his family. He asked the Commission to consider the person to person aspect of the situation instead of the code. He said he didn't know they had to work with the City as they had consulted the home owners association and gotten their approval for a six foot fence that he had installed prior to the installation of the Sequoia fence.

Commissioner Milne asked if Mr. Dearborn knew when he bought the property how it would be fenced. Mr. Dearborn responded he didn't know as his fiancé had actually purchased the property.

Dave Wohlers of 207 N Cedar Street – Mr. Wohlers said his biggest concern was the safety and security of his two year old son. He said he had asked about the fence at the time of purchase and was told they could build a one.

Commissioner Milne said she was having trouble with the field decision. It showed a lack of respect for the rules and felt that the City has a code for a reason. She felt the owners had landscape options available to help with the security and privacy issues.

Commissioner Ewert asked staff to describe the fence section of the code.

Ms Ahl responded she had spoken with Sequoia Custom Homes staff about the height of the fence.

Ms Deas said that this project had been controversial and the Commission had wanted a streetscape that was pedestrian friendly and the six foot fence did not create that feeling. Because of the location of the project it was the desire to have the backs of the homes look like front yards which according to the code cannot have six foot fences.

Commissioner Taylor said the original fence would have looked nice. He felt that backyards didn't look like front yards. If the fence was solid and six feet instead of four feet, he had no objection.

Commissioner Milne felt that the Commission would be setting precedence and the next developer would request the same consideration.

Ms Deas responded that the Commission has the ability to modify findings based on sound logic.

Commissioner Ewert felt that the previous decision to modify the fence was a huge concession and no more concessions should be made.

Commissioner Ewert asked the Commission if it was their desire to leave the decision stand. Commissioner Taylor said no. Commissioner Milne and Commissioner Ewert said yes. The fence will have to be reduced to four feet.

#### **IV. FINDINGS**

**DR 07-11 Trend Business Center Building D** - Commissioner Taylor moved to approve the findings for DR 07-11 as presented. Motion seconded by Commissioner Milne. The motion passed 3-0.

#### **V. MINUTES**

**January 28, 2008** - Commissioner Taylor moved to approve minutes of January 28, 2008 as presented. Motion seconded by Commissioner Milne and passed 3-0.

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

Ms Deas gave an update on the 13<sup>th</sup> Avenue project. She also reported that the City would be talking to Oregon Department of Transportation about putting same type of streetscape in the median in front of the Fred Meyer center.

She thanked Carla Ahl for all the work and time she had spent on working on the issue of the fence with the applicant.

#### **VII. ADJOURNMENT**