

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – May 27, 2008
City Council Chambers – 155 NW 2nd Avenue

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

ABSENT: Bruce Holte

STAFF: Melissa Hardy, Associate Planner; Catherine Comer, Economic Development Manager; and Jill Thorn, Planning Staff

OTHERS PRESENT: Charles Burden, Carl Meukel, Barbara Meukel, Ken Diener, Karl Mawson, Chuck Kocher, Thomas Holmes, Gary McClanahan, Elaine McClanahan, Kim Parker, Matt Hastie

I. CITIZEN INPUT **None**

II. PUBLIC HEARINGS

TA 08-01 –Text Amendment for Canby Downtown/Highway 99E Design Standards – Continued from April 28, 2008 - A Canby Municipal Code Amendment for the purpose of amending the Streets, Sidewalks and Public Places Title (Title 12), amending the Land Development and Planning Title (Title 16), and amending the Zoning Map of the City of Canby (Title 16), for the purpose of implementing new downtown design standards.

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.

Melissa Hardy presented the staff report in the form of an addendum to the written staff report of April 8, 2008 that dealt with the comments received from Ken Diener. Written comments received since the staff report was distributed from Tom Scott, Marcy Riegg and Ken Diener were given to the Commission.

Matt Hastie of Cogan, Owens and Cogan, consultant for this project stated that he agreed with Mr. Diener's request for modification on 11, 20, 22, 26, and 37.

No response was required for 19 and 20.

Current code language not part of this application in 1, 4, 5, 6, 7, 10, 10, 14, 17, 18, 41, and 45 and 46 was not part of the project.

Mr. Hastie said that the standards used were from the model code for small cities and not taken from the Portland code.

The landscaping standards in the parking lots were based on the desire to see more green in the parking lots. Mr. Hastie also said that the first impression of a business is the parking lot and there was a desire to make that a pleasant welcome.

Ken Diener thanked the staff for the time and effort put into answering his comments. He felt the code language that was not part of the application should be addressed. He felt the impact of landscaping on a parking lot was onerous.

Chair Ewert closed the public hearing.

Commissioner Milne noted the level of commitment on the part of the City staff, Matt Hastie, Charles Burden and Ken Diener had produced a document that would serve the City well. She stated she was comfortable with the document.

Commissioner Slagle asked if the 15% is the right number for landscaping since two parties had raised the issue.

Commissioner Ewert felt the issue had been discussed a lot and the code was not cast in stone. Landscaping in parking lots with less asphalt was a good thing.

Commissioner Slagle asked if an applicant could ask for less landscaping in an application. Ms Hardy responded that the applicant could use the variance process.

It was moved by Commissioner Milne to approve TA 08-01 including all revisions that are included in the amendments in Attachment C, and recommend approval by the City Council. It was seconded by Commissioner Taylor. The motion passed 4-0.

ANN 08-02 – Holmes Annexation – Request to annex 4.85 acres west of Pine Street between Territorial and 16th. The parcel is zoned R-1.5 (Medium Density Residential)

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.

Melissa Hardy presented the staff report. The property is located inside the Canby Urban Growth Boundary, and the city limits abuts the property to the west and to the east (N. Pine Street is a City of Canby Street according to the City's contract Civil Engineer, Curran-McLeod, Inc.). According to the applicant's submittals, the only development that is currently located on the property is an accessory structure (a small shed). If the property is annexed, the existing shed will become legal non-conforming, and will be subject to the non-conforming provisions of CMC Section 16.52.

Commissioner Milne noted that a PowerPoint presentation would be helpful to the public.

Commissioner Ewert asked if there was a Master Plan for this annexation.

Ms Hardy responded that there was no Master Plan.

Commissioner Milne asked if there is a code amendment coming forward to require a Master Plan or Development Agreement on annexation applications.

Ms Hardy responded that not at this time.

Applicant: Karl Mawson of Compass Engineering and representative of the applicant said that the staff report called for 30 units and the applicant felt that 33 units could be built. He

said this was the same application that had previously failed with the electorate and felt it would be more successful this time.

Mr. Mawson noted that previously the zoning would have been High Density Residential and now would be Medium Density Residential which fit the neighborhood better. He felt it would be developed in high value homes.

Commissioner Milne asked about the number of units. In the application there were 45 units and 33 units mentioned.

Mr. Mawson stated that the 45 units was because the potential project covered more than the 4.85 acres to be annexed; but the 33 units was just for the area to be annexed.

Ms Hardy stated the 30 units come from the methodology in the Comprehensive Plan.

Proponents: None

Opponents: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Taylor stated that the site was surrounded by the City and should go to the voters.

Commissioner Milne stated this application represented in fill and it seems to make sense. She was uncomfortable that there was no master plan or development agreement.

Commissioner Ewert stated he agreed with Commissioner Milne. He felt the master plan would address connectivity. He said the application met the criteria and made sense.

Commissioner Slagle state the application met the criteria and felt it was important to have a housing balance because of the industrial development that was taking place in Canby.

Commissioner Milne asked if that was any park land in this application. Ms Hardy responded that at the time of development that would be addressed.

Commissioner Milne asked about the retention of trees. Ms Hardy said the Code did not require preservation of trees; but in a Design Review application credit on landscaping was given for retention of trees.

It was moved by Commissioner Taylor to approve ANN 08-02 for submission to the electorate for vote and upon annexation the zoning of the subject property be designated as Medium Density. It was seconded by Commissioner Slagle. The motion passed 4-0.

TA 08-02 – Flood Insurance – The Planning Commission initiated a Text Amendment (TA 08-02) on April 14, 2008, in order to amend Chapter 16.40 of the Land Development & Planning Title (Title 16). The purpose of the amendment is to update the City's floodplain management regulations to ensure they meet National Flood Insurance Program standards.

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.

Melissa Hardy presented the staff report. On June 15, 1984, the Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the special flood hazard areas subject to inundation by the base (1-percent-annual-chance) flood in the City of Canby. Recently, FEMA completed a re-evaluation of flood hazards, and has completed a new Flood Insurance Study (FIS) report, including an updated FIRM, that will become effective on June 17, 2008. Prior to June 17, 2008, communities are required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to show evidence of adoption of floodplain management regulations that meet the NFIP standards, including adoption of the new FIS and FIRM.

The proposed Title 16 amendment specifically affects Section 16.40.014 of the Canby Municipal Code by updating and replacing the reference "flood insurance rate map and the floodway map dated June 15, 1984" with "flood insurance study, including the flood insurance rate map, dated June 17, 2008".

There was no person seeking to speak.

Chair Ewert closed the public hearing.

It was moved by Commissioner Milne to approve TA 08-02 as presented. It was seconded by Commissioner Taylor. The motion passed 4-0.

III. NEW BUSINESS

Letter regarding Habitat for Humanity – Melissa Hardy stated the Commissioners had received a letter from Valeria Villa who expressed concerns about property and homes built recently by Habitat for Humanity. Ms Hardy said the matter had been referred to the Code Enforcement Officer. No action was taken

IV. FINDINGS None

V. MINUTES

April 28, 2008 - Commissioner Slagle moved to approve minutes of April 29, 2008 as presented. Motion seconded by Commissioner Milne and passed 3-0-1 with Commissioner Taylor abstaining.

VI. DIRECTOR'S REPORT None

VII. ADJOURNMENT