

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – October 13, 2008
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Chuck Kocher, Misty Slagle and Jared Taylor

ABSENT: Bruce Holte

STAFF: John Kelley, City Attorney; Matilda Deas, Project Planner – AICP; and Jill Thorn, Planning Staff

OTHERS PRESENT: Seth King, Jon Hummelt, Debbie McKee, Sean Joyce, John Junkin

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MOD 08-12 of Rite Aid DR 07-06 - Continued from September 8, 2008 for the purpose of Commission deliberation and decision only. The modification involves a change from right-in/right-out only access to Highway 99E to a right-in only access from Highway 99E to the Rite Aid site. The access point to Highway 99E has also been moved a short distance to the west from its previous location. The proposed modification is the only issue before the Commission regarding the Site and Design Review for the Rite Aid Drug Store.

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. Commissioner Slagle stated that she had read the record from the September 8, 2008 meeting and was prepared to make a decision on the matter.

Matilda Deas gave a review of the staff report from September 8, 2008 and the submittals by the two attorneys for the record.

John Kelley stated that the record included the written comments received at the September 8, 2008 meeting, the Minutes of the September 8th meeting, the Opponent's submittal of September 15, 2008 during the first open record period, the Applicant's submittal of September 15, 2008 during the first open record period, the Opponent's response of September 22, 2008 to the materials submitted during the first open period, the Applicant's response of September 22, 2008 to the materials submitted during the first open period and the Applicant's rebuttal of September 29, 2008. Mr. Kelley instructed the Commission that this was the opportunity for the Commission to discuss the matter, make a decision and direct staff to have findings prepared by the prevailing party.

Commissioner Taylor asked if Appendix G of the Transportation System Plan and CMC 16.46.090A were correct and the code dealt only with residential subdivisions, not commercial projects. Mr. Kelley stated that CMC 16.46.090A does not apply to this application.

Commissioner Taylor stated he did not feel the Commission could postpone a decision as Canby could not interrupt ODOT's rules.

Mr. Kelley said ODOT did not intend to trigger an additional appeal period; and it was not necessary to postpone the decision by the City of Canby.

Commissioner Taylor asked if the modification was necessary.

Mr. Kelley said the same type of modification was done on Canby Place once they received the requirement for a right in only access at that project.

Ms Deas stated that this was an administrative function of the staff so that the file would contain all that happened on a project.

Mr. Kelley stated he wasn't sure it was necessary.

Commissioner Ewert asked if there would be any further changes coming from ODOT.

Mr. Kelley said that Hummelt Development could only appeal the matter to a higher body and he didn't expect anything from ODOT.

Commissioner Milne stated the matter was confusing and had many legal matters that made it difficult for people to understand. She felt many of the residents of Canby Manor were missing the bigger picture of the left turn vs. safety issues and the solution makes sense. She agreed with Mr. Junkin that the modification was not necessary as he had fulfilled the condition by getting ODOT approval.

Commissioner Kocher felt the decision was straight forward. He felt it would be better for the residents of Canby Manor to go out the access on Pine Street and have the advantage of the traffic signal.

Commissioner Slagle stated she felt staff had acted properly and that the public safety issues from the original hearing had been addressed.

Commissioner Ewert stated that with a state highway running through town it made it difficult as people didn't like change. He understood their concerns. He felt it was the job of the Planning Commission to make Canby safe. He said that the applicant had followed the process and gone to ODOT as conditioned. He stated he was not a fan of the median, but that was a decision made by ODOT.

Commissioner Taylor stated that the median was going in anyway and the City had not control over that. He said that no matter what business located on that site, access would have been an issue. He felt the shared access would have been a good choice, but that the property owner of Canby Manor could not be forced to do that.

It was moved by Commissioner Milne to approve MOD 08-12 of DR 07-06 as presented and have staff return at the next meeting with findings prepared by the applicant's attorney. It was seconded by Commissioner Taylor. The motion passed 5-0.

III. NEW BUSINESS None

IV. FINDINGS None

V. MINUTES

September 22, 2008 - Commissioner Taylor moved to approve minutes of September 22, 2008 as presented. Motion seconded by Commissioner Slagle and passed 4-0 with Commissioner Ewert abstaining.

VI. DIRECTOR'S REPORT

Matilda Deas reported on several projects that were in the process in the City

NE 10th Avenue sidewalks, crosswalks and bike lanes were being planned.

Elm Street and NE 2nd Avenue would be fixed

New subdivision design standards would be part of the Transportation System Plan

The artist would be assisting the City staff to place the river rock and bronze fish. This would serve as a test project to see if art could be incorporated into medians around the City

A green street project was being put together for the 2nd Avenue area around the new parking lot and cinema project.

VII. ADJOURNMENT