

MINUTES
CANBY PLANNING COMMISSION
7:30 PM – October 27, 2008
City Council Chambers – 155 NW 2nd Avenue

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

ABSENT: None

STAFF: Carla Ahl and Jill Thorn, Planning Staff

OTHERS PRESENT: Mike Gates, Carl Menkel, Barbara Menkel, Kim Parker, and Valeria Villa

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MLP 08-04 – Briar Lane Properties - The applicant is seeking approval to partition one 85,528 square foot parcel into 3 separate parcels. Parcel 1 (west) is proposed to be 30,244 square feet and is the site of the Burger King Restaurant. Parcel 2 (southeast) will be 29,348 square feet and is the location of the commercial building. Parcel 3 (northeast) would contain 24,936 square feet and is the site of the KFC/A&W restaurant. Access to this site is currently provided by a right-in only entrance from Hwy 99E and a full access entrance on the east side of the parcel on Berg Parkway.

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 October 27, 2008 staff report for the record.

Ms. Ahl stated that staff concluded the application meets all approval criteria.

Commissioner Ewert asked if there was anything like a homeowner's association for commercial areas. Ms Ahl responded that she had looked and could not find where Canby had ever had that.

Applicant: Mike Gates, representing the property owner said he had prepared the application. He stated he had talked with the utility providers and agreed to provide the necessary easements and reciprocal parking agreements and that would be filed with the plat with the County.

Commissioner Taylor asked if the right of way had been dedicated. Mr. Gates responded it had.

Commissioner Ewert asked if the City Attorney had reviewed the agreements. Ms Ahl stated that would happen in the process of reviewing the final plat.

Commissioner Ewert said at the hearing for the Site and Design Review, the owner of the property at that time had stated that the site would never be subdivided. Now, it was and he

was concerned about making sure that one property owner would be responsible for the storm water. Ms Ahl pointed out that was covered in Condition 8. Commissioner Ewert asked that the Condition be changed to specify which property owner was responsible.

Mr. Gates agreed.

Proponents: None

Opponents: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Milne said the application was very clear cut and complied with all the code requirements.

Commissioner Slagle said she would agree to a change to Condition 8.

Commissioner Taylor said he felt the use of “who” in Condition 8 made it very clear.

It was moved by Commissioner Holte to approve MLP 08-04 with the following revision to Condition 8 to read “the specific property owner” would be responsible for registration and maintenance of the drywell. It was seconded by Commissioner Taylor. The motion passed 6-0.

MLP 08-06 – Carl and Barbara Menkel - The applicant is requesting approval to partition one 11,571 square foot parcel into three separate parcels. Parcel 1 and 2 would contain 2,590 sq feet and would be suitable for a common wall development. Parcel 3 would contain 6,390 sq feet and would retain the existing single family house. If approved Parcels 1 and 2 would be sold to Habitat for Humanity and 2 common wall construction homes would be developed.

Chair Ewert read the public hearing format. When asked if any Commissioner had a conflict of interest, Commissioner Kocher stated that because of his involvement with Habitat for Humanity he would not be involved in the hearing and Commissioner Milne stated she served on the Family Selection Committee for Habitat for Humanity, but felt she could make a fair and just decision based on the Code. All other members had no conflict. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Carla Ahl presented the October 27, 2008 staff report for the record. She also provided the Commission with one additional comment received since the staff report was distributed.

Ms. Ahl stated that staff concluded the application meets all approval criteria.

Commissioner Taylor asked if the question raised by Valeria Villa about an exception having been given on the first application by Habitat for Humanity had been granted. Ms Ahl stated that no exception had been given.

Ms Ahl explained the issue about the vehicle being parked in the sidewalk area of the driveway had been given to the Code Enforcement officer and had been resolved.

Applicant: Carl Menkel stated he was in support of the staff report. He said that in the process of investigation of the property he had found it was zoned R-2 (High Density Residential) and that required overall all 14 units per acre.

Proponents: Kim Parker, Executive Director of Habitat for Humanity, said she was there to support the applicant. She said that the meeting with the neighbors convinced her that three units would be better than four. She said that was one of the reasons for the previous Lot Line Adjustment to give the existing units a larger backyard.

Commissioner Milne asked about the quota that Ms Villa refers to in her letter of October 13, 2008. Ms Parker said there was no quota for Habitat.

Commissioner Milne asked if it was easy for Habitat to find land. Ms Parker responded generally no. She said that as a non-profit agency there was a fine line to walk in order to serve more families and being good neighbors. In this case they had made the decision to serve one less family in order to provide more space for the current property owners.

Ms Ahl stated that the community meeting had been a major factor in Habitat making the decision to build 3 units instead of four.

Opponents: Valerie Villa of 551 N Locust Street thanked the Habitat for Humanity for changing the lot size and removing the dirt pile. She said that during the construction of the previous Habitat homes, cars were parked on the street blocking the trash cans and generally causing disruption to the neighbors. She stated that when she looked at the map in the Planning Department the property was zoned R-1 and now it was zoned R-2, but could not find when that had been changed.

Ms Ahl stated that the maps have not been changed and was not sure which map Ms Villa had seen because there are differences between the Comprehensive Plan Map and the Zoning Map.

Commissioner Ewert asked how many off-street parking spaces were required for each site. Ms Ahl responded that two spaces were required. She stated that public parking is allowed along Locust Street.

Commissioner Slagle asked if the Fire Department could not turn around, would add sprinklers to the houses be required. Ms Ahl said they would.

Commissioner Ewert asked if there was an existing fence. Ms Villa stated yes and it was her fence plus one on the other property, but that fence was in poor condition.

Rebuttal: Commissioner Ewert asked the applicant if there were two fences. Mr. Menkel said there was and they would be taking their fence down. Commissioner Ewert asked if they would be replacing it. Mrs. Menkel said they would.

Chair Ewert closed the public hearing.

Commissioner Milne thanked Ms Villa for coming. She stated that she had lobbied to have the code changed to require a garage or carport for each house but had been over-ruled. She said she understood Ms Villa concerns about how a neighborhood could change. She said she had

bought a home on a dead-end street and now 120 homes were being built behind her and the street would no longer be a dead end street.

She said she understood the concerns about parking and hoped that Habitat for Humanity would be pro-active in dealing with the volunteers on the next project in dealing with the parking.

She agreed with the staff and felt the application met all the criteria.

Commissioner Holte said that the van parking situation had to be corrected. Ms Ahl said that the Code Enforcement officer is involved in solving that.

Commissioner Slagle felt the application met the criteria.

Commissioner Taylor said that changes in the face of the neighborhood were unfortunate fact, especially when a property abuts an R-2 zone.

Commissioner Ewert said he didn't like what was happening with the big lots in Canby, but without annexations this was the result. He apologized to Ms Villa's neighbors who felt they hadn't been heard during the last hearing. He felt it was important for people to be heard. In fact it was why he was involved.

He felt it was too much for the lot size, but it met the criteria. He asked if the Commission would consider a condition that would require that all vehicles involved with the construction not be allowed to park on Locust Street.

Commissioner Taylor stated he wasn't sure where to put the density and it was very difficult.

Ms Ahl stated that the proposed homes would be single story so that they would fit into the neighborhood better.

Commissioner Taylor felt that requiring off street parking was unreasonable and the City did not require that of other projects.

It was moved by Commissioner Holte to approve MLP 08-04 as presented. It was seconded by Commissioner Slagle. The motion passed 5-0. Commissioner Kocher did not participate.

III. NEW BUSINESS None

IV. FINDINGS

MOD 08-12 of DR 07-06 – Rite Aid - It was moved by Commissioner Milne to approve MOD 08-12 of DR 07-06 – Rite Aid as presented. It was seconded by Commissioner Taylor. The motion passed 5-0 with Commissioner Holte abstaining.

MLP 08-04 – Briar Lane Properties - It was moved by Commissioner Holte to approve MLP 08-04 – Briar Lane Properties with a modification to Condition 8 stating "the specific property owner" would be responsible for registration and maintenance of the drywell. It was seconded by Commissioner Taylor. The motion passed 6-0.

MLP 08-06 – Carl and Barbara Menkel - It was moved by Commissioner Slagle to approve MLP 08-06 – Carl and Barbara Menkel as presented. It was seconded by Commissioner Taylor. The motion passed 5-0 with Commissioner Kocher abstaining.

V. MINUTES

October 13, 2008 - Commissioner Slagle moved to approve minutes of October 13, 2008 as presented. Motion seconded by Commissioner Milne and passed 5-0 with Commissioner Holte abstaining.

VI. DIRECTOR'S REPORT

Ms Ahl reported the City staff was in the process of interview candidates for the Planning Director's position.

The next meeting will be on November 24, 2008 and the Sign Code revisions would be on the agenda for a public hearing.

VII. ADJOURNMENT

MINUTES
CANBY PLANNING COMMISSION WORK SESSION
6:00 PM – October 27, 2008
City Hall Conference Room – 180 N Holly Street

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

ABSENT: None

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

OTHERS PRESENT: Gordon Root, Charles Burden, Bev Doolittle, Ryan Oliver, Matt Hastie

Catherine Comer introduced the topic for the evening which was an update on the development of the new sign code that a taskforce of business people have worked on over a period of several months. The taskforce held five meetings. Matt Hastie has taken the information generated and developed the proposed code.

Matt Hastie of Angelo Group presented the highlights and changes that are being proposed in the new code.

The sign code will be before the Planning Commission on November 24 for a public hearing and adoption by the Commission.