

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – January 12, 2009  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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

**ABSENT:** None

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

**OTHERS PRESENT:** Roger Skoe, Don Zimmer, Craig Lewelling, Terry Tolls, Allen Patterson, Mike Wells, Beth Zauner, Craig Harris, K Lewelling, Charles Burden, and Roger Reif

**I. CITIZEN INPUT** None

**II. PUBLIC HEARINGS**

**SUB 08-03 – SW Corner of 1<sup>st</sup> Avenue and SE Walnut Street** - Requesting approval to subdivide approximately 20.21 acres of land into 7 lots ranging in size from 79,553 to 175,278 square feet, with a concurrent access spacing exception request, and concurrent requests for variances from CMC 16.35.050.G, 16.64.020.B, and 16.64.030C. The property is southwest of the intersection of S.E. 1<sup>st</sup> Avenue and S.E. Walnut Street, and is zoned Light Industrial and located in the Canby Industrial Area Overlay Zone.

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 December 31, 2008 staff report for the record.

Ms. Hardy stated that staff concluded the subdivision application with the conditions specified in the staff report meets all approval criteria.

Commissioner Slagle asked if any comments had been received from the Canby Fire District.

Ms Hardy said no comments ere received from the fire district.

Commissioner Milne had concerns about the tone of the letter from Clackamas County Traffic Engineering and Development Review by Robert Hixson.

Ms Hardy said that was the reason the condition of approval required the applicant to provide to the City documentation of the approval from Clackamas County.

Commissioner Milne asked if the City would have control.

Ms Hardy responded that the condition requires compliance from the applicant.

Commissioner Milne asked what the zoning was for the residential area on 1<sup>st</sup> Avenue was.

Ms Hardy said it was outside the city limits currently, but inside the UGB and com planned for future low density residential land uses.

Commissioner Milne asked why Canby street standards were different from the county.

Ms Hardy responded that the City's code standards for SE 1<sup>st</sup> Avenue and for SE Walnut Street were designed to meet the needs of current and future development in the City.

Commissioner Joyce said he envisioned that truck traffic would travel on Walnut Street not 1<sup>st</sup> Avenue and wondered if there were any regulations to prohibit truck traffic on 1<sup>st</sup> Avenue.

Ms Hardy said no.

Commissioner Ewert asked about private drives on 1<sup>st</sup> Avenue.

Ms Hardy stated that a minimum of 200 feet is required between driveways.

**Applicant:**               **Craig Harris of AAI Engineering** – stated that the access off of 1<sup>st</sup> Avenue was necessary because of the 10 to 14 feet of fill that would be needed otherwise. He stated that the width of Walnut Street was based on the LID that was being proposed for Walnut Street to Sequoia Parkway in the LID that was being designed by the City Engineer.

**Craig Lewelling** – stated that all the permitting requirements by both the City and County would be met.

Commissioner Milne asked about the grading and how would having access off of 1<sup>st</sup> Avenue improve the site.

Mr. Harris responded that trucks would have an easier time circulating on the site and placement of future loading docks would be easier.

Commissioner Milne asked if a larger parcel would be easier.

Mr. Harris said that the current market demands were for 2 acre sites instead of 20 acre sites.

Mr. Lewelling stated he would love to do 20 acres, but smaller sites are in demand.

Commissioner Milne asked about the rational of the different widths of Walnut Street.

Mr. Harris said the Planner had one opinion and the City Engineer and City Council had another.

Commissioner Ewert said that in the future he expected Mulino Road and Township Road to have a traffic signal. He also had concerns about having a driveway so close to the residents on 1<sup>st</sup> Avenue.

Mr. Harris said that it could be made to work with the driveway on 1<sup>st</sup> Avenue and meet the 200 feet requirement.

Commissioner Kocher stated because of the residential area on 1<sup>st</sup> Avenue he was not in favor of the applicant having access on 1<sup>st</sup> Avenue.

Commissioner Taylor stated he felt the 190 feet between the driveways as shown in the traffic study was okay.

**Proponents:**           **Mike Wells** – stated he had been involved with the Mountain Glass, Bowco and Wilco, and he was interested in this application as a potential developer of these lots. He also said it was very common for the size of roads to vary between the state, county and city. He said the City Engineer discourages truck traffic on 1<sup>st</sup> Avenue and felt the comments by the county were over done.

**Opponents:**           **None**

**Neutral:**               **Roger Skoe representing Zoar Lutheran Church, owner of the cemetery** – stated he was concerned about the impacts on the cemetery and would like to be kept informed of the activity of the LID.

Mr. Skoe said that he had recently inherited property on 1<sup>st</sup> Avenue and agreed with the City Engineer about limiting truck traffic on 1<sup>st</sup> Avenue.

**Catherine Comer – Economic Development Manager City of Canby** – stated that the Economic Development Department receives inquiries for smaller lots in the industrial area. Ms Comer stated that on October 1, 2008, the City Council held a public remonstrance hearing and voted to form the LID for the Walnut Street improvement and to accept the Engineer's report which details the plan for street widths and dedications. She presented to the Commission a copy of engineer's report for the LID and an email from the city engineer in regard to the Walnut Street design that states: "Although the master plan called for a 52 foot right-of-way with 28 foot street, in working with the property owners and City staff, we have concluded the final design will be for a 32 foot street in a 40 foot right-of-way. The public utility easements will be increased from 12 feet to 16 feet to compensate for the narrower right-of-way." Ms Comer stated that the City Engineer, hired by the Urban Renewal Agency, is very close to completing the Walnut Street design.

**Rebuttal:**               **None**

Commissioner Ewert asked staff why the right-of-way dedication for the LID was so different than what the code requires.

Ms Hardy responded that it is her understanding that the 40 foot right-of-way planned for the LID includes just enough width for construction of two 16-foot-wide travel lanes and curbs and part of a planter strip, and that the plan envisioned that abutting property owners would complete the rest of the required street improvements, including a 5-foot-wide planter strip and 6-foot-wide sidewalks in an easement on their property when they developed or divided their property, so the LID isn't for a total complete street improvement. Ms Hardy went on to say that if the Planning Commission wanted to allow the applicant to build a 5-foot planter strip and 6-foot sidewalks in an easement instead of in the public right-of-way, then Condition #1 could be modified to allow that.

Chair Ewert closed the public hearing.

Commissioner Joyce said his only issue was to make sure Walnut Street is addressed. He doesn't feel 1<sup>st</sup> Avenue is big enough for truck traffic.

Commissioner Kocher stated he was opposed to access off of 1<sup>st</sup> Avenue because the north side was residential.

Commissioner Slagle said she had no problem with the access off of 1<sup>st</sup> Avenue because she felt a 14 foot wall would present a safety issue. She said there were already trucks on 1<sup>st</sup> Avenue.

Commissioner Taylor said access on 1<sup>st</sup> Avenue for Lot 1 instead of a 14 foot wall was better and access for one lot doesn't create that much traffic. Keeping the rest of the accesses on Walnut Street made sense. He stated he was concerned about the conflict on the street widths and who owned the streets and felt the Commission needed legal counsel.

Ms Hardy said the Commission could continue this item and ask the city engineer to attend their next meeting to provide more information concerning streets...

Commissioner Milne said the residential property owners on 1<sup>st</sup> Avenue had an open field now to look at and when the property develops would have concrete walls and loading docks. She felt this was an opportunity to plan better. She felt 1<sup>st</sup> Avenue should be kept narrower and prohibit truck traffic on 1<sup>st</sup> Avenue.

Commissioner Slagle stated that the concerns about the residential property can't be planned for based on this application.

Commissioner Joyce stated that 1<sup>st</sup> Avenue was a major arterial and a no truck sign should be placed. He said the city engineer was recommending no driveways on 1<sup>st</sup> Avenue.

Commissioner Taylor said he would vote to deny the variances and agreed with the staff recommendations.

Commissioner Kocher stated he agreed with the staff recommendation.

Commissioner Joyce stated he agreed with the staff recommendation except for Walnut Street.

Commissioner Milne agreed with the staff recommendation as presented.

Commissioner Taylor moved to deny SUB 08-03 as submitted. Commissioner Kocher seconded the motion. The motion failed 5-1.

Commissioner Milne moved to approve the tentative subdivision application SUB 08-03, and deny the concurrent access spacing exception request, provided that all five conditions of approval recommended by staff are met; and that Planning Commission approve the concurrent variance request C and D to vary CMC 16.64.020.B and 16.64.030.C, in order to waive the maximum 600 foot lock length standards so that no new cross-street be required and no pedestrian access way be required from SE 1<sup>st</sup> Avenue or from SE Walnut Street; and furthermore that Planning Commission deny the concurrent variance request A and B to vary CMC 16.35.050.G; all based upon the findings contained in the December 31, 2008 staff report and the findings from tonight's public hearing and modify Condition 1 to remove "right-of-way-dedication". It was seconded by Commissioner Joyce. The motion passed 6-0.

**MLP 08-05 – SW Corner of 1<sup>st</sup> Avenue and Mulino Road** - Requesting approval to partition approximately 23.4 acres of land into 3 parcels ranging in size from 96,893 to 714,194 square feet with a concurrent access spacing exception request, and concurrent requests for variances from CMC 16.35.050.G, 16.64.020.B, and 16.64.030.C. The property is south of S.E. 1<sup>st</sup> Avenue between S.E. Walnut Street and S. Molino Road, and is zoned Light Industrial and located in the Canby Industrial Area Overlay Zone.

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 January 5, 2009 staff report for the record.

Ms. Hardy stated that staff concluded the partition application with the conditions specified in the staff report meets all approval criteria.

Commissioner Joyce asked why the City Engineer was requiring utilities to be extended only to Mulino Road.

Ms Hardy said she did not have that information and possibly the applicant would know.

**Applicant:** **Craig Harris of AAI Engineering** – stated that access on 1<sup>st</sup> Avenue was not an issue. He also asked that the condition on Walnut Street be similar to the LID.

Ms Hardy stated if the Planning Commission wanted to allow the applicant to build a 5-foot planter strip and 6-foot sidewalks in an easement instead of in the public right-of-way, then Condition #1 could be modified to allow that.

Commissioner Ewert asked about the utilities.

Mr. Harris responded that he did not know why the utilities were being extended only to Mulino Road and that was being required by the City Engineer.

**Proponents:** **None**

**Opponents:** **None**

**Rebuttal:** **None**

Chair Ewert closed the public hearing.

Commissioner Milne felt the application was straight forward and appreciated the sensitivity of the applicant about Zoar Cemetery.

Ms Hardy recommended removing the “right-of-way” language in Condition 1.

Commissioner Taylor wondered if the condition about the utility extension should be broadened.

Commissioner Ewert felt the condition was being put in to allow for future planning needs.

It was moved by Commissioner Taylor to approve tentative partition application MLP 08-05, and deny the concurrent access spacing exception request, provided that all seven conditions of approval recommended by staff are met; and that Planning Commission approve the concurrent variance requests B and C to vary CMC 16.64.020.B and 16.64.030.C, in order to waive the maximum 600 foot block length standards so that no new cross-street be required and no pedestrian access way be required from SE 1<sup>st</sup> Avenue or from SE Walnut Street; and furthermore that Planning Commission deny the concurrent variance request A to vary CMC 16.35.050.G; all based upon the findings contained in the January 5, 2009 staff report and the findings from tonight's public hearing; to modify Condition 1 to remove "right-of-way-dedication and", and to modify Condition 5 to say the subdivider shall extend all utilities to the City Engineer's satisfaction. It was seconded by Commissioner Slagle. The motion passed 6-0.

**TA 08-05 – No off-street parking area of Chapter 16.10 of Canby Municipal Code** – The proposal is to amend Section 16.10.010.B of the Canby Municipal Code in order to expand the downtown "No off-street parking" area to encompass the two city blocks between N.W. 1<sup>st</sup> Avenue, N. Elm Street, N.W. 3<sup>rd</sup> Avenue, and N. Fir Street. The rationale for exempting permitted uses in this area from off-street parking requirements is its close proximity to the graveled area within the Union Pacific railroad right-of-way that the City leases for vehicle parking. The proposed code amendment does not change the existing requirement that conditional uses are still subject to the off-street vehicle parking requirements.

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 December 26, 2008 staff report for the record.

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

**Applicant:               None**

**Proponents:           None**

**Opponents:             None**

**Rebuttal:               None**

Commissioner Taylor asked why there was a need for the code amendment.

Ms Hardy said that the off-street parking requirements in this area of downtown appear to possibly be a hindrance to commercial infill redevelopment of this area because developers find it difficult to fit parking lots on these properties, and there was the railroad parking area adjacent to this area to accommodate off-street vehicle parking to serve businesses in this area.

Commissioner Taylor asked if the public need was to encourage redevelopment of the area.

Ms Hardy responded that was true.

Commissioner Milne stated that there was more than adequate parking on the railroad lot.

Chair Ewert closed the public hearing.

It was moved by Commissioner Taylor to recommend approval by the City Council based on the findings in the staff report of December 26, 2008. It was seconded by Commissioner Milne. The motion passed 6-0.

**III. FINDINGS**

**IV. MINUTES**

**November 24, 2008** - Commissioner Milne moved to approve minutes of November 24, 2008 as presented. Motion seconded by Commissioner Kocher and passed 4-0 with Commissioners Ewert and Slagle abstaining.

**V. DIRECTOR'S REPORT**

Commissioner Milne asked for an agenda item under New Business at the Commission's next meeting to discuss a code amendment of CMC 16.64.020.B and 16.64.030.C in regard to the maximum 600 foot block length standards in the Industrial Area Overlay Zone.

**VI. ADJOURNMENT**