

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – August 24, 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:** Bryan Brown, Planning Director; Melissa Hardy, Associate Planner; and Jill Thorn, Planning Staff

**OTHERS PRESENT:** Jason Bristol

**1. CALL TO ORDER**

**2. CITIZEN INPUT** Chair Ewert announced that Commissioner Ishah Ahumada had resigned from the Commission as she is moving out of state.

**3. PUBLIC HEARINGS**

**a. Municipal Code Title 16 Land Development and Planning Ordinance Text Amendment** for the purpose of regulating temporary vendor activity on private property – TA 09-02.

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.

Bryan Brown, Planning Director presented the August 13, 2009 staff report for the record.

Commissioner Ewert asked for a definition of “city sanctioned”. Mr. Brown responded that was a term used in other parts of the Canby Municipal Code.

Commissioner Taylor stated that “city sanctioned” should be dropped, the applicant should meet all the requirements but any fees could be waived.

Commissioner Ewert felt the requirements should be fulfilled, but the applicant should be exempt from the fees.

Commissioner Taylor said it was hard to understand why the fee should be waived when there was a cost to the City to process the application.

Commissioner Joyce felt that public resources and time were involved and felt that all applicants should pay something.

Commissioner Milne stated the proposed fee was not onerous amount for three months.

Commissioner Ewert asked if the Commission wanted to keep the application requirements, but allow a reduced fee upon proof of non-profit status.

Commissioner Slagle asked if a business license was required.

Ms Hardy responded that it was.

**Applicant:               None**

**Proponents:           None**

**Opponents:             None**

**Neutral:                 None**

**Rebuttal:               None**

Chair Ewert closed the public hearing.

Commissioner Slagle moved to recommend to the City Council a 50% discount for any nonprofit organization, and the applicant would have to comply with all other portions of the code. It was seconded by Commissioner Taylor. The motion passed 6-0.

#### **4.       NEW BUSINESS**

**Infill Issues** – Bryan Brown presented the staff report based on the August 10, 2009 Staff Work Session Issue Worksheet. He said that because not all Commissioners had been at the work session on August 10, he had put it on the agenda for this meeting to get input from all of the Commissioners.

Commissioner Taylor asked if it was unreasonable to expect a neighbor to do whatever they desired on their own property.

Mr. Brown responded that was traditionally 100% right in the past but Commissions have developed residential design review standards more recently for various purposes. He also said that required a lot of staff time to review for each house permit.

Commissioner Taylor mentioned that several agencies have lost in court over this matter.

Ms Hardy stated the core of the issue was how to mitigate the impact on current homes as members of the Commission feel infill standards don't address the need.

Commissioner Joyce felt infill standards should not apply to the high density zone.

Commissioner Taylor asked if there was a need for infill standards.

Jason Bristol stated he had built a home in 1993 next to Trost School, but at the time he knew the neighborhood would change, which it has. He also stated based on information he had seen, most people live in a house on the average of seven years.

Commissioner Slagle felt that compatibility was the issue and it could be regulated through a menu of design choices.

Commissioner Milne stated that her reason for asking for this discussion was not for infill lots, but for existing neighborhoods where a new subdivision is built next to it and there is no protection for current one-story homes. She gave the Commission several pictures that showed her concerns. She felt that a simple solution was to require the new subdivision to build one-story homes next to the existing one-story homes, and then on all other lots they could build either one or two-story homes.

Mr. Brown said that Molalla had adopted a diversity ordinance that requires each house to be different in a subdivision.

Commissioner Taylor asked if it was appropriate for the Commission to regulate subdivisions in this manner.

Commissioner Kocher said he had real mixed feelings. Today with the small lots, there was a need for regulation, but that he was opposed to small lots.

Commissioner Slagle felt the Commission needed to be careful about telling people what to build. She had no problem regulating design, green building and there was a need for housing choices for people. She felt a menu approach where a property owner had to meet eight of ten standards would help solve the issue.

Commissioner Taylor felt that a property owner can't control what they don't own.

Commissioner Milne felt the Commission had the right to impose restrictions to protect citizens.

Commissioner Joyce felt that home styles have changed over time and the current cycle was large homes on small lots. He felt the Commission's job was to plan and holding the value of a property is not the Commission's job.

Jason Bristol stated he had concerns on infill in the R2 (High Density) zone. He suggested that the infill standard requirements be eliminated in the R2 zone.

Commissioner Milne said she agreed with Mr. Bristol and wondered if staff could see any downside to the proposal.

Mr. Brown stated that the intent for high density was to do large pieces, not lot by lot as Mr. Bristol does.

Commissioner Ewert felt there were three separate issues: infill in the R-2 zone, new subdivisions abutting long-term neighborhoods and empty lots in the community. He felt there was a need for more discussion on at least of two of the items.

Commissioner Ewert asked the Commissioners if they would favor eliminating infill standard requirements in the R-2 zone. All of the Commissioners agreed. He directed staff to discuss the three issues with the City Attorney, check to see what other communities are doing or have done and bring the matters back to the Commission.

**5. FINAL DECISIONS                      None**

**6. MINUTES**

**July 13, 2009** - Commissioner Milne moved to approve minutes of July 13, 2009 as presented. Motion seconded by Commissioner Taylor and passed 5-0-1 with Commissioner Kocher abstaining.

**7. ITEMS OF INTEREST FROM STAFF**

Mr. Brown gave the Commission an update on the Rural Reserves process and announced there would be a meeting at Clackamas County on Tuesday, August 25, 2009 if any of the Commissioners wanted to attend.

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

**9. ADJOURNMENT**