

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – September 28, 2009  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

---

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

**ABSENT:** Chair Dan Ewert and Commissioner Jared Taylor

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

**OTHERS PRESENT:** Dan Osterman, Chuck Nakvasil, James Blissett, Jeremy Longstreet

**1. CALL TO ORDER**

**2. CITIZEN INPUT**                      None

**3. PUBLIC HEARINGS**                None

**4. NEW BUSINESS**

**MOD 09-05 of DR 08-04** - The applicant is requesting an Intermediate Modification of Site and Design Review approval Case # DR-08-04 in order to add the following elements to the building:

- (1) Add 320 linear feet of 15 mm 30 ma “Clear Red” neon tube architectural accent lighting to the exterior 2<sup>nd</sup> Avenue frontage of the building;
- (2) Construct a 20.54 square foot “Ruby Red” neon wall sign on the primary building frontage facing 2<sup>nd</sup> Avenue;
- (3) Construct a 339.38 square foot “Ruby Red”, White”, and “Purple” neon marquee sign, containing 2 internally illuminated white manual bulletin boards, on the primary building frontage facing 2<sup>nd</sup> Avenue.

Melissa Hardy presented the staff report of September 28, 2009 and explained the process.

Commissioner Kocher stated he didn't see any problem with the application.

Commissioner Slagle asked if “uncomfortable glare” is used anywhere else in the code because she felt it was too open-ended. Ms Hardy responded that it was not and if the Commission had additional language that would tighten this up it could potentially be helpful.

**Applicant: James Blissett**, architect for the Cinema project, stated he had done a site visit prior the meeting and found there were 2 residences on 3<sup>rd</sup> Avenue that would probably be able to see the neon lighting. He said he was comfortable with the “uncomfortable glare” language. He said the vision for the project was to have an “old fashioned downtown theater”.

Commissioner Kocher asked if the landscaping would provide additional screening. Mr. Blissett stated that was true.

Commissioner Joyce asked what type of trees would be planted. Mr. Blisset stated he didn't know but could find out.

Commissioner Joyce asked what materials the letters would be made of. Mr. Blisset stated it would be a metal can with red neon.

Commissioner Slagle stated she was comfortable with the "uncomfortable glare" language.

Ms Hardy stated the department had a light meter that could be used if there were any complaints from neighbors that could register whether the neon lights added impact over the base lighting in the area.

**Proponents: Catherine Comer**, Economic Development Manager, stated she felt the application met the original intent. The picture board shown by Mr. Blisset was the same board used at the neighborhood meeting. She stated that 23 trees would be planted next week.

**Opponents: None**

**Neutral: None**

**Rebuttal: None**

Ms Hardy suggested the following language to be added at the end of Condition 2 and 5: "burden of proof to be demonstrated by the complainant property owner".

Commissioner Joyce moved to approve Modification 09-05 of DR 08-04 application as presented with changes to Condition 2 and 5 to add the following phrase at the end of each condition: "burden of proof to be demonstrated by the complainant property owner". It was seconded by Commissioner Slagle. The motion passed 4-0.

## **5. FINAL DECISIONS**

**a. MOD 09-05 of DR 08-04 – Canby Cinema** - It was moved by Commissioner Joyce to approve the written findings for MOD 09-05 of DR 08-04 – Canby Cinema – as presented with modifications to Conditions 2 and 5. It was seconded by Commissioner Slagle. The motion passed 4-0.

## **6. MINUTES**

**August 24, 2009** - Commissioner Slagle moved to approve minutes of August 24, 2009 as presented. Motion seconded by Commissioner Kocher and passed 4-0.

**7. ITEMS OF INTEREST FROM STAFF** Bryan Brown reported that the Work Session prior to the meeting had provided a voice to the public about development process issues of concern. Mr. Brown also stated he would have the department work plan emailed to the Commission so they can keep abreast of the focus within the department.

Commissioner Milne asked if additional work sessions could be set up to deal with the work session issues that arose this evening and expressed a desire to make sure that Chair Ewert could be present because of his long history with the City and issues of the Commission.

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

**9. ADJOURNMENT**

**MINUTES**  
**CANBY PLANNING COMMISSION WORKSESSION**  
6:00 PM – September 28, 2009  
City Hall Conference Room – 182 NW Holly

---

**PRESENT:** Vice Chair Jan Milne, Commissioners Chuck Kocher, and Misty Slagle

**ABSENT:** Chair Dan Ewert, Sean Joyce and Jared Taylor

**STAFF:** Bryan Brown, Planning Director; Melissa Hardy, Associate Planner; Catherine Comer, Economic Development Manager; Amanda Klock, Human Resources Director and Jill Thorn, Planning Staff

**OTHERS PRESENT:** Randy Carson, Bev Doolittle, Randy Saunders, Victor Madge, Michael Wellman, Trent Warren, Ken Hostetler, Don Perman, Peter Hostetler, and Brian Hodson,

The purpose of the work session was to hear from the public in regard to land use development application processes and timelines related to such applications.

Clarification was given to several questions regarding applications and why certain things were required.

Of particular focus were issues related to the review and approval of Dr. Trent Warren's new office building at 1507 SE 3<sup>rd</sup> Ct. from both the architect and contractor. Concerns voiced included:

- Overkill in approval process for a project of this size and scope, believing the same objectives of the city could be met with a shorter less involved process. A general desire to see something done to expedite the process. The Director indicated that this is structural code issue that would need to be addressed by the Planning Commission in the form of a Text Amendment to the Code, but examples of this do exist.
- Similarly, a suggestion that the current "one size fits all" process might be better modified to facilitate smaller projects. Suggestion was for an administrative approval process that could potential streamline the process saving time, energy, and money and still obtain a good result. The Director indicated that efficiency should be at the heart of the development review process but that it expands to help assure thoroughness, adequate citizen input, and more recently an opportunity for discretionary design decisions that deal with somewhat subjective topics that include: aesthetic considerations of building design and appearance with materials, color, windows, etc. It is generally accepted that street, utility, and fire safety considerations be addressed but often more controversial when planning presses for landscaping, bike racks, trees, and sidewalk connections that may seem to be "extras".
- A belief that the Planning department is "micro managing" or pressing for compliance for things that do not matter or make sense. Not as many applications to review so may be giving undue scrutiny to the ones that are submitted. Thought it was inappropriate to address "the color of buildings", especially in this case when the CC&R's already specify what is required. The Director indicated that besides having a duty to assure compliance with code standards, the Planning staff must also carefully follow-up on attached conditions of approval by the Planning Commission – both of which are often difficult or impossible to modify in a manner that will satisfy situations where the applicant does not believe they are appropriate. An example raised is the insistence for an internal sidewalk

connection between adjacent properties when a grade change exists, a perimeter fence may be desired, and the adjacent property is already mostly developed out and has no connecting sidewalk in place.

- A duplicate and therefore unnecessary traffic study for an individual property development was required when the original commercial subdivision approval contained a traffic analysis. There is a belief that too many traffic studies are being required. Suggested basing the need on a set warrant amount. Staff agreed that there may be room for honoring the previous traffic analysis when significant changes have not occurred within the vicinity of a proposed development but the professional traffic engineers generally only guarantee the applicability of their studies for a year and the analysis for development of an individual property is somewhat different and more specific than one for a subdivision where actual exact development use and location of driveways has not yet been determined.
- Also concern voiced about the timing of when traffic studies are initiated because they can potentially otherwise delay a project. The Director indicated he had already discovered this issue and is suggesting that applicants will be advised at the pre-application meetings to consider getting those studies underway soon after the pre-application meeting if they are fairly set on their site plan. Minor modifications to the study can be made later if necessary, at the applicant's expense, should the site plan change as a result of the review process.
- Concerned that few representatives from the approval "entities" showed up at the sign off meeting for their final construction plans causing them to have to visit multiple offices. Staff recognized that this can occasionally be an issue but is mostly out of the City's control with outside approval representatives. We offered to communicate this concern to them and are currently reviewing the pre-construction plan processes used elsewhere to see if any additional changes are possible that would improve efficiency for all. It is still felt that face to face meeting with all entities involved results in fewer actual construction conflicts which are more difficult to deal with than during the signoff of the construction plans themselves.

Planning staff thanked the audience members for taking time to share their suggestions for improvements and areas of concern in the development process they had encountered and the Planning Commission indicated they would be following up on some of the issues raised. Staff indicated that they would give further consideration to making sure the process is fully understood at the pre-application conference, act to move as quickly as possible without rushing to get our "completeness" or request for additional information letters out, continue to maintain dialog while the applicant completes getting information requested submitted, further discuss the duplicate traffic study/analysis issue with the Planning Commission, look into whether better models exist for handling the pre-construction plan approval process.