

**MINUTES**  
**PLANNING COMMISSION**  
July 22, 2013, 7:00 PM  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners Charles Kocher, John Proctor, John Savory, and Shawn Hensley

**ABSENT:** Commissioners Tyler Smith and Sean Joyce

**STAFF:** Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, Laney Fouse, Planning Staff, and Councilor Clint Coleman, Planning Commission Liaison

**OTHERS:** Jim Coombes, Steve Abel, Mike Connors, Roger Skoe, Vicki Lang, Jake Tate, Brent Ahrend, Todd Mobley, Dave Kimmel, and Lee Leighton

**1. CALL TO ORDER**

Commissioner Savory called the meeting to order at 7 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS - None**

**3. PUBLIC HEARING**

- a. *The applicant is proposing a 6 unit fuel-dispenser station which includes a canopy, underground fuel storage tanks, an attendant kiosk, equipment kiosk, restroom, dumpster, storage shed, propane fueling area, and an air/water pad.*  
*(Fred Meyer DR 12-03/TA 12-01/ZC 12-02)*

Commissioner Savory read the public hearing format and opened the public hearing. Commissioners said they had no conflicts; Commissioners Proctor, Kocher and Savory had no ex parte contact Commissioner Hensley said he had a brief conversation with Commissioner Savory.

Associate Planner Angie Lehnert entered her staff report into the record which included some history of the application, design revisions the applicant is proposing, a response to some of the LUBA remand issues, and Planning Commission's decision options and motions.

She pointed out the entire Fred Meyer record and the Traffic Study were on the dais.

Ms. Lehnert presented the Commissioners with three decision options which included 1) Re-approve DR 12-03 with the revised designs, support Fred Meyer's additional as a response to the LUBA remand issues & recommend approval of DR 12-03/TA 12-01/ ZC 12-02 to Council; 2) Make a new decision recommending denial of the design revisions to DR 12-03 and then otherwise recommend approval of TA 12-01/ZC 12-02 and recommend that the Council uphold the original Planning Commission

approval of DR 12-03; or 3) Recommend the Council deny DR 12-03/TA 12-01/ ZC 12-02.

***Applicant:***

Steve Abel, Stoel-Rives attorney for Fred Meyers pointed out it is a city's prerogative to separate processes and deal with it how they want and it did not take away the applicant's ability to maintain those two processes as a consolidated application. Mr. Abel said the LUBA remand was just asking the City to take a look at their decision again with regard to any significant change or impact on the transportation system with the zone change.

Lee Leighton reviewed some of the design changes which includes an arbor wall designed to create a similar association as a building wall does with pedestrians. Mr. Leighton also presented an extensive list of plants, trees and shrubs for the site's landscaping composition.

Jake Tate, Great Basin Engineering, Civil Engineer, presented the sign changes and discussed the civil engineering for stormwater filtration and collection on the site.

Commissioner Kocher said he likes the new design using the arbor wall because it provides more safety for pedestrians.

Commissioner Proctor asked about the reliability of the system and how often the lines would clog up. Mr. Tate said any system will clog up if it is not cleaned. He said Fred Meyer's has a detailed operations manual issued to each fuel facility which defines a regular maintenance schedule so the pipes are cleaned regularly.

Commissioner Hensley asked about the overall maximum capacity of the unit. Mr. Tate responded they could hold just under 2400 cu. ft.

Brent Ahrend, MacKenzie (*formerly Group MacKenzie*), traffic engineer explained their changes to the transportation analysis which included new trip generation data, a list of the additional intersections they considered, information regarding a potential Hwy. 99E pedestrian crossing, and also provided was a neighborhood through-trip study. Mr. Ahrend said ODOT has permitted a full access driveway on SE Hwy. 99E and on SE 2<sup>nd</sup> Avenue. He said a potential Hwy. 99E pedestrian crossing on the Locust St. intersection would conflict with the full-access driveway on Hwy. 99E. Mr. Ahrend said a satisfactory system functioning in right-in/right-out/no 99E access scenarios shows that a crossing could be added without causing unacceptable transportation system performance.

Steve Abel said the changes made to the pole sign now meets the code and he thinks they are offering a much better proposal for this site. He said they feel they have responded to LUBA's request for clarification from the City.

***Proponents:*** None

***Opponents:***

Michael Connors, Hathaway, Koback and Connors, submitted a letter from the Save Downtown Canby group into the record which discusses the procedural issues saying the Fred Meyers applications are not re-consolidated and must be processed separately, and how the applicant failed to address both LUBA

remand issues.

Dave Kimmel, PDG Planning Design Group, addressed his concerns about the proposed 12 fuel dispensers on the site which he indicated the site is not big enough to accommodate delivery trucks and the traffic which would flow through it.

Todd Mobley, Lancaster Engineering, said his company conducted a review of the applicant's Traffic Impact Study which overestimates the development potential of the site in both the Core Commercial Overlay Zone and Outer Highway Commercial Zone. He also provided detailed analysis of the potential impacts that would increase traffic in the surrounding area.

Mike Connors said one of the things his client has been trying to do is to get Fred Meyers to analyze the impact additional traffic will have at this site. Mr. Connors also said he doesn't believe the trellis wall meets the intent of the code because it is not a building.

***Neutral:***

None

***Rebuttal:***

Steve Abel said the applications have always been consolidated and it is clear under Oregon law the Planning Commission can process them separately and still have a consolidated application. He said Fred Meyers went through the analysis which LUBA asked for and discovered no significant impacts with traffic in either zone.

Commissioner Savory asked Mr. Abel for clarification regarding the trellis and whether it is defined as a building. Mr. Abel said it is the wall of a building under the City's definition in the code.

Brent Ahrend responded to Commissioner Hensley question as to why the Traffic Study did not include the intersection at Hwy 99E and Juniper and Hwy 99E and Knott and because a study of those intersections had not been requested by the applicant.

Commissioner Savory closed the public hearing at 8:46 pm.

***Commissioner Discussion:***

Commissioner Kocher wanted clarification the City Council had already approved the change to the subarea boundary. Mr. Brown said yes it had been previously approved by the Council and the Council has directed the Commission to give them a recommendation based on tonight's discussion on the pedestrian crossing and the TPR. Commissioner Kocher said a crosswalk at Locust Street was just a suggestion was not a definite but thought a crosswalk at Knott Street would be a much better idea. Commissioner Hensley agreed.

Commissioner Proctor said he likes the design, and agrees a crosswalk at Knott would be better spot for a crosswalk than one at Locust. He said he is still hesitant about the traffic issues.

Commissioner Hensley said he likes the new plan a lot better because the applicant took into consideration all the issues being raised. He said the City will have traffic issues no matter what they

do.

Commissioner Savory said he agrees this is a much improved design. He said in regards to the pedestrian crosswalk there is nothing cast in stone and it is something ODOT may or may not require.

Commissioner Proctor moved to affirm the Planning Commission's previous approval of the Fred Meyer Site Design Review #DR 12-03 with the revised designs, the findings submitted addressing the LUBA remand issues, and to approve the re-consolidated DR 12-03/TA 12-01/ZC 12-02 application as follows:

- I move to re-approve DR12-03 with the revised site design proposal for the fueling station based on the designs included in the record and further explained in staff's April 19, 2013 memo;
- I move that we recognize that Applicant's three requested approvals (the Text Amendment #TA 12-01, Map Amendment # ZC 12-02, and the Site Design Review #DR 12-03) are a single, consolidated application and therefore incorporate the record and decision from #TA 12-01/ZC 12-02 into the record of #DR 12-03 and incorporate the findings and conclusions from Ordinance No. 1365 as a part of this approval for #DR 12-03, resulting in a single record and decision for the fueling station and its three consolidated applications; and
- Furthermore I would like to direct the Applicant to prepare findings supporting approval of the consolidated applications with specific instruction to delete the original Planning Commission finding and condition concerning the monument sign because we find that the sign as now proposed meets the sign standards of Table 3 under 16.42.050 for pole and wall signs.

Commissioner Hensley seconded the motion. Motion passed 4/0.

4. **NEW BUSINESS** - None

5. **FINAL DECISIONS** - None

6. **MINUTES** - None

7. **ITEMS OF INTEREST/REPORT FROM STAFF** - None

8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION** - None

9. **ADJOURNMENT**

Commissioner Kocher made a motion to adjourn. Commissioner Hensley seconded. Motion passed 4/0. Meeting adjourned at 8:58 pm.