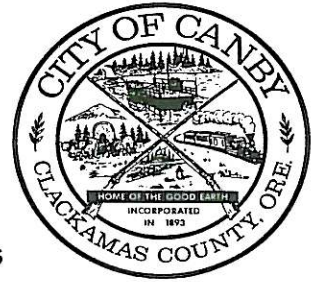


PLANNING COMMISSION AGENDA
Monday – February 12, 2007
7:00 PM - Regular Meeting
City Council Chambers - 155 NW 2nd Avenue
Immediately following Regular Meeting
Work Session - Miscellaneous Minor Amendments
to Community Development Code
City Hall Conference Room - 182 N Holly Street



Chairman Jim Brown, Commissioners John Molamphy, Dan Ewert, Janet Milne, and Bruce Holte

I. CITIZEN INPUT ON NON-AGENDA ITEMS

II. PUBLIC HEARINGS

DR 06-10 – 1410 S Township Road - Site and Design Review approval for a two story warehouse building – *Hearing continued from January 8, 2007 and will be continued until February 26, 2007.*

III. NEW BUSINESS

Election of Vice Chair

IV. FINDINGS Note: these are the final, written versions of previous oral decisions. No public testimony.

SUB 06-06/DR 06-11 – 296 and 346 S Knott Street **Page 1**

DR 06-12 – 1157 Highway 99E **Page 8**

V. MINUTES

January 22, 2007 **Page 14**

VI. DIRECTOR'S REPORT

VII. ADJOURNMENT

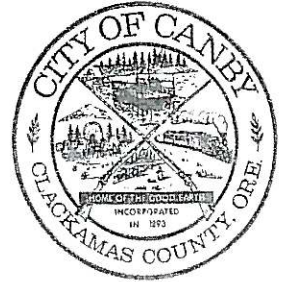
Work Session – TA 07-01 – Miscellaneous Minor Amendments to the Community Development Code immediately following Regular Meeting in City Hall Conference Room

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to Jill Thorn at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us

City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.



BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A REQUEST FOR APPROVAL)
FOR A SUBDIVISION)
AN EXISTING PARCEL)
TOTALING 0.58 ACRES)
INTO 10 ATTACHED)
TOWN HOMES)

FINDINGS, CONCLUSIONS
& FINAL ORDER
SUB 06-06/DR 06-11
(Knott Commons)

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one 0.58 acre parcel into ten residential lots, which would result in 10 attached town homes. Tract A would be a 20-foot wide private access drive to serve the units. The access drive would access S Knott Street and would have an east-west orientation. The proposed town homes are arranged so that there would be five attached units along the north side of the access road and five attached units along the south side.

HEARINGS

The Planning Commission held a public hearing to consider this application on January 22, 2007.

CRITERIA AND STANDARDS

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

B. SITE AND DESIGN REVIEW - City of Canby Code Section 16.49.040

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections B and C above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.
 - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the January 22, 2007 public hearing, and includes the January 9, 2007 staff report. The Planning Commission accepts the findings in the January 9, 2007 staff report.

CONCLUSION

Based on the January 9, 2007 staff report, public testimony received at the January 22, 2007 public hearing and Commission deliberation, the Planning Commission concludes that:

Subdivision:

1. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with other applicable requirements of the Land Development and Planning Ordinance;
3. Staff concludes that, with the recommended conditions, the overall design and arrangement of the proposed subdivision will be functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties; and
4. Staff concludes that, with the exception of schools, all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed subdivision.

Design Review:

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
- 1D. The proposal is deemed compatible given that staff allocated a percentage of 66.67% on the design review matrix when 65% is considered compatible; and
- 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
3. The proposed development will not increase the cost of housing in Canby.
4. The property owner is not applying to remove street trees.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that SUB 06-06/DR 06-11 is APPROVED subject to the following conditions:

1. A final partition plat modified to illustrate the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application:

City of Canby File Number SUB 06-06/DR 06-11
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk. An approved landscape plan and a final copy of the signed, recorded map shall be provided to the Canby Planning Department prior to issuance of building permits.
3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department with the final plat.
4. All monumentation and recording fees shall be borne by the applicant.
5. For the final plat, twelve (12) foot utility easements shall be provided along street lot lines. Other public utility and/or sewer easements shall be provided as required by the Public Works Department and Canby Utility.
6. For the final plat, an access easement benefiting all lots shall be provided for the private access drive and associated sidewalk. A public easement shall be provided over the guest parking stalls on lots 1 and 6.
7. The final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
8. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.

9. Prior to the issuance of a building permit, an acceptable stormwater system plan shall be approved by the State of Oregon – DEQ, the City Engineer and Canby Public Works Department.
10. The applicant shall provide a five (5) foot sidewalk inclusive of curb for the full frontage of the parent parcel along S Knott Street. Upon installation, where mailboxes, fire hydrants and other obstructions interfere, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. New curb cuts and drive approaches shall conform to City of Canby standards for vehicle and pedestrian access and shall be inspected by Canby Public Works prior to installation.
11. The applicant is responsible for all costs associated with the relocation of utilities.
12. A new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
13. Parking shall be prohibited in the access drive in order to provide continuous, unhindered emergency vehicle access. ***“Private Drive: No Parking”*** shall be posted by the developer in compliance with City standards for parking signage.
14. Prior to the signing of the final plat, the applicant shall submit a street tree plan. Street trees shall be placed along property’s South Knott Street frontage to the maximum extent possible while allowing for necessary pedestrian and utility infrastructure. Trees shall be planted so as to aid in the screening of the blank surfaces on the western end units.
15. The applicant shall maintain one fire hydrant at the entrance to the development to the satisfaction of Canby Fire District #62.
16. The access drive and sidewalks shall be constructed to the satisfaction of the Canby Fire District #62 in order to provide sufficient access for emergency vehicles.
17. The unit on lot six shall meet the required 15 foot setback towards S Knott St.
18. The fence between the subject parcel and Locust Street Park shall be left in it’s current condition. Any proposed modification to the fence and/or access to the park shall be subject to discretionary review by the City.
19. All parking stalls shall meet the minimum parking dimensions required by CMC Section 16.10.070.
20. The applicant shall submit a color-board to the City Planning Department.

21. The homeowners association shall be responsible for the landscaping and signage in the access drive. Prior to the signing of the final plat, a copy of the CC&Rs that will be filed with the subdivision shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include a statement that street trees will be planted along street frontages, within the street tree planting easement.

The CC&Rs must also include a statement notifying home owners of their responsibilities under the current Tree Ordinance for maintenance of street trees. The CC&Rs must also include, at a minimum, the following:

- Land which is not intended for physical development, such as building or street uses, is required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- The manner in which any open space, private park and recreational area, and parking areas are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision.

I CERTIFY THAT THIS ORDER approving SUB 06-06/DR 06-11 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 12th day of February, 2007.

James R. Brown, Chair
Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – January 22, 2007

AYES: Brown, Holte, Milne

NOES: None

ABSTAIN: None

ABSENT: Molamphy, Holte

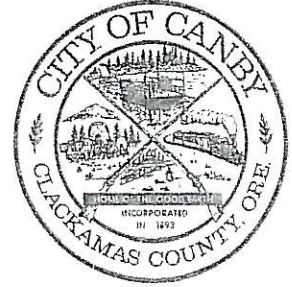
WRITTEN DECISION – February 12, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:



BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A REQUEST FOR SITE AND DESIGN) FINDINGS, CONCLUSION & FINAL ORDER
REVIEW APPROVAL FOR A) DR 06-12
DRIVE-THROUGH RESTAURANT) (Burger King)

NATURE OF APPLICATION

The City has received DR 06-12, an application by Kaizen Restaurants to construct a 2,565 sq. ft. Burger King drive-through restaurant. The site is located on Pad B of the Canby Place retail center that was previously approved by the Planning Commission in 2005 (file DR 05-05). Most aspects of the site have already been determined through the original Design Review; which had assumed that the site would be utilized as a drive-through restaurant. Access to the site will be from within the existing development which has a access from Highway 99E and Berg Parkway.

CRITERIA AND STANDARDS

In judging whether or not a Site and Design Review application shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable:

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and

- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the Design Review matrix outlined in Section 16.35 to determine "compatibility". An application is considered to be "compatible", regarding subsections B and C above, if the minimum score in each category is met for the entire development.
 - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
- 2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
 - 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
 - 4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on January 22, 2007 and considering the January 12, 2007 staff report deliberated and reached a decision approving the applicant's request for design review. The Commission discussed the layout and design of the site. The Commission adopted the findings and conclusions contained in the January 12, 2007 staff report, written in the Order below:

CONCLUSION

The Planning Commission concludes that, with the application of certain conditions:

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
 - 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
 - 1D. The proposal is deemed compatible given that staff allocated a minimum or higher number of points per category on the design review matrix; and
 - 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
 3. The proposed development will not increase the cost of housing in Canby.
 4. The property owner is not applying to remove street trees.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that DR 06-12 is approved, subject to the following conditions:

1. Prior to the issuance of a building permit, the design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
2. A pre-construction conference shall be held prior to construction and issuance of any building permit. Twelve copies of the pre-construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.
3. Prior to the issuance of a building permit, a revised set of **all** full size development plans (including site plan, landscape plan, elevation, etc.) shall be submitted which depicts each of the written conditions to the satisfaction of the City Planning Department.

4. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
5. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 2" caliper.
6. All interior sidewalks and access-ways shall be a minimum of five (5) feet in width.
7. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.
8. The required accessible parking spaces shall be designed to the standards and specifications of the ADA in terms of size, striping, location, and associated access-way.
9. Details of sign dimensions and mounting techniques shall be shown on the building permit submittal or on a subsequent sign permit application.
10. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
11. All grading and fill conducted on the site shall comply with City and County regulations.
12. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
13. All storm water shall be disposed of on-site. The design of storm water facilities shall be approved by the City Engineer and Public Works Supervisor. The applicant is responsible for obtaining approval from DEQ, if necessary, for private drywells.
14. ADA Ramps shall be provided as required by the Public Works Supervisor.
15. Site lighting shall be "hooded" to project light downward.

16. A minimum of three "Staple" type bicycle racks shall be provided as shown on the submitted site plan as provided per the requirements of CMC 16.10.100.
17. If required by the Wastewater Treatment Plant Supervisor, the applicant will obtain an Industrial Wastewater Discharge Permit prior to any discharge to the City of Canby wastewater system. A grease interceptor shall be installed to Clackamas County standards.
18. All conditions of approval from DR 05-05 (Canby Place) apply to this approval.
19. Directional signage for the Highway 99E access shall be installed and maintained.
20. Safety barriers shall be installed at the top of the bank separating the site from 99E. The barrier shall be designed in such a way that it will minimize the possibility of vehicles sliding down the bank. The design of the barrier shall be subject to review by the City Engineer.
21. Wainscoting on the building shall continue around the entire perimeter of the building.
22. A sloped curb shall be installed on the outside of the drive-through lane in order to separate traffic between the drive-through lane and the wrap-around lane.

I CERTIFY THAT THIS ORDER approving DR 06-12 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 12th day of February, 2007.

James Brown
Chairman, Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – January 22, 2007

AYES: Brown, Milne, Ewert

NOES: None

ABSTAIN: None

ABSENT: Molamphy, Holte

WRITTEN DECISION – February 12, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – January 22, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Commissioners Dan Ewert and Janet Milne

ABSENT: John Molamphy and Bruce Holte

STAFF: John Williams, Community Development and Planning Director;
Kevin Cook, Associate Planner; Jill Thorn, Planning Staff

OTHERS: Jason Bristol, Paul Wenrick, Craig Carlson, Erik Aften, Bryan
PRESENT: Orthel, Joseph Clifford, Nick Netter, Jamie Netter, Cliff Parsons,
Catherine Comer, Rick Givens, L. G. Perkins, Theresa Snelson,
Lisa Weygandt, Eugene Wolf

I. CITIZEN INPUT

Catherine Comer, Executive Director of Canby Business Development, invited the Commissioners to attend a work session scheduled for February 15, 2007 at 7 PM at the Canby Adult Center. The City Council and Canby Business Development Board will also be participating. The purpose of the work session is to give input to the consultants who will be working on the Canby downtown and Highway 99E design standards. Ms. Comer said the consultants plan on having a preliminary report in June of this year. She asked that the Planning Commission have a representative at the various design work shops.

II. PUBLIC HEARINGS

SUB 06-06/DR 06-11 – 296 and 346 S Knott Street - Develop a 10 lot subdivision with attached single family dwellings and Site and Design Review.

Chair Brown 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.

Kevin Cook presented the staff report. The applicant is seeking approval to subdivide one 0.58 acre parcel into ten residential lots, which would result in 10 attached town homes. Tract A would be a 20-foot wide private access drive to serve the units. The access drive would access S Knott Street and would have an east-west orientation. The proposed town homes are arranged so that there would be five attached units along the north side of the access road and five attached units along the south side. The site plan shows a 14.8 foot setback to S Knott St. for lot 6; the requirement is for a 15 foot setback – the applicant may either adjust the building eastwards (there is a 7 foot setback and the applicant currently is showing 10 feet) or resize the building in

order to meet the required setback (Condition 18). This application meets the criteria for the Comprehensive Plan designation of R-2 High Density Residential. An arborist report suggests saving the grove of cedars currently located on the site (Condition 19). An infiltration trench is also located in the vicinity of the cedars; in order to preserve the trees it appears that the trench will need to be offset and resized (Condition 20).

Mr. Cook stated that Condition 15 should be deleted and Condition 21 should be modified in regard to the fence.

Commissioner Ewert asked about the grove of cedar trees and why they were being protected.

Commissioner Milne stated she felt the trees were at the end of their life.

Chair Brown asked about the vehicle storage requirements.

Mr. Cook responded that each unit must have storage for 2 cars plus guest parking.

Applicant: Jason Bristol, applicant, said that the buildings would be setback to the 15 foot requirement. He also said that drain water would be collected and distributed on site; all landscaping would be irrigated and the characteristics of this project would enhance the neighborhood. These units would be sold to individuals and would promote home ownership.

Mr. Bristol did have concerns about the number of street trees being required. He felt that a total of four made more sense.

Commissioner Milne asked who would be responsible for maintaining the front and rear landscape.

Mr. Bristol indicated the home owner association would be responsible for the front.

Commissioner Milne asked if the privacy fences between the units were a part of the construction or up to each individual.

Mr. Bristol responded it was part of the construction process.

Chair Brown suggested the placement of the street trees not cover the windows.

Proponents: Joseph Clifford of 494 S Knott Street said he had several questions about the application. Is the intent to sell the units not rent them; how would it improve the value of his property; when would the project start and why 10 units instead of 8.

Chair Brown stated that generally when an application is heard this time of the year, it is the intent to start in the summer.

Opponents: None

Rebuttal: Jason Bristol, applicant, stated the intention is to sell the units for individual home ownership. He stated the current houses on the property were run down and not in condition to live in. Each unit would be worth around \$200,000 each and would provide ownership in the neighborhood.

Mr. Bristol stated that as soon as the utilities and street improvements were complete construction would start.

Mr. Bristol stated that 10 units were being proposed for financial purposes.

Chair Brown closed the public hearing.

Commissioner Milne stated she agreed with the applicant about the improvement in values to the neighborhood. She felt home ownership was an advantage as more people in the neighborhood had an investment. She thought it was a great plan and met the criteria.

It was moved by Commissioner Milne to approve SUB 06-06/DR 06-11 as with the following amendments: to delete Conditions 15 and 19, to modify Condition 21 that the applicant would maintain and repair the fence as needed, the applicant would work out a plan for the trees in Condition 14, the applicant would provide a color board to the staff, and the homeowners association would be responsible for the landscaping and signage in the access drive. It was seconded by Commissioner Ewert. Motion carried 3-0.

DR 06-12 – 1157 Highway 99E – Site and Design Review approval for a restaurant.

Chair Brown 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.

Kevin Cook presented the staff report. The City has received DR 06-12, an application by Kaizen Restaurants to construct a 2,565 sq. ft. Burger King drive-through restaurant. The site is located on Pad B of the Canby Place retail center that was previously approved by the Planning Commission in 2005 (file DR 05-05). Most aspects of the site have already been determined through the original Design Review; which had assumed that the site would be utilized as a drive-through restaurant. Access to the site will be from within the existing development which has an access from Highway 99E and Berg Parkway.

Chair Brown voiced concerns about the elevation from Highway 99E to the entrance.

Commissioner Ewert asked about the landscaping on the bank and who was responsible as well as any fencing.

Mr. Cook said these were conditions in the previous approval.

Commissioner Ewert said this was a very visible area as you enter the City and needed to look good.

Applicant: Craig Carlson, Carlson Veit Architects PC spoke on behalf of the applicant. Mr. Carlson stated that the typical Burger King plan was being adapted to fit into the current development. He stated that the route for the drive thru might be cumbersome, but that was to allow for stacking of vehicles in line. He stated there was a 20 foot fire lane that was being required by the Fire District.

Commissioner Ewert asked about directional signage.

Mr. Carlson stated that Burger King provides in/out signage and could add more if needed.

Chair Brown asked about the trash enclosure area and how would it look.

Mr. Carlson responded that it was a six foot wall about would match the exterior of the building.

Chair Brown asked if the wainscoting could be extended.

Mr. Carlson responded that was possible.

Commissioner Milne asked about the future play space.

Mr. Carlson said that in the future the applicant may want to add, but was not on the table at this time and would be an indoor playground.

Commissioner Ewert expressed concerns about the traffic circulation.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

It was moved by Commissioner Ewert to approve DR 06-12 amended as follows: add directional signage for site exit; safety barriers; wainscoting to continue to inside corner; and add a sloped directional curve to direct traffic through the drive-through area. It was seconded by Commissioner Milne. Motion carried 3-0.

ANN 06-04 – 1401 S Fir Street – Request to annex 1.95 acres into the City.

Chair Brown 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.

Kevin Cook presented the staff report. The applicant is seeking to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel. The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

There were no questions of staff.

Applicant: Jamie Netter stated she felt this site was suitable for annexation even though previously it had been rejected by the voters.

Chair Brown asked why it was not approved previously. Mrs. Netter responded with the last election the tide had turned. She felt that small growth was the best way for Canby to grow.

Commissioner Ewert stated that Canby was still a good place to live.

Mrs. Netter felt Canby needed medium density housing as it helps keep sustainable growth.

Proponents: Theresa Snelson of 1401 S Fir Street stated that she felt the property should be annexed as three sides of the property are already in the city limits.

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Chair Brown stated that this application fit the criteria.

Commissioner Milne stated that previously voters might have felt there was no master planning, thus a lack of control on growth. She felt with the balancing of the tax base with the growth of the industrial park, voters would look favorably on this application.

It was moved by Commissioner Ewert to approve DR 06-12 as presented. It was seconded by Commissioner Milne. Motion carried 3-0.

ANN 06-05 – 23849 and 26325 S Mulino Road - Request to annex 32.62 acres into the City.

Chair Brown 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.

Kevin Cook presented the staff report. The applicant is requesting approval to annex 32.62 acres into the City. The site is located north of Township Road, along the west side of Mulino Road. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

Mr. Cook noted that an email from Craig Harris had been received in regard to the alignment of the roads.

Chair Brown asked with the projected in development; what was the rate of usage to the current land.

John Williams responded that there was no down side to faster development of the industrial park.

Chair Brown stated that it would be nice to have larger parcels for prospective companies who want to locate in Canby.

Applicant: Cliff Parsons, representing the Parsons Family Trust, and Rick Givens, consultant for the applicant. Mr. Givens stated the only gray area in the application was the public need that the Commission should determine.

Mr. Givens stated that Terry Tolls, a real estate developer in the industrial park, indicated that 75% of the land was locked up.

Commissioner Milne asked about the seedling nursery now on the site.

Mr. Parsons indicated that the business might remain, but that product would be brought from other farms they own. He said that half of the product sold now is from off-site.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Chair Brown asked if industrial land was to be treated differently from land for residential use.

Commissioner Milne felt that industrial land was "a horse of a different color" and felt that large parcels were needed. She also stated she liked keeping the options open especially if having this parcel in the City would help fix Walnut Street. Commissioner Milne felt all the criteria had been met.

Commissioner Ewert felt this should happen to show that Canby was serious about wanting a stable tax base. Also having an exit point on Mulino Road was a plus.

Chair Brown felt the industrial market was just coming back and there would be a flurry of activity and Canby needed to be in competition with other sites in the Metro area.

It was moved by Commissioner Ewert to approve DR 06-12 as presented. It was seconded by Commissioner Milne. Motion carried 3-0.

III. NEW BUSINESS

The election of a Vice Chair was moved to the February 12, 2007 agenda.

IV. FINDINGS

CUP 06-03 – 505 N Baker – Ward Baker – Commissioner Milne moved to approve the findings for CUP 06-03 as presented. Motion seconded by Commissioner Ewert and passed 3-0.

SUB 06-05 – 1592 S Ivy Street – Dinsmore Estates - Commissioner Ewert moved to approve the findings for SUB 06-05 as presented. Motion seconded by Commissioner Milne and passed 3-0.

ANN 06-04 – 1401 S Fir Street – Commissioner Milne moved to approve the findings for ANN 06-04 as presented. Motion seconded by Commissioner Ewert and passed 3-0.

ANN 06-05 – 23849 and 26325 S Mulino Road – Commissioner Ewert moved to approve the findings for ANN 06-05 as amended: the Planning Commission finds the annexation is in compliance with the Pioneer Industrial Park Master Plan; will facilitate the needed infrastructure improvements; allow Canby to be competitive in the marketplace and provide transportation access to Mulino Road and Highway 99E. Motion seconded by Commissioner Milne and passed 3-0.

V. MINUTES

January 8, 2007 - Commissioner Ewert moved to approve minutes of January 8, 2007 as presented. Motion seconded by Commissioner Milne and passed 3-0 with Commissioner Molamphy abstaining.

VI. DIRECTOR'S REPORT

John Williams said that the next meeting, February 12, 2007 would have the continued hearing for DR 06-10 – 1410 S Township Road.

Mr. Williams suggested that the Commission have a work session on the minor code amendments that staff has been preparing on February 12, 2007.

Mr. Williams announced the land acquisition had been completed for the Berg Parkway.

VII. ADJOURNMENT