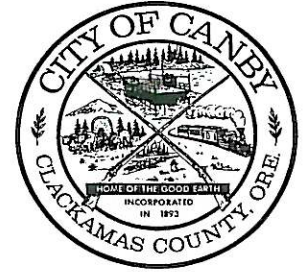


PLANNING COMMISSION AGENDA

Monday – March 12, 2007

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2nd Avenue



Chairman Jim Brown, Vice Chair Dan Ewert

Commissioners John Molamphy, Janet Milne, Bruce Holte and Jared Taylor

I. CITIZEN INPUT ON NON-AGENDA ITEMS

II. PUBLIC HEARINGS

None

III. NEW BUSINESS

North Fairgrounds Comprehensive Plan Amendment Discussion

IV. FINDINGS

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

DR 06-10 – 1410 S Township Road

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TA 07-01 - Miscellaneous Minor Amendments to the Community Development Code

Page 2

V. MINUTES

February 26, 2007

Page 11

VI. DIRECTOR'S REPORT

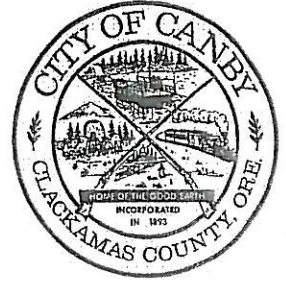
VII. ADJOURNMENT

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 OF MINOR MODIFICATIONS TO CANBY'S LAND DEVELOPMENT AND PLANNING ORDINANCE.)	FINDINGS, CONCLUSION & ORDER
)	TA 07-01
)	(City of Canby)
)	

NATURE OF APPLICATION

This application contains many fairly minor modifications to Canby's Land Development and Planning Ordinance (Canby Municipal Code Title 16). Some of the modifications fix typographical errors or inconsistencies, others are more substantive changes recommended by staff.

HEARINGS

The Planning Commission held a public hearing to consider this application at its meeting of February 26, 2007.

CRITERIA AND STANDARDS

Section 16.88.160 – Amendments to text of title

This is a legislative land use amendment. In judging whether or not this title should be amended, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

**Findings, Conclusions & Order
TA 07-01
Page 1 of 3**

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on February 26, 2007 and considering the February 16, 2007 staff report deliberated and reached a decision approving the text amendment application of TA 07-01. The Commission adopted the findings and conclusions contained in the February 16, 2007 staff report, written in the Order below:

CONCLUSION

The Planning Commission of the City of Canby concludes that:

1. The proposed amendments comply with the Comprehensive Plan of the City, and the plans and policies of the County, State, and local districts, and will preserve functions and local aspects of land conservation and development;
2. There is a public need for the change. Changes are required in order to keep Canby's Land Development and Planning Ordinance up-to-date and functional.
3. The proposed amendments will serve the public need better than any other change which might be expected to be made.
4. The proposed amendments will preserve and protect the health, safety, and general welfare of the residents of the community; and
5. The proposed amendments comply with the Statewide Planning Goals.

ORDER

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approve TA 07-01.

I CERTIFY THAT THIS ORDER recommending approval of TA 07-01 to the Canby City Council was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 12th day of March, 2007.

James R. Brown, Chair
Canby Planning Commission

John Williams
Community Development and
Planning Director

ATTEST:

ORAL DECISION

February 26, 2007

AYES: Brown, Ewert, Molamphy, Holte, Taylor

NOES: None

ABSTAIN: None

ABSENT: Milne

WRITTEN FINDINGS

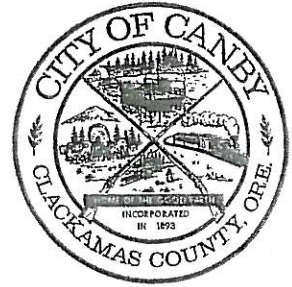
March 12, 2007

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 06-10
TWO STORY WAREHOUSE BUILDING) (Larios Warehouse)

NATURE OF APPLICATION

The City has received DR 06-10, an application request to develop a new 9,600 sq. ft. warehouse building with office space. The proposed office area will total 4,800 sq. ft. and warehouse space will total 4,800 sq. ft. The warehouse space will be divided in two and there will be two distinct office spaces. The offices will be tied to one warehouse unit each as a rental package. One of the warehouses is intended to be used for a wholesale forest products business. There is an existing access to the site by way of a 20 foot wide easement over lots 1816 and 1817 to the south.

HEARINGS

The Planning Commission held a public hearing to consider the application on January 8, 2007 and February 26, 2007.

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 8, 2007 and February 26, 2007; and considering the December 29, 2006 staff report and memorandum of February 15, 2007 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 December 29, 2006 staff report and February 15, 2007 memorandum which modified Condition 5, and added Condition 22 to the 21 recommended conditions of approval as 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 06-10** 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 Prior to the issuance of a building permit 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 Prior to the issuance of a building permit, satisfactory evidence of a shared access easement shall

be provided to the Planning Department.

- 5 Prior to the issuance of a building permit, the applicant shall submit detailed sheets of the lighting plan, landscaping and stormwater to be submitted with construction plans at the time of the pre-construction meeting to the Planning Department.
- 6 A sign permit application shall be submitted for all proposed signs.
- 7 Fire lane access shall be maintained during and after construction of the office building; the site plan submitted for the building permit application shall indicate compliance the above.
- 8 Exterior lighting is required to provide a minimum of 0.5 foot-candles with a 4:1 uniformity ratio on the pavement in the parking and circulation area. All site lighting shall be "hooded" or "cutoff" so as not to direct light skyward.
- 9 A detailed landscape construction plan shall be submitted to the Planning Department prior to the issuance of a building permit. 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. All landscaped areas shall be irrigated by an automatic irrigation system as proposed. The landscape plan shall meet the minimum landscaping requirements set forth in Section 16.49 of the CMC.
- 10 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. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. Trees are to be a minimum of 2" caliper.
- 11 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.
- 12 All interior sidewalks and access-ways shall be a minimum of five (5) feet in width.
- 13 Bicycle parking shall be provided per the requirements of CMC 16.10.100.
- 14 An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code
- 15 Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.

- 16 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.
- 17 ADA Ramps shall be provided as required by the Public Works Supervisor.
- 18 Commercial approach aprons shall be installed at the entrances to the parcel to the satisfaction of the Public Works Department.
- 19 "Staple" type bicycle racks shall be provided at the front of the proposed building. The racks shall accommodate a minimum of five bicycles.
- 20 The existing fire hydrant shall be upgraded according to the Canby Fire District's specifications.
- 21 Upon change of use, loading docks will be required unless exempted by the Planning Commission.
- 22 The Planning Department staff will review the final color selections for the exterior of the building.

I CERTIFY THAT THIS ORDER approving DR 06-10 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 – February 26, 2007

AYES: Brown, Ewert, Taylor, Molamphy, Holte

NOES: None

ABSTAIN: None

ABSENT: Milne

WRITTEN DECISION – March 12, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – February 26, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Bruce Holte and Jared Taylor

ABSENT: Janet Milne

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

OTHERS: Shirley Tessman, Bob Westcott, Randy Tessman, Barbara LaBaron,
PRESENT: Frank Russell, Cherrol Pacholl, Harold Blessing, Eleanor Blessing, Bruce LaBaron, Beth Anne Cacka, Job Cacka, Mary Balcom, Pat Ewert, Michelle Stevens, George Johnson, R J Larios, Tom Kotzian, Walt Daniels, and Russ Daniels

I. CITIZEN INPUT None

II. NEW BUSINESS

Commissioner Taylor reported he had read the staff reports and records of the meetings for the North Baker Drive and the DR 06-10 application and would be participating in the discussion of the items.

North Baker Drive Update – Commissioner Dan Ewert said that as an adjoining property owner he felt it better if he not sit on the Commission for this agenda item and left the Commission dais.

On September 13, 2006 staff met with a group of citizens who had participated in previous discussions regarding traffic, safety and parking issues on N. Baker Drive and adjacent residential streets. Participants discussed previously reviewed options and then generated a list of recommendations they believed the majority of both residents and industrial tenants in the area would support. These recommendations reflected compromises made by both residents and industrial tenants attending the meeting.

Matilda Deas reported the draft compromises included four recommendations:

1. Install clearly visible "Truck Route" signs on Knights Bridge Road at the point where vehicles head up from the hill from crossing the bridge; and at Knights Bridge Road at Holly.
2. Install "No Trucks Allowed" or similarly worded signs at North Ash and North Aspen and North Cedar where they intersect Knights Bridge Road.
3. Sign North Baker as "One Way – Do Not Enter". The signage would be on North Baker before the curved section that connects North Baker to NW 6th Avenue.

4. Install "No Truck Parking – Tow Away Zone" signage on North Baker from NW 3rd Avenue to the proposed one way portion of North Baker at the curve.

Ms Deas said the residents and industrial park tenants had tentatively agreed on the four proposals.

Staff did receive a letter from a group of industrial park tenants stating that they agreed on points 1 and 2, and requested point 4 be modified for signs to read "No Unattended Parking – Tow Away Zone". The group disagreed with point 3 and requested it be left as a two way street, straightened and improved to City street standards.

Commissioner Molamphy asked who would pay for the changes.

Ms Deas said the City would have to identify funding sources.

Chair Brown reminded the Commission that the Commission would be making a recommendation to the City Council who would make the final decision.

Randy Tessman of 601 N Baker Drive presented a Power Point presentation on many of the issues and concerns of the residents of the area. He gave the Commission a copy of a traffic count of vehicles who exited onto NW 6th and N Baker between 3:30 PM to 5:30 PM. Forty vehicles turned left onto Knightsbridge at Ash and left town while only two turned right onto Knights Bridge at Ash.

Dan Ewert of 596 N Baker Drive said the hedge at the edge of his property was to stop the trucks from using the unsafe street. He felt many people used the area as a short cut and this had never been the intended use. He stated he was willing to lower the hedge if the area was to become a one-way street.

Cherrol Pacholl of 725 N Baker Drive stated she was in favor of the one way traffic plan and felt speed is a big issue.

Job Cacka of 620 N Baker Drive stated the bank behind Mr. Tessman's home was fragile because of the type of soil, very sandy loom. He suggested that a sign like one in Tualatin that was 4' x 4' stating there was no through truck access ahead.

Bob Wescott of 1825 NE 21st Avenue and owner Wesco Parts Cleaners said he had hoped the compromise would be accepted by the industrial park businesses, but that did not happen. He said there were concerns about not having access to the area when the street was closed for work to be done as recently happened when it was closed for a day and vehicles could not get in and out of the area except through the N Baker area.

Walt Daniels of 687 N Ash stated there were many safety issues and the Ash had not been designed for trucks.

Elizabeth Cacka of 620 N Baker Drive expressed concern about speeding and small children. She liked the idea of the one way street and speed bumps.

Pat Ewert of 596 N Baker Drive spoke to the dangerous intersection and felt safety was important.

Eleanor and Howard Blessing of 751 N Baker Drive spoke about their concerns in crossing the street to get the newspaper as cars come around the bend too fast.

Frank Russell of 692 N Baker Drive suggested the buffer strip should become a street which then would relieve the traffic in the neighborhood.

Commissioner Taylor stated he wondered about the same area.

Ms Deas responded that it was a special buffer identified in the City of Canby's Comprehensive Plan as an "area of special concern" and could not be used for a street.

Commissioner Holte said he was in favor of a one-way road; additional signage and speed tables. He was not in favor of widening the narrow street.

Commissioner Molamphy said he was opposed to speed bumps but okay with speed tables. He did not want to improve the street as it was not designed for that type of use. He was in favor of the proposed signage.

Commissioner Taylor said he was in favor of the speed tables and liked the idea of a 4' x 4' sign out on Knights Bridge to let truck drivers know the route that was to be used. He felt the idea of a one-way street heading south. He would like to see pedestrian access off of the road.

Chair Brown stated he was in favor of the signage options. He liked the one-way connection and suggested that the road be improved for a single lane 12 feet wide with curbs and a sidewalk on one side for pedestrians. He also said he was not a fan of speed tables.

John Williams said the next step was that the comments received tonight would be passed to the City Council who would make the final decision.

Chair Brown thanked those who attended and encouraged them to attend the City Council meeting and express their concerns to the Council. Chair Brown said anyone who signed the Sign In sheet would receive notice of the City Council meeting.

Tree Plan for DR 06-11 – Knott Commons – Kevin Cook presented the proposed plan to the Commission. There were no concerns expressed by the members of the Planning Commission.

Election of a Vice Chair - Commissioner Molamphy nominated Commissioner Ewert. Commissioner Holte seconded. Motion carried 5-0.

III. PUBLIC HEARINGS

MLP 06-16/VAR 07-01 – Willamette Valley Country Club – The hearing has been rescheduled for March 26, 2007 in order to notify all adjacent property owners.

DR 06-10 – 1410 S. Township Road– Site and Design Review approval for a two-story warehouse building. The hearing had been continued from January 8, 2007 and February 12, 2007.

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 had received a revised site plan for the proposed Larios Building. The new plan shows a reduced building size of 9,600 sq. ft. (10,200 previously proposed). The proposed floor area consists of 4,800 sq. ft. of office space and 4,800 sq. ft. of warehouse space.

The parking requirement is for 22 parking stalls, which is what the applicant is now proposing on the revised plan.

A trash enclosure has been added to the site plan west of the parking area. The paved area is approximately 10,056 sq. ft. and the proposed landscaping is 4,523 sq. ft. (45%). Two drywells are shown on site.

It is recommended that all conditions of approval from the original staff report remain with the exception of condition 5. Staff will require detail sheets of the lighting plan, landscaping, and stormwater to be submitted with the construction plans at the time of pre-construction meeting.

Applicant: R J Larios said that new plans had been submitted based on the comments and suggestions received at the last hearing and felt the changes were good for the project. Mr. Larios said an easement would be given as requested and that a portable loading dock was being added for possible future tenants of the building.

Commissioner Ewert thanked Mr. Larios for taking seriously the suggestions the Commission had made at the previous hearing and felt such actions made the job of the Planning Commission much easier.

Commissioner Ewert asked Mr. Larios if the findings were conditioned that a future owner of the building would have to come back to the Commission to discuss the loading dock and future uses of the building would there be any problem.

Mr. Larios responded there was no problem.

Chair Brown asked about the color of the roof of the building that was shown on the drawings.

Mr. Larios responded that it was the intention to use shades of brown on the exterior of the building.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Chair Brown felt the design of the project was so much better and thanked Mr. Larios for following through on the suggestions made at the previous hearing.

Chair Brown suggested that the colors for the building exterior be reviewed by the staff,

It was moved by Commissioner Ewert to approve DR 06-10 as amended with Condition 22 that the staff is to review the final building colors. It was seconded by Commissioner Holte. Motion carried 5-0.

TA 07-01 – Miscellaneous Minor Amendments to the Community Development Code.

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. No questions were asked of the Commissioners.

John Williams presented the staff report. This application contains many fairly minor modifications to Canby's Land Development & Planning Ordinance (Canby Municipal Code Title 16). Some of the modifications fix typographical errors or inconsistencies, others are more substantive changes recommended by staff. The last similar application was processed in 2002.

Staff's intent with applications like this is to keep the subject matter fairly routine and uncontroversial, separating out items that may generate more interest or require additional public process. A variety of "more significant" code changes are needed at this time. They include updates to code sections dealing with storm water disposal, site lighting, parking standards, public street design standards, sign regulations, subdivision design, and annexations. These items were purposefully left out of the current application to simplify and target discussion of the more complex issues.

The proposals were reviewed in detail by the Planning Commission at a workshop on February 12, 2007. The Commission made about a dozen changes, which were reflected in the draft proposal before the Commission.

Commissioner Ewert asked if schools were included in the minor public facilities section. Mr. Williams clarified that schools were included for minor public facilities that would not add capacity or traffic to a school.

Commissioner Ewert voiced concerns about eliminating the requirement for garages on manufactured homes in the R-1 zone.

Chair Brown said that even if there was no garage, the applicant still had to provide two off street parking places.

Commissioner Taylor said that some people don't need a garage and should not have to bear the cost of building a garage. He felt there were people who did not drive or used public transportation as a life style choice.

Commissioner Holte felt the two off street parking places was appropriate.

Mr. Williams said that based on comments received at the work session on February 12th he had crafted language for Chapter 16.35.050 K. It was suggested to add at the end of the sentence "as approved by the Planning Commission".

Mr. Williams noted that recently it had come to staff's attention that Chapter 16.32.010 W listed an official interpretation hearing and there was no such process. He suggested that be eliminated.

Chair Brown closed the public hearing.

Chair Brown said the application met the criteria and thanked Mr. Williams for all the work in putting the application together.

It was moved by Commissioner Molamphy to approve TA 07-01 as amended on Chapter 16.35.050 K adding "as approved by the Planning Commission" at the end of the sentence and Chapter 16.32.010 W removing "through an official interpretation hearing". It was seconded by Commissioner Holte. Motion carried 5-0.

IV. FINDINGS

None

V. MINUTES

February 22, 2007 - Commissioner Molamphy moved to approve minutes of February 22, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

VI. DIRECTOR'S REPORT

Mr. Williams announced there were no public hearings scheduled for the March 12, 2007 meeting.

VII. ADJOURNMENT