

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, February 27, 2017  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners Larry Boatright, John Serlet, Derrick Mottern, Shawn Varwig, and Andrey Chernishov

**ABSENT:** John Savory and Tyler Hall

**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

**OTHERS:** Curt McLeod, Hassan Ibrahim, Brian Varricchione, Adam Olsen, Dan Murphy, Bill Kinman, and Council Liaison Tyler Smith.

**1. CALL TO ORDER**

Vice Chair Boatright called the meeting to order at 7:00 pm.

**2. CITIZEN INPUT – None**

**3. MINUTES**

- a. February 13, 2017 Planning Commission Minutes

***Motion:*** A motion was made by Commissioner Mottern and seconded by Commissioner Chernishov to approve the February 13, 2017 Planning Commission minutes. Motion passed 5/0.

**4. NEW BUSINESS – None**

**5. PUBLIC HEARING**

- a. Consider a request for a 21-lot Subdivision for Northwood Estates Phase III on a 5.04 acre site on NW 11th Avenue, west of N Elm Street suitable for single family homes (**SUB 17-01**).

Vice Chair Boatright opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. Commissioner Serlet had driven by the site.

Bryan Brown, Planning Director, entered his staff report into the record. The Northwood Estates area had been master planned in 2005 into four phases. Phase I and II were mostly built out and this would be the next phase. He showed a map of the vacant property where Phase III was proposed. There were existing houses on adjacent property to the north and west. The layout followed the original master plan, the lots complied with the R-1 size except for one large, deep lot that was slightly over 10,000 square feet which was in the master plan, and the homes would be limited to one story on the lots backing up to existing residences. In Phase I and II, park land had been dedicated which satisfied the System Development Charges that would otherwise be collected for Phase III. A traffic study was done for Phase II and III, and there were no findings or requirements for Phase III. It was recommended to have speed cushions on N. Birch and those were installed last

week. The drainage plan was for underground injection wells that would need to be DEQ approved. Public testimony was received that was not included in the packet, an email from Florence Ball. She was concerned about having two story homes built next to the three existing homes on NW 10<sup>th</sup> Avenue. These homes were built in Phase II and were not part of the original agreement. He explained the in-fill home standard for a step up height requirement for existing houses that had been there for five years or more. Single story homes on those lots were not required. The letter from Keith Galitz in the packet was in support of the application and another letter in the packet was from a neighboring home stating a second story home that was built next to his should not have been allowed. He was trying to look out for the adjacent homes for the new phase. The requirement he was referring to in Phase I and II were to conform to in-fill standards, and was not a promise that there would only be single story homes. The applicant included a map that had stars on the lots that would be one story homes. Staff recommended approval of the application with conditions. He recommended eliminating Condition #27 as it was not needed.

**Applicant:**

Curt McLeod and Hassan Ibrahim of Curran McLeod Engineers in Portland were representing the applicant. The first phase was done in 2005, second phase in 2013, and they planned to build the third phase this year. The application followed what was in the master plan. In the neighborhood meetings years ago, they had committed to those on NW 12<sup>th</sup> that the homes would be single story, but did not promise the same for in-fill homes. The majority of the homes were single story. The speed cushions had been put in, and would soon be paved.

**Proponents, Opponents, or Neutral Testimony:** None

Vice Chair Boatright closed the public hearing.

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to approve SUB 17-01 as written. Motion passed 5/0.

- b. Consider a request for Site & Design Review for the proposed Canby Utility Office and Operational Facility at 1265 SW 3rd Ave. **(DR 17-01)**

Planning Director Bryan Brown entered his staff report into the record. He discussed a map of the location on SW 3<sup>rd</sup> and the proposed site plan which would be done in phases. The public would enter off of a SW 3<sup>rd</sup> driveway. The driveway would align with the Hawksoft driveway on the other side of the street. There would be two driveways on Pine Street for larger trucks. The applicant chose to use their own firm to do the traffic study instead of the City's Traffic Engineer. The City's Traffic Engineer reviewed the results of the study and found all the requirements had been met. The study showed an increase in traffic, but the standards for level of service and congestion were still being met. The phasing could be as much as ten years apart for the two phases, and the applicant proposed a condition of approval that would formalize that in the findings. This was for approval of both phases and as long as the site plan was followed, there would be no problem moving forward in the future for the second phase unless it was altered. Staff proposed a condition for the monument sign, which should be limited to the size and height standards applicable to the M-1 zone and Table 2 of the Sign Ordinance. There were already sidewalks on 3<sup>rd</sup> Avenue and the sidewalks on S Pine

would be curb-tight due to a gas line in the area. Staff recommended approval with conditions. He added four conditions not in the staff report as follows:

1. The Planning Commission will review any recommendations from ODOT that would differ or contest what already has been presented to the Commission today.
2. The project may be built in phases with an overall time frame of up to 10 years. Any changes to the approved plan shall require review pursuant to Section 16.89.090 of the Development Code.
3. On-street parking along S Pine Street within 20-feet of the site driveway access locations shall be prohibited by appropriate painted markings or signage to be arranged with the City Public Works staff.
4. Prior to occupancy, sight distance at any existing access point will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

**Applicant:**

Dan Murphy, General Manager of Canby Utility, said this project started in 2009 where some sites were identified and a feasibility study was done of the sites. In 2010, this property was purchased.

Adam Olsen, project architect with Mackenzie in Portland, discussed the potential phasing of the project which would be based on pricing. The property was in between residences on the west and south, industrial on the east, and commercial on the north. They took themes from all of these uses and incorporated them on the site. All the buildings would be single story, and would be using some of the same elements as the surrounding sites such as metal materials and concrete masonry. He showed sketches of what the office building exterior would look like and perspective from Pine Street. The idea was to keep the site open, transparent, safe, and welcoming.

Brian Varricchione, land use planner with Mackenzie in Portland, discussed the extra conditions of approval. Regarding the condition about ODOT, since the site was not on a State highway, ODOT did not have any permitting authority. They thought the City's Traffic Engineer would route it to ODOT, but that had not happened and Canby Utility would do that. They did not want Canby Utility to be in a bind if ODOT raised an issue that the Planning Commission had not evaluated yet. He would like the condition to say Canby Utility would cooperate with ODOT and get their input and respond to it with the City rather than satisfying everything ODOT might desire before a building permit was issued.

Commissioner Serlet clarified ODOT had oversight if the area was in a quarter mile of a State highway, such as 99E. Mr. Brown understood the concern as ODOT did overreach their authority at times. Traffic studies were circulated through ODOT and staff worked with them to arrive at satisfactory solutions in the studies. Most of the time, ODOT made recommendations and cities often pushed back. They could state in the condition that if ODOT was requiring something that seemed onerous, it would be brought back to the Commission.

Commissioner Serlet asked if there had been concern from the residential area about the noise from the trucks. Mr. Varricchione said no comments had been received. They had pushed the industrial uses to the east side to provide some separation and there would be a landscape buffer as well.

**Proponents, Opponents, or Neutral Testimony:** None

Vice Chair Boatright closed the public hearing.

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve DR 17-01 with the four additional conditions, and modification of one condition that the Commission would review whatever conditions were recommended by ODOT that would differ or contest what had been presented that day. Motion passed 5/0.

## 6. FINAL DECISIONS

### a. Northwood Estates Phase III (SUB 17-01)

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final decision for SUB 17-01 minus Condition #27. Motion passed 5/0.

### b. Canby Utility Office and Operational Facility (DR 17-01)

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Chernishov to approve the final decision for DR 17-01 with the four additional conditions. Motion passed 5/0.

## 7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown discussed the pre-application for annexation of 77 acres for a 65 lot subdivision west of Fir Street towards Elm. There would be three different levels of residential zoning and it will require a master plan and new sanitary lift station.

The next regular Planning Commission meeting was scheduled for Monday, March 13, 2017. The Commission would be reviewing an application for the Trail Crossing Apartments.

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

## 9. ADJOURNMENT

**Motion:** Commissioner Varwig moved for adjournment, Commissioner Serlet seconded. Motion passed 5/0. Meeting adjourned at 8:17 pm.