

**DRAFT MINUTES**  
**CANBY PLANNING COMMISSION**  
6:00 PM – March 11, 2024  
City Council Chambers – Virtual Meeting via Zoom

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**PRESENT** – Commissioners: Matt Ellison (Chair), Dan Ewert (Vice Chair), Michael Hutchinson, Judi Jarosh, Craig Lewelling, Hannah Ellison, and Jennifer Driskill

**ABSENT** – None

**STAFF** – Don Hardy, Planning Director, Emily Sasse, and Laney Fouse Lawrence, Recording Secretary

**OTHERS** – David F. Doughman, Consulting City Attorney, Beery Elsner & Hammond LLP

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**1. CALL TO ORDER**

**The meeting was called to order at 6:00 PM.**

- a. Pledge of Allegiance

**2. CONSENT ITEMS**

- a. Draft Meeting Minutes – January 22, 2024
- b. Draft Meeting Minutes – February 26, 2024

**Motion:** A motion was made by Commissioner Ewert and seconded by Commissioner Hutchinson to approve the draft meeting minutes for January 22, 2024, as written. It was noted that both Commissioners Hannah and Matt Ellison were not in attendance at the January 22, 2024, meeting. Motion approved 5/0, with 2 abstentions.

**Motion:** A motion was made by Commissioner Driskill and seconded by Commissioner Hannah Ellison to approve the draft meeting minutes for February 26, 2024, with corrections to the header date. Motion approved 7/0.

**3. CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**4. OLD BUSINESS** – None

**5. NEW BUSINESS** – None

**6. PUBLIC HEARINGS** – None

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## **PLANNING COMMISSION WORK SESSION**

The Planning Commission met in a Work Session to discuss the following topic:

- **Hearing Procedures and Processes**, presented by Don Hardy, Planning Director, and David F. Doughman, City Attorney, Beery Elsner & Hammond LLP. This work session was originally scheduled for February 26 but was rescheduled due to staff availability.

Director Hardy introduced the topics of discussion for the work session. City Attorney Doughman presented the roles of the Planning Commission and procedural items for before, during, and after a hearing. Commissioners are responsible for reviewing application material, maintaining unbiased and impartial opinions, while also declaring any ex parte contact. Attorney Doughman walked through scenarios that may occur during a meeting and how to properly handle them. Responsibilities of a quasi-judicial body were explained in depth and how to announce conflict of interests. Doughman emphasized disclosing conflicts of interest that may be financially beneficial towards a commissioner. In the event there is a conflict of interest with financial benefits, the commissioner must refrain from participating in the hearing.

Doughman elaborated on the difference between clear and objective standards, and discretionary standards. Based on evidence presented by the applicant and planning staff, clear and objective standards are important to maintain during the approval or denial process for a development project. He went through the order of procedures for how a meeting should be structured and how legislation related to clear and objective standards only applies to housing applications. Commercial and industrial development have no prohibitions with respect to clear and objective standards. Hardy summarized the code items that have clear and objective standards, such as setbacks, impervious surface percentage, building height and parking standards. Hardy asked Doughman to provide guidance on how the Commission should handle Senate Bill 1537. In addition, Hardy asked for additional dialogue regarding discretionary versus objective standards and what standards would apply to certain development types. Planned unit developments (PUDs) follow discretionary standards unlike cottage clusters and middle housing projects, which must follow strict objective standards for development. Hardy asked what level of discretion should be used when reviewing mixed use development within the downtown. Doughman explained that mixed use development is zoned commercial in Canby so the Commission can use subjective standards when reviewing applications.

Advice regarding procedural rules for closing the hearing was shared by Attorney Doughman. He stated if the Commission needs further clarification from the applicant, they can decide to keep the hearing open during deliberation. Presentation time limits for the applicant, proponents, and opponents were discussed and how to manage the hearing if additional time is needed to gain information. Commissioner Jarosh suggested a motion be made by a commissioner if time limit extensions are needed. Jarosh asked if the Commission could require an applicant to submit their presentation prior to the hearing. Doughman stated that applicants are allowed to make minor changes to the application/presentation up until the hearing. However, the project description and standards must still be met according to the City Code. Further discussion amongst the Commission took place regarding the accuracy of applicant's presentations at hearings.

## 7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. The next Planning Commission meeting is planned for **Monday, March 25, 2024**, at 6:00 pm in the Council Chambers.
- b. Planning Director's Update

There will be a work session regarding housing needs on April 17<sup>th</sup>, including a discussion of the City's revised housing acreage need for the planned urban growth boundary amendment. The fencing code discussion will be revisited on April 8<sup>th</sup>. An update regarding the tolling project was briefly mentioned with the Governor deciding to pause the project. An outline of meeting and hearing items for what to expect over the next few months was shared.

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

Commissioner Ewert asked for an update about the Canby Beer Library project, the Walnut Street extension and the upcoming Knights Bridge Road closure. Hardy said the permits for the Beery Library are nearing approval through the County and construction is expected to start in the summer. Commissioner Driskill reiterated her previous request to discuss open space/common area at a later date.

## 9. ADJOURNMENT

**Motion:** A motion was made by Commissioner Hutchinson and seconded by Commissioner Ellison to adjourn the meeting. Motion adjourned 7/0.

**The meeting adjourned at 7:58 PM.**