

DRAFT MINUTES
CANBY PLANNING COMMISSION
6:00 PM – January 9, 2023
City Council Chambers – Virtual Meeting via Zoom

PRESENT – Commissioners Michael Hutchinson, Chris Calkins, Judi Jarosh, Matt Ellison, Craig Lewelling, and Dan Ewert

ABSENT – None

STAFF – Don Hardy, Planning Director, Ryan Potter, AICP, Planning Manager, Jamie Stickel, Economic Development Director, and Laney Fouse Lawrence, Recording Secretary

OTHERS – Jason Padden, Carol Palmer, Greg Parker, Sarah Spoon, Ken Arrigotti

1. CALL TO ORDER

Director Hardy thanked Jason Padden for his dedication and time that he has put into the Planning Commission and is looking forward to his contribution to the City Council.

Commissioner Ewert personally thanked Mr. Padden for his commitment over the years to the Planning Commission and his tremendous voluntary acts within the Community.

Commissioner Calkins congratulated Jason Padden for his position move to City Council and thanked him for his passion and drive to prioritize code updates while serving the Planning Commissioner.

Commissioner Ellison thanked Jason Padden for his guidance since joining the Commission.

Mr. Padden thanked the planning commissioners for continuing to serve the community and all the work that the Commission has done over the years. He stated that he will continue to advocate for the Planning Commission and push to get the fencing ordinance work sessions on the calendar for City Council.

Introducing New Planning Commissioner

Commissioner Hutchinson welcomed new Planning Commissioner Craig Lewelling.

Chair & Vice-Chair Nominations

A motion was made by Commissioner Ewert and seconded by Commissioner Jarosh to nominate Commissioner Ellison as Chair of the Planning Commission for 2023. Motion passed 5/1.

A motion was made by Commissioner Lewelling and seconded by Commissioner Jarosh to nominate Commissioner Ewert as Chair of the Planning Commission for 2023. Motion declined due to majority vote for Ellison.

A motion was made by Commissioner Ellison and seconded by Commissioner Lewelling to nominate Commissioner Ewert as Vice-Chair of the Planning Commission for 2023. Motion passed 5/0, with Commissioner Ewert abstaining.

2. CONSENT ITEMS

a. Draft Planning Commission Meeting Minutes – March 14, 2022

Motion: A motion was made by Commission Ewert and seconded by Commissioner Ellison to approve the draft Planning Commission meeting minutes for March 14, 2022. Motion passed 6/0.

3. CITIZEN INPUT ON NON-AGENDA ITEMS

4. NEW BUSINESS – None

5. PUBLIC HEARINGS

a. HLC 22-01, Canby Historical Society/Canby Depot Museum, 884 NE 4th Avenue – Jamie Stickel, Economic Development Director

The Heritage and Landmark Commission is seeking approval to include this site on the Local Register of Historic Resources.

Commission Hutchinson opened the public hearing and read the hearing statement. He asked if anyone on the Planning Commissioner had any conflict of interest, ex parte contact with the applicant, or site visitation, to please indicate the nature and extent of the contact.

Commissioner Jarosh stated that she would be abstaining from voting due to her involvement as the Chair for the Heritage and Landmark Commission (HLC). She also mentioned that she was the Chair for the Public Hearing that was required in order to move this project to the Planning Commission.

Commissioner Ewert mentioned that he does not have an issue with Commissioner Jarosh participating in the voting for the Public Hearing, and he would value her input.

Director Hardy clarified to the Commission that this hearing is a recommendation of approval to the City Council.

Jamie Stickel, Economic Development Director and Communications Specialist, introduced the hearing. The Canby Historical Society submitted an application to include the Canby Depot Museum on the Local Register of Historic Resources and if approved by Planning Commission would result in designation of a Historical Protection Overlay Zone. She discussed the applicant request and background, criteria for Historic Landmark and Historic District Designation procedures, as well as City Staff recommendations. Stickel mentioned that the Depot is eligible due to its association during the early development of Canby as a shipping and distribution center for Southern Pacific. In order to designate, the resource (the depot museum) generally needs to be 50 years or older, and needs to possess importance of historical, architectural, and/or environmental significance.

Commissioner Ewert asked if in the event that the Depot Museum does get onto the Local Register of Historic Resources register would the City be allowed to make any additions to the property in the future.

Stickel stated that the City's Municipal code (16.11075) explains that if there is a need to move or make alterations to a Historic Landmark, a hearing with the HLC is needed for approval. She reiterated that designation does not prohibit future alterations or location placements, but is to provide additional oversight for the Heritage and Landmark Commission.

Commissioner Ewert mentioned he could imagine putting the old warehouse back on the property to add aesthetic value, along with added signage.

Commissioner Calkins asked what happened to the grant that was proposed roughly 12 years ago to relocate the Depot back to its original location.

Stickel said she does not have any prior knowledge about the grant but mentioned that 12 years ago, the City was planning for the Northwest First Avenue Redevelopment. During that time, the City and the Union Pacific Railroad had an agreement for extra land due to the decrease in parking along First Avenue.

Commissioner Calkins asked if the land that the Depot is currently on has any historical significance and wanted to clarify that the zoning around the lot is currently commercial industrial.

Stickel explained that since the Depot has been in the spot for nearly 50 years that would designate it as historically significant.

Presenter: Carol Palmer, member of the Canby Historical Society.

Palmer introduced criteria and the process for designating the Depot historically significant along with a timeline of the Depot's history in Canby. She explained

designation is important in order to preserve the building. All proposed exterior alterations will be subject to design review. The focus of the design review will be the effect of the alteration of the property's historic integrity. Minor alterations may be approved by the Planning Director and major alterations will need to be approved by a HLC public hearing. She gave examples of minor and major alterations and mentioned that the historical documentation that is held within the depot is rare for a City of this caliber.

Proponents: None

Opponents: None

Neutral: None

Commissioner Calkins asked if there is a way to historically designate and protect the Depot without going through the process of rezoning the property.

Director Hardy mentioned that this is more of an overlay than a zone change, which essentially just protects the property that the Depot is on opposed to fully re-designating it. The base zoning for the property will still apply. He mentioned that the overlay will protect the property from the underlying zoning that could allow things to take place on the property if not designated.

Commissioner Hutchinson closed the Public Hearing.

Commissioner Calkins stated that the Depot is historically important to the overall existence of Canby. He mentioned that Canby is running low on industrial land and he's concerned about the amount of farmland that could be paved over. He compared this to the Sequoia Grove Apartments. He acknowledged the need for lower income housing in Canby, but questions at what risk to the industrial zone. He mentioned that he would like to see the Depot moved back downtown, to its original location. If moved, he believes that it will provide additional tourism into downtown. The 2004 Transportation System Plan stated that the N Pine St intersection is one of the most dangerous intersections in Canby. Overall, he would like to see more historical preservation downtown.

Commissioner Ewert suggested discussing with the fairgrounds about possibly donating a portion of land in order to make the footprint of the Depot property larger. He mentioned that as the City has grown, small industrial zones have spread. The industrial footprint will need to be enlarged in the future. He doesn't believe that it was viable to put apartments on fresh useable land within the industrial park. He referenced Baker and 3rd as the location that should have been made into apartments. Ewert asked Commissioner Calkins where he think the Depot should be placed downtown.

Commissioner Calkins recommended that City staff should evaluate a potential spot if the Depot was moved. He mentioned that if it cannot go back to its original location that he would like to see it placed on the empty land next to Canby Music.

Commissioner Ewert said he would not mind if it was moved, however he was adamant that it needs to become a historical piece of property that is valued.

Commissioner Ellison asked if moving the Depot and designating it historically significant would have an effect on one another.

Commissioner Calkins had concerns that approving the Depot would affect any decision to move it in the future. He read his recommendation that if the proposal was approved that it only be approved on the basis that there would be plans and efforts made to find grants to help move the Depot.

Carol Palmer said Canby Historical Society would withdraw their application if Calkins' recommendation was approved.

Commissioner Jarosh thanks Palmer for her volunteer efforts to make this proposal happen. She mentioned that the location on Pine where the Depot currently is was not planned to be the permanent spot. She suggested talking to Doug Birkeland from the HLC who was on the committee when the Depot was first moved. She shared that the HLC has a hard time finding volunteers which makes it almost impossible to submit grant applications.

Director Hardy wanted to clarify that the Depot is not a City owned facility. He also mentioned that this approval would not preclude the council from taking future actions on the Depot. He said that relocations of historic sites have occurred subsequent to their original location. The depot is currently occupying the site, it's not going to bring a new use into the zone. He wanted to make sure the Commissioner makes a decision based on the criteria and the immediate need is to first protect the building.

Commissioner Lewelling mentioned that he believes the fairgrounds could provide adequate resources for improving the Depot in the future if it stays. He also stated that he does not have a personal preference whether it moves or stays.

Commissioner Calkins asked if there could be a recommendation to Council to amend his motion if it fails.

Director Hardy stated that there could be a consideration if the directive was to have the City eventually take over ownership of the Depot, but the City currently has little to no control over the property. He mentioned that the basic premise of the hearing is to provide protection to the building.

Commissioner Hutchinson stated that since the protection is mobile along with the structure that the Commission needs to approve the application as soon as possible. He mentioned that Pine street intersection has been discussed in the past and is already over capacity. He expects there will need to be some major construction within that zone within the next decade so he would like to see it approved now so it won't be at risk of being demolished down the road if it does not get relocated.

Motion: A motion was made by Commissioner Hutchinson and seconded by Commissioner Calkins to approve application of a historical overlay zone to the Canby Historical Society/Canby Depot Museum at 884 NE 4th Avenue (HLC 22-01) with recommendations to City Council to complete an exploratory evaluation of a different location in downtown more suitable to tourism and economic development. Motion passed 6/0.

b. DR 22-05/LLA 22-05, Backstop Brewing, 211 & 241 N Grant Street – Ryan Potter, AICP, Planning Manager

The project applicant requests approval to construct a two-story, 11,230-square-foot building featuring a restaurant/bar, brewery/taproom, and second-story dining terrace.

Commissioner Hutchinson opened the public hearing and read the hearing statement. He asked if anyone on the Planning Commission had any conflict of interest, or ex parte contact with the applicant or site visitation, to please indicate the nature and extent of the contact.

Commissioner Ellison stated that he would not be participating in the public hearing due to his involvement as the owner of the plumbing company that will be working on the project.

Commissioner Calkins said that he had many personal visits to the site and had brief conversation with the applicant about his ideas on the project prior to being a Planning Commissioner. He said he planned on participating in the hearing.

Commissioner Hutchinson said he regularly patronizes the business and saw preliminary renderings before he heard it was coming before the Commission. Considering his level of service to the business is exceptional he planned to participate in the voting.

Ryan Potter, Planning Manager, introduced the project as a site and design review application as well as a lot line adjustment application. He talked about existing conditions, zoning, and explained the need for the lot line adjustment application due to the new building encroaching over an existing property line. He showed proposed renderings, color elevations and shared applicable criteria analyzed in the staff report. He discussed the project is quite consistent with the needed criteria and conforms to the City code and development standards. There are 26 total conditions of approval that must be met and a lighting plan will be required. Potter stated that, based on the application submitted and the facts, finding, and conclusions of the staff report, planning staff recommend that the Planning Commissioner approved the applications DR 22-05 and LLA 22-05 subject to the identified conditions of approval.

Applicant: Ken Arrigoti, owner of the Backstop Bar and Grill

Arrigoti gave a brief outline of where the tap room and the brewery will be located in the renderings. He said he has already hired a brewer and there will be a

rooftop bar. The bar will be located above the brewery and the kitchen for the Italian restaurant will be adjacent to where the ballroom is in the Backstop building. He mentioned that they will install a new sprinkler system in the new building and plan to extend it into the old building.

Proponents: None

Opponents: None

Abstentions: None

Commissioner Jarosh mentioned that in section 16.10.080 within the applicant's narrative, the street tree plan is not applicable to this project because the existing frontage has angled parking and she asked why this is.

Planning Manager Potter stated that there may not be pockets within the sidewalk where street trees would be allowed.

Arrigoti mentioned that from Cutsforths' to Grant Street, the City extended the side walk out by roughly 3 feet where they added the bump outs to the corners of 2nd and Grant Street intersection. He said that the City stopped the continuation of the street trees along 2nd Street but said he would like to see it continue down the street in the future. He mentioned he has asked about the process to get that started again and why it stopped. The 1st Street Improvements took priority over the continuation of street trees down 2nd Avenue.

Commissioner Jarosh explained she still does not understand why the angled parking in front of Backstop prohibits street trees while there is angled parking on the frontage of 2nd Street and that street has trees.

Potter explained that some downtown streets have pockets where trees could be added and some do not. He mentioned that Public Works did review the plans for this project and they concluded that the street scene wouldn't need to change. The frontage improvements have already been met, so there is no need to add trees for frontage improvement reasons.

Arrigoti stated that there will not be any changes to the Grant side of the building, just the side of the new building along 2nd street.

Director Hardy said based on the design of the building and since there are currently no tree pockets in the sidewalk that he will not be requiring street trees to be added to the frontage of the new building.

Potter also noted that this decision is consistent with Public Works review of the project where they indicated that no frontage requirements were needed/required, except for repairing sidewalk or portions of the alley that are affected by construction.

Commissioner Jarosh asked if reserving a spot out front of businesses for Grub Hub and pick up order, etc., would be considered a drive up use.

Director Hardy responded stating to his belief a drive up use would not correlate to a Grub Hub parking spot.

Manager Potter stated that curb management will be one of the topics discussed from a policy standpoint during the transportation plan update later this year. Those discussions will help solve how to accommodate some of the modern delivery and pickup services.

Commissioner Jarosh had another question regarding the 11 feet sidewalk width requirement for commercial locations. She said the response in the applicant's narrative said they do not plan on changing the width of the 8 feet wide sidewalk that is there currently. She asked if because the building will be torn down, if the nonconforming sidewalk width will be grandfathered in.

Manager Potter said planning staff have previously discussed this matter and stated that all departments were comfortable with the applicant matching the sidewalk width to the original building, despite tearing the building down. He said the massing, elevation, and wall plane of the new building will match the one next door.

Commissioner Jarosh questioned what the right-of-way would be in reference to the 3 feet requirement for the proposed building's front entry off North Grant.

Manager Potter explained that the sidewalk would be the right of way which is part of the public realm. The main entry is planned to be exactly 3 feet from the front elevation plane and the entryway will be recessed a little from the sidewalk.

Commissioner Jarosh questioned scoring in the design review matrix. She said it showed that the proposed project scored a 1, but a score of 2 was highlighted in the staff report.

Manager Potter explained that staff scored this table slightly different compared to the applicant's team. Planning staff scored the project 2 points due to the level of glazing on the front façade, nearly 70% of more.

Commissioner Ewert stated he would like to see City Council turn the alley ways within downtown into walkways for pedestrians due to the high amount of foot traffic that is created during City and other community held events. He said that with projects such as the Backstop, there should be some sort of effort made to improve the aesthetics of the alleys. Ewert wanted to clarify whether the garbage bins will be located inside or outside of the building.

Manager Potter clarified the garbage area will be located within the building, on the lower right corner of the rendering.

Arrigotti explained the building has been extended out to create an additional room that will lead into the garbage and recycling room. He said the other garage door will open up and lead into the brewery.

Commissioner Ewert questioned about having to add a loading dock to the new building. He stated that in the future if the property were to sell, one lot would have a loading dock while the other property would not.

Manager Potter explained that the approval of the project will create one parcel for both buildings to reside on.

Commissioner Ewert wanted to clarify what the transitional areas would be in reference to this project.

Manager Potter stated that in the Downtown Canby Overlay (DCO) chapter of the code when a project meets or exceeds a certain percentage of the block, the transitional areas are used as a way of unifying the surrounding pieces of property. Some transitional area examples would be an arcade or a courtyard.

Commissioner Ewert asked the applicant if they had any plans for resurfacing to the alley or if they were going to make any improvements.

Manager Potter mentioned that the alley is part of the overall project and will need to be repaired after excavation activity takes place due to the construction of the basement. He stated that there is also a condition of approval associated with the alley way.

Commissioner Ewert mentioned he would like to see the continuation of the street trees down 2nd avenue and the rest of downtown. He asked if the applicant would be willing to put signage up to prohibit future Backstop Bar and Grill and Brewery patrons from parking in the parking lot located behind the Law office from the alley.

Arrigotti mentioned that there is currently already signage restricting Backstop patrons from parking in the law office parking lot.

Commissioner Ewert encouraged the City Council to buy an available lot downtown and convert it into some parking for the future.

Director Stickel mentioned that the Canby Cinema parking lot is completely open to the public and can be utilized during City-held events.

Manager Potter mentioned that the letter of support received was from the law office.

Commissioner Calkins expressed his excitement for the proposed project.

Commissioner Ewert wanted to confirm where the electrical transformers were going to be located. He mentioned that Canby Utility said they will be underground while the applicant's narrative stated they would be added to a new pole and be brought into the building.

Arrigotti explained that the transformer will be added to an existing pole and pipe will be drawn into the ground and then make its way into the building.

Commissioner Ewert asked how the funds from the SDC fees are allocated. He wondered whether the money would go into the Urban Renewal fund for downtown or if the money is processed under another category.

Manager Potter explained that the money from SDC's are separated into the respective funds for parks, stormwater, water, streets, and transportation.

Commissioner Ewert mentioned he would like it if a portion of the SDC fees associated with larger projects like the Backstop, could include a fund for beautification activities within the downtown in the future.

Motion: A motion was made by Commissioner Ewert and seconded by Commissioner Calkins to approve DR 22-05/LLA 22-05, Backstop Brewing, 211 & 241 N Grant, with the recognition that the existing sidewalk will not need to be extended and street trees will not be required. Motion passed 5/0 with Commissioner Ellison abstaining.

6. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

Director Hardy said there will be a work session over the housing needs analysis (HNA) update at the January 23rd meeting. He mentioned that the Planning Commission will be more responsible for making long term policy decisions. The Commission will start making more recommendations to the City Council.

There will be a final housing advisory committee meeting held on January 17th followed by a City Council work session on January 18th. On January 24th there will be an open house for both housing and the economic opportunity analysis (EOA), following a joint work session with Planning Commission and City Council for further discussion. The Planning Commission will be expected to review the strategies for the adoption process for the housing production strategy (HPS) at the March 13th meeting and will be recommended to the Council. The EOA is anticipated to be discussed at the March 27th PC meeting and on May 3rd for City Council. The City Council is anticipated to discuss the HPS on April 19th.

Manager Potter responded to questions on the proposed Beer Library project. He mentioned they have not formally submitted their design review application, but have gone through the pre-application process.

Director Hardy gave an update on the Walnut Street extension.

7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Commissioner Calkins announced that he is resigning from the Planning Commission.

8. ADJOURNMENT

Motion: A motion was made by Commissioner Calkins and seconded by Commissioner Ellison to adjourn the meeting. Motion passed 6/0.

Meeting adjourned at 8:21 PM.