

# CANBY PLANNING COMMISSION

## Special Meeting

June 29, 1992

7:30 p.m.

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### I. ROLL CALL

Present: Vice-Chair Mihata, Commissioners Fenske, Maher, Gustafson and Zieg.

Staff Present: Robert Hoffman, Planning Director; Jim Wheeler, Assistant Planner; and Joyce Faltus, Secretary.

Others Present: Pat Harmon, Israel Flores-Carrillo.

### II. MINUTES

The minutes of **June 22, 1992** were **approved** unanimously, as amended.

### III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

### IV. COMMISSION DISCUSSION OF PLANNING ISSUES

None

### V. COMMUNICATIONS

Mr. Hoffman advised the Commission of the lack of compliance on the part of Butch Olsen (Willamette Valley Construction) with regard to Fairgrounds Park development. Canby was notified by Clackamas County of their reluctance to try to enforce compliance with Code requirements with regard to this developer. Violations have been issued against all the homeowners in Fairgrounds Park because of lack of final plumbing inspections. The contractor has refused to comply. Clackamas County's legal department is putting the onus on Canby to enforce these requirements.

Mr. Hoffman also explained that Mr. Olsen is two weeks behind on his last commitment to the City, to install a proper fence, as per the conditions of approval.

## **VI. FINDINGS**

**Commissioner Fenske moved for approval of CUP 92-04 Findings, Conclusions and Order, as submitted. Commissioner Zieg seconded the motion and it carried 5-1, with Commissioner Maher opposed.**

**Commissioner Zieg moved for approval of CUP 92-06 Findings, Conclusions and Order, as submitted. Commissioner Gustafson seconded the motion and it carried unanimously.**

**Commissioner Gustafson moved for approval of DR 92-06 Findings, Conclusions and Order, with Condition #4 amended to omit the words "visible from N.W. 4th Avenue." Commissioner Maher seconded the motion and it carried unanimously.**

## **VII. PUBLIC HEARINGS**

**MLP 92-03 (previously designated MLP 92-02 in error)**, an application by Pat Harmon for approval of a minor land partition to divide a 26,100 square foot lot into three parcels. The two new parcels would be 7,500 and 7,040 square feet, respectively. The third parcel, with the existing home, would be 7,920 square feet. The applicant intends to construct single family homes on each of the two new parcels. The property is located at 664 S. Ivy Street (Tax Lot 900 of Tax Map 4-1E-4AB).

Vice-Chair Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. She then explained the public hearing process and procedures.

Jim Wheeler presented the staff report and reviewed the applicable criteria. Mr. Wheeler explained that the property consists of approximately 26,100 square feet, with 94 lineal feet of frontage along S. Ivy Street. Currently, the lot is occupied by a single-family house addressed as 664 S. Ivy Street. There are two small buildings situated behind the main house, which were previously used as rentals, and are currently in a state of disrepair. Two of the three pine trees along the south side of the existing drive are dead or dying. Mr. Wheeler stated that adequate yards are available, should the partition be approved. The development of single-family homes on the two newly created lots would be consistent with the Comprehensive Plan designation of the subject property, which is Commercial-Residential. The current zoning classification of the parcel is Low Density Residential (R-1). After partition, the front lot would still be capable of being used for commercial purposes, which

would conform to the Comprehensive Plan designation. On-site disposal of storm water will be required and the proposal will have minimal effect on the groundwater quality. The existing home, and the two rental homes, are connected to the City's sewer system. A 20 foot reciprocal access drive will be provided for the two flag lots. The existing house will have a maintenance/easement agreement for the access drive until such time as it is rezoned, allowing the three residential units to access Ivy Street at one location rather than having three separate drives. This will keep safety hazards to a minimum along S. Ivy Street. Once the property is rezoned Commercial-Residential, the front parcel will terminate access from the common access drive. A sidewalk along S. Ivy will be required prior to occupancy of either Lot #2 or Lot #3. For safety reasons, the Fire Marshal has stated that a turnaround will be necessary on the back lot (Lot #3), as the access drive is in excess of 150 feet. All public facilities are available with adequate capacity. The existing sewer lateral will be able to service Lot 2, but a new lateral is necessary to serve Lot #3. Utility easements must be 12 feet along the exterior lot lines and 6 feet along the interior lot lines. Staff finds the proposal, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code and that the overall design of the partition will be compatible with the area, and recommends approval with conditions.

### **Applicant**

**Pat Harmon, P.O. Box 216, Canby** stated that he concurs with the staff findings, although he is concerned about the curbs and sidewalks. Mr. Harmon explained that he would prefer installing the sidewalk and curb when sidewalks and curbs are installed entirely along Ivy Street, especially because Ivy will be improved and therefore the elevation is unknown at the present time. Mr. Harmon explained he would prefer to submit a waiver of remonstrance for such improvements, which would be more appropriate at the present time. Further, the sewer fee has been paid for on all three lots. The access driveway will consist of two 10 foot strips with a reciprocal maintenance agreement for ingress and egress. Mr. Harmon discussed the placement of homes on the new lots and requested that the Commission approve smaller easements because of the required setbacks. The east side of Lot #3 abuts a developed lot on S. Knott and, therefore, Mr. Harmon requested a 6 foot easement be acceptable. Mr. Hoffman responded that building over an easement is permitted, at the developer's risk. He requested that proposed condition #11 be changed to read that the emergency turnaround be similar to that of 592 S. Ivy [his previous partition]. Mr. Harmon added that the two existing back buildings would probably be removed after the first home is constructed.

**Israel Flores-Carrillo** stated that only the main house, facing Ivy Street, is connected to the sewer. The other homes in back are not connected. He requested that the City accept a waiver of remonstrance with regard to curbs and sidewalks.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation.

Issues discussed:

1. The Commission discussed the setbacks and easements. It was agreed that staff would verify that a 6 foot easement is available on the lot abutting the eastern property line of Lot 3. This should be noted in the final order and proposed condition #4 would be amended accordingly.
2. The Commission discussed the fact that in order to develop Lot #2 or Lot #3 commercially, it would have to be rezoned.
3. The Commission discussed proposed condition #3 and agreed it is necessary to have sidewalks and curbs installed prior to occupancy of a home on either Lot #2 or Lot #3.
4. The Commission addressed the issue of visibility of street addresses from the street. Mr. Wheeler suggested adding a condition #12: "Addresses for Lots #2 and #3 shall be shown at the entrance to the access drive."
5. The Commission discussed the need for an emergency turnaround, the design to be approved by the Fire Marshal.
6. The Commission discussed the need for a reciprocal access agreement.

Based on the Findings and Conclusions contained in the staff report dated May 29, 1992, on the public hearing and on Commission deliberations, **Commissioner Maher moved for approval of MLP 92-03 with the following conditions, as amended:**

1. **The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.**
2. **A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.**
3. **A sidewalk, curb and paving shall be provided along S. Ivy Street prior to occupancy of any structure on either lot 2 or lot 3.**

4. **Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:**
  - along the common access drive;**
  - 6 feet in width along interior lot lines; and,**
  - 12 feet in width along exterior lot lines, but 6 feet along the eastern portion of Lot #3 after verification of an existing 6 foot easement on the abutting property.**
5. **A final partition modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-03.**
6. **Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.**
7. **All monumentation and recording fees shall be borne by the applicant.**
8. **All utilities must meet the standards and criteria of the providing utility authority.**
9. **A minimum distance of fifteen feet shall be provided between the existing house on parcel 1 and the property line for parcel 2.**
10. **All outbuildings shall be 3 feet from any property line or the common access drive, or shall be removed.**
11. **A turnaround for emergency vehicles shall be provided for on Lot #3, according to the Fire Marshal's specifications.**

12. Addresses for Lots #2 and #3 shall be displayed at the entrance to the access drive.
13. The applicant shall submit a reciprocal easement agreement for the 20 foot access drive.

Commissioner Gustafson seconded the motion and it carried unanimously.

#### IX. DIRECTOR'S REPORT

Mr. Hoffman explained that City Council was going to vote on whether to increase all application fees which, if approved, would go into effect on July 1, 1992. Further, Mr. Hoffman advised the Commission that Payless has submitted a Minor Land Partition application, to partition the area that the drug store would occupy in order that they own that section, and would be submitting a Design Review application within the week.


The Commission requested advanced notice when applications are submitted in order to avoid ex-parte contact. Mr. Wheeler advised the Commission of the hearings scheduled for the July 13th Agenda.

Mr. Hoffman stated that the City of Canby, and surrounding cities, are all experiencing the problem of abandoned vehicles on private property. Neither Canby, nor surrounding cities, have a solution to the problem. Some cities have agreements with the County. Canby's agreement with the County has expired.

#### X. ADJOURNMENT

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

  
Joyce A. Faltus