

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
December 11, 1995
7:30 p.m.

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Jackson, Gustafson, Gerber, Larson.

Staff: James Wheeler, Assistant Planner and Joyce Faltus, Secretary.

Others: Councilman Terry Prince, John Watson, Jim and JoAnn Free, Tony Marnella, Cherrol Pacholl.

II. MINUTES

The November 13, 1995 minutes were approved as submitted.

The November 27, 1995 minutes were approved as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Councilman Prince addressed the Commission regarding the appointment of two new planning commissioners, as Commissioner Mihata and Commissioner Gustafson will not be renewing their terms. He asked for a volunteer, in addition to Chairman Schrader, to assist in the interview process with the selection committee. Commissioner Gerber volunteered to join the selection committee. Councilor Prince advised the Commission that, at the present time, there were only two applicants for the two vacancies, but that more might apply in the near future.

IV. COMMUNICATIONS

None

Chairman Schrader submitted a list of proposed Ordinance amendments. He suggested that each of the Commissioners consider possible amendments, based on issues that have come up before the Commission, and submit a list to staff.

Chairman Schrader reported that the Blue Heron Recreation District is planning to meet with a small committee made up of City Council members to nail down the overall concept to see how it would work within the City and outside of the City limits. He explained that if all goes as planned, the Committee would begin trying to educate the citizenry about the possible benefits early in the new year.

VI. OLD BUSINESS

None

VIII. NEW BUSINESS

Staff requested an informal discussion regarding staff's interpretation of setbacks at Pine Crossing Manufactured Home Park. The question has come up regarding the setback distances between a home and adjacent buildings and between garages/carports on adjacent sites. A memo from May, 1994, which addressed staff's interpretation of the Commission's conditions of approval was discussed, specifically the lack of specificity regarding setback distance from one carport/garage to another carport/garage on an adjacent site. According to the Planning Ordinance, the setback from a 'unit' to other 'permanent buildings' is 14 feet, although 'adjacent site' is not specified. The Building Code requires 6 foot setbacks. Staff asked for the Commission's interpretation - whether the carport/garages on adjacent sites must be 14 feet apart or if each can be set back 6 feet. Nothing in the conditions of approval state specifically that the carports to units on an adjacent site is supposed to be 14 feet apart. Staff interpretation prefers that carports and garages both be considered permanent structures and treated equally. The Commission agreed the 6 foot setbacks as specified in the Building Code were sufficient between garage/carport on adjacent sites although the garage/carport shall be 14 feet away from the adjacent unit it is not serving.

IX. FINDINGS

Commissioner Mihata moved to approve the Final Order recommending approval of ANN 95-02 [Oregon Development - Tom Kendall] to the City Council, as submitted. Commissioner Gerber seconded the motion and it carried unanimously.

X. PUBLIC HEARINGS

MLP 95-07, an application by Jim and JoAnn Free requesting approval to partition a 17,250 square foot lot into two parcels, approximately 7,015 square feet and 10,235 square feet, respectively. The property is located at 680 N. Grant Street, on the southeast corner of N. Grant Street and N.W. 7th Avenue [Tax Lot 100 of Tax Map 3-1E-33CB].

Chairman Schrader asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated, other than visiting the site but coming to no conclusions. He then reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall.

Mr. Wheeler presented the staff report. He explained that there is a single family residence facing N. Grant Street located on proposed parcel #2. The partition of the property, staff explained, will permit more "in-fill" development and help increase the housing density of the City. The intersection of N. Holly and Knights Bridge Road is just to the east of the site, at the west end of N.W. 7th Avenue, and the proposed partition will not significantly impact this intersection. N.W. 7th Avenue is an oil mat street, with no curbs or sidewalks. After a discussion with the Public Works Supervisor, staff learned that no improvements are going to be required, or desired by the City, for N.W. 7th Avenue as it will serve nothing more than it presently does [6 homes]. To date, the Planning Commission has consistently required sidewalk improvements as part of any development, so staff has included such improvements in the proposed conditions of approval prior to occupancy of parcel #1, the vacant parcel and across both lots. Additionally, an A.D.A. access ramp will be required at the corner of N. Grant and N.W. 7th Avenue. At the present time, sidewalks and curbs are already provided on N. Grant, which is at full width. The Comprehensive Plan designates this property as R-2, High Density Residential and it is currently zoned R-1, Low Density Residential. Should the site be rezoned, with the partitioned configuration in affect, the maximum permitted would be 4 units, one on the vacant parcel and three on the other.

Applicant

Tony Marnella, 17367 Canal Circle, Lake Oswego 97035 concurred with the staff report. He added that the applicant agrees to construct the sidewalk should a pedestrian pathway be implemented or should N.W. 7th Avenue begin to serve many more homes and, therefore, be improved with curbs. He pointed out that this partition would add access to N.W. 7th for one more home and the only sidewalks that would exist on the street would be across the frontage of this site, and not in front of the residence to the east. The applicant would be glad to cooperate when such a plan is implemented, he added.

Neither For Nor Against

Cherrol Pachell, 860 N. Ash pointed out where access was taken from an alley on N. Locust, rather than requiring sidewalks. Staff pointed out that the property owner made an improvement on the site, that it was not an actual land use application that came before the Planning Commission.

With no additional testimony, the public portion of the hearing was closed for Commission deliberations. Issues discussed included:

1. The Commission questioned whether this road was included in the Master Transportation Plan for improvements, and was informed it was not.
2. The Commission discussed the limited access to N.W. 7th Avenue due to the triangle on N. Holly.
3. The Commission discussed the sidewalk issue and its consistent practice of requiring sidewalks for all developments within the last 6 years, in the hopes of improving the sidewalk system in the City. The Commission discussed a previous partition on Locust, where sidewalks were required where none existed nearby. At the time of that partition, there was no Transportation System Plan in effect, staff explained. The Commission discussed the sidewalks required for Noble Court, which was not a fully improved street. The Commission also discussed the difficulties involved in implementing deed restrictions for future improvements once property has changed hands.

Based on the findings and conclusions contained in the staff report dated December 1, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata** moved to approve MLP 95-07 with the following conditions:

1. A final partition plat modified to illustrate the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-07.
2. The final partition plat 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 Commission.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.

4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements, including, but not limited to electric and water cables, pipeline conduits and poles, and sidewalks shall be provided as follows:

12 feet in width along street frontages.

Prior to Occupancy of Parcel 1 (vacant parcel)

6. A sidewalk five (5) feet in width shall be constructed along the full N.W. 7th Avenue frontage of both parcels #1 and #2, and shall include an A.D.A. [American Disabilities Act] access ramp for the sidewalk at the corner of N. Grant Street and N.W. 7th Avenue.

Notes

7. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance with Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Commissioner Jackson seconded the motion and it carried 5-1, with Commissioner Larson voting nay. Commissioner Larson explained that he did not agree with requiring the sidewalk improvements.

XI. DIRECTOR'S REPORT

Staff reported the Mike Robinson, attorney for the Mini-Storage on Highway 99-E, met with John Kelley, City Attorney. Mr. Robinson highlighted a portion of the conditions of approval from the original Site and Design Review application for the Mini-Storage, which state that "The total signage within the first six months after occupancy, is limited to a sign that is similar in size and appearance as the one shown in the pictures submitted with the application." The applicant is suggesting that the sign could even be covered up for six months. John Kelley and staff both interpreted this to mean that after six months, the sign could be removed and replaced with whatever the applicant decided to install. After a lengthy discussion, and having considered the fact that the applicant has submitted an appeal of the original decision to City Council on this date, a majority of the Commission agreed to uphold its original decision. The Commission suggested that the Council be made aware of the discussion between Mr. Robinson and Mr. Kelley and the Commission discussion that just took place.

Staff reported that the LUBA remand on the Transfer Station was before the City Council recently. The City Council decided to uphold the original decision. It will, more than likely, go back to LUBA and might go into mediation under LUBA rules.

XII. ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Joyce A. Faltus