

MINUTES

CANBY PLANNING COMMISSION

7:00 P.M., August 25, 2003
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoff Manley, Paul Thalhofer, John Molamphy, Dan Ewert, and Robert Able

STAFF: John Williams, Planning Director, Darren Nichols, Planning Technician, and Carla Ahl, Planning Staff

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

MLP 03-05 Meredith An application by John Meredith to partition an existing 22,052 square foot parcel into three lots at 1180 N. Juniper St. Lot 1 would contain 7,972 square feet, lots 2 and 3 would contain 7,040 square feet. Lot 1 contains the existing single family home and the applicant plans to build new homes on each of the newly created lots.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commission.

Darren Nichols gave the staff report. He explained that to the north of this property was a City owned easement that provided pedestrian access between N Locust and N Juniper which contains several large fir trees. The applicant is requesting an easement in the City's property to provide access to the lots which would allow a 20' wide paved access strip and a 5' sidewalk with room to preserve the existing pathway and trees.

The Public Works department requested that the two adjacent properties to the south also be considered to keep them from being islanded. The applicant said access to those parcels would be sufficient based on his calculations and would meet all R-1 zone requirements.

Mr. Brown thought with the setbacks and easement, the lots would be quite small. He also asked how the easement would work. Darren said there would be an agreement where the applicant would be responsible for the construction and maintenance of what they put in.

Applicant:

Karl Mawson was speaking for the applicant, John Meredith, that night. Mr. Mawson agreed that infill type developments did result in an increase of traffic. He stated there was enough room for a 20' road and there would be fire truck access on two sides of the development. He explained that there had been discussions regarding techniques for saving the roots of the existing trees. It was recommended that they stay 5 to 6 feet from the trees to protect the root system.

Mr. Molamphy asked if they built the street up to preserve the tree roots, would it affect the water drainage? Mr. Mawson said they would build it up in a porous fashion.

Mr. Molamphy asked for clarity regarding the easement on parcel #1. Mr. Mawson explained they would try to get an access easement.

Proponents:

None.

Opponents:

Frank Medford, said he had an arborist report which gave a different recommendation. This report stated the root system of the larger trees would be affected by the construction more than the applicant had indicated. He stated his concern that if the trees were damaged they could topple onto his house.

Kathy Medford, questioned where the road would go if it continued passed these parcels? It would be near the property lines and trees. They thought there had been so many revisions, they didn't know what would go in and they were worried. Her core concern was the trees, which would no doubt be harmed by the construction.

Allen Rydmark, said he lived to the east of the property and stated his concern that the construction would damage his arborvitae that has been there for 38 years.

Mr. Brown clarified that an easement was not a street, just a legal means of access to the property and each single parcel had to have a legal means of accessing it. It was not intended to be a 20' road that would continue through.

Angie Turnacliff said she owned property on the other side of the access easement, and she had maintained it for the last 22 years. She wanted to know how the easement would be asphalted. Mr. Nichols said half of it would be paved, and it would be 15 feet from the back of the sidewalk to her property. She asked to have an access to her recreational vehicle pad and a curb cut on the sidewalk.

Andy Orr was concerned regarding the applicant's ability to build 2 story houses on the lots and being able to look down into his back yard. Darren explained that the City had strict infill standards and they would apply to any homes built there. John explained that this was an application to decide if this property could be divided into 3 lots.

Roger Collingwood expressed his concern that there was not enough space given to the oldest and biggest tree and it could possibly be damaged. He would like to

see them go further back since there was a major root that came out 12'. He also believed Ms. Turnacliff needed access to her RV parking space and asked it be put into the conditions.

Henrietta Orr asked if people could park in the access drive. Mr. Nichols said they recommended that it be designated 24 hour "no parking" for emergency vehicle access.

Rebuttal:

Mr. Mawson said the plan had changed through the process, but that was a good thing. He thought 20 feet was not needed to access one driveway. He stated the applicant would follow all standards regarding construction and preservation of trees. There was an existing structure, but it had been vacant for several years and was not worth keeping. He stated they were willing to work with Ms. Turnacliff regarding her RV parking access. He stated that to give the trees more room it would require a narrower street.

Mr. Brown closed the public hearing.

Discussion:

Mr. Able asked about using the City owned easement, would they be setting a precedent of using public property for private development? He explained that if there was damage to the windward tree in a grove of trees and it fell over in the next big windstorm the whole grove could fall down like dominoes.

Mr. Thalhofer said he was also worried about setting a precedent regarding using a public easement. He believed that there would be damage to the trees no matter how the construction was done.

Mr. Brown said this application was in conformance with many of the applicable requirements, but not criteria C and D. He was concerned that parcel 2 would be an extraordinarily small lot. He also did not want to create access to a public easement. He believed that emergency vehicles would have trouble getting out of the area and that many of the trees would be affected.

Mr. Manley stated his concern regarding protection of the trees.

It was moved by Mr. Molamphy to deny MLP 03-05. Seconded by Mr. Able. Motion carried 5-0, Mr. Thalhofer abstaining.

IV. NEW BUSINESS

None

V. FINDINGS

DR 03-04 Woolhiser

Mr. Manley questioned the widths for the parking spaces. Staff said they would all be 8 feet, 6 inches. He requested that they mark any parking spaces 8 feet wide as compact. Mr. Manley also requested for the findings, that the staff report describe the changes requested by the Planning Commission.

It was moved by Mr. Thalhoffer to approve DR 03-04 as modified with the understanding that the applicant would use the displayed design approved by the Planning Commission. Seconded by Mr. Ewert. Motion carried 3-0, Mr. Brown, Molamphy, and Able abstaining.

VI. MINUTES

It was moved by Mr. Thalhoffer to approve the minutes of August 11, 2003 as written. Seconded by Mr. Able. Motion carried 4-0, Mr. Brown and Mr. Molamphy abstaining.

VII. DIRECTOR'S REPORT

Mr. Williams reminded them of a workshop on Wednesday with the City Council regarding industrial park issues.

Mr. Williams also asked them in regard to the public hearing they had earlier that night as to what the disposition of this right of way should be. They considered vacation, it had a dirt path that the neighbors were maintaining. If they vacated, half the property would go to one side, and half to the other. He thought they probably didn't want to give up jurisdiction of the trees. Mr. Manley wondered if they could turn it into a City park. The Commission thought it should stay in the City and leave it as an open space.

Mr. Ewert asked how they could keep trailers off of 3rd and Baker. Mr. Williams would look into it.

Mr. Brown asked about the transit center on Cutsforth's property. Mr. Williams said there would be paving and a bus shelter.

VIII. ADJOURNMENT