

MINUTES

CANBY PLANNING COMMISSION

7:00 PM March 8, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoffrey Manley, John Molamphy, Randy Tessman, Robert Able

STAFF: Darren Nichols, Associate Planner, Carla Ahl Planning Staff

OTHERS PRESENT: Del Latham, Brian Toon, Kathleen Toon, Jim Payton, Robert Reznicsek, Jim Trafton

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

IV PUBLIC HEARINGS

MLP 04-01 Del Latham The applicant is seeking approval to partition one 19,150 square foot parcel into two separate tax lots of 11,129 SF and 8,023 SF. The existing house at 276 NW Knights Bridge Road will remain on the 11,129 SF lot, fronting the street. The proposed partition would create a single buildable lot at the rear of the parent parcel with frontage onto N. Grant St. The applicant proposes to provide access to the rear lot by means of a standard access driveway off N. Grant St.

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

Darren Nichols, Associate Planner presented the staff report. He explained that the existing house would remain on a lot of 11,129 sf facing Knights Bridge, the newly created lot of 8,023 sf will be accessed off N. Grant. The proposed driveway meets minimum access standards. Sidewalks are proposed along both street frontages.

Darren explained that neighboring property is R1, low density development, to the south across Knights Bridge Rd it is zoned R2, high density development. The proposed development of residential housing is an approved use and is compatible with surrounding uses. The new development will be required to comply with the new in-fill requirements.

Darren explained that the 11,129 SF lot exceeds the allowable square footage for new lots in Canby, but the parent parcel cannot be divided into 3 lots so the applicant made the lot on the existing house bigger and is asking the Commission approve the lot size.

There is sufficient street frontage for the development, street trees will be required, no concerns have been expressed by the Fire Department or the Police Department and all public service providers have responded positively that services can be provided to both parcels.

Staff believes the application meets all necessary criteria and recommends approval of the application with conditions.

Mr. Brown questioned what the photo in the application represented. Darren explained the applicant wanted the Commission to see the relationship of the parcel and the large trees. Darren explained that the existing sidewalks on Grant Street have a planter strip behind them. The trees conflict with that and the applicant is asking that the sidewalk be allowed to jog around the trees to a curb tight configuration from the newly created parcel to the corner of the intersection then wrapping around and connecting to the existing sidewalk.

The Commission questioned the configuration of the existing sidewalks. Darren explained that along Knights Bridge Rd they are curb tight and there is a planter strip on Grant St. Darren believes the trees create a natural transition point.

APPLICANT:

Del Latham stated he purchased his home about a year and a half ago with the intention of fixing up the home that is there, splitting off the property in the back so he could build a new home.

Mr. Latham explained that the trees along Knights Bridge Rd are between 17' and 20' off the roadway and he wanted to show that allowing the sidewalk to transition to curb tight at the driveway would allow room so they didn't cut into the roots of the existing trees.

Mr. Brown questioned how close the improvements would get to the drip line of the trees. Mr. Latham stated there would need to be some pruning to allow for foot traffic on the sidewalk because the limbs hang low.

Mr. Brown asked if there were a conflict between the design of the house and the trees would Mr. Latham remove them. Mr. Latham explained that the trees are on the parent lot and would not be removed.

PROPONENTS:

None

OPPONENTS:

None

Mr. Brown closed the Public Hearing and opened Commissioner deliberations.

Mr. Brown stated this was a straightforward application that did not create a flag lot. He would like to condition the trees to stay and accepted the applicant's proposal for the curb tight sidewalks.

Mr. Manley considered the 2 existing trees to be the required street trees for the application new trees would be required for the newly created lot.

Mr. Molamphy stated his concerns regarding maintaining the existing trees had been addressed to his satisfaction and had no problem with the application.

Mr. Brown agreed to the creation of an 11,000sf lot since the parent lot could not be divided into 3 lots.

It was moved by Mr. Manley to approve MLP 04-01 as amended by the retention of the trees the curb tight sidewalks and allowing the oversized lot. Seconded by Mr. Molamphy. Motion carried 5-0.

MLP 04-02 Payton, The applicant is seeking approval to partition one 24,040 square foot parcel into three separate tax lots of 8,794 sf, 7,018 sf and 8,228 sf. The property is located at 1131 N. Maple St., the existing house would remain on the front lot, creating two buildable lots to the rear of the parent parcel. The applicant proposes to provide access to the rear lot by means of a twenty-foot wide access drive off N. Maple St.

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

Darren presented the staff report. He explained that the existing house will remain on the front lot and a 20' access drive will service the proposed 2 new lots plus an addition lot behind the neighbor's house. He explained that the 4th lot was created by a neighbor (Mr. Reznicek) and was approved with an access drive from the south.

Darren stated that staff had recommended the shared access, which will require Mr. Reznicek to vacate the access to the south and reconfigure his parcel back to it's original lot line, which will be done by a modification to his application and an administrative action by Clackamas County.

Mr. Brown asked for clarity on the application. Darren explained that the application was just for the existing house, parcel 2 and parcel 3, the vacant lot shown on the plan was created by an earlier approved minor land partition application.

Mr. Brown questioned how the Planning Commission can amend the property at 1127 N Maple by an application on the property at 1131 N. Maple. Darren explained that Mr. Resnicsek would need to have to do a modification to his application. He stated that it can be made a condition of this application and if either party changes their mind then this application becomes null and void and no building permits will be issued.

Darren explained this is an allowed use, all facilities are sufficient for development, and sidewalks were not proposed with this application but have been made a condition of approval.

All service providers have indicated that services are available. The City Engineer has requested that right-of-way be dedicated as part of this application to facilitate the upgrading of N. Maple St. into a collector street.

Staff concludes that the application is in conformance with the comprehensive plan and with the conditions staff recommends approval of the application.

Mr. Brown questioned if there was a sidewalk on both sides at this time. Darren stated that there are existing curbs but no sidewalks and when they are required they will be curb tight. Mr. Brown asked if there would be a 10' landscape area until it is time to widen the street. Darren responded there is 30' of paved center section, then 10-15' of graveled area so he is assuming the sidewalk would be behind that graveled area in anticipation of the eventual full width build out.

APPLICANT:

Jim Payton stated he has lived at this address since 1963 and offered to answer any questions.

PROPONENTS:

None

OPPONENTS:

Mr. Brian Toon stated he wasn't opposed to the application but he had questions. He explained that he lives behind Mr. Payton's property and right at the end of the proposed driveway there is a very large tree, he would like to see the tree retained.

Mr. Brown questioned where the tree was located. Mr. Toon stated it was at the Northeast corner of his property so it would be the Northwest corner of Mr. Payton's property. Darren gave Mr. Toon a map showing the proposed application.

Mr. Brown asked if the tree was on Mr. Payton's property. Mr. Toon explained it was mostly on his own property but partly on Mr. Payton's property. Mr. Brown stated it could become a part of a good neighbor fence.

Mr. Brown asked for a description of the tree. Mr. Toon explained it was a pine tree that is probably 100' tall and about 6' diameter.

Mr. Brown questioned if the applicant was willing to work with Mr. Toon to keep the tree. Mr. Payton stated he was willing to work with him and he doesn't want to take it down.

Mr. Brown closed the public hearing again and opened Commissioner deliberations.

Mr. Able suggested that the lot line adjustment should have been done prior to coming to the Planning Commission. Mr. Brown believed the relocation of the lot line should be conditioned.

Mr. Brown stated that there is a bend in the access easement to avoid the existing vault. He believes the vault should be moved and the driveway be made straight, he questioned if a fire truck could make the turn. Darren stated that he Fire Marshal had approved it. Mr. Able stated the vault would have to be moved when the street is widened.

Mr. Reznicek stated he knew something about the transformer. Mr. Brown reopened the public hearing.

Mr. Robert Reznicesk addressed the Commission. He stated that when he applied for his MLP about two years ago he did an estimated expense of moving the transformer for the purpose of putting in the sidewalk. The City gave him an estimate of \$10,000 to \$12,000 cost to him. Then he received a letter from the Planning Department saying the transformer did not have to move because the sidewalk has enough room without moving it.

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Able stated he would rather have the transformer moved at the time the street is widened due to the odds of locating it in the right place are minimal.

Mr. Brown stated his concern that the plat would be recorded with the chicane. Darren stated that it could be conditioned to be recorded as a straight access when the street is widened. Mr. Brown suggested a condition, which would require the location, phasing and timing be done at the discretion of the City.

Mr. Molamphy stated with that condition he would suggest adding a condition for bollards to be placed at the back side (property side) for safety to protect the transformer.

It was moved by Mr. Manley to approve MLP 04-02 as amended with the existing tree retained, fencing in that area to be coordinated with the adjacent property owner and bollards at the transformer. Seconded by Mr. Tessman. Motion carried 5-0.

V FINDINGS

None

VI MINUTES

None

VII DIRECTOR=S REPORT

Darren discussed a letter John Williams, Community Development and Planning Director had sent to the Traffic Safety Committee regarding a sign to be installed on Territorial Rd to advise traffic to use N. Redwood to access Hwy 99E. which the Committee will consider March 11, 2004. Mr. Able stated that people who live on Redwood Street need to be informed since it will send traffic down Redwood. Mr. Brown questioned if a public hearing should be held.

Darren explained to the Commission that someone is interested in creating a medical plaza in the M1 zone, located between the Harrell Medical building and the Logging Rd. The applicant would create 7 separate tax lots and such professions as a heart surgeon, chiropractor and dentist would occupy them. This use would require a zone change or a conditional use permit, the applicant would be asking for a zone change.

The Planning Commission did not believe it would be appropriate to rezone a small area commercial in the middle of an industrial zone when there were other areas in Canby that would better suit this type of development. Such as the new subdivision at Hwy 99E and Berg Parkway.

The Commission questioned what the status of the Golf Course issue was. Darren stated that John has been working on that and he will give them an update at the next meeting.

Mr. Manley asked if there will be findings regarding the decision on the Apollo Homes application from last week. Darren explained that the City Attorney suggested sending a copy of the findings to the applicant's attorney to give them a chance to respond. The applicant has until the 10th of March to respond back to us with their comments, then our City Attorney will respond if necessary. He explained the language needs to be representative of the decision the Commission and legally defensible.

Mr. Brown questioned if the City Council will hear this application. Darren explained that legally it is an option for the applicant to drop the appeal, then it would not be heard by the City Council. Darren stated the findings would be in Friday's packet.

Mr. Brown stated that he would like to have a discussion regarding what it means to have an "area of special concern". He is concerned that a large user could purchase all of the land in the industrial park and even though anything over 60 acres would require a conditional use permit, the Commission could deny the application, but the applicant could appeal to the City Council. The Council could say yes and it would be done. He believes the code is less strict than the Planning Commission believes it to be and suggested the Planning Commission should try to figure out where those areas are and to strengthen the code.

The Commission asked if there was any new information regarding the Berg Parkway Bridge. Darren stated they had not heard back from the County yet but there should be some information at the next Commission meeting.

Mr. Tessman asked if strengthening the code is something to bring up in a workshop setting. Mr. Brown stated that there needs to be a process created that would keep issues on track and move them forward. There have been times when public hearings have been held but no proposals are made and then nothing happens. Mr. Brown believes that the Planning Commission should come up with a proposal then people can respond to it.

Darren stated that April 26th is open for a workshop. And if there is a workshop on March 22nd the information will be included in the Commissioners packets.

VIII ADJOURNMENT