

MINUTES

CANBY PLANNING COMMISSION

7:00 PM August 23, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Vice-Chairman Geoffrey Manley, Dan Ewert, John Molamphy, and Randy Tessman

STAFF: John Williams, Community Development and Planning Director, Darren Nichols, Associate Planner, Carla Ahl, Planning Staff

OTHERS PRESENT:

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

IV PUBLIC HEARINGS

MLP 04-04 (Canby Telephone) The applicant is seeking approval to partition an existing 16.18 acre parcel into three separate tax lots (two 1 acre parcels and one 14.18 acre parcel). The applicant proposes to provide access to the parcels from S Sequoia Parkway by means of approved access drives. The application meets current zoning and comprehensive plan designations of M-2 Heavy Industrial.

Mr. Manley 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 Commissioners.

Darren presented the staff report. He explained that the Planning Commission has already approved a design review for two industrial buildings on the parcels. This is the formal application that divides the land to allow them to be sold to a developer. The applicant does not propose a specific use for the parcels at this time.

Darren stated that the partition is compatible with surrounding development. The parcel is considered urbanizable since it is inside the UGB and part of the industrial overlay zone. The applicant has agreed to propose this application in exchange for a small piece of land to place an unmanned telecommunication facility.

Darren stated there were no public service issues. Staff concludes that this application meets all necessary criteria and recommends approval. Darren explained that to expedite the process staff has included written Findings to be sign if the Commission approves the application.

Mr. Molamphy questioned the shared access for Shimadzu. Darren explained that when Sequoia Parkway was relocated they were granted an access by Mr. Burden. He explained that there is a condition on these 2 parcels that required a shared access with Shimadzu when Shimadzu develops.

Mr. Ewert questioned why Canby Telephone was the applicant. Darren explained they are presenting the application in exchange for an easement to their property. Mr. Ewert asked how the negotiations with Shimadzu over the access was developing. Darren stated they had broken down.

Don Malmstrum, Affiliated Land Services, representing Canby Telephone Association addressed the Commission. He explained Ray Burden had offered a small area of land along the south side of Sequoia Parkway to locate telephone equipment to better serve that portion of the community. He explained a lot line adjustment had been done to create a small notched parcel that Canby Telephone will receive a grant of easement for in exchange for helping to process this application and with the survey.

Mr. Malmstrum stated the access to the lot has not been specified to facility development of the parcel, but it is stated that Canby Telephone will always have access to the site. Mr. Molamphy questioned the size of the easement. Mr. Malmstrum stated it was a 40 X 50 foot lot, 2000 sq. ft.

PROPONENTS: None

OPPONENTS: None

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

Mr. Molamphy questioned if Sequoia Parkway had the final lift and if it had, how will Canby Telephone get across the road. Darren explained that there is a conduit that runs down the road at this time and will tie in there.

Mr. Ewert asked for clarity on the application since the Planning Commission had discussed this issue earlier and the easement was to be on tax lot 1700. Darren explained that the developer did not want the easement on his property, so there has been a lot line adjustment which enables the easement to be in the same location, but as part of a different tax lot.

It was moved by Mr. Tessman to approve MLP 04-04 as written. Seconded by Mr. Molamphy. Motion carried 4-0.

SUB 04-07/ DR 04-07 (Ed Netter, Pine Place) The applicant is seeking

approval to subdivide one 13,230 square foot parcel located at 725 N. Pine St. into four residential building lots of 2,700 to 3,915 square feet for the construction of attached townhomes. The applicant proposes to provide access to newly created lots by means of a twenty four foot wide shared access drive off N Pine Street.

Mr. Manley 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 Commissioners.

Darren presented the staff report. He explained that this is a small infill development that will contain 4 attached townhomes to be served by a 24' wide shared private drive. The property is zone for R-2 development and is vacant at this time. The residences would front N. Pine street with small backyards. The access would be from the south side of the development into a small parking lot that would serve the 4 units.

Darren stated the density on this application is only 13.2 units per acre, the R-2 density requires 14 units per acre but given the small size and shape of this lot, adding another unit was not feasible so the application is asking the Commission to approve this application at the lower density.

Darren stated that the street in that area is marginally improved, the applicant originally proposed to improve Pine St., but the Public Works Director requested a cash payment in lieu of improvements to invest in future improvements to N. Pine St. at which time sidewalks would be installed.

Darren addressed concerns the neighbors had regarding parking. He stated this application provides off street parking with additional spaces above the parking standard. There were concerns that the neighborhood was becoming crowded, but this application is actually less dense than it could be.

Darren believed that for an infill design the developer has done a nice job of providing an aesthetic design that fits into the surrounding neighborhood. Staff recommends approval of the subdivision and the design review.

Darren presented the Commission with drawings that showed what the development would look like. The applicant has requested condition #5 be changed to require 6' utility easements instead of 10' on all non street exterior lot lines. The applicant has also requested condition #15 be removed which would require the development to meet infill requirements. Darren explained that the Commission had previously determined that when there are 3 or more attached units, they function like a multi-family development, even though they are individually owned and should be exempt from the infill requirements.

Darren stated that staff recommends approval of the SUB 04-07 application.

Mr. Ewert addressed the letter from Canby Utility that stated additional easements may be required for placements of transformers and asked if the reduction of the interior easements to 6' would affect that. Darren explained that the easement

for the transformers would be along the street side setback and would not apply to the utility easements on the sides. Darren explained that this issue would be decided at the pre-construction conference.

Mr. Ewert asked if the large tree would be part of the conversation at the pre-construction conference. Darren explained that the applicant is planning on keeping the tree if possible.

Mr. Ewert stated there were letters received that had concerns regarding parking along Pine St. Darren stated that the code allows parking along local streets, he believes the concern is that Pine is not an improved street, so there is not a curb line to control where people park. Darren stated that this application has more parking than the code requires so parking should not be an issue.

Mr. Ewert questioned the "banking of SDCs" and if the time frame of 3-5 years for improvement was accurate. Darren explained that when funding is available the City does as much as it can, when funding is not available then projects are postponed, he was unsure where this project is on the improvement list, he would agree with the Public Works Supervisor's timeline.

Mr. Tessman stated the applicant is offering to make the street improvements, and understands that the City wouldn't want to tear up a new street, but when will the City get it done. Darren explained that the applicant was asked by City Staff not to improve the street. He had spoken with Mr. Williams, Community Development and Planning Director regarding the issue and it was decided that it did not make sense to improve just one little section of street.

Mr. Tessman questioned the Public Works Supervisors caution of potential flooding on tax lot 2700. Darren explained that on the south side of Northeast Place there is a section of sidewalk that ends short of N. Pine St. At the end of that sidewalk there is an elevation change to N. Pine St. of about 5'. Darren stated the Supervisor's concern is that if full improvements are made at the subject parcel and don't make improvements to tax lot 2700 the storm water will hit the curb, concentrate along the side of the road, and end up dumping into tax lot 2700.

Mr. Tessman stated that the application just meets the minimum design standard. Darren explained that there were many parts of the design matrix that did not apply to this application.

Mr. Manley questioned How many trees the applicant would be putting in. Darren explained that the code requires 1 tree per 8 spaces, and this application beats that significantly. He stated the existing large trees will be counted as the 3" caliper or larger trees and the new trees would be the 2' caliber.

APPLICANT:

Ed Netter, Ed Netter construction addressed the Commission. He explained that

SUB 04-08 (Simnitt) The applicant seeks approval to partition 5.9 acres of a 9.4 acre parcel into 26 buildable lots of approximately 7,000 – 10,000 SF. The site is located on the east side of N. Locust, north of Territorial Rd near the intersection of N Locust Street and NE 22nd Avenue. One existing house is proposed to be removed from the southwest corner of the proposed subdivision. The applicant proposes to provide street access by means of forty foot wide public right-of-way from both N Locust and NE 20th Avenue. The proposed streets would create a 90 degree loop street between N Locust and NE 20th with stub streets to the north that would access future development on adjacent parcels.

V FINDINGS

VII DIRECTOR'S REPORT

VIII ADJOURNMENT