

MINUTES
CANBY PLANNING COMMISSION

7:00 PM November 28, 2005
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Commissioners Jim Brown, Dan Ewert, Tony Helbling, and Barry Lucas.

STAFF: John Williams, Community Development and Planning Director, Kevin Cook, Associate Planner, and Carla Ahl, Planning Staff.

OTHERS PRESENT: Aleksandr Krishchenko, Thomas Welch, Beverly Welch, Tom Holmes, Michael Reed, Jacquelyne Griffith, Karl Mawson, Florence Ball, and Richard Ball.

II. CITIZEN INPUT

None.

III. PUBLIC HEARINGS

MLP 05-12 (Welch Living Trust) – This was an application to partition one 15,950 square foot parcel located at the northwest corner of NE 10th and N Oak St into two separate parcels, one 8,830 sq ft which would contain the existing single family dwelling and parcel #2 of 7,120 sq ft for an additional single family dwelling. Chairman Brown asked if there was any conflict of interest. There was no conflict, all intended to participate. Chairman Brown asked if there was any ex parte contact and there was none.

STAFF REPORT: Mr. Cook said this was located at 900 NE 10th Ave. The lot was zoned R1 and access was off of 10th Ave. Access for lot two would be off Oak. It met the zoning and set back requirements, and could be served by utilities. Staff recommended sidewalks along the frontage of 10th. There was also concern about a ten foot utility easement, but it could be amended at the utility provider's discretion.

APPLICANT: Tom Welch, owner of the property, said he had some concerns regarding the easement of the property. Instead of 12 feet, which was the standard, he was asking for 10 feet, 5 feet of sidewalk and 5 feet behind the sidewalk for utility access. They had asked to bring utilities in from 10th. The ten foot utility easement between the two parcels was not necessary and he'd like

them eliminated or they could do five feet from the adjacent properties. The existing house had everything needed. Also they couldn't build an addition on the new house with the easement, and if they were to provide underground utilities for the new lot, they would bring it in from the front of 10th, and put it to the existing house. He thought he could put sidewalk in on the new house as they developed it, but the older house had not had a sidewalk in front of it for many years. Many houses did not have them on that street.

Mr. Williams agreed that the standard conditions were to accommodate flexibility at the request of the utilities, but he did not think they would do anything in this case, so they would be able to go down to the minimum standards. They did want to redo 10th, and the more cases they could have the developments pay for part of it, the better.

PROPOSERS: None.

OPPOSERS: None.

REBUTTAL: None.

The Commission consensus was to allow the utility easements to be determined by the utility providers.

Mr. Helbling said the way they got sidewalks was by conditions of development. The Commission consensus was to have Mr. Welch put in sidewalks at both lots.

Mr. Ewert moved to approve MLP 05-12 with the change to condition 6 in regard to easements. Motion seconded by Mr. Lucas and passed 4-0.

ANN 05-05 (Holmes) – This was an application to annex a 4.85 acre parcel to be zoned R1.5, located south of NE Territorial, west of N Pine St, and north of NE 16th Ave. The conceptual site plan showed a possible 33 buildable lots which the applicant intended to combine with property already inside the City for a total of 45 buildable lots. Chairman Brown asked if there was any conflict of interest. There was no conflict, all intended to participate. Chairman Brown asked if there was any ex parte contact and there was none.

STAFF REPORT: Mr. Cook said access to the site would be connecting NE 17th with N Pine and connecting N Oak to Territorial. A half street was shown along the northern property boundary. The property to the west was inside the City and zoned medium density, property to the north and south were outside the City, and property to the east was inside the City and zoned low density. The parcel was Priority A and would be R1.5 if approved by the voters. The traffic study was not complete. All utilities could serve the site. The city had no medium density land currently. They received one letter in opposition, and he read another letter they recently received from Beverly Gorbett, who was also opposed.

APPLICANT: Karl Mawson said they met the criteria. They were Priority A and an infill development. They needed medium density residential land and less expensive housing. It connected to good access streets. The preapplication design was a worst case to show the maximum number of units, but they would lose some lots when they redid the design to make it look and function better.

Tom Holmes said they had a neighborhood meeting and there were concerns about the traffic, height of housing, public services, and the trees on the property. Because it would be small lots, he did not think they could save the trees.

Chairman Brown said the voters had not been approving annexations, and what would be the benefit of this one. Mr. Holmes said there was a need for this type of housing.

PROPONENTS: None.

OPPONENTS: None.

REBUTTAL: None.

Mr. Helbling said there was adequate public services upon development.

Mr. Brown said this was the only significant stand of trees in the area, and how did they make it Priority A, instead of reserving the land. It did meet all the criteria.

Mr. Helbling moved to recommend approval to the City Council for ANN 05-05 with the amendment of typos. Motion seconded by Mr. Lucas and passed 4-0.

IV. NEW BUSINESS

MOD 05-07 (Krishchenko) – This was a request to modify MLP 04-03 and allow one new direct access to SW 13th Ave for a new single family dwelling. Mr. Williams said Mr. Krishchenko received approval in 2004 to partition his lot with the condition that he find an access other than 13th Ave. There was City property next door that had been obtained from the church for a street that was not used, since that time the land was purchased back by the church. Mr. Krishchenko believes there is no other alternative access.

Mr. Brown asked what the CC & R's role was regarding this decision. Mr. Williams said they were not enforceable by the City.

Mr. Krishchenko said Mr. Brown was a member of the church, and he asked him to excuse himself because it was a conflict of interest. He said he wanted an exception for access and the hardship was not self created. On two staff reports,

it said it met all minimum access standards when he submitted plans to put access on 13th Ave. The City took away any alternative access because the property was sold back to the church. He thought he should have an exception to the standard.

Mr. Helbling said the staff report was a recommendation and was given to them prior to their original decision. The results of the decision were different, and the findings did not grant access onto 13th Ave.

Mr. Williams said the staff report was talking about the design and the width of the proposed access, not the location.

Mr. Brown said at the last meeting, he indicated all the contact he had with the church. He had no financial linking to the church and he did not have a conflict of interest and intended to vote on the matter.

Mr. Ewert moved to deny MOD 05-07 based on the fact that it was a self created hardship, there should be no access to 13th because it would be an improved arterial, and they worked closely with CC & Rs which stated the lots were not to be divided. Motion seconded by Mr. Helbling.

Mr. Brown said the partition of this lot had not happened yet because it did not meet the conditions of approval.

Motion passed 4-0.

V. FINDINGS

MLP 05-07 (Dream House Construction LLC) – Mr. Ewert moved to approve the findings, conclusion and final order for MLP 05-07 as written. Motion seconded by Mr. Helbling and passed 3-0 with Mr. Lucas abstaining.

VI. MINUTES

Mr. Helbling moved to approve the minutes of October 24, 2005 as written. Motion seconded by Mr. Ewert and passed 3-0 with Mr. Lucas abstaining.

VII. DIRECTORS REPORT

Planning Director John Williams gave an update on City projects and upcoming meetings.

VIII. ADJOURNMENT

