

**MINUTES**  
**CANBY PLANNING COMMISSION**

7:00 PM April 10, 2006  
City Council Chambers, 155 NW 2<sup>nd</sup>

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**PRESENT:** Chairman Jim Brown, Commissioners John Molamphy, Geoffrey Manley, and Randy Tessman.

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

**OTHERS PRESENT:** Kenneth Duhon, Susie Rydquist, and Ed Netter.

**I. CITIZEN INPUT**

None.

**II. PUBLIC HEARINGS**

**MLP 06-01 Rydquist/Duhon** – This was a request to partition Tax Lot 1000 of Map 31E33AD into two lots to build one additional single-family unit. The property was located at 935 NE 10<sup>th</sup> Ave and was zoned R1.

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

**STAFF REPORT:** Mr. Cook said this was a 16,405 square foot parcel, and if partitioned the northern parcel would be 8,755 square feet and contain the existing dwelling, and the southern parcel would be 7,650 square feet. The access was originally going to be on NE 10<sup>th</sup> Ave, but it did not meet the standards. The other options for access were denied, so a shared access drive was being proposed. If approved, they would need to remove a street tree. The application met all other requirements. There was a request from the Fire Department that the eaves on the side of the house be trimmed back.

**APPLICANT:** Kenneth Duhon, stated the Fire Department has said there was sufficient room for a fire truck to access the second lot. The existing large tree in the front yard was already planned to be removed due to the roots had damaged the foundation of the existing house. Mr. Duhon explained they planned on building a single story home on the lot so his family could live near his mother. He stated he had tried to negotiate gaining access from both of his

neighbors but was unable to do so. This is the only option that remained since the other side of the house is too close to accommodate the width needed.

Susie Rydquist said her son and granddaughter would move next door so they could give her the help she needed and also have a place of their own. She stated the lot could accommodate two homes.

Mr. Brown asked why they did not build an accessory building instead of subdividing the lot.

Mr. Cook said they received a letter from Linda Johnson who was opposed to the project because it would not fit in the neighborhood.

**PROPONENTS:** None.

**OPPONENTS:** None.

**REBUTTAL:**

Mr. Duhon said his mom has owned the land for 20 years and the rest of the development built around her. He believed she was being discriminated against. Ms. Rydquist stated that a nearby property owner had built a house on the back of there property in the same situation.

Mr. Williams stated that 10th Avenue was a collector with a lot of existing driveways on it. This solution was unusual and creative but he believed it would be better to give an access spacing exception because this was not the best solution, but there was not an exception that could be done.

Mr. Tessman wanted to make this work if possible.

Mr. Brown said there was policy in the minor land use partition criteria and comprehensive plan that gave him pause. He did not think the access spacing worked.

Mr. Molamphy also thought it did not work and he believed it did not meet Criteria C.

Mr. Manley asked if they could move both driveways. Mr. Williams said the proposed driveway did meet the code. They could not force their neighbors to give them access.

Mr. Brown said he thought they should allow them to do what they wanted with their own property even though it would probably reduce the quality and value of the property.

Mr. Molamphy was concerned about putting the access across someone's front door for accessing a lot that was in the back. Mr. Williams stated this would have to be a deeded access.

The Commission agree to continue the hearing until April 24, 2006. They asked for a final plan from the applicant and wanted to see an agreement with the Fire Department.

**MLP 06-04 Netter** – This was a request to partition a 16,550 sq. ft. parcel into two separate parcels. Parcel one would be approximately 9,044 sq. ft. and contain the existing single family dwelling. Parcel two would be 7,968 sq. ft. to accommodate a single family dwelling. Access for the existing residence was off N. Grant St. The proposed access for parcel 2 was by way of a 12 foot access easement 97 feet long.

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

Mr. Cook presented the staff report, he reported there is a 5' set back requirement to any structure for the access easement. The existing garage is partially in this setback and the applicant has agreed to alter the garage to meet the setback requirements. The application meets the current zoning requirements and thy Comprehensive Plan designations. There is a condition requiring the applicant put in the sidewalk and curb.

**PROPOSERS:** None.

**OPPOSERS:** None.

Chairman Brown closed the public hearing and opened Commission deliberations.

(Portions of this tape were garbled and could not be understood, the following is recreated from documentation)

Mr. Molamphy moved to approve MLP 06-04 as written. Motion seconded by Mr. Tessman and approved 4-0.

**MLP 06-02 Burden** – This was a request to partition 1.9 acres, zoned C-2 located between Hwy 99E and SE 1<sup>st</sup> Ave, north of Sequoia Parkway into two separate tax lots. This hearing was continued to the April 24 Planning Commission Meeting.

**MLP 06-03 Burden** - This was a request to partition 10.15 acres zoned C-2 located between Hwy 99E and SE 1<sup>st</sup> Ave, north of Sequoia Parkway into two

separate tax lots. This hearing was continued to the April 24 Planning Commission Meeting.

**MLP 06-05 McCollum** - This was a request to partition a 41,000 sq. ft. lot located at 700 N. Holly St, into two R1 lots suitable for single family homes. This hearing was continued to the May 8 Planning Commission Meeting.

### **III. NEW BUSINESS**

None.

### **IV. FINDINGS**

**SUB 06-01 Postlewait II Subdivision** – Mr. Tessman moved to approve the findings, conclusion and final order for SUB 06-01 as written. Motion seconded by Mr. Molamphy and passed 3-0 with Mr. Manley abstaining.

**DR 06-01 Bowen Building** – Mr. Molamphy moved to approve the findings, conclusion and final order for DR 06-01 as written. Motion seconded by Mr. Tessman and passed 3-0 with Mr. Manley abstaining.

### **V. MINUTES**

None.

### **VI. DIRECTORS REPORT**

John stated that besides the three hearings that were continued until April 24th there would also be an application from Willamette Falls Medical Center to construct a 22,665 sq ft urgent care facility to be located on the north side of Sequoia Parkway between 1st and S. Hazel Dell Way.

The signal at Territorial and Hwy 99E is apparently still on track for ODOT to begin construction in June of this year.

### **VII. ADJOURNMENT**