

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – June 25, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, and Jared Taylor

ABSENT: Bruce Holte

STAFF: John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; and Jill Thorn, Planning Staff

OTHERS PRESENT: Devin Deller, Jim Bailey, Ken Hostetler

I. **CITIZEN INPUT** None

II. **PUBLIC HEARINGS** None

III. NEW BUSINESS

Discussion about timing of infrastructure improvements for partitions – John Williams said this was an issue raised by Ed Netter of Netter Construction, Inc.

Mr. Netter would like to have minor and major land partitions applicants be responsible for all frontage improvements and for obtaining the necessary utilities to the site. He suggested that it could be before or after the final plat has been signed or there is a bond in place to cover the expenses.

Mr. Williams stated that historically applicants have not been pleased with this method because of the cost involved.

Commissioner Ewert asked who would do the bonding.

Mr. Williams said that under Mr. Netter's proposal the developer would have to do so before the final plating.

Devin Deller of 919 N Maple Lane – Mr. Deller said he had purchased his home in December and had no idea that sidewalks would be required. Mr. Netter is constructing the house behind him on the second lot that was created in minor partition and told him that he was responsible for the sidewalks. Mr. Deller felt it was not his responsibility for the sidewalks.

Chair Brown asked Mr. Deller if he cared when the sidewalks were put in. Mr. Deller said that he had been told to wait until November so that the tree could be moved without damage to it.

Mr. Deller pointed out that there were no sidewalks in the neighborhood. Chair Brown explained that this was the method the City used to construct sidewalks in older neighborhoods.

Correspondence from Larry Hepler of Canby Utility Board was summarized supporting Mr. Netter's proposal.

Chair Brown asked Commissioner Molamphy what the rough costs would be to extend utilities. Commissioner Molamphy stated rough costs could be between \$5,000 to \$15,000 and there could be problems still that would require reinstalling at a later date.

Commissioner Molamphy asked if there was any way to put restrictions on the deed. Mr. Williams responded that he would have to research and see if it was possible.

Chair Brown stated that the language in the findings should be clear and state who is responsible for improvements – for example the person who develops the new lot. The timing issue should be when the new home is built; the builder is responsible for the improvements.

Commissioner Milne asked if there was a way to save Mr. Deller's tree. Mr. Williams said that a Temporary Occupancy could be granted until the sidewalk was completed at a later date.

The decision of the Planning Commission was that the person who constructs the new house is responsible for the cost of all utilities. The timing would remain the same, but the language in the findings should extend to the builder of the new home.

MOD 07-11 of DR 00-09/CUP 00-06 - 390 NW 2nd Avenue – Country Side Living - Site and design review and expansion of a non-conforming use review to build a guest house.

Kevin Cook presented the staff report. Country Side Living, a residential care facility serving citizens with Alzheimer's and dementia, has filed an application with the City to build a guest house at their current location on 2nd Avenue in Canby. The proposed 1,500 sq. ft. guest house is intended to provide a place for families to stay while they are visiting their loved ones at Country Side.

In February 2001 the Planning Commission approved an application for Design Review and Conditional Use Permit (DR 00-09/CUP 00-06), which allowed the residential care facility. The current application proposes to expand the CUP to allow for the guest house as an accessory to the primary function as a care facility; and further expand on the original Design Review approval by reviewing the location and design of the proposed building.

The application is for an Intermediate Modification to the original approval. The process for an intermediate modification involves review and discussion by the Planning Commission under New Business on the Commission agenda as opposed to a public hearing. The Commission is asked to render a tentative decision on the matter at the meeting. Staff then sends out notification to neighboring property owners. Those receiving notice may request a public hearing in writing within ten days of the notice mailing date.

The guest house will face internally into the existing court yard of the facility and will also front directly onto the existing alley behind the facility. The guest house may be attached to an existing maintenance building.

Chair Brown asked about the zero lot line and the fact that glazing was on the alley side of the building.

Kevin Cook explained that the new building was an accessory structure to the existing facility.

Jim Bailey represented Country Side Living and Ken Hostetler of 853 S Redwood, contractor spoke to the proposed plan.

Mr. Bailey said the roof edge was the same as the maintenance shed currently on the property.

Chair Brown wondered about the look of a two story blank wall.

Mr. Hostetler stated there was a hedge in the alley and traffic was minimal.

Commissioner Molamphy asked about the 3 or 4 parking spaces and asked if there were other parking arrangements.

Kevin Cook said that the downtown commercial zone did not require parking spaces.

Commissioner Ewert asked if the applicant had a problem with a condition that the new building be only a guest house and not used as a permanent residence for staff. Mr. Bailey had no problem.

Commissioner Ewert stated he felt it was a novel idea and commended the applicant for being willing to provide this kind of service.

Commissioner Taylor asked what happens if the ownership changes.

Mr. Cook stated that could be added to the conditions of approval.

Commissioner Taylor asked about lighting in the alley. Mr. Bailey said there were currently two lights on the alley.

Chair Brown proposed the following conditions be added:

13. The alley overhang to be eliminated.
14. The use will be for temporary stays only as an accessory unit related to the main use of the property unless otherwise approved by the Planning Commission
15. Architectural detailing on the alley side to be reviewed by the staff
16. The color to match existing approved design palette
17. Maintain alley lighting for safety

It was moved by Chair Brown to approve the modification with the addition of the five conditions. It was seconded by Commissioner Ewert and passed 5-0.

Interpretation of Planning Commission – Site and Design Review – 16.49.030 and Accessory Structure or Use – 16.04-040

John Williams presented the staff report. The owners of BCM Auto Sales (Mr. and Mrs. Miller) have requested the ability to place a modular office on the site of their used car lot located on the south side of Highway 99E, next to Marcinkiewicz Co at 593 SE 1st Avenue. Currently they are working under a “Home Occupancy” business license, so customers are taken to the owner’s residence to fill out paperwork when a car is sold.

Staff's determination was that the modular office was not allowed without a Site and Design Review application and did not meet the definition of accessory structure.

Mr. and Mrs. Miller are appealing that decision to the Planning Commission.

Chair Brown stated he agreed with the staff decision on both accounts and stated that The Human Bean was a smaller structure but had to go through a site and design review process.

Commissioner Molamphy stated he agreed with the staff decision.

Commissioner Ewert stated that the Commission had in the past had very strong opinions on such buildings in the past. He also stated that he agreed with the staff decision.

Commissioner Milne felt the staff had made the correct decision and asked if the business had a license at the Hwy 99E location. Mr. Williams stated they had a license for the home address.

Commissioner Taylor stated he thought it was an accessory structure.

IV. FINDINGS

DR 07-03 – 1101 SW 1st Avenue – Kentucky Fried Chicken and A&W Restaurant – Kevin Cook reported that the applicant had found that the five-foot pedestrian path needed to have a step because of the grade and requested that the words “ADA compliant” be removed from Condition 19.

Commissioner Ewert moved to approve the findings for DR 07-03 with the modification to Condition 19. Motion seconded by Commissioner Taylor and passed 5-0.

V. MINUTES

June 11, 2007 - Commissioner Ewert moved to approve minutes of June 11, 2007 as presented. Motion seconded by Commissioner Milne and passed 5-0.

VI. DIRECTOR'S REPORT

Mr. Williams said that this was the last Commission meeting for Kevin who has taken a job with Multnomah County and thanked him for his service to the City of Canby.

American Steel is scheduled for a public hearing on July 9th Commission Agenda.

Mr. Williams reminded the Commission of the Design Standards meeting on Thursday, June 28th at 5:30 PM at the Adult Community Center.

VII. ADJOURNMENT