

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – March 23, 2009
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Ishah Ahumada, Sean Joyce, Chuck Kocher, Misty Slagle and Jared Taylor

ABSENT: None

STAFF: Beth Saul, Special Projects Manager, Melissa Hardy, Associate Planner; and Jill Thorn, Planning Staff

OTHERS PRESENT: Steve Kay, and Paul Snegirev

Chair Ewert welcomed newly appointed Commissioner Ishah Ahumada.

I. CITIZEN INPUT None

PUBLIC HEARINGS DR 08-01/SUB 08-01 – Snegirev – 486 NE 3rd Avenue - The applicant is requesting Subdivision approval to subdivide approximately 16,021 square feet of land into 5 lots ranging in size from 5,013 to 2,029 square feet. The applicant is requesting Site and Design Review approval to build four attached townhomes on the property. The lot is zoned R-2 (High Density Residential).

Chair Ewert 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.

Melissa Hardy presented the March 13, 2009 staff report for the record.

Commissioner Ewert asked if the City Engineer's comments were done before he had a chance to read the staff report. Ms Hardy replied that the comments of the engineer went to the Public Works Director who then sent an email to the Planning Department recommending conditions of approval for the applications.

Commissioner Ewert inquired about the sewer easement that Mr. Nofziger mentioned in the minutes of the neighborhood meeting. Ms Hardy responded that the City Engineer did not say anything about easements in their memo, but if the easement is a public easement, then either the City Engineer or the utility that owns the easement will identify if there's an easement and where it is, and if it is a private easement then that is a civil matter between the property owners and they will need to work that out between themselves.

Applicant: **Steve Kay, Northwest Land Development Services**, spoke on behalf of the applicant. He felt the staff report was very complete and the proposal is consistent with the neighborhood. He said that the variances are being requested because, as explained in the staff report, the hardships that exist are beyond the control of the applicant. He said the applicant approved of all the recommended conditions.

Commissioner Taylor asked if each unit had a private backyard. Mr. Kay said there would be six foot fences between each yard.

Commissioner Milne commented that the report of the neighborhood meeting was well written and commended the applicant on the design of the project. She suggested that possibly adding glass on the top of the front doors would allow more light into each unit, but that she didn't want to make that a condition of approval.

Commissioner Kocher stated he liked the design but was concerned about the center units not having access into their backyards except through the back door of each unit. He also expressed concern about the possibility of the owner of one unit not getting along with the other owners, and potentially blocking access to the shared driveway. Mr. Kay stated there would be a home owners association that would have standards to handle such issues. Commissioner Kocher said he would be interested in a condition that would require a home owners association.

Commissioner Ewert asked Mr. Kay about the sewer easement that Mr. Nofziger spoke of. Mr. Kay stated there was no record of a sewer easement on the applicant's property, but there was a seven foot public easement at the back of the property.

Proponents: None

Opponents: None

Neutral: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Joyce asked about a home owner's association. There was a short conversation among commissioners and staff about condition 6A recommended by staff that requires a reciprocal access and maintenance easement to ensure legal access is provided to each lot. Ms. Hardy said that the City does not have jurisdiction to enforce any rules created by a home owner's association, and so requiring a home owner's association would not be the same as a condition of approval that the city could enforce.

Commissioner Ewert said that with common fences, and large walls he wanted to make sure the four homes were maintained. Ms Hardy said the development must be maintained in conformance with the design approved by the Planning Commission, unless they get approval for a modification.

Commissioner Taylor said he felt the home owner's association was not in the best interest of the City. He felt the application looked good and wondered if the existing street trees would remain. Ms Hardy said the street trees would be evaluated by the Public Works Director.

Commissioner Taylor said he was perplexed that the property owner on 4th Avenue did not have to do street improvements.

Commissioner Milne asked what was different with this application and one that a property owner in the same neighborhood had considered submitting but decided not to do so because

of the cost of street improvements that would be required on both 3rd and 4th Avenues. Ms Hardy explained this application was dealing with the subdivision of two lots that would otherwise have been eligible for a property line adjustment, where no street improvements would have been required if the property lines had been adjusted prior to subdividing, and the lot abutting 4th Avenue was subsequently not a part of the subdivision application. And Ms. Hardy said it was her understanding that the other property owner was dealing with a partition of a single lot, which does require street improvements.

Commissioner Slagle asked about street tree mitigation. Ms Hardy stated that street tree placement was under the discretion of the Public Works Director.

Commission Ahumada asked if the improvements on 3rd Avenue would include a bike path. Ms Hardy responded that the City Engineer's memo said they need to construct a half street improvement, but that the memo did not say anything about a bicycle lane, and that if a bicycle lane were required in the adequacy standards for a collector, then the Engineer would require that.

Commissioner Milne moved to approve Tentative Subdivision application SUB-08-01, and approve the access spacing exception request, and four requested variances, provided that all 11 conditions of approval recommended by staff are met; and that Planning Commission approve Site and Design Review application DR-08-01, and approve the access spacing exception request, provided that all 8 conditions of approval recommended by staff are met; all based upon the findings contained in the March 13 staff report and the findings from tonight's public hearing. It was seconded by Commissioner Taylor. The motion passed 7-0.

II. FINDINGS None

III. MINUTES

February 9, 2009 - Commissioner Slagle moved to approve minutes of February 9, 2009 as presented. Motion seconded by Commissioner Kocher and passed 5-0-2 with Commissioners Ahumada and Taylor abstaining.

IV. DIRECTOR'S REPORT None

V. ADJOURNMENT