

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 26, 2010
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, and Misty Slagle

ABSENT: Chair Dan Ewert, Commissioners John Proctor and Randy Tessman

STAFF: Bryan Brown, Planning Director and Jill Thorn, Planning Staff

OTHERS PRESENT: Brian Hodson, City Councilor and Planning Commission Liaison; Luana Hill, Bob Hill and Gerald Engler

1. CALL TO ORDER

2. CITIZEN INPUT

3. PUBLIC HEARINGS

a. MLP 10-01 – Wholesale Real Estate LLC – The applicant is seeking approval of a Minor Land Partition application for two lots at 228 NE 10th Avenue. One lot will be 7,000 sq ft and the remaining lot of 10,920 sq ft will contain the existing house. (Clackamas County Assessor Map & Tax Lot No. 31E33BA 02000).

Vice Chair Milne 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. Commissioners Kocher and Milne stated they had visited the site, but had not drawn any conclusions. No questions were asked of the Commissioners.

Bryan Brown, Planning Director, entered the July 12, 2010, staff report into the record. Mr. Brown reported that Luana Hill had requested information about the application. She had concerns as to whether infill standards would be in place if and when a home was built on the new lot.

Commissioner Joyce asked if there would be sidewalks required on 10th Avenue in front of the existing home. Mr. Brown indicated it is a usual standard requirement and had been initially requested during the pre-application meeting.

Commissioner Slagle asked if the existing driveway on Juniper Street would be removed. Mr. Brown said it would be removed.

Commissioner Kocher asked if the original garage would be made into a garage again. He felt this would then allow for more parking in the driveway. Mr. Brown suggested that was a question for the applicant.

Commissioner Kocher asked if there would be a fence to separate the two properties. Mr. Brown said that would be between the two property owners.

Applicant: **Gerald Engler**, representing Wholesale Real Estate LLC, stated he was in agreement with the conditions as shown in the staff report. He said he was not planning to build on the new lot, but would probably put it up for sale.

He said the garage is unfinished and it would be fairly easy to return the building to a garage.

Mr. Engler said the new driveway on Juniper would be dictated by the location of a future house.

Mr. Engler said he would prefer not to have to put the sidewalk on 10th Avenue for several reasons. One it would save money; two it would create a patch work of sidewalk to nowhere and at some future time a LID could be formed to put sidewalks on the entire portion of 10th Avenue.

Commissioner Milne stated she agreed with his points on the sidewalk on 10th Avenue.

Commissioner Joyce asked about the garage and finishing it. Mr. Engler said it would probably be a point of negotiation at the time of sale.

Commissioner Kocher asked if the sidewalk was not constructed on 10th Avenue would there be enough room from to park two cars in the driveway. Mr. Engler said that was probably correct.

Proponents: **None**

Opponents: **Luana Hill** of 260 NE 10th Avenue said she was concerned about tree removal. Her property is totally secluded. She said it was wrong for the city code to allow two-story homes in neighborhoods of only one-story homes. She felt her property would be devalued if the application was approved.

Commissioner Milne asked if this site would be subject to the infill standards. Mr. Brown said it would be determined at the time of a building permit is received as we do not know at this point if two adjacent homes are within 25 feet of the common property line of this lot.

Commissioner Milne asked if the purchaser of Lot 2 should clear cut the property would there be any trees left on other property. Mr. Brown said he always has concerns about removal of trees but Canby had no code to prevent removal of trees on private property. Some of the trees shown are on the adjacent lot to the north.

Commissioner Milne said that even if there was a condition that the trees were to remain, it is hard to enforce as trees become diseased and have to be removed.

Commissioner Milne said she agreed with Mrs. Hill about the dividing of lots in neighborhoods that are well established.

Commissioner Kocher said he agreed with Mrs. Hill and he especially disliked flag lots, but our code allowed these things.

Commissioner Joyce said he had concerns about the driveway on 10th Avenue and sight clearance.

Mr. Brown said it met the street triangle vision requirement and is existing.

6. MINUTES

a. June 28, 2010 - Commissioner Kocher moved to approve minutes of June 28, 2010 as presented. Motion seconded by Commissioner Slagle and passed 4-0.

7. ITEMS OF INTEREST FROM STAFF Bryan Brown reported an offer had been made to an individual for the Associate Planner position and the background check was in process.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION **None**

9. ADJOURNMENT