

MINUTES
CANBY PLANNING COMMISSION
7:00 pm – October 13, 2014
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Shawn Hensley, John Savory, John Serlet, and Larry Boatwright

ABSENT: Commissioner Tyler Smith, Chair

STAFF: Bryan Brown, Planning Director, Laney Fouse, Planning Staff, and Rick Robinson, City Administrator

OTHERS: Will Snyder, Joe Snyder, Mary Lane, Robert Lane, Sam Jones, Lee Sanderson, and Ken Rider, Council Liaison

1. CALL TO ORDER

Vice Chair Savory called the meeting at 7 pm.

There was discussion about whether or not three Commissioners represented a quorum. It was decided a quorum was present.

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None.

3. MINUTES

- a. *Planning Commission Minutes, September 22, 2014*

Motion: *A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the September 22, 2014 minutes as written. Motion passed 3/0.*

Commissioner Boatright arrived at 7:05 pm.

4. PUBLIC HEARING

- a. *Consider a request from Will Snyder, White River Homes for approval of a Minor Land Partition application proposing to create two lots at 103 NE 9th Avenue. (MLP 14-02)*

Vice Chair Savory opened the public hearing and read the public hearing format. He asked if any of the Commissioners had any conflict of interest or ex parte contact to declare.

Commissioner Serlet lived in the area and walked by the subject property but had no conflict of interest. Commissioner Hensley said he also lived nearby but had no ex parte contact or conflict of interest. Commissioners Boatright and Savory said they had no conflict of interest or ex parte contact.

Bryan Brown, Planning Director, entered his staff report into the record. Mr. Brown said this was an application for a minor land partition proposing to create two lots at 103 NE 9th Avenue. He explained the proposed conceptual layout. The existing house and shop would remain which required a survey to make sure the distances from the new property line met the setback requirements. The applicant was confident that he would be able to meet those requirements. There were two existing driveways on N Ivy. The driveway closest to the intersection of Ivy and 9th was proposed to be removed. The other driveway met the separation distance requirements from the intersection, however it was too close to the driveway on the next property to the south. The Commission could

grant an exception as it was an existing driveway that had always been used to access the shop. One of the arguments in favor of the land partition was it made greater efficient use of the land and existing utilities rather than a new subdivision on the edge of town that used up farmland. The application met all of the development standards except for the driveway separation on Ivy. All the necessary utilities were in Ivy Street and would require street cuts and repaving to make the connections. There was no threshold triggered to do a traffic study. As a result of the application, there would be one new house built which would generate about nine trips per day. There was enough capacity on Ivy that it would not be impacted by the extra trips. He explained how the application met the general development standards. Two on-site parking spaces were required and would be confirmed with building plan submittal. All existing street and sidewalk improvements were adequate. The use of the existing shop must be restricted to only uses allowed within the zone district until a principal home was built on the same parcel. A street tree easement was needed to meet the street tree requirements on the new parcel. Staff recommended approval with conditions.

Applicant:

Will Snyder of White River Homes, a resident of Canby said he and his brother built homes in town and that was his intention with this property. He planned to rehab the existing home and build a new single level home on the second parcel. He wanted to keep the existing shop as it would be a benefit to the second parcel. They would rehab and sell the existing home as soon as possible and start building the second house in the spring.

There was no proponent, opponent, or neutral testimony.

Vice Chair Savory closed the public hearing at 7:20 pm.

Commissioner Deliberation:

Commissioner Serlet commented on the good job Mr. Snyder did on a recently built house on Juniper Street.

Motion: *A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve MLP 14-02 with the condition that the survey be completed and that the Commission made an exception for the existing driveway on Ivy Street. Motion passed 4/0.*

- b. *Consider a request from Robert & Mary Lane for approval of a Conditional Use Permit application to construct a detached accessory dwelling in their rear yard at 1350 N Birch Street. (CUP 14-02)*

Vice Chair Savory read the public hearing format. He asked if any of the Commissioners had any conflict of interest or ex parte contact to declare. There were none.

Mr. Brown, Planning Director, entered the staff report into the record. This was a request for a Conditional Use Permit to construct a detached accessory dwelling in the rear yard of 1350 N Birch Street. The street was considered a neighborhood route and there were substantial size lots in the neighborhood. He discussed the submitted site plan for a one story, 783 square foot accessory dwelling. The criteria said it had to be less than 800 square feet. It would be used for mother's quarters, however it would run with the land if approved and could become a rentable dwelling. He explained how the application met the Comprehensive Plan land use elements and development standards. There was ample setback and space from all the neighboring properties, it would maximize the use of existing public facilities and services, and increase efficiency of land use without sacrificing quality of life. They planned to use the same meters and sewer lines as the existing house. He discussed how all of the review criteria had been met. Staff recommended approval with the following conditions:

1. Necessary utility lateral or service extensions shall be installed at the applicant's expense. The location of the sewer and water lateral extensions shall be approved by Public Works and Canby Utility prior to excavation.
2. The additional 3rd on-site required parking space shall have a hard surface (not gravel).
3. The Planning Department shall assign a new separate address to the accessory dwelling.

Commissioner Hensley liked the house numbering suggested by staff.

Applicant:

Mary Lane, 1350 N Birch, explained she wanted to build the accessory dwelling for her mom. It was a single story structure just like the existing house. They would be re-siding the existing house and the house and accessory dwelling would be painted the same color.

Commissioner Savory asked if they planned to rent out the accessory dwelling eventually.

Rob Lane, 1350 N Birch, said that was not the plan as it would always be their property.

Neutral Testimony:

Sam Jones, 1360 N Birch, was concerned about the loss of privacy as he had a two story home that looked into the backyard of the property. That might be alleviated by planting tall trees. He was also concerned about the house becoming a rental. For privacy, he suggested planting flowering pear trees. He explained where his flag lot was located.

Lee Sanderson, 14870 Osprey Court Beaverton, OR, was Ms. Lane's brother. Their parents bought the house in 1976. His dad passed away in 2007 and his mom was having a hard time keeping up with the maintenance. He gave a history of how the family decided to have Ms. Lane's family live in the existing house and add an accessory dwelling for his mother. The intent was not to make it an income producing situation. He understood Mr. Jones' concern regarding privacy, but it was a second story deck that overlooked the property and the proposed accessory dwelling was small. He did not think it would be an issue and was willing to work with Mr. Jones.

There were no proponents or opponents.

Vice Chair Savory closed the public hearing at 7:53 pm.

There was no discussion by the Planning Commission.

Motion: *A motion was made by Commissioner Hensley and seconded by Commissioner Boatright to approve CUP 14-02 as written. Motion passed 4/0.*

5. NEW BUSINESS

Councilor Rider introduced new City Administrator Rick Robinson.

6. FINAL DECISIONS

(Note: These are final, written versions of previous oral decisions. No public testimony.)

a. DR 14-02/CUP 14-01 Verizon Wireless

Mr. Brown stated he changed the numbering in the conditions because Conditions 1 and 2 were removed by Commission vote at the last meeting. The applicant had decided to put in gray slats to match the existing buildings and tower. Regarding the irrigation system, they planned to use water bags on the landscaping to keep it watered. They would still need to

bring water on site, replace the plants if they died, use drought tolerant species, and would guarantee keeping the landscape alive for the two years until it was established, and then irrigation would not be needed. Dragonberry had a similar problem with not putting in irrigation and the landscaping died and had to be replaced. This site was different as it was a small area hidden behind slatted screens.

Motion: *A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the final findings for DR 14-02/CUP 14-01 Verizon Wireless as written. Motion passed 4/0.*

b. ***MLP 14-02 Will Snyder, White River Homes***

Mr. Brown said the Commission stated in their motion that the survey needed to be completed which was an ordinance requirement and already taken care of in the conditions. The second item in the motion was approval of the exception for the driveway which he wasn't sure was specifically mentioned in the findings. If not, it was understood that the exception was granted if the application was approved.

Commissioner Serlet withdrew his condition regarding the survey as it was already in the conditions.

Motion: *A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve the final findings for MLP 14-02 Will Snyder, White River Homes. Motion passed 4/0.*

c. ***CUP 14-02 Mary & Robert Lane***

Motion: *A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the final findings for CUP 14-02 Mary and Robert Lane. Motion passed 4/0.*

7. **ITEMS OF INTEREST/REPORT FROM STAFF**

a. *Next Regular Planning Commission meeting scheduled for Monday, October 27, 2014*

Mr. Brown said there was nothing on the next meeting agenda so far, and he thought the meeting was likely to be cancelled.

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

9. **ADJOURNMENT**

A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to adjourn the meeting. Motion passed 4/0. The meeting was adjourned at 8:07 pm.

The undersigned certify the October 13, 2013 Planning Commission minutes were presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 24th day of November, 2014



Bryan Brown, Planning Director



Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood