

MINUTES
CANBY PLANNING COMMISSION
7:00 pm – November 24, 2014
City Council Chambers – 155 NW 2nd Avenue

- PRESENT:** *Commissioners Commissioner Tyler Smith (Chair), John Savory (Vice Chair), Shawn Hensley, John Serlet, and Larry Boatright*
- STAFF:** *Bryan Brown, Planning Director, Laney Fouse, Planning Staff, and Rick Robinson, City Administrator*
- OTHERS:** *Ed Netter, Jason Bristol, Debra Ruggles, Ray Ruggles, Jeannine Wibbels, and Lee Wibbels*

1. CALL TO ORDER

Chair Smith called the meeting to order at 7 pm.

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

3. MINUTES

- a. *Planning Commission Minutes, October 13, 2014*

Motion: *A motion was made by Commissioner Savory and seconded by Commissioner Boatright to approve the October 13, 2014 minutes as written. Motion passed 4/0/1 with Chair Smith abstaining.*

4. PUBLIC HEARING

- a. *Consider a request from Ed Netter for approval of a Minor Land Partition application proposing to create three lots at 672 S Fir Street. (MLP 14-03)*

Chair Smith opened the public hearing and read the public hearing format. He asked if any of the Commissioners had a conflict of interest or ex parte contact to declare. There was none.

Bryan Brown, Planning Director, entered his staff report into the record. This was an application for a minor land partition proposing to create three lots at 672 S Fir Street. Mr. Brown showed a map of the location and access to the parcels. The existing home would be saved and would be located on the newly created flag lot in the middle of the three lots. A garage was on the third parcel which would be removed. The applicant revised the plan so the lot size of the parcel fronting Fir Street was large enough to meet the setback requirements and the other two lots met the requirements as well. The improvements along Fir Street were adequate, even though they did not meet the current six foot standard. The four feet would fit in with the sidewalks that were already there. The existing utility laterals needed to be identified as they might need to be relocated if they were going through the lots. The applicant would need to provide a utility plan prior to platting. The access easements would need to be recorded prior to platting as well. A 12 foot street tree easement would also need to be platted with the partition plat for the frontage of parcel 1 and the street fee would need to be paid. He thought a few of the existing cedar trees along the northern boundary could be retained to help buffer between the neighbors. Staff recommended approval with the conditions listed in the staff report.

Applicant:

There was no statement from applicant Ed Netter.

Proponents:

None.

Opponents:

None.

Neutral testimony:

Ray Ruggles, resident at 680 S Fir, stated his concerns about the cedar trees being removed. Some of them were huge and if there was digging around them they might fall over especially if there was a strong wind. He also requested the property to be fenced.

Mr. Netter would see how the trees would fit on the lot with the house plans. The fence would continue at 6 feet height until it had to drop to 3½ feet within 20 feet from the street.

Commissioner Hensley said Condition 5 stated there would be a protection plan submitted for the cedar trees along the northern boundary. Was the applicant all right with that?

Mr. Netter agreed to the tree protection plan except for those trees in the way of the access utility easement.

Chair Smith closed the public hearing at 7:25 pm.

Commissioner Savory thought the sidewalk should stay at four feet for consistency.

Commissioner Serlet asked if there was something else that could be done about the trees.

Mr. Brown explained where the trees were located. The intent was to get the applicant to look into the reasonableness of preserving the trees.

Chair Smith had great empathy for the neighbors' concerns about the trees, but the Commission didn't have any authority in the Code to require trees that were not on the boundary line to be preserved.

Motion: *A motion was made by Commissioner Savory and seconded by Commissioner Boatright to approve MLP 14-03 with the conditions Planning staff had noted. Motion passed 5/0.*

5. NEW BUSINESS

- a. *Consider a Modification request from Jason Bristol to replace the pavers with asphalt for his previously approved Emerald Gardens Subdivision project (MOD 14-04)*

Mr. Brown said there was a section of the Code that allowed the Planning Commission to grant exceptions when dealing with planned unit developments. This was a 15 lot three story townhome development with private streets, small lots, setbacks, and such that did not meet normal standards. For each platted lot they were originally trying to meet the 70% maximum pervious surface requirement. They managed to do that by using the permeable pavers in the private street between the garages. If they did not use the pavers they would be at 69.2 %, which met the requirement for the site as a whole. He thought they met the requirements for the site as a whole and did not need to meet it for the individual platted lots. The calculations were done by Sisul Engineering.

Chair Smith thought the math needed to demonstrate that it met Code requirements.

There was consensus to approve the modification subject to verification it met Code requirements.

6. FINAL DECISIONS

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

a. MLP 14-03 Netter

There was consensus to approve the final findings for MLP 14-03.

7. ITEMS OF INTEREST/REPORT FROM STAFF

a. Hired new Associate Planner – Dave Epling

Mr. Brown said Dave Epling, new Associate Planner, had recently been hired. He would be at the next Commission meeting.

b. Next Regular Planning Commission meeting scheduled for Monday, December 8, 2014 – Canby Square Site and Design Review

Mr. Brown explained the site and design review application for Canby Square.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

a. Fred Meyer Fuel Station – Mr. Brown said the Court of Appeals upheld the LUBA decision which upheld the City Council's approval of the application.

b. McDonald's – Mr. Brown confirmed they were paid in full and he hadn't heard anything since the application was approved. The Manager of the current facility wanted some sort of modifications but they had not been submitted to the City yet.

9. ADJOURNMENT

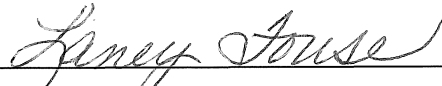
The meeting was adjourned at 7:41 pm.

The undersigned certify the November 24, 2014 Planning Commission minutes were presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 8th day of December, 2014



Bryan Brown, Planning Director



Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood

