

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – February 9, 2015
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith (Chair), John Savory (Vice Chair), Shawn Hensley, John Serlet, and Larry Boatwright

STAFF: Bryan Brown, Planning Director, David Epling, Associate Planner, and Laney Fouse, Planning Staff

OTHERS: Pat Sisul, Tom Kendall, Kathy Lapidus, Eliot Lapidus, Allen Manuel, Connie Faist, Tim Faist, Lisa Casey, Kevin Casey, Robin Bergin, Charlie Bergin, Betty Faist, Larry Faist, and Ed Netter

1. CALL TO ORDER

Chair Smith called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None.

3. MINUTES

a. *Planning Commission Minutes, January 13, 2015*

Motion: A motion was made by Commissioner Savory and seconded by Commissioner Serlet to approve the January 13, 2015 minutes as written. Motion passed 5/0.

4. PUBLIC HEARINGS

a. *Consider a Minor Land Partition request from Ed Netter to partition one existing lot located at 1000 N Pine St. to create a flag lot for a single family home. (MLP 14-04 Netter)*

Chair Smith read the public hearing format and opened the public hearing.

None of the Commissioners had ex parte contacts or any conflicts of interest to declare.

Dave Epling, Associate Planner, entered the staff report into the record. This was a request to partition an existing 18,295 square foot parcel into two parcels containing 9,197 square feet and 8,098 square feet. An existing home would remain on the 9,000 square foot parcel and the 8,000 square foot parcel would be developed with a new single family dwelling. There would be a utility easement on the north boundary of the property. The easement would be 15 feet wide and would also be used for a driveway. The Planning Commission could require sidewalks and curbs, or they could waive the provision. Staff found that although sidewalks were on the west side of the street along Pine, there were no sidewalks on the east side of Pine and the development was on the east side. Staff suggested not requiring sidewalks at this time. Funding was being sought for grants for future improvements to the entire length of Pine and Pine Street is currently under County jurisdiction. A traffic impact study was not required, however a 10 foot right-of-way dedication was required along the subject property frontage to meet standards for a collector street. Two

parking spaces were required for each single family dwelling and adequate parking would be reviewed during the building permit process. Staff found the proposal met the required applicable standards. Public facilities and services were available to serve the proposed lot. Access would be by the shared private access easement. Under Section 16.64, street improvements, curbs, and sidewalks were required, however staff recommended these improvements be waived because the lot fronting the public street is already developed and the standard half street and sidewalk improvements usually applied to new land divisions may not be proportional to this request. Staff recommended that the improvements be limited to a paved driveway approach to City standards, sewer, and erosion control standards. Staff recommended approval of the application with the conditions of approval as listed in the staff report.

Applicant:

Ed Netter, resident of Canby, explained he wanted to divide the property and build a house that fit the infill standards on the back lot. The neighbor behind the back lot requested the arborvitae be left for privacy. He would fix up the existing house and pour a driveway and approach off of Pine Street. He was requesting the Planning Commission to not require the sidewalks because there were no other sidewalks on that side of the street. He agreed to all of the conditions proposed by staff.

Proponents: None.

Opponents:

Tim Casey, resident of Canby, questioned the wisdom of not building sidewalks when they had the opportunity especially when funding for future improvements was questionable. Pine Street was continuing to be infilled, and there were many kids walking along a street with no sidewalks. This was the ideal time to establish sidewalks. They were needed for the health, safety, and value of the neighborhood. Creating more pedestrian traffic, but no sidewalks was not the way to go. Neighborhoods with sidewalks were safer and of a greater value.

Clint Coleman, resident of Canby, was in favor of the project, however he thought sidewalks should be done now and not later. It would add safety and would be less expensive if they were done now.

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

Chair Smith asked if a non-remonstrance was allowed so that if sidewalks were built in the future that the owners would have to put in their fair share for the sidewalks as well.

Mr. Brown, said they had the option for a non-remonstrance. From his experience, he did not see much value in them as cities often did not get around to enforcing their use with an actual future improvement. One problem with N Pine St is that it is not under City jurisdiction so the City has not prioritized spending its own funds but we are recommending obtaining right-of-way so a standard street section with a sidewalk could be established in a future street wide project where we could be certain of a permanent sidewalk location so it would not have to be torn up. They did not know how quickly the rest of the street would be improved or redevelopment would continue to occur. It would not help pedestrians now because it would only be a short segment of sidewalk. Staff did not think both street and sidewalk improvements were proportional to the cost and benefits the developer would get from one new house. He was not certain if the sidewalk would have to be torn up or not should the City get a grant for full length street improvements. If the City

got a grant, the street trees would likely be a part of that project and usually are placed within the public right-of-way, not on private property.

Public Hearing Closed/Deliberation:

Chair Smith thought the application should be approved either with no requirements for sidewalks or a non-remonstrance.

Commissioner Savory could not see putting in a sidewalk for this one parcel especially when there was a chance it would have to be torn up in a few years when the street was improved. He was in favor of waiving the requirement.

Commissioner Serlet shared the same feelings about not requiring a sidewalk in this instance.

Commissioner Hensley did not think they should require street trees either since it was not applicable to the already developed property or for the new flag lot in the back.

There was further discussion regarding whether or not street trees should really be applicable for this application.

Chair Smith did not think it applied since the application did not qualify as a new subdivision and the requirement was in the subdivision section 16.64.

Motion: Commissioner Hensley moved to approve MLP 14-04 and to strike Conditions 8, 9, and 14, Commissioner Savory seconded the motion. Motion passed 5/0.

b. Consider a Subdivision and Minor Land Partition application from Tom Kendall to partition 10.19 acres into 3 parcels and create a 30 lot subdivision. (SUB & MLP 15-01 Faist 6 Subdivision)

Chair Smith opened the public hearing.

None of the Commissioners had ex parte contacts or any conflicts of interest to declare.

Bryan Brown, Planning Director, entered his staff report into the record. He showed a picture of the location. There were two existing residences on the parcel. This was for a subdivision on the upper portion for 30 lots and a minor land partition on the existing developed portion forming two separate parcels – one for each existing house. Staff received one letter from Virginia Chapman who was concerned about closing off access on school portion of Teakwood for one hour in the afternoon for bus loading. The rerouting of traffic from Township Road has caused vehicles to use 11th Avenue where she lives and has caused some congestion. The traffic study showed Teakwood was able to handle the additional traffic without unreasonable impact. The City's traffic engineer reviewed the study performed by Lancaster Engineering for the applicant and thought the findings were appropriate. There were a few minor issues pointed out with the study results, but they were not change the indicated results or recommendation that no mitigation was necessary for this project. The subdivision proposal included an extension of the east/west streets in the previous Faist addition. They would have temporary dead ends at this time. The ordinance standard was not to serve more than 130 lots with only two means of access. If they added the 30 lots to the whole Faist area, it would be 162 lots with only two accesses until the streets extended further to the east. Teakwood could provide another third means of access, although it was owned by the School District and is currently closed for the hour in the afternoon for bus loading. Staff

proposed eliminating Condition 5, having received written confirmation from the City's traffic engineer that the traffic study conclusions were appropriate. He thought they should substitute a new condition that said "the existing 36 inch wide gravel driveway approach to Parcel 2 off of Teakwood Street shall be relocated north to align with an extension of 11th Place to minimize disruption of street and curb improvements adjacent to Parcel 2 on Teakwood Street when 11th Place is extended in the future". He was not sure why interior lots, not the ends of the streets, were being used for emergency vehicle turnarounds. There was also an optional turn around on the adjacent property if they could work it out with the property owner. Teakwood was proposed to be widened to a 50 foot right-of-way and to get that width, four feet of right-of-way would be dedicated on the east side of the plat. The applicant had indicated only improving Teakwood to the end of the subdivision, and staff was requesting they include the four feet of right-of-way through the minor partition parcels all the way down to 13th Avenue. A portion of the 6 foot sidewalks would be placed on private property and would require a pedestrian easement, which was standard practice in Canby. Staff recommended approval with conditions.

Applicant:

Pat Sisul, Sisul Engineering, said this was Phase 6 of the Faist development. He gave a history of Teakwood and how he thought it would be a third access for emergency vehicles. He discussed the capacity analysis that showed the 13th Avenue and Teakwood intersection would operate within capacity at full build out of the development. It would not be overburdened with only two points of access and with the number of lots proposed. The property was 10 acres, with the bottom four acres being divided into two lots with the minor partition. The northern six acres would be the proposed 30 lot subdivision. The streets were designed to extend to the adjacent parcel which had been recently annexed and planned to be developed. He explained the existing conditions of the site and some trees that would have to be removed. He then reviewed the site plan. The reason interior lots were being used for emergency turn around was because of the 70 foot dimension requirement needed for backing the vehicles out. They had discussed using the adjacent parcel owned by the School District, and an easement would need to be signed by the School Board. He thought they would be favorable to granting the easement. Teakwood had been downgraded from a collector to a local street, and they were planning to finish the street so it matched the local standards. They would be adding four feet of pavement and a curb and dedicate four feet of right-of-way. Staff had requested to take the right-of-way dedication all the way to 13th Avenue and there was no objection to that. There was also no objection to realigning the driveway of the existing house with 11th Place. He then discussed the local street improvements that would be made. Sanitary sewer and water would be connected to existing lines in Teakwood and the applicant would fill the lots at the end of the streets for the building elevations to help with providing gravity sanitary sewer service to all lots.

Proponents: None

Opponents:

Robin Bergin, resident of Canby, was concerned about the Teakwood trees being removed as currently there was a grass easement there where people walked their dogs. She thought two parks were also going to be included in development of this area, but the City could not afford to put in a dog park and maintain it and she questioned putting in a park in this development. She did not think the dog park should take a back seat to areas that had not been developed yet. She also thought the development would bring extra traffic, and did not think the traffic study took into account the heavy pedestrian use on Teakwood and 13th Avenue. She would like a sidewalk to be put in on the east side of Teakwood.

Elliott Lapidus, resident of Canby, discussed how the population of Baker Prairie School was going to increase with the subdivision and it would contribute to the foot and bus traffic. There was a lot of speeding by both buses and cars through the intersection in the morning as well, which was not included in the findings. He questioned whether the traffic in its entirety was considered. The combination of the bus traffic and pedestrians and other vehicles would impact the area. He attended the initial development meetings and there had been discussion about how the traffic accessing the school would move on Sequoia Parkway in addition to the industrial traffic. It was never fully addressed. His biggest concern was speed of the traffic and lack of visibility for turning onto Teakwood.

Rebuttal:

Mr. Sisul stated the trees had to be removed and they were on private property. It was not public right-of-way. Regarding the parks, there was an area dedicated to the City for a park in 2002, but nothing had been done with it. It was a place where someone could walk their dog. There was also another area in the recently annexed parcel that would become a park when the property developed. However, it was not a part of this subdivision application. The Park SDC fees paid by these homes would contribute to other parks in the City. Sidewalks would be installed along the interior streets and Teakwood. Kids walking to school would have convenient and safe access to school. Regarding the speeding, that was an enforcement issue for the Police Department.

Commissioner Savory was in favor of putting in speed bumps to slow traffic down.

Mr. Sisul said often Fire Departments were not in favor of using speed bumps. The site distance at 13th Avenue and Teakwood was evaluated in the traffic study and it was found to have adequate site distance. Teakwood would be wide enough for people to park on both sides of the street and still have two lanes of traffic going through.

Mr. Brown said the standard used to be 36 feet, but was now 34 feet for a standard local street. Having a tighter width for two lanes of traffic and parking on both sides was also a traffic calming device. There were no plans to connect Sequoia Parkway to this area.

Chair Smith closed the public hearing.

Deliberation:

Commissioner Savory was concerned about the speeding on Teakwood and was in favor of adding a provision for speed bumps.

Commissioner Serlet thought it was out of the Planning Commission's jurisdiction, and something the Traffic Safety Commission should address. Speed was an issue all over the City.

Mr. Brown suggested a speed analysis be done on Teakwood to find out if there was a problem before any speed bumps were put in. It could be done later if a problem was identified.

Chair Smith proposed to add to the conditions that the City would retain the right to require the developer to install up to two speed bumps on Teakwood if there was a proven speed problem through a traffic analysis.

Commissioner Hensley thought this was an enforcement issue to be dealt with by the City based on existing traffic, and not specific to traffic to be added by this development so not something the developer needed to pay for.

Motion: Commissioner Savory moved to approve SUB & MLP 15-01 Faist 6 Subdivision as recommended by staff with Condition 5 replaced with “moving the existing 36 inch wide gravel driveway approach on Parcel 2 to align with the extension of SE 11th Place.” Commissioner Boatright seconded, motion passed 5/0.

Commissioner Serlet asked Councilor Coleman to address the speeding issue at the next Traffic Safety Commission meeting.

5. NEW BUSINESS

a. Northwoods Request for Extension of Development Agreement and Conceptual Development Plan

Mr. Brown said there was a master plan for four phases of the Northwood Estates subdivision. Two phases had been developed and the Master Plan for Phase 3 and 4 is to expire February 24, 2015, and the applicant has requested the master plan and development agreement be extended.

Motion: Chair Smith moved to approve the Northwood’s request for extension of Development Agreement and Conceptual Development Plan for one year, Commissioner Savory seconded, motion passed 5/0.

6. OLD BUSINESS – None.

7. ITEMS OF INTEREST FROM STAFF

Mr. Brown said the next regular Planning Commission meeting was scheduled for Monday, February 23, 2015.

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

9. ADJOURNMENT

Chair Smith adjourned the meeting at 9:14 pm.

The undersigned certify the February 9, 2015 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 23rd day of February, 2015


Bryan Brown, Planning Director


Laney Fouse, Minutes Taker