

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – February 23, 2015
City Council Chambers – 155 NW 2nd Avenue

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

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff

OTHERS: Jason Bristol and Clint Coleman, Council Liaison

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, February 9, 2015*

Motion: A motion was made by Commissioner Savory and seconded by Commissioner Boatright to approve the February 9, 2015 minutes as written. Motion passed 5/0.

4. PUBLIC HEARINGS

a. *Consider a Minor Land Partition request from Jason Bristol to partition an existing 1.22 acre developed parcel located at 486 S Knott St into two parcels.*

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

Commissioners Serlet, Smith, Savory and Boatright had no ex parte contacts. Commissioner Hensley said he drove by the property. No Commissioner had any conflicts of interest to declare.

Bryan Brown, Planning Director, entered the staff report into the record. This was an application for a minor land partition to create two lots out of a 1.22 acre parcel. Parcel 2 would be redeveloped to its R-2 high density potential in the future and Parcel 1 would retain the existing home. There would be a new driveway to Parcel 1 off of Knott Street to serve the existing single family home on the lot. There is an existing gravel drive on Parcel 2, and an ordinance provision that require a paved drive within 150 feet of the farthest point of a home or structure to satisfy fire protection access. However, Canby Fire stated to staff that they accept the provision of an all-weather surface which the existing drive provides. Canby Utility indicated there was an existing overhead electric line serving the parcel and had requested a 12 foot easement on the new property line. It was not currently listed as a required condition of approval in the staff report, and that the developer has voiced that keeping an overhead service within the requested easement location could be problematic for his future redevelopment plans. Mr. Brown suggested adding a condition of approval giving flexibility for alternative ways to serve the properties and still satisfy Canby Utility.

One written comment had been received from Vivian Carpenter who had no objections, but was curious as to how Parcel 2 would be redeveloped.

The applicant proposed to put in a sidewalk across the frontage of Parcel 1, but was requesting a waiver of the sidewalk requirement for Parcel 2 due to the long term redevelopment plans and not knowing where the new paved driveway approach would be placed. Mr. Brown suggested requesting a sidewalk easement on the private property frontage for the partition since the eventual curb-tight sidewalk would not fit within the public right-of-way. There were sidewalks on the other side of the street and two properties to the north of this parcel on the same side of the street with curb tight sidewalks.

Staff recommended approval of this partition request with conditions.

Applicant: Jason Bristol said he intended to sell Parcel 1. The rest of the property was underutilized and needed to be redeveloped. He would be required to build 15 units minimum, and the road would not be a driveway but a paved access road and utilities would have to be brought in. Any of the improvements on the frontage of Parcel 2 now would have to be ripped out and he did not want to waste money. He also planned to add the adjoining property which was owned by his mother, which would provide about 30 units minimum. He showed pictures of the lot, existing homes, and driveway. He explained how the electricity was currently brought in to the site and his desire to avoid the electric easement if he can work out an alternative with Canby Utility.

Chair Smith asked about adding a condition that for Parcel 2 if the redevelopment wasn't done in 10 years there would be a non-remonstrance to require sidewalks be put in.

Mr. Bristol would agree to that. He had talked with the Fire Department and they felt comfortable with the current access and he requested the requirement for paving the driveway be waived. He was agreeable to a sidewalk easement on both parcels. He thought there were enough trees on the property that street trees were not needed.

Proponents: None

Opponents: None

Rebuttal: None

Chair Smith closed the public hearing at 8:02 pm.

Deliberation:

Mr. Brown suggested amending Conditions #6 and #7 regarding the street trees. There needed to be a brand new condition, possibly substituted for Condition #1, which requested the sidewalk easement, or Condition #7 could be changed to sidewalk and street tree easement. Condition #1 and #4 were very similar. To address the easement need from Canby Utility, Condition #1 or #4 could be altered, or they could be deleted and a new condition dealing with utilities could be written. The shared access maintenance agreement contained in one of the conditions was unnecessary verbiage from a previous staff report and didn't apply here because they had their own separate driveways – so should be removed. He clarified that both proposed Conditions #1 and #4 may not be needed, and neither was Condition #6 if they chose to waive the street tree

requirements. Condition #7 was needed to get the street tree easement, especially across Parcel 2 if it was going to be redeveloped and they still needed Condition #5.

Chair Smith suggested Condition #4 be changed to read, “Any utility easement to service Parcel 1 and Parcel 2 shall be approved by Canby Utility and be shown on the recorded partition plat.”

Mr. Brown said Condition #1 was a generalized catch-all that was in the Code that talked about the applicant being responsible, not the City, if there were any private easements necessary to protect lines that might cross the proposed property boundary. The City did not know exactly where those utilities serving those existing houses are. He suggested keeping Condition #1.

Chair Smith thought they should amend Condition #2. He thought they should require sidewalks on Parcel 1, although it would mostly be driveway, and also do a 10 year non-remonstrance agreement so that if there was a development of Parcel 2 during that time it could be done in conjunction with whatever design they had, otherwise after 10 years the sidewalk would have to be constructed there.

Motion: Commissioner Savory moved to approve MLP 15-02 with the following amended conditions: Condition #2, “If sidewalk installation was required, a minimum 36” wide clear path behind any mailboxes was required to meet ADA standards and execute a non-remonstrance for Parcel 2 if a sidewalk was not constructed by the applicant within 10 years of the date the partition plat was recorded”; Condition #4 “Any utility easement to serve Parcel 1 and Parcel 2 shall be approved by Canby Utility and shown on the partition plat”; and eliminate Condition #6. The motion was seconded by Commissioner Hensley.

Amendment to the Motion: Chair Smith moved to amend the motion and direct staff to draft new findings to reflect the changes to the conditions and bring them back to the next Commission meeting for approval. The motion was seconded by Commissioner Savory and passed 5/0.

There was consensus that the driveway to Parcel 2 did not need to be paved and that sentence was stricken from Condition #5.

Vote on the Motion: Motion passed 5/0.

5. **NEW BUSINESS** – None.
6. **OLD BUSINESS** – None.
7. **ITEMS OF INTEREST FROM STAFF** – None.
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

Commissioner Hensley asked if there could be review of the Street Tree Ordinance.

There was consensus to appoint Commissioner Hensley to be the liaison to the City Council to present a summary of the difficulties the Planning Commission was having with the Street Tree Ordinance.

9. **ADJOURNMENT**

Chair Smith adjourned the meeting at 7:45 pm.

The undersigned certify the February 23, 2015 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 23rd day of March, 2015

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood