

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – May 23, 2016
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, Larry Boatright, Kris Rocha, and Derrick Mottern

ABSENT: John Serlet and Tyler Smith

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

OTHERS: Eric Humphreys, Will Snyder, and Kevin Battridge

1. CALL TO ORDER

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

2. CITIZEN INPUT – None.

3. MINUTES

- a. April 11, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hensley to approve the April 11, 2016, Planning Commission minutes. Motion passed 5/0.

4. PUBLIC HEARING

- a. Consider a request for a Conditional Use Permit to convert an existing accessory building into a detached accessory dwelling unit. (CUP 16-01 Humphreys)

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

Bryan Brown, Planning Director, entered the staff report into the record. A conditional use permit was required for a proposed detached accessory dwelling. This was located on the north side of NE 10th Avenue in an area surrounded by single family homes. He explained the site plan and how the accessory dwelling unit was detached from the main house, although it almost touched a covered patio area that was closer than the ten foot minimum separation. Staff thought it was a ten foot minimum from the main dwelling unit, not a covered patio, and thought the accessory dwelling met the separation requirement. The unit was already on the property and was being remodeled. It was 285 square feet, was placed in the rear yard, and met all required setbacks and other Code requirements. One additional parking space was required on the property to accommodate the dwelling. As a condition the property owner would have to pave an additional parking space. The applicant was proposing to extend services out of the existing home to the dwelling. Another condition was to get approval for the water and sewer connections. Another condition was to have a five foot sidewalk easement along 10th Avenue so that at some point in the future sidewalks could be put in. Staff recommended approval with conditions.

Applicant: Eric Humphreys, resident of Canby, said he would be going through the correct process for the utilities and permits. He was planning for the unit to be rented.

Proponents, Opponents, and Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Boatright to approve CUP 16-01 Humphreys as written. Motion passed 5/0.

- b. Consider a request for a Minor Land Partition of 356 NE 10th Avenue to create a second parcel. (MLP 16-01 Snyder)

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

Mr. Brown entered the staff report into the record. The request was to create two parcels, one that would include the existing house and one that would be a vacant lot for a new home to be built. The existing house had a driveway off of 10th Avenue and the new parcel would have driveway access off of N Locust Street. The newly created lot had a large tree on the site as well as other trees that would have to be removed in order to be developed. They were private property trees and there was no ordinance against their removal. The individual lot sizes did not meet the minimum and maximum requirements of 7,000 to 10,000 square feet, but through lot averaging they did meet the requirements. There would be a condition for a five foot sidewalk easement for 10th Avenue as well as Locust Street and a sidewalk would be put in on the frontage of both parcels. There was a low brick fence that would have to be removed as it would block the new sidewalk. He reviewed the conditions of approval. The new lot would be subject to residential in-fill standards, a street tree easement would be required for Parcel 2 so the City could plant a street tree to replace the ones that would be removed from the parcel, if utility providers needed utility easements for Parcel 2 they would be included on the plat, and an addition to Condition #5 was for a triangular easement for the handicap ramp at the intersection at 10th Avenue and Locust which would be redone to be compliant with ADA standards. Staff recommended approval with conditions.

Applicant: Will Snyder was representing Snyder Construction. They were currently building homes in Northwoods Estates and Faist Addition #6. They had a vested interest in Canby. The intention was to create a new vacant parcel, which would be 7,040 square feet and met the minimum requirements. The existing parcel would be 10,554 square feet which exceeded the maximum requirements by 554 square feet. This could be accepted if the Commission agreed with the lot averaging. The large tree would need to be removed, but he thought the rest of the trees on the property could be preserved. The brick wall would also be removed to continue the sidewalk. It was their intent to extend the sidewalk and they were aware of the in-fill requirements to build a house on Parcel 2. They intended to build the house themselves. It would be a one level home to match the existing neighborhood. A utility easement would be required from Canby Utility.

Proponents: None

Opponents: Kevin Battridge, resident of Canby, lived across the street from the property. He wanted to maintain the character of the neighborhood and the 7,000 square foot lot was smaller than the other nearby lots. He was also concerned about sustainability. There had been four homes in this area that had been vacant for years. Rather than building in-fill, efforts should focus on getting those houses back on the tax rolls and out of foreclosure. The existing house was currently a rental property and was not well maintained and he hoped the new house would be owner occupied as opposed to a rental property. Every other house on the street was owner occupied. A single family home would be consistent with the neighborhood. The large tree had been there forever and it was a pity it had to be removed. He thought in the future a tree ordinance for maintaining these types of trees should be considered. He thought the sidewalk requirements were appropriate. The intersection of 10th and Locust was not safe as a lot of cars parked on the corner and created a blind spot. Adding another driveway and more vehicles would compound the problem. The distance between driveways and intersections needed to meet the requirement on both sides of the street, not just one side.

Neutral: None

Rebuttal: Mr. Snyder said he could not address the houses that were in foreclosure. He understood the concerns regarding the maintenance of the existing house. The tenants would be vacating soon, and he planned to do a landscaping overhaul and to create a backyard for the house. He intended to sell the existing house once improvements were done and the plat change approved.

Commissioner Hensley did not think a street tree easement should be required as there was a not much room with the narrow frontage and the roots might affect the driveway and sidewalk. He thought they would have to shift things around just to find room to put in a tree. He asked if Mr. Snyder was in favor of the street tree.

Mr. Snyder said he was not concerned about it.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Boatright to approve MLP 16-01 Snyder with an amended Condition #5 to add the triangular easement for the ADA ramp. Motion passed 5/0.

5. FINAL DECISIONS

- a. CUP 16-01 Eric Humphreys
- b. MLP 16-01 Snyder Construction

Motion: A motion was made by Commissioner Hensley to approve the final decision for CUP 16-01. Motion passed 5/0.

Motion: A motion was made by Commissioner Hensley to approve the final decision for MLP 16-01 with amended Condition #5. Motion passed 5/0.

6. NEW BUSINESS – None

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, June 13, 2016

Mr. Brown said in next fiscal year’s budget there were funds to buy tablets for the Planning Commission to use for meetings. It would help with staff time and efficiency.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Commissioner Hensley discussed an email he received regarding a two day conference in Bend. Mr. Brown said there was training offered through the League of Oregon Cities at their conference in September.

9. ADJOURNMENT

Motion: Commissioner Hensley moved for adjournment, Commissioner Rocha seconded. Motion passed 5/0. Meeting adjourned at 8:20 pm.

The undersigned certify the May 23, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of September, 2016

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood