

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – August 22, 2016
City Council Chambers – 155 NW 2nd Avenue

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

ABSENT: Shawn Hensley and Tyler Smith

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

OTHERS: Carlene Fair, Cynthia May, Skie Barton, Keith Kimberlin, John & Linda Calvert, Darren Monen, Tom Thomsen, Pat Sisul, Nancy Crorey, Bill Crorey, Kim Villemeyer, and Alex Villemeyer

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES – None

4. PUBLIC HEARING

- a. Consider a request for a Site & Design Review and a Minor Partition to construct two triplex buildings – each on an individual lot at 431 S Township Road. (**DR 16-05/MLP 16-02 Monen Construction**)

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. Commissioner Boatright visited the site.

Bryan Brown, Planning Director, entered the staff report into the record. This was a request for a partition to divide the existing tract into two flag lots and a site and design review for the proposed development of two triplexes. This was on the south side of Township near the intersection of Township and Locust. He explained the zoning map and said the property was zoned R-1.5 which allowed duplexes and triplexes. The existing home on the site would be demolished. There were two driveways and the traffic study indicated the driveway needed to be shifted to the west to provide greater site distance. He discussed the site plan for the development including the new lot lines. Each triplex would have a garage and there was an extra parking area. Two letters were received from citizens who were concerned this development did not fit in with the area of single family homes and issues with fencing, screening, setbacks, and impacts to adjacent properties. The triplexes would be two stories tall with three units in each building. They had porches, sidewalks, landscape screening from neighbors, an outdoor open space, stormwater detention facility, and extension of public sewer to the second unit.

Applicant: Darren Monen, resident of Canby, was a long time Canby resident. He had done many in-fill projects in the City and had purchased this property several years ago. The back part of the property was

unimproved and the current house had run its course. It was time to upgrade and do something different on the property. The triplexes were nothing like apartments and would be quality homes that would be well maintained. A property management company would be handling the rentals. They vetted all the applicants and did not have a high turn-over rate. They built a similar project on 4th and Fir. This would improve the neighborhood and a lot of time, money, and thought had gone into the proposal. He planned to build these and retain them. Because the road was being paved and the City did not want it to be torn up again, he had already put in the sewer and water lines.

Proponents: Pat Sisul of Sisul Engineering discussed the site plan. There was a central trash enclosure, there would be no parking in front of the garages, and there were 15 parking spaces, a paver patio gathering area, and an arborvitae hedge along the property line to screen headlights and arborvitae to screen the trash enclosure. The neighborhood meeting happened on June 1 and it was after that meeting the applicant found out the traffic study results for the driveway. The site distance wasn't adequate due to a wall and the site plan was flipped. The sewer line was put in with a new manhole in the street and a new water line was put in with the ability for a fire hydrant to be put in front of the property. All other utilities were available. The arborvitae would be six feet tall. They had explained in the neighborhood meeting that the meeting was required before the application was submitted and it was a work in progress and sometimes things changed. The traffic study took the most time to complete and in this case the study had a significant impact on the layout of the project. Everything was still the same, the layout was just flipped, and the applicant did not think it was necessary to hold another neighborhood meeting.

Opponents: Bill Crorey owned property in Canby in this area. He was concerned about the timeline of the neighborhood meeting and how at that meeting they were told one thing and it was changed. Neither he nor his tenant got notification of this hearing and the neighbors living on Lupine did not receive notification. He did not know about it until he went into the Planning Department. There should have been another neighborhood meeting as the plans were not anything like what had been presented at the previous neighborhood meeting. He was concerned about who would be responsible for maintaining the stormwater detention facility and who would assume the liability for it. The road oils from the cars would drain into it and the standing water would cause mosquito infestation. The driveway to the north was decreased in length and that would eliminate any parking in front. He was concerned about not having enough parking. Most people did not park their cars in their garages, but used the garages for storage. Cars would have to be parked on the street, possibly blocking mailboxes. The street yard requirements were not being met on the northern development.

Carlene Fair, resident of Canby, lived on Lupine. She was not notified of the neighborhood meeting and did not know about the project until the construction crew who were putting in the water and sewer lines told her. She was concerned that her property was two feet higher than this property and her fence was not high enough for privacy. There needed to be a two foot retention wall put in so a six foot fence could be installed. The existing fence was owned by the applicant and was falling down. The past tenants had been unruly and the police had been called on numerous occasions. The lot was consistently cluttered with garbage and broken down vehicles and the back lot was used as a mud bog for the tenant's four-wheelers. She was concerned about privacy and problems with tenants.

Keith Kimberlin, resident of Canby, also lived on Lupine. The applicant did not have a good tenant record. They had long term tenants, but they were not being good citizens. He also had issues with the

tenants numerous times. Other issues he had were car lights from the driveway shining into his house and the two story triplexes being able to look down on the neighbors' houses and yards. He also wondered where the street lighting would be placed.

John Calvert, resident of Canby, lived to the south of the development. He agreed with the concerns about the process and that there should have been an additional neighborhood meeting. He would like to see trees planted along the back side of the property so the two story triplexes could not look down on the neighbors' properties.

Cynthia May, resident of Canby, lived on Lupine. She was not notified of the neighborhood meeting. There was not a level elevation between the lots and privacy would be lost when the two story triplexes were built. She was concerned that the six units and the movement of cars and headlights in their windows would take away the quality of life in the neighborhood.

Nancy Crorey, resident of Canby, lived in the area. The applicant's other development on 4th and Fir were nice, but they were duplexes and in a neighborhood of lower valued houses than this property. She was concerned about the value of her home going down due to this development.

Neutral: None.

Rebuttal: Mr. Monen said the notices for the neighborhood meeting were sent out in a timely manner and most people in the neighborhood received them. There was no requirement to have a second neighborhood meeting. The traffic study came out after the neighborhood meeting and the plan had to be changed. The Code had been met for parking and stormwater retention. He did not think there had always been bad renters on the site. The last renters had been allowed to stay during the transition of putting this application together so it was not vacant for a long period of time and they had to follow all the laws in order to get the renters out which took time. He agreed they were not ideal renters, but in his other rentals they had good renters. Trees had been added for screening. If a retaining wall needed to be put in for the fence, he was willing to discuss it.

Mr. Sisul said regarding the stormwater detention area, it was incentivized in the Code as the developer received points for putting in bio retention. It was there to collect low flows and had catch basins in it that would send the flows to the drywell. It was also there to catch the oils and greases from the driveways which would be caught in the plants instead of going down into the groundwater. There would be enough room for the ingress and egress of cars in the driveway and garages. He explained how the street yard, which was a side yard facing the street, was 15 feet and met the requirements. Regarding lighting, it would meet Code. This was an area where R-1 was transitioning to R-1.5 and R-2. Duplexes and triplexes were outright permitted uses in R-1.5. It was different, but that didn't mean it was not compatible. The first thing that would happen on the site was the existing house would be demolished. He then described the landscape plan. The plan had been done after the neighborhood meeting and was developed based on the concerns of the neighbors.

Chair Savory closed the public hearing.

There was discussion regarding a garage being considered as a parking space, which the Code allowed. Mr. Brown suggested it could be added to the CC&Rs that the garage was intended for parking and tenants should avoid on street parking.

Commissioner Boatright thought parking would be an issue, although there was on street parking available on Township. If parking was an issue, it was the residents' responsibility. In every situation when homes were two stories high, people could look down into other people's yards. He thought the application met the Code and was in favor of the application.

Commissioner Rocha understood the stress of having unruly neighbors, but the Planning Commission only made sure the codes were being followed. It looked like it would be a nice complex and she hoped the tenants would be better controlled.

Commissioner Serlet said with land becoming more valuable and in small supply, buildings had to go higher. It was unfortunate for single level structures when two stories were built nearby, but it was a fact of life. As long as the zoning permitted it, there was no violation and they could not oppose it.

Commissioner Mottern thought it would be a good addition and met all the Code requirements.

Chair Savory agreed the application met all the codes and the Planning Commission's job was to make sure the codes were being followed. He encouraged holding another neighborhood meeting to discuss the concerns.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Rocha to approve DR 16-05/MLP 16-02 Monen Construction, accepting the transportation impact analysis and striking Condition #1. Motion passed 5/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS

- a. DR 16-05/MLP 16-02 Monen Construction

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Mottern to approve the final decisions for DR 16-05/MLP 16-02 Monen Construction. Motion passed 5/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, September 26, 2016

Mr. Brown discussed what would be on the agenda for September 26.

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

9. ADJOURNMENT

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

The undersigned certify the August 22, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28th day of November, 2016

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood