

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, August 12, 2019
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, Andrey Chernishov, Jeff Mills, Jennifer Trundy, and Ryan Adams

ABSENT: Commissioner Derrick Mottern

STAFF: Sandy Freund, Senior Planner, and Laney Fouse, Recording Secretary

OTHERS: Martin Clark

CALL TO ORDER

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

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES: July 22, 2019 Planning Commission meeting.

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Mills to approve the July 22, 2019 Planning Commission minutes. Motion passed 6/0.

PUBLIC HEARING

(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)

- a. To consider a Minor Land Partition application. Applicant proposes to partition an existing 0.49-acre parcel (21,344 square feet), located at 1225 S. Fir Street, into two parcels of 11,966 square feet (Parcel 1), and 8,542 square feet (Parcel 2), respectively. (MLP 19-02 Martin Clark)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Sandy Freund, Senior Planner, entered her staff report into the record. This was a request for a minor land partition on S Fir Street. The property was zoned R-1, low density residential, and was adjacent to R-1 zoned properties. The site included one single family residence and a detached structure. The proposal was to partition the property into two parcels, creating a flag lot. There would also be a 20 foot wide access easement to access the new parcel. The 20 foot wide access was required by the Fire Department so they could have access to the parcel in case of an emergency. The existing parcel had a carport and the eaves of the carport would be encroaching into the 20 foot wide access. Staff had proposed two options for the applicant. The carport could be reduced in size by three feet or the new parcel could be increased in size so the access easement could be reduced to 12 feet wide. She reviewed the applicable criteria. Staff recommended approval of MLP 19-02 with conditions. An email had been received from the property owner to the south of this site expressing concern about his driveway width, which was only ten feet wide. He had issues with paramedics being able to pull into the driveway and he would like to make his driveway wider. She had let him know that the issue was not related to

the proposal tonight. When his flag lot was created in 1977, it predated the current minimum 12 foot width requirement. She suggested getting his property surveyed to see if the property boundaries could be moved two feet or he could see if the neighboring property owners would be agreeable to him purchasing two feet for the driveway.

Martin Clark, applicant, stated the people currently living in the existing home were out of town, and he did not know if they would be willing to take three feet off their carport. He would like to increase the size of the second parcel, but would have to work with the current residents and find out how they could reconfigure the lot.

There was discussion regarding the carport and whether it could be a variance. There was further discussion about continuing the hearing to give the applicant time to address the driveway issue.

Mr. Clark would prefer approval tonight with the two options in the condition so he could get started on the project. He understood that if the condition was not met, then the project wouldn't work.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright, seconded by Commissioner Adams, to approve MLP 19-02 Martin Clark with conditions. Motion passed 5/1 with Commissioner Trundy opposed.

- b. City Staff is requesting consideration of a legislative text amendment to update Chapter 16.08 General Provisions, Section 16.08.140 Temporary Vendor of the Canby Land Development and Planning Ordinance Title 16 Canby Municipal Code. (TA 19-02).

Ms. Freund entered her staff report into the record. This was a proposed text amendment to the Municipal Code to update the language for Temporary Vendor Permits. Currently a Temporary Vendor Permit was for 90 days with the option to renew it once for another 90 days in a 12 month period. Staff was suggesting changing that to allowing renewal twice, which would allow permits for 270 days in a 12 month period. They would have to get a business license for an approved location. One example of the reason for the change was Pioneer Chapel where someone did weddings and had a tent and was under a Temporary Vendor Permit. Another example was someone with an outdoor storage shed that was set up for truck sales, rentals, and repairs and was under a Temporary Vendor Permit. These vendors would like more time to see if the business would work. There were only about six of these types of permits per year. She also discussed a wording error to be fixed and how it should say "jointly and severally".

Chair Savory discussed the reasons previous Commissions had not approved food carts in the City. His experience with food carts was that they produced a lot of trash and garbage. He did not want this to be a backdoor for food carts to come to the City.

Commissioner Trundy did not think 270 days was temporary. Ms. Freund said these were 90 day renewals and if there was a problem, they would not get the renewal. Regarding food trucks, if they wanted to allow them in the City, it would take a code amendment. That would be a public process and she assured the Commission that was not the intention. Food carts would be a much bigger discussion with the creation of standards.

Ms. Freund explained from the code who could apply for a Temporary Vendor Permit.

Commissioners Mills and Boatright were in favor of the proposed amendment.

Motion: A motion was made by Commissioner Adams and seconded by Commissioner Chernishov to approve TA 19-02 and to direct staff to confirm the edit with the City Attorney. Motion passed 6/0.

7. FINAL DECISIONS

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

a. Minor Land Partition (MLP 19-02)

Motion: A motion was made by Commissioner Boatright to approve the final findings for MLP 19-02. Motion passed 5/1 with Commissioner Trundy opposed.

b. Legislative Text Amendment, Chapter 16.08 General Provisions, Section 16.08.140 Temporary Vendor of the Canby Land Development and Planning Ordinance Title 16 Canby Municipal Code. (TA 19-02)

Motion: A motion was made by Commissioner Mills and seconded by Commissioner Trundy to approve the final findings for TA 19-02 with the edit to be reviewed by the City Attorney. Motion passed 6/0.

8. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- ### a. Next regularly scheduled Planning Commission meeting – Monday, August 26, 2019
- New Cell Tower
 - Housing Needs Assessment

Ms. Freund discussed the items on the next agenda.

9. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

There was discussion regarding HB 2001, especially in how it would change the nature of the community in Canby.

10. ADJOURNMENT – A motion was made by Commissioner Trundy and seconded by Commissioner Mills to adjourn the meeting. Motion passed 6/0. Meeting was adjourned at 7:52 pm.