

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, September 24, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, Derrick Mottern, and Shawn Varwig

ABSENT: Commissioners John Serlet, Tyler Hall, and Andrey Cherishnov

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Rick Givens, Regina & Robert Taylor, Carolyn Adkins, Drew Cornedi, Matthew Stoffregen, Araceli Ibarra, Tom and Julie Ruston, Darren Gusdorf, Shirley & Jeff Hollar, Marisa Ibarra, Craig Gingerich

CALL TO ORDER

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

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES – Not available for this meeting

NEW BUSINESS – None

PUBLIC HEARING

- a. Consider a request from ICON Construction & Development, LLC for an Annexation and Zoning Map Amendment to annex 9.61 acres consisting of 3 tax lots and adjacent right-of-way located between N Pine St and N Oak St at NE 15th and NE 16th Avenues and rezone from County RRF-5 to R-1 Low Density Residential. (**ANN 18-03/ZC 18-03 N Pine**)

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 was none.

Bryan Brown, Planning Director, entered his staff report into the record. This request was for an annexation of 9.61 acres and a zone change from County to City zoning. The Comprehensive Plan showed R-1 zoning for this property. The surrounding zoning was R-1 and R-1.5. Usually single family homes were built in the R-1 zone and that was what the applicant was proposing. However, the applicant only submitted a preliminary plat and they were not reviewing a subdivision plan tonight. There were three tax lots and two existing homes on the site. He then explained the approval criteria. The land needs analysis was based on population projections, and said that the City needed 421 new household units. Instead of evaluating all available land, which was not a very good measure because availability of the land was not always relevant, they evaluated existing platted lots, which was a good indication of a ready supply. A three-year supply was the policy to base their decisions on. There had been concern about increasing development resulting in increasing traffic and one way to address how quickly they would grow was through metering annexations in accordance with the available land supply. This

annexation brought the inventory close to the three year land supply if they utilized every existing plat and assumed they would all be developed within the next two to three years. He questioned whether that was realistic.

Mr. Brown stated the applicant indicated the City needed 43 more lots to reach the three year land supply, and his application would provide 40 lots. The applicant had left out of the analysis one subdivision of 90 lots. This was a minimum standard and they could always have more inventory. The consumption rate for the past ten years was about 45 lots per year, but more recently it had been about 65 lots per year. Right now as quickly as a home was being built, it was purchased and filled. He thought as many lots as they could bring forward would be consumed. It took two to three years before the lots were actually for sale. This annexation was not in a development concept plan area, but it was in a development agreement area. The intent was that whatever the City wanted to ensure that the development application would demonstrate, it would be put in the development agreement. Staff had added in where the streets would connect and that the applicant would provide all of the necessary infrastructure to serve the development. He reviewed the preliminary plat for the single family detached lots. N Oak Street would be completed. He did not anticipate the City taking over N Pine Street at this time, however frontage improvements on Pine would be done. Staff thought the application met the approval criteria and conformed to the Transportation Planning Rule. A traffic study was not needed as the adopted Transportation System Plan fully anticipated the level of traffic that annexation, rezoning, and development of this property would contribute to the City. A more detailed traffic analysis would be done when the development application came in. Staff recommended approval of the application.

Applicant: Rick Givens, Planning Consultant, was representing the prospective purchaser of the property. The main concern from the neighbors was the condition of Pine Street, however they were just talking about the annexation into the City, not development and the necessary improvements that would be required. Regarding the housing needs analysis, he noted that the subdivision that was not included was approved after this application had been submitted. Most of the lots in the analysis that were listed for this year would be used up before the end of the year. What they were seeing throughout the area was that lots closer into the Portland area were eaten up quickly and there was increasing development pressure on outlying communities to pick up the slack. This property was surrounded by properties in the City limits. It was an island in the middle of the City with undeveloped streets. This property was essential in providing links that would complete the traffic system in the area and allow roads to be brought up to City standards.

The site was well served and annexation and development would make better more efficient use of existing City facilities. The intent was to build 7,000 square foot plus lots. This property was ideal for development. It was flat, easily developed, and was a missing piece of the puzzle.

Opponents:

Jean Robinson, Canby resident, gave testimony about the poor condition of Pine Street. The County would not do anything about it and she had put concrete in the holes in front of her driveway. The City would not do anything until the County brought it up to standard. They did not need any more cars on Pine Street. She suggested the new development only have access onto Oak and not Pine Street. She thought Pine Street should be taken care of first before development was allowed. Pine Street was dangerous and funding should be used to fix it.

Chair Savory thought that the developer would work with the County to take care of Pine Street. He agreed it was in terrible condition.

Mr. Brown concurred about the condition. There would be improvements with this development, but this property was not adjacent to the whole length of Pine Street. It would be an incremental improvement of the road over time as development occurred until there were funds to improve it.

Commissioner Varwig clarified N Pine was owned by the County and it was the County that had to repair it at this time.

Proponents: None

Rebuttal: None

Chair Savory closed the public hearing at 7:34 pm.

Commissioner Deliberation:

Commissioner Varwig understood the concern about Pine Street. He thought the application met the criteria and would be voting in favor.

Commissioner Boatright agreed. The property was in the middle of the City and some of Pine Street would be improved when the property was developed. He would also vote in favor.

Commissioner Mottern agreed with the previous comments.

Commissioner Varwig asked how soon the City and County could come to an agreement about N Pine. It needed to be a priority.

Mr. Brown explained about the grant funding the City had been awarded for N Pine to improve a small portion of the street. The City decided not to move forward with it at that time. N Pine was one of the City's top priorities.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve ANN 18-03/ZC 18-03 N Pine. Motion passed 4/0.

- b. Consider a request from Allen Manual/Ed Netter Construction, Inc. for a Subdivision to consist of 6 common-wall single family residential homes at 480 S Pine St. **(SUB 18-03 Pine Place Subdivision).**

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 was none.

Mr. Brown entered his staff report into the record. This was a request for approval of a subdivision that was in the R-2, high density zone. The property was located on S Pine and was .38 acres surrounded by

other high density zoning. The existing house on the property would be removed in order to accommodate six dwelling units with attached walls or townhomes. He explained the site plan showing the layout of the subdivision. The setbacks met the requirements and there were two parking spaces per unit and four extra visitor parking spaces. There was also parallel street parking on Pine. There would be a one way drive in and drive out for the property. There was existing fencing on the north and east sides and the applicant planned to put in a fence on the south boundary. A common shared access and maintenance agreement for the driveway would be filed on record. He suggested adding the sidewalks to the maintenance agreement. Greenspace would be added between the curb and visitor parking and street trees could be planted there as well. A condition of approval was for the applicant to provide a street tree plan and to pay the fee. The utilities to the units were adequate and a final drainage plan needed to be submitted showing the runoff from the driveway which needed to be kept on site. The application met the maximum impervious surface allowed on each platted lot. He then reviewed the conditions of approval. Staff recommended approval of the application.

Applicant: Ed Netter, Canby resident, stated the application met the density requirements. He had built duplexes on this street and they accessed Pine Street. It was his intention to do the same for this development. He was planning to do the one way in, one way out driveway. There would be four extra parking spaces on the shared driveway and four parallel parking spaces on Pine Street, which would provide eight visitor parking spaces. At the neighborhood meeting, the property owner to the south was the only one who came and she requested a fence be put in on the southern property line. He planned to put in a chain link fence with slats. He did plan to plant street trees in the greenspace area. Regarding the stormwater detention, the roofs would drain to the backyards of the property to a seepage trench. For the runoff from the sidewalks and driveway, there was a drywell on Lot 2 that would be used. It would not drain to Pine Street. The pervious pavers on Lots 2 and 5 were for coverage of the lots as well. There were two fire hydrants that would be placed on Pine Street. He had not talked to the Fire Department about putting in sprinklers, but there were fire hydrants nearby. He explained these would be nice units that fit in with the neighborhood.

Proponents: None.

Opponents: Regina Taylor, Canby resident, passed out three handouts to the Commission. Her primary concern was the violation of two City ordinances that said townhouses could not have more than two linked units. The subdivision design standards stated the depth of any parcel shall not exceed three times its width, and these lots were four to six times as long as they were wide. Linear development patterns were to be avoided, and this was a linear development. The R-2 zone required a minimum of 14 units per acre, and the method the applicant used for the 6 units was not the published calculation method for R-2 which subtracted the unbuildable area of the internal street right-of-way. She thought the required number of units should be 5. She suggested the applicant could build one single family home and four townhouses. The applicant stated this property was not subject to infill standards, but she thought that it was because it was built adjacent to existing developments and the parent parcel was less than two acres in size prior to subdividing. The Planning Commission had the discretion for whether or not to apply infill standards. She thought they should consider requiring the maximum building height of 28 feet and the step up standard. The applicant was providing a 15 foot wide ingress/egress where the property intersected with Pine Street, but 20 feet were required for a 3-19 unit development. The lots with a 19 foot length driveway were deficient by one foot, however that foot could be in the adjacent five foot sidewalk. There were three different sizes to the property in the staff report. She was in favor of the off

street parking. There was no provision for clustered garbage or mail. She discussed the ordinances she thought this application was violating, especially in regard to the shared common walls being proposed for the townhouses. She thought it was necessary for the Commission to reject this application until such time that the application complied with the City's land use ordinances. She explained the chart she had made about the difference in application types and what could be put on the property. She thought the two unit limit for townhouses should be maintained, especially in keeping with Canby's small town feel. She then discussed the risks and blight associated with townhouses. Connecting three or more units was better suited as a multi-family dwelling than a townhouse as there was only one lot, deed, and owner which simplified the maintenance of the property. Finances were also an issue, especially if there was no adequate HOA and a major shared expense was needed. She thought there were too many impacts to developing more than two linked townhouse units. Canby had progressed and grown to the point that it was time to fully enforce the City's ordinances.

Rebuttal: Mr. Netter had looked at many different scenarios for the property. This six lot scenario allowed for more parking. The sizes of the lots had to do with the needed space for the driveway. He had built other similar units in Canby in the last 15 years. He did not see a problem continuing to build more than two connected units. There would be a party wall agreement that if there was a problem on one side, they could access the neighbor's property to work on the wall. This would be a nice subdivision on a lot that had been empty for many years. It would make the neighborhood look better than it did now.

Chair Savory closed the public hearing.

Commissioner Boatright asked about Code chapter 16.04.190. Mr. Brown said staff had not been aware of that provision in the pre-application stage. When staff discovered it, there were numerous discussions about it and whether to move forward or not. It was one of the most difficult decisions he had to make. They had looked around the community and found that there were many built like this proposal. The provision had either been unknown or ignored by other Planning Directors as not being suitable. One of the reasons it was inappropriate was that this was the type of development found in R-2. Being able to redevelop properties required flexibility and unique housing solutions. There was also a need for more affordable housing. He had decided to continue the pattern that had been set in Canby and allow these uses, recognizing that this was a needed change to make to the Code. Regarding the lot lengths and widths, this was a guideline and if they thought it was appropriate they could deny a development on it. The Code provision was for typical detached single family home lots, but for attached common wall units, the long and skinny lots were not a problem. There was State law now demanding that cities audit their codes to make certain townhomes were allowed. It would take a text amendment to change the City's Code, and right now staff did not have the time. Regarding the number of units and excluding the driveway in the calculation, that was the minimum number of units allowed and the applicant could propose to develop more than that. Regarding infill standards, all R-2 projects were excluded from these standards in order to increase their ability to redevelop property and not be bound by standards that would make it impossible to meet the minimum density. The length of the parking spaces was required to be 19 feet in length from the garage door to the beginning of the sidewalk to make sure they were not parking over the sidewalk. This was a private sidewalk, and if needed vehicles could take up a foot of the sidewalk. The parking ratio was acceptable. Townhouses were another form of housing type and they needed to create the greatest variety of housing opportunities in the City. It was up to the Planning Commission to determine like he did if the proposal was acceptable due to consistency or to determine if things had changed enough in 20 years that they should follow the Code today.

Chair Savory asked if Code chapter 16.64.040 was in conflict with a State directive. Mr. Brown clarified in some ways yes, because if they had an ordinance that did not allow townhouses anywhere in Canby they would be in conflict. Staff planned to amend the Code as soon as possible.

Commissioner Deliberation:

Commissioner Varwig thought since they had been allowing this type of development for many years, they should not deny the application. He thought the proposal fit with the area.

Commissioner Boatright agreed the development was a good proposal. It was up to the consumer to decide whether they wanted to buy a townhouse. He had used as a defense for approving applications that they were following Code whether they liked it or not. That was not the case in this instance, and the Code needed to be changed. He would be voting no.

Commissioner Mottern said the proposal was the right intent. There was enough parking and it fit with the area. It would be a good development for Canby as he saw a need for townhomes and affordable housing options. He agreed the number of units was a minimum and this was in a high density area.

Chair Savory thought they should direct Planning staff to prioritize the Code amendments as the City code was in conflict with State direction. It was a good development for this particular space. He liked to follow the Code, but it was in conflict with the State. He would be voting in favor.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve SUB 18-03 Pine Place Subdivision. Motion passed 3/1 with Commissioner Boatright opposed.

- c. Consider a request from Marquis Companies for a Conditional Use Permit and Planned Unit Development modification to expand a memory care addition to their existing Marquis Hope Village Assisted Living and Post Hospital Care facility at 1577 S Ivy St. (**CUP 18-04/PUD 18-02**).

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.

Commissioner Mottern said his wife worked for Marquis but he would be participating in the hearing.

Mr. Brown entered the staff report into the record. This was a modification to the Marquis Center at the Hope Village campus to accommodate a new memory care wing to the assisted living facility. It would be a 13,449 square foot one story addition. It would be adjacent to S Ivy Street and would be a right in only. The access drive would be reconfigured further south and resulted in the required additional parking. He explained the site plan and how it tied in to the existing building. They still met the landscaping requirements, even though some was removed for the parking. The driveway would be one way and was narrower than a normal drive, which would discourage people from going the wrong way. There would be a walking path around the facility. As baby boomers were getting older, more of these types of facilities were needed. Two pole mounted lights in the current parking lot would be re-used. However with the new regulations it was a possibility that these older lights might not be up to standard

with the current code for light trespassing. If necessary, the applicant might need to use a different pole and light fixture that had shielding. They were proposing a monument sign and would have to go through the sign permitting process. When they reconfigured the drive, it was close to the property line. The architect had indicated there was either a street light or power pole that might interfere with the ADA accessible ramp requirements. There was a condition that the applicant had to meet the ADA requirements. A street light could be moved, but a power pole might be an expensive proposition. He explained the proposed elevations for the building and the conditions of approval.

Applicant:

Drew Cornedi, CB Two Architects, was representing the applicant. The existing lighting on the south side of the property along the parking would remain. Where the new driveway would be located there were street lights that were going to be removed and possibly replaced. There would be bollards on the sidewalk on the north side of the driveway for walkability. There was a street light and a power pole at the corner where the new driveway would be constructed. The question was who would be responsible to move the power pole if an ADA ramp was to be installed. The monument sign would be central to the site. It might be useful to have another monument sign on Ivy Street for wayfinding.

Craig Gingerich was representing the Board of Directors of Hope Village. This had been a need for many years and he was pleased that this service was being added. He was there to answer any questions.

Proponents and Opponents: None

Mr. Brown said testimony had been received from Tom & Julie Rushton. They asked if there was any existing contractual agreement for maintenance of the grounds.

Mr. Gingerich responded currently Marquis paid for the upkeep of the grounds. He assumed that would be the same for this new facility.

Julie Rushton, resident in Hope Village, clarified her question was what was the agreement between Marquis and Hope Village as Hope Village owned the land that Marquis would use to construct the new facility. She would like to see the original agreement between the two entities. She thought it was a requirement that the applicant was to provide that document.

Mr. Brown did not think this was a review criterion because this was not a subdivision.

Chair Savory closed the public hearing at 9:20 pm.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve CUP 18-04/PUD 18-02. Motion passed 4/0.

FINAL DECISIONS -

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

- a. ZC 18-04 Zoning Map Amendment - Busse

Mr. Brown clarified these were findings for denial of this application.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final findings for ZC 18-04. Motion passed 4/0

b. ANN 18-03/ZC 18-03 N Pine Annexation & Zoning Map Amendment

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Boatright to approve the final findings for ANN 18-03/ZC 18-03. Motion passed 4/0.

c. SUB 18-03 Pine Place Subdivision

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve the final findings for SUB 18-03. Motion passed 4/0.

d. CUP 18-03/PUD 18-02 Marquis Expansion

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the final findings for CUP 18-03/PUD 18-02. Motion passed 4/0.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

a. Next regularly scheduled Planning Commission meeting – Monday, October 8, 2018

Mr. Brown said there were no applications to review on October 8. Staff would be working on the text amendments to the Code. He discussed how staff was tracking all of the land use applications. They would try to update the document bi-monthly. He had attended a pre-application meeting for the Shakespeare Project in the Industrial Park. They were hoping to bring their application to the Commission on December 10.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

ADJOURNMENT

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Boatright to adjourn the meeting. Motion passed 4/0 and the meeting adjourned at 9:35 pm.