

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, August 13, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Derrick Mottern, Tyler Hall, Shawn Varwig, and Andrey Cherishnov

ABSENT: None

STAFF: Bryan Brown, Planning Director

OTHERS: Ralph Netter, Lisa Weygandt, Buzz Weygandt, Amy Peck, Kelly Pastore, Gayle Bushnell, Denise Lapp, Pat Sisul, and Tom Scott

1. CALL TO ORDER

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

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None

3. MINUTES

- a. Approval of the July 9, 2018 Planning Commission Minutes

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the July 9, 2018 Planning Commission minutes. Motion passed 7/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING

- a. Continued Public Hearing to consider a request for a Minor Land Partition (Type III) application to create a separate lot for the Mulino Road Pump Station currently existing on an easement granted by property owner. **(MLP 18-03 City of Canby Mulino Road Pump Station/Weygandt).**

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 Serlet drove by the pump station frequently.

Bryan Brown, Planning Director, presented the staff report. This was a request for a minor land partition to create a separate lot for the Mulino Road Pump Station. He described the subject site and reviewed the conditions of approval. The applicant had expressed concern about two of the conditions affecting Parcel 1. These conditions required dedication of six feet of additional public right-of-way adjacent to Mulino Road and a 12 foot public utility easement adjacent to the Mulino Road right-of-way that would be needed when the property was developed. The Commission could find that these conditions were unreasonable and allow the delay of the dedications. Mulino Road was currently in the County's jurisdiction. Staff recommended including all three of the conditions, but the applicant made a strong case for postponing the first two conditions. The third condition was to require a non-remonstrance agreement that stated the City would install comparable street and sidewalk improvements on the City's parcel on Mulino Road when Parcel 1 was developed. However, these improvements might be delayed in the future due to the timing of the City's budget.

Buzz and Lisa Weygandt, applicants, did not want to dedicate any land at this time. Ms. Weygandt would like Conditions 1 and 2 removed. She had no problem with Condition 3. If and when development occurred that would be the appropriate time for the dedications. Mulino was a county, rural road that narrowed dramatically due to the trestle underpass. In order to improve Mulino, a substantial railroad bridge would be required to enlarge the underpass which would be expensive and there was a lack of funding. She thought it was unlikely that that improvement would ever be done. She thought the dedications required in the conditions were pointless and overkill. It was more likely that Mulino would be rerouted to align with Sequoia south of 13th and either the trestle or Mulino would be left unimproved. Her family was instrumental in the improvements south of Township Road and had donated 4 acres of land needed to build Sequoia Parkway from Township to SE 13th. Additionally 4.25 acres of her hazelnut orchard had to be removed because they were compromised by all of the utility vaults that had to be installed. The gravity sewer line that was put in on 13th bordered the other side of her property and she was included in an Advanced Financing District for it. The City had contacted her in 2016 to secure land for the pump station as her property was the most feasible location for the pump station to provide wastewater services to the southeast quadrant of the City. She was in support and donated the land to the City and also gave the City an easement to start the immediate construction of the pump station. In exchange, the City agreed to partition the property and separate the pump station site from her family farm. Construction of the pump station was completed earlier this year and was currently supporting new residential growth in the area. Mulino Road was not in the City's or County's Transportation System Plan for future improvements. These conditions were not consistent with the agreement negotiated with the City at the onset of the pump station project.

Mr. Weygandt stated Sequoia Parkway was built in phases as needed and the land owners and the City made written agreements so everyone knew what to expect and the work would be done as agreed. He thought the City needed to follow the written agreement that they had with the Weygandt family. If they developed the property in the future, they could make the proper dedications then. They did not know what was going to happen in the future and until they knew what was going to be done, he did not think the dedications should be included right now. They had donated considerable acreage to the City already. There was no development planned for Parcel 1.

Chair Savory closed the public hearing.

Commissioner Hall was in favor of removing Condition 1 and 2. He thought the dedications could be done at a later time when there was development in the future.

Commissioner Mottern said this was not partitioned before the pump station was built and requesting the dedications after the fact and that were not in the original agreement, he sided with the landowner. The rest of the Commission agreed.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve MLP 18-03 City of Canby Mulino Road Pump Station/Weygandt with the elimination of Conditions 1 and 2 and retaining Condition 3. Motion passed 7/0.

- b.** Consider a request for a Subdivision (Type III) application for a 23-lot subdivision on a 5 acre parcel located at S Teakwood St & the eastern terminus of SE 10th Ave for single family residential homes. **(SUB 18-02 Cougar Run 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 were none.

Mr. Brown provided the staff report. This was a request for a 23 lot subdivision on a 5 acre parcel located on S Teakwood Street. He described the subject site and proposed site plan. He discussed the temporary emergency access turn arounds that were put in for previous developments on either side of this parcel. Those would go away when the street was constructed to go through and he suggested that removal of the turn arounds be added to the conditions of approval. Staff recommended approval of the application.

Pat Sisul, Sisul Engineering, and Scott Beck, Canby School District, were the applicants. Mr. Sisul said this was property owned by the School District. It was not part of the Development Concept Plan for this area, however it was the same street configuration that had been laid out in that Plan. They had no issues regarding the conditions of approval including the one suggested by Mr. Brown. The development was adjacent to the Faist addition phase 9 and that development was waiting on this property to develop because they were sharing SE 10th Place. He thought it was likely the two would be developed simultaneously. The same utility lines would serve both sites as well. There were two lots below 7,000 square feet, but the application still met the average lot sizes. No lots would measure less than 6,000 square feet and less than 10% of the lots varied from the lot size standard. The reason for these smaller lots was due to the width of the proposed street. Even though they were smaller they would look like the other homes in the development. The lots had less than 60% impervious area, which met the requirement for R-1 in the code. This subdivision made the transition from R-1 to R-1.5 and having two smaller lots would not be out of place.

Mr. Beck stated this was excess property for the School District. It was an opportunity for the School District and gave them more options.

Chair Savory asked about the School District's need for this land in the future. Mr. Beck did not think the property would lend itself well for a future school development. There was other excess land the School District could use for a possible school site. He thought the School District would put the money from the sale of this property aside for purchasing other property that might be needed in the future.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Hall to approve SUB 18-02 Cougar Run Subdivision with the conditions of approval and the added condition as proposed by staff. Motion passed 7/0.

- c. Consider a request for a Subdivision (Type III) application for a 6-lot subdivision on a 0.38 acre parcel located at 480 S Pine St for townhomes (common wall) residential homes. **(SUB 18-03 Pine Place Subdivision)**

Mr. Brown said the applicant had requested to postpone this application until September 24, 2018.

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Varwig to postpone SUB 18-03 Pine Place Subdivision until September 24, 2018. Motion passed 7/0.

6. FINAL DECISIONS

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

a. MLP 18-03 City of Canby Mulino Road Pump Station/Weygandt

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve the final decisions for MLP 18-03 City of Canby Mulino Road Pump Station/Weygandt as amended previously. Motion passed 7/0.

b. SUB 18-02 Cougar Run Subdivision

Motion: A motion was made by Commissioner Cherishnov and seconded by Commissioner Mottern to approve the final decisions for SUB 18-02 Cougar Run Subdivision as amended previously. Motion passed 7/0.

7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, August 27, 2018

Mr. Brown explained the items on upcoming agendas.

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

9. ADJOURNMENT

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to adjourn the meeting. Motion passed 7/0. Meeting adjourned at 8:07 p.m.