

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, November 13, 2017  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners John Savory, John Serlet, Derrick Mottern, Shawn Varwig, and Andrey Cherishnov  
**ABSENT:** Larry Boatright and Tyler Hall  
**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary  
**OTHERS:** Will Snyder, Dan & Sharon Smith, Daryl Steve Buchanan, Jerry & Linda Corcoran, Craig & Carol Palmer, Jo & Eric Recht, Damon & Cynthia Liles, Vicki Carlin, Jim Boyle, Daniel Webb, Bob Cambra, James Mason, Lynn McFadden, Joe Meyer, Gina Taylor, Shirley Simi, Steve & Mary Rouse, Ryan Oliver, Marty Moretty, Jon Fox, and Sharon Weaver.

**1. CALL TO ORDER**

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

Consider a request for a Subdivision at 1440, 1548, 1612, 1650, and 1758 N Redwood St  
**(SUB 17-06 Redwood Landing Subdivision)**

Chair Savory read a letter from Rick Givens of ICON Construction and representative for the Redwood Landing subdivision that was scheduled for this evening's meeting. Mr. Givens asked for a continuation of the hearing so the applicant could address the concerns of the surrounding neighborhood.

***Motion:*** A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to continue the hearing for SUB 17-06 to December 11, 2017. The motion passed 5/0.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS – None**

**3. MINUTES**

a. Approval of the October 23, 2017 Planning Commission Minutes

***Motion:*** A motion was made by Commissioner Cherishnov and seconded by Commissioner Mottern to approve the October 23, 2017 Planning Commission minutes. The motion passed 5/0.

**4. NEW BUSINESS – None**

**5. PUBLIC HEARING**

a. Consider a request for a Minor Land Partition at 159 NE 10<sup>th</sup> Ave **(MLP 17-07 Will Snyder)**

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had a conflict of interest or ex parte contact to declare.

Commissioner Varwig stated the applicant was a close, personal friend and a client. He had interest in the approval of this application and he recused himself from the hearing.

Staff Report: Planning Director Bryan Brown entered his staff report into the record. This was a request for a minor land partition at 159 NE 10<sup>th</sup> Avenue. It was adjacent to another flag lot that had a driveway out to 10<sup>th</sup> Avenue. Staff asked the applicant to discuss sharing the driveway with the neighboring property. The neighbor was not interested in that arrangement. The applicant was proposing putting in a driveway next to the neighbor's driveway side by side. The City's regulations were for a 10 foot separation between driveways on local streets, however the adjacent driveway was built right on the property line and there was no way to achieve the 10 foot separation. The applicant proposed to put the driveway five feet away from the property boundary where the driveway would meet the street. The applicant's purpose for the partition was to create a flag lot and construct a single family home on the lot. There was a revised drawing where the property boundary between the two proposed lots was adjusted so that the new lot was 19 feet away from the existing house to satisfy the 15 foot rear setback requirement. That also changed the square footage of the lots, making both about 7,000 square feet. A 12 foot wide paved access was required and he showed where it was located on the site. The only public input received was from the City's engineer who recommended some conditions including a six foot wide sidewalk to be constructed in front of the existing house. He also stated the existing driveway needed to be reconstructed to today's ADA standards and the new driveway needed to be constructed to ADA standards. The utility lines would go up the access driveway to serve the flag lot. The flag lot would also be subject to the City's residential in-fill standards. The City had been working for many years to secure sidewalk easements along 10<sup>th</sup> Avenue for the purpose of curb tight sidewalks all the way down the street. He hoped in the future the City could put in the rest of the sidewalk.

Proponent: Will Snyder, Canby resident, was the applicant. This was the third partition within a one block radius of this property. He had built four in-fill homes within a one block radius of this location. One of the developers lived across the street from this property and knew the prior owners of the property. The primary goal for purchasing the property was to ensure when the property was partitioned that it would have the character of the neighborhood in mind. He planned to build a single story home on the property. He agreed with all of the conditions except the requirement to put in the sidewalk. Currently there were no sidewalks on 10<sup>th</sup> and it would cost \$5,000 to \$6,000 to put in a sidewalk that would go nowhere for a long time. It would be less expensive to put the sidewalk in if it was part of the City's larger sidewalk project than for him to put in a short section of sidewalk.

Opponent: Robert Cambra, Canby resident, was in favor of the requirement for the applicant to put in sidewalks. He often walked on 10<sup>th</sup> and it was a safety hazard to pedestrians. Sidewalks were needed on the City's busy streets. Putting in sidewalks incrementally was a good message to all of the residents on 10<sup>th</sup> that it was something needed in the community. He thought the policy of requiring sidewalks whenever there was a change was something that the Commission should continue to advocate for and reinforce.

Neutral: Dan Smith, Canby resident, was the adjacent property owner. He said the applicant had stated he intended to build a one story house, and he thought that should be in writing. There was a large Redwood tree on the southwest corner of the new parcel that he would like to see preserved. His driveway was not on the property line and was placed where it was as a requirement of his building permit when he built his home. He was in favor of not requiring the applicant to put in a sidewalk as there were no other sidewalks on 10<sup>th</sup> and it would look out of place.

Rebuttal: Mr. Snyder said he tried to preserve trees where possible. If the Redwood tree on the property did not impact the building of the house, it would not be cut down.

Chair Savory closed the public hearing at 7:31 pm.

Commission Discussion: Commissioner Serlet did not think it made sense to build such a small section of sidewalk. He appreciated that Mr. Snyder's intention was to save the tree and he concurred with that action. He liked the idea of a one story on this lot as it was a single story neighborhood.

Commissioner Mottern was an advocate of the applicant putting in the sidewalk. They had to start somewhere and it was a code requirement. He thought the application was straightforward.

Commissioner Cherishnov was also a proponent of the applicant putting in the sidewalk. It was a common standard for most cities and they had to start somewhere.

Chair Savory thought just having a small section of sidewalk was not beneficial. He did not think it would start the ball rolling. He would like to see the tree preserved and agreed a one story home should be built on the property.

Chair Savory re-opened the public hearing.

Mr. Snyder said the only reason he was against putting in the sidewalk was that no future development would occur on this block unless the zoning changed. There were no other lots big enough to be partitioned and there would be no other sidewalks installed. Starting someplace was good, but this was not the place because there was no opportunity for future development.

Mr. Brown explained the past efforts to secure sidewalk easements. The City had been trying to do so for 15 years. The project was not currently prioritized and he did not know when it would happen. He thought it was a reasonable request of the applicant and they would make sure the sidewalk placement would align with future sidewalks. The Planning Commission in past years had done it both ways where they had waived some and required some.

Mr. Cambra said one of the reasons for the lack of sidewalk on 10<sup>th</sup> was the lack of people willing to provide voluntary easements. It was inconsistent to grant an exception to providing the sidewalks the City wanted. There were no sidewalks because they kept making exceptions based on the fact the sidewalks had not been put in. He asked that there be commitment to doing the right thing for pedestrian safety. Every decision needed to support that commitment.

Commissioner Cherishnov pointed out some properties in this neighborhood that had the potential to be partitioned and developed and sidewalks put in.

Commissioner Serlet said the way those lots were laid out, it would preclude development.

Commissioner Mottern asked if they could require the applicant to grant an easement for the sidewalk in the future. Mr. Brown said for this property they did not need an easement as there was enough right-away for the sidewalk.

Chair Savory clarified when the City did the sidewalk project, sidewalks would be put built in front of this property.

Commissioner Mottern agreed the sidewalks would be done, and it would be less expensive for the City's project than the applicant to put in a small section.

**Motion:** A motion was made by Commissioner Cherishnov and seconded by Commissioner Serlet to approve MLP 17-07 Will Snyder with the conditions recommended by staff and removing the sidewalk requirement, restricting the development to a single story home, and preserving the existing Redwood tree in the southwest corner of the property. The motion passed 4/0/1 with Commissioner Varwig recused.

## 6. FINAL DECISIONS

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

### a. SUB 17-05 The Seven Acres, Sprague Subdivision

Mr. Brown said there was a provision in the subdivision regulations that when a decision was made, the prevailing applicant's attorney had the right to assist in and review the findings. In this case the applicant's attorney added to the findings prepared by staff. There was one question regarding the intent for the condition that the rear yard along the farm property have a fence. Did the Commission mean to have a fence along the Logging Road Trail as well? It was currently written as a condition that they would have a fence constructed along the farm property and Logging Road Trail.

Commissioner Serlet confirmed that was the intent. All the Commissioners agreed.

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final decisions for SUB 17-05. The motion passed 5/0.

### b. MLP 17-07 Will Snyder

**Motion:** A motion was made by Commissioner Serlet and seconded by Commissioner Cherishnov to approve the final decisions for MLP 17-07 with the amendments made previously. The motion passed 5/0.

## 7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. S Ivy Subdivision (SUB 17-04, ZC 17-02, CUP 17-05), Allen Manuel Appeal
- b. Cancellation of the regularly scheduled Planning Commission Meeting for Monday, November 27, 2017.

Mr. Brown said the Commission's decision on the S Ivy subdivision had been appealed. It would be going to the City Council on December 6. The November 27 Planning Commission meeting was cancelled.

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION - None

## 9. ADJOURNMENT

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to adjourn the meeting. The motion passed 5/0. Meeting adjourned at 8:08 pm.

