

MINUTES
CANBY PLANNING COMMISSION
Monday, August 23, 2021

PRESENT: Commissioners John Savory, Larry Boatright, Jeff Mills, Jason Padden, and James Hieb

ABSENT: Commissioners Michael Hutchinson and Jennifer Trundy

STAFF: Don Hardy, Planning Director, and Brianna Addotta, Associate Planner

OTHERS:

CALL TO ORDER:

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

CONSENT ITEMS: None

CITIZEN INPUT ON NON-AGENDA ITEMS: None

NEW BUSINESS: None

PUBLIC HEARING:

- a. Remand of the Appeal (App 21-02) of the Subdivision (SUB 21-02) Application for Hemmerling Subdivision

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

Brianna Addotta, Associate Planner, presented the staff report. This was a remand of the appeal for the Hemmerling Subdivision application. The subject property was at 102 NE Territorial Road, was approximately 3.17 acres, and had R-1, low density residential zoning. The original proposal included a zone and comprehensive map change from R-1 to R-1.5, variance for the size of two lots, and a 20 lot subdivision. The zone change was denied by the City Council, the variance was withdrawn by the applicant, and the 20 lot subdivision was denied by the Planning Commission, appealed to the City Council, and remanded back to the Planning Commission with new information. The applicant was now proposing to subdivide the property into 15 low density residential lots. These lots met the development standards of the R-1 zone. The total average lot size was 7,186 square feet. She discussed the new layout of the subdivision. There would be a 20 foot reciprocal access easement for lots 13 and 14, the structures that would be built on lots 13 and 14 would need to be sprinkled, and lot 6 was just under 7,000 square feet. There was a condition that the applicant shall construct an ADA accessible crosswalk with materials consistent with Public Works design standards across Locust and NE Territorial. The exact location and materials shall be determined with consult from the applicant and City's consulting engineer and Public Works. Condition #13 would be amended to add, "or meet other standards acceptable to the Fire District (i.e. sprinkling of homes)." There would be a new condition stating, "A reciprocal access easement shall be recorded for the mutual benefit of the owners of lots 13 and 14 in perpetuity." Staff believed the

additional information was sufficient to address the Planning Commission's final findings of denial. Staff recommended approval of the subdivision with conditions as amended.

Commissioner Mills asked why this was a remand and not a new application. Ms. Addotta said the Council denied the zone change and the applicant had requested to make revisions to reflect the current zoning on the property.

Don Hardy, Planning Director, explained it was the Council's decision to send it back to the Planning Commission. He thought the decision was legally sound. Ms. Addotta added the City Attorney thought it was appropriate to remand it.

Councilor Padden asked if there was a threshold to how much a plan could change before it was a new application. Mr. Hardy said this did not fall into a modification process. The Council made the decision under the direction of legal counsel and the decision was based on clear and objective criteria.

There was consensus to move forward with the application.

Hal Keever, representing the applicant, said they were trying to provide needed density in the original application. They learned that the leadership of Canby did not want the increased density and they had changed it to a 15 lot subdivision. They met all of the development standards in the zone and were not asking for any variances. They had also worked with the Fire Department to provide appropriate fire protection on all the lots. They agreed with the staff report and conditions of approval and requested approval of the application.

Proponents: None

Opponents: None

Rebuttal: None

Chair Savory closed the public hearing.

Commissioner Padden was in favor of the application. However, he was disappointed that this agricultural land would be developed. He thought the City should do more to preserve agricultural land.

Commissioner Hieb was also in favor.

Commissioner Boatright had no problems with the new plans.

Chair Savory had no problem with the new plans, but had a problem with the process.

Motion: A motion was made by Commissioner Hieb and seconded by Commissioner Boatright to approve SUB 21-02 with the proposed conditions as amended. Motion approved 5/0.

ITEMS OF INTEREST FROM STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday September 13, 2021.

Mr. Hardy said staff was working on bringing back information regarding food carts.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION: None

ADJOURNMENT:

Motion: A motion was made by Commissioner Padden and seconded by Commissioner Boatright to adjourn the meeting. Motion approved 5/0.

Meeting was adjourned at 7:41 PM.