

Canby Planning Commission
Regular Meeting
May 10, 1978

Members Present: Chairman Ross, Commissioners Shaw, Cutsforth, Cibula and Edgerton

Members Absent: Commissioners Kahut and Hulbert

The minutes of the Planning Commission meeting of April 12, 1978, and the special Planning Commission meeting of April 26, 1978, were approved as presented.

Item No. 1: Request for planned unit development of Willamette Green Phase II. This is located near the Northwest corner of the intersection of Territorial Road and Molalla Forest Road. The applicant is Dave J. Boland and Harold S. Jeans, represented by Zarosinski-Tatone Engineers, Inc. Commissioner Shaw declared a conflict of interest and left his chair on the Commission. Mr Shaw is a resident-homeowner of the present development of Willamette Green. Rod Schmacher made the presentation for the staff and stated the information for this type of development is set forth in Ordinance No. 516. Without the required information it is impossible to evaluate the application. The staff recommends holding this application in abeyance until further information is made available. Discussion followed on the procedure and requirements for a Planned Unit Development Subdivision. Mr. Ron Tatone stated they wanted the Commission to see the proposed plot plan for their consideration and that the blocks have been left open for potential buyers. Knowing the available area in the thirteen lots was less than the allowable use in an R-2 zone which would allow over sixty spaces. Requested Planning Commission review with the idea that they plan to provide access, water, sewer, etc. This is only part of an overall plan when Phase I was approved. Mr. Jeans stated the completion of this portion would finish the project. The discussion turned to the density and the common area. The Chairman asked the City Attorney if the Commission could go ahead and discuss this project without knowing the density of the project as relates to the open space. The City Attorney stated that by Ordinance if the application is not complete they can't act upon it, however if the application is complete enough for action they should go ahead and take action. The Planning Consultant stated that density and open space could be discussed here and subsequent to that approval application shall be made for site approval. At that time, questions could be answered in greater detail. Consultant Edwards stated the Real Estate Commission has made some definite laws as to what is a final plat and what is not and the availability of these lots for sale. Mr. Jeans stated that all they wanted tonight was an approval in concept. Chairman Ross stated the Commission should then address itself to the concept of a Planned Unit Development for the remaining portion of the property. The applicant to then come back to the Planning Commission with further information if the concept is approved. The City Attorney stated that under Ordinance #517, page 2 under Section 5 - states that it does take a proposed location of all buildings and structures. The applicant might be able to show a maximum number and show them. Discussion followed regarding the buildings with regards to space, design,

etc. Bob Shaw stated that anyone who had not been on the Commission previously should understand what Willamette Green is and what this is to Willamette Green. First of all, Willamette Green is a Planned Unit Development opposed to a condominium in that the individual owners, own the property, own the ground that it sits on. They have a deed to that piece of land, which these blocks will be divided into. The first Phase of Willamette Green is independent of the second. This would be a second Planned Unit Development on the property. There is at Willamette Green today, a corporation - a Homeowners Association. Each one of the owners has a share in that portion of the property that is called the common area. They also have the responsibility to maintain it. The difference between a Planned Unit Development and a standard subdivision is that the streets are part of the common ground - they are owned by the homeowners and are not public streets. They are not maintained by the city, but are maintained by the homeowners association and the homeowners association receives monthly fees from individual owners, which goes into the maintenance of the grounds, streets, swimming pool, parking lot, etc. One thing that should be discussed this evening that is that the street will connect into the existing street. Nothing is shown that it has the approval of the present Willamette Green Homeowners Association. It would have to because it is connecting to private property, as it is a private street. In the original concept, the two streets did not meet except for emergency vehicles. Another thing is that the street width shown is less than normal street standards required in Canby. The logic behind it is that it is a private street and all the parking is on driveway pads and not on the street. Not all off-street parking, but most of the off-street parking is on the driveway slabs. Mr. Jeans stated that homeowners can not park in the street area but must park in their designated parking area. The street has been widened in this development from 20 to 28 feet because it was found that maneuvering was rather tight. After a short recess, the Chairman asked if there was further discussion as far as the needed use was concerned. Does the Planning Commission feel that a Planned Unit Development for this particular property is the best use of the property. The Commission will need to make a motion, resolution, or statement that a Planned Unit Development is the highest and best use for this particular property. Based on that they will make a detailed application to the Commission. Some discussion followed regarding just how much permission would be given tonight. A motion tonight would only say that the Commission is interested in looking at a Planned Unit Development of this property. *Commissioner Edgerton made a motion that the original concept of the Planned Unit Development be approved in the concept idea of the original master plan. The motion was seconded by Commissioner Cutsforth. Discussion followed regarding the fact that originally the project was to be one entity, but that is not the reality. What has actually happened is that now there is an established homeowners association for the first piece of property that was developed as a Planned Unit Development. The present development is a separate entity. The conclusion was that this is not Phase II of the development, but is actually Willamette Green No. 2. Commissioner Edgerton added that as a statement of fact that the motion is not an approval of this plan or any preliminary plan, it is only a statement by the Commission, if it is approved, that we do feel that this style or concept housing should be carried on from the original master plan. Mr. Jeans stated that the entire purpose of meeting is just to get approval of the concept. Further stated he was trying to show good faith in bringing in a preliminary plan as closely as possible of what was turned in to the City a good number of years ago and improved on the original plan.

The Chairman asked if it was the general consensus of the Commission that the highest and best use is a Planned Unit Development and that we wish the applicant to come back with a detailed plan with the items we discussed. The Chairman then asked if each of the Commissioners concurred and the answer was in the affirmative. No action was taken on the motion and motion was withdrawn by Commissioner Edgerton and by the second Commissioner Cutsforth.

Other discussion Mr. Tom Tye stated he would like to discuss Baker Street west of the Globe Union plant. Wants a solution to the problem of no traffic north of the present development of Baker Drive. It was stated they should address the property they have. How Baker Street develops beyond this development is someone else's problem, although it will come into the whole picture. You should come in with a plan treating your whole development as the Planning Commission or as finally passed upon the plat will be your responsibility. Mr. Ferguson will make a recommendation to us and develop a plan for the remainder. Discussion followed on whether this pertained to truck traffic or all traffic, and whether the Commission had even discussed a traffic pattern at this point. The traffic pattern was discussed as part of the overall development, but not specifically on the routes it will take. Subdivision streets are not designed for truck traffic. Routing of traffic can be handled by signing. Mr. Tye stated they are looking at an industrial road with different requirements. Commissioner Shaw stated he did not feel they should be going through the alternatives for the circulation pattern at this time. If it is the Commission's place, there are other alternatives. The City Council feels this street should go through, in fact they purchased property so the street could go through. There are other alternatives that have not been discussed. The Chairman stated maybe the Planning Commission should move the application be resubmitted. It should be resubmitted as a Planned Unit Development addressing some of the things talked about and let them come up with the idea of how it should be planned. The Planning Commission can not speak for the City Council as to what they desire will be regarding putting all the way through. Mr. Tye stated they had enough information and could go from there and draw up a plan for the Planned Unit Development. Mr. Weeks stated he didn't feel they were getting any help from anybody. Doesn't feel they intend to help anyone and it is not adding to the efficiency of the city or the economy of the city or anything else. He has noticed a lot lately. The City Attorney stated this was a quasi-judicial body and by the Fasano decision they can not take any ex parte actions on planning or anything like that. According to our ordinances there is supposed to be a presentation in front of the Commission and an application to act upon. Mr. Edwards stated it was his understanding the Planning Commission is putting this before the staff and present it to the Commission. The Chairman directed the interested persons to work with Mr. Edwards and Mr. Ferguson on this problem and present a plan with alternatives.

City Attorney Reif informed the Commission that Mr. Cibula had delivered to his office on the morning of the meeting a finding of fact to be presented to the City Council as the Planning Commission's recommendation. He has reviewed them and there are a few things he wanted to point out to the Commission. The motion states a second condition on page 2, No. 2. It says: "The applicant may apply to the Planning Commission for an extension of time to obtain approval if the application and site plan have been made and filed with the Planning Commission." That was not part of the Commission motion and should be stricken from the record. To leave that in would be changing

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the record, which he feels should not be done. The second thing on page 2, the next to last paragraph where it says: "The City of Canby has adopted both a Comprehensive Plan Text and Map." The City has never adopted a comprehensive plan, it is an Interim General Plan so all references for the record should be changed to Interim General Plan. One further suggestion is on page 5, the next to last paragraph, "The designation of this property as Light Industrial meets LCDC Goal No. 11 in that no extension of urban services is necessary, as water, sewer and roads already serve the property." Water and sewer lines will have to be extended and roads improved. The City Attorney suggested it be changed to read: "This area is within urbanizable land and therefore utilities can be extended into that area." Lastly, on page 6, next to last paragraph, last sentence: "The property subject to the zone change has been vacant and unemployed for some time and is served by a full range of urban services such as water, sewer and roads." Again, this is the same type of change. The developers have put a statement of uses for Riverview Industrial Park which is the next to the last page. This is a voluntary statement by the developers. *Commissioner Edgerton moved to make the changes in the Statement of Facts for the Riverview Park fact findings. The motion was seconded by Commissioner Shaw. The motion passed with Commissioner Cibula abstaining due to a conflict of interest.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia J. Shirley, Secretary
Canby Planning Commission