

Canby Planning Commission
Regular Meeting
September 27, 1982

MEMBERS PRESENT: Chairman Kahut, Commissioners Baller, Davis, and Schrader

MEMBERS ABSENT: Commissioners Cutsforth, Shinn, and MacKenzie

OTHERS PRESENT: City Attorney Wade Bettis, Deputy City Attorney Jennifer James, City Planner Bud Atwood, Secretary Virginia Shirley, Roger Reif, Fred Stefani, Ron Tatone, Bill Hinckley, and others

The Chairman opened the meeting at 7:45 p.m.

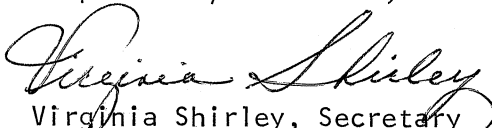
The Minutes of the Planning Commission meeting of August 9, 1982, were approved as presented.

Item No. 1: Appeal of staff decision disallowing a business to be used for a residence and business. Appellant: Bill Hinckley. Planner Atwood gave the Commission a summary report of what had transpired prior to the Commission meeting, which had caused the staff to rule that the building could not be used as a residence. City Attorney Bettis stated that M-1, Light Industrial, uses could be conditional uses within the C-2, Highway Commercial, zone where this property is located. Deputy City Attorney James stated that the M-1 zone allowed for a caretaker/watchman dwelling and that there was the possibility that the Commission could use this as a method to allow the dwelling, if this use could be justified. Discussion followed regarding the fact that dwellings are permitted uses within any other zone, but are not a permitted use in a C-2 zone. It was mentioned that possibly the ordinance should be changed to accommodate dwelling units within the C-2 zone. Staff explained that existing dwelling units may remain as non-conforming uses, but that once the occupancy has been changed for a period of at least one year they can no longer be used as dwelling units. Mr. Bill Hinckley, property owner, came forward and read a letter from the building occupants into the record. In the letter, Mrs. Reif stated that since having numerous surgeries, she needed a place where she could have her business within her home. That the present location seemed to be ideal as it had sufficient parking, was on the highway, and the home made it easier for her to have her locksmith shop. The City Planner informed the Commission that Mrs. Reid could apply for a conditional use permit for a home occupation within a residential zone, as the locksmithing business is a permitted use within a residential zone with an approved conditional use permit. More discussion regarding the possibilities of using this place as a caretakers dwelling, changing the ordinance to accommodate dwelling units within the C-2 zone, etc. Mr. Bettis informed the Commission that if they were going to look favorably on this request, Mr. Hinckley would need to apply for a conditional use permit with the proper findings of fact. *It was the consensus of the Commission that Mr. Hinckley should apply for a conditional use permit to use the building located at 309 S. E. First Avenue as a business/caretaker residence. The Commission members present felt this was the method Mr. Hinckley should pursue. The Commission further stated they they will be reviewing the Ordinance for any amendments that appear to be needed relative to housing in the C-2 zone.

Item No. 2: Request for approval of a preliminary subdivision plat consisting of 13 lots, located on the east side of N. Maple Street approximately 200 feet

north of N. E. 23rd Avenue. The applicant is Willamette Valley Country Club. City Planner Atwood gave the staff report with a recommendation to continue due to the design problems that staff feel exist with this proposal. Roger Reif, representing the Country Club, gave a background report of the project. He addressed the L.C.D.C. goals and guidelines which pertain to this application. Goal #3, Agricultural - has not been used for farming in 15 years. Goal #4, Timber - although there are some large trees on the property they will not be harvested for timber. Goal #5, Open Space - the Country Club does have the land registered as open space, but this is just a means of deferring taxes on the property. The additional space over and above that to be used for this subdivision is to be used for tennis courts, swimming pool, etc. The Country Club does not want to change the character of the area. Goal #10, Housing - the Country Club realizes the city does not need more housing at this time, but they would like to have the subdivision ready and provide the opportunity for more development when the economy stabilizes. They would like to be ready when people are ready to buy. Goal #11, Public Facilities - this goal presents no problems as they are all readily available. Goal #12, Transportation - N. Maple Street is listed as a "collector" street within the Comprehensive Plan. No problem is foreseen in this area. At this time, Mr. Reif introduced Ron Tatone, engineer, for discussion of the subdivision design. Mr. Tatone stated that the design before them had been modified once. The first design showing the flag lots with the pole portion between the two rows of lots. Since the staff had not liked that design, the Real Estate Committee had changed the design and placed the pole portion of the lots on the east side of the proposed subdivision. Mr. Tatone further stated that they had used lot size averaging in this subdivision, and that all lots met minimum lot size. Mr. Tatone was asked why such small lots had been placed along N. Maple Street, when all the existing lots along N. Maple Street had larger street frontage. The Commission explained this was not in keeping with development within the area. Mr. Tatone stated this had been the desire of the Real Estate Committee. Commissioner Baller stated he was opposed to the large flag lots on the east side of the subdivision and felt that at least a half-street should be built on the east side rather than flag lots. A lengthy discussion was held between Mr. Tatone and the Commission concerning their desires regarding lot size, access, and possible design changes. The conclusion arrived at from this discussion was that the developers should make larger lots, should design at least a half-street to the rear lots, and should strive to make this subdivision more in conformance with other parcels in the area. *Commissioner Davis moved to continue this hearing for design modifications for a period of time not to exceed six (6) months from the date of this hearing. The motion was seconded by Commissioner Baller and passed unanimously.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission