

Canby Planning Commission
Regular Meeting
March 12, 1984

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Seale, Cutsforth and Schrader (arrived at 8:12 p.m.)

MEMBERS ABSENT: Davis and Shinn

STAFF PRESENT: Stephan Lashbrook Planning Consultant, City Attorney John Kelley, City Planner Bud Atwood, and Secretary Virginia Shirley

OTHERS PRESENT: Lonne Warthen, Evelyn Staehely, Miriam E. Bettis, Wade P. Bettis, Gregory T. Gardner, Roger Reif, Tracy Clinkscales, Alice Hanson, Ed Kirsting, Ed Busch, T. Gardner, Margaret M. Leveren, Evelyn Herkamp, Larry Whitman, Herman Bergman, Bob Logsdon, Bob Wiegand, Luverne A. Jacobson, Freda Milbradt, Ronald S. Berg, T. J. Anderson, Charles Stirber, Lucille Stirber, Robert H. Henry, Elma C. Henry, LaVerne Mohning, Viola O. Mack, Tony Pizzuti, Louise Locke, Todd Pizzuti, Ed Lemons, Frances M. Lemons, Lillian Gregersen, Halvor Gregersen, Marilyn Heltsley, and Dick Anderson

The meeting opened at 7:40 p.m.

The minutes of the meeting of February 13, 1984, were approved as presented.

Item #1: Request for a subdivision tentative plat approval to divide a single parcel into nine lots on the west side of N. Pine Street, approximately 500 feet south of N. E. Tenth Avenue. Proposed lot sizes range from 5,680 to 13,200 sq. ft. The property is described as Tax Lot 1600, Section 33AD, T3S, R1E. The applicant is Dave Anderson, Inc., agent for Charles Hartwell. **Commissioner Seale moved to continue this item to the March 26, 1984, public hearing due to problems which are being corrected. The motion was seconded by Commissioner McKibbin. The motion carried with the Chairman voting 4 - 0.

Item #2: Request for a zone change from R-1 (Low Density Residential) to R-2 (Medium Density Residential) to C-R (Residential/Commercial) of approximately 1 acre located on the west side of S. Ivy Street approximately 300 feet south of S.W. Third Avenue. The property is described as Tax Lot 5900, Section 33CD, T3S, R1E, and Tax Lot 7600, Section 4BA, T4S, R1E. The applicants are Freda Milbradt and Frances Lemons. City Planner Atwood gave the staff presentation and made a recommendation for approval. Chairman Kahut asked the applicants if they wished to make a statement. They both answered negatively. Chairman Kahut opened the public

testimony portion of the public hearing and called for proponents. When none came forth, he called for opponents. Ron Berg, 203 S.W. Third Avenue asked what uses could be established if the zone is changed. Planner Atwood read the list of outright permitted uses into the record. There being no further opponents, the Chairman asked Mrs. Milbradt to address the public testimony. Mrs. Milbradt stated that she has fenced part of the property behind the house and may need to fence more, but will be using nearly all of the property behind the house for playground for the daycare center she is planning. Mrs. Milbradt read into the record her letter of submittal with the application. There being no further testimony, the Chairman closed the public testimony portion of the hearing. Chairman Kahut stated that the Standards and Criteria had been met for this application. After a short discussion, Commissioner Seale moved to recommend to the Canby City Council approval of this application as it has met the standards and criteria and the approval to be based upon the findings of fact submitted in the staff report. The motion was seconded by Commissioner McKibbin and passed unanimously 4 - 0. The Chairman voted.

Item #3: Request for a continuance of a preliminary plat known as "Country Club Estate - Annex No. 4" containing 14 lots. This preliminary plat is located on the east side of North Maple Street approximately 200 feet north of N.E. 23rd Avenue. The applicant is Willamette Valley Country Club. Chairman Kahut asked Roger Reif if he were representing the Country Club and Mr. Reif stated that he was informally representing them. Chairman Kahut went on to explain that several of the Planning Commission members were members of the Country Club and asked if the Country Club were opposed to their making a decision on this item. Mr. Reif stated they were not opposed to their making the decision. City Planner Atwood read the letter of request and the portion of the ordinance pertaining to time extensions. Commissioner Cutsforth moved to grant a six months extension to the Country Club. Commissioner Seale seconded the motion. The motion passed unanimously 4 - 0. The Chairman voted.

Item #4: Possible zone change or comprehensive plan, land use map, amendment for properties along the perimeter of Canby's downtown area. These properties are presently zoned R-2 (Medium Density Residential) and may be rezoned to C-1 (Downtown Commercial) or C-2 (Highway Commercial). In some cases they may remain in residential zoning with their land use map designations changed from commercial to high density residential. Planning Consultant Stephan Lashbrook gave the staff presentation and explanation of the need for compatibility between the Comprehensive Plan and the zoning map. After his presentation, Mr. Lashbrook passed out

information sheets on the permitted uses in R-2, Medium Density Residential, C-1, Downtown Commercial, and C-2, Highway Commercial.

Kurt Schrader arrived.

Area #1: The entire block bounded by N.E. Third and N.E. Fourth Avenues, from N. Juniper to N. Knott Street. Consultant Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the public hearing and asked for proponents, when none came forth he called for opponents. There being no opponents, the public testimony portion of the hearing. City Planner Atwood informed the Commission that John Back, who owns property in the southwest corner of the block, had been into the Public Works office and stated his desire for that area to become commercial. After a short discussion, Commissioner Schrader moved to recommend to the Canby City Council that the zone be changed from R-1 to C-1 in the block bounded by N.E. 3rd and N.E. 4th, and Juniper and Knott Street, requiring a waiver of remonstrance for future street improvements when future development takes place. The Planning Commission to accept the findings of the Planning Consultant. The motion was seconded by Commissioner Seale and passed unanimously. 5 - 0, the Chairman voting.

Area #2: The north 1/2 of the blocks bounded by Third and Fourth Avenues, from N. Holly to N. Juniper Streets; and the south 1/2 of the block bounded by Fourth and Fifth Avenues, from N. Holly to N. Ivy Streets. Consultant Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the hearing and called for proponents. Wade Bettis, 580 N.W. 4th Avenue, stated that he and his wife Miriam agreed that C-1 is the logical extension and the zone should be changed. Roger Reif asked if this would have any effect on the church. Mr. Lashbrook informed him that it should not effect the church in any way. Bob Henry, 107 N.W. 10th Avenue, wanted to know if the house could continue to be used as a residence and if the property owner or the City will put in the needed curbs and sidewalks if the property becomes commercial. Mr. Lashbrook stated that it would be possible for the owners to do the required work under an L.I.D., but he had serious doubts that the City could ever afford to put in the improvements. This has not been the policy in the City of Canby. There being no further proponents, the Chairman asked for opponents. When none came forth, Chairman Kahut closed the public testimony portion on this item. Commissioner Schrader moved to recommend to the City Council that the 2.4 acres as described above be changed from R-2, to C-1. Motion was seconded by Commissioner McKibbin. The motion passed unanimously 5 - 0. The Chairman voted.

Area #3: The north 1/2 of Wait Park. Chairman Kahut opened the public testimony portion of the public hearing and called for proponents. When none came forth, he called for opponents. There being no opponents, Chairman Kahut closed the public testimony portion of the public hearing. *Commissioner Cutsforth moved to recommend to the Canby City Council that the above described property be rezoned to C-1 and accepting the findings in the Consultants report. The motion was seconded by Commissioner Seale and passed unanimously 5 - 0. The Chairman voted.

Area #4: The southwest corner of the block bounded by N.W. Fourth and N.W. Fifth, from N. Grant to N. Holly Streets. Consultant Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the public hearing and called for proponents. Dick Anderson, 6682 S. Anderson Road, Aurora, stated that he was the owner of the property and would like to see it rezoned to C-1. There being no further proponents, the Chairman called for opponents. When none came forth, he closed the public testimony portion of the hearing. *Commissioner Seale moved to recommend to the City Council that the above described property be rezoned C-1, and accepting the Consultant's findings of fact. The motion was seconded by Commissioner Cutsforth and passed unanimously 5 - 0. The Chairman voted.

Area #5: The northwest corner of the block bounded by N.W. Fifth and N.W. Fourth, from N. Fir to N. Grant; and the north 1/2 of the block bounded by N.W. Fifth and N.W. Fourth, from N. Elm to N. Fir. Consultant Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the hearing and called for proponents. Margaret Leverens, 11525 E. Burnside, owns property within the area and wants the zone changed. Evelyn Staehely, representing mother Clara Sandness, stated that they would like to see the zone changed. There being no further proponents, the Chairman called for opponents. There being no opponents, the Chairman closed the public testimony portion of the hearing. *Commissioner Seale moved to recommend to the City Council that the zoning on the above described property be changed from R-2 to C-1, and accept the findings of the Consultant. The motion was seconded by Commissioner Cutsforth and passed unanimously 5 - 0. The Chairman voting.

Area #6: The north 1/2 and the southwest corner of the block bounded by N.W. 4th Avenue and N.W. 3rd Avenue, from N. Douglas to N. Elm Streets. Mr. Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the hearing and called for those wishing for the zoning to remain R-2 to come forth. Mr. Wade Bettis stated that he and his wife want this property to remain

zoned R-2. Tom Gardner asked if this property included the old church on the corner. Consultant Lashbrook informed him that the church was already zoned C-1. Herman Bergman stated that he did want this property rezoned, as he did not want it in commercial uses. Chairman Kahut asked if there was anyone present who wanted the zone changed. Tony Pizzuti, 645 N.E. 20th, stated that he owned one parcel and his brother owned the other. Speaking for both, they did want the zone changed. Mr. Pizzuti stated further that they had always felt that it was the appropriate place for a commercial development. There being no further speakers, the Chairman closed the public testimony portion of the hearing. The Commission held a lengthy discussion in which Commissioner McKibbin stated he would like to see it rezoned, neither Commissioners Seale or Cutsforth expressed their opinion, and Commissioner Schrader felt that he would like to have additional information. Since the Commission was unable to make a decision, the item was postponed until after the remainder of items on the agenda had been heard.

Area #7: The west 1/2 of the block bounded by N.W. 3rd and N.W. 2nd, from N. Douglas to N. Elm. Mr. Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the hearing and asked those people wishing the property to remain zoned R-2 to speak. When none came forth, he asked for those wishing the property to be changed to C-1. When none came forth, the Chairman closed the public testimony portion of the hearing. Commissioner Schrader moved to recommend to the City Council approval of a zone change from R-2 to C-1 as it is justified to maintain the pattern established for the area. The motion was seconded by Commissioner Cutsforth and passed unanimously 5 - 0. The Chairman voting.

Area #8: The northwest corner of the block bounded by N.W. 2nd and N.W. 1st, from N. Douglas to N. Elm. Consultant Lashbrook showed slides of the area. No one spoke either in favor or in opposition to this zone change. Commissioner Seale moved to recommend approval to the City Council of this zone change from R-2 to C-2 contingent upon a waiver of the right to remonstrate against future improvement proposals. The motion was seconded by Commissioner McKibbin and passed unanimously 5 - 0. The Chairman voting.

Area #9: The entire (undeveloped) block bounded by N.W. 2nd and N.W. 1st, from N. Douglas to N. Cedar. Consultant Lashbrook had shown slides of this area at the same time he showed slides of area #8. No one spoke either in favor or opposed to this zone change. Commissioner Seale moved to recommend a zone change from R-2 to C-2 of this property with a waiver of the right to

remonstrate against future improvement to N. Douglas Street, N. Cedar Street and N.W. 1st Avenue. The motion was seconded by Commissioner Cutsforth and passed unanimously 5 - 0. The Chairman voting.

Area #10: Those tax lots fronting on S. Elm Street between Whitman's property on the north and S.W. 4th Avenue on the south. Consultant Lashbrook showed slides of the area. Chairman Kahut opened the public testimony portion of the hearing and asked for those wishing the property to remain R-2 to speak. When none came forward, he called for anyone wishing to change the zone to come forth. When none came forth, Chairman Kahut closed the public testimony portion of the hearing. Commissioner Schrader moved to recommend approval by the City Council of a zone change from R-2 to C-2 of the above described property with a waiver of the right to remonstrate against future improvements to S.W. 4th Avenue. The motion was seconded by Commission Seale and passed unanimously with the Chairman voting 5 - 0.

Area #11: The entire block between S.W. 2nd and S.W. 3rd from S. Elm to S. Grant Street. Consultant Lashbrook showed the slides of the area. Chairman Kahut opened the public testimony portion of the public hearing and asked for those wishing the zoning to remain the same to speak. Greg Gardner, 419 S.W. 2nd, stated that he lived in the block in question and does want the zoning to remain R-2. Bob Logsdon, 285 S.W. 3rd, stated that it was a neighborhood of good homes without any business at the present time and should remain R-2. Ron Berg, 203 S.W. 3rd, agreed with the previous speakers that the block should remain zoned R-2. Bill Patton, 239 S. Grant, expressed the feeling that the zoning should remain R-2. Marily Heltsley expressed concern about possible commercial development. Chairman Kahut then called for those wishing the property to be rezoned to C-2 to come forth. When no one came forth asking for the rezoning, Chairman Kahut closed the public testimony portion of the hearing. Commissioner McKibbin moved to recommend to the City Council that a plan amendment be considered for this property as the residential character of this neighborhood appear to be too strong to justify changing the zoning to commercial at this time. The motion was seconded by Commissioner Cutsforth and passed unanimously with the Chairman voting.

Area #12: Along the north side of S.W. 3rd Avenue, from S. Ivy west approximately 600 feet. The Planning Consultant showed slides of the area which includes part of Zoar Lutheran Church property. Chairman Kahut opened the public testimony portion of the hearing and asked for those wishing the zoning to remain the same to speak.

Bob Logsdon, 285 S.W. Third, stated that he felt it best if this property remained zoned R-2, due to the residential development and church property. Ron Berg, 203 S.W. Third, stated that he felt it best if this property remained zoned R-2. Bob Wiegand, 613 N. Holly, owns property within this area and would like to see it remain R-2. Bill Patton stated that the property has a natural barrier when the zone change is through the middle of the block and this property should remain R-2. There being no further speakers for the property to remain, the Chairman asked if there was anyone who wished the zoning changed. Terry Clink-scales, owner of Tax Lot 6700 within this area, stated that he would like to have it changed to commercial. He further stated that he has been trying to sell the place for two years and no one wants to buy because of the traffic on S. Ivy Street. Consultant Lashbrook asked how receptive the Commission and concerned residents would be to rezoning only the one tax lot. Ron Berg stated that he would have no objection to the rezone of only the one parcel. Commissioner Schrader moved that due to the testimony presented only Tax Lot 6700 should be recommended to the City Council for a zone change to C-2, and a plan amendment initiated for the remainder of the property in this area. The motion was seconded by Commissioner Cutsforth and passed unanimously 5 - 0 with the Chairman voting.

The Commission turned their attention to further consideration of Area #6. Although the public testimony portion of the hearing was closed, the Commission allowed those interested parties in the audience to participate in the discussion. Chairman Kahut reminded the Commission that all of the truck traffic to and from Globe Union uses Third Avenue past this property. Herman Bergman stated that he felt the truck traffic going through town should be re-routed. Chairman Kahut asked Tony Pizzuti if he had any other comments he wished to make. Tony Pizzuti said they were willing to go along with the staff recommendation. The way the property sits right now it would be good for commercial development. Miriam Bettis stated that she did not want to look across the street at a pool hall or bowling alley or dance hall. Would prefer to look at a duplex. Wade Bettis stated that as an alternative maybe they could divide the property at the alley making the portion fronting on N.W. Third commercial, and the portion facing N.W. 4th be left in R-2 zoning. Chairman Kahut asked Mr. Pizzuti if he had any comments on Mr. Bettis' proposal. Tony Pizzuti stated that he didn't want to consider different ideas tonight. He wanted to see the Commission follow the staff recommendation as they had with the other properties with which they had dealt tonight. To approve this land for commercial would be beneficial as no homes would be lost to enable construction. Herman Bergman

stated that he wanted the discussion tabled until Mr. Pizzuti has drawn up plans for his property. Chairman Kahut informed Mr. Bergman that this was not possible as everyone whose property was being changed would then need to have a plan before the change could take place. Chairman Kahut asked the planning consultant if he had any further recommendations. Mr. Lashbrook stated that if he were on the Planning Commission and had to vote it would be to change the zone to C-1, primarily because of the investment the community's already made in street improvements in that area. Also, this is the single largest chunk of land for some future commercial development in the whole downtown area of Canby. Commissioner Schrader stated that he understood both sides of the issue and is not ready to make a decision. Commissioner Cutsforth felt the same. Commissioner Seale asked if it would be possible for him to ask for a zone change in the future. Consultant Lashbrook explained that if the area was left R-2 and the City amended the Plan to give this land a residential designation, then Mr. Pizzuti or a future owner wanting to use it as commercial would have to have both a plan amendment and a zone change. Both entirely feasible. Commissioner McKibbin stated that his feelings have not changed and he would go with C-1. Due to the truck route, Mr. Pizzuti, if he were to develop it, would do so in good taste to blend in with the neighborhood. Chairman Kahut stated that it must be remembered that the property once rezoned could be sold, but in his opinion it should be commercial due to truck traffic, size of parcel, and the fact that it is ready for development. Consultant Lashbrook told the Commission that if they felt that they could gain more insight by sleeping on it this could be held over until the March 26th meeting. Commissioner Schrader moved to postpone until the next meeting and in the meantime the staff contact the other property owners in the area. Motion died for lack of a second.

Commissioner McKibbin moved to recommend the City Council change the zone from R-2 to C-1 as recommended by staff. Motion died for lack of a second.

Commissioner Seale moved to recommend to the City Council that tax lot 101 should have a plan amendment and that tax lot 102 have a zone change from R-2 to C-1. Motion was seconded by Commissioner Schrader. The Chairman called for a roll-call vote. McKibbin - Nay, Seale - Aye, Kahut - Nay, Cutsforth - Nay, and Schrader - Aye. Motion failed 3 - 2.

Commissioner Seale moved to postpone this for decision only until the meeting of March 26, 1984. The motion was seconded by Commissioner Cutsforth. Those members of the Commission present

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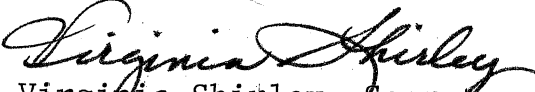
would request that the absent Commissioners listen to the tape in order that they may also have a voice in the final decision. Motion carried 5 - 0. The Chairman voted.

Consultant Lashbrook and City Attorney Kelley both cautioned the Commission against any ex-parte contact regarding this item as the public testimony portion of the hearing has been closed. You may ponder it, but don't discuss it with anybody who may try to lobby you.

There being no further business to come before the Commission the meeting was adjourned at 10:20 p.m.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission