

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
January 26, 1998
7:30 pm

I. ROLL CALL

Present: Acting Chair Terry Prince, Commissioners Jean Tallman, Vern Keller, Jim Brown. Late members: Chairman Dan Ewert, Keith Stewart

Staff: Jason Kruckeberg

Others Present: James E. Surdam, Clair Kuppenbender, Charles Chimento, Art Piculell, Sharon R. Wright, Ted and Cary Ann Labeledz, George Wilhelm, Donna Camps, Jason Bristol, Roger Harris

II. MINUTES

None.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

IV. FINDINGS

ANN 97-09 Liden/Hanlin

Commissioner Keller moved to approve Findings and Conclusion for ANN 97-09, as submitted. Commissioner Brown seconded the motion and it carried 4-0.

DR 97-09/CUP 97-04 Proactive Sports

Commissioner Tallman moved to approve Findings and Conclusion for DR 97-09/CUP 97-04, as submitted. Commissioner Brown seconded the motion and it carried 4-0.

VAR 97-07 Bev Willis

Commissioner Keller moved to approve Findings and Conclusion for VAR 97-07, as submitted. Commissioner Tallman seconded the motion and it carried 4-0.

DR 97-10 Bev Willis

Commissioner Brown moved to approve the Findings and Conclusion for DR 97-10, as submitted. Commissioner Keller seconded the motion, and it carried 4-0.

V. COMMUNICATIONS

Staff informed commission of an advanced training seminar on February 14, 1998, in Seaside.

VI. NEW BUSINESS

Commission discussed information received at commissioner training in Stayton regarding the need to have landscaping plans before application is deemed complete.

VII. PUBLIC HEARINGS

Vice Chair Keith Stewart reviewed the hearing process, procedures and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report and other criteria in the comprehensive plan or land use regulations. Mr. Stewart asked if any Commissioner had a conflict of interest or ex-parte contact. Commissioner Keller declared a potential conflict of interest as a licensed real estate agent in the State of Oregon who could potentially profit from buying and selling property in this subdivision, and he intends to participate. There were no objections from the audience or other commissioners. No other conflict of interest or ex-parte contact was indicated. No one from the audience had any questions of the Commission.

CPA 97-01, an application by The Piculell-Chimento Group (applicant) and Sharon Wright & Heirs of Arthur Wright (owners) seeking to amend the Comprehensive Plan Land Use Map for their 16.28 acre parcel from a mix of R-1 (Low Density Residential) and R-2 (High Density Residential) to R-1.5 (Medium Density Residential).

Mr. Kruckeberg presented the staff report. The site, he explained, is a mix of R-1 Low Density and R-2 High Density and is the former Wright's Nursery. The property is located south of SE Township, east of Township Village subdivision, and west of S. Redwood Street. Tax Lots 502 and 700 of

Tax Map 4-1E- 3BB, and tax lot 4401 of Tax Map 4-1E-3BC. Currently used for both residential and agriculture use. Mr. Kruckeberg stated applicant is proposing all the property be designated R-1.5 Medium Density, for 84 lots. He explained the property would be compatible with area developments.

With the return of Request for Comments forms from utility providers, no noted inadequacies or problems were reported. Staff stated property meets the criteria and recommends approval.

Vice Chair Stewart noted Chairman Ewert was now present to hear further testimony.

Applicant

George Wilhelm, Wilhelm Engineering, PO Box 561, Woodburn, OR, representing applicants, Willamette Valley Homes and The Piculell-Chimento Group Inc. The application is for comprehensive plan amendment and zone change. He stated the northerly 275' of the property was recently annexed under the comprehensive plan as zoning R-2, and southerly 1090' was annexed as R-1. Mr. Wilhelm agreed the staff report adequately addresses all the pertinent criteria and issues required for approval. He stated Mrs. Wright would keep 1/2 acre for her current residence and the remaining property, at R-1.5, would be divided into 84 lots. Mr. Wilhelm felt the change meets the density goals of the comprehensive plan and applicant requests a favorable recommendation.

Proponents

Charles Chimento, 3236 SW Kelly St., Portland, OR, stated he agrees with the staff report and is in favor of the recommendation.

Jason Bristol, 983 S. Redwood St., Canby, OR, stated he is in favor of the change from multi-family to single family housing, and asked that the Commission ensure there is plenty of street access to the new subdivision. He stated he hoped there would be walking access that connects the subdivision, similar to what Township Village did along Redwood St., and would allow easy access to walk to Trost School.

Opponents

None.

With no additional questions, the public portion of the hearing was closed for Commission deliberation. Items discussed were:

1. Commission members agreed the six unit difference created by requesting R-1.5 is not considered a major change over what is currently zoned.
2. It was also noted that the smaller lot size encourages more affordable housing in the area.

Commissioner Keller moved to approve CPA 97-01, as written. Commissioner Ewert seconded the motion, and it carried 6-0.

The meeting was turned over to Chairman Ewert to conduct the two additional public meetings.

Chairman Ewert asked the audience if all were present when the public hearing format was read. Everyone was present. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. Commissioner Keller stated his potential conflict stands for this hearing also. No other conflict of interest was noted. Commission members visited the site, but drew no conclusion. Commissioner Brown declared he spoke briefly with Jason Bristol on how to read the traffic plan. No one from the audience had any questions of the Commission

ZC 97-03, an application by The Piculell-Chimento Group (applicant) and Sharon Wright & Heirs of Arthur Wright (owners) seeking to rezone their 16.28 acre parcel from a mix of R-1 (Low Density Residential) and R-2 (High Density Residential) to R-1.5 (Medium Density Residential).

Mr. Kruckeberg presented the staff report. He stated this property is the same property previously discussed. The applicant is seeking a rezone from a mix of R-1 and R-2 to R-1.5, and that all information provided for the comprehensive plan applies to zone change hearing also. He addressed the criteria for policy #6 of the land use element in regards to areas of special concern as having special characteristics. Mr. Kruckeberg stated the northern most strip of this property falls within area of Special Concern I, an area designated to eventually be developed at Medium to High Density.

With the return of Request for Comments forms from utility providers, the only issue raised was from the school district, concerning the capacity of Trost School, projected to be at capacity by 2002. No other utility problems were noted. Staff feels the zone change meets the criteria and recommends approval.

Applicant

George Wilhelm, Wilhelm Engineering, PO Box 561, Woodburn, OR, representing applicants, Willamette Valley Homes and The Piculell-Chimento Group Inc. Mr. Wilhelm asked that previous testimony be a part of this

application, and agreed the staff report adequately addresses all pertinent issues and criteria.

Proponents

None.

Opponents

None.

With no additional questions, the public portion of the hearing was closed for Commission deliberation. There was no additional discussion.

Commissioner Stewart moved to approve ZC 97 -03, as written. Seconded by Commissioner Keller. Motion approved 6-0.

SUB 97-09, an application by The Piculell-Chimento Group (applicant) and Sharon Wright & Heirs of Arthur Wright (owners) seeking approval to subdivide 16.28 acres into 84 single family residential lots. The proposed subdivision will include the existing home on the property and will be developed to R-1.5 density (Medium Density development).

Chairman Ewert asked the audience if all were present when the public hearing format was read. Everyone was present. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. Commissioner Keller stated his potential conflict stands for this hearing also. No other conflict of interest was noted. Commission members visited the site, but drew no conclusion. No one from the audience had any questions of the Commission.

Mr. Kruckeberg presented the staff report. The proposal, previously covered in the last two applications, is for an 84 lot subdivision to include the existing home and be developed at R-1.5 density, or 6.2 lots per developable acre. The development of the property is compatible to or exceeds the other subdivisions in the area in terms of density, and has no development limitations.

Mr. Kruckeberg stated any new street construction will be to city specifications and SE Township has already been improved. A traffic study was conducted on a 96 lot subdivision. It concluded the surrounding road system can adequately accommodate the development, and no inadequacies or capacity deficiencies were noted. It was recommended that the intersection at Township and Ivy be considered for future signalization after this property and several others have been built out. Staff asked that condition #21 of staff report be stricken as concerns over signage around Trost School should not be a condition for approval, but is a city issue that needs to be corrected. Mr. Kruckeberg said this development would be accessed in three spots: Township, SE 7th, and SE 9th.

There were no concerns or overburdening of city services as a result of this development. Easements noted were CUB's standard 12' public utility easement on the street side, 10' for non-street exterior property lines, and 6' on interior lot lines. Sidewalks would be required for all streets, 5' including the curb.

Staff stated the long, narrow east-west parcel makes solar access requirements difficult. Because of the orientation of the lots, 57% of the lots will meet code requirements; 48 conforming, 36 non-conforming. Staff indicated the attempt is to uphold density of the property as much as possible and asks the Commission to adjust the solar access requirement to 57%. Staff stated the plat meets the required code criteria and recommends approval.

The Commission discussed Township and Ivy signalization. Mike Jordan stated Township is scheduled for curb to curb road improvements from Ivy to Maple, and hopefully realign the intersection.

Applicant

George Wilhelm, Wilhelm Engineering, PO Box 561, Woodburn, OR, representing applicants, Willamette Valley Homes and The Piculell-Chimento Group Inc. The application is for plat approval for Township Farms, appx. 16.28 acres south of Township Road, east of Township Village, and west of Redwood. The plat is submitted based on the comprehensive plan and zone change to R-1.5 being approved. Mr. Wilhelm concurred the staff report adequately addresses all pertinent criteria and issues for approval. He commented lot 400, owned by Ted and Carol Labeledz, was part of the annexation and the applicants believed that lot would be part of this plat, but after several months of negotiations, were not able to come to agreement. In completing this plat, applicants attempted to provide maximum flexibility while completing an efficient layout and addressing the city's development requirement. When asked by staff to revise the lot layout, Mr. Wilhelm stated a minor adjustment could be made so the street could line up with the north entrance of Trost Elementary School. Mr. Wilhelm stated that to develop the property efficiently, a north-south street was necessary. The north-south street has 34 lots fronting it, none of which can meet the solar access requirements. Applicant is requesting an adjustment for 19 of these lots in order for plat to fully comply with the solar ordinance. As it's believed application meets all pertinent criteria, applicant is requesting approval.

When questioned by Commission, Mr. Wilhelm stated they do not have the right of way to put in pedestrian pathways to Trost School, but could provide walkway to the dead end in the easements portion.

Proponent

Charles Chimento, 3236 SW Kelly St., Portland, OR, stated he agrees with the staff report. In reference to item #14 of the conditions, Mr. Chimento explained in the past they have collected money from the occupants for street trees, held funds in escrow, then the developer did plantings all at once to regulate size and variety. He stated he supported this application.

Opposition

Jason Bristol, 983 S. Redwood St., Canby, OR, stated concern about the street being just across the entrance to a school, and using a map, offered other suggestions for street alignment. The Commission stated those street options would need to be considered when tax lot 400 was developed.

Mr. Wilhelm referenced the traffic study and stated 8th Ave. was considered an alternative option, if alignment with the school was not possible.

With no additional questions, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed street alignment. It was felt a control device could be placed at 8th Ave. to provide a greater level of safety, when street goes through.
2. The Commission also liked putting a walkway around 8th Avenue instead of lot 71.
3. The Commission agreed to apply the current street tree policy.
4. Solar access requirement was discussed. The Commission felt because of the configuration of the lots, density was more important than the solar requirement and were agreeable to approving 57% compliance.
5. The Commission agreed to delete item #21, signage, as the developer can not be asked to place signs off site. The Commission asked staff make recommendation to traffic safety committee for appropriate school/street signage.
7. The Commission asked for a no parking sign in the temporary turn-around at the end of SE 8th to prevent storage of overflow vehicles.

8. It was noted because of the relationship of this subdivision with Trost School, no dedication was made for parks.
9. The Commission also stated they would like to see appropriate address signage on flag lots.

Commissioner Stewart moved to approve SUB 97-09, with the appropriate changes as discussed. Seconded by Commissioner Prince and carried 6-0.

VIII. NEW BUSINESS

None.

IX. DIRECTOR'S REPORT

Mike Jordan stated interviews for director position are finished, and background checks are being done.

X. ADJOURNMENT

The meeting was adjourned.