

MINUTES

CANBY PLANNING COMMISSION

Downtown Plan Workshop/6:00pm
Regular Session
7:00pm April 9, 2001
City Council Chambers, 155 NW 2nd

DOWNTOWN PLAN WORKSHOP Matilda Deas, Project Planner, gave an update on the progress of the Downtown Plan, items discussed included:

- Why does Canby need a Downtown Plan?
- Organization
- Managing the Downtown like a Mall
- Parking issues, Study ongoing, what is "typical"
- Merchandising /Promotion
- Public Policy, Friendly atmosphere, Consumer oriented

Key Elements:

- Wide Sidewalks, Sidewalk Treatments
- Curb Extensions
- Street Trees
- Mid Street Crossing
- Awnings
- Mixed Use
- Should the Museum be relocated to Downtown
- Agricultural Center Theme

Discussion:

- Location of the Pedestrian Path
- Possible "Pilot Project" with Lottery Money
- Getting People off of Hwy 99E and into Downtown

I. ROLL CALL

PRESENT: Vice-Chairman Jim Brown, Commissioners, Tallman, Manley, Thalhofer, Tessman, Sanchez.

ABSENT: Chairman Keith Stewart

STAFF: John Williams, Planning Director, Clint Chiavarini, Associate Planner, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Steven Amick, The Oregonian, Terry Prince, Mayor, Patrick Harmon, Roger Reif

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARINGS

MLP 01-02 An application by Joyce Carroll to partition an existing 20,533 square foot lot into two lots of 10,500 square feet and 10,033 square feet. There is currently a single family home on lot 1.

Mr. Brown reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, Commissioner Thalhoffer stated that the applicant was a client of his firm and would step down from the hearing, no other Commissioner stated any conflict of interest. When asked if any Commissioner had ex-parte contact, Commissioners Tallman and Tessman had visited the site, but drawn no conclusions.

Clint gave the staff report. He explained the applicant is proposing a 20' dedicated access drive to parcel #3. He explained sidewalks would be required. He stated many of the large trees on the property will be retained, some will need to be removed for the access drive. Mr. Brown asked if this property had flag lots on both sides to the North and South. Clint stated there are similar flag lots surrounding this property.

APPLICANT: Mr. Reif, 273 N. Grant Street,

Mr. Reif addressed the Commission. He stated this application is very similar to MLP 98-04 the flag lot he created next door to this property. He stated this property would be in the middle of 7 flag lots and would fit within the character of the neighborhood that is already established. Mr. Reif questioned condition # 10, requiring a street tree on lot #1, explaining there are a number of large trees on lot #1 and would not want to cut one down to plant a younger tree. Mr. Brown stated the intention was to verify there was a tree on the lot.

PROPOSERS: None

OPPONENTS: None

REBUTTAL: None

Mr. Brown closed the public hearing, and opened Commissioner deliberations.

Mrs. Tallman stated that the partition fits in with the existing neighborhood, it has a lot of space, and would be a good use of the property.

Mr. Tessman stated he looked at the flag lots surrounding the property, and agreed this would fit in well with the existing neighborhood. He expressed his concern regarding the construction of a 2 story house in with the existing single story homes.

Mr. Brown stated he appreciated the "clean" application, and thought it was consistent with adjacent property. He suggested as the residential zoning section is looked at during the periodic review process the issue of flag lots be addressed, and the possibility of establishing height restrictions for in fill developments.

It was moved by Mrs. Tallman to approve MLP 01-02 as written. Seconded by Mr. Sanchez. Motion carried 4-0.

MLP 01-03 An application by Pat Harmon to partition an existing lot in the C2 zone (Highway Commercial) into three lots.

Mr. Brown asked if any member of the hearing body had a conflict of interest, none was stated. When asked if any member had ex-parte contact, Commissioners Tallman and Tessman had visited the site, but drawn no conditions.

Clint gave the staff report. He explained this was a large lot containing 2 existing single family homes and an 8 unit apartment complex. The applicant is proposing to create lots for the existing single family homes, and one lot for the 2 apartment complexes.

Clint stated that the C2 zone had no lot size requirements, it refers back to the R2 zone standards. He explained using the R2 minimum lot size of 5000 square feet, one of the single family home lots would be nonconforming with only 4754 square feet. He stated the applicant if required has agreed to change the lot lines by either moving the southern property line into the drive way of the apartment complex or the western property line into the access lane, then creating easements for their use.

Clint stated the applicant will have to meet some requirements made by service providers, such as sewer clean outs for each building. Clint stated the applicant is willing to meet all the requirements.

Mr. Sanchez had questions regarding parking on the property. Clint explained there are 2 spaces provided for every unit in the apartment complex and changing the lot lines would not affect the amount of parking. Clint stated a condition of approval requires 2 parking spaces for each single family home, which would require paving part of the front yards.

Mr. Sanchez asked where the residents of the homes parked at this time. Mr. Harmon

responded that one site currently has 4 paved parking spots and there is a 12' X 20' parking pad on the other site.

APPLICANT: Patrick Harmon, 735 NE 30th Place, agreed with the staff report. He addressed the parking situation and explained there is adequate space to meet the City's parking requirements. He would prefer to have the application approved with the smaller lot size because he plans to convert the smaller lot into commercial use in the future and the lot would be 100% in compliance with the zone requirements at that time. He addressed the Public Works requirement regarding sewer clean outs, and stated he is having the system located and they are making progress, the parking will be striped, and he is willing to do whatever is necessary for the Commission to approve the application.

Mrs. Tallman questioned where a second parking place would be located for the small house. Mr. Harmon responded he would pave in front of the house. Mr. Harmon explained he does not intend to give any easements to either of the small lots from the apartment complex, it would complicate matters too much, and make it hard for future generations to interpret.

PROPOSERS: None

OPPOSERS: None

REBUTTAL: None

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Thalhoffer stated he was in favor of approving the application as written to prevent the affecting the property's usefulness in the future.

Mrs. Tallman asked if the size of the lot could be "grandfathered" in, because extending the property line and then granting an easement seemed confusing. John stated it could be done and an interpretation was needed from the Commission. Mrs. Tallman stated she wanted to be sure it could legally be done that way. Clint stated it would not be precedent setting.

Mr. Brown stated since residential uses are nested in the code, why is it being reviewed as R2 zoning. Clint stated the C2 zone refers to the C1 zone (for outright permitted uses) which refers to the R2 zone for residential uses. Clint stated that a residential use could be rebuilt in a C2 zone if rebuilt to R2 standards. Mr. Brown asked if it was reviewed as a C2, would it preclude its expansion. Clint explained it could be expanded if it met the required setbacks. Mr. Brown concluded by strict interpretation it was an allowed use on a piece of property that doesn't have a minimum lot size. Mr. Brown stated moving the lot lines would make the property conform to R2 standards, but would not make it better, and was in favor of the application as presented.

It was moved by Mr. Thalhofer to approve MLP 01-03 with the removal of condition #7. Seconded by Mrs. Tallman. Motion carried 5-0.

V. FINDINGS

There was a discussion regarding the Commission approving the Findings for ZC 01-02/CPA 01-02 prior to approval of the Subdivision application since it would openly allow duplexes to be built on lots of 10,000 square feet. John clarified that approving the zone change would be approving the mix of uses allowed with that zone, and he was unsure how the zone change could be revisited since there has already been a public hearing.

Mr. Sanchez asked what options were available to avoid allowing duplexes. John stated the Commission could choose not to approve the zone change. John explained there were 2 steps before the zone change would take effect, the Planning Commission needed to approve the Findings, then there are 2 meetings held at the City Council level (neither of which are public hearings) with a 30 day appeal period before the ordinance went into effect. John stated prior to that, the City was at the good graces of the developer to submit a plat that addressed the issues discussed at the last meeting.

The Commission discussed what criteria could be used when considering a subdivision. It was explained that the impact to the surrounding neighborhood would not be addressed in the same manner as it was during the zone change or conditional use permit.

Clint explained that if the Blair Commons developer had chosen to, they could have (after zone change approval and prior to the recording of the plat) let the subdivision application expire, and come back to the City with a new application for duplexes, the applicant stated at the last meeting he had no intention of creating duplexes, and was willing to reduce the size of the 10,000 square foot lot to prevent development of a duplex there.

John stated that if the Commission wanted a safe guard they needed to make it, and since they were at the beginning of the 120 day rule time line, there would be no reason the Commission could not table the hearing until the applicant submitted the new plat for them to review. It was decided to table ZC01-01/CUP 01-01 until the April 18th meeting.

MLP 01-01 An application by Mr. Robert Reznicek to partition an existing 18,225 square foot lot into 2 lots with the existing single family home on Lot 1, and a new home to be built on Lot 2.

It was moved by Mr. Tessman to accept the Findings, Conclusions, and Final Order for MLP 01-01 as written. Seconded by Mr. Sanchez. Motion carried 3-0-2 with Mrs. Tallman and Mr. Thalhofer abstaining.

VI. MINUTES

None

VII. DIRECTOR'S REPORT

Items discussed:

- Senate Bill 929, John attended the Legislative hearing with a letter from Mayor Prince stating the Mayor's opposition to the bill. The bill would bring the property currently zoned agricultural inside of the Urban Growth Boundary. As soon as a zone change was done the property would be available for development. John stated it appeared the bill would be approved and sent to the Senate.
- The Fire Sprinkler Ordinance will be presented to the City Council at their next meeting.
- May 16th there will be a hearing in front of the City Council on the proposed new rates on System Development Charges. It was decided John would bring the proposal in front of the Planning Commission for an informal review.
- Matilda Deas gave an update on the Parks SDCs. No decisions have been made yet. The proposal is linking both residential and industrial property and the committee is trying to find a methodology that will work.

VIII. NEW BUSINESS

The Planning Commission continued their discussion regarding the Downtown Plan.

IX. ADJOURNMENT