

MINUTES

CANBY PLANNING COMMISSION

7:00 PM February 14, 2005
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners John Molamphy, Tony Helbling, Geoffrey Manley, Randy Tessman and Barry Lucas

STAFF: John Williams, Community Development and Planning Director, Darren Nichols, Associate Planner, Carla Ahl Planning Staff

OTHERS PRESENT: Tom Scott, Kim Parker, Jim Frisbee, Tim Gilmer, Shawn Jagers, Pat Harmon, Mark Thomas, Ric Fry

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

MLP 04-05 The applicant is seeking approval to partition one 7,080 square foot parcel from an existing 4.23-acre site at 1520 N. Holly Street, housing the Canby United Methodist Church. The Church would remain on the parent parcel along N. Holly Street creating one buildable lot at the southeast corner of the church site along N. Ivy.

Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he had visited the site but had drawn no conclusions. No questions were asked of the Commissioners.

Darren Nichols, Associate Planner presented the staff report. He explained that the size of the lot had changed slightly after the survey and was now just less than 8,000 square feet. This partition would create a lot on the southeast corner of the parent parcel, which is diagonally across the lot from the church.

Darren explained sidewalks would be required. The sidewalks to the south are curb tight and this seems an appropriate place to include a planter strip. Mr. Brown questioned what the sidewalk configuration across the street was. Darren stated they are curb tight, but to make this section curb tight would

require the removal of approximately 15 trees, or having the sidewalk swing around them.

Darren stated that all service providers had responded that service is available. The Public Works Supervisor requested to see sewer connection details as a means of minimizing excavation on N. Ivy St. The Church was asked about future development, their response was that this is a one lot, one time opportunity, so there will be minimal cuts into Ivy St.

Darren stated that staff concludes that the application meets all criteria for approval and recommends approval.

Mr. Brown clarified that Habitat for Humanity is not the owner and that a letter would be required prior to any land use decision. Darren stated there are letters from the Church stating their consent to this application.

APPLICANT:

Tom Scott 2018 N Vine St., member of the site selection committee for Habitat for Humanity stated that Canby is not an easy place to find affordable land. This has been a long process and they have finally come to an agreement with the Methodist Church to acquire this property. Mr. Scott stated that the size of the parcel had changed due to the shape of the existing land. There will be 65' feet of frontage with a driveway access onto Ivy St. and sidewalks as required.

Mr. Scott explained that Habitat for Humanity is a non-profit organization; they sell the homes on no interest loans. They remain involved with the families even after the home is sold making sure the homes are well maintained. The home will be a simple design but nice.

Mr. Molamphy questioned if there was a written agreement with the church or if it was just a verbal agreement. Mr. Scott stated the church had signed the land use application. Mr. Molamphy questioned if there would be a garage built. Mr. Scott stated that Kim Parker could better answer that question.

Kim Parker 421 SE 9th Ave, Executive Director for the North Willamette Valley Affiliate for Habitat for Humanity addressed the Commission. She explained that they serve the communities of Silverton, Woodburn, Mt. Angel, Gervais, Hubbard, Aurora, Canby and Molalla. They are completing their 20th home over 19 years in Gervais.

Ms. Parker explained they have been talking with the Methodist Church for over a year and have signed an agreement last December. They believe in partnerships with the family and with other organizations in the communities. Because of that they do not start to construct a home until there is a family

selected. The family participates in the design and construction of the home and must contribute 500 hours towards the construction of the home.

Ms. Parker explained that they do not normally build garages with the homes they construct because for the cost of a garage they can house a family in a country outside the United States. To address the issue of where do the kids put their bikes and where to keep the lawn mower they build a shed that is used during construction to store tools.

Mr. Manley questioned if the family could build a garage at a later time. Ms. Parker stated this family wants to build a garage and is designing the house to accommodate one at a later date.

PROPONENTS:

Jim Frisbee, Pastor of the Canby United Methodist Church addressed the Commission. He explained that the decision to work with Habitat for Humanity went through official channels of the Church's property regulations including an all church conference vote in August to approve this proposal. He explained that there was a further delay due to the Church working on the Master Plan for the entire site.

Pastor Frisbee stated the Church encourages the Commission to approve this application.

Tim Gilmer, Chair of the Leadership Team, which is a steering committee for Habitat for Humanity. He explained this is a Christian organization and operate by Christian principles, but they do not require either the families or the volunteers to be of a certain faith.

Mr. Gilmer stated there is a huge need for housing in this income bracket, which is between 25% and 50% of the median income in the area. He believes the home will sell between \$95,000 to \$100,000, but the appraisal should be around \$150,000. He explained that the family has to make the payments, which gives them a stake in the property and in the community.

Mr. Gilmer stated this is about more than building homes, when people cooperate it's a win/win situation for everyone involved. He stated he supports this application and hopes the Commission approves it.

OPPONENTS:

Sean Jagers 1526 N. Ivy St that is directly across the street from this access. He stated he was not really opposed to helping people but he has concerns regarding how this project would affect his property value. He was also concerned regarding the speed of traffic coming up Ivy and the safety of children.

He explained he has contacted the City regarding installing speed bumps in the area. He would like to see some improvements to the street to increase safety.

Mr. Tessman questioned if Mr. Jagger believed there was adequate policing on the street. Mr. Jagger believed there is adequate police but he does not see them policing the street and addressing the speeding issue. He believes they need to make more of an appearance to have any influence on the problem.

REBUTTAL:

Tom Scott expressed his opinion that further development of the area would actually slow traffic down. So he did not believe this development should require speed bumps be installed or any other traffic control mechanisms. He addressed the property value issue and stated he believes this home will fit in well with the mix of homes in that area.

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

Mr. Molamphy stated he has been involved with Habitat for Humanity in other areas and believes they do a good job. He believes this home would fit in with the existing neighborhood. He stated he had a concern regarding where the family will store things since this does not include a garage, but as long as there is a shed he doesn't have a problem with this application.

Mr. Manley believes this application meets all five criteria and approves of the application.

Mr. Tessman agrees that the application meets the criteria for approval. He stated the neighbors concerns regarding the traffic are true in many areas of Canby. He stated wherever there is a long straight of way, people will speed. But he does not believe it affects this application. He believes this is a great program and fills a need.

John Williams, Community Development and Planning Director addressed the speed issue. He stated the City is trying to figure out what to do, people slow down as long as there is a cop sitting there, but it doesn't slow them on the other 360 days. He explained that speed bumps are a problem because the Fire Department doesn't like them due to their truck having to slow down to go over them and Emergency Service vehicles having to go over them with someone in the back. The City will be looking at the long stretches of streets and if Mr. Jagger is interested the City will be looking for volunteers to help figure out what to do.

Mr. Lucas stated he lives on Knights Bridge Rd and knows about speeding cars. He stated he thinks this is a good project and it meets the criteria for approval and is in favor of the application.

Mr. Helbling stated it is a good project and he supports it.

Mr. Brown stated he has been involved with the location process and was surprised at how difficult it is to find lots in Canby. He hopes there is a benefactor in Canby who will assist in locating the next place.

Mr. Brown stated that speeding is an on going problem, but did not believe that one dwelling would affect the problem. He also believed the application met the criteria.

It was moved by Mr. Manley to approve MLP 04-05 as written. Seconded by Mr. Molamphy. Motion carried 6-0 with Mr. Ewert absent.

MLP 04-06 the applicant is seeking approval to partition one 24,040 square foot parcel located on the south side of SW 1st Ave, west of S. Grant St., into three separate tax lots of 8,794 SF, 7,018 SF and 8,228 SF. One existing house would remain on the front lot, creating two buildable lots to the rear of the parent parcel.

Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, none were expressed. No questions were asked of the Commissioners.

Darren presented the staff report, he explained that this is a residential development on the south side of Hwy 99E behind the El Chilito restaurant and is zoned C2 for Highway Commercial.

Darren explained that this partition would place each existing 4-plex on its own lot and create one lot to develop. The newly created vacant lot could be developed as residential or commercially. He stated that any development would be subject to site and design review.

Darren stated that no sidewalk is proposed with this application, the driveway has been in use for over 40 years and there is very little foot traffic associated with this development. The applicant has stated that if and when vacant parcel or the existing 4-plexes were redeveloped it would be appropriate for the Commission to look at pedestrian needs at that time through the site and design review process. Staff supports that view also.

Darren believes this partition would have very little impact on the surrounding development; future development should be assessed at that time.

Darren stated that public service providers had no major concerns; Canby Water did have a question regarding meter size and how to service the development. Darren believed those concerns had been worked out by the applicant and surrounding property owners. He stated that the applicant had done a good job of working out shared easements/access and maintenance agreements had been clearly laid out.

Darren stated that staff's conclusion was that the application met the necessary criteria for approval.

APPLICANT:

Pat Harmon 735 NE 30th PI stated this is an unusual neighborhood. He explained that for the area to develop commercially someone would have to purchase whole thing and he doesn't see that happening anytime in the near future.

Mr. Harmon stated he has owned this for 4 or 5 years and has done some substantial clean up of the area. Taking off this last piece would preclude anymore development there. He explained that by dividing the 4-plexes into individual lots he could get residential financing, if they were 8-plexes it would require commercial financing.

Mr. Harmon explained he has been working with CUB regarding improvements along Hwy 99. By giving CUB an easement they were able to run their line without removing several large Sequoia trees.

Mr. Harmon explained there could be many options for developing the vacant lot. He stated that any development that went on the lot would be limited in size and did not see it having a negative impact upon the surrounding uses, or that it would have a great impact on traffic flow.

PROPONENTS: None

OPPONENTS: None

Darren stated that letters had been received from Les Schwab, Butch Neff stating their support of Pat Harmon and this application.

Mr. Brown stated he did not understand the value of this application to the applicant but did not see a harm to the City. He believed it was an odd lot and would be hard for someone to build a commercial space back in there.

Darren stated that this would facilitate someone buying this piece and develop something separate from the residential uses. Mr. Brown agreed that

the best thing for the area would be that someone purchases the entire area and create something. Mr. Harmon stated he believed the restaurant could be taken down and incorporated with this parcel then develop them together. Mr. Brown stated that if the parcel were divided among several owners it would become more difficult to coordinate development.

It was moved by Mr. Helbling to approve MLP 04-06 as written. Seconded by Mr. Lucas. Motion carried 6-0 with Mr. Ewert absent.

V. FINDINGS

ANN 04-07 McMartin Farms

It was moved by Mr. Molamphy to approve ANN 04-07 as written. Seconded by Mr. Tessman. Motion carried 5-1-1 with Mr. Ewert absent and Mr. Manley voting nay.

VI. MINUTES

January 24, 2005 it was moved by Mr. Manley to approve as written. Seconded by Mr. Helbling. Motion carried 6-0 with Mr. Ewert absent.

July 26, 2004 it was moved by Mr. Manley to approve as written. Seconded by Mr. Molamphy. Motion carried 5-0-1-1 with Mr. Ewert absent and Mr. Lucas abstaining.

VII. DIRECTOR-S REPORT

John stated that the City Council and the Urban Renewal Agency will be holding a meeting March 23rd to receive input from Community Groups or individuals regarding the Ardnt Rd project.

John explained that the Planning Commission had provided input already but they haven't had an opportunity to see the revised financial data from Urban Renewal. The project costs haven't been changed yet but the financial ability of the Agency has been refined and the System Development Charges. The Commission stated they would like information included in the packet.

John stated the NE Canby plan is moving forward; there will be a meeting February 24th at the Four Square for members of the Task Force and another public meeting in March.

Darren will be holding a master planning meeting for the N Redwood area on February 24th also. He stated the topics for discussion are Willow Creek, opportunities for open space and development around the wet lands.

Darren stated 50 to 60 people attended the last meeting and the group worked on street lay outs and access points. Darren stated some of the components that the Planning Commission had presented had been well received.

Darren stated that the March meeting will be discussing residential design standards, subdivision design standards to decide what these neighborhoods should and should not look like.

John stated that the Northwood's application has come back to the City from the Court of Appeals through LUBA, through the City Council to the Planning Commission. John explained that the Court of Appeals determined that the case law the applicant was relying on was overturned, but they did say that there is another category that the City could approve the application under if they chose to.

John explained it is the same application with revised Findings. Mr. Brown asked if the applicant had waived the 120 day rule. John stated that when an application is remanded back to the City, there is no 120 day rule.

Mr. Helbling and Mr. Lucas requested information on the original application. John stated it is not clear if there will be new public testimony or if it will be new Commission deliberations. Mr. Brown questioned how the Commission could not take new testimony. John explained that it is the same application it's just changing the Findings. John stated he would come back to the Commission with the City Attorney to discuss this issue.

John stated there will be 2 public hearings at the next meeting, the School District Middle School and an eight lot subdivision in the Pioneer Industrial Park.

Mr. Brown stated he had an enforcement issue with SMS Auto Fabrics. They still do not have their landscaping installed and have huge containers sitting in their yard. John explained that Matilda had been working with the owners on their landscaping issue and believes they have bonded for the improvements until spring and they won't get their final until everything is complete.

VIII. ADJOURNMENT