

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – April 9, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, Jared Taylor and Rick Gamble

ABSENT: Jim Brown, Bruce Holte

STAFF: John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; Carla Ahl, Planning Technician and Jill Thorn, Planning Staff

OTHERS PRESENT: Brett Kacalek, A. James, Jane Roskott, Art Roskott, Merja Loukka, Brian Olson, Ken Perinchief, Joan Perinchief, Cindy Harker, Marlin Harker, Pete Kelley, Lawrence Gilchrist and Rusty Klem

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MLP 07-02 1303 Maple Street – A minor land partition to divide Tax Lot 400 of Map 31E33AB into two new tax lots.

Vice Chair Ewert 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, none was stated. No questions were asked of the Commissioners.

Carla Ahl presented the staff report. The applicant is seeking approval to partition one 16,552.8 square foot parcel zoned R-1, into two separate parcels. The eastern lot would become a 9552.8 lot and contain the existing home. The proposed western parcel would become a 7,000 square foot flag lot. The applicant is proposing access to Parcel 2 by means of a 12' access drive off of N Maple St. on the south side of the property. An existing driveway approach will remain in place for Parcel 1. The applicant has proposed removing part of the existing overhang and shed to meet required backyard setbacks. Removal would be required prior to recording of the final plat. The applicant's plan is to retain the two existing birch trees if possible.

Commissioner Taylor asked why the sidewalk was being required when there were not sidewalks on that side of the street.

Ms Ahl responded that it was a condition based on the City's standards and that sidewalks will be put in as funds are available.

Commissioner Taylor asked about the overhang.

Ms Ahl said that it was a condition of approval in order for the applicant to meet the access requirements.

Applicant: Brett Kacalek, 1303 N Maple Street, said that he had spoken with Todd Gary of the Canby Fire District in regard to the overhang. Mr. Kacalek said that Mr. Todd was fine with the overhang and the conditions.

Commissioner Molamphy asked if the heat pump was in the 12 foot right of way.

Mr. Kacalek said that it was not.

Commissioner Molamphy asked about the existing concrete driveway in relation to the rest of the driveway that would have to be completed.

Mr. Kacalek responded that when the new driveway would be put in, the existing would be removed. It is not his intention to develop the new lot at this time.

Proponents: None

Opponents: None

Rebuttal: None

Vice Chair Ewert closed the public hearing.

Commissioner Taylor said he had had a major concern about the overhang, but was satisfied.

Commissioner Milne felt the application was straight forward and felt the requirement for the new structure to be sprinkled met the criteria.

Commissioner Molamphy felt the access was fairly narrow, but that it met the criteria.

Commissioner Gamble inquired what the zoning would be after the partition.

Ms Ahl responded it would remain R1.

Vice Chair Ewert felt the application met the criteria.

It was moved by Commissioner Milne to approve MLP 07-02 as presented. It was seconded by Commissioner Taylor. Motion carried 5-0.

III. OLD BUSINESS

Discussion on the future of the North Fairgrounds Neighborhood - Kevin Cook gave an update on the project. The area is currently zoned R-1 but the Comprehensive Plan designates the area as R-1.5. Last year planning staff had several meetings with the neighborhood to discuss changing the Comprehensive Plan to R-1, which would prevent future up-zoning on properties in the neighborhood. A survey was sent to all property owners in the area asking their preference. 83% of the surveys returned preferred to keep the R-1 zoning and 17% preferred to change to R1.5 zoning.

Mr. Cook explained that if the Comprehensive Plan was changed for the area to be R-1 zoning, the City would have to find another area or areas to increase the zoning to meet the overall density requirements for the City.

Commissioner Milne asked what the creation of a PUD overlay zone would mean.

Mr. Cook said that it would be enacted through an ordinance by the City Council similar to what had happened to the Industrial Overlay Zone.

Commissioner Taylor asked if there were any ideas on finding the other property to up zone.

Mr. Cook indicated it could come from annexed property and that Village on the Lochs might be interested in up-zoning a piece of their property, but this was not enough property to compensate for the down zoning in the Fairgrounds neighborhood.

Vice Chair Ewert asked what the benefit of a PUD would be for the neighborhood.

Mr. Cook said it would allow the R-1.5 density close to the downtown core of Canby as originally intended in the Comprehensive Plan while at the same time creating specific design standards and acreage requirements for development – in this way denser development could proceed in a more orderly, predictable fashion rather than piecemeal.

Commissioner Ewert asked about doing a master plan for the area.

Mr. Williams said that would be a design of the area and provide certainty for the neighborhood.

Rusty Klem of 949 NE Oak Circle said that a PUD would allow a developer to arrange clusters of homes with open space. He felt that the time to do something might be when the Fair Board decided what it was going to do with its property. He was in favor of lower density, but felt a PUD could work.

Marlin Harker of 573 NE 10th Avenue stated he had purchased his property in 1998 and would like to keep it at the R-1 zoning.

Mr. Williams asked how Mr. Harker felt about a PUD zone.

Mr. Harker said he liked the idea of open space.

Brian Olson of 549 NE 10th Avenue said he was in favor of the R1 zone and liked the feel of the neighborhood.

Commissioner Taylor asked where the replacement zoning could be found.

Mr. Olson said he was concerned about the Comprehensive Plan referring to the neighborhood as being close to the downtown area and did not want hodge-podge development.

Ken Perinchief of 583 NE 10th Avenue stated he had bought the property at 563 NE 10th Avenue and it was a one acre parcel. He had petitioned the City to split the property into 3 lots. The neighborhood had 50 years of being single family homes of one level. R-1.5 would allow up to triplexes in the neighborhood.

John Williams said that under a Conditional Use, 4-plex units could be allowed.

Pete Kelley of 840 NE 10th Avenue stated he was representing his client, Village on the Lochs who would prefer to see the Neighborhood down-zoned from R-1 to R-1.5, thus allowing some of the density trade to occur on his client's property.

Mr. Kelley also stated he had concerns about the lots of the fairgrounds. He had spoken to a staff person at the fair office who indicated their plans were to make the lots into additional parking. He also wondered if there was a potential of Measure 37 claims against the City.

Commissioner Taylor asked how large the Village on the Lochs property was that could be re-zoned.

Mr. Kelley said it was 1.5 acres and the City would have to find about 8.5 additional acres.

Mr. Kelley said he and Kevin Cook have met with Stacy Humphrey of DLCD and she was open to such changes.

Commissioner Gamble asked why Village on the Lochs was being discussed.

Mr. Cook said that if the City carried the application for the zone change it would have to find other areas to up zone.

Mr. Williams said the state did not allow taking density away; but would always allow more density.

Commissioner Taylor asked if we needed space for 150 units.

Mr. Cook said yes and the minimum lot size would have to be 5000 square feet.

Commissioner Milne asked why a PUD overlay zone would work.

Mr. Williams indicated there were a lot of different directions it could take and Measure 37 claims would have to demonstrate a loss of value, but he felt the overlay zone would actually increase the value of the property.

Commissioner Molamphy stated the livability of the neighborhood was a priority.

Cindy Harker of 573 NE 10th Avenue voiced concerns about the impact on the streets. She felt the PUD sounded nice if it were for single family homes and wanted to keep the R1 zone. She was concerned about tearing down homes.

Brian Olson of 549 NE 10th Avenue said that the Fair Board properties are a wild card and it was only one week a year that was overwhelming to the neighborhood.

Rusty Klem of 949 NE Oak Circle said that as soon as you put in a PUD overlay zone, the area become a revenue generator for developers and it would change the character of the neighborhood.

Commissioner Milne stated she was not sure why the property had been designated R-1.5 in the Comp. Plan but that it was probably because it was close to the fairgrounds. She felt density was important and mandated by the state, however maintaining the integrity of the

neighborhood was also important. The majority of the property owners wanted R1 zoning. She felt it was inappropriate to piecemeal multi family in the neighborhood.

Pete Kelley of 840 NE 10th Avenue felt that since the majority of the property owners wanted the R1 zone it was appropriate for the City to initiate the zone change.

Marlin Harker of 573 NE 10th Avenue felt that allowing duplex and triplex units would cause more of the area to be paved.

John Williams said that an overlay zone process would look at the type of housing, transportation, setbacks and design issues.

Vice Chair Ewert asked that in looking for an overlay zone, that nothing larger than a duplex be allowed and that open space would be nice if it was maintained.

Commissioner Taylor suggested that the area be zoned R-1.5 but that there be a requirement for such projects are on a block by block basis and not single lots.

Commissioner Milne stated that if there is an overlay zone there should be a mandate for detached single family homes. Commissioner Milne stated that her preference is really for retaining the R-1 zone however.

Commissioner Gamble said he agreed with Commissioner Milne regarding keeping detached homes but he prefers the overlay zone.

Commissioner Molamphy stated that the character of the neighborhood is important.

Vice Chair Ewert indicated that staff should develop a plan that involved the neighborhood. The plan should include open space and maintain the integrity of the neighborhood.

IV. FINDINGS

ZC 07-02 – 1295 NE Territorial Road - Commissioner Milne moved to approve the findings for ZC 07-02 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

MLP 06-16/VAR 07-01- Willamette Valley Country Club - Commissioner Taylor moved to approve the findings for MLP 06-16/VAR 07-01 as modified in include additional conclusions for the variance. Motion seconded by Commissioner Gamble and passed 5-0.

V. MINUTES

March 26, 2007 - Commissioner Milne moved to approve minutes of March 26, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

VI. DIRECTOR'S REPORT

John Williams reported that on the April 23, 2007 Planning Commission Agenda there would be a minor land partition at 655 NW Territorial Road and a new business item for the Commission to determine is school bus storage was an allowable use in the Light Industrial Zone.

Kevin Cook reported that the Commission would soon see applications for Canby High School addition; Countryside Living addition; KFC/AW project; a 3 lot partition for Kimco, and several other developments that are in the process of making application to the City.

VII. ADJOURNMENT