

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, September 10, 2018
City Council Chambers – 222 NE 2nd Avenue

- PRESENT:** Commissioners John Savory, Derrick Mottern, Tyler Hall and Shawn Varwig, and Andrey Chernishov
- ABSENT:** Commissioners Larry Boatright, and John Serlet
- STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary
- OTHERS:** Bill Hill, Dennis Richey, Nick & Jamie Netter, Clint Coleman, Teresa & Scott Sasse, Regina & Robert Taylor, Bob Cambra, Micki Paul, Janet & Scott Sanders, Jackie Jones, Clyde & JoAnn Trapp, Jerry Slater, Mark Grenz, Kim & Betsy Redifer, Keri & Gary Morris, Craig & Barb Carpenter, Rich & Romana Monday, Pat Sisul, Frank & Kathe Cutsforth, Deanna Ball Karb, Richard Montecucco, Phi Nguyen, Roger Steinke, Jason Montecucco, Susan Myers, and Kelsey Cordill.

CALL TO ORDER

Chair Savory called the meeting to order at 7 p.m.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES – a. Approval of Planning Commission Minutes for August 13, 2018 and August 27, 2018 Motion made by Commissioner Mottern to approve the August 13, 2018 minutes, seconded by Commissioner Cherishnov. Motion passed 5/0.
Motion made by Commissioner Hall to approve the August 27, 2018 minutes, seconded by Commissioner Cherishnov. Motion passed 5/0.

NEW BUSINESS – None

PUBLIC HEARING

- a. Consider a request from Butch Busse for a Zone Map Amendment of 2.59 acres located at 1300 S Ivy Street for a zone change from (R-1) Low Density Residential to C-R Residential/Commercial. **(ZC 18-04).**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare.

Bryan Brown, Planning Director, entered his staff report into the record. He also noted that in the last minute rush in preparing for the meeting that some of the PowerPoint was accidentally erased. Mr Brown said this is officially by the code called a map amendment but it is a zone change and the property is shown on the map outlined in red. The property is located at the southeast corner of SE 13th Ave and S Ivy St on the west side and is 2.59 acres. The yellow is indicative of what the surrounding zone is to the north and to the east to the Dinsmore Estates Subdivision and to the south we have existing large lot residential that's R-1.5 in the darker yellow and then we have the R-1.5 represented here in the entire Hope Village campus that is to the west of the property.

The proposed zoning is to the C-R Zone and I was going to show you our comprehensive plan map that just shows this particular property on the map as a land use designation not a zoning district, That's how

the plan works and does have that indicated as CR and that was a result of an ordinance that was passed in 2003. Ordinance #1120 that created a special area of concern in the text of our comprehensive plan and discussed this special area they labeled “K” which was specifically just this property and in that discussion they talked about the suitability of a mixture of residential and commercial uses on this property in the future and talked about not only the C-R zoning but there was mention of the CC – Commercial Zone district because there was also discussion at the time about whether a convenience type store at this corner would be an appropriate use or not. The conclusion was to designate the property C-R which provided for both residential and commercial uses and indicated that it was the appropriate land use designation for the property in the future and then the last sentence of the text amendment said however we’re keeping the zoning R-1 rather than changing it to C-R at this time with the ordinance that was passed.

Unfortunately, somewhere along the line the zoning map actually got changed and show the C-R zoning for many of the past years. So we have corrected that zoning map and that’s what you’re looking at now as a corrected 2018 version that actually shows the R-1 zoning. The Comprehensive Plan Amendment left it at R-1 zoning with the opportunity for the property owner at the time to seek out a future zoning at the point in time when he felt like he had a better idea of how he wanted to develop the property in the future. We have someone today that has made that application to follow the Comprehensive Plan and try to rezone this property to the C-R zoning. As you know because of the second item on our agenda is for a proposed development that would they’re calling the Canby Townhomes project. So their intent right now is obvious that they are intending residential development not potential future commercial development that would also be allowed in the C-R zoning if approved for this property.

So I think I covered those two things. Mr. Brown read the text of the comprehensive plan for the Special K area of concern: *The Special K area of concern is approximately 2.5 acres in size and is currently inside the city limits with a zoning of R-1. The parcel is located on the southeast corner of South East 13 Avenue and South Ivy Street and is currently being operated as a commercial nursery grandfathered in use from before it was annexed. Because of its proximity to Hope Village, schools, and residential neighborhoods this parcel was identified as a good area for some sort of convenience or residential commercial use because of the different allowed uses in each zone. It is difficult to determine which designation would be most appropriate. Many meeting participants felt that a convenience store allowed outright in the CC commercial zone but not at all in the residential commercial zone. The C-R that we’re considering tonight is equally as compatible with surrounding uses as a placeholder designation of residential R-C has been placed on the parcel because it offers the property owner more options at this time but the city may wish to consider a text amendment to change the allowed or conditional uses in either of those above two zones to provide for a well-designed convenience store at this location. A zone change would be required from R-1 upon re-development of the property.*

So staff has interpreted this statement within our comprehensive plan. We wish it was a little more definitive but we are totally satisfied that the intent was to designate a placeholder of the R-C land use designation for this property. The Comprehensive Plan Map in 2003 was changed to show that R-C designation which becomes C-R when it becomes zoning. In the records in 2003 when this text amendment occurred the text amendment itself was of the City’s periodic review process. That’s something that all cities used to go through approximately every 10 years as required by the Department of Land Conservation and Development to align all cities’ comprehensive plans with the stated land use goals. In that process they were identifying several properties in Canby that could be up-zoned or increased intensity of use and/or to provide some opportunities for possible mixed use. That was identified as a need for the community to expand from the low density residential zoning district which was predominant in the community at that time and to identify willing property owners that would accept a future designation on their properties where it would be deemed suitable as a community as a whole to provide different kinds of housing types and areas that would be suitable for neighborhood commercial type uses because that’s what the definition of this C-R zoning is.

A couple of those made it through the Planning Commission but before the Council meeting either the property owners decided they were no longer interested and they dropped it out of the proposed text

amendment that was being made to the Comprehensive Plan. This particular property's request for C-R zoning stayed in the plan and was adopted and the ordinance was adopted and the map was changed. Mr. Brown said he thought it would be helpful to know the background of how some of these re-zoning in the comp plan come about. And that we had to be careful and not try to impose the will upon unwilling property owners. The property owner in this particular time was agreeable to that designation for this property and it did have a value in that planning process to meet state land use goals to find additional housing that was different to provide for the full economic range within the community where they felt like we had a lack. Even today I think with the land needs study that we've been doing in-house, we still have more low-density residential zoning than we have medium density which is in fairly short supply. We have quite a bit of high density R-2 zoning but unfortunately it's all currently developed with single family homes. If you'll recall...

Applicants: Butch Busse

Proponents: None

Opponents:

Dennis Richey 315 SW 13th Pl

Janet Sanders, 1375 S Larch St,

Bob Cambra, 1338 N Maple St,

Regina Taylor. 173 SW 6th Ave

Rebuttal:

Rolland , Clackamas

Butch Busse

Commissioner Varwig, asked how did he came to the conclusion

Rolland learned it from owner/developer

Cherishnov asked about hard numbers

Scott Sanders,

Mr. Brown,

Public hearing closed.

Commissioner Deliberation:

Cherishnov asked

Mr. Brown,

Placeholder, stumps staff

I wouldn't have used the word placeholder

Commissioner Mottern, what is the appropriate use for the neighborhood

Mr. Brown said there has to be a text amendment,

Commissioner Varwig

Chair Savory

Commissioner Varwig made a motion to recommend denial of ZC 18-02 application, Commissioner Hall seconded. Motion passed 4/1