

CANBY PLANNING COMMISSION
7:00 PM – Monday, February 12, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Derrick Mottern, Tyler Hall, Shawn Varwig, and Andrey Cherishnov

ABSENT: None

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Tucker Mayberry, Mark Newman, Ed Netter, Susan Gallagher, Alan Gallagher, Julie Ruston, Bob Price, Duane McMartin, Craig Gingerich, David Peter, Roger Steinke, and Cindy Bennett

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None

3. MINUTES – None

4. NEW BUSINESS – None

5. PUBLIC HEARING

- a. Consider a request for an Annexation and Zone Change for two properties within the SW Canby Development Concept Plan Area (**ANN 17-01/ZC 17-04 Mayberry Group**).

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There were none.

Staff Report: Bryan Brown, Planning Director, said this was a request for annexation in the same area as a recent application. In the previous application a Development Concept Plan had been approved and it also included this area. He explained the location of this application. The City had recently received a survey and legal description of the area and it showed 31 acres to be annexed. A portion of the S Ivy right-of-way would be included in the annexation. Half of the upper parcel would be zoned R-2 and half would be zoned R-1.5. The lower parcel would be zoned as R-1. This would bring the area to the bluff into the City limits and the area below the bluff would retain County zoning. The proposed zoning was in line with the Comprehensive Plan designations. He explained the changes that had been made to the Development Concept Plan through the previous annexation application including realignment of a road and labeling a potential future trail connection. The Council also added a statement that the property owners were not bound to the lot size and lot lines as proposed. The applicant had also proposed a change in a street alignment to better serve some properties they were proposing to be common wall single family homes. Along with the approval of the Concept Plan there was approval of the sanitary sewer line master plan for the area which applied equally to the proposed annexation they were looking at tonight. All of the property for this application would need to be gravity fed down to the pump station that would be built on the southeast corner of the property. The pump station would be built by the City and it would take about two years to construct. The applicant had asked that the timeline be expedited as much as possible, and staff was looking into that. The water line

master plan was also approved and he showed where the lines would be located. The proposed roundabout was also approved, and right-of-way would be reserved for that purpose. The roundabout would not be able to be constructed until the east side of Ivy Street was annexed and developed. It also needed to be added to the Transportation System Plan. Ivy Street was still in the County's jurisdiction, but he hoped the money collected could be put in a fund to contribute to the roundabout rather than making improvements to the street now. He discussed the benefits of placing a roundabout in this location. An extensive traffic study had been done associated with the Development Concept Plan. The study recommended the roundabout and recognized the level of service for the left turn from Fir Street onto SE 13th would be reduced from Level A to Level C or D. It was still an acceptable level and no mitigation was required. Public comment had been received regarding this application. There was input from the City Engineer as well as input from five property owners with some significant concerns. As far as the review criteria, the most important was if they needed more land to be annexed. A study had been done by Stafford Land Development for the previous annexation application which showed the City had a deficiency in the three year buildable land supply even if all of the current subdivisions in process were platted. The application met the need criteria, especially when there were no R-1.5 lots available, only one R-2 lot available, and 30 R-1 lots available. The population study provided by the applicant clearly indicated that Canby would continue to grow and a variety of housing types was needed including senior housing. Staff recommended the Planning Commission recommend approval of the annexation to the City Council and that the zoning would be designated as it was indicated in the Development Concept Plan.

There was discussion regarding mitigation for the additional traffic.

Applicant: Tucker Mayberry, applicant, said most of the work had been done through the Development Concept Plan process. The changes that were recommended to be made to the Plan made it better for the neighbors. Minor tweaks and changes could still be done to better accommodate neighborhood concerns.

Proponents: Ed Netter, Canby resident, said as a property owner of two properties in this area, he was confident that his needs would be met, especially through the access road for his future development. He thought the applicant should have the opportunity to annex into the City and develop the property. He was concerned about the S Fir and SE 13th intersection and the increase in traffic with these developments and construction traffic. He thought the extra traffic would cause back-ups and delays at the intersection during peak hours. The Council had directed the Traffic Safety Commission to look into a four way stop at that intersection. He referred to Exhibit 3, the street arrangement dated 2/2/18, and stated he had talked with the Steinke family who were concerned about the new proposed road that would almost be going through their house. That roadway was put in at the last minute without taking the Steinke family into consideration. He was in favor of this application.

Craig Gingrich, Hope Village Executive Director, said Hope Village had a long waiting list. As infrastructure continued to move south, they wanted to be a part of it. They had a vested

interest and were in support of the plan. He had not heard any complaints from Hope Village residents about not getting notice of these public hearings.

Opponents: Susan Gallagher, Canby resident, grew up on property in this Concept Plan and when she moved back in 1991 there was an issue with trespassers, vandalism, garbage, drugs, knives, needles, camping, drunkenness, and wild parties. She was also concerned about the traffic. The state had recently increased the speed of the street near Hope Village from 40 mph to 50 mph. There were many people who used that access and five telephone poles had been lost as people had hit them. It was a dangerous area, and to increase the traffic would make it more dangerous. The roundabout would not be built in the near future, if it would be built at all due to the expense. The sewer pumping station was a concern. At the Council meeting it was explained this would be a redundant system, but she still had concerns that if it did not work there would be sewage in the river. She had installed a gate to prevent people from going on her property and she had not heard if the pumping station would require the gate to be removed because it was in the wrong spot. The green space and parks were an issue as she felt she was a default county park because people parked at the bridge and went down on her property to get to the river. The City Attorney had made the comment that she needed to contact the police when that happened, but on any given weekend in the summer there were probably about 15-20 cars there all weekend. She had called the sheriff in the past, but she could not call 15-20 times on the weekend. Once they had over 200 houses developed in this area, there would be more people looking for greenspaces. It was not safe to ask people not to trespass on the property and it was unrealistic to expect the County sheriff to police it. She would like a substantial fence put in to block her property so people would not trespass to get to the river or dump their garbage down the hill.

David Peter, Canby resident, affirmed what Ms. Gallagher had said as he was her neighbor and lived directly adjacent to the Molalla River. He had lived on this property since 2010. He was concerned about the parks and the City being able to maintain them. Most of his property was dedicated as a wildlife conservation and management property by Oregon Department of Fish and Wildlife. He had worked to restore the property and to build a riparian forest next to the river to reduce erosion and improve the ecosystem. He was also working on creating an oak savannah on the property. It was a unique property that he had no intention to sell. It also had potential for a number of animals and bird species. Those could be threatened by people and trespassers could damage the work he had done. He was also concerned about the sewage system and possible overflow into the river. He thought the potential for the back-up systems to fail needed to be addressed as well as whether a car crash could take out the station. The traffic issue was a real problem, and he had lost power due to people hitting the poles. People lined up along the road making it hard to get out of his driveway. It was not safe for children to ride their bikes on these roads. He thought the proposed density took away from the livability of the area and risked polluting the environment.

Commissioner Cherishnov explained how pump stations were designed and how most of it was underground.

Roger Steinke, Canby resident, had attended the City Council meeting where the previous annexation application was discussed. At that meeting the Council had discussed property owner rights for properties within this development area. He was part of the annexation, but was not in any contract for development at this time. He was concerned about his options and property rights if he wanted to sell his property in the future. He thought to maximize the development on his property, 15th Street most likely would not be on his property. The way 15th was currently drawn on his property would affect the way his property could be developed.

Mr. Brown clarified this was a concept plan and the streets could be altered when a subdivision application came in. The Council had approved the Concept Plan specifying that the lot sizes and property lines were not permanent and changes were possible.

Julie Rushton, Canby resident, lived in Hope Village. She said no one she had talked with in Hope Village had been notified about these public hearings. She had asked many times to be included in the notifications and she had gone to the Planning Department twice asking for information. She did not think Hope Village residents had been included in the process.

Rebuttal: Mr. Mayberry said he liked parks and he would be working with staff to find ways the park land that was dedicated would be developed. He also thought they could design the trail in such a way it would discourage people from trespassing on neighbors' properties.

Chair Savory encouraged Mr. Mayberry to get together with Ms. Gallagher and Mr. Peter to find ways to mitigate the impact of the development.

Mr. Gingrich clarified there had been a general discussion about acquiring property because of the development around them, but no official noticing had been given to Hope Village residents. He asked if that was a requirement. Chair Savory did not think that was required.

Chair Savory closed the public hearing.

Discussion: Commissioner Boatright said this was an annexation application, not a development application. He encouraged those who had concerns to talk to the developer of the project. The Council would make the final decision on the annexation.

Commissioner Varwig stated this was just a concept plan and it did not tell people who they could sell their property to or how to develop it. Mr. Brown said that was correct, as long as the property could still be served by water and sewer and had street circulation.

Commissioner Savory said he had brought up the intersection of 13th and Fir to the Traffic Safety Commission and he thought action would be taken.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Hall to approve ANN 17-01/ZC 17-04 with the zoning recommended by staff. Motion passed 7/0.

6. FINAL DECISIONS

(Note: These are final, written versions of previous oral decisions. No public testimony.)

a. ANN 17-01/ZC 17-04 Mayberry Group

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final decisions for ANN 17-01/ZC 17-04 (Mayberry Group). The motion passed 7/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

The next Planning Commission meeting scheduled for February 26, 2018 would be cancelled.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Boatright to adjourn the meeting. The motion passed 7/0. Meeting adjourned at 10:06 pm