

Canby Planning Commission
Regular Meeting
March 9, 1987

MEMBERS PRESENT: Chairman Kahut, Commissioners McKibbin, Seale, Lindsay, Harmon, and Nicholson

MEMBER ABSENT: Commissioner Schrader

OTHERS PRESENT: City Administrator Stephan Lashbrook, Secretary Virginia Shirley, Councilman Terry Prince, and Doug Sprague

Chairman Kahut opened the meeting at 7:30 p.m.

Commissioner Nicholson corrected the minutes as follows: Page 3, paragraph 4, last line should read ". . . not been met to his satisfaction." On page 4, last paragraph Mr. McVicker's first name should be spelled "Sean." Commissioner Nicholson further stated that to his knowledge Mr. McVicker was not a fireman - only had knowledge of fireman. On page 5, condition No. 7 to be deleted, as it applies to phase two of the subdivision. Commissioner Seale moved to approve the minutes of the last meeting as corrected by Commissioner Nicholson, requesting more attention to detail in the future. The motion was seconded by Commissioner McKibbin and passed unanimously with the Chairman voting.

There being no correspondence, the Chairman ask Mr. Lashbrook for the staff report on Item #1.

Item #1: Request to annex property located in the northwest quadrant of N.E. 22nd Avenue and N. Maple Street. This property contains approximately 1.01 acres. The annexation request is by Arthur Olsen.

City Administrator Lashbrook read the staff report citing many passages from the Comprehensive Plan. At this time, Commissioner Nicholson stated that the map did not give the lot dimensions, north arrows, or other things that are required for other applications. Commissioner Nicholson asked why they did not appear. Chairman Kahut stated that because the urban growth boundary goes down 22nd, then goes down Maple Street and only allows annexation of 150 feet to the west of Maple Street. This is why they cannot annex the entire parcel. City Administrator stated that the purpose for the map was to help people locate the property and this seemed sufficient to serve the purpose. He noted that the urban growth boundary only allows for annexation of a strip 150 feet in width on the west side of N. Maple north of NE 22nd Avenue. Commissioner Nicholson stated that he hadn't found any letter from the applicant addressing the criteria. Mr. Lashbrook stated that he had telephoned the applicant and questioned him. He added that the small size and scope of the development reduce the scope of the review required. The Commission was told that if they don't feel they have enough information, they can tell the applicants that and have them bring back what they want at the next meeting. This is a very small request and many details don't pertain in such a case. Chairman Kahut asked if the applicant had anything to add to the report. Mr. Eldon Edwards, representing Arthur Olsen, stated that the material had been

well covered, but would like to stress that, according to the City's Comprehensive Plan, the parcel under consideration is in priority "A" of land to be annexed to the City. The only economic impact that is likely to result from this annexation is the addition of four good sized lots. All the public facilities are available. If the Commission wanted more information, he offered to provide it upon request. Mr. Lashbrook stated that once this property is annexed, assuming that happens, the developers will be back before the Commission with some sort of quasi-judicial application. Commissioner Harmon asked if they would be completing the other "half" of N. Maple. Mr. Lashbrook stated that street improvement would be a condition of approving a subsequent application such as a subdivision or partition.

Chairman Kahut asked for a consensus of the Commission as to whether the findings have been met.

Commissioner Nicholson asked about requirement No. 5. He asked why we are dealing with just a single small parcel rather than annexing other nearby properties at the same time. Mr. Lashbrook stated that in the time he has been associated with the City, it has never actively sought annexations. They have never tried to group properties together to annex. Chairman Kahut noted that we are one of the few cities in Oregon that charges an annexation fee. Commissioner Nicholson stated that under the public facilities and services it lists sewer, water, telephone and TV, but that electricity was not included. Mr. Lashbrook stated that it should have been included.

Chairman Kahut stated that at this time they should address the eight standards to be met. Mr. Kahut stated the Commission would go through the eight items under Standards and Criteria for annexations and then make a motion. The staff will be requested to include these within the minutes and motion. Chairman Kahut read No. 1. and noted that this land is located in Priority "A" for annexation. Commissioner Nicholson stated that the land doesn't have any soil problems, it is not listed as a historic site, it is adjacent to the current city limits, and all these things are favorable to annexation. Commissioner Harmon read from the Comprehensive Plan under "Areas of Special Concern," Area "F." Commissioner Nicholson stated that it expressed some of it, but the Comprehensive Plan contains more applicable text than what's been read.

Chairman Kahut stated that information that would address criteria. No. 3 has been addressed by the City Staff. Utilities are available and we have no problem with them. Chairman Kahut asked how to comply with No. 4. The law allows for a contract buyer to apply for annexation; however, in this instance Mr. Olsen also has written approval of seller. Chairman Kahut read No. 5 which will allow for both 22nd and Maple to be full width right-of-ways. It is in priority "A." Lashbrook noted recent testimony that cited the need of additional lots on the north side of the highway. The risk of natural hazards - Commissioner Nicholson stated that it does not have expanding soils, does not have steep slopes, does not have shallow soils and is not subject to a high water table. No. 7 - This property has been designated none of the above. No. 8 - Lashbrook noted that this annexation will result in minimal economic impacts: There will be the additional four lots,

construction workers, new housing. Chairman Kahut stated a motion of recommendation would be accepted. Commissioner McKibbin moved to recommend to the City Council to recommend to Boundary Commission the annexation of property located in the northwest corner of NE 22nd and N. Maple Street and adopt the findings as discussed. The motion was seconded by Commissioner Nicholson. The motion passed six to zero with the Chairman voting.

Item 2: Amendments to the text of the Land Use Planning and Development Ordinance. City Administrator Stephan Lashbrook gave the staff report on the amendments and explained that most of the amendments were for that small portion of the city that has the hazard overlay zone. Mostly along the Molalla River. The city has been involved for several years with the Federal Flood Insurance program. In order to remain involved and to make flood insurance available to its residents, the City has to pass ordinances which have the mandates to be followed. Most of these are either additions or minor changes to the wording such as changes to a title. This does not mean any change in direction from what has gone on before. These are minor changes. A copy has been sent to the only property owner who has any significant holdings of property within the hazard zone. Chairman Kahut asked if the county and other cities within the county are all having to do this. Mr. Lashbrook stated that he didn't doubt but what they would, but felt ours would be first. Chairman Kahut asked about the shopping center and the numerous remodeling jobs they have done, why they haven't had to put in sidewalk. He stated that Roth's, the new drug store, and the gym must have required some remodeling - how can we get the shopping center to put in sidewalks along 99-E? Commissioner Nicholson wanted to know if we could request an opinion from the City Attorney about getting them to put in sidewalks. City Administrator Lashbrook noted that one reason for five rather than eight foot sidewalks in locations other than downtown is that the angle parking downtown requires eight foot parking, while other places along the highway do not have the angle parking. People from the State Highway department stated that they never require more than five foot sidewalks. Mr. Lashbrook stated that the subject of awnings had never been addressed in the zoning ordinance. Mr. Lashbrook suggested that awnings should be subject to the same requirements as signs. Discussion followed on the heights of signs versus the heights of awnings. Commissioner Nicholson stated that he was not questioning the potential need for awnings, but wants to know if lumping with signs is the way to do it. Commissioner Lindsay stated that we had a setback however he didn't find a height limitation. Mr. Lashbrook stated that the code lists maximum height, nothing refers to minimum height. Other height limitations are dealt with in the building code. The Commissioners asked Mr. Lashbrook for a picture showing the vision clearance area. (Mr. Lashbrook drew a picture showing an intersection and explained how the vision clearance area is measured.) Commissioner Nicholson stated that before going into this hearing, we have a set of items to consider before making Ordinance amendments. Chairman Kahut opened the public hearing portion and called for proponents. There being no proponents, he called for opponents. There being no opponents, the public hearing portion of the hearing was closed. Mr. Lashbrook stated that there were four standards and criteria to be met, which he then read. Mr. Lashbrook further stated that copies of the proposed

ordinance amendments have been mailed to Jim Sitzman, LCDC; Carl Cook, FEMA; Jim Kennedy, LCDC, and two local people who have affected property. No comments have been received. The Commission must decide whether these changes are needed. The Commission was also told that, if they think there is a better way to word the changes, then the staff will change them. Federal requirements set certain things that had to be within the text verbatim. Mr. Lashbrook stated that he had three more amendments to the ordinance that he wanted to suggest for inclusion in the package of amendments for the City Council. City Administrator Lashbrook asked the Chairman if he wanted the others read at this time. Chairman Kahut was in favor of reading them. City Administrator Lashbrook stated that the first was an oversight in not adding square footage for signs in the Commercial/Manufacturing District. Mr. Lashbrook's advice was to set the sign standards of the C/M zone the same as the C-2 zone. The second proposal affected dwelling units in the downtown commercial zone. Some years ago single family dwellings went from being permitted to conditional uses in the C-1 zone. As proposed, existing single family dwellings are to be considered non-conforming rather than conditional uses. Dwelling units would be required to conform to the development standards of the R-2 zone, 16.30.030. City Administrator Lashbrook noted that the third item on his list was covered by an earlier Commission action and did not need to be discussed again. Chairman Kahut stated that the two additional items would be added to the list of amendments. City Administrator Lashbrook stated that he could have findings ready for the Commission to review at their next meeting. Commissioner Nicholson stated that he didn't want to see them all go as one package. He further stated a concern for No. 4 regarding mobile homes. Mr. Lashbrook stated that the flood insurance program had rules that applied to mobile homes or trailers that are not in a park. A discussion of the wording of Chapter 16.44.010 followed. City Administrator Lashbrook stated that the wording that would be most helpful to staff would be to add after "parks," "mobile homes or motor homes used in temporary situations." Commissioner Nicholson was in agreement with this wording. Under Item No. 6 the number should read 16.40.010 and 16.40.012. Numerous other changes were questioned, however after an explanation by the City Administrator were left as written. Regarding the five foot sidewalks in CC, C-2, and C-M zones, Commissioner Harmon requested that we consult other communities for their standards. He suggested that we consult Tualatin, Wilsonville and Beaverton, rather than just change it because developers don't want to put in an eight foot sidewalk.

Chairman Kahut asked the City Administrator if he had enough suggestions and input to bring back findings of fact for the Commission. City Administrator Lashbrook stated that the Commission need not take any immediate action. The Commission's action will come in the form of a motion when the Commission has the findings before them. The meeting is scheduled for March 23.

A discussion was held regarding the remand of the public hearing. Hearing dates set by the Chairman. City Administrator stated that the City has always taken pride in handling applications as fast as possible. Commissioner Seale stated that he would be unable to attend the meeting of March 23, as it is spring vacation.

City Administrator Lashbrook reminded the Commission it was time to elect a Chairman and Vice-Chairman for the ensuing year. Commissioner Seale nominated Fred Kahut to act as Chairman for another year. The motion was seconded by Commissioner McKibbin and passed five to zero, with Chairman Kahut abstaining. Commissioner Seale nominated Kurt Schrader for Vice-Chairman based on his seniority on the Commission. The motion was seconded by Commissioner McKibbin and passed unanimously with the Chairman voting.

The meeting adjourned to watch a film on quasi-judicial hearing processes from the Bureau of Governmental Research.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission