

CANBY PLANNING COMMISSION  
REGULAR MEETING  
JUNE 11, 1990  
7:30 p.m.

APPROVED

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I. ROLL CALL

Present: Chairman Schrader, Commissioners Lindsay, Bear, Mihata, Zieg and Wiegand.

Others Present: Rusty Klem, Director of Public Works; Steve Hanson, Dave Anderson, Joseph and Shirley Regan, George Wilhelm,, David Bury and Joyce Faltus.

II. MINUTES

The Commission unanimously agreed to postpone approval of both the May 14, 1990 and May 31, 1990 minutes.

III. COMMUNICATIONS

Rusty Klem explained that the Larsons requested a continuance on their land partition to June 25th. He added that the applicant provided information regarding the judgement on the subject property.

He further explained that the variance application for Mr. Poole had been determined to be incomplete and that the applicant advised the City he would submit the additional material shortly. The applicant is now requesting a hearing at the June 25th meeting.

Mr. Klem also presented Linda Mihata with her certificate of completion of the Planning Commission Training Program from the Bureau of Governmental Research.

Chairman Schrader explained the public hearing procedures relative to the applicable criteria.

IV. UNFINISHED BUSINESS

None.

V. BUSINESS FROM THE AUDIENCE

None.

VI.

PUBLIC HEARING

ANN 90-02, a request by Joseph & Shirley Regan, John & Ruth Regan and Amato Bros. Enterprises, Inc. for approval to annex approximately 30.32 acres of territory into the incorporated City limits of Canby. The property is located between S.E. Township Road and S.E. 13th Avenue, immediately east and adjacent to the existing Township Village Subdivision (Tax Map 4-1E-3; Lot 1800).

Chairman Schrader explained the procedures for testifying. He inquired if any members of the Commission had any ex-parte contact or conflict of interest. None was noted.

Rusty Klem, Director of Public Works, presented the staff report, explaining the request to annex 30+ acres immediately due east of the existing Township Village, between Township and S.E. 13th, to the City. He explained that the procedure regarding annexation applications includes the Planning Commission holding a quasi-judicial hearing, building a record, and forwarding a recommendation on to the City Council. The City Council holds the public hearing on an annexation and does not have to take the advice of the Planning Commission. Mr. Klem reviewed the eight criteria that must be considered by the Planning Commission, which include:

- 1) compatibility with the maps of the Comprehensive Plan, giving special consideration to the portions and policies relating to the Urban Growth Boundary;
- 2) compliance with other applicable City ordinances or policies;
- 3) capability of the City and other affected service-providing entities to amply provide the site with urban level services;
- 4) compliance of the application with the applicable sections of ORS 222;
- 5) appropriateness of the annexation to the specific area proposed when compared to other properties which might reasonably be expected to be annexed to the City;
- 6) risk of natural hazards which might be expected to occur on the subject property;
- 7) affect of the urbanization of the subject property on specially designated open space, scenic, historic or natural resource areas; and
- 8) economic impacts which are likely to result from the annexation.

Mr. Klem discussed the findings section of the staff report which identifies the property, the site characteristics, and the land

use designation on the site (three designations currently - high, medium and low density, progressing from Township heading south). He explained the Comprehensive Plan policies which have to do with annexation of this area. Mr. Klem noted a change on page 6, under No. 4a. Sentence #2, which reads "When it is annexed, it will be zoned R-2 through the southern 1,210 feet." should be deleted. It should be corrected to read, "When it is annexed, it will be zoned R-2 throughout the northern 220 feet, R-1.5 throughout the middle 1,210 feet, and R-1 through the southern 1,210 feet." Mr. Klem explained that when property is annexed to the City, the zoning designation that it carries is consistent with that of the Comprehensive Plan.

Mr. Klem reviewed the "Public Facilities and Services" section of the report. He stated that gravity flow sewer was available to serve all of the property tentatively. Electricity is now provided to the area by PGE, but once the property is annexed to the City, electricity will be provided by the Canby Utility Board, which is now talking about providing additional capacity by either upgrading the lines they have in place or putting in another sub-station in that part of town.

Mr. Klem briefly reviewed the history of the property. He explained that Phase I is in and built out. The streets are platted and built in Phase II and the lots are ready to be sold when recorded. When Phase II was before the Planning Commission in April of 1989, a condition was placed, that prior to Phase III being considered, the applicants would submit an application to annex the entire 30+ acres to the City.

Staff recommends approval of this annexation application, ANN 90-02, be passed on to the City Council, subject to the condition that if approved, the applicants shall submit a complete subdivision application to the Planning Commission for review and approval. When the Phase III application is submitted, the City will need a revised Master Plan showing a street from 13th to Township, upgraded to a 50' street with 40' of pavement, to insure a second point of access to the subdivision. Presently, there is only one access, from Lupin Street. The second access will be centerlined with S. Pine, to the north, which is presently a 20' pathway, but is the location of a future street improvement. Additionally, two streets stubbed out for extension of streets further to the east must be shown on the Master Plan.

Commissioner Lindsay clarified, from the April 6, 1989 minutes, that the Planning Commission recommended approval of the zone change for Phase II of Township Village on 6.2 acres only, to the City Council, with the following conditions: 1) That 30 acres be annexed to the City prior to consideration of the next phase of development, and 2) that Phase III comes before the Commission only after development of a new Master Plan. Chairman Schrader added that the record shows the Master Plan was supposed to include open space and park allocation.

### Applicant

George Wilhelm, 546 S.E. Township Road stated that the staff report was well prepared. He added that the application requested approval for single family residential homes with a minimum lot size of 6,000 square feet, and that some would be larger.

### Opponents

David E. Bury, 360 S.E. Township Road stated that there should have been an access onto Township during the first phase of Township Village. Mr. Bury stated that there should have been park and/or open space dedicated to the City in this development. He added that this development could have a detrimental impact on the sewer system. Additionally, he questioned the impact of increased student population on the school system and the impact of increased density on the traffic flow. Mr. Bury stated that he believed it was necessary to complete Phase II, especially the through street from Township to 13th, before annexing the property and before beginning Phase III.

### Rebuttal

George Wilhelm pointed out the existing property line, with the school and City property to the south. At present, there is no access to 13th. The only way to extend to 13th, is to annex the property to the City.

With no additional testimony, the public portion of the hearing was closed for Planning Commission deliberation.

The Commission discussed:

1. When questioned whether the City can annex this property without urban level services in place. Mr. Klem explained that the urban level services would be provided and extended at the developer's cost.
2. A discussion was held regarding the effluent flows of the sewer system and whether the system was overburdened. Mr. Klem explained that peak flows are higher because they are instantaneous peaks. He explained that the average daily flow, counting the peaks and valleys, and the sustained daily flows, averaged out to .80 mgd, and the City could treat 1.10 mgd in our current facilities. There is 300,000 gallons per day of leeway, and the system could accommodate approximately another 1,200 homes. The City is in the middle of a facilities upgrade at the present time, he added. Mr. Klem suggested Steve Hanson, the Sewer Plant Supervisor, who was present at the meeting, might be able to clarify some points.

Steve Hanson, Wastewater Treatment Plant Supervisor addressed how this particular development would impact the present capacity and near-future capacity of the sewer treatment plant and the lines going to it. The City just

received a preliminary draft of the Facilities Plan which takes into account 92 gallons per capita per day and approximately 20,000 in population, and it appears there is more room for growth at the plant. Regarding sludge breakdown, he stated that modifications have been made to the system and more sludge can be added. It might necessitate purchasing an additional pump, he added

Chairman Schrader suggested that the testimony was getting a little technical, but that the Planning Commission should follow up on how future development will be impacting the collection lines and sewage treatment plant. He suggested Commissioner Bear draw up some questions and, perhaps, schedule this discussion for another meeting. Mr. Hanson stated that when the Facility Plan is complete, more data and additional information will be available.

3. The Commission discussed the need for power and the possibility of a new sub-station. Mr. Klem explained that CUB is faced with a decision -- whether to add a new feeder line or build a third sub-station -- and that they have assured the City they are addressing long term needs and can meet the demand. Tradition shows that no public facilities or provision of services are updated until the demand exists.
4. Commissioner Mihata opened the discussion regarding the impact on schools, need for park and open space, etc., and suggested the applicant be aware of the Commission's concerns. Chairman Schrader stated that the school district is working on a future plan and suggested requesting input from the school district on subdivision plans. Mr. Klem explained the process of routing applications for comments from various sources. Commissioner Bear requested more detailed information about City services in staff reports to assist the Commission in making decisions. Commissioner Lindsay stated that in reading the minutes from 1989, it had been suggested the owner and developer consider park and open space, recreation, access and street patterns when submitting the next application for consideration. He further explained that much discussion went into the access issue, from the very beginning, and that the second access was to be in place during the third phase.

**Commissioner Lindsay moved** to recommend approval of ANN 90-02 to City Council, based upon the findings in the staff report and recommendation of staff with three conditions:

1. If the annexation is approved, the applicants shall submit a complete subdivision application and submit it to the Planning Commission for review and approval.
2. The property will be zoned R-2 throughout the northern 220 feet, R-1.5 throughout the middle 1,210 feet, and R-1 through the southern 1,210 feet.

3. Any subdivision application shall make adequate and significant allocation for park land and open space as part of the revised Township Village Master Plan.

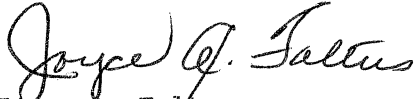
Commissioner Bear seconded the motion and it passed with Chairman Schrader, Commissioners Lindsay, Mihata, Bear, Zieg and Wiegand voting yes. Commissioner Nicholson was absent.

Mr. Wilhelm questioned the percentage of park land and open space, or whether there was a fee in lieu of land donation. Chairman Schrader explained that there were no ordinances in effect at the present time, but that there was a Park and Open Space Committee meeting on June 15, 1990.

VII. ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,



Joyce A. Faltus  
Secretary