

APPROVED

MINUTES

CANBY PLANNING COMMISSION Regular Meeting

July 26, 1993
7:30 p.m.

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Gustafson, Maher, Wiegand, Elliot and Fenske.

Staff Present: Robert Hoffman, Planning Director; Jim Wheeler, Assistant Planner; John Kelley, City Attorney; and Joyce Faltus, Secretary.

Others Present: Gordon Ross, Martha Stiven, Lovelle Lack, Carrion Jorge, Robert Backstrom, Tom Welch, Tom MacArthur, Robert W. Baller, Cyndi Klaetsch, Boyd Applegarth, Dana Tyler, Lloyd Mendenhall, Jan Dietz, Jim Simpson, John Weygandt, Jo Collins, Ron Tatone, JoEllen Reif, Jack Parsons, Laura Jones, Melissa Hemphill, Terry Blackwell, Susan Robles, Jack Pendleton, Chris Pendleton, Orman Tompkins, Esther Tompkins, Dena Worthington, Edythe Moss, Mel Moss, L. Lesta Gipe, Elva Gipe, Dan and Joella Palumbo, John McKnight, Pat Haphey, Bruce Haphey, Kim Harris, Mavourn Stuart, Dolores Watson, Margaret Seale, Judy Mead, Bill Crooks, Jorge Carrion, Lowell Bagshaw, Ken Stuart, Frances H. Herman, Sarah Seale, Harriet Gloglin, Diantha Brace, Jerry Simnitt, Terri Shuhart, Don Shuhart, Lois and Archie McLeod, Annette Grommesh, Leo Grommesh, George Kabacy, Edward Montecucco, Charles Blackwell, Carolyn and Robert Begemann, Ann Hunt, Gretchen Raney, Rosa Hemphill.

II. MINUTES

The minutes of July 12, 1993 were approved unanimously, as amended.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Susan Robles, Development Specialist for Goodwill Industries, 1831 S.E. Sixth Avenue, Portland, OR 97214 [11105 S. Hazelbrook, Tualatin], requested assistance in helping Goodwill Industries locate a site to install an attended donation center trailer which will be used to collect used goods donated by the community. Ms. Robles explained that Goodwill Industries is an accredited rehabilitation facility which provides vocational training and employment opportunities for people who are physically, mentally, and emotionally disabled or economically disadvantaged.

As this meeting was being televised on Canby's local cable station, Chairman Schrader suggested Ms. Robles check back with staff regarding any input the City might receive from the community, regarding an available location.

IV. COMMUNICATIONS

None

V. FINDINGS

None

VI. NEW BUSINESS

None

VII. PUBLIC HEARINGS

CPA 93-01/ZC 93-01, a request by **Northwood Investments** for a Comprehensive Plan Amendment of the Urban Growth Boundary and Land Use Element, and also the Zoning Ordinance map designation to R-1 (Low Density Residential) to "accommodate the development of a single family subdivision." specific subdivision plan approval is **not** part of this application. The subject site is 30.19 acres. It is a cultivated field for growing seedlings and part is vacant. The site is located on the south side of Territorial Road, west of N. Holly Street (Tax Lot 800 of Tax Map 3-1E-32AA; Tax Lots 100, 200 and 1700 of Tax Map 3-1E-33AD; Tax Lots 300 and 501 of Tax Map 3-1E-33BB; and Tax Lot 6600 of Tax Map 3-1E-33BC).

Chairman Schrader queried each Commissioner individually as to whether or not anyone had ex parte contact or a conflict of interest. Commissioner Maher explained some might view, as a conflict of interest, that she had clerked for a law firm that once represented the owners of the parcel. Commissioners Fenske, Schrader, Maher, Mihata, and Elliot all visited the site, but drew no conclusions regarding the application. Chairman Schrader talked with two residents concerning the site. He explained the hearing procedures with regard to submitting testimony.

Chairman Schrader explained the hearing process and procedures, and reviewed the criteria which was posted on the bulletin boards.

Mr. Hoffman presented the staff report. He explained that the site is outside the current Urban Growth Boundary, but within the City limits, and comprises approximately 30 acres south of Territorial Road and west of N. Holly. Mr. Hoffman explained that in the 1970's this parcel was in the Urban Growth Boundary. At the density being proposed, the original UGB had too much land. To balance the need, the City negotiated with LCDC and the negotiation resulted in the exclusion this parcel from the UGB. Both the Comprehensive Plan designation and Zoning designation are Agricultural Land Use. The applicant is requesting approval of a Comprehensive Plan Amendment, particularly to the Urban Growth Boundary, and the Land Use Element and Zoning Ordinance Map designation to Low Density Residential Use to accommodate the development of a single family subdivision. Specific subdivision plan approval is not part of this application.

Eighteen of the thirty acres are currently cultivated fields where Douglas Fir seedlings are grown. The rest is unused. The Comprehensive Plan, in 1984, proposed that there be substantial infill of development on vacant parcels within the City, to a higher density of development than the surrounding areas. This has not been accomplished. The Zoning Ordinance, which helps implement the Comprehensive Plan policies, has not been amended to be fully consistent with the Land Use Element of the Comprehensive Plan.

Mr. Hoffman reviewed the Statewide Planning Goals, particularly Goals #2 [Land Use Planning] and #14 [Boundary Change Criteria]. Under Goal #14, the applicant provides information supporting the need to accommodate long-range population growth requirements consistent with LCDC goals.

The applicant provided information which indicates that an inadequate supply of low density residential land within the existing UGB, to meet the 20,000 population projected, or to satisfy the 20 year plan. It is projected that an additional 280 housing units is needed for a population impact of approximately 750 people and land within the City limits has not been zoned

to implement the densities anticipated in the Comprehensive Plan. Additionally, land areas that were designated for low density residential development have been removed by the City from the potential residential land inventory, to be used for bike paths - affecting 7.6 acres, a loss of 22.6 units. Additionally, some land areas designated for low density residential were removed from the City's inventory of residential lands and are now protected wetlands. That affects 11.0 acres, a loss of 36 units.

Mr. Hoffman then explained that the Planning Commission has approved a total of 600 potential units, between subdivisions and multiple units in the last year. The building permit rate is approximately 100 per year. Additionally, approximately 35 scattered homes were approved which were not part of major subdivisions. He explained that at our current rate of growth, Canby's population will probably exceed 20,000 before the twenty year period, thus requiring a UGB with a capacity of greater than 20,000. He referred to three examples of acreage which was zoned and proposed in the Comprehensive Plan for duplex and multiple family residences, which have been developed with single family subdivisions [Rebecca Estates, Morse Addition #2, and Township Village] - underdeveloped by almost 60 units. He explained that this occurred because the Zoning Ordinance permits development at substantially lower densities and larger unit sizes and different family types than the Comprehensive Plan assumed. Additionally, Mr. Hoffman pointed out that the current zoning of the subject parcel would permit one single family home one each of the 7 lots, which would not be a very efficient use of the site.

The site is almost totally surrounded by urban development, so development of the property with single family residences would be compatible with the surrounding area. The streets and utilities do not presently run in a continuous line. Rather, they are dead-ended due to the agricultural use of this property and the fact that it is not within the UGB. Once developed the dead ends would be extended or looped or developed as turnarounds. Service providers would like to see the services continued and, through residential development of the property, there would be expanded sewer service to the area north of Territorial through extension of the Territorial Sewer Interceptor from Juniper westward, improved fire protection, and the street system plan could be better implemented. Additionally, the City would gain access to the well on the property, which the manager of CUB described as an environmental advantage toward additional water availability.

The subject parcel has a Type II soil. The criteria specifically references the Class I through Class VI soil as land that should be protected for agricultural use, in that order. Mr. Hoffman explained that almost all land surrounding Canby is either Class I or Class II, so that any expansion in any direction

would involve affecting either one of those soils. He said that the Commission would have to decide how much of that soil needed protection.

Staff recommends approval of the application with conditions, as the applicant has met all the criteria. Proposed Condition No. 9 should be amended to read ". . . no more than **approximately** 100 lots . . ."

The Commission then discussed the number of units approved in the last year, the number of permits issued per year, and the fact that the service providers have expressed some difficulty in providing quality service to the areas surrounding this parcel mainly due to the dead-ending of streets. The Commission asked if the City has heard from LCDC regarding this application. Mr. Hoffman said the City has received no input regarding this application, but that LCDC has until the final hearing to submit any concerns. Staff then reviewed the Comprehensive Plan's proposed densities and how they conflict with the current Zoning Map.

Applicant

Martha Stiven, 14620 Uplands Drive, Lake Oswego stated that the applicant concurs with the staff report and proposed conditions. Ms. Stiven explained that the applicant is proposing to bring the 30 acre site into the Urban Growth Boundary and change the Comprehensive Plan designation from Agricultural to Residential, and the Zoning from Agricultural to Low Density Residential.

Ms. Stiven explained that development of this site will bring many benefits to the City, such as dedication of the on-site well which currently provides irrigation for the nursery operation, to CUB, which would expand the capacity by approximately twenty-five percent. CUB is anxious to see this come about as it is a totally separate source of water, separate from the Willamette River. Additional benefits would result from connecting the dead-end water lines to improve pressure and water quality. Additionally, development of this site would bring improvements to 10th Avenue and Territorial Road street circulation, which the use of this site as agricultural land, has precluded. It will allow the connection of six existing dead ended streets, improving fire and police protection through an improved circulation plan. Additional benefit would result from the extension of the sanitary sewer trunk main, which would provide the potential to serve all of the remaining unserved areas in the northwest portion [north of Territorial Road] of the existing UGB more efficiently. The applicant also agrees with the fair share contribution toward the eventual improvements at 99-E and Territorial Road.

With regard to the criteria, Ms. Stiven discussed the need to accommodate long-term population growth; the orderly and efficient provision of services;

the retention of agricultural soils; and the compatibility issue. The applicant reviewed the Comprehensive Plan document and the periodic review orders and reviewed how the needs were first established. Originally, the City wanted to accommodate a future population of 20,000, and worked backwards to see how much land it would take to adjust to that figure. They determined the UGB from that review. At periodic review they reexamined the issue and decided not to expand the boundary or change the population estimates. The applicant then studied the changes that have taken place since the Comprehensive Plan was adopted that would preclude the City from being able to accommodate a population of 20,000 people within the existing UGB and came up with three significant land use changes that had occurred that resulted of a shortage of land within the UGB. The first is that the land within the City limits has not been developed at the densities that the Comprehensive Plan anticipated which is responsible for about 224 units lost. Given the development patterns in the built out portions of Canby, even if the vacant lands were to develop at the densities anticipated by the Plan, Canby would still not be able to accommodate a 20,000 population because that which is already built does not accommodate what was expected originally. The loss of land due to bike paths accounted for 11 acres and 36 units lost. The transfer of residential lands into wetlands is responsible for about 20 units lost.

Ms. Stiven then discussed the orderly and economic provisions for public facilities and services, explaining that this is one of the criteria for a boundary change amendment. Omitting this property from the UGB has resulted in inhibiting meeting this goal because the site is surrounded by residential development, but the streets dead end and services are not extended. With development of this site, services could be expanded with minimal investment by the City, making the expansion cost-effective, efficient and economically feasible. Ms. Stiven then reviewed the Request for Comments received by service providers. With regard to the well, CUB responded that inclusion of the UGB would require no more than minor modifications to the plans, and that the well would provide substantial benefits to them [referring to the redundant source of water and increased source capacity]. Additionally, Ms. Stiven explained that the proposed use will be compatible with adjacent uses, especially as the site is surrounded by residences, residential zoning, and residential plan designations. A neighborhood meeting was held and the applicants committed to incorporating neighbors' concerns into the subdivision design. Most of the concern was with the possibility of multiple family dwellings. Ms. Stiven brought out that only a portion of the site is in agricultural use at the present time, and more intensive farming use might cause conflicts. Traffic impacts were discussed. The table submitted construed the worst case scenarios, studying the impacts that 125 and 150 homes would cause. At the intersection of Holly and Territorial, with those numbers used, there was absolutely no change from the present level of service, Level "A".

Knights Bridge and Birch operates at Level "A", and with development at either 125 or 150 units, would operate at Level "B". Therefore, the applicant finds that the traffic impact on the neighborhood would be negligible, and pointed out that improvements would be forthcoming.

Most of the written testimony received, centered around the retention of agricultural land. She explained that the criteria states that retention of agricultural land is defined with Class I being the highest priority for retention, and Class VI the lowest priority. Ms. Stiven referred to a soils chart from the Clackamas County Soils Survey, over which the Canby UGB was superimposed. As this area, and surrounding areas, sit primarily on Class I or II soils, development would then have to occur on these soils. There is nothing in the Statewide Planning Goals which precludes use of these soils for residential development. One of the main criteria for bringing such land into the UGB is need, and Ms. Stiven explained that need has been demonstrated in the applicants' report, the staff report, and by this testimony. Opponents' testimony has stated that areas in the eastern portion of Canby, already in the UGB, should be developed prior to this site. Doing so would require that Class I soil be developed first, which would be in direct conflict with the Statewide Goals, as Class I soil would then be developed before Class II. Ms. Stiven stated that the application was consistent with the criteria for the goal exception, with the criteria for a Comprehensive Plan Amendment, consistent with the statewide planning goals, and criteria for a zone change, and requested approval of the application. Ms. Stiven pointed out that the County records deem this property to be in the Urban Growth Boundary. The applicant further concurs with the amendment to condition #9, adding the following change: . . . shall include no more than **approximately** 100 lots. . .".

The Commission held a short discussion after Ms. Stiven's testimony. It included the following issues:

1. The Commission asked whether the well would be dedicated or donated to the City, and whether the well would be able to supply the entire City in the event of an emergency.
2. The Commission discussed density. Ms. Stiven explained where the applicant felt the loss of density occurred. She explained further that where increases occurred, they were added back in.
3. The Traffic Study table which defines levels was discussed. Ms. Stiven explained the various levels of service [page 5 of the Traffic Study].

Proponents

Gordon Ross, 489 S.W. 1st explained that he was Chairman of the Planning Commission when the Comprehensive Plan was drafted. The original plan included three phases: the original City limits line, which included the subject property that was zoned R-1; land south of the southernmost City limits, to the Molalla River; and from the railroad tracks to Mulino Road and Haines Road. Phase 3 included all the land laying north of Territorial Road, not in the present City limits. The Plan included development of the agricultural land to meet LCDC goals, as the State expected Canby to take its fair share of the population. Just as many citizens oppose this application, from the beginning residents of each new subdivision opposed development of adjacent property to their own. From the onset, the City provided for the orderly development of this parcel. Services were expected to be continued through the site, and roads were expected to extend and connect. Therefore, at the present time, stub streets abut the site, without cul-de-sacs or turnarounds. All services are stubbed at 9th Avenue, 10th Avenue, 12th Avenue and 15th Avenue, to encourage the future extensions and connections. From the beginning, this was considered developable ground. This parcel was only removed when LCDC felt Canby was a little heavy in developable lands and suggested 100 acres be removed and pieces, including this parcel, were selected arbitrarily by a past Planning Director. Prior to the last hearing on this site, Times-Mirror was notified, but being such a multi-faceted company, the notification did not go to the proper authorities. Mr. Ross explained that the step down in soils classification came about due to the need for extra irrigation, as the soil is pure, deep sand, which requires a lot of fertilizer. The more irrigation needed, the more leeching effect on the fertilizer, which reaches the water table. Most subdivisions do not sell lots to individuals who can select a builder and, instead, sell blocks of lots to various builders. The City, Mr. Ross explained, needs a larger inventory of lots which would create more supply, and lower the prices.

The Commission questioned whether, since the nitrates drain through the sand so quickly, there was nitrate testing done on the well. Mr. Ross explained that this well is below the contaminated water table level. The contaminated water table level is between ground level and about 160 feet, then there is a heavier permeation of rock which traps the nitrates. The State is requiring testing of all wells when a home is sold now, in trying to establish a data bank on water tables. His soil tested at 18 parts per million nitrate, which was 2 parts per million below the critical situation. Some people have had to put filtration systems on the wells to get rid of the nitrates. In this type of soil, the situation will become more critical as time goes by.

Mr. Hoffman pointed out that any letters of testimony received as late as noon today, have been distributed to the Planning Commission.

Neither For Nor Against

Lovell Lack, Manager Industrial Forest Association Nurseries, Inc, 1887 N. Holly Street explained that he has farmed this site for 32 years, and sifton sand, the soil on this site, is unique for growing seedlings because it is so well drained in the winter time, when they expose the roots and the crop is dormant, and they do their harvesting. Further, he explained, IFA is leasing 20 of the 30 acres, and would like to lease the entire site if it was available at the right price. IFA, he added, would like to purchase it all, but can't, because the price is too high. IFA Nurseries also owns 54 acres of sifton soil land just north of this site. Mr. Lack further stated that he does not concur with the applicant's soils chart depicting Class I and Class II soils and, referring to the chart, explained what he felt was incorrect, and that this soil is almost impossible to find elsewhere. Additionally, Mr. Lack explained that 80-100 migrant workers are employed in the winter, most of whom live in Canby, and return yearly because the company pays so well.

The well in question, he explained, was developed for 600 gallons of water per minute, and was drilled at 325 feet, the lower aquifer, which is why there is no problem with nitrates, although it does pump sand. The top part of the aquifers were not developed because they did not want the fertilizers and pesticides they use to affect any other people who had more shallow wells. IFA puts 200 pounds of fertilizer on the soil, at the most, which is why the soil is high in nitrogen.

The previous owners, the Times-Mirror, was advised of the land use change and IFA met with them and responded in writing. So the response from IFA was approved by the Times-Mirror Corporation. Additionally, Mr. Lack stated that the fence line areas are hand-weeded, as they cannot apply pesticides on areas abutting residential dwellings. The seedlings IFA grows are beneficial to all citizens as they produce approximately 2-1/2 million seedlings a year, of which 95% are reforested in public lands. Because public lands will be taken out of use, there is going to be more of a demand on private lands. Due to the sifton soil, the IFA nurseries in Canby are classified as triple A, and the Weyerhaeuser nurseries in Aurora are only classified A-. Because forest service lands are going to be removed from use, there will be more of a demand on private lands in the future.

Opponents

Dana Tyler, 680 N.E. 20th stated that the seedlings reforest more than 5000 acres of land, which is very significant because land is not a renewable resource, and developers rely heavily on that wood. With regard to traffic, Ms. Tyler stated that she literally runs this area and is well aware of traffic conditions at various times. An adverse flow will be created when Tenth is and Pine intersect, especially as there is a lot of development along Pine, and across Holly to Birch. Birch and Knights Bridge is a nightmare now, especially the visibility aspect when trying to turn onto Knights Bridge Road. Ms. Tyler said she believed surveys are not taken at proper times of the day. Further, Ms. Tyler stated that since the time the 20,000 population was conceived for the year 2000, lot sizes have become smaller, and more flag lots have been created, thereby accommodating a larger number of people, in smaller spaces. Canby needs multi-family housing, rather than additional single family homes. Therefore, the proposed changes to accommodate another single family subdivision would not meet Canby's needs. The bike paths and wetlands that were not provided for, when figuring the amount of available land for development, do not appear to represent a significant amount of land. With regard to soil classification, Ms. Tyler stated that it is obscure to classify soils because soil classifications were done in the mid-west based on soil types there, rather than in the northwest. To really know what soils are best for what purpose, Ms. Tyler explained that one would have to work the soil. Additionally, open spaces are necessary, especially for growing crops. If the filbert orchard owned by the school district was to be used for a school, it would be very important for the subject site to remain open so the school could expand when and if necessary. She then discussed the overcrowding in the schools and how it affects the quality of education. She then discussed the affects of Measure #5 with respect to public services. The sewer system, which is not on line yet, should not be overburdened either. Further, Ms. Tyler stated that agricultural uses are not incompatible with surrounding residential uses. Additionally, Ms. Tyler submitted a handout regarding school capacity, describing that schools are at 95% capacity.

Jorge Carrion, 1200 N. Birch extended an invitation for all to visit his home and view the drag strip that exists on Birch Street. An additional 100 homes could add another 300 cars, escalating a very dangerous existing problem for residents on Birch. Mr. Carrion also stated that he believes apartments would be built on the subject site, no matter what the developers say now. Further development of the site would ruin Canby, he added.

Robert Backstrom, 1395 N. Birch asked that the Commission listen to the people who live in Canby, who want the best for Canby, rather than real estate

agents who do not live in the area. The use of the land is irrelevant, he stated, the neighbors just do not want it developed. He added that even the additional property taxes would not support the additional student population and, in fact, would bring the quality of education down. Mr. Backstrom referred to Boyd Applegarth's statement that Canby would someday become another Beaverton and concurred with Mr. Carrion's testimony regarding escalating traffic problems, and added that the odor problem from the sewer plant has not yet been solved either. The issue tonight is one of liveability and how it affects current residents.

Jack Parsons (no address given) stated that he is a farmer. He called attention to page 24 of the staff report where it states the subject site is not unique and any expansion of the UGB would entail losing equal or even better soils from agricultural use. He argued that it is, indeed, a unique soil and explained that the soils where he farms, could be replaced anywhere in the Willamette Valley. Further, he stated that sifton soil is not only unique, but totally irreplaceable.

Boyd Applegarth, Interim Superintendent, Canby Elementary School District.

Mr. Applegarth concurred that he did speak with Mr. Backstrom regarding the former's statement, but that the Elementary School Board has not taken that position - that it was his own opinion. At the present time, Mr. Applegarth stated that the district has no plans to build a school on the filbert orchard site as it is only slightly more than 10 acres - a very small site for a school. By contrast, he stated, the new Trost Elementary School is situated on a 20 acre site. He reminded everyone that as of July 1994, the Canby Elementary School District will unify with three other district and the Canby Board will cease to function, while the high school board will become the Board for the unified district. He reiterated that the district has not taken a stand with regard to this application. Mr. Hoffman referred to the request for comments received from Milt Dennison, the former elementary district superintendent, which stated that there is a possibility that in the future, the filbert orchard at the corner of Holly and Territorial may be used for a school site. Milt recommended that approved plans for the Northwood subdivision take that into consideration when designing utilities, sidewalks, etc. He also checked the box that says adequate public services are available. Mr. Applegarth added that it would be highly unusual to build an elementary school on so small a site. With regard to capacity, Mr. Applegarth stated that at the present time the Canby schools are operating below capacity. Schools should be operating near or slightly under capacity, not at capacity because it would take away any flexibility. The schools would be very interested in having information regarding the number of school aged children this development, and other developments, would generate, in order to make projections for future space needs of the district.

Tom Welch, 1230 N. Grant stated that he was concerned about the size of the lots if the site was developed residentially. He asked for assurance that it would not be developed with apartments, and said he preferred large single family lots which would be compatible with surrounding development. With regard to the park, he stated that it could be a detriment to the neighborhood, if not planned properly. He was further concerned that pig farming could take place on this site if the owners so desired, and was informed that it is a possibility.

Tom MacArthur, 1265 N. Grant stated that this is a very unique property and that the soil should be used for seedlings, which are needed for reforestation. A soil like this should not be used for housing. Oregon is noted for its trees and environment and it should remain that way. He purchased his home nearly two years ago because of the reputation of the Canby schools and because this parcel abutted his property. Developing this parcel with homes would reduce the property values of adjacent properties, and of other properties in Canby. People came here to get away from overcrowded areas and he stated he hoped Canby would remain as it presently is, not overdeveloped.

Bob Baller, 765 N.W. 12th stated that he served on the Canby Planning Commission in the early 1980's. In revising the Comprehensive Plan, they considered the quality of this soil, which is why the parcel was left in the agricultural zone. He questioned how many acres are still available for building within the UGB. As a Commission representing the people of Canby, he suggested they consider the total acreage within the UGB and when approximately half that acreage is built on would be the time to consider looking at adding property to the UGB. Mr. Baller explained that he works for the Oregon State Forestry Department and has lived in Canby since 1975. They are finding, in the forestry program, that clear-cuts are not the best thing. Canby does not need to become an asphalt jungle, and parts should be left green.

Cyndi Klaetsch, 844 N.W. 13th Avenue stated that liveability and affordability are her main concerns. Due to a \$4.1 million bond which was passed to upgrade and expand and maintain the sewer plant and bonds which have been approved for new schools, she has had to readjust her budget. She discussed the school capacity as it stands today, which is near capacity, and added that there are still modulars on some school sites. Ms. Klaetsch disagrees that the required public services exist, or will exist concurrent with development of that parcel, if the zone change is approved. Territorial, from Holly to Birch, is reported to be capable of handling additional traffic. Using it twice a day, she differs with those findings. The limitations imposed by Measure #5 is generating competition for tax dollars and the City will suffer in

the near future. Ms. Klaetsch related a conversation with Jack Stark, the Fire Marshal, who stated that the well and the looped water system would be benefits. But such development will require additional fire fighters, additional police, and additional City staff, she added. The parcel should be developed someday, but not now. There are 500 potential units that can be built any time because they've been approved. Canby does not need more potential units available at this time, she stated.

Don Shuhart, 606 N.W. 13th Avenue stated that he moved here from the Kent, Washington area. The farm areas in the Kent/Renton area have been rezoned and developed residentially, and has become another Los Angeles. After the rezoning, the City tried to reverse its decision, but farmers who made huge profits fought it and won. If these types of rezoning take place, Canby will become another Seattle, he stated. Further, he addressed his concern over traffic conditions on Birch and added that this would happen to all of Canby if it is developed further. Additionally, he stated that IFA is a good neighbor.

Charles Blackwell, 160 N.W. 13th Avenue thanked Mr. Lack for his testimony because he said he never realized the importance of the sifton soil prior to this. He asked Mr. Hoffman how many parcels are available to be built upon at the current time. Mr. Hoffman stated that 8 subdivisions were approved during the last year, along with some multiple dwelling approvals. The potential for new homes is close to 600, but most have not been built yet, so they are not really available. Should someone try to purchase a lot, there are very few available because roads, sewer, water lines, etc., must be built first. Those 8 subdivisions are in various stages of completion at the present time. Approximately 100 building permits have been issued in the last year, but not necessarily on the lots most recently approved. Mr. Blackwell stated that if all the lots were built on in the next year, approximately 1500 residents would be added to Canby. Further, he stated downtown Canby is gridlocked at 5 p.m. and additional development would funnel more traffic in that area. He finds a lot of time spent sitting in traffic on his daily route, from 13th to Holly, across to Knights Bridge. There has been an 800% increase in traffic in the last 14 years, he stated. Canby has surpassed its population estimates for this year already, Mr. Blackwell added. It is becoming another Beaverton already. If 10th Avenue is expanded further, it will be like Birch, a speedway. There is no funneling of traffic north and south to get to Highway 99 to alleviate some of the congestion on Ivy, or by the Fairgrounds. Development on this site would further hinder Territorial traffic. Nearly all the intersections on Territorial are hazardous areas, Mr. Blackwell stated. If this application is approved, though, he asked that zoning be limited to single family homes, with no flag lots. The acreage set aside for a park is minimal, he added. Before approving further development, Canby should take care of what it has and make necessary repairs to facilities and roads. Referring to Goal No. 14,

item #5, Mr. Blackwell stated that approval of this application would conflict with the environmental and economic elements, and taxes will increase. Additionally, the public need, Criteria #2, for this amendment has not been proven, which is proven by all the opposition to this application.

Lloyd Mendenhall, 790 N.W. 10th Avenue stated that his letter is part of the record and that he concurs with all testimony in opposition. He urged the Commission to take a survey and find out how many people support this application, and to base their decision in that survey.

In response to a question from the audience, Mr. Hoffman explained that this application goes before the City Council next, and an appeal could eventually be made to LUBA.

Due to the lateness of the hour, the Commission continued the hearing to August 9, to be held in the Canby Adult Center, if it is available. Chairman Schrader suggested interested parties contact City Hall to make sure arrangements have been made with the Adult Center.

VIII. DIRECTOR'S REPORT

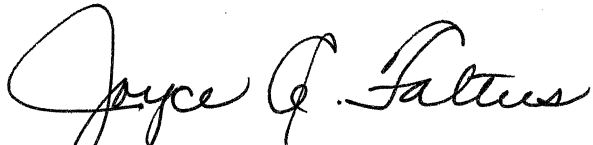
Mr. Wheeler brought a letter before the Commission from Walt West regarding two trees he would like to remove on Lot 11, which are in the buildable area, to allow more flexibility in the use of the site. He explained that staff supports the request if street trees are added to compensate for the loss and if the remaining five trees are protected with a chain link fence to minimize damage during construction. After a short discussion, the Commission unanimously agreed to approve the request. Additional trees would not be removed for further building considerations, but only if they became diseased.

Mr. Hoffman explained the dispute underway between Wayne Scott and the City over the lift station. Mr. West has been informed of the City's intention to move the lift station. Mr. Scott may apply to the City Council for advance financing. The question involved is whether there is any payment due for the excess capacity of the lift station and, if so, who pays it. Mr. Scott is objecting to the moving of the lift station he donated to the City. There is a major advantage to moving it in that the City would have less maintenance responsibility with one lift station, as opposed to two. It is debatable whether Mr. Scott is eligible for the excess capacity, since the location he chose was to service his development. He installed the smallest lift station he could. And the question is, if it is moved, does he then become eligible for that additional capacity.

IX. ADJOURNMENT

The meeting was adjourned at 10:50

Respectfully submitted,


Joyce A. Faltus