

APPROVED

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
June 13, 1994
7:30 p.m.*

I. ROLL CALL

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

Staff Present: Robert Hoffman, Planning Director, and Joyce Faltus, Secretary.

Others Present: Tony Pizzuti, Jenn Keller, Larry Graff, Donna Jean McManamon, Tom Kendall, Joseph and Shirley Regan, George Wilhelm, Ron Tatone, A. Pizzuti, Andy DiTommaso, Jeff and Nicole Pizzuti, Phil Colbaugh

II. MINUTES

The May 9, 1994 minutes were approved, as amended.
The May 16, 1994 minutes were approved, as amended.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Mr. Pizzuti requested reconsideration of SUB 94-01 based on the results of the workshop held between the Planning Commission, City Council, and the school board, which indicated that adequate school services are available.

John Kelley, City Attorney, explained that since an appeal has been filed, the time frame for the appeal would start to run from the date of decision of the reconsideration. Commissioner Wiegand moved for reconsideration of SUB 94-01, the hearing to be reopened on July 11, 1994. Chairman Schrader seconded the motion and it carried unanimously.

IV. COMMUNICATIONS

Mr. Hoffman advised the Commission of a scheduled joint meeting between the Council and the Planning Commission regarding a proposed Transportation Systems Development Charge, on July 13th at 7:00 p.m., in Council Chambers.

V. FINDINGS

Commissioner Maher moved to approve the Final Order for CUP 94-04 [Canby Medical Clinic], as submitted. Commissioner Wiegand seconded the motion and it carried unanimously.

Commissioner Gustafson moved to approve the Final Order for SUB 94-02 [Country Club Estates #4], as submitted. Commissioner Maher seconded the motion and it carried unanimously.

VI. COMMISSION DISCUSSION OF PLANNING ISSUES

Commissioner Mihata reported that tree experts are being trained, and more volunteers are needed to accomplish the City tree inventory project. She requested that name badges be prepared to identify tree inventory volunteers to residents.

Chairman Schrader reported on the results of the South Clackamas Recreation Board and Task Force survey of people within the district, and how issues were prioritized by residents. In the latest survey, services were emphasized more than capital type improvements.

Regarding the City Council, Planning Commission, METRO joint meeting, Chairman Schrader suggested the transportation issue should be tied in to that discussion. Mr. Hoffman advised that he suggested two hours be reserved in order to cover the transportation issues. Dr. Schrader suggested two separate meetings be held; one to discuss the METRO alternatives, and one to discuss transportation issues.

Rural reserves was discussed. Chairman Schrader stated that it would guarantee certain agricultural lands just outside the City limits could not become part of the Urban Growth Boundary. The downside is that it would lock Canby into the current growth rate. Chairman Schrader suggested this issue be investigated more thoroughly.

Mr. Hoffman stated that, with regard to the Tree Ordinance, the Commission should take action and make a recommendation to City Council regarding the tree list. The solar access aspect has been made a part of the current list.

Chairman Schrader explained that the Mayor suggested, at the workshop between the school district, the Council and Commission, that representatives from the district, Council, and Commission should meet on a quarterly basis. The Mayor suggested two people from each body act as representatives. Commissioners Mihata and Ewert will act as representative, with Stan Elliot acting as standby.

Regarding the visioning process, Commissioner Maher asked if the information garnered there can be used to update the Comprehensive Plan. Chairman Schrader suggested that they should be included in the view of how Canby develops, especially as it relates to land use issues. Commissioner Mihata explained that the Mayor told her the Comprehensive Plan will be a tool used to implement some of the input from the visioning process.

VII. NEW BUSINESS

None

VII. PUBLIC HEARINGS

SUB 94-03, an application by Regan Enterprises for approval to develop Phase VI of Township Village. The applicant is proposing to develop 12 single family residential lots. The site is located south of Township Road, west of S. Pine, at S.E. 10th (Tax Lot 4500 [part] of Tax Map 4-1E-3BC and Tax Lot 4800 [part] of Tax Map 4-1E-4AA). *Continued from April 11, 1994, April 25, 1994, May 9, 1994, and May 23, 1994*

Chairman Schrader explained that this hearing was continued in an effort to get further input from the schools. He explained the hearing process and procedures. He asked each Commissioner individually if he or she had ex-parte contact or conflict of interest. None was indicated, other than Commissioners Schrader, Maher, Wiegand, Gustafson and Elliot attending the workshop.

Chairman Schrader summarized key points from the workshop. The Board felt the school district is okay financially for a couple of years due to reductions in costs due to unification, basic frugality, and by using up cash reserves. Three new teachers will be hired and the Board is committed to retaining the

current teaching staff. Since the district is artificially mitigating the effects of Measure #5, Canby will remain at a higher level for the next two years, at which time a steep drop is expected with or without growth. The number of proposed units and units that have received building permits were discussed. A new capacity formula was developed, taking into account additional factors that had not been added before, showing increased capacity. With growth in mind, the School Board expressed interest in keeping closer tabs on growth patterns in order to adjust boundaries. Additionally, a Schools Systems Development Charge was briefly discussed, which is really a State issue since a new law is needed. Mr. Hoffman suggested that the May 27, 1994 communication from the School Board, with the new summary paragraph which stated that there were reasonably sufficient service levels and capacity levels for the next two years, and new chart summarizing student enrollment and capacity as of May, 1994, should be included as part of the record.

The audience was asked if it had any questions. None were indicated.

Chairman Schrader explained that the hearing would continue at the public testimony portion. As no testimony was forthcoming, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the workshop that was held between the school district, City Council and the Planning Commission. The result of the workshop was that the School Board felt it would be economically sufficient for several years due to the district's frugality, reductions in costs due to unification, and by using up cash reserves. Due to growth, three teachers would be hired for the upcoming school year and the Board committed itself to maintaining the existing teaching staff. The Board also indicated Canby would remain at a high level of services for the next two years and that, with or without growth, that level would taper off after the next two year period. Growth projections indicate the possible shortage of facilities after the next two year period also. Mr. Miller's new capacity projection was discussed, which included new factors not considered previously, and indicated facility space for 1,100 new students. At the workshop, part of the discussion included notifying new residents in the Trost area that their children might have to attend Carus school or some other school, as adjustment to growth boundaries is inevitable. The Commission discussed keeping track of growth patterns, especially of apartment complexes and manufactured home parks, which generate many new students. At the workshop, the School Board recognized its need to keep in close communication with the City regarding growth patterns. The communication from the School Board dated May 25, 1994, which

included a new summary paragraph that states the district concludes it has adequate physical capacity and can provide reasonably sufficient service levels for the new two years was introduced into the record. A new chart summarizing capacity for an additional 1,175 students, was also included in the record.

2. The Commission discussed the possibility of access to Ivy from this development. Mr. Hoffman explained that such access actually depends on what is recommended by the Transportation Study and, that at this point, he would be in favor of dropping that as a condition of approval.
3. The Commission discussed the tree issue and was reminded that the applicant had agreed the sidewalk would be built against the curb, and the trees would be built behind the 5' sidewalk, which would be looped around mailboxes.
4. The Commission discussed the fence at the northern end of the Lee School property. Mr. Wilhelm explained that fence could end where the dedicated park land begins.

Based on the findings and conclusions in the staff report dated April 1, 1994, on testimony at the hearings and on Commission deliberation, **Commissioner Maher moved to approve SUB 94-03, subject to the following conditions:**

1. Full-width barricades shall be placed, at the developer's expense, at the west end of 10th Avenue.
2. Any necessary utilities shall be constructed to the specifications of the service-provider.
3. Utility easements shall be provided and are to be twelve (12) feet along all streets and exterior parcel lines. Exterior lines of the subdivision adjacent to other platted subdivisions with easements, and easements along all interior lot lines, are to be six (6) feet wide off of each lot, for a total of twelve (12) feet.
4. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
5. Street name and traffic control signs shall be provided at the developer's expense. This shall include "dead end" signs for the end of the streets and "Stop" street signs, where required by the Director of Public Works.

6. A one foot "plug" and reserve strip shall be provided at the end of the dead ended streets to prevent access to the west until platted or developed.
7. The final plat shall reference this land use application - City of Canby, File No. SUB 94-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
8. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
9. Curbs and sidewalks shall be provided along all street frontages. While building setbacks are normally required to be measured from the property line, in situations where the sidewalks are built on private property, the driveways and parking areas shall be designed to provide a minimum of 19 feet of parking area between the sidewalk and the face of the garage (or some equal outdoor parking provided on-site). The sidewalk shall be 5 feet wide (including curb), usually located adjacent to the curb and with a minimum of 5 feet clear distance for pedestrians where adjacent to mailboxes, newspaper boxes, fire hydrants and other obstructions.
10. No more than four lots in each block shall have the same house designs.
11. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised to date.
12. Design of street paving and construction standards shall be approved by the Public Works Department. The stormwater disposal system shall be reviewed and approved by the Public Works Director, including appropriate drywells.
13. Temporary turnarounds shall be provided at the west end of 10th Avenue, the design of which meets the requirements of the Fire Marshall.

14. Street trees shall be planted prior to occupancy of the homes. If the City is requested to plant the trees for the developer, then a tree planting easement shall be provided.

Commissioner Gustafson seconded the motion and it carried unanimously.

MLP 94-02, an application by Oregon Development, Inc. [Tom Kendall] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision [Tax Lot 2000 of Tax Map 4-1E-3. **Carried over from May 23, 1994.**

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. He then reviewed the hearing process and procedures and applicable criteria.

Bob Hoffman presented the staff report. He described the property and surrounding areas, using an aerial photograph. He explained that the 10 acre remaining parcel, if the partition and annexation were both granted, would remain under the ownership of the Faist family and would include their present home. This application was stimulated because the Boundary Commission is now interpreting their rules to require a partition where only a portion of a tax lot is being annexed. After communicating with the County, it was found to be more efficient for the City to oversee the partition, as a means of saving time. The annexation and partition were originally started as a simultaneous action, but have since been separated at the applicant's request. As the applicant has requested the two applications be heard separately, staff believes the applicant would not expect the partition to be approved without approval of the annexation. Therefore, staff recommends the Commission condition the partition so as not to be effective until the annexation is effective.

When Redwood was extended from the Trost School to Valley Farms, a small portion of the northwest corner of the subject property was dedicated for the right-of-way on Redwood. At that location, there is water and sewer service available for the site. Clackamas County has requested that, at such time as the property redevelops, that portion of S.E. 13th Avenue become the City's responsibility. Additionally, the County has informed the City that no additional road improvements are needed, with the exception of standard driveway entry permits for the upgrade of the existing entry and one for the

new home on parcel #2. In addition, the County has stated that sufficient right-of-way must be dedicated, as needed, to ultimately construct a full urban street to the same standard Valley Farm's.

The subject site is within the Urban Growth Boundary and is currently used agriculturally. The acknowledged Comprehensive Plan future land use and future zoning for the site is residential. Services are, and would be, available to the site.

Questions have come up about how boundaries are treated between an urban area and agricultural area. Staff believes there are ways, as part of the development process, for insuring that the boundary would be adequately buffered. Mr. Hoffman then reviewed the County's EFU-20 zoning regulations. Although the portion of the site remaining in the County would be less than 20 acres, the County does have an exception, as part of its Code, that where (a change of zoning) caused by an annexation is involved, such smaller parcels are accepted.

At the present time, staff finds that the subject site is a viable agricultural use, although the applicant believes otherwise. Comprehensive Plan goals and some policies are directed toward retaining in use as agricultural land that is found to be economically feasible for farming. The County has asked for widening of the roads, and that the City take over operation and maintenance of that portion of S.E. 13th, but no agreements have been worked out with the City for accomplishing this. As the County has not paved many of the road widths adequately or with the proper thickness, which would burden the City with heavy maintenance costs, Mr. Jordan has been meeting with the County to work out a more equitable method of taking on County responsibilities. Therefore, if this application is approved, staff does not recommend taking on such responsibilities, as there is no appropriate mechanism for doing so at this time. Sidewalks would be required as part of the development, but could be delayed until actual development took place.

The subject property is part of the large area that is considered as benefitting from improvements through the Logging Road Industrial Area. The Advanced Financing reimbursement charge for this parcel would amount to approximately \$50,000. Therefore, economically, the City would benefit from development of this parcel because these fees would help pay for these major public improvements. But there are goals and policies in the Comprehensive Plan that deal with looking at development in such a way as to protect the most viable agricultural land as is economically feasible. In terms of phasing, Mr. Hoffman reviewed the Comprehensive Plan map showing growth priorities and explained which of the Priority "A" and "B" areas have not been

annexed yet, adding that the subject site is part of the Priority "C" area. He further explained that there is a provision which states that if all the criteria is met, then the Commission could take those areas out of order. Adequate public facilities and services are available to the site, including school facilities and services. Staff concludes that it is possible, depending on how the Commission weights the goals, to approve the application, with conditions, especially that the approval be effective only upon approval of the annexation and that additional right-of-way be provided along the frontage of both parcels along S.E. 13th Avenue as dedicated public right-of-way. The applicant's engineer informed staff that the required dedication is too wide, but staff points out that the area to the south of the subject site will not be within the growth boundary so 13th will only be as wide as it is now for many years. Therefore, the 20 feet would be needed right away to get the ultimate width for 13th Avenue. Additionally, staff recommends that 3 acres of land in the northeastern corner of the parcel be reserved for eventual park purposes and an agreement to accomplish that be established prior to the signing of the final plat, and that the dedication would be eligible for Parks SDC credit.

Applicant

George Wilhelm, 546 S.E. Township stated that the process has changed somewhat in the last few years, since a portion of a site could no longer be annexed, without a partition first occurring. The biggest issue appears to be whether or not this property is appropriate for annexation at this time. The applicant believes that the area in question has developed significantly differently than what the Comprehensive Plan envisioned. The Trost School, which was a Priority "C" for annexation was a significant change, as a school was never envisioned for that location. The new school should have a significant influence as to how the area should be prioritized for residential development. With the school, Township Village, and the Valley Farms, the applicant believes this site is ideal for residential development. Mr. Kendall has researched other properties that are available for development in the Urban Growth Boundary and has found that none of those property owners are interested in developing. Mr. Wilhelm requested that the Commission seriously consider the changes and development on the south side of town when deliberating about the Priority "C" and farmland issues.

Tom Kendall, P.O. Box 151, Canby stated that the farmland is exactly the same farmland and soil as Valley Farms which was approved by the Commission. It has created some problems with farm uses nearby in terms of the lack of fences, people stealing from the farm, and children running through the school's gate across the farm. If this is approved, he stated that a condition requiring a fence would help alleviate these types of problems.

Proponents

None

Opposition

None

With no additional testimony, the public testimony portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the order of the process, agreeing that the purpose of the proposed minor land partition application was "to facilitate annexation and ultimate development of a subdivision," due to the new policy of the Boundary Commission that partial annexation of a total site can only take place after the site has been partitioned. The Commission agreed that the applicant has failed to submit substantial evidence that the Comprehensive Plan Policy #3 of the Urban Growth Element has been met. Since the primary purpose of the partition is to facilitate annexation, the growth map needs to be followed or the particular findings of Policy #3, Implementation Measure D, be met.
2. The Commission discussed the subject site, and agreed that the subject area is presently being farmed and is shown on the Comprehensive Plan Growth Phasing Map as Priority "C" - the last phase to be developed. With regard to the Comprehensive Plan growth phasing map, the applicant submitted a statement on June 8, 1994, which stated that "The subject property is in Priority C, but I have personally contacted many of the larger parcel owners in Priority A and B, and none of these owners expressed any interest in selling or having their property developed at this time or in the near future. The properties along Redwood Street would require a main water line which would make developing small parcels not economically feasible." The applicant also stated that "In response to the Canby Comprehensive Plan, Finding No. 3, Section D., although the parcel to be annexed is in the area known as Type C, we conclude that this Comprehensive Plan was established before a school and city services were brought to the boundary of the subject parcel. This property is a natural and logical expansion to the existing city limits. A new elementary school is located at the northerly boundary. A new single family residential development is located along the westerly boundary. All City services are available at the boundary

of the parcel." Except for the applicant's statements, the Commission agreed that no substantial evidence was presented and no credible supporting testimony was given to support those statements. Additionally, the Commission agreed that the responsibility of the Comprehensive Plan is to guide the development of the City. Since other viable areas in the Priority "A" and Priority "B" sections are available, the Commission questioned whether the timing was right to annex Priority "C" areas.

3. The Commission discussed the statement that the applicant submitted on June 8, 1994, which stated that "This 40 acre parcel over the past five (5) years has had a declining rate of income and is no longer economically feasible to farm this land. Also, its proximity to the new Trost School and Valley Farms Subdivision has created problems for farming the property." Other than that statement, the Commission agreed that no additional supporting evidence was submitted and no credible supporting testimony was given. The Commission agreed that the applicant failed to submit substantial evidence establishing that the Comprehensive Plan Policy 1-R-A, requiring that Canby direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so, has been met. The applicant also failed to show this land is not economically feasible to farm any longer.
4. The Commission agreed that the applicant has not submitted substantial evidence that Growth Area "C" property should be annexed ahead of property in Areas "A" and "B". Specifically, the applicant has failed to provide substantial evidence that:
 - a) the annexation is appropriate at this time;
 - b) that, overall, some special public benefit to the City would occur which would otherwise not occur, if the phased growth pattern was followed;
 - c) that the result is no substantial impacts on the planned provision of public facilities and services, and
 - d) that timing for City growth and development is appropriate.
5. The Commission discussed the Canby Visioning Process which lists, as a very high priority, preserving farmland.

Based on the findings and conclusions contained in the staff report dated May 13, 1994, on testimony at the public hearing, and Commission deliberations,

Commissioner Maher moved to deny MLP 94-02 because the property is in Growth Area "C" and is not in conformance with the Comprehensive Plan, and because the applicant has not proven lack of economic viability for farming. Commissioner Wiegand seconded the motion and it carried 5-1, with Commissioner Gustafson voting no.

Chairman Schrader left the meeting at this point, having been called away by an emergency.

DR 94-05 an application by Bruce Broetje for Site and Design Review approval of an industrial building in the Logging Road Industrial Park (Tax Lot 1806 of Tax Map 3-1E-34C).

Chairwoman Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. She then reviewed the planning process and procedures and criteria.

Bob Hoffman presented the staff report. He reviewed the background, explaining that the property was partitioned in November of 1993 [MLP 93-05], and the first industrial manufacturing building received Site and Design Review approval in December 1993 [DR 93-08].

The Logging Road Industrial Park improvement project is under construction. The new building will be located at the bend of the new Redwood Street, which will provide access to the proposed development. The proposed internal circulation pattern will be one-way and, in order to facilitate this, the entrances and exits will need to be appropriately marked. The design of the building is basically the same as the existing building. The frontage along Redwood should be planted with 13 Cleveland Norway Maple trees, approximately 50 feet apart, and other shrubs. Ten additional trees are also proposed, and the applicant proposes to retain an existing tree, north of the building. Two rock-lined drywell basins are proposed, which are considered to be landscape features. Since the maximum amount of landscaped area that is non-vegetative is 5%, the drywell basins will have to be no larger than 1200 square feet. Staff is proposing a hedge, similar to boxwood, maintained at a minimum height of 3 feet, to be used as screening around the parking areas. The proposed handicap parking spaces do not meet the width requirement for the access aisles, and one will need to be van accessible, requiring an access aisle of 8 feet. Staff recommends approval, with conditions.

Applicant

Bruce Broetje, 24510 S. Cass Road stated that he preferred shrubs around the offices and parking areas, but that he objects to the hedge because it would offer less security and could invite vandalism and criminal acts. There will be intense shrubbery around the offices, he added. Additionally, Mr. Broetje explained that he had decided to build drywells instead of rock-lined basins. The entryways are 20 feet wide, he stated, and are designated for one-way traffic only.

Proponents

None

Opponents

None

With no further testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the new Sign Ordinance portion which limits installation of a sign for six months after the application is approved, if it was not part of the review. The Commission agreed it should be worded "6 months after occupancy of the property" instead.
2. The Commission discussed the design of the building. It was agreed it was very similar to the recently approved building reviewed and approved in 1993.
3. The Commission discussed landscaping. Although the ordinance is not very specific about the amount of shrubbery, Mr. Hoffman explained that shrubs, beyond a hedge for parking screening, would be preferred. The applicant agreed that shrubbery would be preferred because a hedge could encourage criminals acts and reduce security. The Commission agreed to amend proposed Condition #10 to delete any reference to a hedge and stipulate that shrubs should be planted along the landscape perimeter of the parking areas, along the front of the office area, and on the mound screening area.

4. The Commission discussed the entrance/exit issue as it is proposed in Condition #2. Staff explained that the applicant had proposed one-way directional traffic via entrances and exits, as well as in the paved vehicular maneuvering area.
5. The Commission discussed proposed Condition #9 and agreed that a drywell should replace the rock-lined drywell basin, and that the surface area should be landscaped.

Based on the findings and conclusions contained in the staff report dated June 3, 1994, on testimony at the hearing, and on Commission deliberations, **Commissioner Elliot moved for approval of DR 94-05, with the following conditions:**

1. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.
2. The entrances and exits, as well as the paved vehicular maneuvering area, shall be designated for one-way directional travel.
3. The pavement of the loading areas shall be striped to designate loading areas.
4. Curbs or wheel stops shall be placed between the parking/vehicle maneuvering areas and the landscaped areas.
5. The handicapped parking spaces shall be striped and constructed to meet the State of Oregon Structural Specialty Code. At least one handicapped parking space shall be "van-accessible."
6. The easternmost handicapped parking space shall be a minimum of 15 feet wide, including the access aisle, to be designated as a handicapped parking space.
7. No signs shall be permitted to a minimum of six (6) months from the occupancy of this property.
8. "Cleveland Select II" Norway Maple trees shall be planted along S Redwood Street. A minimum of 13 trees shall be planted. The trees shall be planted with a minimum spacing of 40 feet on center, and a maximum spacing of 60 feet on center.

9. A drywell shall replace the rock-lined basin and the surface area shall be landscaped.
10. Shrubs shall be planted along the landscape perimeter of the parking areas, along the front of the office area, and on the mound screening area.

The motion was seconded by Commissioner Gustafson and approved unanimously.


VIII. DIRECTOR'S REPORT

Mr. Hoffman reported that for the first half of the month, 48 units have been approved for building permits, 28 of which are multiple dwellings. Mr. Hoffman also reported on his trail walk down by Village on the Lochs. He commended the public works crew on the great job they did, especially after running into a big drainage problem. He also explained that agreements are in place from Elmwood Mobile Home Park to dedicate land along from the end of the trail to the Ellickson's parcel, and the Ellickson's have also agreed to dedicate land. Such dedications will make the connection all the way through to Elm.

IX. ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,


Joyce A. Faltus