

MINUTES
CANBY PLANNING COMMISSION

Regular Meeting
September 8, 1997
7:30 P.M.

I. ROLL CALL

Present: Chairman Ewert, Vice-Chair Stewart, Commissioners O'Shea, Prince and Keller.

Staff: James Wheeler, Planning Director, Jason Kruckeberg, Assistant Planner, and Joyce Faltus, Secretary.

Others Present: Bill Wagoner, Tom Tye, Bill Kraxberger, Marty Moretty

II. MINUTES

Commissioner Stewart moved to approve the minutes of August 25, 1997 as submitted. Commissioner Keller seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

No discussion.

IV. FINDINGS

ZC 97-02 - Schram

Commissioner Stewart moved to approve the Final Order for ZC 97-02, recommending approval, to City Council, as submitted. Commissioner Keller seconded the motion and it carried unanimously.

MLP 97-07 - Schram

Commissioner O'Shea moved to approve the Final Order for MLP 97-07, as submitted. Commissioner Keller seconded the motion and it carried unanimously.

V. PUBLIC HEARINGS

ANN 97-07, an application by Riverside Homes (applicant) and William T. Kraxberger, Tom Lichatowich, and Dennis McCarthy (owners) for approval to annex 7.28 acres into the city of Canby. The property is located on the west side of Redwood Street, between Territorial Road and Highway 99-E [Tax Lots 900, 901 and 1000 of Tax Map 3-1E-34B].

Chairman Ewert reviewed the hearing process, procedures and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report dated August 29, 1997. Mr. Ewert asked if any Commissioner had a conflict of interest or ex-parte contact. Commissioner Prince explained that he spoke with the applicant and only mentioned that the site was located behind his house. Nothing else about the application was discussed. No one from the audience had any questions of Commissioner Prince. Other than visiting the site but drawing no conclusions from the visit, no other ex-parte contact or conflict of interest was indicated.

Mr. Kruckeberg presented the staff report. The property, he explained, is located east of the Logging Road, on the west side of N. Redwood Street, north of Highway 99-E, and south of Territorial Road. The Comprehensive Plan designation for the parcels is R-1, Low Density Residential. Currently, the properties are not being used for agricultural purposes and they are considered to be the least productive agricultural properties within the UGB. He explained that the properties to the north and east of the subject site are not within the City limits, but are in the Urban Growth Boundary and are currently zoned RRFF-5, as are the subject parcels. Properties to the south and west are within the City limits and are zoned R-1, Low Density Residential. The subject site is considered Priority "A" for annexation. If approved, the applicant will return with an associated subdivision application that proposes a 41 lot subdivision, comprised of 37 new single family units, (incorporating the existing homes on each of the three lots, plus another existing home on Tax Lot 1001, owned by Mr. and Mrs. Zacher, which was annexed into the City under ANN 92-05). The subdivision proposal will be consistent with residential development to the west and to the south. Based on building activities through the 1990s and an analysis of developable vacant land in the City, staff has found that there are approximately 170 units approved per year, which would last for approximately 3 years and 2 months. The Comprehensive Plan projects that the ideal amount of vacant land within the City limits should last 2 to 3 years.

With the return of Request for Comments forms from utility providers, several issues were raised, most of which have to do more with the actual development of the site rather than the annexation of the subject land into the City.

Regarding stormwater, Mr. Kruckeberg explained that the City is negotiating with the applicant for a stormwater easement along the northern property line, from the Logging Road to N. Redwood. It will be a 12 foot easement rather than the customary 10 foot easement on property lines. Regarding telephone cable lines, the Canby Telephone Association mentioned side lot easements will be necessary, as well as easements across the Logging Road. Six foot side easements are customary in subdivisions. The Canby Utility Board indicated that a condition should be placed requiring a 12 inch water main, down N. Redwood through to the south end of the subject property. Additionally, an 8 inch looped line through the subdivision to provide for fire protection, should be required.

Mr. Kruckeberg referred the Commission to the Request for Comments from Clackamas County, where County staff recommended denial of the application until a traffic study was completed to address capacity issues at affected intersections. The County was not aware that a traffic study had been completed, which evaluated the impact of the annexation and future development on the intersections of Territorial/Redwood and Highway 99-E/Redwood. The results of the study indicate that signalization is not necessary as a result of the annexation and that the existing road system is adequate to accommodate the traffic that will be generated by the associated development.

Staff concludes that the proposed annexation and proposed land use is compatible with the Comprehensive Plan and with development around the subject site. All City services are either available or will become available at time of development. The easements for stormwater, telephone, and water will all be necessary conditions of the subdivision approval, but should not be a limiting factor of the annexation proposal. The subject area lies within the area designated Priority "A" for annexation. Based on the foregoing, staff recommends that the Commission recommend approval to City Council.

Applicant

Tom Tye, 6564 S.E. Lake Road, Milwaukie 97222 stated that he concurs with the staff report and with the Commission's concerns regarding the tax lots included in the Traffic Study. He suggested having the engineer send a letter to the City that states which tax lots are **actually** included. Mr. Tye pointed out that there is a mix of lots in Canby and the total will be market driven rather than built all at one time. The applicant concurs with the drainage and water line improvements required for N. Redwood, pointing out that the developer pays for the standard 8" water line and the City usually pays for the oversizing. Mr. Tye encouraged the Commission to approve the application.

Proponents

Bill Wagoner, Riverside Homes, 1060 SW 206th Avenue, Aloha 97006 stated that the stormwater plan will be a solution for existing problems in the area and that an easement will be worked out with the property owners of the parcels to the north.

Opponents

None

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

1. The Commission requested an explanation of proposed condition #6. Staff explained that if an L.I.D. is formed, if property owners within the district remonstrated against it it would preclude the development of the property. L.I.D.'s have not been formed in the City for at least 7 years and it is unlikely that one would be formed now. However, in the event one was formed, this condition would require that property owners of the subject parcels not remonstrate against the formation of the district. Staff added that this would not preclude the property owners from remonstrating against how the assessments were allocated within the district. It is staff's understanding that this condition would pass along to each subsequent owner through the deed. Commissioner Prince stated that it was a good tool for getting sidewalks and expanding the street in the future.
2. Improvements to N. Redwood were discussed in light of it being a County road. Staff explained that N. Redwood was included in the Transportation System Plan and that there is a funding mechanism for it. However, depending on the types of improvements desired in the future, they may not be covered by the current methodology.
3. The drainage issue was discussed. Staff explained that the swale was approximately 5 to 8 feet deep, runs the full north-south length of the property, and is approximately 100 feet wide. During the first stage of the stormwater plan, the City is going to be piping all the stormwater from that area out to the wetlands north of Territorial, between Territorial and the Willamette River. Different routes are being pursued for the piping of the stormwater, for easements to get from the Logging Road to N. Redwood, one of which is to cross the subject site. The drainage for the recent annexation on the east side of N. Redwood will also be tied into this system, staff explained, as well as developments on the other side, between N. Pine Street and the Logging Road.

4. The traffic study, which reviewed affects of a 33 lot [30 new lots and 3 existing homes, one on each of the three parcels to be annexed] subdivision, was discussed. Mr. Krukeberg explained that the original associated subdivision application planned for 33 lots, which was before the Zacher property was added to the subdivision application, bringing the number of lots to 41 (including 4 existing homes, one on each of the 4 lots included in the subdivision application). Staff determined that, given the results of the traffic study, the addition of the Zacher property would not have a significant impact.
5. The Commission questioned whether any money would be set aside for improvements to Redwood. Staff explained that such discussion would be part of the subdivision application, but it is intended that the applicant do improvements along the property frontage on N. Redwood.
6. The Commission discussed the excerpt from the Traffic Study that suggested the shrubbery from the northern view of the traffic [from N. Redwood] should be trimmed to ensure 550 feet of visual clearance, as opposed to the 498 feet presently existing. Staff explained that the shrubbery is on property owned by Union Pacific. Staff suggested an alternative could be to request that ODOT reduce the speed limit on Highway 99-E to 45 miles when approaching N. Redwood. The Commission agreed a reduction in the speed limit would be more beneficial for the City. The Commission requested that this issue be included as a note on the final order - that the brush be cut or request that ODOT reduce the speed limit on that portion of Highway 99-E. Staff added that if the development did go in on the Arneson property and the intersection was realigned, sight distance would be studied in more depth.
7. The Commission pointed out that the Traffic Study appears to make recommendations for Tax Lots 800, 900 and 901, rather than Tax Lots 900, 901 and 1000. The Commission, by a majority on a straw vote, agreed to accept the Traffic Study, but asked that staff notify the authors that it would not be accepted with associated errors in referring to tax lots again.
8. The Commission discussed the width of Redwood. Staff explained that it is proposed to be a 40 foot wide collector street with a 60 foot right-of-way. There would be a requirement for a 28 foot street accessing the proposed development.
9. The Commission agreed that staff would request a letter from the engineer who did the Traffic Study that would verify, in fact, that the study represents the lots in question.

10. The Commission discussed the possibility of recommending to City Council that this application goes before the vote of the people due to the problem intersection, the signalization, the fact that the associated development would put the City over the 3-year mark for adequate housing as addressed in the Comprehensive Plan, concerns about stormwater and running water lines. There was a question raised about whether the City infrastructure was being overburdened. It was agreed that the infrastructure would not be overburdened or taxed because the developer would have to meet all the conditions relating to infrastructure improvements if the subdivision is approved. Furthermore, all of the service providers have reported that adequate services are available or will become available, except for Clackamas County, which bases its recommendation on the fact that they were unaware of a Traffic Study.
11. The question came up of why so much of the information that was included in this hearing, actually falls under the subdivision application criteria.

Based on the findings and conclusions contained in the staff report dated August 29, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Keller** moved to approve ANN 97-07. Commissioner Stewart seconded the motion.

The following discussion took place after the motion was made:

1. Commissioner Prince suggested the motion include a note to City Council that contact be made with ODOT to pursue the reduction of the speed limit on Highway 99-E, in the vicinity of N. Redwood, approaching from the north, to reduce sight obstruction due to heavy shrubbery.
2. Commissioner Prince further pointed out that the Commission had agreed to request a letter from the author of the Traffic Study specifying exactly which tax lots were included in the study
3. Commissioner Prince also pointed out that there was a discrepancy on page 1 of the staff report, with regard to the tax lot numbers, and asked they it be corrected.

Commissioner Keller amended his motion to include a note to City Council requesting that the City contact ODOT to pursue reducing the speed limit on Highway 99-E, in the vicinity of the intersection of Highway 99-E/N. Redwood (approaching from the north), in order to reduce sight obstruction along Highway 99-E, which the Commission does not feel can be properly maintained in the long run. Commissioner Stewart, who originally seconded the motion, agreed to the amendment and it carried unanimously.

SUB 97-06, an application by Riverside Homes (applicant) and William T. Kraxberger, Tom Lichatowich, Dennis McCarthy, and Duane & Bonnie Zacher (owners) for approval to develop 9.7 acres into a 39-lot single family residential subdivision. The property is located on the west side of Redwood Street, between Territorial Road and Highway 99-E [Tax Lots 900, 901, 1000 and 1001 of Tax Map 3-1E-34B].

Chairman Ewert announced that the applicant has requested that this application be continued to September 22, 1997. The Commission approved the request.

VII. NEW BUSINESS

None

VIII. COMMUNICATIONS

Staff pointed out to the Commission that an updated version of the proposed Ordinance amendments are included in their folders, and includes the voter annexation ordinance. Furthermore, he pointed out that a portion of the amendments relate to driveway separation distances on single family lots, which is proposed to be amended.

The Commission discussed whether delayed annexations should be included in the voter annexation ordinance. Staff explained that, due to Measure 50, delayed annexation would probably be passe. He explained that as land is developed and then annexed, it is added to the tax base. Prior to Measure 47 or 50, the only addition to the tax base was when property was annexed into the City. If annexation was delayed and the property was developed and then brought into the City, the whole value of the developed property would be added to the tax base. At the present time, the value of the undeveloped property would be added to the tax base once it is annexed and, when developed, the value of the development would also be added to the tax base. Commissioner Prince pointed out that Philomath reworded their ordinance to include delayed annexation because it includes the extension of City services beyond City boundaries (which facilitates delayed annexation) and also is encompassed in the procedure. Commissioner Prince also referred to Section 9 of the proposed voter annexation ordinance. Staff explained that Section 9 of the proposed ordinance is not an exception to the Charter requirement for voter approved annexations and it only gives potential exceptions to provisions in the ordinance, which is more of a process. Commissioner Prince suggested that it should require a full vote of the Council so it does not end up as a controversial matter. The Commission agreed that it is too limiting because all members are not always present at meetings, and it would also delay timelines. The Commission then discussed the term "exceptions," what it involves, and what is covered under "exceptions." Staff explained further that an ordinance cannot preempt City Charter.

Regarding the Intergovernmental Agreement (Green Corridor), the Commission questioned how this issue ties in with population forecasts. Staff explained that there is a State requirement in dealing with coordinated population forecasts to ensure coordination and consistency. Further, staff offered to contact ODOT to get further clarification of this issue. Staff reviewed the delineation of the green corridor with the Commission, noting that the Urban Growth Boundary was not shown in detail. It was pointed out that staff notified the school district that a part of the Canby School District, in the Beaver Creek area, is within METRO boundaries. Staff explained that the major workload in activating this agreement falls on the County's shoulders as they have to amend their Comprehensive Plan and ordinances to accommodate this agreement.

VIII. DIRECTOR'S REPORT

Staff reminded the Commission of the workshop with City Council, on September 15, 1997, at 7:00 p.m. at the Adult Center, to discuss ordinance amendments.

Staff also explained that on October 16, 1997, at the Oregon Convention Center, "The Great Debate" takes place. It is sponsored by the American Planning Association in conjunction with the Homebuilders Association. The need for METRO and the Statewide planning system will be debated. The results of a Statewide poll will be released, regarding how Oregonians feel about regional and statewide planning issues. The results will be discussed via a panel discussion moderated by Channel 9's Town Hall. If anyone on the Commission was interested in attending, staff recommended that they notify the Planning Office as soon as possible.

The information that is included in staff's annexation staff report was discussed. Staff explained that when there is a subdivision application included, along with an annexation proposal, some of the information is shared in the reports. Staff further explained that some of the Comprehensive Plan implementation measures will be incorporated into the Land Development and Planning Ordinance, some of which apply to annexations, some to subdivisions, etc. The result will be that those measures will be specifically addressed in the staff reports. The Commission pointed out that the inclusion of the stormwater information was extremely important toward making a decision on the annexation request heard on this agenda.

IX. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,


Joyce A. Faltus