

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
Monday, January 11, 1999
7:30 P.M.

I. ROLL CALL

Present: Chairman Stewart, Vice-Chairman Keller, Commissioners Brown, Tallman, and Bliss

Staff: Jason Kruckeberg, Planning Director; Clint Chiavarini, Project Planner; John Williams, Associate Planner; Jerry Pineau, Community Development Director.

Others Present: Ray Burden, Irene Burden, Steve Buchanan, Betty Faist, Blaine Burnett, Susan Burnett.

II. MINUTES

October 12, 1998

Commissioner Keller made a motion to approve the minutes of October 12, 1998 as submitted. Commissioner Brown seconded the motion and it carried 4-0, 1 abstain.

October 26, 1998

Commissioner Keller made a motion to approve the minutes of October 26, 1998 as corrected. Commissioner Tallman seconded the motion and it carried 5-0.

III. FINDINGS, CONCLUSIONS AND FINAL ORDER

MLP 98-05, Edwards Application: Commissioner Tallman asked about the sidewalks. She asked what temporary AC at the ends means. It was explained that AC is asphalted Concrete.

Commissioner Keller moved to approve the findings, conclusions and final order for MLP 98-05 as submitted. Commissioner Brown seconded the motion. Commissioner Stewart asked about page 4 note 10, the address being visible from S. Ivy Street. Mr. Kruckeberg answered the question. The Commission decided it should be worded as such: the address must be visible from the street it can be painted on the sidewalk but not as the primary method of visibility. Motion carried with a vote of 5-0.

ANN 98-03, Sampsel/Nellen: Commissioner Keller moved to approve the findings, conclusions, and final order for ANN 98-03 as submitted. Commissioner Tallman

seconded the motion. Commissioner Stewart asked Mr. Kruckeberg about direct approval by the City Council without the public hearing process. Mr. Kruckeberg explained that there is no process for direct approval at this time. Motion carried with a vote of 5-0.

IV. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

Commissioner Brown wanted to clarify his opinion on neo-traditional sub-division development. He wanted to allow but not promote them and have a mechanism in place for builders to do so if they desired.

V. PUBLIC HEARINGS

ANN 98-04

Commissioner Stewart read the public hearing format for the record. Commissioner Stewart asked if any of the Commissioners had any conflicts to declare or ex-parte contact. Commissioners Tallman, Keller, and Stewart had visited the site but drawn no conclusions. Commissioners Bliss, and Brown had no contact and had drawn no conclusions.

Mr. Williams presented the staff report. The property is a 14.03 acre lot South of Hwy 99E, just East of Redwood Street and North of SE 1st Ave. The property is Zoned Hwy Commercial. Currently there are a number of buildings on the property and a pond on the eastern 1/3 of the property. Part of this property will be traded to Gramor Development for the intersection on Sequoia and 99E. None of the exchange going on is part of the annexation. The property is Priority B property, but the only commercial property not currently in the City. The City will be able to review and approve any future development. The applicant has indicated a desire to establish a park or wildlife area in the future near the pond. The property represents special benefit to the City which would not occur if the phased growth pattern were followed. It is connected with improvements to the intersection on 99E for Redwood and Sequoia. Annexation of the property will allow the Burdens to have all of their property within the City Limits. Staff does not feel that this will create any adverse impact to public facilities or services. Staff believes it is appropriate in terms of timing for City growth and development. This proposed annexation would allow for more intense commercial use in the future. The applicants intend to use the property for agriculture for the time being. The property contains a wetland area which is in the Comprehensive Plan list of wetlands for the City. Staff recommends that a traffic study be done at the time of development and not at the time of annexation. Chairman Stewart asked Mr. Williams to jump ahead to the summary at this point due to the fact that the Planning Commissioners had all read the information being presented. Mr. Williams Concluded that the proposed annexation meets the requirements and the standards established in the City code, and recommends approval with the understandings noted in the staff report.

Commissioner Brown asked how much of the land is developable. Mr. Williams said about 2/3 of the property.

Commissioner Brown asked if denial of this request would hinder development of the industrial park intersection at Redwood. Mr. Williams said not to the knowledge of the City.

Commissioner Stewart asked if CUB had any input on the wells? Mr. Williams explained that this would be more appropriate during Site and Design review.

Chairman Stewart opened the public testimony portion of the public hearing.

Applicant

Ray Burden, 23230 S. Hwy 99E: Mr. Burden described the location of the property, and where the Tavern currently sits. He explained what Gramor is going to do with that section of property where the tavern is. Mr. Burden indicates his desire to add one or two more buildings. He would like to have the new buildings and the Farm Store currently located on the property hooked to City services. He is going to be refurbishing the Farm Store to make it look better. Mr. Burden would like to have all of his property in the City limits, and to eventually phase out the nursery for more commercial business.

Commissioner Keller asked Mr. Burden what his thoughts on the pond were. Mr. Burden said he would like to have seen a restaurant there, but most of the area is timber. He would like to see a garden put in. Some trees would need to be removed. He would like to see the water area remain. The pond is currently used for irrigation.

Commissioner Bliss asked if the pond ever floods. Mr. Burden stated that it does not.

Proponents

None.

Opponents

None.

Rebuttal

None.

Chairman Stewart closed the public testimony portion of the public hearing.

Deliberations:

Commissioner Bliss asked if this annexation has any impact on the Gramor Development. The answer was no.

Commissioner Brown said that the timing seems right, staff conclusions are correct, and that he also felt the traffic study should be done at the time of development.

Commissioner Tallman stated that it seems logical when you look at the overall picture of development there. She also feels the traffic study should be done during site and design review.

Commissioner Brown stated that if this property is included it will create an island out of Zimmer property and wondered if this was legal. Yes it is legal, it is not desirable but it is legal. The Zimmers are aware of what is going on.

Commissioner Keller agrees with and supports this application. He believes we should look at changing criteria to take out traffic study at the time of annexation.

Chairman Stewart would like to see Understanding #7 in sentence #2 changed to traffic study may result in access closure, reconfiguration or denial.

Commissioner Brown felt that denial could be removed. Commissioner Stewart agreed, but wanted to make sure that the Burdens were aware of the fact that the Planning Commission has no control over access onto Hwy 99E.

Commissioner Brown made a motion to recommend approval to the City Council of ANN 98-04 with staff recommendations. The motion was seconded by Commissioner Keller. The motion carried with a vote of 5-0.

ANN 98-06 Buchanan

Chairman Stewart asked if any of the Commissioners had any conflict or ex-parte contact. Commissioners Brown, Keller, and Bliss had no contact. Commissioners Stewart and Tallman had visited the site but drawn no conclusions.

Mr. Chiavarini presented the staff report. The property is located directly across the Hwy. from the Burdens. The annexation is due largely to the Gramor Development and is to re-align Redwood Street and Sequoia. Applicant is not connected with Gramor, The Applicant does not have any plans to develop at this time. The property is Type B property and is zoned residential. Staff feels that annexation of this property is appropriate because of the dedication of right of way. The applicant does intend to dedicate the right of way to the City. The property currently has buildings, and a mobile home. The mobile home would be a non-conforming structure, and if any development took place would need to be removed. The property currently has livestock which is a non-conforming use, and would also need to be removed at the time of any development. ODOT and Clackamas County have no objections to the annexation of this property. There are no wetlands or hazards on the site. The staff would make the following five recommendations: Zoning low density residential, all service connections recording costs, and future development costs would be the property owners, all service providers regulations to be adhered to at the time of connection, sidewalks not to be required until development, and property owner to dedicate right of way to the City.

Commissioner Keller asked about sidewalks in the right of way and who would be paying

for them. Mr. Chiavarini explained that Gramor would pay for the intersection and the City will pay for the remainder of the frontage through SDC's.

Commissioner Stewart asked why no recommendations were made about a traffic study. Mr. Chiavarini will add a recommendation for a traffic study at the time of development.

Commissioner Brown asked if there would be an impact on the Gramor Development if this property was not annexed. If applicant receives the proper approvals the City wouldn't have to pay for the right of way. Mr. Pineau responded that the annexation has no relation to the right of way. If the property was not annexed that would be up to the applicant. Mr. Kruckeberg explained that the applicant could dedicate the right of way to the County and the intersection could still be built.

Chairman Stewart opened the public testimony portion of the hearing.

Applicant

Mr. Daryl Buchanan, 996 N. Redwood: Owner of the property stated that he has no development plans at this time, and he does intend to dedicate the right of way to the City.

Proponents

Ray Burden, 23230 S. Hwy 99E,: Stated that it seems logical to him for the property to be annexed.

Opponents

None.

Susan Burnett asked if this area is annexed into the City does this mean the speed limit would automatically be changed? Mr. Chiavarini explained that it will not automatically be changed. He explained that the way to do that is through a traffic study. When a traffic study is done they will usually set the speed limit at 80% of what the people are driving. Mr. Kruckeberg explained that there is a speed control board that you can petition for speed limit changes to certain sections. Mr. Pineau also felt that the speed control board was the best way to do this.

Commissioner Tallman had asked ODOT if any change would take place because of the Gramor Development. She had been told not until all development was complete. Then it is possible that a review of speed limits would take place.

Ms. Burnett asked if there was still talk of a light at Territorial Street. Mr. Pineau responded yes.

Chairman Stewart asked if Ms. Burnett would like to remain involved and informed about these issues and she responded yes.

Ms. Burnett asked if annexation is only by request. Chairman Stewart explained that it is only by request and that we have not had any forced annexations.

Rebuttal

None.

Chairman Stewart closed the public testimony portion of the public hearing.

Deliberations

Commissioner Keller made a motion to recommend approval for ANN 98-06 to the City Council as amended. Commissioner Tallman seconded the motion.

Commissioner Bliss asked if this would in any way affect the roads next to the railroads. The answer was no, that it would not affect them.

The motion carried with a vote of 5-0.

VI. COMMUNICATIONS

None.

VII. NEW BUSINESS

None.

VIII. DIRECTOR'S REPORT

Mr. Kruckeberg reported that there are two commissioner training sessions coming up. One is by the Planners Training Team, it is a one day workshop. Mr. Pineau, Commissioner Stewart, and Randy Carson would be attending this. If anyone else is interested please let him know. The second workshop is by League of Oregon Cities, it is a two day workshop and will be in Wilsonville on February 19-20, 1999. He asked if anyone was interested in this. Commissioner Tallman said she would like to attend on Friday. If any one else is interested let him know and they would get them signed up.

Mr. Kruckeberg reported on the Transportation System Plan. He said the bulk of the work is beginning now and is to be completed in June. The Technical Steering Committee is now forming, and they will be polishing up the SDC methodology, talking about bike lanes, discussing road designations that are to be changed, making recommendations for the Industrial Area Master Plan, and infrastructure changes. He will keep the Commission updated.

Mr. Kruckeberg reported on Periodic Review. He has just received work plans from other jurisdictions to use as models in the formation of ours. We are on time with the

project draft which is to be submitted to the State in April. Periodic Review Subcommittee currently has 3 City Councilors on it and ideally there should be 2 Commissioners . If anyone is interested in this let him know. Mr. Chiavarini also asked if any of the Commissioners were interested in being on the Buildable Lands Committee. Chairman Stewart asked if they could hold off on that until the next meeting.

Mr. Kruckeberg reported that by the second meeting in February they should have a draft prepared for code changes. He asked if the annexation criteria should be changed in order to provide consistency. Specifically the traffic study requirement.

Commissioner Bliss asked why the requirement was there to begin with. Mr. Kruckeberg addressed the question and provided the history on the requirement.

Commissioner Bliss felt like the voters would be more informed if this requirement were left in.

Chairman Stewart asked why we can't address it on an individual basis. Mr. Kruckeberg felt like we needed consistency and a standard policy to inform applicants .

Mr. Pineau reminded the Commission that the last day to file annexation applications is March 31 for the November election, so this is something that needed to be addressed.

Commissioner Tallman asked if this issue had been brought to the City Council. It had not.

Commissioner Keller felt like this was only an issue with residential property.

Chairman Stewart felt like an article should be placed in the paper or the City newsletter as to why the annexation was recommended for approval or denial.

Commissioner Brown pointed out that there is not enough time to change the code before the next annexation.

Commissioner Stewart said that annexation application will need to be done on a case by case basis until the code is changed.

Staff will put some information together for the next meeting that the Commission can review for a potential code change for annexation filing.

Mr. Kruckeberg reported on how the Access Management Plan is moving forward. There was a meeting in December and they came up with questions for ODOT. ODOT is in the process of responding.

Mr. Kruckeberg reported on the current planning projects. He also reported that there were two public hearings scheduled for the next meeting. One would be a sub-division,

and one would be an annexation.

Commissioner Brown asked about the downtown re-development. Mr. Pineau explained that things probably wouldn't be happening there until around 2000.

Commissioner Brown asked if it was only for infrastructure. Mr. Pineau explained that no it wasn't and it could also include things like a shuttle service, or parking area.

Commissioner Brown asked if there were a master plan for the downtown area. Mr. Pineau said there is a plan but it is not comprehensive. Urban Renewal is one way to address downtown issues.

Commissioner Brown asked how the Commission could be involved with these issues without being on each committee. Mr. Pineau explained that the Urban Renewal Committee is the best way to do this right now. Mr. Kruckeberg has been using the Director's Report to do this but if this is not sufficient he could ask for written reports from each of these committees.

Commissioner Brown requested that the recommendations from each of these committees require some approval from the Planning Commission so that some sort of down town overlay could be put into place. Mr. Kruckeberg explained that Periodic Review is the process that provides project coordination.

Commissioner Keller would like to see CBRG design group make a presentation of their plan to the Planning Commission.

Commissioner Tallman asked about how all of this down town growth is going to affect the taxes. Mr. Pineau explained that this is a balancing act, and we are still working on finding a happy medium.

Mr. Pineau explained to the Commission what an urban renewal district is and how it is devised.

IX. ADJOURNMENT