

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
January 25, 1999
7:30 pm

I. ROLL CALL

Present: Chairman Keith Stewart, Commissioners Jean Tallman, Derek Bliss, Vern Keller and Jim Brown

Staff: Jason Kruckeberg, Planning Director; John Williams, Associate Planner; Dixie Harms, Planning Secretary

Others Present: Dick Hemmerling, Terry Blackwell, Larry McBride, Susan Burkert, Ken Burkert, Ada Stout, Virgil Scheer, Mike Johnson, Marge Gitts, Jonathan Doty, Fredrick Doty, Dave Gordon, J. J. Johnson, Kane Rogers, Pat Sherman, Dana Tyler, Nicholas Gitts, Steve Miller, Canby Schools; John Falkenstein, Steve Miller, Centex Homes; David Cady, Jeff Clay, Dan Ewert, Walt West, Nancy Salber, M. Fares Kekhia, Roy Priest, Greg Winterowd, Dave Adams

II. MINUTES

None.

Chairman Stewart welcomed new Commissioner Terry Blackwell, who was in the audience.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

IV. FINDINGS

ANN 98-04 Burden – Seeking to annex 14.03 acre parcel into the City of Canby.

Commissioner Keller moved to approve the Findings and Conclusions of **ANN**

98-04 as written. Seconded by Commissioner Tallman. Motion carried 5-0.

ANN 98-06 Buchanan – Seeking to annex approximately 5.5 acres into the City.

Commissioner Brown moved to approve the Findings and Conclusions of **ANN 98-06** as written. Seconded by Commissioner Keller. Motion carried 5-0.

V. PUBLIC HEARINGS

ANN 98-05, an application to request approval to annex 19.91 acres into the City of Canby. The site is located north of NE Territorial Road between N. Locust Street and N. Holly Street.

Chairman Stewart reviewed the hearing process, procedures and format. He referred to applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest or ex-parte contact, Commissioner Tallman indicated being with a group that was discussing this request; she indicated she was not able to comment, and invited the group to the Planning Commission meeting. Chairman Stewart stated he had read a lengthy article in the Canby Herald, but drew no conclusion. Some Commissioners had visited the site, but drew no conclusions. No questions were asked of the commission.

Mr. Kruckeberg presented the staff report. He stated that access from Locust Street and Territorial Road to the property was inadequate. Locust Street, at 15' wide, would need to be brought up to county and city code. Another significant issue was the intersection of Hwy. 99E and Territorial Road since it lacks a traffic signal. Staff mentioned there is no funding for the light, and ODOT would not place a signal in a rural area. He referred to page 12 and 13 of the staff report which covers an analysis and history of other requests that have come before the Commission.

Forms to public service providers were sent out. Staff stated letters had been received from Clackamas County and ODOT. It was indicated that the annexation was untimely because of the lack of a signal at Hwy 99E & Territorial Road and that a funding package for the signal should be looked at after a traffic study had been done.

Staff summarized that criteria of the "need" for additional property, adequate access and adequate public facilities would need to be considered. He noted that in the past, a three (3) year supply of land was considered sufficient; the current supply is well over four (4) years. He noted the criteria has changed for property of this size because of voter approved annexation. Staff recommends to the Planning Commission to approve with the addition of

understandings

Staff read a letter from Lynne and Gary Applegate, neighboring property owners who were not able to attend this meeting. They stated they had serious concerns regarding the increased traffic, overcrowding of the schools and the traffic flow on Hwy 99E.

It was stated that the traffic signal has been a long term issue. Chairman Stewart stated that approximately two years ago, it was policy to approve applications to entice ODOT to fix the access point, knowing that at some point the commission may need to reconsider.

Applicant

Roy Priest, Centex Homes, 4000 Kruse Way Place, Lake Oswego, stated there was a difference between the way staff and applicant addressed needs. He said staff grouped all residential land together, and applicant looked at each individual classification. He felt there was a need for affordable housing in the \$140,000-190,000 range.

Concerning the traffic issue, Mr. Priest provided a handout from a consultant, covering the following points: 1) traffic distribution in and out of the property, 2) alignment of streets, 3) accident analysis, 4) the signal at Hwy 99E, and 5) adequate improvement on Locust Street.

Mr. Priest also mentioned that applicant would be willing to help with the funding issue any way they can.

Greg Winterowd, Planning Consultant, 310 SW 4th, Portland, OR 97304, stated that the three (3) year adequate supply of land previously referred to was floor not ceiling. He also noted that the property is considered Priority A land. In regards to the school issue, Mr. Winterowd stated that capacity was adequate, this was a short term crisis, and that there were alternative solutions.

Commissioner Brown asked Mr. Priest about the target market demographics. **Steve Miller**, Centex Homes, 4000 Kruse Way Place, Lake Oswego, quoted that the average median price of homes in the city was \$167,000, with a \$49,000 household income.

The commission was told that the price of a starter home in the development was \$146,000 to \$195,000, and building 30 homes per year. It was further explained that the target market is below the current local market as they feel there will be a slow down.

When asked by Chairman Stewart, Mr. Winterowd explained further about the school alternatives.

Proponents

Dick Hemmerling, 295 N. Hawthorne Ct., Canby, stated he was in favor of the annexation, and told the commission that when Territorial Road was originally designed 50 years ago, it was to go to Newberg.

Opponents

Jonathan Doty, 164 NW Territorial Rd., Canby, informed the commission of the historical designation of his property. He also mentioned he was concerned about the many accidents at the intersection of Territorial and Holly, and recommended a speed limit and/or stop sign.

Marjorie Gitts, 995 NW 22nd, Canby, explained about the Canderly sandy loam soil being unique. She, too, was concerned about accidents, and the impact on the schools. She reminded that not just elementary schools were going to be impacted, but the middle and high schools as well.

Nick Gitts, 22587 S. Haines Rd., Canby, discussed the Canderly sandy loam soil.

Dave Adams, 23149 S. Haines Rd., Canby, confirmed the uniqueness of the soil as a very valuable resource. He said lots of crops could be grown on less than 10 acres. It wasn't a matter of acreage, but what you do with it.

Dana Tyler, 680 NE 20th, Canby, said this was an agricultural and economic issue, felt schools were crowded, and that there would be a traffic problem.

Pat Sherman, 425 NE 22nd, stated she was neutral but that excessive speed and alcohol on the road was a problem. She also stated the park would be in a high traffic area.

Joe Johnson, 456 NW 22nd, expressed concerns regarding the traffic.

Virgil Scheer, 387 NW 22nd, said the 20 acres had city of Canby on three sides and it should come in first.

Steve Miller, Canby School District, discussed the growth in the NE sector of the city and how it can impact the elementary schools in town. He said Eccles school has some capacity, although limited.

John Falkenstein, Canby School District, explained the community involvement efforts to deal with the enrollment growth issue.

Commissioner Brown questioned about exporting kids to other schools – would it happen at 100% capacity, or when? Mr. Miller explained it would happen in advance of achieving 100% capacity. District officials further explained that it is very difficult to forecast capacity figures and they were looking at several options. The possibility of additional modular classrooms was also discussed.

Dan Ewert, 596 NW Baker, Canby, said this application was a stretch. He reminded the commission that Ivy, Territorial, Locust and Holly don't belong to the city, and that the county/state aren't paying for a signal light, and that added traffic to streets was not acceptable. He also said he doesn't think new residents will vote for a school bond issue.

Mr. Priest reiterated that there was sufficient evidence that school capacity is available, transportation issues can be met, with the exception of Hwy 99E and Territorial, and that there needs to be further discussion regarding funding of the signal.

With no additional questions, the public portion of the hearing was closed for Commissioner deliberations.

When questioned by Commissioner Bliss, staff stated funding for the signal by ODOT was possible, and that the right of way on Locust was 40'. Commissioner Bliss also voiced concerns about pesticides in the soil.

Commissioner Keller felt this was too large of viable farmland to develop, the streets would be a serious problem, and that resolving the school situation with bussing was not acceptable.

Commissioner Tallman said that just because the parcel is Priority A land it doesn't mean it has to come in at this time. She said farm use overrides Priority A and feels it's a matter of timing. She, too, feels the streets are inadequate and that the problem with the schools needs to be considered.

Commissioner Keller moved to recommend denial of **ANN 98-05** as it failed to meet annexation criteria #2, 3, 4 and 5. Commissioner Brown seconded the motion. Motion passed 5-0.

SUB 98-02, an application by Walt and Helen West requesting approval of a 21 lot subdivision on a 4.633 acre lot on North Redwood Street.

Chairman Stewart re-read the public hearing format as there was new audience

members. When asked if any Commissioner had a conflict of interest or ex-parte contact, Commissioner Keller stated that as a real estate agent he could have potential conflict, but plans to participate. No other commissioner declared any conflict or ex-parte contact. There were no questions of the commission.

John Williams presented the staff report. He said he received a phone call from 19th Loop residents who favored the application as presented, but not for multi-family use.

Staff explained this property has two zoning designations due to a previous lot line adjustment. John further stated that private storm drains cannot be connected to the city storm water system, so storm water from private lots will be piped to the street gutter lines. Staff recommended approval of this application with conditions.

Applicant

Don Hansen, OTAK, acknowledged the change to item #14 and applicant agreed with the findings and conditions. He also said the existing well will be capped and the septic removed.

Proponent

Nancy Salber, PO Box 1267, Canby, said they had met with neighbors, who preferred a low density designation. She said a mailing went out to adjacent property owners prior to the application, and the only response was in support of the application.

Opponent

None.

With no additional questions, the public portion of the hearing was closed for Commissioner deliberations.

It was clarified to the commission that on street parking would be allowed, but not in front of the flag lots. The logging of trees would also be done before site development.

Chairman Stewart felt conditions should be placed as follows:

- addresses of flag lots should be visible from the street
- talk with Canby Utility Board regarding the well

- No parking in the flag lot driveways and post proper signage
- 20' wide driveway for flag lots
- #14 changed to allow the Public Works Director to approve alternate storm drain designs.

Commissioner Keller moved to approve **SUB 98-02**, with additions and amendments as stated. Seconded by Commissioner Tallman. Motion passed 5-0.

VI. NEW BUSINESS

Staff covered the Annexation Criteria Interpretation to determine whether a change is warranted in the annexation criteria and filing procedures. Of four options presented, staff recommended option #3. Option #3 would not require a traffic study or general land use plan for property that falls within Master Planned Areas and would allow staff flexibility with other applications. The commission agreed to option #3 and to add to the next ordinance amendment on February 22. Staff asked about a Special Election and the need to include in the ordinance amendment.

Jason stated he had been contacted by Mr. Kahut regarding the condition of a fence encircling the transfer station. He was asking for no fencing on the office portion of the site for aesthetic reasons.

The commission discussed the fact that none of the current members were involved with the original approval process and the reasoning behind conditions placed. They agreed that this request should go through the official modification process.

VII. ADJOURNMENT

The meeting was adjourned at 11.55pm.