

# MINUTES

## CANBY PLANNING COMMISSION

Regular Meeting  
May 24, 1999  
7:30 pm

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### I. ROLL CALL

**Present:** Chairman Keith Stewart, Commissioners Derek Bliss, Geoff Manley, Jim Brown, Craig Harper, and Jean Tallman

**Absent:** Terry Blackwell

**Staff:** Clint Chiavarini, Project Planner, and John Williams, Associate Planner

**Others Present:** Craig Bowcock, Bettie Postlewait, Ron Berg, Marty Moretty, Ken Guisinger, Judy Price, Dave Lucas, Ken Sandblast

Chairman Stewart welcomed new Planning Commission member Craig Harper.

### II. MINUTES

Commissioner Bliss made a motion to approve the minutes of **January 25, 1999** as written. The motion was seconded by Commissioner Brown, motion carried 5-0, with Commissioner Harper abstaining.

Commissioner Manley corrected the minutes of February 8, 1999 to read: On page 1, both Commissioners Manley and Blackwell were not listed as present, but did participate in the meeting. Page 5 should read that Commissioner Keller voted against the motion, for the motion to carry 6-1. On page 3 of 1 (error in numbering) the requirement for a second truck bay should be deleted.

Commissioner Tallman moved to approve the minutes of **February 8, 1999**, as amended. The motion was seconded by Commissioner Brown. Motion carried 5-0, with Commissioner Harper abstaining.

### III. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

#### IV. FINDINGS

Commissioner Tallman moved to approve the Findings, Conclusion and Final Order of **CUP 98-03 Ament** as written. Commissioner Brown seconded the motion. Motion carried 6-0.

Commissioner Brown moved to approve the Findings, Conclusion and Final Order of **MLP 99-03 Spectrum** as written. Seconded by Commissioner Bliss, motion carried 6-0.

#### V. PUBLIC HEARING

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, none was indicated. There were no questions of the Commissioners. Some Commissioners visited the site, but drew no conclusions.

**PUD/CUP 99-01**, Kurt Mitchell application continued from May 10, 1999 meeting.

Applicant requested approval of a Conditional Use permit and Planned Unit Development to convert an existing four (4) unit apartment building to four (4) condominiums with a common area.

The commission was concerned about the billing for common water as opposed to water meters. Canby Utility Board was asked to look into it again. CUB assured that common water arrangements meets their requirements. A letter received from Mr. Bowcock stated it would be a very expensive proposition to re-meter the condo units. The Commission agreed that it is an issue between CUB and the homeowners, and not the Planning Commission.

Commissioner Tallman moved to approve **PUD/CUP 99-01** as written and clarified with the additional information from Canby Utility Board and Mr. Bowcock. Commissioner Brown seconded the motion. Motion carried 6-0.

**ANN 98-07** Riverside Homes. Application to annex 4.85 acres into the City. The site is located on the east side of N. Redwood Street in between NE 12th and NE 13<sup>th</sup> Ave.

Chairman Stewart again 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, no conflict of interest was indicated. There were no questions of the Commissioners. Some Commissioners visited the site, but drew no conclusions and no ex-parte contact was indicated. Commissioner Tallman noted that when visiting the site, the property consisted of two (2) occupied houses and five (5) outbuildings, however, the application stated the property was vacant. Applicant stated the application was in error and the property did have buildings on it.

Clint Chiavarini presented the staff report. He explained the property is considered Priority B land, and the city's policy is to annex Priority A land first. He also stated that west of this property is Priority A land that is being developed at low density levels, the same as this property.

Staff stated services are easily available, but that storm water was an issue. He explained a drain constructed in the area was intended to serve the west side of N. Redwood only, primarily because of the topography. Mr. Chiavarini further explained that draining to the west would be difficult, and if the application was approved, the developer would need to supply their own drain facilities in keeping with the city and DEQ's regulations. He also stated the city had an estimated four (4) years of buildable land in the city referring to the tables provided in the staff report.

Another outstanding issue is a traffic study. Staff stated the traffic pattern will be greatly improved when Redwood is fully signalized. No significant traffic issues were raised in the traffic study.

Another important issue mentioned was school capacity. The school district superintendent reported this property falls into the Knight School attendance which is over capacity at this time. The school district did mention that adequate services are available.

Staff concluded that the annexation meets the criteria and goals of the comprehensive plan and planning ordinances and recommends approval.

When questioned by the Commission, staff stated the city was waiting for PGE to move the electric poles that were in the street, but the poles should be a subdivision issue not an annexation issue.

Mr. Chiavarini also explained that most of the remaining "A" land is in the northwest portion of the city, some between Tofte Farms and Hope Village, and up Redwood Street.

Commissioner Harper asked what the special benefit to the city was. Staff

stated that the dedication of necessary right of way, and construction of Redwood Street would improve the transportation system in a desirable way. Also, fees collected through development would go toward facility improvement.

### APPLICANT

**Ken Sandblast**, of Land Solutions, PO Box 38, Clackamas, OR 97015, stated this property is a minor annexation and a good opportunity for the city to take advantage of public infrastructure improvement. He also said this is in the general area of growth for the city and made good planning sense. Mr. Sandblast also stated if the Periodic Review process concerning Priority land was considered earlier, this area would probably be found to be appropriate to consider change to priority "A" given the proximity to services and growth.

In regards to the storm water issue, he stated that the Applicant spoke with the city engineer and understood the storm drain was to service the west side of Redwood, and the east side would drain to Willow Creek basin.

Applicant also referenced condition #5, on page 15 of the staff report, and staff clarified wording which should read N. Redwood frontage.

Chairman Stewart asked applicant if he read the comments from Steve Miller, Superintendent of the school district. Applicant responded he was aware of his comments. The Chairman read a portion of his comments: "Adequate public services are presently available, however, this annexation and development falls within the Knight School attendance area. That attendance area is slightly over capacity at present. The school district and its Long Range Facility Planning Committee will be making recommendations to the Board of Education for a March 2000 bond election that will respond to capacity enhancements in some form. If that election is successful, capacity enhancement will not be available minimally until at least the fall of 2001."

When the Chairman asked Applicant what he thinks about Mr. Miller's comment, Mr. Sandblast responded it didn't make him very happy. He said he has a young son and overcrowded schools are not what anyone likes to see. He also stated that when land is annexed, there is the opportunity to reassess land values and this can actually increase the funds schools receive.

### PROPONENT

**Marty Moretty**, 1350 N. Redwood, stated she hoped the east side of Redwood could more smoothly escape the pit falls that have occurred on the west side, and storm drainage will certainly be a consideration for those buying into a subdivision on the east side.

**Bettie Postlewait**, 1629 N. Redwood, stated the storm drains should be kept for the west side of N. Redwood St.

## OPPONENT

None.

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

The Commission discussed the following:

- Concern about run-off and how it will affect Willow Creek
- Setting precedence of taking in Priority B land through annexation
- School capacity issues
- Looking at merits of application in terms of infrastructure developments
- Growth driving successful bond issues for improvements:

Staff explained storm drain issues, as well as clarification of street alignments, will be dealt with during a future subdivision element for this property.

Chairman Stewart stated there was a consensus on the two issues of Priority B land and school capacity. The applicant had not proven a special benefit to merit annexing Priority "B" land.

Commissioner Tallman moved to deny **ANN 98-07** stating that the application did not meet criteria for facilities and services or priority designation.. Seconded by Chairman Brown. Motion carried 5-0, with Commissioner Bliss abstaining.

## VI. NEW BUSINESS

**DR-07, Canby Builders Supply**, modification to allow eight head-in parking spaces directly off SE 2<sup>nd</sup> Avenue. Mr. Morse was unable to attend the original modification meeting and felt the Planning Commission misunderstood his intentions. Providing additional information, the applicant asked his application be reconsidered.

Mr. Morse was specifically wanting to know how far apart the groups of four (4)

parking spaces needed to be. Staff stated there was no standard in the code. Staff further explained that in considering this application, notice of any changes would be sent, and if someone objected, then a public hearing would be held.

Commissioner Bliss stated his wife works for Canby Builder's Supply, but felt he had no conflict of interest.

Chairman Stewart agreed with Commissioner Tallman that the application should be approved based on need, Chief Giger's letter, and the employee parking would be well utilized and not pose any significant safety hazards.

Staff stated taking landscape out for the divider would still allow applicant to be above their landscape requirements.

Commissioner Brown moved to approve DR 97-07 to include the following: The parking spaces formerly removed from the area vacated by the right of way in the cul-de-sac be allowed to have eight (8) 90 degree angle parking spaces on the back side of the sidewalk be modified so that four (4) parking stalls shall be separated by a width of a minimum of two (2) parking spaces for no more than eight (8) spaces as indicated by the applicant. Motion seconded by Commissioner Manley. Motion carried 6-0.

## **VII. COMMUNICATIONS**

Clint Chiavarini spoke briefly on the Report on Buildable Lands Inventory and Needs Analysis, and provided members with copies. A Development Density Summary was also provided.

Staff stated there was almost 800 acres of Low Density land in the UGB, 11 ½ acres of Medium Density, and 43 acres of High Density. Also, there was more than enough industrial land, but the city is deficient in commercial, which is at approximately 24 acres. He also noted Canby has about 30% of the industrial land in Clackamas County.

## **VIII. DIRECTOR'S REPORT**

Staff said a Mixed Use Development workshop will be held on June 23 at 7:00pm.

The next regular meeting will have applications on a Minor Land Partition, a Design Review, and an Annexation to consider.

The commission discussed starting meetings earlier during the summer to help alleviate scheduling for staff. Starting with the second meeting in June, meetings will start at 7:00pm.

**IX. ADJOURNMENT**

The meeting was adjourned.