

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting
June 28, 1999
7:00 PM

I. ROLL CALL

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

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

Others Present: Dick Hawley, Joan Hawley, Jim Babbitt, Steve Millar, Ken Pellett, Ken Burkert, Susan Burkert, Ethan Manuel, Glennette Danforth, Marty Moretty, Allen Manuel, Matthew Brady

II. CITIZEN INPUT ON NON-AGENDA ITEMS

None.

III. MINUTES

None.

IV. FINDINGS

Commissioner Tallman made a motion to Approve the Findings, Conclusion, and Final Order for **DR 99-01 (Spectrum/Mildren)**, as written. Seconded by Commissioner Blackwell and motion carried 7-0.

Commissioner Tallman moved to approve the Findings, Conclusion and Final Order of **MLP 99-04 (Orsborn)** as written. Seconded by Commissioner Harper and motion carried 7-0.

Commissioner Brown moved to approve the Findings, Conclusion and Final Order of **ANN 99-02 (Fawver)** as written. Seconded by Commissioner Manley

and motion carried 7-0.

IV. PUBLIC HEARING

ANN 99-01, an application requesting annexation of 1.44 acres into the City. Acreage is located on the SW corner of N. Redwood Street and NE Territorial Road.

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had ex-parte contact or conflict of interest, except for visiting the site, but coming to no conclusions, none was expressed.

John Williams, Associate Planner, presented the staff report. He explained this application was Priority A land for annexation, currently zoned RRFF-5, Rural Residential, Farm and Forest. It was noted that the conceptual plan showed 11 proposed new units.

Staff stated the applicant may not be able to dispose of storm water using the Redwood Street system, however, the city engineer indicated capacity may be available on Territorial or on site. This issue, however, would be considered in a separate application.

Mr. Williams stated the Clackamas County Traffic Analyst has recommended prohibiting new development on the subject property until the Hwy 99E and N. Redwood intersection is completed. He explained that if the application is approved tonight, the annexation wouldn't be on the ballot until November, but the intersection should be completed prior to November.

Staff indicated that service provision was adequate, noting that Canby Utility Board's comments now included a new statement that the developer is responsible for the cost of service. The school district, however, did not provide comments, stating there had been a change in staff, and it was noted in the staff report that comments would likely echo those provided for the nearby Swelland property that services are available, but this application falls within the Knight School attendance area, which is over capacity.

Staff agreed with Commissioner Brown that there appears to be some alignment issues with the 60' right of way collector street. Staff also stated that system development charges (SDC) would be used to pay for the improvement.

David Kelley reported in the traffic study the size of the development would have little affect on the intersection at Territorial and Hwy 99E as traffic would most likely use Redwood and 99E.

Based on the information provided in the staff report, the application meets criteria and recommends approval with the six (6) understandings.

Applicant

Ethan Manuel, 1612 N. Redwood, Canby, stated he agreed with staff's presentation and the staff report. He said a needs analysis was done comparing other high density and R-2 land, and the conclusions were that the city had deficiencies of high density residential. Mr. Manuel explained that extra dedication for a wider intersection, curb and sidewalk would help to define the roadway. He stated there would be minimum impact on the schools and other city services. Mr. Manuel stated the property is type A land and should be next for annexation.

Proponent

Dick Hawley, 2023 N. Redwood St., Canby, stated he feels this application will result in needed improvement and be beneficial for the area and, although we are developing, he would like to maintain the rural environment in this area.

Opponent

None.

There were no questions of the commission.

Chairman Stewart closed the public hearing and opened Commissioner deliberations. The following items were discussed:

- Capacity at local schools was the only significant issue with this application.
- The intersection, road and sidewalk improvements would be beneficial.
- Concern with storm water runoff, and how it would be handled.
- Right of way dedications would be required at development.

Commissioner Brown made a motion to approve ^{ANN}~~DR~~ 99-01, as amended by staff on understanding #5 to include Territorial Rd. Seconded by Commissioner Manley and motion carried 7-0.

ANN 99-03, an application requesting annexation of 4.8 acres into the City. Acreage is located east side of N. Redwood Street across from NE 12th Avenue.

Chairman Stewart again reviewed the hearing process, procedure and format.

He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had ex-parte contact or conflict of interest, except for visiting the site, but drawing no conclusions, none was expressed.

John Williams, Associate Planner, presented the staff report. He stated this parcel is 4.8 acres and would be zoned R-1. A conceptual drawing indicated 19-20 new homes.

Staff stated that the property was Priority B land and surface water drainage is an issue, but this would be considered during the subdivision application. He also stated that N. Redwood is a county road, and that road improvements would be required along with development.

Staff also stated city services were adequate and a traffic study showed no impact would be created on the Territorial and Hwy 99E intersection; the primary area of service would be Redwood and 99E. The school district did not provide comments on this application, but the property is in the in Knight School attendance area, which is over capacity. All other public services were adequate.

Commissioner Harper questioned the special benefit of the annexation if the development occurs only on the left side of Redwood St, and half of the street remains in the county. Commissioner Blackwell needed clarification of what the benefit was and stated there were no guarantees of special benefits.

Applicant

Allen Manuel, 1612 N. Redwood , Canby, stated the special benefit to the city would be that the intersection at Redwood would become fully serviced and would provide continuous development of Redwood Street. He felt that the Logging Road would encourage walking and biking to the new Fred Meyer development.

Mr. Manuel also stated that development would provide efficient use of the transportation system.

In regards to the available land supply, Mr. Manuel explained it takes a very long time to get property platted, up to four years with one example he noted. He felt the amount of platted land the city currently had, at one year and seven months, would not be adequate. Mr. Manuel felt he should be afforded the same special privileges as the Buchanan annexation, which was also B land.

Storm water was also discussed. Mr. Manuel provided a soils map, explaining Amity soil and its drainage capability.

Mr. Manuel reiterated the benefits to the city as: 1) efficient and orderly development of the Redwood Street area; 2) diversion of development away from prime farmland; 3) development of efficient circulation pattern on the east side of Redwood Street; and 4) efficient use of the transportation system by allowing development to be within walking and biking distance of shopping and jobs.

Applicant urges the commission to approve the application as it is a reasonable proposal, and merits were several.

Proponent

None.

Opponent

None.

Chairman Stewart closed the public hearing and opened Commission deliberations. The following items were discussed:

- Amount of buildable land available in the city limits.
- School capacity and the impact of this development on the district.
- Steep terrain on the back side of the subject property.
- Street development along Redwood Street.
- Taking Priority B land in before Priority A land for annexation.
- Length of time to develop property from annexation to Building Permits.
- Canderly soil could be excluded from the UGB

Commissioner Bliss made a motion to recommend denial of **ANN 99-03**, based on the criteria of no special benefit, no need for land, not smaller non-farm land and schools. Commissioner Tallman seconded the motion and motion carried 7-0.

Chairman Stewart added that Mr. Manuel made many good points, but there were rules and guidelines the commission must follow.

Jason Kruckeberg discussed the Buchanan intersection requirement and the sufficient radius that is necessary.

DR 99-02/CUP 99-02, an application requesting site and design and conditional use approval to construct a car wash facility. The site is located on the south side of Hwy 99E, between S Pine and Millar's Highway Tire.

Chairman Stewart asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Bliss stated he spoke with an employee of Canby Builder's Supply that there was application for a car wash. There were no questions asked of the commissioner. No other conflict was expressed.

Jason Kruckeberg, Planning Director, presented the staff report stating the property is located at the South side of Hwy 99E, East of Pine, West of Millar's Hiway Tire, and is currently vacant land. He read into the record a letter from the Traffic Safety Committee regarding the recommendation of a shared access with Hiway Tire because of concern with the traffic on 99E and the intersection at 99E and Pine. Noting that the application meets criteria for conditional use and design review matrix, approval was recommended by staff.

Commissioner Brown asked about striped pedestrian and handicap access to the office. Commissioner Tallman agreed sidewalk safety must be considered.

Commissioner Bliss questioned shared access. Chairman Stewart explained the permit with ODOT and that applicant cannot be required to have shared access if an ODOT access permit already exists.

Applicant

Jim Babbitt, 4218 NW 166th, Ridgefield, WA, agreed with the staff report, and that access was an issue. He explained all water will be recycled and the excess discharged into the sewer and rain water from the roof will be drained into a drywell. Mr. Babbitt mentioned water separators will also be installed in addition to the drywells, even though they are not required, to help clean the water. He stated a survey for waste water has been completed and turned in to the manager at the waste water facility.

Applicant was agreeable to address bike racks and any sanitary issues will be coordinated with Canby Builder's Supply. He was also agreeable to working with any sidewalk issue and in providing dry area to the office.

Mr. Babbitt stated any concern about building within 25' of the building and access for maneuverability of parking spaces was dealt with in the easements.

Mr. Babbitt explained different options considered for access and safety concerns. It was felt that single access was as safe as they could get since the property is located 300+ feet from the intersection, there was a center turn lane which does not decrease until after the end of the property, and there was no opposing traffic from across the road.

Proponents

None.

Opponents

None.

Chairman Stewart closed the public hearing and opened Commission deliberations. The following items were discussed:

- Pedestrian access to the office.
- Straight in vs angle parking for patrons.
- Recycling water for use on the site.
- Future signage on the building.
- Number of parking spaces required.
- Landscape vs sidewalks. If sidewalks are increased to 8' how much landscaping would be lost.
- Cross over parking casements.

The commission agreed to the following:

- Condition #8 to read Right of Way dedication and final street construction on 99E will be determined by ODOT.
- Condition #17 - specifications to be approved by the city engineer
- Condition #18 - bike parking shall be required according to city code
- Condition #19 - access way to the office would be required.
- Condition #20 - landscape to remain at least 15% of the site
- Condition #21 - any additional new signs not on the site plan will come before the commission because of visibility on 99E.
- Condition #22 - 24' unrestricted parking maneuverability on the back side of parking spaces.

Commissioner Harper made a motion to approve **DR 99-02/CUP 99-02**, as recommended by staff with the three (3) amended and four (4) added conditions. Commissioner Brown seconded the motion and motion carried 7-0.

V. NEW BUSINESS

DR 98-08 Modification to Canby Market Center project to add a bottle return facility and reduce loading facility requirements.

John Williams presented the staff report. He stated the bottle return was a convenience for customers and won't significantly affect the appearance of the site.

Mr. Williams explained the loading dock was not needed for the site, and if enforced, would reduce landscape and/or parking.

Matt Grady, 9895 SE Sunnyside Rd., Clackamas, agreed with the accurate staff report, and was here to answer any questions.

In regards to allowing a tenant of more than 5,000 square feet to not build a loading dock, the commission agreed to waive the condition of a loading dock to the specific video business at this location, however, conditioned that a new tenant must apply to continue the waiver.

Commissioner Tallman moved to approve **DR 98-08**, as amended above. Commissioner Brown seconded the motion and motion carried 7-0.

VII. COMMUNICATIONS

None.

VIII. DIRECTOR'S REPORT

Chairman Stewart reminded the commission of the June 30 meeting, 7:00 PM at the Library Community Room to view pictures of the downtown redevelopment from a Portland design firm.

Next commission meeting will be July 12, 6:00pm, to include a dinner, and discuss policy and direction.

A July 19 meeting is scheduled with the school district, Planning Commission and Council, at 7:00pm at the Adult Center.

Jerry Pineau provided a copy of the Urban Renewal Feasibility Report included in packet.

IX. ADJOURNMENT

The meeting was adjourned.