

**MINUTES**  
**PLANNING COMMISSION**  
REGULAR MEETING  
OCTOBER 11, 1999  
7:00PM

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**ROLL CALL**

- Present:** Chairman Keith Stewart, Commissioners Jim Brown, Jean Tallman, Derek Bliss, Teresa Blackwell
- Absent:** Geoffrey Manley
- Staff:** Jason Kruckeberg, Planning Director, John Williams, Associate Planner, Jerry Pineau, Community Development Director, Carla Ahl, Planning Staff.
- Others:** Chris Bernhardt, Roy Zimmer, Bud Roberts, Matt Grady, Kay Lewelling, Leighton Perkins, Lisa Weygandt, Buzz Weygandt, Irene Burden, Ilene Marnella, Martha Sochu, Tony Marnella, Ray Hoen, Dick Morse.

**CITIZEN INPUT ON NON-AGENDA ITEMS**

None

**MINUTES**

- 6-14-99 Derek Bliss noted that the record of the motion for Annexation was missing from the minutes, minutes will be brought back on 10-25-99.
- 7-26-99 Commissioners Tallman and Bliss noted typographical errors, Chairman Stewart requested addition of information added to minutes, minutes will be brought back on 10-25-99.
- 9-13-99 Mr. Bliss moved to approve minutes, Ms. Tallman seconded, minutes approved 5-0.

**FINDINGS**

None

**PUBLIC HEARINGS**

- SUB 99-02** Gramor Subdivision

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. Mr. Stewart asked if any Commissioner had a conflict of interest. Derek Bliss stated that Gramor Oregon Inc. is a

potential client of his company but had no conflict, no questions were asked of Mr. Bliss and no other conflicts were expressed. Mr. Stewart asked if any Commissioner had ex-parte contact Ms. Blackwell stated she visited the site, but drew no conclusions. No other ex-parte contact was expressed.

John Williams, Associate Planner presented the staff report. He explained that the applicant is asking to divide two existing lots into eight lots to facilitate street development, park dedication and future commercial/industrial development in the area.

John explained that this is an unusual application due to the reconstruction and realignment of the roadway, and made more complicated by the timing of the vacation of SE First Ave. He showed the Commission were each of the 8 lots where located, explaining where they came from and the planned future use.

Mr. Stewart asked if this application would need to come back to the Commission, John stated only if there was a division on the 8<sup>th</sup> lot or in the event of any new development. John explained that there were 3 different zones in the application but that they were all contained under the Industrial Area Master Plan overlay zone which controls development standards for all of the buildings. John stated that the city will be receiving the public park dedication as part of the original Gramor design review application.

John stated that there were comments from ODOT, regarding their concerns about access to the various lots. ODOT recommended not allowing any direct access to Hwy 99E from any of the lots. John added the only concern expressed by public service providers was regarding future utility easements that may be needed in this area after the lines are drawn, John stated that this was covered in the staff report by condition #3.

Mr. Stewart asked if there would be frontage improvements along the park property. John pointed out conditions #8 and #14 that address the timing of frontage improvements on the southern parcels. The staff wanted to make sure the applicant was responsible for the frontage improvements but have recommended that there is no need until development occurs. Staff recommends replacing conditions #8 and #14 with a new condition, stating that the applicant would be responsible for half street improvements upon development of lot #8 or the extension of South Sequoia Parkway. Mr. Stewart asked if this condition had been looked at by the city attorney. Jason responded that the attorney had seen the condition and had no comments.

John stated that the lots all meet the development standards, staff recommends cross over parking easements once the lots are separated, and an easement for the public park parking. Mr. Brown asked what would happen to the vacated SE First Ave. John responded that the street would be divided in half and then split between the property owners.

Mr. Bliss stated that the sub-division had been approved as a whole, he wondered if breaking the parcel into smaller lots affected the original design review. John believed that the original conditions would still apply to these new lots. Mr. Stewart stated that this would not modify any of the original conditions, all that is happening is the cleaning up of some lot lines.

Mr. Stewart asked if John knew when the park application would go to the City Council. John expected it would be this fall.

**Applicant:**

**Matt Grady**, Gramor Oregon Inc. stated that he approves of the suggested language by staff in the new condition to replace #8 and #14 clarifying the timing of frontage improvements for the extension of the Sequoia Parkway. He also stated that the dedication of the park will be coming soon.

Gramor is ready to have the signal poles installed at the intersection and to open under a temporary access arrangement. Gramor then has to wait for the Railroad to obtain the necessary parts needed and for scheduling of the Railroad crew to install the parts. Matt Grady stated that when asked, the railroad responds that it will be "sometime" in February.

**Proponents:**

**Mr. Roy Zimmer** stated that he has questions on some of the conditions and on the drainage situation, and added that he would be represented by Mr. Bud Roberts, Dave Evans and Associates. Mr. Roberts handed out a letter with some suggested changes to conditions to the Commissioners. He stated that the property owners are in favor of this proposal, but they want to make sure it is done in a way that won't cause problems later. He stated that some of the major concerns are whether the storm system had been thoroughly studied, and the location of a proposed intersection currently located at lot 5 and 6, he questioned whether there wasn't a better location. He also added that a signal was likely to be needed at that location, and a realignment of First Ave. & Sequoia Parkway and asked for a waiver of remonstrance for those situations. He also stated that a separate access management plan needed to be developed for the area south of SE First ave., east of SE Sequoia Parkway, north of SE Fourth Ave. and west of SE Walnut St. prior to the development of Lot 4.

**OPPONENTS:**

None

**REBUTTAL:**

**Steve Abel** attorney for Gramor, responded to the proposed conditions by Mr. Roberts. He stated that planning the transportation system for an area other than Gramor's property would be inappropriate, it would be the property owners and/or the City's responsibility. He agrees with Mr. Roberts that the revised condition proposed by staff for conditions #8 and #14 is preferable to the change Mr. Roberts recommended. He was concerned about the request for Waiver of Remonstrance, it seemed to him an effort to shift burden onto the Gramor site for the proposed sub-division. He stated that all this subdivision does is draw lines on a map, it does not bring on any particular development.

Mr. Brown stated that in the future this type of situation is something that could easily be handled by staff, and would be willing to propose that. Mr. Brown added that he believes the application is very straightforward. He stated that with the new condition and the amendments he agrees with the staffs recommendation.

Commissioner Blackwell stated that she was satisfied that this application was just a matter of paperwork and her concerns regarding parking and access had been adequately addressed.

Commissioner Bliss stated his understanding was that the road would be completed to just north of the park, and when the road does continue south, that Gramor would be responsible for half of the street improvements. He then asked for clarification regarding utilities, would they continue to follow the master plan as the street is built out, wouldn't that make the recommendations from Mr. Roberts redundant or is it just for clarification.

Jason responded that Mr. Roberts was correct when he spoke about a problem with the storm water design, it has had to be redone as development occurred. He added that the City Council and the IAA (Industrial Area Association) have also suggested that preliminary engineering be done for the whole master plan area to insure that the roads and utilities that are being put in will function for the entire master planned area.

Commissioner Tallman stated that in her opinion the commissions purpose was to draw lines for 8 new lots, and didn't see where requests for installation of signal lights had anything to do with this application.

Commissioner Stewart asked the staff if after reading the letter from Mr. Roberts if they felt there were any changes to make on their report. Jason responded that without having time to study the suggested changes that condition 7a (a preliminary engineering study to assure the adequacy of future development) could be added if the commission felt it was something that was needed, in his opinion the waivers of remonstrative were not necessary and that condition 17 (to create a separate access management plan for the area south of SE First Ave.) was inappropriate.

John Williams stated that it was difficult to write a condition for lot 4 because it is so close to all of the intersections. With condition 17 (not allowing direct access to Hwy 99E for lot 5 and establishing crossover easements) they are prevented from getting access to lot 4 unless it is done in concert with their neighbors.

Commissioner Bliss wanted clarification on CUBs comment about "more information will be needed as property develops". John responded that typically the electric system is developed when they find out what load requirements will be needed for specific uses in buildings. Mr. Brown added that when creating the Industrial park "recognized averages" were used and it was engineered at the consultants best guesses.

Jerry Pineau stated that when Gramor came in, part of the negotiation was instead of them

putting in a 10" pipe (that would serve their subdivision), the city needed it to be a 20" pipe to serve the rest of the industrial area so that the utilities coming down Sequoia (electrical, gas, water, sewer) would be sufficient for the average industrial user. The only issue that still needs to be resolved is the storm water. There was a discussion as to whether the storm water issue was part of this application. It was decided that this application is dealing with lines on paper. John stated that there will be site and design reviews with any future development and that would be the time to deal with the storm water issue.

Commissioner Brown moved to approve the application with conditions #8 and #14 being replaced with a new condition #14. Seconded by Commissioner Tallman. Motion passed 5 - 0.

**MLP 99-05 (Marnella)** Partition of lot located north of curve where NE 5<sup>th</sup> Ave. turns into N. Juniper St. (Tax Lot 10512 of Tax Map 3-1E-33BD)

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 a conflict of interest. Commissioner Bliss stated that the applicant was a neighbor of his but they have had no conversation regarding this subject. When asked if any commissioner had ex-parte contact besides visiting the site but drawing no conclusions none was stated. No questions were asked.

John Williams Associate Planner, presented the staff report. John stated that this application is close for square foot requirements and the existing apartment complex is slightly non-conforming due to the fact that it sits 18.7' from the street and the code requires a 20' setback, but since the set back will not be adversely affected it is not a concern with this application. The city code allows for adjustments to other property lines as long as it does not make the non-conforming issue worse.

John stated that there is no new development with this application, it just allows for separate ownership of the house. He stated that under the transportation element there are sidewalks with curbs along N. Knott St. along the frontage of the apartments. There are no frontage improvements along Juniper St., and the public work supervisor has stated that at this time he is not requesting any frontage improvements. John added that the fire marshal request for comment sheet had stated that a new fire hydrant may be required, so recommendation #6 states that if a fire hydrant is needed it will be provided by the applicant. He added that one lot is 1 square foot short of the required minimum lot size and a conforming size will have to be shown on the final plat.

Mr. Stewart stated that this is the first time that the public works supervisor specifically said he did not want sidewalks and wondered if it is because of the complicated street layout. John replied that there are no plans to put sidewalks in this area, one option would be to add a condition that the applicant would pay for sidewalks down the line when they are required.

Commissioner Tallman asked if the commission granted the applicant the right to have 1 square foot less than required would the commission have to vote a variance. Mr. Stewart asked how sure John was that the applicant could find the 1 square foot needed for one of the lots. John answered that it may just be an addition problem or that the applicant could move the property line just a little somewhere to accommodate the requirement, but if they don't find it, then the application would be non-conforming and would need to apply for a variance.

Mr. Bliss asked if this partition would allow the applicant to install a fence where he couldn't before, John answered that a person can install a fence anywhere inside their property as long as vision clearance and height standards are met.

## **APPLICANT**

Tony Marnella, stated that the fence in question is about 1 ½' from the existing building and that he plans to move the fence which would allow better access to the back. He stated that there will be little or no impact on the neighborhood. He questioned condition #3 (the existing access easement), and what it referred to, John stated that it was a mistake and it should be taken out. Mr. Marnella said that there is one fire hydrant at the location. Mr. Stewart stated that a seconded fire hydrant maybe required.

## **PROPOSERS**

None

## **OPPOSERS**

None

Mr. Bliss questioned the shape of the lots in particularly a 8 ½' section, Mr. Marnella stated that it will become a landscape area maintained by the apartments. Mr. Stewart asked if the apartment was built before the 20' set back requirements, John answered that it was not, he thought it was an error by the surveyor.

Commissioner Tallman moved to accept MLP 99-05 as amended, seconded by Mr. Brown. Motion approved 5 - 0

## **NEW BUSINESS**

Jerry Pineau, Community Development Director presented the Commission with a copy of the Report on the Urban Renewal Plan, a copy of the Urban Renewal Plan and the Urban Renewal Schedule. He read the statute that requires the plan and report be forwarded to the Planning Commission for recommendations prior to presenting the plan to the City Council for approval.

Jerry stated that the reason for this meeting was to request questions or input from the public, to facilitate discussion with the Planning Commission and to forward to the Urban Renewal Agency any recommendations that the Commission might have. He stated that he would like to see it go forward as a Planning Commission Resolution with any recommendations.

Mr. Stewart asked if there were any citizens in the audience that already had questions they would like to ask of Mr. Pineau. **Mr. Richard Morse** stated that he had some concerns, and asked if all of the additional taxes that will be generated by Fred Meyer will go just to the Urban Renewal District. Mr. Pineau responded the first thing is to get the Urban Renewal established, and then when Gramor/Fred Meyer project gets on the tax roles the taxes generated by that improvement will go to the Urban Renewal District. Mr. Morse stated he could understand doing it one time but as Canby grows is there a line drawn. He was concerned that with the growth of the city, the operating costs will increase but the tax money will not be available for the city, and that bonds will be used to supplement the taxes.

Jerry responded that the Urban Renewal District does not cause any increase in taxes nor does it affect the bonding ability of the city for general obligation bonds. Jerry stated that it was true that the funding for the URD could not be used to support any of the other functions of the city. The idea is to generate, market and to have the ability for growth in a shorter period of time rather than waiting for it to develop on it's own which may take 40 years. Creating the URD will allow for development to be placed on the tax roles faster and once the URD has completed it obligations (repaid the bonds) the District terminates and all the revenue generated will go to the City of Canby, Clackamas Community College, school district etc.

Mr. Morse questioned where the money will come from to hire new police officers and teachers that will be needed with the increase in population due to increased industry in the area, and he is concerned that the immediate needs will not be met without additional bonding. Jerry agreed that there will be additional needs but hopefully the growth outside of the Urban Renewal District will be able to support that. He added that since the roads in the URD will be maintained by the district that would release funds to be used by the city elsewhere.

Mr. Brown asked about a funding mechanism Jerry had previously talked about that could be created for the police and fire departments, since their revenue would be reduced. Jerry stated that the URD would not be able to pay ordinary operation and maintenance expenses, but for example, if because of the growth of the URD the fire department needed a new ladder truck, that expense could be paid for in part by the URD depending on what percentage of its use is estimated to be for the URD.

Commissioner Tallman asked for clarification on the "Cap", Jerry assured her that the city would still receive the base revenue, it would just be the growth above the base level that would go to the URA, and over the years that could become a significant amount.

Mr. Stewart stated that the loss of revenue seems like a tremendous impact on a small community like Canby. Jerry responded that of all of the entities affected the school district

should be the least impacted because the revenue for schools goes into a pot and is fairly distributed to all school districts. There could be an effect if the school district were to go out for a general obligation bond.

Mr. Stewart asked “Why Urban Renewal, Why now, and What’s blighted”? Jerry Pineau responded that first the decision had to be made that the Industrial Area could benefit from establishing a URD and now was the best time because the Gramor/Fred Meyer project would be a good “kick-start” for the district. Mr. Pineau described a “blighted area” as an area that has little or no potential for growth.

Mr. Stewart stated that there are 401 buildings in the Urban Renewal Area, and their conditions have been rated A) being new or near new/well maintained, B) rehabilitation is physically possible, but economically questionable C) maybe impossible to rehabilitate. Mr. Stewart questioned how many were in B condition, and what would be the incentives for using the UR money if it was available. Jerry responded there were approximately 380 buildings in “B” condition and that there will be road /sewer corrections, streetscapes and a loan and/or grant program that would be available.

Mr. Stewart stated that the ratio of improvement to land value in the Canby area is about ½ of what it could be, which means the area is not carrying the tax burden that it should. Mr. Bliss asked for clarification. Mr. Stewart stated that if there was depressed or blighted property, the assessed value would be down, with a Urban Renewal District, low interest loans would be available to put money back into the property, increasing its assessed value and increasing the amount of taxes generated.

Mr. Morse commented that last year the downtown merchants agreed to a 5 year payment program for downtown improvements. Mr. Stewart asked if the EID would be retired when UR comes on line. Mr. Pineau stated that it was an independent issue and when it comes up for renewal the merchants might decide not to renew because the URD funds would be available.

Mr. Bliss asked if once the URD was started and it just didn’t work, how does it stop. Mr. Pineau stated once the bonds are repaid, the District is terminated. Mr. Morse asked if the SDC’s that would be collected in the future would go to repay the bonds incurred by the URD. Jerry stated that the district could be used to repay that debt, or could be used in various ways.

## **NEW BUSINESS**

John Williams presented a motion from Mr. Morse, Canby Builders Supply for approval on an eight foot fence that was installed around Canby Builder Supply’s outdoor storage. Mr. Morse noted several fences in the vicinity that had the 8' fences, and he didn’t realize that approval was needed. He also recommended the ordinance that governs the height of the fences around commercial business be changed. Mr. Bliss asked if the City Council would have to approve an ordinance change. Mr. Stewart replied that it would go through the Council, and agreed that it may be something that would be appropriate to do.



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Commissioner Blackwell made a motion to approve the existing fence at Canby Builder Supply, seconded by Mr. Brown, motion passed 5-0.

Jason presented a motion from the Grant Company regarding the 3<sup>rd</sup> Ave. industrial park, one of the conditions of approval was the applicant could remove one old oak tree if they planted four (4 ) 3" caliper replacement trees.

The landscaper has stated that the area is too small for that many maple trees, they are large fast growing trees and that some would have to be removed in the future. After discussion a motion was made by Commissioner Tallman to allow 2 trees to be planted in that area and 1 other tree at another location, seconded by Mr. Brown, motion passed 5-0.

## **DIRECTORS REPORT**

Jason stated that the city has been awarded the funding for phase 2 of the code audit project. A contractor will be selected shortly. Mr. Stewart asked if Jason could supply the Commission a list of all grants that have been awarded to the city, and what they are for.

Jason added that the Citizen Involvement Committee will have its first meeting at the end of the month, the Downtown Grant is going out to bid within the next two weeks and the Commissioners have been requested to write a biography for the web page. Mr. Bliss stated that he had been informed that there was a bicycle/pedestrian meeting scheduled for 7:30pm, October 12, at the Canby Adult Center. Mr. Stewart stated that until basic courtesy issues with traveling in bike lanes are addressed, the bicycle and pedestrian problem will not be solved.

## **ADJOURNMENT**