

MINUTES
PLANNING COMMISSION
WORKSHOP/REGULAR MEETING
April 10, 2000
6:00PM

PRESENT: Chairman Keith Stewart, Commissioners Geoff Manley, Jim Brown, Jean Tallman, Corey Parks, Teresa Blackwell

STAFF: John Williams, Interim Planning Director, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

I. WORKSHOP Parks Master Plan

Matilda Deas explained that the Parks Master Plan is scheduled to be finished in October. Items being looked at by the committee include:

- Park designations, (city, neighborhood, etc)
- How inclusive to make the park system (bike paths, open spaces)
- How to tie trails into the park system to create an "Emerald Necklace" around Canby
- Creating incentives for developers to include private open spaces in their developments.
- Public/private spaces being maintained by local Community Associations within developments having such spaces.

There was a discussion regarding how to create programs that would allow for development of parks/open spaces and not prevent full development of the property. For example if a parcel was divided into 15 home sites, but no provision was made for a park, codes could be written allowing for development with smaller lots, if it included a park, (retaining the value of the property for the developer).

Mr. Brown stated one of the City's problems is that downtown Canby consists of City Hall, Library, and Wait Park, and the distance between North 1st and South 1st is too wide, he suggested a linear park be developed on Hwy 99E with a landscaped median, big trees and spikes that extend into Ivy and Holly streets. There was a discussion regarding the feasibility of designing a pedestrian walkway (either above or below) Hwy 99E to move pedestrian traffic across the highway.

Possibilities for a lineal park include:

- Making it a Historical/Cultural area.
- Relocating the first public school (located at Territorial Rd.) to the park.
- Incorporating the Railroad Museum.
- Creating median parking to replace parking that would be lost.
- Any use of the Cutsforth area would require Cutsforth's involvement.

Matilda discussed the importance of establishing a clearly defined parks plan.

- Park areas need to be designated before development occurs.
- Giving developers the opportunity to design around parks, with the flexibility to develop the same amount of home sites.
- Having designated parks increasing the value of the development, and adds livability to area.
- Developments with neighborhood parks could be maintained by the developments through CC&R's and Homeowner Associations.

II ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Jim Brown, Jean Tallman, Teresa Blackwell, Paul Thalhofer, Geoff Manley, Corey Parks.

STAFF: John Williams, Interim Planning Director, Matilda Deas, Project Planner Carla Ahl, Planning Staff.

OTHERS: Matt Grady, Gramor of Oregon, Dean Sorensen, Construction Manager for Gramor of Oregon, and Dick Gloy.

III CITIZEN INPUT ON NON AGENDA ITEMS

NONE

IV PUBLIC HEARINGS

SUB 00-02 ASSET DEVELOPMENT GROUP

John stated that there have been extra meetings with Asset Development Group to create a more acceptable design in terms of access and lot size, and the applicant would like to continue the Public Hearing until April 24, 2000. 7:00pm, (date and time certain).

V. NEW BUSINESS

MOD 00-02 GRAMOR OF OREGON a request to alter condition #35 of

Gramor Design Review.

John stated that he had included Mr. Grady's application and John Kelley, City Attorney's response in the Commissioners packets.

Mr. Grady addressed the Commissioners giving a brief history of Condition #35 which addresses the right-in only access from Sequoia Parkway. Gramor had agreed to purchase a bond for \$7,500 to cover the cost of removing the access if there were safety concerns in the future.

Mr. Grady explained that a bond needs to be paid every year, it could not easily be tracked by the City if the property is ever sold, there would be no guarantees that the new owner would continue the bond, or that the new owners would even be bondable.

Mr. Grady explained that the proposal states that Gramor would pay for the removal of the access point within 30 days of notification from the City, if removal was not completed within 30 days the City would have the right to impose a lien on the property until the amount of removal was paid in full.

Mr. Grady stated that Mr. Kelley's suggestion of depositing \$7,500 with the city to cover costs that may or may not occur in the future was not an option that Gramor would want. He pointed out that Mr. Kelley's letter stated the proposed modification may be acceptable.

Mr. Parks asked what the bond was costing Gramor, Mr. Grady replied that it cost 2% a year. Mr. Stewart asked if the money for the bond was a concern, Mr. Grady responded it was the yearly administration that was a concern, and if the center transferred to another owner he questioned if the paper work be able to be transferred also.

Mr. Brown explained that there may never be a safety problem with the access off of Sequoia Parkway (in regards to the County constructing 2 left turn lanes off of Hwy 99E) but the bond could continue to perpetuity. Mr. Brown asked if the right to lien wasn't an option the City already had. It was explained that there needs to be an "enforceable right" before the City could place a lien on the property.

Mr. Stewart stated that the reason for this condition was to assure no burden would be placed on the citizens of Canby for the cost to remove the access and repair to the sidewalk. There was discussion regarding placing a time limit on the condition, or reviewing it periodically to see if the need for the condition still existed.

Mr. Parks questioned what mechanism would be in place to monitor whether or not Gramor pays their bond bill every year, and maybe a lien right would be a better tool for the City. Mr. Brown stated that shopping centers are bought and sold frequently, making it difficult to track a bond through several owners. Mr. Grady stated that this modification would be

attached to the property, not to the owners.

Mr. Thalhoffer suggested adding wording to the modification stating the cost of removal and repair would be decided by the City, removing any ambiguity who would decide the cost.

Mr. Dean Sorensen stated that the original condition locked in the value of the work in at the cost of construction at the time of development, this modification allows the City to collect actual costs of removal and repair. Mr. Sorensen explained due to mortgage holder regulations, a lien placed on a piece of property would put the owners in default of the mortgage, and that would be a "big hammer" for the City to have.

Mr. Parks questioned how the City would execute a lien contained in a condition of approval for a development. Mr. Sorensen replied that if, after notification, the work wasn't completed the City would do the improvements, and the lien process would proceed at that time.

Mr. Stewart asked why Gramor would be willing to give the City a "bigger hammer" as opposed to paying the bond every year. Mr. Grady responded that it was the administration of the bond over a long period of time that was his concerns.

Mr. Brown stated the bond amount is less likely to fulfill the actual cost requirements as time goes by and construction costs increase. Mr. Stewart asked if the new condition (as written) provides for increased amounts for whatever the costs actually will be at time of construction. Mr. Brown read the revision and it was decided that it would cover the actual costs of removal.

Ms. Tallman stated she felt the bonded amount would not protect the City for the full amount as time goes by. Mr. Stewart stated the Planning Commission at the time did not expect the bond to go on forever, either ODOT would approve the 2 left turn lanes and it would be decided if the intersection had a safety problem, or the condition would be revisited in 4 years.

Ms Tallman stated that within 5 years there should be enough build out in the Industrial Park (with the completion of the Parkway) that there will be a better idea of the amount of traffic using the intersection.

Mr. Parks stated that it was not the amount of the bond that guarantees the work, it's the threat of foreclosure on that bond, if the bond was foreclosed on it would negatively affect the companies ability to obtain other bonds. Mr. Parks stated that he was in favor of the modification, but he had concerns regarding the City's ability to foreclose on a lien contained in conditions of approval for an application.

Mr. Parks asked John when property ownership is transferred to a new developer how do the conditions that apply to a plat transfer on to the new owner. John stated they generally do, but that in housing developments the developer sells the property and the City deals with the

home owners. Mr. Parks stated that if the provision attaches to the development and not the developer, and if the City can foreclose, it would be the preferable option, but the City Attorney had not addressed those issues in his memo.

Mr. Thalsofer stated that he was comfortable with the modification, and asked John if any conditions had ever been recorded at the County Records office, John replied that it had not been done since he has worked for the City.

There was a discussion regarding approving the modification to the condition, but the Commissioners wanted assurances from the City Attorney that the condition would attach to the property, and that the City could actually place a lien on the property then foreclose if necessary, and could the condition be recorded like a CC&R at the County. It was agreed by the Commissioners to have John come back in two weeks, (April 24, 2000 7:00pm) with a response from the City Attorney.

VI. APPEAL OF STAFF DECISION

John explained that Mr. Gloy is interested in opening a car sales business at his existing car repair business in a light industrial zone. Staff's decision was that sales of any type in an industrial zone require a conditional use permit, and a Public Hearing. John stated Mr. Gloy was here to present his reasons why he feels the staff decision should be over turned. John explained that Canby's code allows appeal of a staff decision to the Commissioners but does not list it as requiring a public hearing.

Mr. Gloy presented pictures of his repair business to the Commissioners, and explained that at the present time this parking lot is being used by private citizens to park vehicles they have for sale (a practice the landlord would like stopped).

Mr. Brown explained to Mr. Gloy that the Commissioners can only interpret the codes, and asked under which provision in the M-1 zone Mr. Gloy felt auto sales would be allowed outright. Mr. Gloy responded under J, #16.32.01, (machinery, farm equipment, or implement sales) if the code allows the sale of tractors and equipment it should include trucks and vans. Mr. Gloy stated that if it was a question of liability, small children would be drawn more to farm equipment and tractors than to a locked vehicle.

Mr. Brown asked John if there was a zone that allows automotive sales outright. John replied it is allowed in the Highway Commercial zone. Mr. Brown asked if there were any nesting of zones in that area. John explained that the light industrial zone allows heavy commercial (as determined by the Commissioners) and the heavy commercial allows the C-2 zone.

It was discussed by the Commissioners and decided that the omission of vehicle sales from the Light Industrial zone was intentional and that a conditional use permit would need to

be obtained.

Mr. Manley moved to deny the appeal by Mr. Gloy and to uphold the staff decision. Seconded by Mr. Brown. Motion carried 7-0.

VII. FINDINGS

Ms. Tallman pointed out that on the last page of all three sets of findings stated that Ms. Blackwell and Mr. Parks abstained from the vote when they actually had been absent.

DR 00-03 an application to approve remodeling to 372 S. Ivy St.

Mr. Thalhoffer moved to approve the findings for DR 00-03 as amended. Seconded by Ms. Tallman. Motion carried 5-0-2, with Ms. Blackwell and Mr. Parks abstaining.

ZC 00-01 an application to change the zoning from low density to high density at 429 Knights Bridge Road.

Mr. Stewart stated that he had requested that a copy of the audio tape from the March 27th meeting be given to Ms. Blackwell and Mr. Parks prior to this meeting so they would be able to participate in the discussion. Mr. Stewart explained why he had chosen to vote against the application, citing that the Planning Commission had told the school board that where the Commission was not precluded by law that they would not put more pressure on the schools. He added that though this application was relatively small it would still impact the schools.

Mr. Brown stated that each applicant has rights that are outlined in the Comp Plan. He added this application did not maximize the density on the property, and though there was impact to the school he felt it was not precedent setting, this application fit within the guidelines and the Planning Commission is required to fulfill the rights of the applicant.

Mr. Manley added that this application was in a zone in an area of special concern, specifically called out in the Comp Plan as high & medium density residential zone.

Mr. Thalhoffer stated there are issues to consider and trade offs to be made, regarding higher density zones in the city, developing more farmland, and the concerns about the impact on the school system.

Ms. Tallman added that the applicant had everything correct on his application, it wasn't a large impact, and it was located in an area that may be able to absorb a few more students than the Trost school zone which is grossly overcrowded.

Mr. Stewart commented that Mr. Monen did have everything right, but hoped the Commission did not start parsing whether some overcrowding is okay, but other overcrowding

is bad. He added that if the Commission continues to tell the school board that where we can we will try to help, there could be a dichotomy that would not easily be rectified.

Ms. Tallman asked if development could be stopped, or will it be a situation where the schools and the community will have to adjust to the fact the City is growing and the schools need help.

Mr. Stewart stated that he is not in favor of no growth, he is in favor of managed growth and felt this might be a tool to help manage part of the growth.

Ms. Blackwell stated her concern was for the schools but felt Mr. Monen had done a good job of easing the burden that would be placed on the schools.

Mr. Parks stated that it was a difficult issue, and agreed that the Commission needs to assist the schools, and hopes many of these issues will be resolved with the bond issue.

Mr. Brown moved to approve the Finding for ZC 00-01 as amended. Seconded by Mr. Manley. Motion carried 4-1-2, with Mr. Stewart voting no, and Ms. Blackwell and Mr. Parks abstaining.

MLP 00-03/DR 00-02 an application to divide the lot at 429 Knights Bridge Road and to build 3 duplexes on one lot.

There was a discussion regarding wording for the condition that addressed the Fire Marshals suggestion of a sprinkler system, and whether the language was strong enough. It was agreed to leave the language in the condition as is.

It was moved by Mr. Thalsofer to approve MLP 00-03/DR 00-02 as amended. Seconded by Mr. Brown. Motion carried 5-0-2 with Ms. Blackwell and Mr. Parks abstaining.

VIII. MINUTES

March 13, 2000

Mr. Manley found an incorrect spelling, Ms. Tallman asked for a sentence to be added on page 5, and for the term "private street" to be changed to driveway on page 6. Mr. Thalsofer moved to approve the minutes of 3-13-00. Seconded by Ms. Blackwell. Motion carried 6-0-1, with Mr. Manley abstaining.

March 27, 2000

Held over until April 10, 2000.

IX. DIRECTORS REPORT

Mr. Stewart reminded the Commissioners that the "Statement of Economic Interest" form is due by April 15, 2000.

John asked the Commissioners if they would like more research on the fire sprinkler subject, to find out what the Commissions capabilities are. Mr. Stewart suggested inviting the Fire Marshal to a meeting so the Commissioners could clear up any questions they had, John stated that he would ask him to attend. Mr. Parks added that having a meeting each month with a service provider (Police Chief, Fire Marshal, Public Works Supervisor) would be beneficial. It was decided to invite a speaker to the second meeting of every month and to have them first on the agenda.

Items discussed:

- Arneson Park behind Fred Meyers will be dedicated on May 6th.
- Citizen Involvement meeting 4-13-00. Focusing on how to get people involved.
- Commissioners will be receiving minutes from various committees to keep them informed.

There was a discussion regarding the Historic Review Board, cleaning up the code, making it user friendly, applying for money from the state for a public awareness campaign, what criteria must be met to be included on the list. John explained that owners must give their consent to be included on the list, there is a list of qualified houses, the code written, but not a lot of people are willing to participate in the program.

Ms. Tallman asked if a historic building was a safety concern, is there a procedure for getting rid of it. John stated the code allows for the demolition to be delayed for a historic building, giving the City time to inventory it, look at options for moving it, but that safety is a trigger allowing it to happen faster.

John stated that to meet the September 19th election date for the Annexation of the Industrial Area, everything must be filed with Clackamas County by July 20th. It is tentatively scheduled for the Planning Commission meetings June 12th & 26th, to be heard at the City Council meetings on July 5th & 19th and filed with the county the next day. John explained that a consultant has been hired to be the applicant for the annexation.

John informed the Commissioners that a group of finalists for the Planning Director position has been chosen, and interviews will be taking place in 2 weeks, and that part of the interview process is for the applicant to give a presentation to the Planning Commission on May 11, 2000.

John asked for feedback on how appeals to staff decisions are being handled. It was agreed by the Commissioners that short presentations could be given to them the night of the meeting, but more complicated issues would need to be included in the packets.

Mr. Stewart stated that he had attended Planning Commission Training in Fairview, OR and commented that it is "Smart Development" at it's best an excellent example of mixed uses, and encouraged the Commissioners to tour the area if they get a chance.

X. Meeting Adjourned.