

MINUTES
PLANNING COMMISSION
WORKSHOP/REGULAR MEETING
October 9, 2000
6:00PM

I. PLANNING COMMISSION WORKSHOP

Periodic Review update

PRESENT: Keith Stewart, Teresa Blackwell, Paul Thalhofer, Geoff Manley, John Williams, Jerry Pineau, Clint Chiavarini, Carla Ahl,

John Williams reviewed the progress on Periodic Review. He presented the Commission with a time schedule that showed what tasks the State had determined that needed to be addressed and the dates that the revisions are to be submitted to the DLCDC.

Issues discussed included:

- The Citizen Involvement Element is completed
- An extension was granted regarding the Natural Resources & Public Facilities portions, due to the Planning Department being understaffed for most of last year.
- Matilda Deas is involved in inventorying the City's Wetlands, Green Spaces, Riparian Areas, etc.
 - Mapping these areas
 - Explaining what the City will do to protect those areas
- Special Meetings maybe necessary to meet the State's time lines
- The Historic Review Board changes will be brought to the Planning Commission in November.
- Updating Public Facilities and Services
 - Need to coordinate between all Master Plans
 - Capital Improvement project list to be developed
 - The review of Canby's SDCs will be postponed until after the election, due to the possibility of Measure 93 passing which would require a vote of the people to increase City fees
- Changes to the Storm Water Management section due to new salmon requirements and storm water regulations
- The Buildable Land Study has been completed
- The Smart Development Code Audit is on going
- Studying the necessity of rezoning inside the Urban Growth Boundary is on going at this time
- The possibility of airing commercials on Channel 5 encouraging Citizen Involvement in the re-zoning process
- Looking at the Solar Ordinance, should it be altered or is it needed
- Updating the A, B, C, Annexation Priority System

II. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Teresa Blackwell, Corey Parks, Paul Thalhofer, Geoff Manley

ABSENT: Commissioners Jim Brown, Jean Tallman

STAFF: John Williams, Planning Director, Clint Chiavarini, Associate Planner, Carla Ahl
Planning Staff

OTHERS PRESENT: Jerry Pineau, Community Development Director, Ray Burden, Allen Patterson, Jean Rover, Mark Gross

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. PUBLIC HEARINGS

ZC 00-02 An application by Ray and Irene Burden requesting a zone change from agricultural to Light Industrial, Heavy Industrial, and Heavy Commercial/Manufacturing.

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, Mr. Thalhofer stated that Mr. Burden was a client of his firm and would be abstaining from the vote. When asked if any Commissioner had ex-parte contact, there was none. No questions were asked of the Commissioners.

John Williams gave the staff report, he explained that the Planning Commission will make a recommendation to the City Council on the Zone Change application, then the Council would adopt it by ordinance. The application for a Minor Land Partition is different in that the Planning Commission will make a decision which can be appealed to the City Council.

John stated that this application is to change the current zoning from agricultural to the Comprehensive Plan designations for the area, a combination of Light Industrial, Heavy Industrial, and Commercial Manufacturing.

John stated that 2 comment forms from utility providers had been received earlier that day and were added to the Planning Commissioners packets. He explained that the Canby Utility Electrical Department had stated that they had no concerns with the application, and that the Fire Department had indicated adequate services were not available. John stated there were two things to consider, will the zone change increase the demand on the services or will the development of the property increase the demand on services.

There was a discussion regarding the wording of the criteria, and how they applied to this

application.

Mr. Manley stated it seemed like short notice on the comment from the Fire Department and asked if there was a time frame in which the responses from service providers were to be returned. John stated he had requested a one week turn around from the service providers but this one had taken over two weeks, this was something that he couldn't control. He explained that typically comments are accepted from citizens until 5:00pm on the day of the hearing, but that service providers are usually received earlier so they could be included in the staff report.

Mr. Parks questioned what affect the current work on the industrial codes may have on this application. John replied that the zones would have to apply that were in place when the application was received, and if the review of the Industrial Zoning shows changes need to be made, it can be done later.

APPLICANT:

Ray Burden addressed the Commission. He stated his concerns regarding the written comment from the Fire Department and questioned the timing of their memo in his opinion there are people in the City that wish to stop all industrial growth. He gave as an example the Fire Chief's statement at a recent Council meeting, demanding 6 additional personnel (at a cost of \$390,000) and an additional \$6 million in equipment, and unless it was provided immediately the Fire Department would oppose any new industrial development.

Mr. Burden stated the Fire Department had expressed concern about the Industrial area being annexed all at once and wanted the land to develop in increments, and he felt that is what this application did.

Mr. Burden explained there were buyers for all of the property he has for sale, (which equals about 10% of the total industrial area) but he does not want to sell until he is sure they will be able to get public facilities and services from the City.

Mr. Burden believes the City should decide if they want an Industrial Park or not, make a decision, plan it, execute it, and take care of things as they come day by day because that is the only way things get done.

PROPONENTS:

None

OPPONENTS:

None

DISCUSSION:

Mr. Manley stated it made sense to bring the zoning inside the City into alignment with the Comprehensive Plan. He was concerned with the comments received from the Fire Department, but he didn't see the need change just because the zone changes, he believed it would be a greater concern at the time of development.

Mr. Parks stated the code reads that the Commission should consider the Fire Departments comments that services are not available and will not become available, but he doesn't think that issue alone is enough to prevent him from supporting the zone change.

Mr. Parks questioned at what point in the process would the City have the broadest ability to impose conditions on improvements such as streets, water, fire hydrants. John explained typically those requirements are decided after it is known what the development will be, and what will specifically be needed to handle it. John stated he was concerned about requiring frontage improvements at the time of a zone change because the development is conceptual.

Ms. Blackwell questioned if the changes to the Comp Plan are far enough along in the process that they will be in place when this parcel is developed. John replied that it depends when an application is filed, but he did not think it would be a problem.

Mr. Stewart addressed Mr. Burden and assured him that the Planning Commission was not against growth, and that the City needed industrial land. He stated that the land has been annexed since 1997, but there are concerns, and hopes the City will come together on this issue.

Mr. Parks explained to Mr. Burden that as applications come before the Planning Commission they are bound by the code when making their decisions. He explained the wording in the code regarding a development application which states the Planning Commission "shall not approve the application" if public services are not available.

Mr. Burden stressed the City Council has tried to work with the Fire Department but the Fire Department has not been cooperative. The Commission expressed the desire that the problems between the Fire Department and the City could be worked out quickly.

It was moved by Mr. Manley to approve ZC 00-02 as written. Seconded by Ms. Blackwell. Motion carried 4-0-1 with Mr. Thalhofer abstaining.

MLP 00-05 An application by Ray & Irene Burden to divide a lot into two parcels for the purpose of developing an industrial manufacturing facility on one lot.

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, Mr. Thalsofer stated that Mr. Burden was a client of his firm and would be abstaining from the vote. When asked if any Commissioner had ex-parte contact, there was none. No questions were asked of the Commissioners.

John Williams gave the staff report, he explained the property is located in phase 2 of the industrial park, with Shimadzu on the West, Walnut Street on the East and the Zion Cemetery on the South.

John explained the reason for the shape of the proposed lot is to accommodate future right of ways to the North and South, the dedication of the property will come from Mr. Burden, not from the future owners of the industrial property. John stated no frontage improvements were recommended as part of this partition, due to there being so many variations that could happen on 4th, and it is unclear at this time how it will be financed.

John stated that typically public facility providers have no comments on applications like this, since Master Plans have already been done, but the Fire Department had returned the same comments for this application that they had for the zone change. John explained no development was being proposed with this application, though it is one step closer to the property being developed, it is just drawing a line on a map.

Mr. Stewart asked John if he had received the "request for comments" form from the Fire Department prior to his staff report being written, would he have changed his recommendation. John stated his opinion was the partition and the zone changes were not creating any demand on providers, so he would have not have changed his recommendation, though the comment from the Fire Department is a serious consideration.

APPLICANT:

Ray Burden, addressed the Commission. He explained how the proposed property lines will tie into the future use of the property. He added that there is a tower located at the property line to the south, which is the reason 4th Street is shown with the curve in it, and he would donate the section of land to the south of the proposed street to the Zion Cemetery.

PROPOSERS:

None

OPPOSERS:

None

Mr. Parks stated what was missing from the meeting was the Fire District having a representative there so the Planning Commission could question the statement that there is no equipment to cover additional industrial property. Mr. Parks explained that the ordinance is very

clear in what it says, "it must be demonstrated that all required facilities and public services are available or will become available through development, to adequately meet the needs of the proposed land division.

Mr. Parks stated that he did not see where there was an additional burden placed on the Fire District by subdividing the property, but he was not an expert in the field and the Fire District was not there to explain why it would be unable to serve the property if it was subdivided.

Mr. Parks suggested continuing the public hearing until the next Planning Commission meeting on October 23rd to allow the Fire District to have a representative available for questioning. He stated that without the answers to the Planning Commission's questions he would have to abide by the letter of the code and deny the application based on the Fire District's comments.

Mr. Manley stated the application seemed like a reasonable request and he would be in favor of continuing the hearing to allow for more input from the Fire District. He agreed that the Commission did not have a lot of choice if they had to make a decision that night.

Ms. Blackwell agreed that the Planning Commission needed more information on why services were not available.

Mr. Stewart stated that if the application was continued, he would like John Williams to include some information regarding financing for the industrial park.

It was moved by Mr. Manley to continue MLP 00-05 to the Planning Commission meeting on October 23, 2000, at 7:00pm. Seconded by Ms. Blackwell. Mr. Parks stated that if the Fire District chose not to send a representative to the meeting he would disregard the comments made by the Fire Department citing that it is unfair to the applicant to deny an application based on one statement. Motion carried 4-0-1 with Mr. Thalhoffer abstaining.

Mr. Burden addressed the Planning Commission, he stated again that there are people who are anti-growth in Canby, and they are manipulating the Planning Commission, and the entire citizens of Canby.

SUB 00-06 An application by Andre and Kathy Meyer to subdivide the subject property into four lots to allow individual sale of the existing triplexes.

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, none was stated. When asked if any Commissioner had ex-parte contact, there was none. No questions were asked of the Commissioners.

John gave the staff report, he explained this application was recreating lot lines that had

been removed in 1978 when the triplexes were designated condominiums. He stated that the applicant wanted to reinstate the lot lines at this time so they could sell the units individually.

John stated the Public Works Supervisor had not required sidewalks on this application because there are no sidewalks in that area nor are any planned at this time. However a waiver of remonstrance will be required so if the City ever does put sidewalks in the owners will be required to install them.

APPLICANT: Not present

PROPOSERS: None

OPPOSERS: None

DELIBERATIONS: The Commissioners agreed it was a straight forward application.

Mr. Thalhoffer moved to approve SUB 00-06 as written. Seconded by Ms. Blackwell. Motion carried 5-0.

V. FINDINGS None

VI. MINUTES

September 11, 2000. It was moved by Mr. Thalhoffer to approve the minutes as written. Seconded by Mr. Parks. Motion carried 4-0-1 with Mr. Manley abstaining due to being absent from the meeting.

September 25, 2000. It was moved by Mr. Thalhoffer to approve the minutes as written. Seconded by Mr. Manley. Motion carried 4-0-1 with Mr. Parks abstaining due to being absent from the meeting.

VII. NEW BUSINESS

Mr. Parks questioned what could be done that would require service providers be present at Public Hearings when they have stated in their comments that service is not available. He suggested that the Planning Commission be given the option to disregard the comment if there was not a representative from the provider to answer questions. He stated it was unfair to the applicant to have their application denied based solely on one sentence.

It was agreed by the Commission that for situations like this in the future, the service provider would be contacted and given the opportunity to attend the Public Hearing to be available for questions. If they chose not to attend then the Commissioners could decide whether to consider their comments or not.

John introduced Clint Chiavarini, the new Associate Planner, he explained that Clint had worked for the City as the Project Planner prior to taking time off to travel, and was available to apply for the Associates Position when it opened.

Clint gave a staff report for a request for modification to condition #7 of SUB 98-01 (Leura Meadows). He explained when the subdivision was approved there was a well on lot #2 that served two of the existing houses. It was conditioned by the Commissioners to have that well capped when the houses were connected to City water. Clint stated that the houses are now connected and the developer has requested to retain the well for irrigation purposes.

Clint stated he had contacted Canby Utility and they had no concerns regarding the use of the well for irrigation, as long as the well is never connected to the municipal water system. He explained that Canby Utility was given the option to use the well and had declined.

Mr. Stewart explained that Canby Utility wants to be notified of plans to abandon wells, so they can be sure they are abandoned correctly, or if they would be usable for an emergency water supply.

It was decided by the Commission to continue with the Director's report while Clint wrote a replacement condition that explained that the well will never be connected to the City water, and that it is the sole property of the owner of lot #2.

Clint Chiavarini presented the Commissioners with wording on the new condition for SUB 98-01. It was moved by Mr. Parks to accept the modification to SUB 98-01 striking the original condition #7 and substituting the new condition. Seconded by Ms. Blackwell. Motion carried 4-0-1 with Mr. Thalhoffer abstaining.

VIII. DIRECTOR'S REPORT

John informed the Commission that the Parks Master Plan special meeting scheduled for Wednesday October 11th has been rescheduled to October 17th due to a conflict with the Candidates Forum also scheduled on the 11th.

John reminded the Commissioners that there is a Residential Zoning Task Force meeting scheduled for October 16, 7:00pm at the Library Community Room, and encouraged all Commissioners to attend. Mr. Stewart stated that the City Council has requested heavy Planning Commission participation.

John stated the next Planning Commission meeting will be a joint meeting with the City Council to discuss industrial area zoning revisions, it will be a regular meeting starting at 7:00pm. The legal details will be worked out with the City Attorney.

John stated the residential zoning revisions will be taken to the neighborhood level when there is something concrete for them to look at. Mr. Stewart stressed the importance of following through on the neighborhood meetings, citizens were told there would be neighborhood meetings
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for urban renewal and it never happened.

John stated that the Ladies Auxiliary of the Lions Club has asked for a member of the Planning Commission to attend their meeting on November 7th and discuss where the City is at on the Periodic Review process.

IX. ADJOURNMENT