

MINUTES
PLANNING COMMISSION MEETING

NOVEMBER 27, 2000
CITY COUNCIL CHAMBERS, 155 NW 2ND

I. ROLL CALL

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

STAFF: Planning Director, John Williams

OTHERS PRESENT: Buzz Weygandt, Ray Burden, Roy Zimmer, Bob Zimmer, Terry Prince, Craig Leweling

II. CITIZEN INPUT ON NON-AGENDA ITEMS

Terry Prince, City Council Liaison, addressed the Commission. He invited the Commissioners to the annual Planning Commission Christmas Dinner, which will be held December 8th at St. Joseph's Winery.

There was a discussion regarding the impacts of Measure 7, Mr. Prince stated the Secretary of State is waiting for an opinion from the Attorney General to decide exactly what Measure 7 is, when it takes effect and what it will affect.

III. PUBLIC HEARING

MLP 00-06 An application by Ray Burden to divide a single parcel located in the Industrial Park into two parcels.

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. Thalhoffer stated that Mr. Burden was a client of his firm and stated he would participate in the discussion but would refrain from voting, no other Commissioner stated any conflict. When asked if any member of the Commission had ex-parte contact, none was stated. No questions were asked of the Commissioners.

John Williams gave the staff report, he explained the zoning has recently been changed on these parcels and it is now zoned heavy industrial and covered by the industrial overlay zone.

He explained the planned extension of Sequoia Parkway will provide frontage for the small parcel, and the road dedication will come from the large parcel. John explained that a parcel cannot

be created without adequate access, and the development of this parcel is planning on having access on Sequoia Parkway, but if Sequoia is not finished at the time of development the parcel does have access available from 1st Ave., and possibly from the Zimmer property. He stated that there was a condition that access was planned off of Sequoia but if any other access is intended the access would have to be reviewed as part of the development application.

Mr. Parks questioned that if access is required for the creation of a lot, how does this condition cover that requirement. John stated that the access is assumed at Sequoia, and the condition follows the land through development phase assuring access for the property.

John stated there were no service facility issues with this application, but it will need further review upon specific development. He explained that the Fire District had stated the land partition would not affect service.

Mr. Brown stated the only time the Commission has allowed an isolated partition is when access agreements with adjoining property owners were required. John stated that he had considered requiring an access agreement, but did not think it was needed.

Mr. Parks questioned whether the narrow corner lot would have problems being developed. John stated the parcel is quite large, and there should be another access that is available besides access on the curve.

Mr. Parks questioned how it was decided that there was no wetland impact with this application. John stated that the City has a wetlands inventory and the wetlands in this area are located across the street from this property.

Mr. Stewart opened the public hearing.

APPLICANT:

Ray Burden explained that an industrial laundry facility has been interested in this property for over a year, but the sale has been contingent upon the parcel having access from Sequoia Parkway. Mr. Burden stated that the City is beginning construction of Sequoia soon, so to facilitate the timing of the project, he is starting the process now since it will take 6 months to finish, and he will allow the company to use a private road to access the parcel during construction if necessary.

PROPONENTS:

None

OPPONENTS:

Bob Zimmer, Industrial Area Association member addressed the Commission. He stated that he is not opposed to this land partition specifically, but he stated his disappointment in the annexation election results which will postpone the ability to plan the industrial park. He stated a lot

of property owners will be impacted by the City's decisions and there should be some answers for the property owners such as the location of the road, how it will be built, and what the financial plan will be, with out that information the property owners cannot make informed decisions.

Mr. Stewart asked Mr. Zimmers opinion of property being developed without a firm commitment regarding the location of Sequoia Parkway. Mr. Zimmer stated that was why the owners wanted the Industrial Park preplanned, so it will be known what size parcels would be acceptable. He stated his concern that once the roadway is built and his farmland is cut into pieces will the odd shaped piece that is left be developable.

Mr. Zimmer stated his concern that the property in the industrial park would be developed in a piece meal fashion and the road system planned for this project will not work for the final development. Mr. Stewart stated that he was under the assumption that the City and the Industrial Area Association had already worked the details of the road out. Mr. Zimmer replied that the Association members are not planning engineers, they would like to see some professional designs.

Mr. Parks stated that if the annexation had been approved by the voters it would not change the way partition applications were handled by the Planning Commission, there is an Industrial Area Master Plan, the road locations are already decided, the Planning Commission cannot minimize the impact on every property owner, they must decide what will give the maximum benefit to everyone.

Mr. Zimmer replied that the City owed it to the property owners to have a plan in place in terms of access, who will be paying for the road, who will put the utilities in. Mr. Stewart asked if Mr. Zimmer wanted a moratorium on development in the industrial area until those questions were answered. Mr. Zimmer replied that he could not see how it could be done without having those questions answered.

Mr. Stewart asked if any of those questions had been answered in the 18 months of negotiations with the City. Mr. Zimmer replied it had been proposed that the services would be paid for by the Urban Renewal, but since the annexation failed, it is unclear where the funds would come for at this time. Mr. Zimmer suggested not continuing forward with the Industrial Park until there are solutions to how it's going to be built, what is it going to do to the property owners, will the property owners be able to develop, and how will it be financed.

Mr. Brown stated that the property owners could become more proactive with regards to designing their own sites, if the property owners used their own design and industry experts they could propose a location for the street. He stated that since Mr. Zimmers property is a significant portion of the roadway, he should run the process.

Mr. Zimmer stated that the Industrial Area Association has been very proactive in developing the entire industrial park to eliminate the need for each property owner going through each step of the process. Mr. Brown stated that is how the process works, it is a market driven situation, you can't just decide to divide everything into 2 acre parcels, and have it work, because you don't know if that is what the market will bear. He stated the reality is there will be a lot of different sized parcels out there, driven by applications, with developers involved.

Mr. Zimmer explained IAA members are opposed to the “onesey/twosey” development. They want a unified group with the City being the driving factor behind coming up with a solution for the entire industrial park. He added that there have been meetings between the City and the IAA to decide what types of developments they want and don’t want.

Mr. Burden explained the reasoning behind the location of Sequoia Parkway, and stated that they are trying to keep the number of accesses onto Sequoia to a minimum.

Buzz Weygandt, IAA member, stated he did not oppose Mr. Burden’s application but said he did agree with Mr. Zimmer’s statements. Mr. Weygandt had questions regarding documents stating funding of infrastructure, and utilities in the industrial park would be constructed by “others”, and asked for clarification on who the “others” were.

It was suggested the documents were part of the recruitment for a company the City was soliciting to move to Canby and that the improvements would be paid by the City through the Urban Renewal District, since the annexation failed that may no longer be an option at this time. Mr. Stewart stated that the Planning Commission had no answers regarding the funding of projects for the Industrial Area, and agreed it was a frustrating situation.

Mr. Weygandt clarified that there were only 200 acres of industrial zoned property inside the Urban Growth Boundary, the other 100 acres were comprised of the Zion Cemetery and 78 acres south of Township Rd that was excluded.

Mr. Weygandt stated that small property owners will be hit hard by not being annexed, people will get tired of having to vote on every annexation and developers will not want to wait 6 months to find out if the annexation is approved by the voters. Mr. Parks stated that the annexation does not affect the ability of adjacent property owners from combining to create the maximum use of their property.

Mr. Stewart stated he would like the Industrial Area Association, Planning Commission, and City Council to sit down and discuss the road location some more. He stated he had attended some of the initial discussions regarding the placement of Sequoia Parkway with Gramor and Fred Meyer, and everyone at that time was pleased with a leaving the road location flexible.

Mr. Weygandt stated that things were going smoothly until the annexation failed, now small parcels will have complications when trying to work things out all together. Mr. Parks stated he thought those things could be worked out. Mr. Weygandt stated that developers are concerned that it will take 6 months to go through the annexation process with the possibility that the annexation will fail.

REBUTTAL:

Mr. Ray Burden commented that in 1985 he was very opposed to the industrial park being located where it is because the soil is some of the finest in the Willamette Valley, he had suggested it be located in Barlow where the soil is heavy clay, but the Corps of Engineers said Barlow was a

flood plain so the decision was made to locate it here.

Mr. Burden stated that the industrial park will increase the tax base considerably, but it will require more infrastructure, exactly what will be needed won't be known until it is developed, and then needs will change as the park grows. He would not like to see the City back out of developing the park because he believes the industrial park will bring needed jobs to Canby, and reduce the number of people who have to commute everyday to work. He stressed that the City needs to make the decision and then follow through.

Mr. Stewart closed the public hearing, and opened Commissioner deliberations.

Mr. Manley asked if Measure 7 would impact any decision the Commission would make. Mr. Stewart responded that the Planning Commission should go ahead with their job and see what happens on December 7th when the measure takes affect.

Mr. Brown stated he was concerned about creating a parcel that does not have a direct access at this time, but believes there needs to be faith in the process that Sequoia Parkway will be built, and that funding will be figured out. He agreed with having the condition requiring that any future developments to the south must have direct access onto Sequoia Parkway, or as approved by the Planning Commission.

Mr. Brown stated he believed the Planning Commission should approve the minor land partition and allow Mr. Burden to move forward with the projects.

Mr. Manley stated his concern regarding allowing the Zimmer property to have access on a curve. Mr. Brown stated that what could possibly happen with that property is that Gramor would purchase it and then it would have access from their property.

Mr. Parks stated that there could also be access allowed from the Shimadzu property.

Mr. Brown stated his disappointment that after 20 years of discussion there still is not consensus regarding very key issues on this project. He stated that if the Planning Commission could begin a dialog that would help facilitate getting some of the problems ironed out they should do it. He stated there are a lot of different ideas of what should be done, some hard decisions will have to be made regarding financing, but people have to know where they stand.

Mr. Stewart agreed this partition should be approved. He stated that the first projects in the industrial park will need to be handled carefully. He stated that the Planning Commission had asked hard questions but had never received hard answers, and that this has been a concern for a long time.

Mr. Burden stated that the reason they had formed an Industrial Area Association so that they could do a better job of planning the Industrial Park. He stated that no one has all the answers, the answers will have to be found as things are proposed, it will take the cooperation of the Land Owners, Planning Commission, and the City Council working together to make it happen. He

stated you can't divide it into pieces because no one knows what developers will need, you have to work with the people who want to build. If the basic structure is in place then it will be easier to get desirable projects in the park.

Mr. Parks moved to accept MLP 00-06 as submitted. Seconded by Mrs. Tallman. There was discussion regarding the possibility of Sequoia Parkway being moved 10-12 feet one way or the other and changing the size of the parcel, would it have to come back before the Commission? It was explained that the Planning Commission Chairperson and the Planning Director have some discretion to approve plats with minor changes on them, but if the changes were significant then the application would have to come back before the Commission. Motion carried 6-0-1 with Mr. Thalhofer abstaining.

CPA 00-02/TA 00-02 An amendment to modify several sections of the City's Historic Preservation Ordinance and update relevant sections of the Comprehensive Plan. Continued from November 13, 2000.

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 member of the Commission had ex-parte contact, none was stated. When asked if any Commissioner had a conflict of interest, none was stated. No questions were asked of the Commissioners.

John Williams gave the staff report, stating the Planning Commission had made 10 substantive changes to the original amendment and that he had rewritten the ordinance to reflect those changes.

Mrs. Tallman asked for the wording of the moving and demolition of designated historical structures be rewritten because it did not make sense. John explained that there had been a request at the last meeting that relocations would go through the Historic Review Board and demolitions would go to the City Council. Mrs. Tallman suggested making it 2 sentences for clarity.

Mr. Parks stated that he believes the \$500 fine for violations was not adequate to prevent someone from deciding to pay the fine and intentionally violating the ordinance. It was agreed to look at the fine amount if it ever became a problem.

Mrs. Blackwell asked if additional criteria were needed to withdraw from a historical district. Mr. Stewart stated that the only reason needed was the owners wanted to withdraw. John informed the Commissioners that state law prevents a municipality from imposing a historical designation against someone's wishes, and Measure 7 specifically mentions historical designations, so the odds that the City will be enforcing something on someone who doesn't want to do it are low.

It was moved by Mrs. Tallman to recommend approval for CPA 00-02/TA 00-02 as amended. Seconded by Mrs. Blackwell. Motion carried 7-0.

IV. FINDINGS

CPA 00-02/TA 00-02 An amendment to modify several sections of the City's Historic Preservation Ordinance and update relevant sections of the Comprehensive Plan. Continued from November 13, 2000.

It was moved by Mr. Thalhoffer to approve the Findings, Conclusions, and Final Order for CPA 00-02/TA 00-02 with 2 amendments, rewording the section regarding the process of moving and demolition, and a typographical error. Seconded by Mr. Brown. Motion carried 7-0

NCS 00-03 An application to replace an existing nonconforming structure with a structure that would be more in conformance with existing setbacks.

It was moved by Mrs. Tallman to approve the Findings, Conclusions, and Final Order as written. Seconded by Mrs. Blackwell. Motion carried 5-0-2 with Mr. Parks and Mr. Thalhoffer abstaining due to being absent at the public hearing.

V. DIRECTOR'S REPORT

John addressed the Planning Commission, he stated that the City Council will consider adopting an ordinance that creates a process for dealing with Measure 7, which takes effect December 7th. Issues that were discussed included

- Establishing requirements for submitting a claim under Measure 7, such as requiring certified appraisals with the application.
- The 90 day period will begin after a complete application has been made.
- The notification area has been increased from 200' to 500'.
- Applications would go directly to the City Council, since it is a monetary decision.
- The City Council is authorized to waive or modify any City regulation to meet the requirements of this section.

Mr. Parks asked why attorney compensation was included in the ordinance. John explained that the applicant's attorney fees are included in the measure, the City's attorney's fees aren't, so if the City pursues an issue and loses the City has to pay the applicants attorney's fee, on the other hand if the City pursues an issue and wins then this section is to clarify that the applicant will pay the City's attorney and staff time fees.

Mr. Brown asked if this is an attempt to keep people from making frivolous claims against the City, John stated that was part of it. Mr. Parks stated his concern with the wording of this section and agreed to read it and give the City Council any suggestions he might have. He stated that the Planning Commission should continue to make decisions based on the land use regulations,

and the City Council then should look at any appeals that may happen under Measure 7.

John reminded the Commissioners that there will be a Residential Zoning Task Force meeting December 4th, 7:00pm, at the Library, this will be the last meeting with the Task Force at this time, from then on it will be taken to the neighborhoods for questions and answers. He invited the Commissioners to be involved with that process.

VI. ADJOURNMENT