

MINUTES
CANBY PLANNING COMMISSION

December 11, 2000

Regular Meeting

City Council Chambers, 155 NW 2nd Ave.

I. ROLL CALL

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

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

OTHERS PRESENT: Fred Postlewait, Bettie Postlewait, Wayne Scott, Jeff Scott, Tom Scott, John Vaudt, Leslie Ann Hauer, Patrick Sisul

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARING

ANN 00-03 Willow Creek Estates, Inc. An application to annex 14.5 acres located on the west side of N. Redwood St., north of the Heritage Park 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. When asked if any Commissioner had a conflict of interest, Mr. Thalhofner stated that Willow Creek Estates, Inc. was a client of his firm and he would abstain from participating in the discussion and in the vote. When asked if any Commissioner had ex-parte contact Commissioners Brown, Tallman, Blackwell and Stewart had visited the site but drew no conclusions. No questions were asked of the Commissioners.

Clint Chiavarini, Associate Planner, gave the staff report. He explained this application is comprised of 3 parcels totaling 14.49 acres located on the west side of North Redwood.

Clint stated the lots are currently zoned Rural Residential Farm and Forest, 5 acre minimum lot size, if annexed the designation would be R-1, low density residential with minimum 7000 square foot lots. Clint explained the applicant had proposed a tentative subdivision plan totaling 48 lots, Mr. & Mrs. Postelwait will be keeping approximately 90,000 square feet for their home, this property could be divided in the future and could create an additional 8 lots, but there are no plans to do so at this time.

Clint explained that the area has had problems with drainage in the past due to run off from developments on Pine Street and the soil is non-porous. He stated that an Advanced Financing District had been established to pay for a storm sewer system and each parcel has an assessment which will have to be paid prior to any development.

Clint stated this property is designated priority "A" on the adopted maps showing growth phasing.

Clint stated the need for the annexation would be the most discussed issue, but explained the applicant believed it was the right time to start the annexation process due to the fact that if the Planning Commission recommended approval of the annexation it wouldn't go to the City Council until January, and would be voted on in May, if approved by the voters. The earliest the applicant could break ground on the subdivision would be next fall.

Clint stated that this property has not been under cultivation and meets the criteria of smaller property being annexed before larger agricultural property.

Clint addressed the access, stating that with the new traffic signal at Hwy 99E and Redwood there is very good traffic access, he stated the problem with the intersection at Hwy 99E and Territorial would not be greatly impacted by this development, although it functions at an F level now.

Clint stated that there are developments to the north and south of this property, and the annexation would provide a link between sidewalks and allow full street build out on the west side of Redwood.

Clint stated there have been positive comments from service providers, with the exception of the school district, they stated Trost is already over capacity, and Eccles, Knight, Ackerman, and the High School are full, with additional space not anticipated until 2006. Clint stated he has received updated projections from the school district regarding enrollment figures, there has been a drop off in enrollment and there should be adequate school facilities until 2005, but there may be redistricting needed.

Clint stated that Beth Saul, Parks Director would like to see some connections to the Logging Road upon development, staff will work with the applicant at the time of development to locate those accesses in the most beneficial locations.

Clint stated that staff's conclusion was to recommend approval with the following conditions:

- the property would be zoned R-1 Low Density Residential
- all service connections, recording costs will be borne by the property owners
- all City service providers' regulations will be adhered to at time of connection
- sidewalks will be required upon development
- applicant will participate on a proportional basis with other benefitted properties and future

improvements agreed upon by the City and ODOT at the intersection of Hwy 99 E and Territorial Rd

- the owners are encouraged to cooperate with neighboring property owners

Mr. Manley asked for clarification regarding the Buildable Lands Supply, did the 3 years include the platted in progress land, Clint replied that it did and there was a total of 656 lots at this time.

Mr. Stewart asked if the run-off problem had been solved. Clint stated he thought it had, but the applicant could elaborate on the situation.

APPLICANT:

Tom Scott, Willow Creek Estate's President, addressed the Commission. He stated that his company has developed and built out 4 subdivisions in Canby: Willow Creek Estates, Vine Meadows, T & J Meadows, and Erika Acres.

Mr. Scott stated he currently has building lots in Vine Acres and Erika Acres, he has analyzed the market and estimated that he has a 2 ½ year supply of buildable lots with the 2 subdivisions. He believes the time is now to start the process to have this property annexed due to the length of time the annexation process takes.

Mr. Scott stated the new school enrollment figures show that Eccles and Knight are not at capacity, Ackerman, and the High School are full, and Trost (which will not be impacted by this development) is over capacity.

Mr. Scott stated this was a natural development for the area, with subdivision developments to the north and south, and with the annexation of the Vaudt property to the north this development would complete Redwood St. He stated the advanced financing for the storm sewer line (approximately \$106,000) would be paid off with the development.

Mr. Scott stated the drainage problem had been solved to the best of his knowledge, but it has been a few years since the area had any sizable rains. He added that Erica Acres subdivision located to the south, has not had any problems with storm water drain off.

Mr. Parks questioned if Mr. Scott had plans for doing studies on drainage prior to build out. Mr. Scott stated that they would make sure there were no wet land issues with their subdivision application.

Mr. Parks asked what the plans for the well located on the property were. Mr. Scott stated the Postlewaits would like to keep it, but realize it could be impacted by the construction. Mr. Parks explained that dry wells have a high probability of impacting water supply wells. He added that Canby Utility is interested in productive wells as emergency water supply sources. Clint explained that the storm water would not be handled by dry wells but would be handled by the storm sewer system, so the well should not be impacted.

Mr. Parks was concerned that condition #5 should be more specific regarding the proportional payments for improvements at Territorial and Hwy 99E. Mr. Brown questioned if the applicant was aware that the estimated cost for the intersection is 1 ½ to 2 million dollars. Clint explained that there were no conditions regarding annexations, just understandings. John stated adding the recommendation to the staff report was a way to have the developments that contributed to the problem to help pay for the solution.

Mr. Brown questioned if there were any economic factors such as the Fred Meyer development or the build out of the industrial park that would impact the need for this annexation. Mr. Scott replied a lot of the buildable lands in Canby have been sitting for a long time with no plans to build on them in the future. Mr. Scott stated he is aware of approximately 100 lots in the Tofte Farms, and Faist Addition that are platted and in process, if the market improves, because of growth in the industrial area, he would like to be ready, since those 100 lots could be used up quickly.

PROPONENTS:

Leslie Ann Hauer, Planning Consultant, 6100 Collins Rd, West Richland, WA. stated she had no issues with the staff report. She explained she may have been overly optimistic when she wrote the narrative for the application, stating construction of homes could begin development in the fall of 2001. She explained that if it was approved for annexation, the subdivision application would take approximately 4 months, the infrastructure on the subdivision could be started in the spring of 2001, and housing construction would not begin until the spring of 2002, possibly not even until the fall of 2002.

Ms. Hauer stated the updated enrollment projections from the School District shows that Knight School (which is the school that would be servicing this development) is predicted to be at 97.5% of capacity through the year 2005.

Patrick Sisul, Sisul Engineering, 375 Portland Ave., Gladstone, OR. Mr. Sisul stated public service (sanitary sewer, and water) are available to this site, and as of September 2000, \$105,000 in advanced financing was due for the storm water system that was installed. He explained by the time building permits will be taken out on this development, (approximately June 2002) there will be approximately \$112,000 due with the current interest rate, which would be paid prior to building permits being issued. He stated that having a large portion of that debt repaid would be an immediate benefit for the City.

Mr. Sisul stated that another benefit to the City would be the improvements to North Redwood Street, the build out of the street would provide added width, connect the existing sidewalks, and create a connection to the Logging Trail.

Mr. Sisul stated the traffic study did not identify any traffic concerns except for Territorial Road and Hwy 99E. He stated that Mr. Scott had referred to a fund that was created for the intersection at Territorial and Hwy 99E to which he had contributed \$8,000 on Willow Creek Estates. John stated he was unaware of the fund, but would check into it.

Mr. Sisul stated that for an absolute need to be established the city would need to be out of buildable lots. He explained there is approximately 50 lots in the Faist Addition remaining, Tofte Farms has approximately 70 lots, all of these lots are in the southeast area of Canby, there is also the Simnett property which is approximately 100 lots but there is no plans to develop at this time.

Mr. Sisul stated when the staff report was prepared it stated there were 656 lots currently in the city, at the rate of 180 units per year, at the time of election in 5 ½ months available lots would be down to 574 units, adding these 56 lots would bring the total of available units to 630, 26 fewer lots than the current level.

Mr. Sisul believes there is a need to create development in the northern area of Canby, citing the commercial development of Fred Meyer and the possible development of the industrial area, there is a need for land in this area.

Mr. Brown asked what positive benefits the City would see if this property was annexed at this time. Mr. Sisul stated that the development of the site would stimulate the local economy. Mr. Brown asked if a 4 year supply of land was inadequate. Mr. Sisul responded that if this property comes in the city would not even be back to the 3 year 8 month level that it is currently at, it will just be maintaining the current level.

Mr. Stewart asked if the existing swale on the property would preclude houses on either side and if the storm water system was adequate. Mr. Sisul stated that the storm system has adequately cut off the water supply that was feeding that area, it will probably need to have some fill brought in to build it up a little, commonly as the homes come in they are hard piped to the street which cuts off the water that was getting to the ground creating the problem. He added the trench lines (water line, and sewer) are all backfilled with rock and that cuts off a lot of water and water tends to flow down the pipe zones. Mr. Sisul added that if the City Engineer thought there was a problem, he would require installation of a storm drain detention system during development.

Mrs. Tallman commented that there hasn't been a heavy rain season since the system has been installed. Mr. Sisul stated that most systems are designed to handle 25 year events at full build out.

Ms. Hauer commented that she appreciates the City's concern for the land supply and stated Mr. Scott is trying to maintain a sensible planning program on their own. She added the City would benefit from the development of this property by having North Redwood nearly built out, and by the repayment of the Advanced Financing for the storm system.

Ms. Hauer stated that it makes sense to develop larger parcels since it is easier to coordinate development with adjacent property owners, it promotes connectivity, and the ability to do other beneficial things that can't be done on a piece meal basis.

Bettie Postlewait, property owner, addressed the storm water situation, she explained that there had never been a problem with standing water until the development on 12th street was put in. She gave a brief summary of raising her family on the property, and the many changes over the last

36 years.

OPPONENTS:

None

REBUTAL:

Mr. Scott addressed the Commissioners, he stated that it would be a natural progression for this development to go through, and it would be a benefit because the development will increase the economic improvement around the City, it would supply housing for the future work force, and increase the tax base not only for the City but for the schools.

Mr. Parks had a procedural question regarding the timing limits placed on an annexation application. John stated that it has been interpreted to mean the last date, in order to set an application deadline, since the information must be to the county 3 months prior to election, it was set up to give the City enough time to get through the Planning Commission and City Council hearings.

Mr. Stewart closed the public hearing and opened Commissioner Deliberations.

Mrs. Tallman questioned why the new school figures were not included with the original packet. Clint responded that the document was an unapproved draft and would not even be approved until the 16th of December.

Mr. Stewart read part of the document explaining why the estimated enrollment figures have changed, the baby boom has run its course in the elementary level (it will still affect the middle school, and the High School), Canby's population is aging, slower regional economy, fewer people moving to Oregon, and higher interest rates.

Mr. Brown stated his opinion that the major issue with this application was whether there was a need for the annexation. He agreed the applicants time line for development seemed reasonable and this annexation would be replacing land in the "pool". He stated that if all the available land is located in the southeast then that is where the growth will take place in the future exacerbating the situation in Trost school. He believes having a development in the north side of town would alleviate some of the crowding at Trost. Mr. Brown recommended approval of the application.

Mrs. Tallman stated the annexation seems to be in line with orderly development. She believes more people will choose to use the Redwood intersection instead of the Territorial intersection due to the safety factor, and with increased traffic, having the street built out would be a benefit to the city.

Ms. Blackwell stated she agreed having development on the north side of town would alleviate some of the Trost situation. She believes people will choose to use the Redwood intersection.

Mr. Parks stated he did not necessarily agree this annexation would assist with the difficult school situation, and wondered what the school district's opinion of this annexation would be. Mr. Brown stated it has been just recently the Commission has received comments from the schools, previously they just checked the adequate services available box.

Mr. Manley stated the application seems like an orderly development, and agreed with the applicants estimated time line to get through the annexation process.

Mr. Manley moved to recommend approval of ANN 00-03 as amended. Seconded by Mrs. Tallman. Motion carried 6-0-1 with Mr. Thalsofer abstaining.

ANN 00-04 John & Bette Vaudt, An application to annex 1.66 acres into the City located on the west side of N Redwood St. south of the Conner's Corner subdivision.

When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, Mr. Brown, Mrs. Tallman, Ms. Blackwell and Mr. Stewart had each visited the site but had drawn no conclusions.

Clint presented the staff report, he stated the property lies directly to the north of the previous application. He explained that it has large, mature trees on the property which are exposed at this time due to logging for the Conner's Corner development. He explained Conner's Corner currently has a stub out next to this property for a north south access for the development proposed with the last annexation application.

Mr. Parks asked if it will be continued or if it is just expected to be used. Clint stated that the reason the stub out is there is to connect those properties, because of the restraints of the Logging Rd Trail north south connecting roads have been encouraged. Clint explained that this property could be developed with flag lots, but if they work with Mr. Scott they may come up with a better design.

Clint stated they did not require a traffic study, since there is a maximum of 6 lots to be developed, it is designated priority "A" for annexation, and is part of the Advanced Financing for the storm drain system to be repaid upon development.

Mr. Stewart asked if the owners of the small parcel had been approached to annex with these two parcels. Clint replied that Mr. Scott had applied for annexation, the Vaudts had come in separately, and they are being done as 2 separate applications. He stated no one had contacted the owner of the other small parcel.

Mr. Parks asked what impact the development would have on the sewer system located on the parcel that is not being annexed at this time, and could they hook up to the City sewer if there were problems and they were not annexed. Clint stated that here is a provision in the code that allows the City Council to grant people the ability to hook up to the City system if necessary.

Mr. Stewart opened the public hearing.

APPLICANT:

John Vaudt, 1773 N Redwood Street, stated it makes sense to coordinate with the development of the Postlewait property to the south, but he has no plans to develop his property at this time.

Mr. Vaudt explained that the septic system on his property is located to the north of the existing house with the well located to the south approximately 45 feet from the Postlewait property, and he realizes there is a potential that it will no longer be a functional well.

Mr. Thalhoffer asked if the land has ever been farmed. Mr. Vaudt stated the property has not been farmed, and the trees on the property are self seeded second generation trees. Mr. Brown questioned if the trees were potentially dangerous in high winds. Mr. Vaudt agreed it is becoming more of a concern since the area has been developed and most of the surrounding trees have been logged off leaving his trees are unprotected.

PROPONENTS:

Mr. Tom Scott addressed the Commission, he stated it would be “smart development” to develop both this property and the Postlewait’s property at the same time. He stated it is difficult to develop a small piece later on.

Mr. Parks asked if Mr. Scott planned to develop the Postlewait property in phases. Mr. Scott replied that they would make all the infrastructure improvements all at once.

OPPONENTS:

None

REBUTTAL:

None

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

Mr. Brown stated he believed the application meets all the criteria necessary, and believes there would be a negative impact if this property was not included with the development of the previous application. Mr. Stewart encouraged the 2 applicants to cooperate with each other to create a workable subdivision.

Mr. Parks concurred with Mr. Brown.

Mr. Thalhoffer moved the Planning Commission recommend approval of ANN 00-04 as amended. Seconded by Ms. Blackwell. Motion carried 7-0.

IV. FINDINGS

MLP 00-06, Ray Burden, John explained there had been a typographical error on the last page, and he has already corrected it.

It was moved by Mr. Brown to approve MLP 00-06 as amended. Seconded by Ms. Blackwell. Motion carried 6-0-1, with Mr. Thalhoffer abstaining.

V. MINUTES

October 23, 2000

It was moved by Mr. Manley to approve the minutes of October 23, 2000 as written. Seconded by Mrs. Tallman. Motion carried 6-0-1 with Mr. Thalhoffer abstaining.

November 13, 2000

It was moved by Mr. Brown to approve the minutes of November 13, 2000 as written. Seconded by Ms. Blackwell. Motion carried 5-0-2 with Mr. Thalhoffer and Mr. Parks abstaining.

VI. DIRECTOR'S REPORT

John asked the Commissioners if they would like to have their packets placed in 3 ring binders. The response was that it would be helpful to keep things straight.

Ms. Blackwell stated that this is her last meeting with the Planning Commission since her election to the City Council. She formally thanked her fellow Commissioners and Staff. Mr. Stewart thanked her for her help and support.

John reported that meetings have slowed down for the holidays, the next one will be for the residential zoning code, it will include representatives from local developers and realtors and will be held at the Canby Library. The next step will be to take the suggestions to the local neighborhood groups. Mr. Stewart encouraged the Planning Commissioners to attend some of these meetings.

John stated that next year he will be working on the Parks ordinance, and the Downtown Master Plan will be coming through.

Clint stated there have been a lot of applications received last week, they include:

- An annexation of 5 acres located on Pine Street to the west of the two annexations heard today.
- A conditional use permit, for two companies that want to do a lot line adjustment, but the current zoning follows the tax lots, so for them to expand their business they need a conditional use permit.

- Milgard Windows site and design review, which could take 2 public hearings since they are scheduled last on the agenda.

Mr. Parks asked if all of these hearings need to be heard in January, John responded the Commission can always continue a hearing. Mr. Stewart asked Clint to inform Milgard that if the meeting runs too late, they will be continued to the next meeting.

Mr. Parks stated he would rather see Milgard be the main hearing so if there are citizens who wish to participate, they would not have to come back for a second meeting. Clint stated that he had suggested that to the applicant but they have time restraints and prefer to have the hearing on January 8th.

John stated that Ballot measure 7 was enjoined by Marion County Circuit Judge which prevents the Secretary of State or the Governor from certifying the results of the election for that measure. It means the judge does not believe it is constitutional and will probably go to trial, it will be quite some time before there will be any effects from ballot Measure 7.

Ms. Blackwell asked if the City will continue to go ahead with the Comp Plan review. John stated that it will go ahead, but we have to realize that Measure 7 or something like it could take effect at some point, and take that into consideration when pieces are adopted.

John stated at this point LCDC has informed cities that they must go ahead with the periodic review process, and no suspensions will be allowed. John explained that LCDC and Thousand Friends have indicated they will file lawsuits against cities that have processes like ours which allows waiving code regulations. Mr. Parks explained the major concern the LCDC has is the suspension of the periodic review process, because they are concerned that cities will say they will be unable to do anything until Measure 7 is figured out. He stated they also support a process for the structure of the claim, but are opposed to legislation that allows cities to waive the requirements if they decide the claim will cost too much.

John stated the next part of the code to be reviewed is the parks master plan update with the SDC methodology and parks and land acquisition strategy, and we may choose to go ahead as we want to but have to be aware measure 7 is out there and may affect our decisions.

Mr. Thallofer informed the Commissioners on issues the Residential Zoning Task Force have discussed which includes:

- reducing the overall square footage if residential lots
- give more creativity and options to developers to mix different sized lots to average them
- accessory dwellings (granny flats, cottages)
- residential/commercial zone will be looked at
- the downtown zone may be altered to allow dwellings also

Mr. Parks stated that some cities were considering allowing “alley” developments where narrow streets are allowed in the front and garages are built right up to the alley on the back,

expanding the useable space, he asked John if this is being looked at in Oregon. John replied that there are a number of developments in the metro area, and one in Bend. John suggested the Commissioners should tour developments like those to see if it is something Canby is interested in doing.

Clint stated that he had been working on the noise ordinance, and will have something ready before the days start getting longer.

VII. ADJOURNMENT