

MINUTES
CANBY PLANNING COMMISSION
7:00 pm February 26, 2001
City Council Chambers, 155 NW 2nd

I. ROLL CALL

Present: Vice-Chairman, Jim Brown, Commissioners, Paul Thalhofer, Jean Tallman, Geoff Manley

Staff: John Williams, Planning Director, Clint Chiavarini, Associate Planner, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

Others Present: Beth Saul, Patrick Sisul, Randy Tessman, Rick McGraw, Clyde Trapp, Brad Tebbutt, Geri Amacher, Randy Kehoe

II. CITIZEN INPUT ON NON AGENDA ITEMS

Beth Saul, Director of Recreation Services, addressed the Planning Commission. She stated the Park Master Plan is ready to be reviewed and adopted in some form, so a joint workshop with the City Council is necessary to proceed. Mr. Brown questioned how Measure 7 had affected the Master Plan. John Williams, Planning Director, stated he expects the legislature will supply answers to Measure 7, and the City is proceeding with the idea that Measure 7, or something like it should be considered when making decisions.

Beth Saul stated most of the Master Plan can be updated with confidence, such as projects, descriptions of parks, and standards, etc. Measure 7 would apply when dealing with subdivision ordinances, dedications, and SDC's.

It was decided that Beth Saul would suggest the dates March 6th or March 20th to the City Council for the joint workshop. She stated there will also need to be a meeting to adopt the Master Plan which could be a joint meeting with the City Council.

III. PUBLIC HEARINGS

DR 00-10 An application to build a 6,698 square foot shop building with a detached office located on NW 1st Ave, the shop will be used to restore antique vehicles. Clint Chiavarini, Associate Planner, stated the applicant has discussed some changes in the design of the building, and would like to address the Commission.

APPLICANT:

Randy Kehoe, stated due to input he has received from contractors regarding the design of his building, he is considering changing the roof line of the structure and relocating the office. Mr. Brown stated the Planning Commission would prefer to see a complete set of plans showing the changes and continued DR 00-10 until March 12, 2001.

SUB 00-07 An application by Oregon Development for approval of Phase IV of the Faist Addition Subdivision containing 26 single family homes on 5.8 acres.

Mr. Brown 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, Commissioners Tallman, Manley and Brown had visited the site but drew no conclusions. No questions were asked of the Commissioners.

Matilda Deas, Project Planner presented the Staff Report. She distributed additional comments that had been received too late to be included in their packets, one from Marge McLellen, who was concerned that 2 story homes would be built near her home, and an additional comment sheet from Roy Hester, Public Works Supervisor.

Matilda stated she found the application to be consistent with the Comprehensive Plan in regards to the Urban Growth element, Land Use element, and with the Environmental Concerns Element, but there were concerns raised regarding the Transportation Element.

Matilda explained the original application provided a connection between 10th Ave. and S. Redwood St. The development of the Valley View Subdivision created a curve in Redwood St. at the proposed intersection site, which the former Traffic Engineer, and the Public Works Supervisor have stated would create a hazardous intersection.

Matilda stated Ms. Joan Jones, owner of the property at that location believes the City made commitments guaranteeing the connection at S Redwood and 10th Ave, but no evidence of prior commitments has been found. The City Attorney has stated it is within the purview of the Public Works Supervisor to make the determination that an intersection would be unsafe.

Matilda stated at this time the School is in negotiations with Ms. Jones to purchase her property and as long as the sale goes through she has no concerns with this application. Matilda stated the School does not wish to make the connection between 10th Ave. and S. Redwood, so it is no longer an issue.

Matilda stated the original project designated lots #118 & #119 for parks, but the City hoped to increase the amount of the dedication. Matilda stated after the purchase

of the property there could be an opportunity to negotiate with the school to obtain access to the Logging Road. Mrs. Tallman asked if the proposed park site adjoined the Schools property, Matilda stated if the sale goes through it would abut the school's southern property line.

Mr. Brown stated that through all phases of this subdivision there have been discussions regarding future commitments for parks, was there something in the code that would require the dedication of Lots #118 and #119 or could the applicant withdraw the offer. Matilda responded that the Planning Commission could condition it, but she was unsure how it would be affected by Measure 7. Matilda stated her belief that the City was waiting for the Parks Plan update to put more teeth in the Plan, at this time it will not increase the City's leverage much, but it will increase SDC fees, and the City could accept land in lieu of SDC's. Mr. Brown asked if the City could accept SDC's in lieu of land, Matilda stated they could.

Mrs. Tallman questioned the amount of lots that will be built out in the total development, they have proposed 132 lots, which is the maximum number of lots that can be developed with 2 accesses and questioned if the 132 lots included the 2 lots that are being designated for a park. Matilda explained it was 132 lots which includes the 2 park lots.

Matilda stated a public safety issue was brought up by Marlene Elmore, Traffic Safety Committee regarding the intersection at Township and S. Redwood. The Committee believed this to be a dangerous intersection and this development would increase the risk factor. Matilda stated she discussed the issue with Marlene Elmore and showed her Traffic Studies that were done in November 2000, Ms. Elmore realized the Traffic Safety Committee had misinterpreted the plans and assumed some of the properties had access onto Township, their comments were based on that assumption. Matilda stated the Traffic Safety Committee has removed their objections to this application, but they still have concerns with the safety of the intersection, and will monitor it.

Matilda stated the application conforms to the Comprehensive Plan and subdivision approval criteria. Staff recommends approval of SUB 00-07 with amendments to the wording in conditions #20 and #22 changing the sentence from "upon development of future phases" to "upon development of Phase V".

Mr. Brown questioned whether the City would have to take the lots that were offered, or could they request other lots, since the intent of the park requirement is to have a park facility that is centrally located for the residents of the subdivision to use. Matilda stated they are the only lots that have been discussed.

Mr. Brown stated he has heard comments from citizens questioning what the Commission could do to slow the pace of development. Could the Commission place a limit on development of a parcel once it has been annexed into the City? Matilda said

she was unaware of any statute or code language that would place restrictions on the pace of development.

John Williams, Planning Director, stated one approach would be if there is a shortage of public facilities or services, then a finding could be made that the "this service, in this amount, would not be available until this year", creating a master plan for a subdivision based on that type of a finding. But it would be difficult to do that with this application since annexations are being looked at as they come in to see if services are available.

Mr. Brown stated that he wanted the Citizens of Canby to understand that once they approve an annexation it will be developed at the pace the market allows, regardless of the representation of the applicant. John stated part of that is because annexations cannot be conditioned.

APPLICANT:

Pat Sisul, Sisul Engineering, 375 Portland Ave, Gladstone, OR, Civil Engineer for Oregon Development.

Mr. Sisul stated Oregon Development offered lots #118 and #119 in Phase 2 for a park, but it was not added to the conditions of approval until Phase III, which stated with the development of Phase 5, lots #118 and #119 would be dedicated, at a minimum. Mr. Sisul stated Oregon Development is making a commitment to the City with the dedication for parks, alleviating any Measure 7 issues.

Mr. Sisul stated the original intention of dedicating lots #118 and #119 was so people who were using the Logging Trail could use the park facility. Mr. Sisul stated if the Planning Commission wanted to discuss moving the location of the dedication, he would ask for a continuance so he could discuss it with Oregon Development.

Mr. Sisul stated that sanitary services run to Phase 4 already, water is stubbed to the site, and storm water will be done by dry wells. Mr. Sisul stated there were originally 132 lots with this phase, but with the park dedication there would be 130 developed sites. Mr. Sisul stated there would be a 3rd access available to the subdivision when Teakwood is continued through the school site.

Mr. Sisul addressed the intersection of Township and Redwood, he had reviewed the traffic study that was done for Phase 1, and had visited the site, he believed it is more a sight distance problem than a capacity problem. He explained the Traffic Study had stated even after full development the intersection would function at "B" level.

Mr. Sisul stated this development conforms with all the necessary criteria, and requests the Planning Commission approve the application as submitted.

PROPONENTS: None

OPPONENTS:

Rick McGraw, 27312 S. Dryland Rd, member of the School Boundary Review Committee, presented the Planning Commission with 2 letters, one he had written and one that was written by Dr. Tom Pugsley.

Mr. McGraw read his letter. He believed the intersection of S. Redwood and Township was unsafe, drivers have to move into the crosswalk to see if there is traffic coming on Township (he presented pictures he had taken at the intersection to show how drivers must maneuver), he believes this is unsafe for children who walk to and from school.

Mr. McGraw stated he received an alarm print out from the Canby Fire Department showing 5 accidents at that location since July of 1998. He questioned why the information was not included in the Traffic Study, and what other information could have been left out, or was poorly researched.

Mr. McGraw expressed his concern that when this property was annexed into the City, Oregon Development told the voters that the subdivision would be developed over a 5 - 6 year period, that was 18 months ago and now the developers are asking for approval of Phase IV. He stated his concern that the rapid development of this subdivision had overburdened Trost School and resulted in the need to shift boundaries to relieve over crowding.

Mr. McGraw stated Canby's reputation for having excellent schools was one reason he chose to move to Canby, but with the current overcrowding, Canby could lose that reputation.

Mr. McGraw understood the Commission could not deny the application based solely on the school situation, but stated that combined with the dangerous intersection, a flawed traffic study, and a less than truthful campaign by Oregon Development the application should be denied until these concerns were addressed. He also suggested speed control school signs be installed at S. Redwood and Township.

Mr. McGraw read a letter from Tom Pugsley, DVM, 26024 S Hwy 170. Dr. Pugsley stated because he is not a resident of Canby, he has no representation on decisions that affect his family. He addressed the rate of growth in the Trost School area and the extra burdens that have been placed on the District and staff to come up with creative solutions to the overcrowding.

Mr. McGraw stated decisions are being made without regards to how they will affect schools, and believes developers should be held to the development schedule

they present to voters.

Dr. Pugsley stated people move to the area, because of the charm of the community, the reputation of the School District, and to escape from the City, but they bring the "big city" problems with them, increased traffic, new shopping centers while other centers wither away, and overcrowding of the school system due to unrestricted housing developments. He asked the Commission to look for solutions to maintain the quality of education that Canby is known for.

Matilda explained that the Traffic Safety Committee still perceives the intersection at S Redwood and Township as unsafe, but they did not see this development as making a large difference on the way the intersection functions.

Mr. Brown explained the Commission takes the school issue into account, but it cannot be the only determinant. He stated that after the district has established their new boundaries students who have attended Trost school will be able to continue to go to Trost, but their parents would have to provide transportation.

Mr. Brown explained there is approximately 3 ½ to 4 years of available land in Canby at this time if developed at the historic rate, but if the market changes that land could be developed in a year.

Mr. Brown stated the Planning Commission has to follow the Design Review criteria and he believed the applicant had met the necessary criteria for approval. He stated it was assumed with voter approved annexations, approvals would go down, prior to voter approval the annexation rate was 60%, it is 90% now.

Mr. Manley suggested if citizens don't like the fact the Planning Commission can not deny applications solely on the school issue, they should contact their legislators and have them change the laws.

Mrs. Tallman questioned if a decision was needed on the 10th Street and S. Redwood intersection. John stated the intersection is not a part of this application and would not be built if this application was approved.

Mr. Brown stated his concerns regarding the placement of the park, adjacent to a trail and next to the school grounds. He believed the intent of the park was for the park to be used by residents of the development with the hope it would set a standard for future developments. He believes ways to make the giving of land to the City more desirable than paying SDC's should be an item discussed at the next joint meeting with the City Council.

It was moved by Mr. Thalhofer to approve SUB 00-07 with amendments to conditions #20 and #22 as recommended by Matilda Deas. Seconded by Mr. Manley. Motion carried 4-0.

IV. NEW BUSINESS

Matilda presented the Commissioners with a Warranty Deed for the 15' dedication of the public pathway that connects the development with 13th Street. John explained typically the Planning Commission doesn't do this, but in a subdivision the Commission can accept land, otherwise it is the City Council's responsibility.

Mr. Thalhofer moved to sign and accept the deed for the right of way for the public pathway through lot 77 and lot 78 as indicated on the deed. Seconded by Mrs. Tallman. Motion carried 4-0.

V. FINDINGS

DR 01-01 An application by West Coast Bank for site and design approval for a 3,052 square foot bank building with drive-thru facilities, to be located in the Canby Market Center.

It was moved by Mrs. Tallman to accept the Findings, Conclusions and Final Order for DR 01-01 as written. Seconded by Mr. Thalhofer. Motion carried 4-0 with Mr. Stewart absent.

VI. MINUTES

January 22, 2001

It was moved by Mrs. Tallman to accept the Minutes of January 22, 2001 as amended. Seconded by Mr. Thalhofer. Motion carried 4-0.

VII. DIRECTOR'S REPORT

John Williams, Planning Director gave an update on the neighborhood meetings to review Canby's residential zoning ordinance. He stated 2 meetings have been scheduled for the north side of Highway 99E and 4 on the south side. There have been approximately 5500 letters sent out in Canby Utility Board bills and ads will be placed on Channel 3 and on Channel 5.

Mr. Thalhofer stated the input from these meetings could lead to changes in the zoning ordinance, and could address such things as affordable housing. John stated now is the time to address long range issues and encouraged people to get involved, this is the time to determine the future.

Mr. Brown asked how the purchase of the property by Trost will affect the

"Available Lands Study". John stated when the study was done there was a percentage of acreage that allowed for schools.

John explained the ads for the neighborhood meetings state representatives from both the City Council and the Planning Commission would be present and asked the Commissioners to let him know which of the meetings they could attend.

John stated the City Council will make a decision March 7th regarding the Planning Commission vacancies, and new Commissioners should be on board by the March 12th meeting.

Mr. Brown stated he would like to see a joint meeting scheduled with the new City Council, to discuss policy. John stated there will need to be joint meetings scheduled to discuss the Parks Plan, and the Zoning Ordinance also. John stated he would follow up on what the City Council decides to do with the intersection on 10th and S. Redwood and bring it back to the Commission.

VIII. ADJOURNMENT