

MINUTES
CANBY PLANNING COMMISSION

7:00pm January 14, 2002
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Jean Tallman, Jim Brown, Geoffrey Manley, Randy Tessman

ABSENT: Commissioners Paul Thalsofer, Tom Sanchez

STAFF: John Williams, Community Development/Planning Director, Clint Chiavarini, Associate Planner, Kelley Canode, Planning Technician

OTHERS PRESENT: Betty Ramey, Bret Block, Don Staehley

II. CITIZEN INPUT ON NON-AGENDA ITEMS

None

III. PUBLIC HEARINGS

ANN 01-02 An application by the Canby School District to annex a total of 45.42 acres on the south side of SE Township Rd between Trost Elementary School and the Logging Rd Trail.

Mr. Stewart stated since the applicant was not present at this time, the Commission would postpone this hearing until later in the meeting to give the applicant time to arrive.

ANN 01-03 An application by James S. Harbison to annex a 1.97 acre lot on the south side of SW 13th Ave. into the City.

Mr. 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, Commissioners Brown, Tallman, Tessman and Stewart had visited the site but had drawn no conclusions.

Clint Chiavarini, Associate Planner presented the staff report. He explained the property is surrounded on 3 sides by the City of Canby and is priority "A" for annexation. He stated the applicant intends to partition the property into 9 lots upon annexation, but the size of the property could potentially create 12 single family lots.

Clint explained he had recalculated the available lands study tables, with a relatively active building year, using table A there is a 3 year supply of available land, and using table B there is only a 2 year 4 month supply, this application would add about 6 weeks of buildable land.

Clint explained the property is less than 2 acres, and is not currently being used as farm land. No access, or service deficiencies were noted by service providers. He explained that because of the size of this property no traffic study was required. The school district stated adequate space exists to accommodate enrollment from this property if developed. Clint stated this property is located in an advance financing district, and the assessed charges will have to be paid at the time building permits are issued.

Clint explained that the Clackamas County Election Department divides the costs associated with the election between all the parties that have ballot measures, the more measures that are on the ballot, the less each party pays. Currently the City collects a \$1,800 deposit to cover those costs, but the last two annexations have cost more than the deposit, so an advisory note has been added to this application explaining if the actual costs exceed the deposit, the applicant will be required to pay the difference.

APPLICANT:

James Harbison stated he purchased the property several years ago for use as an equipment storage area and hay shed, but it has been difficult complying with Clackamas County's requirements on a small piece of property, with the area growing so fast, he believed building homes on the property was the best solution.

Mr. Brown questioned how soon the applicant would come in for a partition if the property was annexed. Mr. Harbison explained he has spoken with an engineer and would probably apply shortly after annexation. He stated he would do the development himself instead of selling off the lots.

Mr. Tessman asked if the applicant intended keeping the existing cedar trees. Mr. Harbison stated he would like to see the trees kept.

PROPONENTS:

None

OPPONENTS:

None

Mr. Stewart closed the Public Hearing and opened Commissioner deliberations.

Mrs. Tallman state she likes to see these islanded pieces of property brought into the City.

Mr. Brown addressed the criteria for approval, he stated his only issue with the application had been the need for the annexation. He had been surprised by the decrease in available land, and that it proves how quickly things develop once they are annexed into the City. He stated the application meets all the available criteria for approval, and appreciated the applicant's willingness to maintain the existing cedar trees.

It was moved by Mr. Brown to forward a recommendation of approval to the City Council for ANN 01-03. Seconded by Mrs. Tallman. Motion passed 5-0.

MLP 01-05 An application by Gerald L and Susan Grisham to divide one parcel into two pieces. Which would allow a second single family home to be constructed on the second piece.

Mr. 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 Mrs. Tallman, Mr. Tessman, and Mr. Stewart had visited the site, but had drawn no conclusions.

Kelley Canode, Planning Technician, presented the staff report. She stated the applicant is proposing to create 2 lots, keeping the existing home on lot 1, and building a single family home on lot 2 with a 12' access road.

Kelley stated that a condition had been added by the Public Works Supervisor for a 10' public right-of-way dedication along N. Maple Street, and a 5' sidewalk inclusive of curb to be constructed along the full frontage. She stated that an existing light pole will need to be relocated at the applicants expense, and some of the existing trees on the lot will need to be removed to provide access to lot 2 and to accommodate utility services. She explained the applicant will need to modify an existing carport to meet the minimum 5' setback from the access road.

Kelley stated with the conditions, staff has recommended approval of the application.

Mr. Brown asked for clarity on how the length of the access road was measured. Kelley explained that there is a 10' dedication and the measurement starts at the new property line.

Mrs. Tallman questioned what would need to be done to the carport to make it fit the setback requirements. Kelley explained there is 3' between the carport and the proposed access road and the applicant has agreed to move the carport back 2' to meet the setback requirements.

Mr. Stewart asked Kelley to address a letter that had been received from Pam Judy in opposition of this application. Kelley stated Ms. Judy had commented that she does not like flag lots because they can allow for "out of site development". Kelley believed Ms. Judy's comment were addressed more toward the City's code than at this application.

Mr. Brown questioned what the new setback requirements were. Clint explained the new setbacks were 7' on side yards, except for flag lots, which allow setbacks to be reduced to 5' when it abuts an access drive for a flag lot.

Mr. Manley asked if paving on Maple Street would be required with this application. Kelley explained the Public Works Supervisor had only required the 10' dedication and the sidewalks and curbs, he had not mentioned half street improvements. John stated they would contact the Public Works Supervisor to be sure it wasn't an omission on his part.

Mr. Stewart opened the public hearing.

APPLICANT:

Gerald Grisham addressed the Commission, he explained that some trees will need to be removed, but the walnut and fir trees will be maintained. He stated the house on lot 2 would be built parallel to the street and off set so that from the street you would see arborvitae and green space.

Mr. Stewart asked if Mr. Grisham understood that staff would be contacting the Public Works Supervisor to get clarification on whether half street improvements would be required on Maple Street. Mr. Grisham stated that he did.

PROPOSERS:

None

OPPOSERS:

None

Mr. Stewart closed the Public Hearing and opened Commissioner deliberations.

Mr. Brown questioned if there were any changes to the code regarding flag lots. John stated that nothing had changed, but that flag lots would be looked at during the residential design process.

Mr. Stewart explained citizens had expressed concerns regarding allowing 2 story homes to be built basically in peoples back yards, this is an issue that will be addressed in the residential zoning code update. Mr. Stewart stated his desire that as many of the existing trees on the property be preserved as possible.

Mr. Tessman addressed Ms. Judy's letter regarding flag lots, he explained that if there are flag lots where unregulated building is going on, but it is an issue that should be addressed separately by the Commission and not a part of this application.

Mr. Manley questioned if Clint had found any information regarding paving requirements along Maple Street. Clint stated he had researched a land partition to the north of this property, and no street improvements, other than sidewalks and curbs were required.

Mrs. Tallman questioned if a condition should be added regarding the 10' dedication. Clint explained that a note could be added stating that frontage improvements will be done "as required by the Public Works Supervisor".

It was moved by Mr. Manley to approve MLP 01-05 with the addition of conditions #15 & #16. Seconded by Mr. Tessman. Motion carried 5-0.

ANN 01-02 An application by the Canby School District to annex a total of 45.42 acres on the south side of SE Township Rd between Trost Elementary School and the Logging Rd Trail.

Mr. Stewart asked if any member of the Planning Commission had a conflict of interest, Mr. Stewart stated he had no conflict of interest, but he informed the audience he had testified on behalf of the Planning Commission to the school board and had recommended this site for the next school, he believed he could render a fair and unbiased decision and intended to participate in the hearing. When asked if any Commissioner had ex-parte contact, Commissioners Brown, Tallman, Tessman, Manley, and Stewart had visited the site but had drawn no conclusions. Mr. Manley explained that he had served on the committee that looked for available land for the school district to purchase. No questions were asked of the Commissioners.

Clint presented the staff report. He explained there are 3 tax lots totaling approximately 45 acres, the applicant owns 1 parcel and has an option to purchase the other 2. If annexed the

property would be brought into the City as R1 but since it will be used for a school no homes will be built there.

Clint explained that the property is priority "C" and to be considered for annexation the application needed to fit the following phase growth guidelines.

- Appropriateness of the annexation in terms of timing for City growth and development.
- A special benefit to the City which would not occur if the growth phasing was followed.
- The annexation would result in no adverse impact to the City's plan provision of public facilities and services.

Clint stated staff believes the application fits the guidelines. He explained that recent subdivisions have put some elementary schools at or near capacity. The schools long term plan calls for construction of a new middle school. He stated that for a short term fix the school district had done some boundary changes to balance the enrollment, but the building of the middle school is the next step to assure there is adequate capacity in the future.

Clint stated the special benefit would be that the property has been chosen by the school board to fulfill their goals of educating the children of the Canby area. Service providers had not noted any deficiency of public facilities, and some had stated it would enhance the school's ability to provide a service to the community. Clint stated the school district has identified a need for additional land to expand their facilities, which meets criteria #2.

Clint addressed the criteria for annexation that states smaller property are to be annexed before larger farmable land. He explained the school is planning on the Future Farmers of America program to continue farming the property until the school is built. He stated that even though this is a large piece of farm land it doesn't mean the application has to be denied if there is sufficient reason to annex and develop it.

Clint stated that the school had a site distance study done which showed that access would be available on Township Road. Clint explained that the City would require a full traffic study be done before any development.

APPLICANT:

Don Staehley addressed the Commission, he stated that most of the community is aware the school district had purchased the property, it was part of the bond measure that passed last year. He explained that the school district needed at least 20 acres to build a middle school on and had created a committee to look at the available land in Canby.

Mr. Staehley explained this site is larger than what they were originally looking at, but it would accommodate multiple uses on site, maximizing the use of the property and would

minimize support staff needs.

Mr. Staehley explained the school district already owns one of the parcels and intends to purchase the other two since they are part of the master plan, and will be necessary for access purposes. He stated with the close proximity of the Logging Rd there is an opportunity to incorporate the fields and the parks and make it a viable greenspace for the community.

Mr. Brown asked for clarity on how developed the school district's master plan was. Mr. Staehley explained that the master plan has not been defined, but there has been internal discussions regarding access on to Township Rd. Mr. Brown explained that due to grade issues on Township the only area that could reasonably be accessed is the western portion of the property. Mr. Brown asked if it was possible the school district would purchase some of the property and build houses on it. Mr. Staehley stated he could not say it would never happen but there is no intention to do that.

PROPONENTS:

None

OPPONENTS:

None

Mr. Stewart closed the public hearing and opened Commissioner deliberations. Mr. Stewart read a statement from the school districts annexation application regarding the development of the site and the importance of the school district working with the City to create a facility that will be a resource for the community, and the development of this property will allow the school district to meet the growth demands of the community without petitioning the City to add modular classrooms.

Mr. Brown reviewed the annexation criteria, he stated that even though the property is priority C he believes there is a special benefit to the City to annex the property, it is a large piece of farmland but the school district needs at least 20 acres to build a middle school.

Mr. Manley agreed with Mr. Brown that the application met the criteria for approval and added that with the school's time line for building the new middle school, they need to get the annexation process started now.

Mr. Tessman stated there are two elements to look at, preserving agricultural land and development. He stated that even though this is priority C land, this property meets the size requirements the school district needs for building a middle school.

Mrs. Tallman stated she believes this is an annexation that needs to be done.

Mr. Stewart stated he would like to see a public/private partnership for a life-long learning facility, partnering with a high tech firm to create a living laboratory and help to defray the costs. He stated having the school provide a park area next to the Logging Rd will create a great green space for the community. He also approved of getting rid of the necessity for modular classrooms.

It was moved by Mr. Brown to forward a recommendation of approval to the City Council for ANN 01-02. Seconded by Mr. Tessman and Mrs. Tallman. Motion carried 5-0.

IV. NEW BUSINESS

Modification to DR 01-09 An application to modify the Canby High School expansion project due to cost cuts.

Clint stated the applicant is asking to reconfigure the parking, removing the parking stalls along the south and installing wheel stops to keep cars out of the drive aisles. He explained even with the reduction in parking the applicant is providing more parking than is required.

Mr. Brown questioned the status of the realignment of the Aspen St access. Clint stated he had contacted the owner of the northwest property who has stated he is interested in modification of the corner. Clint hopes to schedule a meeting with all parties by the end of the month.

It was moved by Mr. Manley to approve MOD to DR 01-09 as written. Seconded by Mr. Brown. Motion carried 5-0.

V. FINDINGS

DR 01-08/ CUP-03 An application by Canby High School for additions to the main gym, vocational education building, construction of a replacement greenhouse and new parking lot.

It was moved by Mrs. Tallman to approve DR 01-08/CUP 01-03 as written. Seconded by Mr. Brown. Motion carried 5-0

DR 01-09/VAR 01-01 An application by Oregon Food Stores/Mulvanny G2 to expand the old Roth's IGA store for use as a Safeway store. A variance is requested for on-site landscaping standards due to the constraints of the existing buildings on the site.

It was moved by Mr. Brown to approve DR 01-09/VAR 01-01 as written. Seconded by Mr. Tessman. Motion carried 5-0.

VI. MINUTES

None

VII. DIRECTOR'S REPORT

John explained the City Council has completed a cost of service study which found that the Planning Department only recovers approximately 14% of the actual costs of land use applications which take 40% of staff time. The City Council has directed him to hold a public meeting to get an idea of how a raise in land use application fees would affect development since some fees would need to go up 500% to capture the actual cost of service. The City Council has also requested a survey of other cities to find out what they charge for land use applications.

John explained at this time a site and design review costs \$750 which means a small business remodel costs the same as a project such as Fred Meyers which took hundreds of staff hours.

Mr. Brown stated that when fees and SDCs are raised there comes a point when the desire to build in Canby will be diminished. He agreed it was reasonable to recoup staff time and to charge applicants that take the most time more money. John explained to develop a flag lot, there is a \$900 land use fee, plus the building permit fee of approximately \$9,400. Mr. Stewart stated that the City can't afford to recover only 14% of the costs associated with doing business. Mr. Stewart stated he liked the idea of a sliding scale, since the Safeway application would take more time than a single family residence would. John explained the Council would be looking at land use fees and SDCs on a yearly basis.

Mr. Brown stated that adding \$10,000 to the price of a home causes an increase of \$60 to \$70 dollars a month, which adds \$700 a year for 30 years to their house payments. John explained the fees to build a single family house (except for the excise tax) are to pay for the costs of improvements the City has already incurred. John stated that the total number of single family homes last year was the 3rd largest number in 20 years.

John stated the next residential zoning meeting will be held on February 12th.

Mr. Stewart asked where the City was with Comp Plan review. John stated that they are a little behind but with Kelley Canode on board things should be caught up soon. He stated Matilda Deas would be holding a workshop for the Planning Commission on January 28th, covering the natural resources portion of the plan, and to have a discussion regarding the commercial portion of park SDC's.

John stated that the results of the Urban Renewal workshop were taken to the Urban

Renewal Advisory Committee and were well received, the ideas generated a lot of excitement and the recommendation from the Planning Commission on project priorities went right into the Advisory Committee's list. Mr. Stewart stated he would like to invite the Planning Commission to attend the next City Council meeting where he will discuss everything the Commission has learned about Urban Renewal in the last 2 years.

John stated that the new version of the code with the new residential zoning information is about ready and will be sent out soon.

VIII. ADJOURNMENT