

MINUTES

CANBY PLANNING COMMISSION

June 24, 2002, 7:00 PM
City Council Chambers, 155 NW 2nd Ave

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners, Jim Brown, Randy Tessman, Paul Thalhofer, Geoff Manley.

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

OTHERS PRESENT: Shawn & Karen Carroll, Thelma Hooper, Connie & Chris Nolte, Ron & Cherrol Pacholl, Diane Gilbert, Dan Mowry, Bruce Holte, Katheryn Lewelling, LaVerne Lake, Katheryn Henderson, Elan Langridge, Harvey & D Anne Tofte, Bob Kauffman, Brad Tebbutt, Tom Ferrin, Ron Tatone, Melody Thompson, Scott Benson, Betty Ramey, Randy Sebastian, W.C. Cox

II. CITIZEN INPUT ON NON-AGENDA ITEMS

None

III. PUBLIC HEARINGS

Mr. Stewart poled the audience to determine which hearing the majority had come to participate in. Mr. Stewart amended the agenda by holding the CUP 02-01 hearing first.

CUP 02-01 An application by Willamette Valley Country Club to expand their membership by 200 social members while limiting their "golf membership" to 500. The Country Club is also exploring the feasibility of building an outdoor swimming pool facility which would need to be reviewed as part of a site and design review process if the Country Club decides to proceed with the development of the pool.

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, Tessman and Stewart had visited the site, but had drawn no conclusions. No questions were asked of the Commissioners.

Clint presented the staff report. He explained the Country Club is asking to increase their total membership of 500 golf members by adding 200 social members, these members would have access to the club house, limited golf privileges and the use of the proposed swimming pool. He explained that the applicant is not applying for a site and design review at this time. If the Planning Commission grants the request to allowing the increase in membership, it is anticipated the Country Club will bring an application for site and design

review before the Commission for the pool.

Clint explained the applicant has submitted a preliminary site plan that shows the pool being located to the west of the existing cart storage area. There are residential properties that front NE. 23rd who will have the pool 40 to 50 feet from their rear property lines.

Clint explained that in 1996 the Planning Commission reviewed DR 96-10/CUP 96-03 to expand the Club House. Due to the traffic concerns raised at that time, the Country Club stated they were limiting their memberships at 500. A condition was added stating that since the membership would be limited to 500 members the expansion of the clubhouse would not have an adverse impact. Should the membership increase, the conditional use permit would need to be revisited.

Clint stated the application meets the land use element of the comprehensive plan but there have been issues raised and letters received from concerned citizens regarding the transportation element. Clint exhibited photos he had taken of N. Maple which showed where the street width narrowed, and where the sidewalks were located.

Clint explained that in the capital improvements project list, N. Maple is prioritized as a 5 to 10 year project and projected to cost \$640,000. There are various financing possibilities for improving the road if the applicant wishes to undertake them, such as limited improvement districts and advanced financing districts. The applicant could put together one of these districts to defray the costs between all of the neighboring property owners.

Clint stated he has some potential conditions for the Planning Commission to consider should they approve the conditional use permit, such as places to site the pool, allowing for more of a buffer between the existing residences and the pool and the hours of operation.

Clint explained the Fire Marshal requested the pool be located in such a way to allow access to the water in the event of an emergency, and a pool drainage plan needed to be created to keep from flooding the sewer lines and lift stations in the area.

Clint stated that the Traffic Safety Committee at first did not have any specific concerns regarding this application, but they have written an addendum to their original letter stating they had concerns regarding the narrowing of the street between 20th and 21st, that trees and shrubs were creating obstructions to visibility, the 25mph markings need to be repainted on the streets and sidewalks need to be installed where appropriate. Clint added that when he visited the site the shrubbery had been trimmed back.

Clint stated a letter had been received from Diane Gilbert outlining her concerns regarding noise and traffic. She stated that she had contacted nearly all of the country clubs in the metropolitan area and stated their swimming pools are located no closer than 1000' to the nearest residential home. Clint stated about a dozen residents had signed Ms. Gilbert's letter.

Clint stated an e-mail was received from Darren Mason who stated his concerns regarding significant increases in noise and traffic levels, and feels the pool and the 200 additional members would detract rather than add to the community. He added that Sean and Karen Carroll were also concerned with noise levels and traffic, they also expressed concern with the conditions of the existing roads.

Clint stated he received a letter from Ron and Cherroll Pasholl expressing their concerns regarding noise and traffic levels, they stated Canby already had an indoor swimming pool which was supported by the community and that indoor pools are a better investment in Oregon and suggested the club consider that option. They gathered 21 signatures on their letter.

Clint stated that a letter was received from Mr. Tatone, Director of Willamette Valley Country Club expressing concern regarding the recommended condition of providing greater separation between residential property and the pool. He explained that if the pool was located in the area suggested by staff, it would require the pool to be located at the entrance to the Country Club and require the removal of the mature fir trees on Maple St. He stated that when comparing the year round aesthetics of the large trees to the limited time and minor disruption of occasional noise from the pool, this recommendation seems onerous and restrictive.

Clint explained that the applicant has proposed a 6' earthen berm with a 3' concrete block wall on top to mitigate any noise concerns. The applicant stated they did not believe it would be appropriate to require off site street improvements since they would not be related directly to the project. The Planning Staff concluded that a traffic study would not show any negative impacts for the expected usage by the additional 200 members and Clackamas County and the Traffic Safety Committee concluded there were no identifiable traffic issues. Clint clarified that a traffic study was not required by staff because they study intersections and actual road capacity, the majority of these trips would be mostly at off peak hours and it would be likely the intersection would function normally with minimum delays.

Clint stated that Mr. Tatone had suggested moving the Maple St. project up to the 0 to 5 year range in the capital improvement list. He explained that the City Council would have to make the decision whether or not this project warrants being moved up on the list.

John explained that even if Clint had read a letter written by a audience member, he encouraged everyone to address the Planning Commission. He stated that the application is about a conditional use permit, and the impact to the neighborhood. If the application was approved, the applicant would still have to come back to the Planning Commission for approval of the design including location of the pool, parking, landscaping, etc. and that the discussion tonight relates to the compatibility of the pool with the neighborhood and the impact of expanding the memberships.

Mr. Stewart questioned if the number of parking spaces was sufficient for the increase in memberships. Clint stated it was his belief that more parking would be required and it would be covered in the site and design review.

Mr. Stewart asked if the intersection at Maple and Territorial meets peak load warrants. Clint stated a traffic study was not done, but from observations done by staff and information from past applications, that was never identified as a troubled intersection. John explained that intersections are rated on the length of time it takes to get through it, and doesn't believe there is a capacity problem there.

Mr. Stewart questioned if there was any information regarding how many people would take Country Club Dr. instead of going down Maple St. Clint stated he had conversations with several residents who state there is quite a bit of traffic that comes down Country Club Dr., mainly because of the name and they don't know where they are going.

Mr. Stewart was concerned that the intersection at Maple and Territorial was not a 90 degree intersection and questioned the process of changing the CIP. Clint explained it would take a decision by the City Council and an ordinance or resolution. John explained that the CIP is unfunded and at the end of 5 years all of the projects on the list will not be done.

Mr. Stewart asked what projects were currently on the CIP. John stated he could get the information. Mr. Stewart explained that moving the Maple Street project up on the CIP list would require that other projects already listed would need to be moved down on the list.

Mr. Brown questioned that since the applicant had proposed a location for the pool with this application, could the location be considered during the conditional use permit discussion. Clint explained that if the pool location as proposed was not appropriate, the Commission could add a condition to the approval of the membership increase that any new construction would need to be buffered or shielded from residential areas.

John explained the projects on the CIP 0 to 5 year range included the full length of Knights Bridge Rd, N. Ivy St., (which is currently being done in phases), N. Pine, N. Redwood, 10th Ave., Township (which is complete), Berg Parkway, Grant and Holly Streets.

Mr. Stewart opened the Public Hearing

APPLICANT:

Mr. Tatone addressed the Commission, he stated that the application for the conditional use is basically for information so the Board can present the criteria to the membership.

Mr. Brown asked if there was a location at the Country Club that would allow 150' separation between the pool and existing residences. Mr. Tatone stated moving the pool would require the large fir trees at the entrance to be removed. He explained that if just a few of the trees were removed, they would still not want to locate the pool under the rest of the trees, so they would all need to be removed.

Mr. Brown addressed Mr. Tatone's letter regarding the condition of N. Maple St. and his belief that off site improvements would not be related to this application. Mr. Brown stated there are no lots available for development south of the Country Club, he questioned how any increase in traffic would not be attributed to the increase in membership at the Country Club.

Mr. Tatone stated a traffic study was done for an application he was involved with to develop the North end of Maple St. Since that time there have been other studies which show the maximum daily trips north of the Country Club were less than a thousand a day, the basis for deciding whether a street needed to be considered for a traffic impact study uses a threshold of 3,000 trips a day.

Mr. Tatone explained that Maple St. was 22' wide at the narrowest point, with a 50' right-of-way, with 4 driveways on the east side of Maple and 8 driveways on the west side. He compared that with NW Territorial Rd., which is 22' wide with 17 driveways on it and is used by many pedestrians and bicyclists. Mr. Tatone stated his opinion that social members would have minimal impact and that traffic safety was not an issue for this application.

Mr. Tatone stated moving the Maple St. improvements up on the CIP would be the

preferable solution instead of creating a Local Improvement District, since people living on Maple St. would probably not be in favor of that.

Mr. Brown stated the major connection point for the street system would be the intersection of Territorial and Hwy 99E and asked if Mr. Tatone believed there would be no impact from the increase in membership to that intersection. Mr. Tatone stated he believed there would be minimal impact with the increase in social memberships. He explained if the application was approved there would not be an increase in their membership by 200 immediately, it would take a couple of years.

Mr. Lewis Moller, stated he was Chairman of the task force to study the feasibility of the swimming pool for the Country Club. He explained it would take 3 to 4 years to get to a point where there would be 200 social members, over that time a solution to the intersection at Territorial and Hwy 99E might be found. He stated there would be an average of 35 trips generated by the swimming pool and most of these would be during off peak hours

Mr. Moller stated he believed if a traffic study had been done it would show that the additional 200 memberships would not exceed the carrying capacity of 3000 trips on N. Maple. He stated it would be difficult to show that this project would affect the capacity of N Maple to carry people safely.

PROPONENTS:

Dave Harris, resident of Canby and member of the Country Club addressed the Commission. He stated he lives in the neighborhood of the Country Club and had spoken with some of his neighbors who are not likely to become golf members but had stated that with the addition of a swimming pool they would probably become social members. He stated these are people who live in the area, and therefore would not increase the traffic on N. Maple St.

OPPONENTS:

Elan Langridge, resident of N. Maple informed the Commission that there is a Christian School, Baptist Church, children walking to the park, delivery trucks, farm machinery, landscaper's vehicles, vehicles from the 116 residents, UPS deliveries, mailmen, members of the Country Club and school buses. She believed that the narrowing of Maple between 21st and 22nd created a safety problem especially for pedestrians. She added that a family with 7 or 8 children recently moved to the area and their children play on the street. Ms. Langridge believed the Country Club is an asset to the community, but the safety issues need to be addressed.

Diane Gilbert, resident of N. Maple St. questioned what the address of the Country Club was. Mr. Brown stated it was 900 Country Club Place. She was concerned that the address was not listed on any map. Mr. Tatone explained that Country Club Place was created when the subdivision was approved in the 1960s. When it was decided about 20 years ago not to subdivide the property, the 60' roadway was vacated and became a private road and 900 Country Club Place remained the address. Ms. Gilbert contended that it creates a great deal of confusion for the Country Club to have an address on a street that doesn't exist, she explained that she constantly has people coming to her house looking for the Country Club Place and suggested their address should be on Maple St.

Chris Nolte, resident of NE 22nd, stated he opposed the increase in membership due to the traffic concerns, the road is shared by delivery trucks, service vehicles, golf carts and pedestrians and that speeding is a major problem. He stated he is a Clackamas County Deputy and has clocked people doing 40 to 45 miles per hour in a 25 mph zone, and the majority of the people he has ticketed have been members of the Country Club.

Mr. Nolte stated there is a Christian School located on Maple with 50 to 75 children, this school is in session later in the summer than the public school, so it will be in session when the Country Club's pool will be open. Since there is no bus service provided parents bringing their children to school, which increases traffic both at the intersection of Maple and Territorial Rd, and at Territorial and Hwy 99E.

Mr. Nolte stated recently there was a proposal to develop property located to the north of the Country Club, He stated his concern that if there was an emergency, there is only one street going in or out of the area north of 23rd St. and a bottleneck could be created with traffic trying to leave, or with emergency vehicles trying to respond. He stated that adding a pool creates a hazardous materials element to the situation due to the chlorine that is required to maintain the pool.

Connie Nolte, resident of NE 22nd stated there are no "rush hours" on N. Maple street. There are a lot of stay at home Moms, the Christian school and delivery trucks (which don't drive the speed limit) so traffic is pretty steady all day long. She believes most of the speeding comes from members of the Country Club and that 60mph is not unheard of.

Ms. Nolte stated that due to the City's budget cuts, speed patrols have been reduced, she has requested stop signs be installed, but was told the City does not use stop signs to slow traffic. Ms. Nolte expressed her concern that there are not continuous sidewalks on Maple Street, and that Country Club Drive is in disrepair (but the condition of the street prevents traffic from speeding). She stated that there is also a school bus stop on Maple Street.

Ms. Nolte questioned Mr. Tatone and Mr. Moller whether the Country Club was at capacity with its membership at this time. She was told they were not at capacity, but were getting close. She questioned what would happen to the residents when the Country Club was at capacity, and they are allowed 200 more social members.

Cherrol Passoll, questioned the difference between the types of memberships, and what types of memberships the Country Club has at this time. She stated they live in close proximity to a residential pool and has pity for people who would be close to a non-residential pool with 200 members, and added that each of these members could potentially bring guests.

Katheryn Henderson, resident of Greenview Court, stated that even though her driveway doesn't face Maple St., the street that she lives on does. She was concerned about the diminished property value of the people who live close to the swimming pool due to the noise level and thought that issue should be considered by the Commission.

Dan Mowry, resident of Fairway Lane and stated his concern regarding speeding in the area, and agreed with Ms Nolte that 60mph was not uncommon. He stated his concern of having an increase of traffic with the Christian school located there. Mr. Mowry stated that improving N. Maple would increase the traffic problem by encouraging people to drive faster. He suggested even if the road was improved to leave the road narrow. Mr. Mowry stated he liked

having the Country Club in the area, and opposed the addition of the pool solely upon the traffic issue. He suggested a light be installed at the intersection of N. Maple and Territorial Rd.

Scott Benson, resident of N Maple stated he opposed the application due to the traffic issue. He stated speeding was an issue and that he has stood out in his yard and thrown balls in the road when someone speeds down Maple, just to slow them down. He stated it would be nice to have the street widened and the sidewalks put in because there are a lot of people walking on N Maple, but can't see having the increase in traffic.

Shawn Carroll, resident of NE 23rd, stated that most of the traffic for the Country Club does use Maple St. due to the condition of Country Club Drive. He stated his concern is that his property backs up against the pool at the proposed location and asked if there was any possible way it could be moved further away from his property.

Katheryn Lewelling, resident of NE 23rd stated she agrees with all of the previous concerns that have been stated. She explained that her back yard also will be located against the pool.

REBUTTAL:

Lewis Moller addressed the concerns of the location of the pool. He stated there is no place to relocate the pool that would work without requiring the removal of the large Fir trees, and he did not believe that the residents would want to trade the trees for 150' separation. He stated the proposed 6' berm topped with 3' or 4' concrete wall would be covered with vegetation and would be 10' of sound abatement.

Mr. Moller stated the criteria for approval of a conditional use permit requires that there not be a substantial change to the surrounding area as a result of the development. Mr. Moller did not believe the periodic noise from the pool would meet the threshold of violating the substantial change requirement.

Mr. Moller stated residents from the neighborhood also speed, and that Mr. Tom Ferrin, who has been the Manager of the Country Club for 6 months, has not received any complaints regarding speeding by members or delivery drivers. Mr. Moller stated that the speeding issue was outside the control of the Country Club.

Mr. Moller stated Hwy 99E and Territorial is an issue everyone is familiar with and needs to be addressed, but holding this application to a criteria would prevent any development along Pine, Redwood or further along Territorial, there would be no justification to hold one application more impactful than another.

Mr. Moller stated the Planning Department staff had suggested the applicant put in a half street improvements on the east side of Maple Street from Territorial to the Country Club. Mr. Moller stated that improving the street could cause traffic to speed up and there has been a trend in the last 5 years to make streets narrower, which seems to slow traffic down. So if the Planning Commission wanted an improvement which was less than staff wanted them to do, they might be amenable to it.

There was a question from the audience asking what type of memberships the Club currently has. Mr. Moller answered the question and stated that when the Country Club applied

to build the new Club House the committee that negotiated with the Planning Department omitted the word golf, so it read that the membership would be limited to 500 members. Whether the pool is approved or not they plan on coming back to ask the Planning Commission to allow the additional 200 social members because the Country Club needs to have the flexibility to increase their memberships to be economically viable.

Mr. Brown asked if the pool and the memberships were two separate issues. Mr. Moller stated that the pool triggers the membership issue and that membership is an issue because it wasn't properly addressed last time.

Mr. Stewart stated he had sat on the Planning Commission when the original application had been heard and specifically asked if the Country Club was going to limit their members to 500 members total and the answer he received was yes they were. Mr. Moller stated at that time their social membership was so low they never anticipated they needed to increase the total amount.

Mr. Moller stated there are issues regarding N. Maple St. and concerns of the neighbors need to be addressed, but most of the issues have nothing to do with the pool and respectfully asked the Commission to remember that.

Mr. Tatone stated his belief that the Country Club development is one of Canby's best amenities. The homes that were built there make little demand of the City's infrastructure and services, yet between the residents and the Country Club they pay a high percentage of the tax roll. He asked that when the Commission deliberates they keep in mind that the Country Club needs to increase their membership so they can continue to stay in existence and will continue to be a Country Club everyone can be proud of.

Mr. Tatone stated he sympathizes with the citizens that complained about the speed issue but that he believes the road has the capacity to handle the increase in traffic.

Mr. Stewart closed the public hearing and opened Commission Deliberations. He thanked everyone who attended tonight's meeting. Mr. Stewart asked if the increase in membership and the request for the pool were a package deal. Clint explained that Mr. Moller stated the interest in the pool had triggered the need for the increase in membership.

Mr. Brown addressed the criteria for approval. He believed the swimming pool was an acceptable facility to be located at a golf course, so the application met criteria "A".

Mr. Brown stated the applicant had brought up the Dolan Decision. He explained that if you use the 2 measures of "Dolan" (Rough Proportionality and Essential Nexus) the installation of a swimming pool and a small pool building would not meet the requirements of Rough Proportionality. But he did believe there is an Essential Nexus between additional people on a dead end street and the traffic it creates. Mr. Brown believed the test had been met for Dolan but he stated he was not proposing any conditions that would require further infrastructure improvements. He concluded the application met criteria "C".

Mr. Brown stated that criteria "D" requires the application not alter the character of the surrounding area in a manner that would preclude the use of the surrounding properties for the uses allowed in this zone. He agreed with staff's recommendation of a 150' requirement, but he did not believe a pool would substantially change the surrounding area, so the application

marginally met criteria "D".

Mr. Brown stated that his concern was with criteria "B" which requires the site be suitable for the proposed use, considering size, design, location, topography etc., the applicant has stated there is no location that would meet the 150' setback requirement due to the shape of the lot and the location of the trees, he did not believe the application met criteria "B".

Mr. Thalhofer believed the proposed location is too close to the neighbors, and would need to have something between what was proposed and the 150' separation and the earthen berm for him to support the application.

Mr. Manley agreed the pool should be further from residential property. He was also concerned with the issue Mr. Nolte had discussed regarding the potential safety concerns of having one street going in and out of the area above 23rd.

Mr. Tessman stated that speeding is an issue everywhere and believed that it was not just the members of the Country Club that were the problem but neighbors were probably speeding also. He stated the noise from the pool and the close proximity to the residential area concerned him. Mr. Tessman agreed the improvements to Maple St. needed to be done but did not believe it should be required of the Country Club.

Mr. Thalhofer stated that he would be in favor of the increase in membership if the safety issue could be dealt with such as installing speed bumps on N. Maple, or putting in stop signs. Mr. Stewart explained that the Fire Department's position regarding speed bumps is that they slow them down when responding to emergencies. Mr. Stewart was unsure installing a stop sign at 22nd would be useful.

Mr. Thalhofer stated he understood the applicant's issue with having to meet their financial responsibilities if they want to stay in business. He stated he was in support of increasing the membership if the safety issue was addressed and he was not opposed to the pool if the location could be further from residential development.

Mr. Brown stated the membership and the pool were linked, if there was a way to mitigate against the safety concerns of the additional traffic on Maple St. that would be one issue. But the applicant indicated that they cannot relocate the pool to their satisfaction so the approval of the pool and the membership increase are tied.

John explained that if the proposed location of the pool was the last remaining issue to be considered by the Planning Commission, they could add a condition stating what the minimum requirements for locating a pool on the property would be. Then the applicant could come back with a site and design review after figuring out how to meet those requirements.

Mr. Stewart stated he remembers the original application and when the applicant was asked how many members they would have, the applicant's response was not broken down by different types of memberships they responded there would be 500 members. Concerns were raised by citizen at that hearing regarding the need to limit the amount of memberships the Country Club would be allowed to have due to the impact on the neighborhood. Mr. Stewart expressed his concern regarding the increase of traffic on Country Club Dr. and stated he could not support the application.

Mr. Brown questioned where staff got the 150' recommended setback for the pool. Clint stated the 150' setback requirement was a suggestion and the reason for a conditional use permit is to take a project that could be compatible in a given zone and give the Planning Commission the ability to condition the project to be compatible.

Mr. Brown stated the applicant has stated there is no location on their property that would allow 150' of separation that is acceptable to them. Mr. Stewart suggested that any number the Planning Commission use for the basis of the setback should be backed up with decibel levels. Mr. Thalhofer asked if the 150' setback was measured from before the berm or after it. Clint stated it was measured before the berm.

Mr. Brown moved to deny CUP 02-01 because it fails to meet conditional use criteria "B". Seconded by Mr. Manley. Motion carried 3-2 with Mr. Tessman and Mr. Thalhofer voting nay.

Mr. Stewart informed the applicant that the decision could be appealed to the City Council and that staff would help them with the necessary paperwork.

ANN 02-01 an application by Renaissance Homes to annex two tax lots totaling 49 acres into the City of Canby. The property is located on the south side of SE 17th Avenue, north of the Molalla river and east of S. Ivy Street.

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 member of the Commission had a conflict of interest Mr. Brown and Mr. Manley was residence of Tofte Farms and members of the homeowner association, but neither had a financial conflict and planned to participate in the discussion. When asked if any member had ex-parte contact, Mr. Brown had visited the site, Mr. Manley had visited the site and had received a notification of the public hearing in the mail, Mr. Stewart visited the site, but no member had drawn conclusions.

Clint stated this application is to annex 49 acres of a parcel of land that is mostly located inside the urban growth boundary. If the Commission recommends approval to the City Council and the Council and voters approve the annexation, only the part of the parcel located inside the urban growth boundary would be annexed.

Clint stated the urban growth boundary runs along the bluff. Mr. Stewart asked who owned the land between the low water mark and the bluff. Clint stated the Tofte's own the entire parcel, which extends across the river.

Clint explained that the property is a split designation on the annexation priority map, with the north section abutting the City is designated priority "A", with priority "B" land on Ivy St., and the rest is priority "C".

Clint explained that if an annexation application is outside the "A", "B", "C" priority list, findings must be made that there is an appropriateness of timing for City growth and development, that there is a benefit to the City that would not occur if the phased growth pattern were followed and the annexation would result in no adverse impact to the planned provision of services.

Clint presented a study that was done by the applicant showing the amount of available

land "A" and "B" designated land inside the urban growth. They concluded that a large majority of the property is either small parcels of land with existing homes on them or the land is far enough away from existing City services to make it financially difficult to develop the land.

Clint stated that staff generally concurs with their assessment of the available A & B land. He explained that in 1999 the Planning Commission and City Council denied a request to annex 20 acres of priority A land, based on deficiencies in the street system and the failing intersection at Territorial and Hwy 99E. Clint explained that at the time there was a 5 year supply of buildable land.

Clint stated there was also concern regarding school overcrowding. Since that time the schools have adjusted their boundaries to better balance their enrollment. But despite that shift, the school district has stated Trost Elementary will be over capacity in 2004 with or without this annexation.

Clint stated the school district plans to submit a bond in 2004 that would allow for the construction of a middle school in 2006. It is estimated that 2 or 3 modular classrooms will be needed by 2006 and added growth in this area will probably increase the amount of modular classrooms that will be needed.

Clint stated the applicant has proposed dedicating the area along the bluff to the City to help complete the emerald necklace. They are also proposing a 2 acre park located in the western area of the development.

Clint stated the applicant is willing to rezone 7 acres of the site to R 1.5 (medium density). The reason this could be considered a benefit because the City is currently lacking in R 1.5 and R 2 land and will need to find a place to accommodate that type of housing within the urban growth boundary over the next year.

Clint addressed the need for additional property and explained that over the last couple years there have been several annexations to the City, but none have been of a substantial size so the need and supply have not kept pace with each other.

Clint stated that currently there is about a year and a half of buildable land (excluding HOPE Village). Mr. Stewart asked if there was a minimum for buildable land in the code. Clint explained that there is not a minimum or maximum but a 3 year supply is considered sufficient.

Clint stated the criteria for annexation requires smaller farmland to be considered for annexation over larger farmland. He explained that the Toftes intend to continue farming the land until each new phase is developed. The applicant, in the past has followed a pattern of developing about 40 houses per phase and the Toftes have continued to farm the land that was not under subdivision construction. Clint stated that even though this is a larger piece of farmland, it would be taken out of production over a number of years.

Clint explained that access to the site is adequate and the road network is good. The applicant would be required to build connections to existing streets (Ivy and Redwood). The traffic study noted a deficiency in the southbound left turn movement from Township Rd onto Ivy, there are extended waits for turning left, but the volume of traffic making this movement is small.

Clint addressed whether adequate public services would be available. The School District stated they would be over capacity in 2006. The Public Works Supervisor stated that the City is still dealing with long term maintenance problems and will be until the City comes to a decision on how to fund street maintenance.

Clint stated the applicant held a neighborhood meeting that about a dozen people attended. Neighbors across the river had concerns regarding people crossing the river, trespassing, leaving their gates open and letting their livestock out.

Clint stated issues for the Commission to discuss are the annexation priority designation, larger farmland verses smaller farmland and the school facilities. If the Commission recommends approval to the City Council there are some appropriate conditions that should be placed on the application.

Clint stated that a major concern when bringing in a large annexation like this one is the possibility that several builders will be working on the project and obtaining 20 or 30 building permits every month. He stated that has not been the case with Renaissance Homes and they intend to build this as they have the other phases of Tofte Farms. He suggested to assure this, regardless of ownership, staff recommends a development agreement that would have the phasing spelled out.

Clint stated if the Commission believed the park dedication and the rezoning of the R1.5 land were benefits to the City, conditions should be added that a minimum of 7 acres will be rezoned to R 1.5 and the applicant agrees to dedicate parks as shown on their plans. Clint stated that the location of the 2 acre park could be negotiated.

Mr. Brown asked if the Parks master plan showed parks in that area. Clint stated that both the river front park and the neighborhood park locations are called out in the master plan.

APPLICANT:

Randy Sebastian, President, Renaissance Homes addressed the Commission. He stated there has been a lot of work put into this project and he believes it is a viable development.

Mr. Sebastian stated what makes this project different is that it has a master plan to deal with the lack of sewers in the area, and to allow the Toftes to continue farming the property.

Mr. Sebastian stressed that this would not be a development that sells 140 lots to 10 builders and the project is built out in 18 months. He wants to develop the property responsibly, which he believes is about 36 to 40 homes per year, at that rate they can create quality homes and the market can absorb them.

Tony Weller, CES NW, addressed the Commission he discussed issues that had been raised at the last public hearing. Mr. Weller explained that the applicant has proposed a minimum 100' minimum setback along the bluff with some additional active areas. Currently 4.4 acres in the UGB have been designated as park land, but there have been discussions with the Toftes to extend it to the river because even if it is not developable the City could own it and make it part of the park system.

Mr. Weller stated there would be pedestrian linkage from, Redwood, Ponderosa and Pepperwood, so there is good connectivity between the streets and the trail that is part of the emerald necklace.

Mr. Weller stated another pool is planned for this development. There is also a park designated in the vicinity of the eastern part of the development. He stated this is the area the applicant has proposed for the higher density development, which he believes, is an appropriate place for open space or a park.

Mr. Weller addressed the sewer situation and explained there is a piece of property that had been annexed 4 or 5 years ago but has not been developed due to the lack of sewer in the area. Mr. Weller stated that they have discussed the issue with the owner of the other property and they believe one pump station could be installed that would serve both basins.

Mr. Weller explained that by having a master plan, the City has the opportunity to make sure the street connectivity works, that utilities are provided and to anticipate the park needs. This would be a benefit to the City by helping to create an orderly development.

Mr. Weller stated that Mr. Sebastian is willing to look at the development agreement and to add to it a commitment on phasing which would restrict the amount of lots produced in a year and give the school district the opportunity to plan for the growth.

Mr. Weller explained how they had obtained the information in the land use survey they had done, which showed all of the A and B priority land, the ownership information, the primary use of the property and where the utilities were located.

Mr. Weller stated there are 69 parcels of land totaling 157 acres, of those only 28 (70 acres) have water and sewer adjacent to them. If you removed anything that was less than an acre with a house, it drops to 25 parcels (68 acres). In that 68 acres there are only 3 parcels that were 5 acres or more.

Mr. Brown questioned if this was surprising to Mr. Weller. Mr. Weller stated it made sense to bring in the land that is closest to what is already developed. Mr. Brown stated it is an incentive for the areas that are difficult to deal with. Mr. Weller stated the difficulty that comes with that is that the infrastructure costs are so high the smaller parcels are difficult to deal with.

Mr. Weller stated it makes sense to bring in this priority C land it to facilitate bringing in the smaller pieces of A land because of the infrastructure this development will install.

Mr. Weller passed out a construction schedule that assumes the annexation is approved by voters, the first three building permits would not be pulled until January 2004 and the first 3 homes would not be ready for occupancy until approximately May of 2004.

Mr. Brown questioned if the applicant was planning developing the subdivision application 36 lots at a time. Mr. Weller stated they are suggesting 4 phases with about 36 lots a phase. Mr. Brown asked if this project pre-sold all 142 lots would you build them. Mr. Weller and Mr. Sebastian both replied they would not build them.

Mr. Weller stated he had spoken with Don Staehley from the school district and was told the School estimates one child per home K through 12. Mr. Brown stated that the Barmack

study uses 2.3 children per home, and that is the figures that were used for the redistricting. Mr. Brown stated that would be 30 student per age group at full build out, which would require 1.5 classrooms per age group.

Mr. Stewart asked for clarity on how much land the Toftes owned on the other side of the river. Mr. Weller believed that there were 9 acres outside the UGB, but it was not a legal lot.

Mr. Stewart opened the public hearing.

Bruce Holte, resident of Tofte Farms. Mr. Holte clarified that he was there representing himself and not as a representative of the homeowners association. He commended Mr. Sebastian for taking the suggestions from the last meeting they had and actually doing more than was discussed. He stated he would like to see a basketball court placed somewhere.

Mr. Holte stated he was in favor of this application and commended Renaissance Homes on the way they keep their projects clean. He appreciated the fact there will be another pool for the development.

Brad Tebbutt, resident of Tofte Farms stated that he initially opposed this application his major concern was for the school district and this development causing more overcrowding, but he believed the applicant is offering a reasonable approach to the growth. He also had a concern regarding access, he believed that there will be a lot of traffic coming off of west bound 13th Ave. and funneled through the development. He believed that Redwood should be put through to support additional homes.

Mr. Tebbutt was concerned about the message that is given when the voter's pamphlet states the annexation is recommended by the Planning Commission. He stated that what he has heard during the public hearing is that the application meets the requirement for annexation. He is concerned that it sounds like the Planning Commission is endorsing, or recommending the voters approve the annexation. Mr. Stewart explained that the wording in the pamphlet is from the City Attorney, and this has been an issue that the Planning Commission has discussed before. Mr. Stewart explained that if it says the Commission voted 7 to 0 for or against an application, it should send a strong message to the citizens and suggested looking at how the votes break out, and what is said.

Mr. Stewart asked Mr. Tebbutt what if the bond measure for the school doesn't pass and the school district will have to add 3 modular class rooms a year for 3 years at \$100,000 a year, plus hiring new teachers and aides. This would cost approximately \$1.5 million for a school district that just cut \$1 million from their budget. Did Mr. Tebbutt believe the phasing would abrogates any concerns about schools. Mr. Tebbutt stated it did not take care of all his concerns, but that it was a reasonable approach because he believes that growth is going to happen in Canby and he would rather see it be reasonable than haphazard. Mr. Tebbutt stated that there would be 2 options, modular classrooms or redrawing the school boundaries.

Mr. Stewart stated that is a very painful experience and he doesn't want to go through it again. He explained he likes to engage conversations like that because it give the Commission a better feel about how the citizens are thinking because they ultimately will make the final decision.

OPPONENTS:

None

REBUTTAL:

Mr. Weller stated that the 36 units a year that the applicant is proposing is only 20% of what the projected need is per year. The good news is that the City would know where the growth would be coming from and know how to plan for it.

Mr. Weller explained that bringing Redwood through is not an option at this time because there is one piece of property that is not owned by Mr. Tofte and there are barns that are located there that will be needed as long as Mr. Tofte continues to farm.

Mr. Weller stated no one can predict the bonds, but Canby has a lot of motivated people, Mr. Sebastian is a motivated developer. He stated the school needs the bond whether this annexation is approved or not. He agreed this annexation would add to the problem, but they tried to put some controls around it and still accomplish the plan.

Mr. Brown asked if the property directly to the south of Redwood was annexed into the City. Mr. Weller did not believe it was, and the times that the owners were questioned about selling the property they were not interested.

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

Mr. Manley stated that the applicant's willingness to donate parks did allow him to consider moving the application up but he is not sure it is enough to move a C priority all the way up to an A priority. He stated he still had mixed feeling about it.

Mr. Thalhofer stated he would analyze the priority issue and that you would want to develop A first then B next and C last. The one issue he was dealing with was if the City gets to the point where it falls too far behind the power curve of available land we could end up with some very expensive housing in Canby, if there is not A and B land in developable condition. He stated that based on that study it does not appear that there is a lot of A and B land that is set up to meet the need at this time.

Mr. Stewart stated he had not considered the point of land expense.

Mr. Tessman stated it is hard to get large pieces of land that is A or B priority to master plan. He agrees C land should be looked at last but unfortunately if we are trying to master plan for an area, we do need to incorporate C land into the equations.

Mr. Brown stated the Planning Commission has heard a lot of annexations in the last 5 years and he has never had his mind changed before about the annexation priority system. He believes there is a benefit to the City to bring this all into the City at once. Mr. Brown stated he is surprised that the developer is willing to accept a development agreement that would preclude his development of the site, other than market decisions.

Mr. Brown stated one of his concerns of bringing in larger pieces of property is that if the market conditions allowed the developer would develop the entire site quickly. But the applicant had answered very clearly that they would not develop at a faster rate than 36 lots a year. He stated that people move to Canby for the same reasons we live here, because Canby is great,

and when some of the problems are solved, when the industrial park starts to fill in and more businesses come to town there will be more reasons to live here and work here, the rate of growth will increase.

Mr. Brown stated the applicant has been sensitive to the needs of the parks master plan, they are giving a critical piece of the emerald necklace to the City, they haven't tried use very possible inch of land.

Mr. Brown stated that all of Tofte Farms is not inside the boundary for Trost School. It was discussed by the school that Trost could not absorb the whole development so a line was drawn dividing the area between Trost and Eccles Schools. Mr. Brown explained that before the redistricting students were being bused from outside the urban growth boundary into the City, now all of the students outside the urban growth boundary go to outlying schools. If there is any more redistricting because the bond doesn't pass, students from inside the urban growth boundary will be bused to 91 or Carus Schools.

Mr. Manley stated there was an issue around schools and capacity and until there is a new school that issue will not go away.

Mr. Stewart questioned the Commission on their opinion of bringing in a large piece of agricultural land.

Mr. Thalhofer stated that was why the development agreement was important because phasing it and not developing it in one shot if it were approved, and allowing the Toftes to farm it has appeal. He stated he would not be in favor of developing it in one shot.

Mr. Brown stated that the residents of the area realize that development is coming. So the idea of phasing it in gradually that would allow the Toftes to farm the property would be a logical transition to residential use.

Mr. Tessman addressed the issue of taking agricultural land to expand into. He stated that Canby used to be an agricultural community, but today it is more like a suburb of Portland, people live here and work in the Portland area. He believed that phasing out the agricultural use of the property and phasing in the development was appropriate.

Mr. Manley stated that putting in the condition that the development would be phased in addressed the issue of developing smaller farmland verses the larger farmland.

Mr. Stewart explained that the Planning Commission has been concerned with long term maintenance of the roads infrastructure. He stated that in 5 or 6 years when these streets will need maintenance it will cost the City money, and right now the City doesn't have the money to maintain what is existing.

Mr. Tessman stated that the City is looking at options to fund road maintenance at this time. The intention of the Planning Commission is to get the message out to citizens that there needs to be some way to fund road maintenance. Mr. Stewart stated that there was no guarantee that any of the maintenance fee options will be approved and that the Commission would be gambling that the issue would be resolved.

Mr. Brown believed that the issues were disconnected. He stated he did not believe that

the Planning Commission has the ability as a planning group to determine what the public policy will be for road maintenance. It is important that the Commission act as a public input agency but he is concerned that if the Commission waits for the citizens to make a determination on every issue relative to development, specifically the road issue, the Commission would be placing a defacto moratorium on development.

Mr. Thalsofer stated he was confident that a stable source of funding will be established for road maintenance. If it is put on the ballot he would support it, and he trusts the voters to make their own determination.

Mr. Stewart asked staff if there were any other issues that need to be discussed. Clint stated that if the Planning Commission decided to go with a development agreement it would be necessary to get legal council on putting it together. Mr. Stewart stated the park dedication needed to be part of that also.

John stated it would need to be done quickly, and asked if the Commission would need to see it, or if it just needed to be done before it goes to the City Council. Clint stated that staff needs to know the exact numbers and the language could be figured out by the lawyers.

Mr. Stewart asked if it would be more appropriate to put a yearly limit on the development of 36 or to limit the development to 3 permits a month. It was agreed to put a yearly limit on the development.

Mr. Brown stated the application does not meet the prioritization criteria, however there are special benefits to the City such as the phased growth, the ability to master plan the area, the dedication of the parks and open space. With those benefits he believed the application met criteria #1.

Mr. Brown stated he was very surprised at the results of the available land study the applicant had done, the amount of available land had not been below 2 years worth since he was on the Commission. He believed there was a need for additional land.

Mr. Brown addressed the criteria that requires smaller farmland to be annex before large pieces. He believed the phasing in of the property would allow a reasonable transition between agrarian and residential use and that it addressed that criteria.

Mr. Brown believed there was adequate access to the site, and that there were adequate public facilities available with the caveat that the school system would be stressed, but the Commission can not deny the application on the school system alone.

Mr. Brown stated since the applicant has proposed developing 7 acres at R 1.5 density that needed to be added to the conditions. Clint stated he will put it into the development agreement that they will develop a minimum of 7 acres at R 1.5 as part of the special benefits.

Mr. Stewart questioned the feasibility of putting a maximum on the acreage the applicant could develop at R 1.5. Mr. Thalsofer suggested adding wording to condition # 8 stating that the applicant and the applicant's successors and consigned shall be limited to developing a maximum of 36 lots per calender year and generally speaking for purposes of this agreement development shall be defined as constructing housing units on no more that 36 lots in a 12 month period of time.

Mr. Stewart stated that there should be a minimum of 7 acres placed in the R1.5 designation but believed there should also be a maximum placed on it. Clint explained that the problem comes when looking at the overall comprehensive plan of the entire city. If it is stated that there will be 7 acres designated R1.5 then it would take 42 acres out of consideration of the rezoning process the city is doing.

John recommended that if 7 acres is the intention of the Planning Commission that staff talks to the applicant and comes back to the Commission with a proposal.

Mr. Brown suggested adding wording to the parks dedication condition stating that the location of the park would be acceptable to the applicant and the Planning Commission. He suggested trading the location of the park with the area designated as R1.5 so it would be a buffer between the two zones.

Mr. Thalhofer stated that with the modifications he was in favor of the application.

Mr. Tessman stated that with the modifications he supported the application.

Mr. Manley stated that he still had concerns regarding the land being priority C.

Mr. Stewart thanked the audience for attending and stated he appreciated all of the work the applicant had put into this project, but he would be voting against the application. He explained that he worries about the schools and is not sure the bond will pass. He is concerned about the roads because he is unsure that citizens will accept giving the City more money.

It was moved by Mr. Thalhofer moved to make a recommendation of approval to the City Council for ANN 02-01 with the proposed modifications. Seconded by Mr. Brown. Motion carried 3-2 with Mr. Stewart and Mr. Manley voting against the recommendation.

John asked if the Planning Commission wanted to see the development agreement prior to the findings, or as part of the findings at the next meeting. It was agreed they could come back with the findings.

IV. NEW BUSINESS

MOD 01-06 A modification to the entrance on S. Ivy by HOPE Village.

Clint explained that the southern most entrance off of Ivy into HOPE Village, was originally approved as an emergency entrance only and there is a crash gate located there. The Fire Marshal has requested the entrance be opened up to allow emergency access as an entrance only. Initially Clackamas County was going to require a traffic study, but finally the traffic engineers at the County decided that a traffic study was not necessary if they had assurances that this would be an entrance only access. Clint explained that the proposed site plan shows the road way narrowing down to a single lane to deter people from using it as a two way access.

Mr. Manley questioned what the width of the travel lane would be. Mr. Stewart stated it would be determined by what the Fire Department's needs were. Clint explained that there will be signage stating "entrance only" and "do not enter" installed.

It was moved by Mr. Brown to approve MOD 01-06 of DR 96-16 as presented.
Seconded by Mr. Tessman. Motion carried 4-0 with Mr. Thalhofer abstaining.

The representative from HOPE Village addressed the Commission and thanked them for their hard work and dedication to the City.

V. DIRECTOR'S REPORT

John stated that interviews for the Planning Technician will be held this week and that someone should be on board soon.

Clint stated he is setting up the locations for the residential design meetings, but the dates will be July 15th, 16th and 18th at 7:00 PM. On July 20th there will be a weekend meeting in Council Chamber at 1:00 PM.

Mr. Stewart thanked the planning staff for the work they put into getting the packets to the Commission and thanked the crew from OCTS for bringing the meetings to the citizens and keeping them informed.

VI. ADJOURNMENT