

MINUTES

CANBY PLANNING COMMISSION

7:00 P.M., April 28, 2003
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoff Manley, Paul Thalhofer, John Molamphy, Dan Ewert, Mark Vissers, and Robert Able

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

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

VAR 03-01 Canby Utility Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

John Williams, Planning and Community Development Director presented the staff report. Mr. Williams said this was a request from Canby Utility to construct a ten foot high fence topped with razor wire around the drinking water facility located at 591 N Cedar. The variance was required because the maximum fence height permitted in the zone was six feet. This was a security concern, as there had been vandalism to the plant. Mr. Williams felt it met all the criteria. The new fence would be placed where the old fence was currently.

Applicant:

Gary Spanavich, Planning Consultant, PO Box 1067, Canby, OR said this was an application to increase security around the water treatment plant. There had been a number of instances of vandalism at the plant. The fence would be 10 feet with angled razor wire and they planned to remove the vegetation surrounding it.

Karl Hansen, Assistant General Manager for Canby Utility, PO Box 152, Canby, OR said they would install a sliding gate that would be remote control or keypad on a card slider out front and a communicator device to communicate with the inside of the plant. It would also be 10 feet like the fence. There had been talk of having an access road from Johnson Controls, but it was undoable at this time because of road use on their property.

Mr. Able asked if they had talked with any experts about what kind of fence to use and how high? Mr. Hansen said they had talked with the chief of police and their insurance agency and other cities about those things, and this seemed to be the best

option.

Scott Gustafson, insurance agent for Canby Utility, PO Box 927, Canby, OR said the six foot fence wasn't working to stop the intrusion. What they were trying to do was the minimum impact on neighbors but stop the intrusions. Mr. Hansen said they could not stop anyone who really wanted to get into the plant, but it would take some time and in that time, hopefully police officers could stop them.

Proponents: None.

Opponents: None.

Mr. Brown closed the public hearing.

Discussion:

Mr. Molamphy said he thought the chief of police and Gustafson Insurance had a lot of input, and a ten foot fence was less intrusive. He thought they did a good job presenting their case.

Mr. Thalhofer said there was a clear and present need for a ten foot fence.

Mr. Manley also agreed this was a reasonable approach to provide the security they needed for the drinking water in the City and met all the requirements.

Mr. Able said he thought the variance should not be granted without evidence from experts outside of the applicant's control. He would have liked to see a security advisory company or an architect who had worked on such situations before to confirm ten feet was appropriate.

Mr. Brown said he thought this was a reasonable application.

It was moved by Mr. Manley to approve Variance Application 03-01 as written. Seconded by Mr. Thalhofer. Motion carried 7-0.

ZC/CPA 03-03 City of Canby Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Staff Report:

Matt Hastie, with Cogen, Owens, Cogen, 813 SW Alder St, Portland, OR said this public hearing was a proposal to redesignate land to create some additional opportunities in areas of the City for a variety of housing types. This was a broader effort to update the City's comprehensive plan as part of periodic review and to address future housing needs in the City. In the process, they identified housing and land needs, developed evaluation criteria, identified conceptual approaches to locating areas that would be redesignated, and then decided on specific locations. They had an advisory committee and a series of public meetings. All of the land was within the

urban growth boundary, not just within the City limits. It was found there was a surplus of low density residential, but not enough medium and high density. The criterion they used to identify areas for redesignation were: compatibility with surrounding uses and existing neighborhoods, service capacity, access to services, impacts on services, distance to commercial services, would it add vibrancy to surrounding areas, land assembly considerations, property owner interests, and overall need. They identified three approaches: concentrate all the newly designated land in one area, scatter it around as much as possible, and distribute it among several areas but not as scattered as the second approach. Citizen input was that they distribute it among many areas and that it not be next to already established single family neighborhoods or at least put a buffer between those areas, locate it near roads, services, and commercial areas, and use medium density to buffer high density from low density. They took their first set of recommended areas to another set of public meetings and also talked with the Planning Commission about them. Area two, located south of 13th, and area five, which was in the northeastern part of town, seemed to make the most sense for redesignation, and they had differing opinions about the other areas. There were recommendations to make some properties residential commercial and some open space land. Then they had a third set of meetings. People again emphasized development should be near adequate roads and services and buffering established areas. Mr. Hastie then discussed each proposed area and how it would be rezoned. He also discussed preparing a mixed density zone and associated ordinance amendments in the future which would be applied to the areas of special concern. They were recommending master planning for those areas as well.

Associate Planner Clint Chiavarini said he wanted to discuss the areas of special concern. There were a number that had already been addressed and developed, and they were proposing a number of deletions as well as additions. He discussed the two areas of special concern they were recommending to be changed, J and K. They were recommending that zoning on several properties be changed. He discussed the properties that needed to be rezoned. He said with all the public testimony and many revisions that this met all the criteria and they were recommending approval.

Mr. Brown decided to go through each area and as citizens wished to testify, they could do so at the appropriate time.

Public Testimony:

Area 1: Gary Davis, resident of 1045 NE Territorial, Canby, OR said he thought it was too drastic a change to take the corner lot on Territorial and Pine from R1 to R2. It would become an island of R2 in R1.5. He asked them to consider making it R1.5, which would be consistent with the development around it. He said the property owner was not sure what he preferred it to be, and Mr. Chiavarini said they did not want to change it without his consent.

Area 2: No public testimony.

Area 3: No public testimony.

Area 4: No public testimony.

Area 5: Roger Skoe, resident of 1853 N Teakwood Cir, Canby, OR said his mother owned property in area of special concern J, and he was glad that the area would be master planned. He wanted to make sure the master plan would look at a direct access road to Territorial and a signal and that the rezoning would have no impact on farming. He did question how the mixed density zone would work. Mr. Ewert asked why it was an area of special concern, was it to decide later what to build there? Mr. Chiavarini said it had to do with the time line of the grant. They had drafted what the mixed density zone would look like, but trying to do this fast would not be best. They would split the medium and high density in the area before development occurred and it was a high priority to do the master planning.

Judy Prescott, 9995 S Carriage Lane, Canby, OR said in the public meetings she attended they agreed that one area would not be hit too hard, and she thought this was not consistent with what was said. She hoped this would not be annexed while she was still alive. Mr. Chiavarini said the City never forced annexation, property owners came of their own desires and the voters had the final say. He encouraged her to get involved in the master planning process for this area.

John Prescott, 9995 S Carriage Lane, Canby, OR asked what the plan for the area would be. Mr. Chiavarini said out of all the acreage, only 20% would be upzoned and there would be public process for how it would be developed. Mr. Prescott said his concern was for the soil and how it should be treasured. He knew how fast development could happen though this was a 20 year plan.

Area 6:

Mark O'Shea, resident of 815 S Douglas, Canby, OR said he feared this particular piece of property would have unintended consequences. The neighborhood surrounding it was older, established R1 where the lots were 8,000 square feet minimum. If changed, lot size of new development could be as low as 4,500 square feet. There was no reason to change it to residential commercial and they would hurt the property value in the area.

Area 7: Mr. Ewert said he thought this was a good location, but asked what ramifications were there regarding building on the old land fill? Mr. Williams said they were beginning environmental work on it now, and the owner was still planning for high density use.

Adrian Fisher, resident of 30218 S Appaloosa Dr, Molalla, said he had a long term lease on the property which would be changed from heavy industrial use. There was also a well on the property. He wanted it to stay as it was.

Area 8: Jamie Porter, representative for Bethany Church, 450 S Ivy, Canby, OR said the church owned the parcels, and they would like the area to be

zoned residential commercial as their other property was.

Area 9: No public testimony.

Discussion:

Area 1: Mr. Manley said that there was R2 across the street from the corner lot in question, and it backed against medium density. He thought they should leave it as proposed, and the property owner could apply for a change later. Mr. Brown said they would come back to this discussion.

Area 2: The Commission agreed to leave the proposal for this area as it was, with no modification.

Area 3: The Commission agreed to leave the proposal for this area as it was, with no modification.

Area 4: The Commission agreed to leave the proposal for this area as it was, with no modification.

Area 5: Mr. Manley thought it was good that this was an area of special concern and that it would be master planned. Mr. Williams said this was an opportunity to do things right. The Commission was worried about the new mixed density zone and how it would work. The Commission thought they should keep this land off limits for development until they looked at the mixed density residential zone. They wanted stronger language on the fire wall, and more language about what creative things they wanted allowed in the existing area.

Area 6: Mr. Brown said this was for rezoning to residential commercial which would help for future expansion, and Mr. Able said the current occupants were allowed in the neighborhood under conditional use and they should keep the agreement they made with the neighborhood. Mr. Thalhofer agreed that sometimes they should rezone to what was actually on the ground, but in this case, it was surrounded by neighborhood and shouldn't be done. The Commission decided not to approve the proposed changes to area 6.

Area 7: The Commission agreed to leave the proposal for this area as it was, with no modification.

Area 8: Mr. Manley said he did not have a problem with this, because the surrounding area was already residential commercial which was different from area 6. It was also requested by the property owners. The Commission agreed to leave the proposal for this area as it was, with no modification.

Area 9: The Commission agreed to leave the proposal for this area as it was, with no modification.

Mr. Brown went back to discuss Area 1, and suggested a compromise: to forward it on to the City Council and try to get in contact with the property owner to see if he wanted it to be R1.5. The Commission agreed.

Mr. Chiavarini said they needed to discuss the proposal for rezoning properties, not just changing the comprehensive plan designation.

Mr. Manley wanted to make sure Area 6 was taken out of that. Mr. Brown asked if they had done anything that would change the required R2 and R1.5 densities. Staff said no.

It was moved by Mr. Manley to recommend approval of ZC/CPA 03-03 to the City Council as amended. Seconded by Mr. Thalhofer. Motion carried 6-0, with one abstention.

IV. NEW BUSINESS

Modification to DR 00-05 Space Age Fuel Gas Station

Mr. Chiavarini said they had a request from Larry Benson to put a coffee stand at the Space Age Gas Station on the northwest corner of Berg and 99E. Mr. Benson had a permit from ODOT to allow him to do this. It would require a modification of the site and design review. Mr. Manley asked if they allowed this, how would it impact the undeveloped area nearby? Mr. Chiavarini said Mr. Benson would be a leasee of the property owner of that vacant lot. Mr. Thalhofer had questions about the sewer, electricity, and water to the site.

Larry Benson, P.O. Box 555, Molalla, OR said the sewer would be pumped and had its own holding tanks, and the water was portable, they brought it in. There was an electrical box a few hundred feet from the site.

Mr. Molamphy asked if they agreed to this, was it a permanent decision or could they revoke it if need be? Would this be on the concrete? Mr. Benson said yes, it would be on concrete and a self-contained unit.

Mr. Chiavarini said the property owner had given his permission for this to go in, and it would be the property owner who, if he wanted to build on the vacant lot, would decide whether this business would stay where it was or not through site and design review. The site design modification form was signed by the property owner.

Mr. Manley asked if they could put a condition that would allow them to readdress the issue if they found it didn't work.

It was moved by Mr. Ewert to approve the modification to DR 00-05. He made note they did not have the application signed by the property owner, and added the condition that if in fact the traffic congestion became a problem that they would reserve the right to remove the modification from the site and design review. The unit would have to be fully skirted and self contained. Seconded by Mr. Able. Motion carried 5-2,

Mr. Molamphy and Mr. Brown opposed.

V. FINDINGS

None

VI. MINUTES

None

VII. DIRECTOR'S REPORT

Mr. Williams said the rezoning was the piece of periodic review that they were least looking forward to as they thought it would be the most controversial. But at the end of the process, most public testimony was favorable and he commended Clint and Matt for their work.

Mr. Brown thanked staff for their work as well. He thought the level of dialogue about planning was increasing, and he thought everyone was better informed and they had great citizen input. Everything was getting better, and he appreciated everyone's involvement.

VII. ADJOURNMENT