

MINUTES

CANBY PLANNING COMMISSION

7:00 P.M., May 27, 2003
City Council Chambers, 155 NW 2nd

I. ROLL CALL

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

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

II. CITIZEN INPUT

Jerry Farley, resident in Washington state, said one of his clients was a fireworks company, American Promotional Events, and said they had a problem with the retail locations in Canby. He was asking to use the Safeway and Fred Meyer parking lots, which had conditions on it that denied that use. There were not a lot of places to put a fireworks stand in Canby. He wanted to know if they would consider changing the conditions.

Chairman Brown asked why only those two parking lots could be used? Mr. Farley said they looked at many other places, but the property owners were not willing to allow it. There was also a need for a lot of parking for customers.

Chairman Brown said both of those applications already reduced the number of parking spots from the standard.

Mr. Molamphy asked about the conditions from the Fire Department and if they talked with Fred Meyer and Safeway? Mr. Farley said they had talked with them, and the stands had to meet state requirements. Mr. Williams said stands had been placed in both parking lots last year because the stores gave permission. They found out too late last year that they were not supposed to be there.

The Commission agreed to hear it as a new business item on June 9, 2003.

III. PUBLIC HEARINGS

ANN 03-03 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, Mr. Manley said he drove by the site, but drew no conclusions and Mr. Brown visited the site, drew no conclusions, and had a meeting with Randy Sebastian prior to this application in which they discussed ideas for the area's development. No questions were asked of the Commissioners.

Staff Report: Associate Planner Clint Chiavarini said this was an application to annex two tax lots which would total 49 acres into the City. Both tax lots were currently vacant and being farmed. If annexed, single family homes, park land, and a private pool would

be built. A similar application came in a year ago, and the Commission recommended approval 3-2, but the City Council denied it 4-3, and it did not go to the voters. The property was primarily Priority C. All the needed utilities and services were stubbed out to this property and there would be construction of a sewage lift station which would serve other areas as well. The applicant was offering to dedicate land for parks and not request SDC credits for the land, and were also offering to build park infrastructure, but would ask for SDC credits for the value of the development. They also offered to designate a portion of the property for medium density residential, but they had enough elsewhere in the City. There were no adverse effects. In regard to amount of buildable lands, they had one year and eight months. Staff thought that more land was needed. This was larger farmland, but it would be taken out in phases. There was adequate access with improvements to connections to Ivy. It met all other requirements, and they had to decide whether the special benefits the applicant was offering were sufficient to annex Priority C land. They received letters from citizens, both for and against the application.

Mr. Manley asked if the Parks department gave input as to how this fit into their master plan? Mr. Chiavarini said the two acre park was sufficient for the area. They were also offering a 4.4 acre piece on top of the bluff, and the Tofte family was willing to dedicate the property below the bluff. This would contribute to the emerald necklace concept. There were maintenance issues, however.

Mr. Brown asked how much Priority A land was left? Mr. Chiavarini said they had a total of 157 acres composed of 69 different parcels.

Mr. Manley asked if they had any other Priority A annexation applications coming up? Mr. Chiavarini said there was one for 1 and 2/3 acres just off of Territorial and the 9.7 acre parcel which was already referred to the voters.

Mr. Brown said it just showed the need to redo the priority system.

Applicant: Tony Weller represented Renaissance Development and said they tried to make this application good for everyone. They were active in looking at the master plan for the area and fulfilling the needs set out by the parks and transportation master plans. This was not small farmland, but they were going to phase it in at 9-10 acres at a time. There was a need for more buildable lands and Priority A lands had not become available. Many Priority A lands did not have easy access to utilities and many were small parcels. It was appropriate for City growth as it was near current development and had services and transportation available. There was a lack of availability of A and B lands. There were no adverse impacts. One of the special benefits was it was a bigger piece of property and could be planned. They researched the needed pump stations, and found that they could do it with only one and it would service nearby properties as well. The main park would have a tot area, a trike track, playground for older children, and perhaps some open space for sports.

Randy Sebastian of Renaissance Homes, 1672 Willamette Falls Dr, West Linn, said they took a study house on a nearby development of the fees paid to the City, Canby Utility, Canby Trucking, Chicago Title, Canby Builder's Supply, Canby Plumbing, Roth Heating, and Canby Excavating. It came up to \$64,000 per house. Several million dollars went into local businesses. In addition, they supported the communities they

worked in by sponsoring several local activities. They would be able to complete the emerald necklace, they would make a trike track in the main park, and if people felt better about what was going on in their community, they were more open to voting for bonds. They built on what they developed and would develop slowly.

Mr. Brown said the last time they applied, they said they would sign a development agreement to not do more than 36 lots a year. Mr. Sebastian said they looked at that, and they wanted to limit it to three phases, and no phase larger than 50 lots. The 36 might be too stringent to follow. Mr. Weller said this plan was slightly different, they had 147 lots shown, but some of the lots got wider when they looked at putting in R1.5, so it dropped to 140. If they divided that into three phases, it would be 46 lots a year, but the pump station needed to go in phase 1, and they were working at which lots to develop first. They were open to the agreement. If they stayed at R1 for the whole parcel, then they would drop to about 138 lots.

Mr. Weller also said they would receive a lot of money through property taxes, especially for schools. It was a boost to the economy in a time when it was needed.

Mr. Able asked about the developing of the property with the barns, and Mr. Weller said as long as it was wished to be farmed, they would stay in tact. Mr. Able asked if they would do the Priority A and B parcels first, and Mr. Weller said no because of the utilities, they had to start on Priority C to build the pump station.

Mr. Brown asked what changed from the first application and why. Mr. Weller said they reconfigured the park per the Commission's suggestions and it became a linear park and they reconfigured the streets.

Mr. Brown wondered why they should annex here? Mr. Weller said because of the property's availability. They had also talked with their neighbors to the north of the property about coordinating the development.

Proponents: Kory MacGregor, resident of 9095 S Good Lane and owner of Roth Heating, said if this wasn't good for Canby, he wouldn't be there. He thought they were fortunate to have Renaissance Homes, a high quality builder that invested in the community. Businesses needed customers, and customers lived in houses. Also, they provided work when work was hard to come by.

Ken Guisinger, resident of 13351 S Macksberg Rd and general manager of Canby Builder's Supply, said the Priority A, B, C system needed to be looked at because Canby was running out of lots. The development and design was well done.

Vince Hasnes, resident of 540 NW Territorial and in the construction business, said he did a lot of work for Renaissance Homes, and the slow development worked good for the size of Canby and for the sub contractors.

Mr. Brown asked why they should put annexed land on the south side of town and not the north? Mr. Hasnes did not see a difference.

Doug Sprague, resident of 641 NE 22nd Ave and owner of Canby Excavating, said he supported this project and annexation. He concurred with everything that had been

said about Renaissance and the project. He thought this was good for Canby, good timing, and that voters should decide.

It was pointed out that not a lot of contractors hired local sub contractors. Mr. Weller also said that the soils on this side of town were not as good as in other areas.

Tom Scott, local developer and builder, said in regard to the sewer issue, it made sense to do one in the area as opposed to two. He thought they did a good job and it was a smart step for Canby. There were not many developers who would give 7-8 acres for parks.

D'Ann Tofte said Mr. Sebastian was an excellent builder and true to his word. One of the nice things about the development were the people who lived there.

Opponents: None.

Rebuttal: Mr. Weller said they realized it was a special case to annex out of order. They thought the park dedication and planning effort were a special benefit, and they set the bar high.

Mr. Vissers said their traffic study did not address Ivy and 13th. Mr. Weller said it was the intersection of focus until the signal was put in.

Mr. Manley said in regard to the park being a homeowner managed park, would they have trouble doing an easement that would allow public access to it? Mr. Weller said the issue was maintenance and insurance, and maintenance could be done through the homeowner's association. They were open to discussing it.

Discussion: Mr. Able said he thought if the park was maintained privately, that the park would be private. The big question was if they wanted the free market to determine the development of Canby, or if development would be determined by the prioritized comprehensive plan. The free market usually knew better. Big developments drew people to Canby, and it was something they needed.

Mr. Molamphy said in regard to the prioritization, he concurred that this development bumped up against the edge. It fit with the rest of the development in the area, the property was backed up against the river, they were proposing a park and land for the emerald necklace, and the Tofte development had been built well. Only having one lift station was more practical.

Mr. Thalhofer said he voted for this project the first time around, and he was still in favor of it. There was a special benefit in the form of the parks and it would serve their community well. It more than amply met the criteria.

Mr. Vissers said he appreciated the cooperation of Mr. Sebastian in their community, and some of the benefits went beyond the requirements. He liked the parks, and he didn't think the schools issue was a vital concern. All of the issues that were there last time had been revisited and were amply addressed.

Mr. Manley said he had mixed feelings about this, he thought the prioritizations should

be paid attention to. He thought their need for land had grown since the last time, and they were talking about developing the parks in conjunction with City planning. He had to look at the issue if there was a special benefit enough to outweigh the Priority C.

Mr. Brown went through the approval criteria, and found that it met all. He thought if they crafted the Comp Plan adequately they would get intended benefits from the free market. The issue was they met the special benefit, with the parks, a larger piece of land master planned, and the development agreement. Regarding schools, they were pro growth as no growth exacerbated their funding problems and there would be more portables for the elementary school enrollment. This property looked committed for development. His only concern was the linear park and that it would be bound by streets.

Mr. Manley said if this went through, he wanted to make sure the phasing was built into the plan and the language made it clear that the dedication they were offering was in addition to anything the parks plan required them to do. Mr. Brown wanted to make sure the phasing was proportionate.

It was moved by Mr. Thalhoffer to recommend approval for ANN 03-03 to the City Council as amended. Seconded by Mr. Molamphy. Motion carried 6-0.

IV. NEW BUSINESS

None

V. FINDINGS

None

VI. MINUTES

Mr. Williams said the typos in the minutes would be fixed.

It was moved by Mr. Molamphy to approve the minutes of May 12, 2003 as amended. Seconded by Mr. Able. Motion carried 6-0.

VII. DIRECTOR'S REPORT

Mr. Williams said regarding the annexation priority system, if they had thoughts about how to structure the process he would entertain them. Mr. Able said he still wanted the prioritized A properties developed quicker, and they needed to come up with a way to make priority A land attractive to developers. Mr. Brown said what was good about the system was like the application that night, they got a park because it was Priority C, whereas if it was Priority A they wouldn't have. Mr. Able said maybe they should also come up with more vigorous rules about how they penalize the early annexation of C. Mr. Able wanted some way to give them incentive to infill the small Priority A properties that were left. Mr. Brown said this would be a hard project to get the public interested in. Mr. Brown suggested doing a workshop session and the results would become the basis for public input. The Commission agreed. They also

wanted a list of the A parcels left.

Mr. Williams announced that the Council approved the Northwoods property, and it could be appealed 21 days after the findings were adopted. Mr. Brown wondered about doing a master plan of the area. Mr. Williams said they could do it informally or formally. Mr. Chiavarini said formally they had 45 days to file prior to a hearing. Mr. Brown came up with an idea for the area, and he wasn't sure how to proceed. The informal way would be he could go to the property owners and present it. Mr. Manley wanted to go through the formal process and make the area one of special concern, and thought they could require that it had to be master planned before it was developed. Mr. Brown would talk to the Mayor to see what the Council thought about the idea. The Commission wanted staff to make some proposed language that made this an area of special concern and they would discuss it on June 9.

Mr. Williams said he filed a TGM grant application for a master plan process for NE Canby behind the Spinning Wheel.

Mr. Brown said there was a question as to whether they should still have the Table A and Table B for buildable lands. The Commission thought they should take off Hope Village.

Mr. Molamphy said Mr. Williams and Mr. Chiavarini had been doing a great job and he thanked them very much. Mr. Brown said he was pleased with the members of the Commission and the job they were doing.

VII. ADJOURNMENT