

# MINUTES

## CANBY PLANNING COMMISSION

7:00 PM January 12, 2004  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

**PRESENT:** Chairman Jim Brown, Commissioners Geoffrey Manley, Dan Ewert, John Molamphy, Robert Able, Tony Helbling, Randy Tessman

**STAFF:** John Williams, Planning & Community Development Director, Darren Nichols, Associate Planner,

**OTHERS PRESENT:** Tom Ferrin, Glen Scott, Ron Tatone, Fred Shipman, George Cam, Pat Harmon

### II. CITIZEN INPUT

None

### III. NEW BUSINESS

None

### IV. PUBLIC HEARINGS

**MLP 03-09** The applicant is seeking approval to partition one 17,100 sq. ft. parcel into two separate tax lots of 9924 sq. ft. 7470 sq. ft. One existing house will remain on the front lot, creating a single buildable lot at the rear of the parent parcel.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he had visited the site but had drawn no conclusions. No questions were asked of the Commissioners.

Darren Nichols presented the staff report. The applicant is proposing a 12' wide access drive extending approximately 90' to service the proposed parcel, this meets the minimum City standards for width and setbacks. Sidewalks were not proposed with this application but are a condition of approval.

Darren stated the area is zoned R1. No design was submitted for the proposed new home but it would be required to comply with all infill standards.

Darren stated that public service providers have indicated that all services are available. The condition of the road and infrastructure is capable of handling the

increase in traffic of one additional lot.

Darren explained comments had been received from neighboring property owners after the Commissioner's packets had been delivered. They expressed concerns that the proposed area is an open space which has provided a haven for wildlife and birds and created a tranquil neighborhood.

Darren stated that with the proposed conditions of approval all of the code requirements are met and staff recommends approval of MLP 03-09.

Mr. Brown questioned what the dotted lines on the plot map meant. Darren explained they were usually old lot lines that have been moved but they never go away.

Mr. Tessman questioned if other parcels in the area had been partitioned. Darren stated that there are applications for 2 parcels across the street that plan on partitioning their lots.

**APPLICANT:**

Mr. Pat Harmon addressed the Commission speaking for the applicant. He stated that this is an appropriate application for the area. It is a single family home in a residential zone with adequate access and public service providers had no concerns with the development.

Mr. Brown questioned what the relationship was between Mr. Harmon and the applicant. Mr. Harmon stated he is a realtor in Canby and has known the owners for many years.

**PROPONENTS:**

None

**OPPONENTS:**

David Reiner addressed the Commission. He stated he lives next to the applicant. He questioned how many more lots in his neighborhood have the potential to be divided like this. Darren explained that there are development guidelines for the R1 zone, a single family lot is a minimum of 7,000 square feet with a maximum size of 10,000 square feet. So any lot that is large enough to meet the criteria could potentially be divided. Mr. Brown explained that the city recently adopted infill standards for existing neighborhoods that address heights and setbacks.

Mr. Reiner stated that even though he has a 17,000 sq. ft. lot he would not be able to divide his property because he does not have the needed width for the access drive.

Mr Reiner questioned if there were any limits on the size of the house that could be built there. Darren explained that the applicant will need to comply with all of the

infill home standards which has height limitations and setback requirements.

Mr. Reiner stated that one reason they bought their property was because of the open space behind their house. They did not want to prevent someone from developing their property but they did wish the open space could be kept.

#### **REBUTTAL:**

None

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Tessman stated there is a utility pole located near where the access drive for the back lot and questioned if it would be a vision clearance problem. Darren stated the pole sets in the easement and believes a drive will not be a problem, but if it is, the applicant will have to move the pole at his expense.

Mr. Brown questioned if 120' was the maximum length for a 12' wide access drive. Darren explained that the City uses a 100' standard, and this drive would be about 90'.

Mr. Manley questioned the 11' setback for street trees. Darren explained it is to keep the trees to the back of the easement, out of the way of utilities.

Mr. Brown questioned the type of sidewalks that will be required. John stated that Ivy Street has a sidewalk standard that the applicant will be required to meet.

It was moved by Mr. Manley to approve MLP 03-09 as written. Seconded by Mr. Ewert. Motion carried 7-0.

**ANN 03-07 Cam/Dodds** A request to annex 19.91 acres into the city. The site is located north of Territorial Rd, between N. Locust St. and N Holly St. If annexed the applicant intends to build 76 single family residences on the property.

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

Darren Nichols presented the staff report. He explained that the comprehensive plan designation of the parcel is low density residential, so if the annexation is approved the low density standards would apply.

Darren explained there are 2 adjoining parcels inside the city limits. The remaining parcels are inside the UGB and are being used for agricultural purposes. The subject parcel currently contains one stick built house and 2 manufactured homes. The applicant's conceptual plan shows a 76 lot subdivision but no formal application has been submitted. Darren stated all traffic analysis and utility information is based on the estimated 76 lot plan.

Darren explained that several parts of the Dodds property has been submitted

for annexation before. He explained that in 1999 the Planning Commission recommended denial of a similar proposal. A second application of 20 acres was submitted in 2002 which was approved by both the Planning Commission and the City Council, but was denied by the voters. A 4 acre parcel was recommended for denial by the Planning Commission and upheld by the City Council. This current proposal is similar to the application that was submitted in 2002.

Darren stated the property is designated as Priority A. Service providers have stated that facilities and services are available or will be made available upon development. There are some concerns about vehicle accessibility on N. Locust, the applicant has indicated he is willing to do what is necessary (moving power transmission lines, improving streets etc.) to provide adequate access to this parcel.

Darren stated that the buildable lands study has changed slightly from what it was the last time the Commission looked at it. He had recalculated the available land and included some land previously deemed undevelopable. He stated the available lands is now at a 3 year 3 month supply. This does not include the Northwoods property which could add another 8-9 month supply of land.

Darren stated that the Traffic Safety Committee has expressed concerns regarding the increase in traffic at Hwy 99E and NE Territorial Rd. The Committee considers that intersection a major concern. He stated that concern would be addressed with the proposed signal light in the year 2005. The Public Works Supervisor raised concerns regarding adequate road access to N. Locust St. The applicant has indicated he is willing to make those improvements to N. Locust at the time the development accesses that street.

Darren stated that this parcel is considered a larger parcel of productive farmland which seems to contradict the Priority A designation. He explained that in the past the Commission has considered that the Priority System precedes the use of the parcel for agricultural uses.

Darren stated that the Public Works Department and the City Engineer have both expressed concerns regarding storm water management. Storm water management systems will be approved by the Department of Environmental Quality and by the Public Works Department prior to any construction.

Staff recommends the Planning Commission recommend approval of ANN 03-07 to the City Council.

Mr. Manley questioned the size of the proposed park. Darren stated there are no details in the applicants package but it is described as a 1 to 2 acre park which meets the City=s guidelines for park development.

#### **APPLICANT:**

**Lee Leighton**, Westlake Consultants addressed the Commission representing Georgi Cam. He explained that Mr. Dodds would not be able to attend the meeting this night and sent his apologies.

Mr. Leighton stated this is the 3<sup>rd</sup> time he has been before the Commission regarding this annexation proposal. The last time he was here it was for the 4 acre parcel and the Commission had stated they wanted to see the big picture and how the whole project would work. He explained that they have had neighborhood meetings and have worked this plan to show how the project aligns 20<sup>th</sup> St to the Simnitt property.

Mr. Leighton stated that this project would take 4 or 5 years to build out with Mr. Cam being the builder. The property has a well on site that the Fire Department would like to continue to have access to for fire fighting purposes.

Mr. Leighton addressed Locust Street specifications. He explained that the road would be consistent with the road created by Rebecca Estates, 12' travel lanes, 8' parking, 5' sidewalks with bulb outs for the existing trees.

Mr. Leighton stated that the results of the recalculation of the buildable lands study had come as a surprise. He believes that even though there is a 3 year 3 month supply of buildable land in the study some of the owners of that property are not interested in putting the land on the market so the property is not available to meet the demand. Typically it takes about 9 months to get through the process of having platted land available on the market. Mr. Leighton stated that this application would bring in about a 5 month supply of buildable land.

Mr. Leighton addressed the concern regarding the intersection at Territorial and Hwy E, and believes it is scheduled to be signalized in 2005. He explained the traffic study for the original application is still valid for this application and the report stated people who would live in this development would use alternate routes until that intersection was signalized.

Mr. Helbling questioned when the park would be built. Mr. Leighton stated that there would need to be a finalized plat prior to any building permits being issued, this would include streets, infrastructures and park locations. He stated that the code is not clear that the developer has to build all the improvements in the park, it's the land dedication that is called for in the ordinance. The answer to this question would be clearer when the subdivision application was submitted.

Mr. Helbling questioned if the shape of the lots on the north side of phase 2 would cause a problem with street alignments in the future. Mr. Leighton explained the uneven property lines were existing at this time. The applicant plans for a very linear project and it may mean that some of the lots will be deeper.

Mr. Molamphy questioned if Locust St. would be developed when the applicant does the first phase of homes or would it be done when they do the last group in 4 or 5 years. Mr. Leighton explained that phase 1 will include streets that extend over the north south cross street to create a linkage within the neighborhood. There would be no development of lots to the east of that during phase 1. Locust St. is planned to be done in phase 2 as part of the initial construction and will be done prior to lots being sold. The improvements to Locust would extend all the way to Territorial and to the Territorial extension at the full design width per the County's plan.

Mr. Molamphy questioned if the utility poles would need to be relocated. Mr.

Leighton asked Mr. Cam to address that issue. Georgi Cam stated he has spoken with PGE and the poles will be moved off the street. The poles are in the dedicated right-of-way but should be able to be moved over because there is enough right-of-way dedicated.

Mr. Brown asked if the applicant would be willing to sign a development agreement not to build more than 15 units per year. Mr. Cam stated he would be happy to sign a paper to not build more than 20 houses per year. He explained that they had originally presented a 2 phase development but if he builds only 20 homes a year it may be 3 phases and that he is willing to work with the Commission on this issue.

Mr. Brown asked about street improvements on Holly St. Mr. Leighton stated that Holly is improved up to the property so the requirement would be street improvements along the street frontage. He stated they would be willing to make any necessary right-of-way dedications needed.

Mr. Brown stated that phase 2 shows a road and houses on land the applicant does not own, he questioned how that would work. Mr. Leighton stated the applicant has been in contact with the Simnits and they are willing to work with the applicant. With an easement from the Simnits they could construct part of the street on their property which would reduce part of the cost of their development, if they are not amenable to that then the alignment would need to be adjusted.

Mr. Brown asked Mr. Leighton why he believed the last annexation failed. Mr. Leighton had heard the annexation was too big and that it was too small, but he does not know why it failed.

Mr. Brown stated that this area consists of coveted sandy loam soil and asked why should we build houses on it. Mr. Leighton responded that it is designated by the comprehensive plan as an appropriate place to build houses. He stated all of the soil in Canby is either class 1 or class 2 agricultural soil, there is no bad ground to be found. People want to live in Canby and you can't develop in or around Canby without encroaching on good soil.

Darren explained that the Simnitt property is inside the City limits, they would be able to submit a subdivision application at anytime. He asked Mr. Leighton if the applicant would be willing to work with the Simnitt=s to combine the park area for both developments and create a larger park.

Mr. Cam addressed the Commission and stated they have already spoken with the Simnits and he would love to work with them but they have not decided how to develop it yet, he stated he couldn't do anything unless this application is approved. If it was annexed it could be possible instead of creating a 2-3 acre park to create a 3-4 acre park which would benefit both developments.

## **PROPOSERS:**

**Georgi Cam**, (applicant) addressed the Commission. He stated he lives in Mt. Angel and has his business in Canby. He has bought the old Odd Fellows building and is in the process of restoring it. It will need to be seismically up dated but should be able to restore it exactly as it looked in 1912.

Mr. Cam expressed his concerns about not being able to buy a lot in Canby. He stated there is a guideline for buildable lands inventory, but in reality the lots are not available, homes will sell for \$250,000 to \$300,000 because lots are so scarce.

Mr. Cam stated most people do not understand that developers pay for all the roads, sewer and water lines then gives them to the City after they are built. He has spent some time talking to people in Canby trying to get a feel why the last annexation failed. He stated that people are amazed that the developer pays for all of that, they believed it came out of their taxes and they pay for it. He stated that the people who are in the industry know the developer pays, but there are a lot of people who vote on annexations that do not know.

Mr. Cam explained that he intends to build 20 houses a year, make them affordable (in the \$195,000 to \$200,000 range), with no monument or gates. He believes that the cost of the lots will range from \$60,000 to \$70,000 but there are many variables that could affect that price.

### **OPPONENTS:**

**Janet Milne** addressed the Commission. She stated that the voters of Canby had already stated they do not want this development. She has spoken with people regarding annexations and the concerns she has heard are, over crowded schools, increased traffic, underfunded City services and deteriorating roadways. This application is the same that was defeated in 1999 because it failed to meet 4 of the criteria.

Ms. Milne stated this application does not offer the City any special benefit to offset the increased burden on the City's infrastructure. She recommended that the applicant rework the proposal to be more acceptable to the voters that would create a less negative impact on the City. She gave an example of a 55 and over residential development with a 3 acre park and neighborhood market on the corner would reduce the impact on city schools and roads. The addition of the neighborhood park would provide a much needed playground for the area and the small market would reduce the number of market trips across town for a quart of milk. Ms. Milne would like a more visionary development and asked the Commission to recommend denial of the application.

### **REBUTTAL:**

Mr. Leighton stated that the school that would be affected by this application is the portion of the school district that is having the least trouble with overcrowding. So as a criticism for the community it is a fair point but does not well applied to this proposal. The Traffic Study Engineer had determined that the impacts from this development would be satisfactory. Mr. Leighton stated that with new development comes new revenues and that helps pay for City services. He stated the applicant will pay for the infrastructure and has proposed to pay for off site improvements to Locust St. to meet the new City standards.

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Able stated that the price of housing is something the Commission has to look at. Mr. Able explained that if land is partitioned too slowly the value of land will be higher. Builders want to keep the cost of land and improvements to 25% of the sales price of the home. It is important to keep land that is acceptable to building available, which will allow the cost of land at a ratio that will let someone who works here also live here. He stated if property is buildable but no one has any plan of selling it in the near future, that=s just barely buildable. Mr. Able believes in offering voters plat able land and letting them decide.

Mr. Helbling agreed there should be an amount of plat able land for future development. He stated that CBRD is marketing the Industrial Park as having its infrastructure in place which includes the work force and the potential living space for the future work force. It is estimated there could be 1,000 new jobs but with housing costing over \$250,000 there would be no available housing for the new work force in Canby.

Mr. Tessman stated he was a member of the Commission the last time this application was heard. One of the major issues was the intersection at Hwy 99E and Territorial. The problem will be solved when the signal is installed.

Mr. Tessman believes the citizens of Canby want larger lots more breathing space. People aren=t convinced they want the proposed densities. He and some friends are looking for older homes with larger lots.

Mr. Tessman believes this application does address many of the concerns that the Commission has had in the past and it is well platted.

Mr. Molamphy believed the well that is located on the property will be an asset to the City and that the application meets the criteria for annexation.

Mr. Helbling addressed the letter from the school district that had been included in the application stating that added growth means added revenue for the schools.

Mr. Ewert stated that the updated buildable land study was a realistic look at the available land. He expressed his concern that a development agreement with the applicant would work for this owner but he questioned what would happen if the property was sold.

Mr. Ewert stated that the streets are maxed out. People now have to go to intersections that are signalized to get out on Hwy 99E and he believes that Canby is getting away from Abeing a nice place to live@.

Mr. Ewert expressed his concern that this application has no significant change from the previous applications. He agrees the parcel is designated Priority A but the City is looking at that system at this time and does not believe this property should be allowed to come in while the City is still in that process.

Mr. Ewert stated that there are many pieces of property that can create infill developments in the City and if people are not selling them they must not want the growth. He does not believe there is a need for the property at this time and that this is



a small piece of a large area of farm land and there is a need to look at the whole area from Territorial to the river. He stated the streets are failing and he will not bank on the signal at Territorial and Hwy 99E until it is in place.

Mr. Manley explained that he had spoken with Darren earlier and found out the reason he had looked at the buildable land was that people were coming in asking about the process of dividing their property and he had discovered that the numbers weren't adding up.

Mr. Manley stated that in the past the Commission has considered larger pieces of farmland when the developer had agreed to a slower build out. He stated that even though the developer pays for the roads and infrastructure, public works does not have the funding to maintain them.

Mr. Ewert added that if the IFA property comes in there is potentially 100-110 lots that would become available just down the street from this project.

Mr. Brown agreed that the Commission could not count on the signal at Hwy99E. The school district was clear that they did not want the Commission to use the schools as a reason to base a decision on and that the school benefits financially from growth. Every year the City gets further behind on the road maintenance. He did believe the well would be a benefit to the City.

Mr. Brown expressed his concern that Canby is becoming a no growth City. He wondered if the citizens in Canby believed that not annexing property would maintain Canby as it is. He does not believe it would, land value would increase and it would no longer be a middle income city, it could become another Lake Oswego. Property taxes would remain static and Retailers would not come to Canby because there would be no new markets to serve.

Mr. Brown stated his belief that Canby is cut in half by Hwy 99E. The north side has the older houses on bigger lots with large trees. The south side of Canby has the newer houses on smaller lots with a younger resident base. There seems to be an idea that growth in the south is okay but not in the north. If that is the case then the UGB needs to be redrawn.

Mr. Ewert stated that Canby is at the point where we are replacing streets due to deferred maintenance. He stated that he hears sirens at all hours and questions if Canby will continue to be a place that people want to live. He believes the recent annexation votes means that people want the Planning Commission to rethink what it is doing. He stated that the area needs to be master planned and that the annexation priority system needs to be looked at.

Mr. Tessman addressed the overcrowding of the school system and stated that no growth exasperates the situation. Canby shouldn't be afraid of future growth.

Mr. Helbling questioned how long a new street would last before it required maintenance. John state that a street would last 5 to 8 years depending on the traffic, currently the City has an 18 million dollar back log of maintenance at this time.

Mr. Ewert stated he was not anti growth, but what we currently have isn't keeping up with our population. If half the property comes in that is available it will cause a problem.

Mr. Able stated that price and property values will determine when property comes in. If land value drops then the property value goes down which will decrease the amount of people willing to divide their property.

Mr. Helbling stated that Canby has over 200 acres of tier A industrial land available for development. If half the property does come in then the property value will fall and that would lower the cost of living in Canby which would attract businesses.

Mr. Brown stated that has been a concern of the Planning Commission that large areas would come in and be developed at once and the City would not be able to assimilate it.

It was moved by Mr. Helbling to recommend approval of ANN 03-07 as written. Seconded by Mr. Molamphy. Motion carried 4-3 with Mr. Brown, Mr. Manley and Mr. Ewert voting no.

**V FINDINGS** None

**VI MINUTES** None

## **VII DIRECTOR'S REPORT**

John asked the Commission how often they wanted to schedule workshops. It was agreed on one workshop a month and to start the regular meetings at 7:30 when the agenda would allow.

John explained that the Apollo Homes subdivision had been appealed to the City Council. They have sent it back for the Planning Commission to reconsider. The Council has set the parameter that new evidence would be allowed but not new issues. He explained that Mr. Brown would be the enforcement behind that.

John was asked where the City was on the issue of street maintenance funding. John explained that the City Council had waited to find out how the Clackamas County funding issue went. The Council will look at the reasons why it failed and come up with a plan.

John questioned if the Commission wanted to review the Economic Development Plan. They stated they would like to review it.

Mr. Brown stated he would like to have the landscaping in the medians put in the Industrial area. John stated the master plan recognizes that the median would be put in after the location of the entrances had been determined. He added that the wide open space is attractive to potential developers.

## **VIII ADJOURNMENT**