

# MINUTES

## CANBY PLANNING COMMISSION

7:00 PM May 24, 2004  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

**PRESENT:** Chairman Jim Brown, Commissioners Geoff Manley, Dan Ewert, John Molamphy, and Tony Helbling

**STAFF:** Darren Nichols, Associate Planner, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Doug Sprague, Scott Sprague, Melody Thompson, Scott Neuberger, Jim Gibson, Bob Cornett, and Robert Beard

### II. CITIZEN INPUT

**Scott Neuberger** addressed the Commission. He explained that he lives next to the pedestrian pathway located at 7<sup>th</sup> and Township. He stated that there is an ongoing problem with gang activity in the pedestrian pathways, they have tagged and vandalized the entire length of the walkway. He proposed blocking off the access to the pathways at Township and at 7<sup>th</sup>. The pathways have no lighting and people drop garbage which accumulates and the home owner is responsible for cleaning up. He suggested the City wall up the access, and that the home owners would take up the black top at their expense. He explained the property lines are in the middle of the pathway which has an easement for the sewer line. The owners understand that if they build a fence on the easement and work was needed on the sewer line the removal of the fence would be at the owners expense.

**Bob Cornett** believes there are two major problems with the pathways. There is a bus stop located near by and the pathways are used as a toilet by kids waiting for the bus. He stated there are bicyclists and skateboarders which use the pathways at a high rate of speed making walking on the paths unsafe.

**Robert Beard** stated he would like both the pathway at Township and the pathway and pathway at 7<sup>th</sup> closed, so the asphalt could be pulled up and fences put up. He has had problems with graffiti, kids picking unripe cherries off his tree and throwing them in the roadway. He believes the pathways need to be blocked off, if not by a brick wall then by a steel gate.

Mr. Manley questioned if the code requires a pathway if the distance of the block is over a certain length. Mr. Brown requested staff to find out if the pathway can be vacated legally, what other options maybe available and to obtain input from the rest of the neighborhood.

### III. NEW BUSINESS

None

### IV. PUBLIC HEARINGS

**ANN 04-01 Sprague Joint Venture** The applicant is seeking to annex two tax lots containing 4.98 acres into the City of Canby. If annexed, the applicants intend to construct office and

warehouse facilities to house and accommodate the operations of Canby Excavating. The site is located to the north of SE Township Rd between S. Walnut St. and S. Mulino Rd. The parcels currently contain one single family residence and mature landscape material. The property is currently zoned EFU (exclusive farm use); if annexed the zoning designation would become M-1 (Light Industrial).

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 was stated. No questions were asked of the Commissioners.

Darren Nichols, Associate Planner presented the staff report. He explained the Planning Commission would be forming a recommendation to the City Council. The proposed zoning is M-1 Light Industrial which would match the surrounding property which is inside the City limits.

Darren explained that most public services are not available at this time, utilities are several hundred feet away through adjacent property. Darren stated the applicant is willing to bring in the utilities but there is a lot of uncertainty regarding where the best location would be. Utilities in the area are served by Phase I of the construction of S. Sequoia Parkway, Phase II will continue the services to Zion Cemetery.

Darren stated the applicants are aware the facilities might not be available for a long time. And they are willing to wait or they will work with surrounding property owners to bring in the utilities. Phase II is scheduled for this summer.

Darren explained that access to the property is by a gravel road at this time. No improvements are proposed with this application since Walnuts future is unclear. The property is designated as priority "C", but there is no priority A or B industrial property available. He explained that this is a smaller parcel of land that is not farmed.

Darren stated that staff recommends approval of Ann 04-01.

#### **APPLICANT:**

**Doug Sprague**, believes this application meets the planning goals. He explained that Canby Excavating has been in the area for 20 years, employ 70 people with a 3 million dollar payroll, they contribute to the community and they need this annexation to continue to grow.

Mr. Sprague stated they have owned this property for over 5 years. This property is well suited to their needs and it is not easy to find comparable property already inside the City to swap. He stated that having an existing company move into the Industrial Park might get things moving, businesses are uneasy about being the first to move into a new development.

Mr. Brown asked why this property was not included in the large annexation. Mr. Sprague stated that at the time of the annexation, they were busy and had not stayed informed on the issue or connected to the process.

Mr. Sprague explained there were three options for getting the utilities to their property, extend up Walnut from 1<sup>st</sup> St., once Phase I is stubbed out they would be willing to extend the 1,000 feet through the adjacent property using Advance Financing and easements with the property owners, or from 4<sup>th</sup> Ave. up Walnut.

Mr. Brown asked if this property would work for them since it is long and not very wide. Mr. Sprague stated it is wide enough and works well with the accesses on Walnut and Mulino Rd, which provides for a pull through operation.

Mr. Ewert stated if this property would eliminate trucks pulling out on Hwy 99E it would be a benefit for the City. He believes that the applicant has demonstrated some reasonable ways

to get utilities to their property. And agrees it would be a good idea to get something moving in the Industrial Park.

Mr. Molamphy believed the need issue has been justified and the utility issue had been addressed.

Mr. Helbling stated that Canby Excavating puts utilities in so they are aware of the cost and have a better idea of what is involved than many applicants would. He also believes that the Industrial Park would benefit from having a business established there.

Mr. Manley questions the needs issue. He believes the City has an adequate supply of Industrial property at this time. He would like to see this property included in the last annexation.

Mr. Brown did not have an issue with the property being Priority "C". He stated that public facilities are not available but the owners cannot develop until the utilities are in place. Mr. Ewert stated that the utilities will be available, the project to get them in are already proposed for next year.

It was moved by Mr. Helbling to make a recommendation of approval to the City Council for ANN 04-01. Seconded by Mr. Ewert. Motion carried 4-1 with Mr. Manley voting nay.

## V. FINDINGS

**SUB 04-04 Postlewait** The applicant is seeking approval to subdivide two parcels, containing 7.57 acres, into 31 buildable lots of approximately 8,000 – 10,000 sf for single family homes. The parcels are located on the west side of N. Redwood St. north of Hwy 99E and south of NE Territorial. One existing house is proposed to remain on a parcel adjacent to the north of the proposed subdivision.

It was moved by Mr. Manley to approve the findings for SUB 04-04 as written. Seconded by Mr. Helbling. Motion carried 3-2.

**CPA 04-01/ZC 04-02/LLA 04-01 Plantore/SR Smith** The applicant is seeking to amend the Comprehensive Plan Land Use Map and zoning designation and to reconfigure a 2.20 acre taxlot on the southwest corner of Highway 99E and SW Berg Parkway. The property would be rezoned from Light Industrial to Heavy Commercial Manufacturing.

Mr. Manley questioned the wording of the Findings since the Planning Commission can only approve the Lot Line Adjustment, the Comprehensive Plan Amendment and the Zone Change are only recommendations to the City Council. It was decided to have staff amend the findings and bring them back at the June 14<sup>th</sup> meeting.

Darren stated that there needed to be a correction made to SUB 04-03, the Primelan/Burbank Estates Subdivision Findings. The findings that were signed referred to the original application that had access onto Juniper and onto Territorial and created 19 lots. The application had been resubmitted with the street accessing Juniper St. in two locations and creating 20 lots. He explained the only correction would be to paragraph one.

It was moved by Mr. Molamphy to amend the original Findings submitted May 24, 2004. Seconded by Mr. Helbling. Motion carried 5-0.

## VI. DIRECTOR'S REPORT

**Melody Thompson, Mayor of Canby** Addressed the Commission. She explained that the intersection at Territorial and Hwy 99E was an important issue with the City Council. She stated that there have been conversations with ODOT and that a letter is coming explaining their commitment to install that signal during their 2006 schedule. During the interim the state has proposed a right in/right out intersection and is willing to pay for the improvements. Mathew Garrett will be sending some preliminary plans that would narrow 99E down to one lane, perhaps having a concrete median to prevent any left turns from Territorial onto Hwy 99E. People would still be able to make left turns off of 99E onto Territorial in a left turn lane.

Mayor Thompson explained that Mr. Garrett has asked for the City's assistance both on the local level and in lobbying the County or Oregon State to increase enforcement in that area. She agrees that some people travel that section of highway at a high rate of speed and that increased enforcement would benefit the situation.

Mayor Thompson stated some citizens might not like the interim fix, but safety is important. Mr. Brown stated his concern that the interim fix could become the State's final solution. Mayor Thompson directed Darren to have either John Williams, Planning Director or Mark Adcock, City Administrator contact Mr. Garrett with the City's concern that the interim fix would become the permanent fix.

Mr. Ewert suggested that the speed limit be lowered along that stretch of highway. Mayor Thompson explained that the State has said they would not do that, but she had no context of the decision. The Commissioners are concerned that the interim fix would be forcing the traffic problem into Canby, the State would just be moving the traffic from their jurisdiction to ours.

Mayor Thompson reminded the Commissioners of the joint meeting with the City Council on June 10, 2004.

## **V. MINUTES**

None

## **VI. ADJOURNMENT**