

MINUTES

CANBY PLANNING COMMISSION

7:00 PM June 28, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners, Geoffrey Manley, Randy Tessman, John Molamphy, Dan Ewert,

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

OTHERS PRESENT: Terry Tolls, Charles Burden, Allen Patterson, Daniel Webb, Havlin Kemp, Roger Rief, Glennette Danforth, Jim Zupancic, Andrew Jarmer, Allen Manuel, Scott Beck, Jamie Johnk

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

IV PUBLIC HEARINGS

DR 04-05 VLMK/Burden The applicant is requesting approval to construct two industrial buildings containing 32,574 SF in the Pioneer Industrial Park, on the south side of Sequoia Parkway. No occupants are proposed at this time.

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 all adjacent parcels are zoned M2 with the only development at this time being Shimadzu to the south. The applicant has not proposed tenants at this time.

Darren explained that there is an access to Shimadzu that bisects these 2 parcels; condition # 21 states that if or when Shimadzu develops their property the access is to be shared.

The applicant has proposed extra parking, which would allow for flexibility in developing the parcel. 2 drive entrances would serve each building; there will be 2 parking areas and a single loading dock.

Darren explained that the existing landscaping would be removed and replaced with new landscaping and trees. Four street trees will need to be removed but the City anticipated that some trees would be removed upon development to allow for drive accesses to be placed where needed. The trees may be able to be saved and moved into the new phase of development.

Traffic Safety and Bike and Ped Committees have noted that bicycle racks will be required and condition #9 addresses that issue. The City Engineer stated that services should be provided through existing connections, with no street cuts and that issue is addressed with condition # 3.

Darren stated that the application meets the necessary criteria and staff recommends approval.

Mr. Tessman questioned the shared access. It was explained that when Shimadzu was built Sequoia Parkway was planned to go along the Shimadzu property line which would have guaranteed them access. Sequoia Parkway was moved north and this alternate access was established to provide access to the large parcel behind Shimadzu.

Mr. Molamphy questioned what guarantees the City would have that this shared access would come about. John stated the condition is worded that if future development of Shimadzu takes place the Planning Commission would have the ability to require that the accesses be consolidated.

Mr. Brown stated it looked liked the streetlights are within feet of the wings of the curb cuts. Darren explained they were lights that are already installed and that if they needed to be moved it would be at the applicant's expense.

Mr. Brown questioned what the small lot on the northeast corner of the property was for. Darren explained that Canby Telephone is working on establishing a lot for their switching equipment and the Planning Commission will be seeing that application in about a month.

APPLICANT:

Bill McCormack, Trent Construction stated they were glad to be the first applicant for the Pioneer Industrial Park. He explained that these are small buildings that will jump-start the industrial park. If everything goes right there will be 8 more built to the east.

Mr. McCormack stated he has had conversations with Mr. Jim Zupancic representative for Shimadzu regarding working out the shared access. The basic plan would be that when Shimadzu develops their roadway, they would connect onto it through easements and close up their driveways. But there is no timeframe, they just want the ability to connect up with Sequoia Parkway.

Mr. McCormack asked that the Planning Commission approve the application in all aspects, and to allow them to come back in 2 weeks with a proposal on how the shared access will work.

Havlin Kemp, VLMK Consulting Engineers addressed the Commission. He explained that there had been some changes since the application was originally submitted. They have gone to a 3X3 scoring pattern in the sidewalk, park benches have been added to both buildings adjacent to the public sidewalk with the required bicycle parking creating a concrete plaza at the entrances. The storefronts will be facing Sequoia with plantings around the perimeter of the parking and loading areas. .

Mr. Kemp presented elevations for the large building which will be a beige/ gray color with clear aluminum store front system and eclipse green glass with recessed panels on the large building.

Mr. Ewert questioned if the applicant had proposed signage. Mr. Kemp stated they did not have a sign program at this time. John explained that there is a condition that states anything proposed within 2 years must come back to the Commission. John explained there is some language in the overlay zone regarding signage.

Mr. Molamphy questioned if there was adequate lighting for the parking lot and loading dock. Mr. Kemp stated the height that the lights are mounted at it would be adequate for parking adjacent to the building.

Mr. Ewert questioned when the Shimatu's access is implemented would the lighting still be adequate and would there be emergency access. Mr. Kemp believed that there would be adequate lighting and access. Mr. Ewert suggested that when the access is installed there needs to be lighting on the drive.

PROPOSERS:

Jim Zupancic, Representing Shimatzu addressed the Commission. He stated he had been working with the Burden Family regarding the future access to Shimatzu's property onto Sequoia Parkway. He believes a shared access agreement could be worked out and would work with Mr. McCormick to expedite the process.

Jamie Johnk, Canby Business Revitalization stated she supports the application. This would address a tangible market and be a catalyst for additional Industrial development.

OPPONENTS:

None

REBUTTAL:

None

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

Mr. Brown suggested that one bicycle rack providing 2 bicycle parking spaces be added in front of each unit to address the Bike and Ped Committee recommendation.

Mr. Brown stated he would prefer not to have wall packs on the wall. He suggested using a softer lighting system at the dock and at the soffets over the doors at the dock and office locations. Bring the lights from the top band of the west elevation and place it in the third band directly above the doors.

Mr. Brown suggested continuing the hearing until the new design for the area and to have findings ready at the next hearing so there will be no real delay for the applicant. John stated that would not change the timeline if there were oral and written decisions at the same meeting.

The Commission agreed that there were several issues such as adequate access for emergency vehicles if there is a truck at the dock, lighting on the access drive, and to provide room for the possible signage that may be used in the future.

Mr. Brown continued the hearing for DR 04-05 until July 12th, 2004.

ANN 04-02 Mandan LLC The applicant is requesting approval to annex approximately 4.8 acres into the City. The site is located on the east side of N. Redwood Street across from NE 12th Avenue. The applicants proposed a conceptual development plan showing 15 single family homes and 33 common wall units (2 four-plexes, 3 triplexes and 8 duplexes).

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 has read an article in the paper regarding planning issues and this application may have been a part of that article, but had drawn no conclusions. No questions were asked of the Planning Commission.

Darren presented the staff report. He explained this is one of two applications that will be heard tonight that were brought back to the Commission after their maps were mistakenly switched in the voters pamphlet.

Darren stated the property is currently zoned RRFF5 and if the annexation is approved by voters the zoning would be a combination of R2 (high density) for tax lot 300 and R 1.5 (medium density) for tax lots 301 and 302.

Darren stated that the annexation of this property had previously been denied by the Commission and the City Council. It was heard again in 2003 when the Planning Commission recommended approval of the application and the City Council sent the application to the voters, who denied the annexation. But this may have been confusing for the voters since the maps were switched so the Planning Commission is hearing this application again.

Darren stated this property is designated Priority B for annexation. All utilities and services are available to service the property and the intersection of N. Redwood and Hwy 99E has been improved and functions in capacity.

Darren explained that the City Attorney suggested instead of combining all types of zoning into one figure, the need for all zones be separated into categories. Darren stated there is approximately 3 year 9 month supply, but only about 2 months of vacant available land, this property would add about a 10 month supply.

Darren stated the Comprehensive Plan encourages growth in areas where the property is fragmented and not used for agricultural purposes. Half street improvements for N. Redwood would be required upon development.

Darren stated a letter had been received from Dan Leishner with the Northeast Canby Neighborhood Association. Who explained that there had been a meeting with the developer on May 12, 2004 and that the Association is not opposed to this annexation. The Association is concerned that there is no Master Plan for the development of the northeast area. They believe the benefits of having a Master Plan in place would be thoughtful development without land locking individual properties, areas for open spaces and parks could be designated early in the process, streets, driveways and intersections could be planned for efficient traffic flow. Wetlands would be protected and developable land could be maximized. Mr. Leishner stated there are members of the neighborhood association that would be willing to help develop a master plan for the area.

An additional comment was received from Michelle Webber who recommended only approving annexation requests if the developers find ways to support education.

Staff concludes that the application meets all necessary criteria and recommends forwarding a recommendation of approval to the City Council.

Mr. Ewert questioned if the driveway is the only access to the parcel behind this property. Darren stated there is a proposed 16 ½' access drive to service the almost 10 acre parcel to the back.

Mr. Ewert questioned how much water runoff Willow Creek could take before it would no longer be a natural wetland. Darren explained that it is probably not a natural wetland anymore due to previous development. The amount of storm water runoff isn't going to change due to this development, its just a matter of making sure the water that does run into it is protected through either filtered basins or bio-swales. John explained that when the Garden Crossing subdivision went in there was a lot of work done to create a system that mimicked the natural discharge pattern.

Mr. Ewert stated there is a large concentration of water in the Willow Creek area and questioned if this would increase water heights for the properties that have already been built there. John stated that Matilda Deas has been working on some enhancements to the wetlands in that area. Mr. Brown believed there had been a letter from a property owner who stated that they were losing property to the increase in the

water height. John stated the amount of water that is going into Willow Creek is not increasing volume of water but it would increase the velocity of the water. John explained that the goal is to retain the natural drainage pattern

Mr. Ewert expressed his concern that bio-filters would fail and Willow Creek would become a swamp. He questioned if the water levels for the properties that were already built would be affected by further development.

John stated this annexation would not affect the water level, and that the Planning Commission needs to see that there are adequate plans and safeguards in place. Mr. Molamphy stated that if the bio-filter was built correctly it would not plug up. Mr. Ewert questioned how it would be monitored.

Darren explained that the City monitors all their drywells and catch basins at this time. It is not clear what the life span is for a constructed natural infiltration system, but it could be about 30 years. They need to be watched and maintained and that is why Home Owner Associations have that responsibility now and will have until the City is able or willing to take them on.

John explained that the City requires applicants to find a solution for their storm water, make sure it works and then maintain it. He believes eventually the City will have a surface water discharge fee that will pay for staff to maintain the catch basins and mow the bio-swales.

Mr. Manley questioned if there were any Priority A, medium density land available. Darren believed there is about 4 acres of medium density, Priority A property.

Mr. Tessman asked what ODOT's plan was for the intersection at Territorial and Hwy 99E. John stated he had heard there was a long discussion at the meeting and people who live close by did not want to be inconvenienced by the right turn only, but he is not sure there has been a decision yet. Mr. Tessman stated his concern that any short term fix would adversely affect the timeline for the improvement of the intersection of Redwood and Hwy 99E. John stated that if ODOT's schedule is correct, there would only be 2 years of additional traffic on Redwood before the Territorial intersection would be open. Darren explained that during construction the intersection would be closed to traffic anyway so the people living in the area will be inconvenienced.

APPLICANT:

Allen Manuel addressed the Commission. He stated the biggest impact to Willow Creek has been the development of the Burden property. After the Fred Meyer Complex developed and the chemical spraying stopped, the water quality of Willow Creek improved.

Mr. Manuel stated that development of the east side of Redwood St. would utilize the utilities that are already in place. There would be 330 more feet of Redwood Street developed with curbs, sidewalks and bike lanes. It would also include the extension of

the sound wall along the railroad tracks.

Mr. Manuel stated this is a good location to develop since it is in close proximity to both work and shopping. He believes this development would help the City meet the statewide planning goals to provide higher density housing.

Mr. Manuel stated that the storm water system is similar to the system that Garden Crossing installed. He explained that water cannot run off at a faster rate than it did when it was a natural pasture. Mr. Manuel stated the water runs underground and there is never any surface water and since he is using the same engineer he expects to get the same results.

Mr. Manuel stated he has had conversations with Mr. Buchanan who owns the property behind his, but he has no intention of developing at this time.

Mr. Manuel stated that Willow Creek has survived the storm system the City had put in. There is always the threat that a bio-filter would plug up but unfiltered storm water would damage Willow Creek. He suggested the City contact the state to use the Greenway as a bio-filter location. He stated that the wetlands are successful, beavers are building dams on the creek at this time which could be one reason the water level is rising.

Mr. Manuel stated there was a good discussion at the neighborhood meeting regarding creating a master plan for the area. Back in 1992-1993 they hired George Wilhelm to create a proposed master plan for both sides of Redwood. They brought it to the City but was told it was too complicated. About half of the residents were in favor and about half were opposed. He stated they are still interested in participating in a master plan for the area.

Mr. Ewert questioned if the 16 ½' access is acceptable to Mr. Buchanan. Mr. Manuel stated the owner recently build a new home on his site and has no plans to develop at this time.

Mr. Brown asked Mr. Manuel why he believed citizens had denied the last annexations. Mr. Manuel believes that there were some large annexations involved and other negative issues on the ballot that people voted no on and it is easy to vote no on everything.

Mr. Ewert questioned if the applicant intended to continue the sound wall. Mr. Manuel stated that he had planned to install a sound wall, but was unsure if it would be exactly like the existing wall, it may be 1 block higher. He stated that Mr. Buchanan's property extends down to the railroad and if he couldn't get Mr. Buchanan's approval to go straight down the tracks on his property there would be a jog in the sound wall at that point. Darren stated that if the sound wall went one block higher it would have to be two blocks thick.

PROPONENTS:

None

OPPONENTS:

Daniel Webb stated he lives on N. Redwood and his property is bisected by Willow Creek and has about 1 acre of wetlands. He stated they have monitored the water since the Garden Crossing subdivision was put in and he hasn't noticed a difference in quality but there has been an increase in water flow. He explained that they had not seen a high fluctuation in the water level since he's lived there, but after the last big rain event there was about a 2' rise in the water level in the creek.

Mr. Webb stated he is not opposed to growth but believes growth should be in the right manner and controlled properly. He addressed the criteria that states there should not have any adverse impact on the community. He stated his concern that there could be an adverse effect on the storm water system and connectivity for infrastructure to be in place for future development.

REBUTTAL:

Mr. Manuel stated that he has no problem stubbing streets and utilities for future development and will cooperate with master planning, these are issue that are usually dealt with during the subdivision application.

Mr. Manuel addressed the water level of Willow Creek. He explained there are three branches of Willow Creek, two branches that are spring fed and run year round, one from the Burden property and one from the Spinning Wheel property. The third branch, which comes through the swale at Garden Crossing is not spring fed. Where Willow Creek crosses this property it has the Burden branch and the Garden Crossing branch together and the stream is typically 4" deep, in 14 years of living there he has never seen it over 14" deep.

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

The Commission discussed the difficulty of creating connectivity, traffic links and recreational opportunities without a master plan in place. This application would annexation one parcel that has its own street, without any provisions for connecting with future development of the area. John explained the neighborhood association is very interested in being involved in creating a master plan for this area.

The Commission agreed that the application meets most of the necessary criteria except for the need issue. The City has recently rezoned areas to R 2 so now there is a 3 year supply of platted land, but no unplatted land.

It was moved by Mr. Ewert to forward to the City Council a recommendation of approval for ANN 04-02 as submitted. Seconded by Mr. Molamphy. Motion carried 3-2 with Mr. Manley and Mr. Tessman voting nay.

ANN 04-05 Allen Manuel The applicant is seeking to annex one tax lot totaling

.93 acres located on the east side of N. Redwood just south of NE 19th Loop into the City of Canby. If annexed, the applicant intends to build approximately 4 single family homes.

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 read an article in the newspaper but had drawn no conclusions.

Darren presented the staff report. He explained this was the other application that has the maps switched in the voters pamphlet and the City Council is allowing the application to be heard again.

Darren stated that the Planning Commission had originally denied this application but it was sent on to the voters by the City Council, the voters then denied the annexation. If this application is approved the zoning would be R-1 and would allow 4 residential homes to be built. Utility improvements to N. Redwood St. and the improvement to the intersection of Hwy 99E and Territorial Rd help support eventual development of this area. Half street improvements are necessary to provide access to and from this parcel.

The available supply of R-1 platted land is currently about 41 lots. The amount of unplatted (land that is in the process and vacant land) is estimated at 433 lots. That brings the total supply of buildable land to 3 years 9 months.

Darren explained this is a small parcel that is not being used for agricultural at this time. No master plan is in place for this area so it is unclear how the road system would serve this parcel and surrounding parcels, but that issue might better be addressed during the subdivision application.

Darren stated the application meets the necessary criteria and recommends the Planning Commission forward to the City Council a recommendation of approval.

APPLICANT:

Allen Manuel, addressed the Commission. He explained this project would improve an additional 160' of N. Redwood St. Necessary services are already in place at this time. He explained that this parcel is not a part of the N. Redwood drainage system and storm water would be addressed with a surface seepage pit similar to the installed on S. Ivy Gardens. It would be approximately 3' deep and will be landscaped. The road run off would go there and then percolate into the ground.

Mr. Manuel agreed that there is additional pressure on schools with every new house. But this is a small development that would add only about a 2 week supply of buildable lots.

Mr. Manuel explained that the traffic signal at Hwy 99E and Territorial would be finished prior to this development. And if the intersection is delayed he would be willing to delay occupancy of the development until the intersection is completed. Mr. Manuel

agrees the area should be master plan and has created a road system for the surrounding 20 acres.

Mr. Ewert questioned the road plan the applicant had submitted. Mr. Manuel explained that the road deadended because there is no agreement with the owner of the other property at this time.

PROPONENTS:

Andrew Jarmer stated he lives directly behind the proposed development. He agreed that planning for connectivity and for the infrastructure is necessary but he and the neighbors are concerned that the area would be built out at a higher density.

Mr. Jarmer asked that the Planning Commission take into account that there are several substantial pieces of property behind this development and the owners would like some guarantee of connectivity for the neighbors when they develop in the future. He is not opposed to master planning but would not like to be backed into a corner.

Daniel Webb, agreed with Mr. Jarmer's comments he stated he was open to master planning the idea. He stated that he does not like the little stub streets that are created when small parcels are brought into the City. He stated he has no plans to annex, but if he did decide to he did not want his property land locked.

OPPONENTS:

None

REBUTTAL:

Mr. Manuel stated that a 50' road will cost him 2 lots which equals \$90,000 plus the cost of the street which is approximately \$100,000. Now he is into this development \$190,000 and it comes off his project. How will the people in the master plan compensate him for these costs?

John agreed that this will be a major issue for the City, advanced financing could be established but the neighbors might not want to come into the City for 10 or 15 years. Mr. Manuel asked if the master plan could be reasonably done in 2 years

Mr. Jarmer questioned how a small parcel like this could drive the process for the larger parcels that will be affected by it. If he has to put a stub road in why not improve the existing easement that is used to access these parcels at this time and a different layout should be found for this property. Mr. Brown stated that the applicant is the one who is developing the property.

Mr. Jarmer stated the City would benefit and the neighbors would benefit if there was a plan for what was going to happen with the properties behind. Mr. Brown stated Mr. Jarmer had good points, but without a master plan it was impossible to tell how things will develop.

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

The Commission discussed the fact that this is priority B land, and even though the improvements to N. Redwood would be a benefit, it would not be a special benefit to the City.

The Commission discussed the need issue. There is about a 3 year supply of buildable land at this time.

It was moved by Mr. Manley to forward to the City Council a recommendation of denial of ANN 04-05 due to not meeting Criteria # 1 and # 2. Seconded by Mr. Tessman. Motion carried 5-0-2 with Mr. Able and Mr. Helbling absent.

V FINDINGS

SUB 04- 01 It was moved by Mr. Manley to approve the findings for Sub 04-01 as written. Seconded by Mr. Molamphy. Motion carried 5-0-2.

SUB 04-06 It was moved by Mr. Manley to approve the findings for SUB 04-06 as written. Seconded by Mr. Tessman. Motion carried 4-0-1-2 with Mr. Ewert abstaining.

ANN 04-04 It was moved by Mr. Tessman to approve the findings for ANN 04-04 as written. Seconded by Mr. Ewert. Motion carried 4-1-2 with Mr. Manley voting nay.

ANN 04-06 It was moved by Mr. Ewert to approve the findings for ANN 04-06 as written. Seconded by Mr. Molamphy. Motion carried 5-0-2.

VI MINUTES

May 10, 2004 It was moved by Mr. Molamphy to approve the minutes as written. Seconded by Mr. Ewert. Motion carried 5-0-2.

VII DIRECTOR=S REPORT

John explained there will be 3 public hearings for each meeting in July and August. It was suggested that the Commission go to timed meetings to limit the testimony time for each application.

Mr. Brown questioned if it would be possible to get an 11 X 17 laminated to have in each Commissioner's binder.

John explained that Darren is working on having pictures on a power point presentation which would facilitate discussions and understanding by the audience, providing a common frame of reference.

VIII ADJOURNMENT