

MINUTES

CANBY PLANNING COMMISSION

September 27, 2004

6:30pm Workshop City Hall Conference Room

7:00pm Regular Meeting

City Council Chambers, 155 NW 2nd

WORKSHOP Revisiting "Canby by Design"

I. ROLL CALL

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

STAFF: John Williams, Planning & Community Development Director, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Bob Tice, Sheila Tice, Alan Sullivan, Paula Sullivan, Ted Andrews, Barbara Andrews, Robert Beard, Scott Neuberger, Jolene Campbell, Karen Haynes, Daniel Mishler, Jeff Lillie, Jennifer Lillie, Bob Conant, Ken Burkert, Sue Burkert, Jim Gibson, Earl Walker, Anita Walker, Roger Harris, Gwen Schweitzer, Jan Milne, Bob Backstrom, Jack Pendleton, Dana Tyler, Virginia Molamphy

II. CITIZEN INPUT

None

III. NEW BUSINESS

Proposed closure of pedestrian walkway at SE Township & 6th Way

Scott Neuberger addressed the Commission representing Jolene Campbell. He explained there are major safety issues with the existing pedestrian walkway. He cited gang activity, tagging of the wall and fence, alcohol use, garbage accumulation, urinating in the walkway, and drug useage.

Mr. Neuberger explained that the pathway itself is a great hiding place for the taggers to use, when a car drives by they run back up the path. He does not allow his children to use the path and believes it would be a dangerous place for a woman to walk at night. He added that there are children who ride their bicycles on the path and there is no type of blocking that prevents them from darting into Township at the end of the path like there is at other pathways.

Mr. Neuberger stated that the Canby Police had presented residents with flyers stating that it is the homeowners responsibility to clean up the graffiti and pick up the trash along the pathway. He did not believe this was a logical suggestion since there is already a neighborhood watch in place and they have not been able to prevent the taggers from painting the wall.

Mr. Neuberger suggested homeowners would be responsible for removal of the old fence and asphalt on the pathway and would rebuild the fence along the property line. He asked if the City could help with the cost of closing up the brick walls. John explained that the Planning Commission did not have the authority to approve spending and that decision would have to be made by the City Council.

The Commission discussed what the requirements were when the subdivision was created and what mechanism would be used to allow the pathway to be closed. John explained that if the Commission would give their direction to staff, staff would research the issue and come back with a recommendation.

Karen Hayes addressed the Commission. She stated that when she bought her house 10 years ago it was safe to walk down the pathways, but things have changed. There are now broken beer bottles and gang activity along the pathway. She stated that she no longer lets her children use the pathway, they all walk around the block.

Robert Beard addressed the Commission. He stated that there are people using the pathway that have no business to be there. Elderly person are unable to use the pathway due to children racing on bicycles and if they were, hurt how long would it be before someone came along to help them. He was also concerned that since the pathway is legally owned by the homeowners, if someone did get hurt would the homeowners be liable or is it the City's liability. He questioned who is responsible for the maintenance of the pathway. He stated that there is no need to have a pathway to the cul-de-sac.

Bob Concant addressed the Commission. He stated that he agreed the pathway needs to be closed, and has also had concerns whether he would be liable if a child was hurt on the pathway since he owns half of it. He stated there are people engaged in sexual activity, gangs tag the fence, there is broken glass along the length and is concerned about the safety of children who do use the pathway. He explained that he would like the west pathway closed, but he uses the east pathway when he walks his dog and would like to see it remain open.

Mr. Brown closed the public testimony.

Mr. Molamphy questioned if the area was City right-of-way or if it was an easement. John believed it is private property with an easement on it. Mr. Molamphy believed it might have been a great idea 10 years ago, but it is not a good idea today.

John explained that the design of pedestrian walkways is changing, they are wider with lower fences which helps with the visibility so it is easier to see what types of activities are going on there.

Mr. Brown stated that the idea of connectivity through a community is a great idea and he does not want the Commission's approval (if they give it) to close this access to set any type of precedence.

Mr. Ewert questioned if there were CC&R's that address the maintenance of the fence issue. John explained that issue would be looked into.

Mr. Helbling read the City Code that deals with the creation of pedestrian pathways. It was agreed that there were several issues that could be looked at for allowing the closure of the pathway.

Mr. Brown stated this needs to have a full process to assure everyone has the information and the ability to respond. John stated a modification may be required before the Planning Commission could allow the homeowners the right to close off the access.

Mr. Helbling stated that many people use the pathways to take walks on and have no other reason for being there except for getting exercise. He believed that children should be able to ride their bicycles on the pathways.

Mr. Tessman stated his concern regarding the safety of children on bicycles is the fact there are no bollards to prevent children from shooting out into traffic.

Mr. Brown told staff that the Commission wanted to proceed with closing the pathway, but the residents should be patient because all issues need to be addressed and everyone needs to be included in the discussions.

IV PUBLIC HEARINGS

TA 04-01 City of Canby

This application creates a new division and accompanying sections of the Canby Municipal Code that will impose park dedication standards for all new residential, industrial and commercial construction, and amends two additional sections of the Municipal Code to be consistent with the newly created division.

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.

Matilda Deas presented the staff report. She explained that this is the last piece of the parks Master Plan. This ordinance allows the City the mechanism to lead with land dedication instead of SDCs. The City will also adopt the park standard of 10 acres per 1,000 people.

Matilda explained the process would be, when someone proposed a development the property would be looked at to see if there was a need for park

property in that area. If there was a need for some type of park the applicant and the City would agree upon an appraiser who would supply the City with a fair market value for the property. Once this value is set and agreed upon by all parties the value of the land would be deducted from the SDCs due.

Matilda explained that in the past, developers rarely set aside land for parks as part of development. This ordinance enables the city to require land for parks when needed. In developments where no parks are needed, the city shall require system development fees in lieu of park land. Matilda explained that the City has always been able to require land but there has been no clear way to do it, this ordinance establishes a process.

Matilda explained that if there was a circumstance where a park wasn't needed but the development had steep slopes, or some other type of natural area that could be a benefit to leave as green space or if the development wanted to put in a private park which would be of some benefit, they can get partial SDC credits.

The Commission questioned the methodology that determines the value of property. Matilda explained that the City and the applicant split the costs, an appraiser is agreed upon who places a fair market value on the land, then it goes forward. SDC funds that are payable to the City by the applicant will be applied to the purchase price of the land.

The Commission asked what the process would be when you require land from one applicant but the next applicant wants to give land but is required to pay SDCs. Matilda explained that if the language and the criteria is clear, then requiring land from one and money from the other would be defensible.

The Commission questioned at what point the value of the land would be assessed, bare land would be worth less than developed property. Matilda explained that the value would be determined prior to development.

PROPONENTS:

Bob Tice, spoke to the Commission representing the Canby Livability Coalition. He stated he is 100% behind this application. He believes that Canby needs parks and green spaces. He added that CLC is still raising money for the small park at the intersection with Holly and N. Territorial road and intend to help improve greenspaces.

Roger Harris, stated he agrees with this proposal and wished it could be made retroactive and go back 20 – 30 years.

Dana Tyler, stated she doesn't know how much the SDCs went up but believes the charges should go up at the same rate as the value of the land. Matilda explained that land is only one piece of the formula for figuring the SDC amounts. Matilda stated the SDCs are looked at on a yearly basis now, some cities are having generic appraisals done to assure they are not falling behind in the values, trying to make sure that value of land that is in the formula is in the ballpark with what the value of land is

really doing.

Jack Pendleton, stated he believed this is a great idea. He expressed his concern that the developments have been small pieces and he wonders where the sports fields will come from. Matilda explained that the City is trying to become proactive and go into the urban growth area to obtain property for future parks.

The Commission questioned how ballot Measure 37 would affect this ordinance. John explained that if a regulation is shown to adversely affect a property value then the City would be financially responsible. Matilda explained that subdivisions with parks and openspaces actually increase the value of lots, 20% increase in the first ring around the park, 10% around the second ring and a 5% increase around the third ring.

It was moved by Mr. Manley to forward to the City Council a recommendation of approval for TA 04-01. Seconded by Mr. Molamphy. Motion carried 5-1 with Mr. Helbling voting nay.

VII DIRECTOR=S REPORT

John discussed the difficulty of implementing ballot Measure 37 if it passes. There will be many ways to interpret it and it will be a challenge to implement.

John stated that the short term reconfiguration of the intersection at Hwy 99E and Territorial is due to start late September, so it should be starting soon.

John stated staff would have an implementation process for closing the pathways at Township at the next meeting.

John commended Matilda Deas on her efforts with the Parks Master Plan and thought she had created a tight code.

VIII ADJOURNMENT