

# MINUTES CANBY PLANNING COMMISSION

7:00 PM June 12, 2006  
City Council Chambers, 155 NW 2<sup>nd</sup>

---

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

**STAFF:** John Williams, Community Development/Planning Director, Kevin Cook, Associate Planner, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Pat Weygandt, Terry Tolls, Lynn Weygandt, Buzz Weygandt, Allen Patterson, Lisa Weygandt, Jim Blackwell, Guy Duncan, Reid Hellbusch, Catherine Comer, Tom Scott, Pat Sisul, Kathy Breedlove

**I. New Business** None

## **II. Public Hearings**

**ANN 06-01** Weygandt LLC The applicant is requesting approval to annex 73.35 acres into the City. The site is located south of Township Road, west of Mulino Road, east of the Molalla Forest Road Path, and north of SW 13th Ave. If annexed the property would be zoned M-1 (light industrial) in accordance with the Canby Comprehensive Plan.

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.

Kevin presented the Staff Report, he explained the applicant is requesting approval to annex 73.35 acres into the City. The parcels were previously included in a 300-acre annexation request in 2000 in which the Planning Commission and the City Council recommended approval. The request was rejected by the Canby voters. A subsequent industrial annexation of 151 acres was approved by the voters in 2003.

The area is inside the Industrial Area Master Plan which designates the land will be zoned M-1 (Light Industrial). Kevin explained that the property is designated as "Priority C" for annexation, but there is no "Priority A or B" land available. He stated that special consideration should be given to this application since they represent the potential for a larger rail accessible industrial land which is non-existent in Canby at this time.

Kevin stated that there have been several parcels purchased within the last several months bringing the total of available land down from 225 acres to approximately 174 acres, which are fragmented. The subject parcels represent the potential for a larger industrial user.

The property is farmable land but the annexation is needed due to a lack of similar industrial and heavy commercial land within the City Limits. There is a demand for land to

support these types of uses. Service providers have stated that services should become available as the properties develop. Future offsite extensions of water, sewer and electric will be required.

Mr. Brown asked if the railroad was privately owned. John stated it was leased.

Mr. Manley asked if the proposed annexation was inside or outside of the URD (Urban Renewal District). John explained that Sequoia Parkway is inside the URD, everything else is outside.

John explained that this property was attractive to larger users since it was in single ownership with railroad access available. Users want a variety of choices that are not near a cemetery, or residential areas and this property fits that criteria.

Mr. Brown questioned the availability of services. John stated it is a matter of financing, the infrastructure will come with the development of a large parcel.

#### **APPLICANT:**

Pat Sisul, Sisul Engineering represented the applicants. He stated the property was originally included in the 300 acres that had been denied by voters. He believed this annexation was needed because there is no Priority A or B land left. This would provide the industrial area with a large property that has rail access. There is a need for large parcels that would allow for a planned and coordinated development.

Mr. Sisul explained that water would be able to be looped with the development of Sequoia Parkway. The applicant is aware that service extensions may be required. There would be an economic impact by increasing the employment base. It is outside the URD which means the taxes generated would go to the City.

Mr. Sisul stated there has been a lot of activity in the Industrial Park and presented a map showing the properties that are available at this time in the Pioneer Industrial Park, there are only 4 properties that are shovel ready. This annexation would not be shovel ready but there is a demand for large parcels removed from residential areas with railroad access. Mr. Sisul stated there is no adverse impact. Farming could continue even after the property was annexed.

Mr. Brown questioned what percentage of the Industrial land is lacking infrastructure. Mr. Sisul stated he did not have that figure. Mr. Brown stated that a significant piece of property would allow a user that would be larger than what is allowed by the Master Plan. John stated that with a Conditional Use application a larger user could be allowed. Mr. Brown questioned the grade and accessibility of the railroad through the property.

Mr. Brown asked why the citizens should approve this annexation. Mr. Sisul responded that the Industrial Park is taking off, there will be a need to talk to people and explain the issue, but he believes this is a positive thing for Canby.

Mr. Molamphy stated that annexations have not passed and part of attracting businesses into Canby is being able to house the work force. Mr. Sisul stated that people are still trying to

have property annexed into the City. There is a need for residential land. He stated that both Oregon City and West Linn have approved annexations lately.

Mr. Ewert questioned if the applicant has communicated with Clackamas County regarding the requirements for Mulino Rd. Mr. Sisul stated that street improvements will most likely be required.

Mr. Ewert questioned that once the property was annexed, what would prevent the applicant from dividing the property into smaller parcels. Mr. Sisul stated nothing would stop them from dividing the property, but the large parcel is what has been looked at.

Mr. Ewert asked if the City will determine the size of the pump station. John answered the City would determine the size and whether auxiliary sub stations would be needed.

Mr. Sisul explained that the development would loop the water system, and a 16" sewer pump station would go to 13th Ave.

### **PROPONENTS:**

Rick Givens addressed the Commission, he stated that subdividing the property would defeat the purpose of the annexation. Utilities will have to be provided and a large user would be able to afford to bring in those utilities. He stated that there would be people who already live in Canby who would go to work for companies here in Canby if they were given the chance. It would give the city an economic boost. He stated there are a lot of homes on the market at this time.

Mr. Givens believed the ABC Priority system was logical for phasing annexations and has worked well, now it is time to look at properties and their amenities. He does not believe there is a down side to this annexations.

Lisa Weygandt addressed the Commission, she is one of the landowners. She explained there has been increased interest in the property. Mr. Brown asked if someone had contacted them. She stated there has been contact from prospective buyers.

Buzz Weygant addressed Mr. Brown's question regarding the grade at the railroad. He stated that it is approximately 13' - 15' by Shimadzu, but in the area they anticipate the rail would go is fairly flat. Mr. Brown asked how long Mr. Weygant has lived on the property. Mr. Weygant stated he was born on the property 73 years ago. Thirty years ago the City made the decision that this area would become industrial land. There has been increased interest in the property lately, maybe due to increased fuel costs. He has spoken with his neighbors and has had no negative responses.

### **REBUTTAL:**

Mr. Sisul stated he had figured the answer to Mr. Brown's question of what percentage of the industrial park is lacking infrastructure, it is approximately 50%.

Mr. Molamphy believed that the large parcel with rail access is needed and it is appropriate to annex Priority C property when there is no Priority A or B left. It is a large piece of agricultural land but there are no small farms left.

Mr. Ewert stated it met the criteria, of the 151 acres that were annexed there are only 75 acres left. Bringing in this property keeps Canby alive, the taxes that will be generated will help the City, the sewer system will benefit by the lift station, the water system will be looped and Mulino Road will be developed.

Mr. Manley stated the economic factor will benefit the City because the property is outside the URD and the taxes would go to the City.

Mr. Brown believes this is an appropriate application that benefits the City and will have no adverse effects. He explained that Canby may not be an industrial users first choice since we have no direct access onto I-5. But if we have deliverable property with the infrastructure in place, it brings in users.

It was moved by Mr. Molamphy to recommend approval of ANN 06-01 to the City Council. Seconded by Mr. Ewert. Motion carried 4-0-1 with Mr. Tessman absent.

**ANN 06-02** The applicant is seeking to annex a single 1.7 acre tax lot into the City of Canby. If annexed the applicant proposes to construct a 23-unit townhouse development with vehicle access from NE Territorial Rd. Access to the site is proposed by means of a 30 foot shared access drive. The site is located at the southwest corner of N. Pine Street and NE Territorial Road. The parcel currently contains one single-family residence.

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.

Kevin Cook presented the Staff Report. The property is currently zoned RRFF5 (Rural Residential Farm and Forest) by Clackamas County. If the annexation is approved the zone would conform to the Comprehensive Plan designation of R-2 (High Density Residential). The property is designated as Priority A for annexation.

This property was on the November 2005 ballot and was denied by the voters. A conceptual design was presented with the first annexation application and that design has not changed. Though the applicants are not required to build that conceptual design because once annexed the property would be subject to the City design standards of the Municipal Code.

Kevin explained that all service providers have stated service would become available with the development.

Mr. Ewert questioned the status of the signal light at the intersection of Territorial Rd and Hwy 99E. John Williams believed that ODOT was on track with the project starting in June.

## **APPLICANT:**

Pat Sisul addressed the Commission representing the applicant. He stated that there are trees in the NE corner that the applicant is trying to preserve. His understanding was that the signal at Territorial and 99E has gone out to bidders, the low bidder has been determined and then there is a 30 day period that other bidders can contest. The project should start July 1st.

Mr. Sisul stated that this property is 1.7 acres of Clackamas County land that is surrounded by the City of Canby. The timing is right to annex it into the City.

Tom Scott addressed the Commission. He believed that annexing the property is the right decision. The voters have denied the annexation but he doesn't believe he should quit trying to bring it in. There is a high demand for housing at this time. He explained that even if the property was annexed it would take about a year for the homes to be occupied, it is a long process. He stated that for the neighborhood meeting he had 150 to 170 letters sent out, and only 5 people attended the meeting. He stated he would continue to keep trying to get the property annexed.

Mr. Brown questioned what Mr. Scott could tell people that would get them to vote in favor of the application. Mr. Scott responded that he needed to let them know there is a high demand for this type of development. This is an infill area that should be in the City. If the Industrial Park develops there will be a growing need for housing. He wants to get involved with the schools and help solve some of the issues citizens are concerned about, but there is no easy answer.

Mr. Brown addressed the issue of the school overcrowding and stated that enrollment is actually going down in Canby. This is not a positive thing for the school district since their funding is dependent upon their enrollment. So this argument that the schools are overcrowded so citizens won't vote for annexations is not logical.

**PROPONENTS:** None

**OPPONENTS:** None

Mr. Ewert stated this property is islanded and it makes sense to bring the property into the City. The Industrial Park is building out and there is no place for the employees to live. Mr. Brown added that most companies bring employees with them.

Mr. Molamphy believes the property should be brought into the City.

Mr. Manley stated it would allow the street to be widened to the correct width.

It was moved by Mr. Ewert to recommend approval to the City Council of ANN 06-02 as written. Seconded by Mr. Molamphy. Motion carried 4-0-1 with Mr. Tessman absent.

**ANN 06-03 Hellbusch** The applicant is seeking to annex a single 1.03 acre tax lot into the City of Canby. The applicant currently does not have any development plans for the property, but has submitted a site plan demonstrating one possible scenario for development of 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 was stated. No questions were asked of the Commissioners.

Kevin Cook presented the Staff Report. He explained that the property is currently zoned RRFF5 (Rural Residential Farm and Forest) by Clackamas County. If annexed the zoning would comply to the Comprehensive Plan designation of R-1 (Low Density Residential).

Kevin explained that here is one single family home and a garage currently on the property. The land is not used in agricultural production. The property is currently in Clackamas County but is surrounded by the City of Canby. It is designated as Priority A for annexation. When developed the developer would be responsible for extending the sewer line and 1/2 street improvements. The City would need to obtain street right-of-way.

**APPLICANT:** Mr. Reid Hellbusch addressed the Commission. He explained he has no plans for development of his property, his goal was to be able to access City service since he is experiencing well and septic problems.

Mr. Brown explained that when this application goes before the voters they will assume that development will be done quickly if approved. He suggested that Mr. Hellbusch spend time informing citizens of his well and septic problems.

**PROPONENTS:** None

**OPPONENTS:** None

It was moved by Mr. Ewert to recommend approval of ANN 06-03 to the City Council. Seconded by Mr. Manley. Motion carried 4-0-1 with Mr. Tessman absent.

**CUP 06-01 Learning Tree** The applicant is requesting approval to operate a day-care facility at the site of a former nursing home. A Conditional Use Permit is required for a day-care facility that provides care for more than 12 children. The applicant intends to initially provide care for 82 children, and eventually for as many as 110 children. The applicant will be adding additional fences and security gates 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, Mr. Brown explained that he was a Bishop for the adjoining church property and as such had been contacted by the applicant in regards of obtaining additional parking spaces for use with this application. Mr. Brown explained that he had no authority to allow or deny the request and forwarded the applicant on to the appropriate persons. He stated unless there were objections, he planned on participating in the hearing. No questions were asked of the Commission.

Kevin explained the applicant has submitted a detailed parking study from their Wilsonville location, they believe the parking demands will be similar for this operation. The study shows they have a maximum need for 18 parking spaces. The Canby City code requires 18 stalls plus one additional space for employee parking (estimated at staff members), which would require 38 spaces per the code. The applicant's current plan shows 12 spaces, but they are seeking a parking agreement with the church for their employee parking. At the time of this hearing there

has been no agreement for parking. Staff is recommending 28 parking spaces with no less than 18 spaces provided on site.

Kevin stated there could be some conflict with the surrounding neighborhood due to noise generated at outdoor play times and an increase in traffic since this use could generate an additional 100 vehicle trips during peak hours. The Fire Department requires Fire & Life Safety approval and that the building be sprinkled and a water connection be available outside of the fenced area.

**APPLICANT:** Jim Blackwell addressed the Commission. He explained that he is the operator of 3 day-care centers for Learning Tree, not the owner of the property. He stated there is a great demand for a day-care center in Canby, each of the 3 centers have children who live in Canby . The center cares for children from infants to school age children before and after school.

Mr. Blackwell stated that the building is easily converted into the day-care facility and will provide a beautiful playground for the children. He stated that the only possible concern would be noise coming from the playground, he explained that the center would operate Monday through Friday, during daytime hours only. Unlike public schools that start at a certain time, most of their traffic is staggered between the hours of 6:00 am and 10:00 am, which will have a lesser impact than a public school would.

Mr. Blackwell agreed parking is an issue, and that he is looking for off-site parking to prevent the removal of old trees in the front of the building. He believes he can accommodate the required parking in the back of the site.

Mr. Ewert asked if Mr. Blackwell would be able to come up with the additional required parking on site. Mr. Blackwell believed it is possible to provide the additional 16 spots in the back.

#### **PROPONENTS:**

Guy Duncan stated that his property backs up to this property. He explained that the building has been vacant for a long time, and has been used by teenagers for parties and drug deals. He believed that the use as a day center was appropriate.

Mr. Duncan stated his concern that there is a chain link fence between his property and this property and his dog would most likely bark at activity along the fence line. He asked that the applicant install slats or some other type of fencing that would mitigate problems from his dog barking.

#### **OPPONENTS:      NONE**

Mr. Brown stated parking was an issue that needed to be solved. He questioned if a drop off zone could be created. He suggested that the parking behind the school be designated as employee only parking to limit the amount of vehicle and pedestrian interaction and that the pedestrian path be well marked.

It was moved by Mr. Manley to approve CUP 06-01 with spelling corrections. Seconded by Mr. Molamphy. Motion carried 4-0-1 with Mr. Tessman absent.

### **III. FINDINGS**

It was moved by Mr. Molamphy to approve the Findings for MLP 06-06 as written. Seconded by Mr. Manley. Motion carried 4-0-1 with Mr. Tessman absent.

It was moved by Mr. Molamphy to approve the Findings for MLP 06-07 as written. Seconded by Mr. Manley. Motion carried 4-0-1 with Mr. Tessman absent.

### **IV. DIRECTOR'S REPORT**

Kevin stated that there will be 4 hearings at the next Planning Commission meeting. The Fire District's zone change application. Dr. Perman's dental office design review, Willamette Falls Hospital's subdivision application and a minor land partition on S. Fir St.