

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – June 9, 2008
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Commissioners Bruce Holte, Janet Milne, Misty Slagle and Jared Taylor

ABSENT: None

STAFF: Melissa Hardy, Associate Planner; Catherine Comer, Economic Development Manager; and Jill Thorn, Planning Staff

OTHERS PRESENT: Terry Tolls, Allen Patterson, Hank Jarboe, Charlie Burden, Roger Reif

I. CITIZEN INPUT **None**

II. PUBLIC HEARINGS

ANN 08-03 - Jarboe – Request to annex 2 acres at 1335 NE Territorial Road. The property is zoned R-2 (High Density Residential),

Chair Ewert 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.

Melissa Hardy presented the staff report and submitted one additional public comment that was received after the staff report was prepared. The comment expressed concerns about existing trees on the property. Ms Hardy stated that City code currently does not require trees to be retained on a property being annexed or developed. Staff recommended that the Planning Commission recommend to the City Council that the annexation be approved and sent to the voters.

Ms Hardy reported that Dennis Beckner had submitted a letter after the staff report was prepared expressing concerns about the existing trees on the property. She said the City did not currently have an ordinance.

Applicant: Hank Jarboe, applicant and property owner said he had no development plans at this time but did need city services. He said the trees were second growth and several were diseased.

Commissioner Taylor asked if the property was 2 acres and had one house on it at the present time. Mr. Jarboe said that was correct and he had no plans to develop and felt it was a great place to live.

Commissioner Ewert asked if he currently was on a well and septic. Mr. Jarboe said that was the case.

Proponents: None

Opponents: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Holte said he felt it was a property owner's right to do with their property as they saw fit and was in favor of approving the application.

Commissioner Slagle said the application appeared to be all in order.

Commissioner Milne said the criteria had been met however felt the voters might feel differently as there was not future development plan.

Commissioner Taylor said he agreed with Commissioner Milne's concerns, but felt that the High Density designation was not ground to deny.

Commissioner Ewert agreed with the comments and felt there would be no build-out in the near future.

Commissioner Milne expressed a desire for a master plan to make sure the connectivity would work.

It was moved by Commissioner Holte to approve ANN 08-03 as presented, and recommend the City Council put the issue to the electorate. It was seconded by Commissioner Slagle. The motion passed 5-0.

ANN 08-04 – Willow Creek – Chair Ewert continued the public hearing until June 23, 2008 at 7 PM.

III. NEW BUSINESS

Future application to request an exception from access spacing standards on Sequoia Parkway – The request is being made because property owners in the area surrounding Walnut Street are in the process of forming a Local Improvement District to construct a street connection between Walnut Street and Sequoia Parkway.

Roger Reif, representing one of the property owners, said he was seeking guidance from the Commission. His client was reluctant to submit a Major Variance application because of the cost of the application and traffic study that would be needed without some assurance that it could all be accomplished.

Chair Ewert explained that review of the issue would have to be a public process. The Commission could not deal with the question without a land use application.

Melissa Hardy stated the City Code recognizes that these issues do come up from time to time, and that there is a process set out in the code for review of requests for access spacing exceptions. The approval criteria primarily involve findings concerning traffic and safety analysis, and that the property owner should submit a major variance application, have the

traffic analysis completed, and then staff would bring the application to the Planning Commission for a public hearing and decision.

Catherine Comer stated she had been working with the property owners on setting up a Local Improvement District (LID) but the city attorney had said the agreement could not contain statement obligating the City on future actions of the Planning Commission. The City was looking at funding the project through an Urban Renewal Agency loan and the loan would be repaid by the property owners through the LID.

Commission Slagle asked if staff had any response from the City Attorney on Questions 3 and 4 of the staff report.

Ms Hardy said in response to Question 3, the City Attorney had said no that it needed to be a land use decision. And on Question 4, the attorney felt that costs should not be borne by the LID unless they benefited all of the property owners.

Catherine Comer stated the turn radius study had been completed and a 32 foot radius would require a 40 foot wide road and Walnut and Sequoia and Walnut and 2nd Avenue. She also said the Agency was in the same position as the Planning Commission.

Commissioner Milne stated she had sympathy for Mr. Reif's client but the Planning Commission had no choice but to follow the procedure of a public hearing.

Mr. Reif thanked the Commission for their comments.

Commissioner Ewert asked that when the application came to the Commission that a power point presentation with maps be included so that all could understand the issues.

IV. FINDINGS

ANN 08-01 – Holmes - Commissioner Taylor moved to approve the Findings, Conclusion and Order for ANN 08-01 as presented. Motion seconded by Commissioner Slagle and passed 4-0-1 with Commissioner Holte abstaining.

TA 08-02 – Flood Insurance - Commissioner Milne moved to approve the Findings, Conclusion and Order for TA 08-02 as presented. Motion seconded by Commissioner Taylor and passed 4-0-1 with Commissioner Holte abstaining.

V. MINUTES

May 27, 2008 - Commissioner Slagle moved to approve minutes of May 27, 2008 as presented. Motion seconded by Commissioner Taylor and passed 4-0-1 with Commissioner Holte abstaining.

VI. DIRECTOR'S REPORT

Ms Hardy reported that the issue of the fence that was out of compliance on Cedar had been resolved and was now in compliance.

Ms Hardy gave an update on the letter the Commission received at their May 27th meeting concerning the property on Locust Street. The Code Enforcement Officer had spoken with the owner who had agreed to park his van further up in his driveway to avoid blocking the sidewalk.

Ms Hardy said the application concerning the downtown design standards is scheduled to go to the City Council on August 20th, but that staff will be bringing a transportation analysis to the Planning Commission before then and asking that the public hearing to be re-opened to admit this additional transportation-specific testimony into the record; the transportation analysis is required because new additional uses are being proposed in the downtown area and analysis needed to be done to determine whether that will impact traffic.

Commissioner Ewert asked staff to provide information concerning an update on the status of the proposed Rite Aid development and on the sidewalk project happening on Elm Street.

VII. ADJOURNMENT