



## PLANNING COMMISSION

### Minutes

Monday, June 9, 2014

7:00 PM

City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

**PRESENT:** Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

**STAFF:** Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

**OTHERS:** Connie Vicker, Ray Franz, Pat Sisul, Ralph Netter, Morgan Will, Gordon Root, Rick Waible, Dan Stoller, and Mary Stoller

**1. CALL TO ORDER**

Chair Smith called the meeting to order at 7:00 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS – None.**

**3. MINUTES**

- a. Approval of the May 12, 2014 Planning Commission Minutes

*Motion:* A motion was made by Commissioner Hensley to approve the May 12, 2014 minutes as written, Commissioner Savory seconded. Motion passed 5/0.

- b. Approval of the May 28, 2014 Planning Commission Minutes

Chair Smith wanted staff to confirm the final findings were approved by consensus instead of a vote. There should be a vote on final findings.

*Motion:* A motion was made by Commissioner Serlet to approve the May 28, 2014 minutes as written, Commissioner Hensley seconded. Motion passed 5/0.

**4. PUBLIC HEARING**

- a. Consider a request from Ray N. Franz and Connie E. Vicker for approval to: 1) Annex 4.47 acres of real property and .15 acres of North Pine Street right-of-way; 2) Change the zone district from Clackamas County RRFF-5 (Rural Residential Farm Forest) to City of Canby R-1 Low Density Residential for property at 1546 North Pine Street, and 3) Approve a Development Agreement to be recorded and run as a covenant with the land (**ANN 14-01/ZC 14-01**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest or ex parte contact to declare.

Angie Lehnert, Associate Planner, entered her staff report into the record. She clarified the zone district was currently RRFF-5 (Rural Residential Farm Forest). The proposed property was 4.47 acres to be zoned R-1 and .15 acres

for a half street improvement on Pine. This was a Type 4 application that required final approval from Council. The annexation would allow development of 18-19 single family residences. The submitted traffic study did not find any significant issues. A neighborhood meeting was held and the primary concern was a desire for the land not to be developed into apartments, which was not possible in an R-1 zone. The Code required a Development Agreement for this property. The applicant submitted an Agreement which would ensure that 16<sup>th</sup> and Plum Court would be extended, addressed public facilities, Park SDCs would be assessed in lieu of putting in a park, and the property would have to go through a subdivision process after it was annexed. Half street improvements would be required on Pine at the time of development. Citizens commented that they would like to see a pathway to the Logging Road be developed, and that was a decision to be made at the subdivision stage. Utility providers did not raise any concerns about utilities. The City currently had about a year's supply of platted lots based on today's rate of demand. That was not taking into account other subdivisions which were not platted yet but had recently been approved or property which had not yet been annexed. This property had not been farmed for years and was not large enough to be a viable farm. Staff recommended approval.

Chair Smith opened the public hearing.

***Applicant:***

Pat Sisul, Sisul Engineering, was representing the applicants. This was an area in transition from rural to urban and now was the time to bring this property into the City. There was a house on the property, but it was mainly pasture and in an area of low density residential housing. The one comment they heard at the neighborhood meeting was residents did not want an apartment complex and the neighborhood was assured the property would be annexed as R-1. He discussed the buildable lands analysis they had done for this application. Canby had about a 10 month supply of plated lots in the single family zones. There were a lot of steps from getting through the annexation process to getting homes built on the ground. Homes in this subdivision would not be able to be built until late 2015. There was a shortage of land in the City and they were still well below the three year supply even with a few subdivisions coming in. The development plan would include a new street, 16<sup>th</sup> Avenue, extension of Plum Court, and a pedestrian walkway, although staff discouraged the pedestrian walkway as it was not needed and could be difficult to maintain. He explained the anticipated street plan of the adjacent Beck property that would connect to Plum Court and have a pedestrian connection to the Logging Road Trail. The property could be served by utilities in Pine Street and the Logging Road Trail. Storm drainage would be handled by the North Redwood Advanced Financing District. This was currently the last property in the County on the east side of Pine Street. The timing was right to bring this into the City.

***Proponents:***

Gordon Root with the Stafford Land Company presently has a contract for purchase of the Beck Property. They were going to submit an application for 19 lots and would be including a connection to the Logging Road Trail and extending properties to serve this site. He thought this would be an excellent annexation to continue to meet the City's buildable land supply.

There were no opponents, neutral testimony, or rebuttal.

Chair Smith closed the public hearing at 7:36 pm.

***Motion:*** *A motion was made by Commissioner Savory to recommend approval of ANN 14-01/ZC 14-01 to the City Council, Commissioner Hensley seconded. Motion passed 5/0.*

The written findings would be brought back to the next meeting.

Chair Smith was in support of the annexation and liked that some of the lots were planned to be larger.

- b. Consider a request from Daniel & Mary Stoller, Geraldine K. Marcum, Jerry & Cynthia Rice, Ralph A. Netter, and Hugh & Roberta Boyle for approval to: 1) Annex 31.10 acres of real property and .50 acres of SE 13<sup>th</sup> Avenue right of way; 2) Change the zone district from Clackamas County Exclusive Farm Use (EFU) to City of Canby R-1 Low Density Residential and R-1.5 Medium Density Residential for property located North of SE 13<sup>th</sup> Avenue, east of South Teakwood Street and west of the Logging Road Trail & the Sequoia Parkway Extension, and 3) adopt a Development Concept Plan (**ANN 14-02/ZC 14-02**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest and no ex parte contact to declare. Commissioner Boatright lived nearby and Chair Smith jogged near the site.

Bryan Brown, Planning Director, entered his staff report into the record. This was a large annexation with five different property owners. He explained that two of the tax lots were proposed to be R-1 Low Density Residential while the rest would be R-1.5 Medium Density Residential. A park was being proposed on the largest lot owned by the Stollers which had easy connections to the Logging Road Trail and to the nearby school. He reviewed the approval criteria. A Development Concept Plan was required and all necessary public utilities were either existing or would be made available by the developer. This particular property would need a new sanitary lift station developed to serve this part of town. There could be a timing issue for when the property was annexed and when they wanted to develop as to whether the Master planned permanent lift station would be in place, or the developer would construct a temporary lift

station to meet their needs. A traffic study was done, however there was flexibility regarding how many units would be developed and where they would be placed. That was why the Development Concept Plan was so important that if there were several developers over time, the development would fit together in an efficient development. The Concept Plan was very thorough and met all of the Transportation System Plan proposals for connectivity. The proposal is for a 3.42 acre park, however there has been some recent concern about obtaining additional park land due to the most recent City proposed budget which is to reduce two park maintenance employees and the resulting ability to maintain future parks. However, the City needs to take advantage of opportunities for acquiring new park land when there are willing land owners in areas identified as needing parks that have great assets to contribute to the City's park system. If the properties are annexed, the future park location will be locked in through adoption of the Development Concept Plan with the annexation. There were existing homes on the properties and as they are redeveloped those homes would more than likely be removed. There was a need for more buildable land in the City. Staff recommended approval of the annexation, Development Concept Plan, and assigning the R-1 and R-1.5 zoning.

Commissioner Savory asked about the expense of building a temporary lift station as opposed to building a permanent one.

Mr. Brown explained if the property was to be developed right away, a temporary lift station would need to be sited and built. The City had not yet secured the property for the permanent lift station indicated in the Master sewer plan. The developer has the ability to put the temporary one in immediately if the development needed it. A permanent lift station would eventually be built, but was expensive and additional development would need to come online before it was justified. It was unclear if the applicant was going to pay for the temporary lift station or the City or exactly where it would be sited, but it would likely be near the Logging Road Trail or on the developers' property.

Chair Smith opened the public hearing.

***Applicant:***

Pat Sisul of Sisul Engineering was representing the applicants. He explained the annexation consisted of five of the six properties in the Development Concept Plan area. The sixth property was not proposing annexation at this time, but was included in the Development Concept Plan. If the annexation should fail, the Development Concept Plan would still be in effect and would not have to be redone. The Development Concept Plan was designed so development could move forward by individual tax lots or as a whole, with each of the north/south main access streets located on a single tax lot so a single property owner could develop without the neighboring owner should the properties not be all annexed or developed together. He discussed the area surrounding the annexation, buildable lands inventory, proposed zoning, existing conditions on the site, street plan and

connections, storm drainage which would be dry wells, and sewer and water connections.

The Sewer Master Plan called for a permanent pump station at the intersection of 13<sup>th</sup> Avenue and Mulino Road. It was meant to serve a large area of the City. It was understood the land owners would pay for a temporary sanitary sewer pump station to serve their development if an industrial development had not yet triggered the City's installation of a permanent lift station. They would prepay the System Development Charges to finance the construction of the temporary lift station. The temporary station would be constructed at the corner of Sequoia Parkway and 13<sup>th</sup> Avenue.

The proposed 3.42 acre park was meant to be a passive park for walking and riding bikes, not for a playground or ball fields. The park was sized to provide for approximately 127 lots which would receive an equivalent Park SDC credit in lieu of the value of the park dedication. He explained the proposed design of the park.

Testimony from Mr. Sisul indicated that more than 10 years back, Canby was issuing over 100 single family permits per year. The more recent history provided by staff indicated an approximate 45 lot per year average consumption rate with a high of 201 in 2006 and only 4 permits in both 2008 and 2009. Based on the information Mr. Sisul collected the number of platted residential lots remaining from City records and concluded the current available platted lot supply was well less than one-year and clearly fell under the 3-year buildable supply considered by City policy to be adequate when considering annexation applications.

***Proponents:***

Gordon Root from Stafford Land Development Company liked working in Canby which was just out of reach of Metro where larger lots and single level homes could be built. The annexation was necessary to help promote a better jobs and housing balance which was key to filling up the Pioneer Industrial Park. It also provided a diversity of housing mix. It would be developed in phases and there was a housing demand. He thought the annexation should go forward.

Ralph Netter, applicant, commended Mr. Sisul for keeping the property owners working together. He had owned his property for several years and there had been interest from developers trying to purchase it and bring it into the City earlier. Since then there had been annexations and the City was on three sides of the property. He questioned with the cuts in the City's budget if the park could be maintained. There was an option to make the park smaller. Regarding the pump station, he thought development on the property would be slow and in phases which meant a temporary station would need to be installed unless an industrial property developed. He thought now was the right time to annex the property.

Dan Stoller, applicant, made comments indicating that annexation and eventual development of this area would help to provide improved safety for those utilizing the Logging Road Trail as they circled down along SE 13<sup>th</sup> Avenue. Sidewalks, lighting, and reduced speeds would be huge benefits to the neighborhood.

Mary Stoller, applicant, thought by having a nice development area like this it would provide additional tax revenues for the schools and enhance the school system. She was looking forward to the park and was excited to go forward.

There were no opponents or neutral testimony.

Mr. Sisul offered a rebuttal. This was a good mix of R-1 and R-1.5 and in the buildable lands analysis there were only seven lots of R-1.5 available as of February. There was always a shortage of R-1.5 lots in Canby. Regarding the option of making the park smaller, the budget issue came up after the application was submitted. If the Planning Commission felt park maintenance was an issue, there was an alternative plan for a 1.2 acre park. It was going to be a passive park with one restroom and would be low maintenance.

Chair Smith closed the public hearing at 8:46 pm.

Commissioner Hensley asked if the park issue was in the purview of the Commission to decide.

Mr. Brown said the location fit with the Parks Master Plan. They were enthusiastic about the option of getting a larger park as a resource to bank until it could be adequately developed and maintained. The Commission could also support the smaller park because it fit within the Parks Master Plan to have one in this location.

Chair Smith thought if the owners were willing to dedicate the land, he was in favor of making it as big as possible.

The consensus was in favor of the larger park.

Commissioner Savory said the restroom facility was inadequate, but did not know if it should be addressed at this time. He thought the restroom should be gender specific.

Chair Smith stated that decision would come later.

***Motion:** A motion was made by Commissioner Savory to recommend approval of ANN 14-02/ZC 14-02 to the City Council, Commissioner Serlet seconded. Motion passed 5/0.*

5. **NEW BUSINESS** – None.

6. **FINAL DECISIONS** – None.

7. **ITEMS OF INTEREST/REPORT FROM STAFF**

- a. *Next Planning Commission meeting scheduled for Monday, June 23, 2014*
  - *Eli Subdivision (SUB 14-03)*
  - *Final Findings – Annexations*
- b. *Canby Square (Pre-App held June 4, 2014)*
- c. *Faist Subdivision (Neighborhood meeting held June 4, 2014)*
- d. *Beck Subdivision (Neighborhood meeting scheduled for June 12, 2014)*

Mr. Brown reviewed the agenda items scheduled for the June 23 meeting, redevelopment in Canby Square, and upcoming subdivision applications.

8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION** -

None.

9. **ADJOURNMENT** - Chair Smith adjourned the meeting at 8:55 pm.

The undersigned certify the June 9, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14<sup>th</sup> day of July, 2014

  
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Bryan Brown, Planning Director

  
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Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood