

**PLANNING COMMISSION  
Meeting Agenda  
Monday – December 14, 2009  
7:00 PM - Regular Meeting  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue**

**Chair Dan Ewert – Vice Chair Janet Milne  
Commissioners Sean Joyce, Charles Kocher, Jared Taylor and Misty Slagle**

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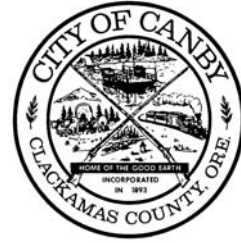
- 1. CALL TO ORDER**
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
- 3. PUBLIC HEARINGS**
  - a. Municipal Code Title 16 - Land Development and Planning Ordinance Text Amendment in order that residential infill standards no longer apply to the R-2 (High Density Residential) zoning district. **TA 09-03** – Staff: Melissa Hardy, Associate Planner **Page 2**
- 4. NEW BUSINESS**
- 5. FINAL DECISIONS**

Note: These are final, written versions of previous oral decisions. No public testimony.

  - a. **ANN 09-01** – Beck **Page 7**
- 6. MINUTES**

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- 7. ITEMS OF INTEREST FROM STAFF**
- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
- 9. ADJOURNMENT**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to Jill Thorn at 503-266-7001.  
A copy of this agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us)  
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For a schedule of the playback times, please call 503-263-6287.*



# MEMORANDUM

**TITLE:** A CANBY MUNICIPAL CODE AMENDMENT, specifically amending the Land Development & Planning Ordinance (Title 16) in order that residential infill standards no longer apply to the R-2 (High Density Residential) zoning district.

**APPLICANT:** City of Canby

**FILE #:** TA 09-03

**STAFF:** Melissa Hardy, Associate Planner

**HEARING DATE:** December 14, 2009

## I. APPLICATION SUMMARY

The Planning Commission initiated this code amendment application on August 24, 2009, for the purpose of changing the “Infill Homes” requirements so that they only apply to development in the R-1 (Low Density Residential) and R-1.5 (Medium Density Residential) zoning districts, and not apply in the R-2 (High Density Residential) zoning district. The intent of the change is to make it easier for residential development in the R-2 zone to meet applicable single-family and two-family design standards, and also more importantly, easier to meet the minimum R-2 density standard of 14 dwelling units per acre.

An infill home is defined as an existing or new single-family dwelling, a manufactured home, a two-family dwelling, a duplex, or a triplex; on a lot that has existing homes on two adjacent sides, where the adjacent homes have pre-existed for at least 5 years, and are located within 25 feet of the common lot line with the infill home.

Infill standards include the following:

- An infill home exceeding one story cannot exceed a lot coverage of 35%.
- An infill home cannot exceed a building height of 28 feet.
- An infill home must have a front yard setback that is within 5 feet of the front yard setback for the closest adjacent home on the same side of the street (unless that home has a setback greater than 30 feet).
- Except on a flag lot, an infill home must meet garage standards that limit garages to a percentage of the street-facing façade or limit how far the garage can extend in front of the rest of the structure.
- An infill home must meet some minimum number of architectural design requirements, such as bay windows, pitched roof, recessed entry, etc.
- The exterior wall height of an infill home cannot exceed 10 feet at the interior and rear setback lines; and the building may increase in height by one foot vertically for each horizontal foot it is moved back from the setback lines.

The Planning Commission heard from a residential developer at their Work Session on August 10, 2009. The developer told the Commission that he has found it difficult to develop R-2 zoned property to meet the minimum required density, while still meeting the required residential design standards and infill standards; and that he believed it would be easier to build to the minimum density required in the R-2 zone if he did not have to meet the infill standards.

The residential infill standards were first created in 2002 (*Ord.No. 1107*), and were based on recommendations gathered from neighborhood meetings, from a residential design standards focus group, and from the Planning Commission. At that time the definition of an “infill home” was created to include single-family dwellings, manufactured homes, two-family dwellings, and duplexes, regardless of zoning district. Then in 2007, triplexes were added to the definition of an “infill home”, again regardless of zoning district, so that the infill standards would apply to triplexes too (*Ord.No. 1237*).

If the R-2 zone is exempted from the infill standards, then residential development in the R-2 zone will still be required to meet all single-family and two-family design standards, or multi-family design standards, whichever is applicable. The biggest impact from the code change will affect building height, lot coverage, and setbacks. Instead of the maximum 35% infill lot coverage limitation, the normal R-2 lot coverage limitations will apply: multi-family dwelling is 40% lot coverage, duplex or triplex is 60% lot coverage, and single-family dwelling is 70% lot coverage. And instead of the maximum 28 foot infill height limitation, the normal R-2 height limitation of 35 feet will apply. And the normal R-2 setbacks will apply instead of the infill step-up setback standards. This code change will provide less set-back protection to areas adjacent to R-2 zoned property in terms of how close structures can be built, size, height, and bulk. But this code change will also allow development of more building square footage on R-2 lots, which may, as the developer stated in the Work Session, make it easier for developers to meet the minimum R-2 density standard of 14 dwelling units per acre. It may have the effect of encouraging redevelopment of older R-2 areas, and because of the difficulty in assembling multiple lots, the nature of the redevelopment is more likely to be duplexes or triplexes rather than higher density multi-family construction which this zoning district was targeted to provide.

## **II. APPLICABLE CRITERIA**

A Title 16 text amendment is a legislative land use action. In judging whether or not Title 16 should be amended, the Planning Commission and City Council shall consider the following approval criteria:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community; and
5. Statewide planning goals.

## **III. PUBLIC COMMENT**

Notice of the December 14<sup>th</sup> public hearing was posted at City Hall and at the Canby Public Library on December 04, 2009. Notice of the public hearing was also published in the December 09, 2009, Canby Herald. No public comments were received yet as of the date this staff report was prepared.

#### IV. FINDINGS

Staff recommends that Planning Commission consider the following findings in it's review of this proposed Text Amendment:

1. The proposed amendment complies with the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.

**Citizen Involvement:** The proposed text amendment does not change the type or level of land use review that development in the R-2 zone is subject to. Multi-family development will still be subject to discretionary Site and Design Review approval, and single-family development will still be subject to ministerial Type I permit approval. Therefore, the type and level of citizen involvement in the land use review process is not affected by the proposed text amendment.

Furthermore, citizen involvement has been encouraged and facilitated by the City in it's review of this proposed text amendment, by providing notice of the public hearing in the newspaper, and by posting notice of the hearing at City Hall and the Canby Public Library.

**Land Use Planning:** The proposed text amendment does not change permitted uses in any of the zoning districts. It is anticipated, however, that eliminating the infill standards from the R-2 zone will help facilitate development of more residential building square footage on R-2 lots, which may make it easier for developers to meet the minimum R-2 density standard of 14 dwelling units per acre. This is in line with the Canby Comprehensive Plan land use policy that "Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl."

**Housing:** It is anticipated that eliminating the infill standards from the R-2 zone will help facilitate development of more residential building square footage on R-2 lots, which may make it easier for developers to meet the minimum R-2 density standard of 14 dwelling units per acre. This is in line with the Canby Comprehensive Plan land use policy that "Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing."

2. There is a public need for the change. The current code requires single-family dwellings, manufactured dwellings, duplex dwellings, and triplex dwellings that meet the infill definition to conform with infill standards, regardless of which zoning district they are in. The infill standards therefore place restrictions on height and size of structures that can be built in the R-2 zone, over and above the standard development limitations in the R-2 zone, which then places a limit on the number of dwelling units that can be constructed on a property in the R-2 zone. The infill standards therefore have been found to be an unintended impediment to achieving the City's desired minimum residential density of 14 dwelling units per acre in the R-2 zone. In order to better facilitate residential development in the R-2 zoning district that meets, at a minimum, the desired density of 14 dwelling units per acre, the City finds that there is a public need to remove infill requirements from the R-2 zoning district.
3. The proposed change will serve the public need better than any other change which might be expected to be made. It is anticipated that the proposed elimination of infill standards from the R-2 zoning district will make it easier for developers to meet the minimum required density standards in the R-2 zone. An alternative might be to reduce the minimum residential density required in the R-2 zone, in order to accommodate lower building heights and greater setback areas required to meet the infill code. But reducing the minimum residential density requirement in the R-2 zone would be counter to the City's comprehensive plan goals of encouraging an increase in the intensity and

density of development to minimize sprawl, and encouraging an increase in housing density to address rising housing costs and the need for rental housing. The alternative of decreasing density requirements does not comply with the city’s comprehensive plan, and is therefore not a reasonable solution. Therefore, removing infill requirements from the R-2 zone serves the public need better than any other change with might be expected to be made.

4. The proposed change will preserve and protect the health, safety, and general welfare of the residents in the community. Removing infill standards from the R-2 zone will mean that development therein must meet the normal development standards set forth in the R-2 zoning district regulations. And those normal development standards have been found to preserve and protect the health, safety, and general welfare of Canby residents. Furthermore, it is in the best interests of the general welfare of Canby residents to encourage and facilitate residential development in the R-2 zone that meets the community’s desired density of 14 dwelling units per acre.

5. The proposed amendment complies with applicable Statewide Planning Goals, which are Goal #1 (Citizen Involvement) and Goal #2 (Land Use Planning). The proposed text amendment does not change the type or level of land use review that development in the R-2 zone is subject to. Multi-family development will still be subject to discretionary Site and Design Review approval, and single-family development will still be subject to ministerial Type I permit approval. Therefore, the type and level of citizen involvement in the land use review process is not affected by the proposed amendment. Furthermore, citizen involvement has been encouraged and facilitated by the City in it’s review of this proposed text amendment, by providing notice of the public hearing in the newspaper, and by posting notice of the hearing at City Hall and the Canby Public Library. This complies with the Statewide Planning Goal concerning citizen involvement.

The proposed text amendment implements both Canby’s Comprehensive Plan land use policy that “Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl,” and housing policy that “Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.” And this therefore complies with the Statewide Planning Goal that the City should adopt implementation ordinances to control the use and development of land in order to implement the City’s comprehensive plan goals.

The remaining Statewide Planning Goals are found to be not particularly applicable to this proposed amendment.

## V. PROPOSED AMENDMENT

The proposed code amendment language is detailed below. Deleted text is illustrated in ~~strikeout font~~, while added text is illustrated in red underlined font.

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*Amend the following section in CMC Chapter 16.04...*

### **16.04.255 Infill homes.**

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval).

## **VI. RECOMMENDATION**

Based upon the findings stated in this staff report, and without benefit of a public hearing on the matter, staff recommends that the Planning Commission recommend approval of **TA 09-03** to the City Council.

**Recommended Motion:**     *I move that the Planning Commission recommend that City Council approve TA 09-03, based on the record of the December 14<sup>th</sup> Planning Commission public hearing and findings in the December 14<sup>th</sup> Planning Commission staff report.*

## **VII. NEXT STEPS**

1. Following close of public hearing, Planning Commission will make a recommendation to the City Council concerning adoption of the proposed text amendment, including recommended findings;
2. The City Council will make their decision based on the record of the Planning Commission's hearing and deliberations, but does not usually hold a new public hearing (though the Council may hold such a hearing if it so chooses).



**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF CANBY**

**A REQUEST FOR APPROVAL OF A ) FINDINGS, CONCLUSIONS & ORDER  
DEVELOPMENT AGREEMENT FOR ) ANN 09-01  
4.62 ACRES OF LAND; AND A REQUEST )  
TO ANNEX 4.77 ACRES OF LAND; AND A )  
REQUEST TO CHANGE THE ZONING )  
FROM CLACKAMAS COUNTY RRFF-5 )  
TO CITY OF CANBY R-1 FOR 4.62 ACRES )  
OF THE LAND, AND TO CITY OF CANBY )  
R-1.5 FOR THE REMAINING 0.15 ACRE )**

**NATURE OF APPLICATION:**

The applicant is proposing to annex approximately 4.77 acres into the City of Canby. The application includes the following requests: (1) Approval of a development agreement for 4.62 acres of land; (2) Annexation of 4.77 acres of land; and (3) If annexed, change the zoning from Clackamas County RRFF-5 to City of Canby R-1 (Low Density Residential) for 4.62 acres of the land, and to City of Canby R-1.5 (Medium Density Residential) for the remaining 0.15 acre.

**HEARING:**

The Planning Commission held a public hearing to consider the application on November 23, 2009.

**CRITERIA AND STANDARDS:**

1. In judging whether or not an Annexation Development Agreement shall be approved, CMC Section 16.84.040.A.1.a sets forth the approval criteria that the Planning Commission and City Council must use to evaluate the development agreement, as follows:

16.84.040.A.1.a A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:

1. Timing of the submittal of an application for zoning
2. Dedication of land for future public facilities including park and open space land
3. Construction of public improvements

**Findings, Conclusion and Order  
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4. Waiver of compensation claims
  5. Waiver of nexus or rough proportionality objections to future exactions
  6. Other commitments deemed valuable to the City of Canby
2. In judging whether or not an Annexation Application shall be approved, and subsequently forwarded to the voters of Canby as a ballot measure so that a final decision may be reached during an election, CMC Section 16.84.040.A (1 through 10) sets forth the approval criteria that the Planning Commission and City Council must use to evaluate the annexation application, as follows:
- 16.84.040.A.1 - For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.
- 16.84.040.A.2 - Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient.
- 16.84.040.A.3 - Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.
- 16.84.040.A.4 - Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities.
- 16.84.040.A.5 - Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time.
- 16.84.040.A.6 - Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.
- 16.84.040.A.7 - Statement outlining method and source of financing required to provide additional facilities, if any.
- 16.84.040.A.8 - Statement indicating the type and nature of any comprehensive plan text or map amendments or zoning text or map amendments that may be required to complete the proposed development.
- 16.84.040.A.9 - Compliance with other applicable city ordinances or policies.
- 16.84.040.A.10 - Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222.
3. In determining what the Zoning Designation shall be for newly annexed land, CMC Section 16.08.040 states that zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation.



CMC Section 16.54.040 sets forth the approval criteria that the Planning Commission and City Council must use to evaluate amending the zoning map, as follows:

16.54.040.A - The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development.

16.54.040.B - Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

## **FINDINGS AND REASONS:**

The Planning Commission held a public hearing on November 23, 2009, during which the November 16, 2009, staff report, including all attachments, and a powerpoint presentation was presented by staff. Staff recommended that Planning Commission forward a recommendation of approval to City Council for the proposed annexation, development agreement, and zoning designations.

Applicant Testimony: Oral testimony was received from Pat Sisul of Sisul Engineering, who said he was speaking on behalf of the applicant. Mr. Sisul provided additional testimony concerning the applicant's analysis of developable land in the city and how the annexation would affect that supply. He said that based on the number of permits issued between 2004 and 2008, 499 building permits had been issued with a high of 201 in 2006 and a low of 15 in 2008. He also cited a study done by Portland State University for the school district that concluded between 1996 and 2008 the average number of single family permits was 106 per year. Based on the information he concluded the current available land fell under a 3-year buildable supply, and that if the land was annexed it would be late 2011 before the land would be available to develop.

Proponent Testimony: No oral testimony was received. Written testimony was received from JoAnn Hamilton-Scott, who stated she felt that the applicant should be allowed to do what they want with the subject property.

Opponent Testimony: No oral testimony was received. No written testimony was received.

Neutral Testimony: No oral testimony was received. No written testimony was received.

The Planning Commission considered the findings detailed in the November 16, 2009, staff report and the powerpoint presented by staff, and made the additional finding that Mr. Sisul has given an accurate evaluation of buildable lands, and that annexation of this land will result in less than a 3-year's supply of buildable lands; and based on all these findings, the Planning Commission recommended that City Council should approve the proposed annexation, development agreement, and zoning designations, with one condition of approval, as reflected in the written Order below.

## **CONCLUSION:**

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the November 16, 2009 Staff Report, together with the additional findings detailed above in 'Findings and Reasons', that the Planning Commission should recommend to City

Council that annexation application ANN 09-01 be approved as detailed in the Recommendation below.

**RECOMMENDATION:**

**IT IS RECOMMENDED BY THE PLANNING COMMISSION** of the City of Canby that the City Council **APPROVE** annexation application **ANN 09-01** as follows:

1. The Development Agreement in Exhibit B to the November 16, 2009 staff report should be approved, executed, and recorded; and
2. Annexation 09-01 in Exhibit C to the November 16, 2009 staff report should be approved for submission to the electorate for vote; and
3. The zoning of the property upon annexation should be designated as follows: The westerly 20-foot-wide half of N. Pine Street (approx. 6,598 sq. feet) shall be zoned Medium Density Residential, and the remainder of the annexed property (approx. 4.62 acres) shall be zoned Low Density Residential; and
4. Approval should include a Condition, consistent with recital 1.C of the Development Agreement, that Beck shall have 7 calendar days from the date the Council approves the Development Agreement, Annexation, and Zone Change, to record the Development Agreement; and failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors.

**I CERTIFY THAT THIS ORDER** recommending **APPROVAL** of **ANN 09-01** to the City Council was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 14<sup>th</sup> day of December, 2009.

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Daniel K. Ewert, Chairman  
Canby Planning Commission

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Melissa Hardy  
Associate Planner

**ATTEST:**

**ORAL DECISION – November 23, 2009**

**AYES:** Ewert, Joyce, Kocher, Milne, Slagle and Taylor

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**WRITTEN DECISION – December 14, 2009**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

Findings, Conclusion and Order  
ANN 09-01  
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**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – November 23, 2009  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, Misty Slagle and Jared Taylor

**ABSENT:** None

**STAFF:** Bryan Brown, Planning Director; Melissa Hardy, Associate Planner; and Jill Thorn, Planning Staff

**OTHERS PRESENT:** Pat Sisul, Norm Beck, City Councilor Brian Hodson

**1. CALL TO ORDER**

**2. CITIZEN INPUT**                      **None**

**3. PUBLIC HEARINGS**

**a. Annexation** – (1) Annex 4.77 acres of land; and (2) Change the zoning from Clackamas County RRFF-5 to City of Canby R-1 (Low Density Residential); and (3) Approve a development agreement for 4.62 acres. 1732 N Pine Street – ANN 09-01.

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, Associate Planner presented the November 16, 2009 staff report for the record. She also stated that since the staff report had been issued one additional comment was received from JoAnn Hamilton-Scott and gave members of the Commission and the applicant a copy.

Commissioner Milne asked why the westerly portion of the street was being included in the annexation.

Ms Hardy stated the property directly across Pine Street had been annexed last year, but the street was not included and staff felt it appropriate to include that on this annexation so that there would be no island portions of the road.

Commissioner Milne asked if it wasn't automatic to include the roads in annexations.

Ms Hardy stated the Engineering Department didn't recommend to include it.

Mr. Brown stated the legal description submitted by the applicant had not included it.

Commissioner Ewert asked what our reserve for low density residential (R1) land was at this time.

Ms Hardy stated there was no recent study.

Chair Ewert asked if that meant we did not know what our reserve is.

Mr. Hardy said that was correct, but the applicant had done his own analysis and was suggesting that the annexed land would create a two month supply.

Mr. Brown stated that in terms of a rate of consumption based on building permits issued from 1969 until this year he felt that 75 to 80 single family permits were issued on average each year with 250 being the highest number and 3 for this year being the lowest.

Commissioner Milne stated she thought that when the Northwoods Subdivision application was heard before the Commission there had been a study on how much land was available in Canby for single family homes.

Mr. Brown stated he was not aware of the study.

Commissioner Ewert asked about Item D under Other Considerations in the Development Agreement; why it was in the agreement and what the process would be.

Ms Hardy stated that the attorneys had inserted that item and if there would be any modifications, there would be a public hearing before the City Council.

**Applicant:** **Pat Sisul** of Sisul Engineering representing Norm Beck – stated this site had been before the Planning Commission in 2006, but was defeated by the voters by 250 votes. He said it had taken six or seven months to work through the development agreement process. He said Ms Hardy had done a good job explaining the process.

Mr. Sisul stated that the neighbors had indicated they wanted low density residential (R1) at the neighborhood meeting.

He said that based on the number of permits issued between 2004 and 2008, 499 building permits had been issued with a high of 201 in 2006 and a low of 15 in 2008. He also cited a study done by Portland State University for the school district that concluded that between 1996 and 2008 the average number of single family permits was 106 per year. Based on the information he concluded the current available land fell under a 3-year buildable supply.

Mr. Sisul stated the applicant was planning on a November 2010 election and it would be late 2011 before the land would be available to develop.

Commissioner Taylor asked if there was a preference for the park land dedication.

Mr. Sisul responded his preference was not to dedicate land, but it was the City's choice.

Ms Hardy stated the Molalla Forest Trail area was close by and that could serve this area, but the decision for dedication or SDC's would be made at the time of development.

Commissioner Joyce asked why the annexation had not passed the last time.

Mr. Sisul said he felt it was because of school over-crowding.

**Proponents:           None**

**Opponents:           None**

**Neutral:               None**

**Rebuttal:             None**

Chair Ewert closed the public hearing.

Commissioner Milne stated she felt the application met the criteria and she didn't see any red flags. She felt Mr. Sisul had given an accurate evaluation of the buildable lands.

Commissioner Ewert stated this site had been looked at in 2006 and felt this was a win-win for the City; that Pine Street will be built out and as soon as the economy rebounds this was a good jumping point.

Commissioner Milne moved to approve the Development Agreement in Exhibit B should be approved, executed, and recorded; and Annexation 09-01 in Exhibit C should be approved for submission to the electorate for vote; and the zoning of the property upon annexation shall be designated as follows: the westerly 20-foot-wide half of N. Pine Street (approx. 6,598 sq. feet) shall be zoned Medium Density Residential, and the remainder of the annexed property (approx. 4.62 acres) shall be zoned Low Density Residential; and approval shall include a Condition, consistent with recital 1.C of the Development Agreement, that Beck shall have 7 calendar days from the date the Council approves the Development Agreement, Annexation, and Zone Change, to record the Development Agreement; and failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors. It was seconded by Commissioner Taylor. The motion passed 6-0.

**4.       NEW BUSINESS               None**

**5.       FINAL DECISIONS           None**

**6.       MINUTES**

**November 9, 2009** - Commissioner Milne moved to approve minutes of November 9, 2009 with corrections on pages 2 and 4 to add the words "square feet" after 1,000. Motion seconded by Commissioner Slagle and passed 6-0.

**7.       ITEMS OF INTEREST FROM STAFF**       Commissioner Ewert asked if it was possible to have a buildable lands study done to help the Commission on future annexation applications.

Commissioner Ewert asked for an update on activity in the Industrial Park.

Ms Hardy said the applicants of the subdivision and minor land partition that had been approved had requested an extension to complete improvements to the sites.

Mr. Brown said the Walnut Street extension contract had been approved and a spring construction was planned.

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

Brown said the buildable land supply or land needs study has been recommended by Matilda Deas, Project Planner is needed for an update of the Comprehensive Plan.

Mr. Brown stated the customer service survey was complete and generally the results were favorable. He said a copy would be sent to the Commissioners.

**9. ADJOURNMENT**