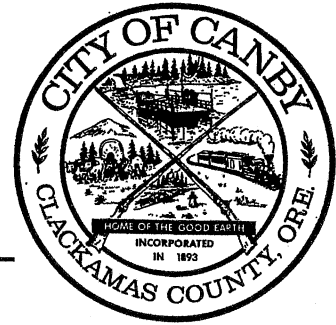


**AGENDA**  
**CANBY PLANNING COMMISSION**

October 25, 2004 7:00 PM  
City Council Chambers, 155 NW 2<sup>nd</sup>

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- I. ROLL CALL**
- II. CITIZEN INPUT ON NON-AGENDA ITEMS**
- III. NEW BUSINESS**
- IV. PUBLIC HEARINGS**

CPA 04-03/ZC 04-04 The City of Canby is proposing to change the Comprehensive Plan designation for 38 parcels (approximately 8.39 acres) on S. Township Road, from High Density Residential (R2) to Medium Density Residential (R1.5). In addition, the City is proposing to change the current zoning designation for many of the lots to medium density residential from a mix of high, medium, and low density residential.

**VI. FINDINGS**

*Note: these are the final, written versions of previous oral decisions. No public testimony.*

None

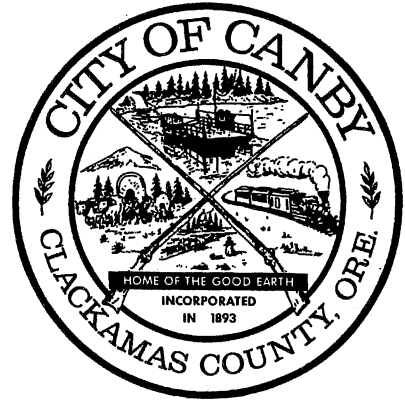
**VII. MINUTES**

October 11, 2004 (to be mailed later)

**VIII. DIRECTOR'S REPORT**

**IV. ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to  
Carla Ahl at 503-266-9404



## STAFF REPORT

**TITLE:** Comprehensive Plan Amendment/Rezoning on S. Township Road

**APPLICANT:** City of Canby

**FILE #:** CPA 04-03/ZC 04-04

**STAFF:** John Williams, Community Development & Planning Director

**REPORT DATE:** October 15, 2004

**HEARING DATE:** October 25, 2004

### I. APPLICATION SUMMARY

The City of Canby is proposing to change the Comprehensive Plan designation for 38 parcels (approximately 8.39 acres) on S. Township Road from High Density Residential (R2) to Medium Density Residential (R1.5). In addition, the City is proposing to change the current zoning designation for many of the lots to medium density residential from a mix of high, medium, and low density residential. The proposed changes will not significantly affect most of the parcels as the area is almost entirely built out with single-family dwellings. The changes will mostly serve to standardize the zoning, eliminate confusion, and ensure that future development will be compatible with the existing neighborhood character.

See the attached exhibits for maps and specific lists of property affected.

### II. APPLICABLE CRITERIA

#### Section 16.88.180 Comprehensive Plan Amendments

In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and city council shall consider:

1. The remainder of 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;
5. Statewide Planning Goals.

### **Amendments to the Zoning Map**

#### **16.54.040 - Standards and Criteria**

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- 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;
- 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.

### III. BACKGROUND

The City's Comprehensive Plan was approved by the State in 1984. This plan laid out growth areas and zoning designations for the future. The S. Township Road area was called out for High Density Residential. However, two things happened over time. First, the area was not rezoned to match but rather was allowed to change over time as property owners desired to redevelop. Second, some of the area was rezoned to medium density (Township Village) and was built out with small-lot single family residences. Some parcels designated for R2 zoning were also built out with single family residences.

Therefore, in early 2004 when Ed Netter proposed a Comprehensive Plan Amendment and Zone Change to allow construction of row housing, many area residents felt that High Density development was no longer compatible with the existing neighborhood. Mr. Netter ended up revising his plans and got approval to construct single family homes.

The Planning Commission and staff then agreed to move forward with this legislative change to ensure that future redevelopment of the area is more compatible. The proposed changes also rezone a number of existing houses that are unlikely to be redeveloped at all. The result will be a clean, consistent zoning map for this area that should eliminate many possible problems.

The City has provided notice to affected property owners and neighbors and has heard very little response to date. The Planning Commission will hold a hearing on the issue and make a recommendation to the City Council for final action. The Council is not scheduled to hold a separate hearing on this issue but can do that if it so chooses.

### IV. FINDINGS

#### 1. Comprehensive Plan Consistency Analysis

##### *LAND USE ELEMENT*

**GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.**

##### Applicable Policies:

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

*Analysis: The proposed amendment is intended to do exactly this by making future development more compatible with the existing neighborhood.*

Policy #2: Canby shall encourage a general increase in the intensity



and density of permitted development as a means of minimizing urban sprawl.

*Analysis:* Several parcels to be redeveloped will be allowed to do so under Medium Density Zoning (R1.5); the majority of parcels affected by this application are already fully developed, most with single family housing.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

*Analysis:* A "Request for Comments" has been sent to all public facility and service providers (please see discussion under Public Services Element).

### ***ENVIRONMENTAL CONCERNS ELEMENT***

**GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

**TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.**

**TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

*The area has no known steep slopes, historic resources or expansive soils. The area is not located in a flood plain and the proposal will not, in itself, generate pollution or affect scenic or aesthetic resources.*

### ***TRANSPORTATION ELEMENT***

**GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMIC**

*Applicable Policies:*

Policy #1: Canby shall provide the necessary improvements to city streets...in an effort to keep pace with growth.

*Analysis:* The zone change and comprehensive plan amendment should not have an impact on this street. The

*remaining street and access issues were resolved during the Township Trail review process.*

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: *Township Road is fully improved with sidewalks and bicycle lanes.*

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: *The Canby Police Department and Canby Fire District received notice of the proposal. Neither agency expressed concerns with access to the site.*

## ***PUBLIC FACILITIES AND SERVICES ELEMENT***

**GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.**

### Applicable Policies:

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: *All public facility and service providers were sent a "Request for Comments". The School District noted that Trost Elementary is beyond capacity. This application should only reduce the potential impact of future development on schools. All other service entities responded that services are available.*

### Neighborhood Comments:

*No neighborhood comments have been received to date. We have not held an advance neighborhood meeting due to the recent airing of issues that occurred through the Township*

*Trail process.*

**2. Statewide Planning Goals**

This application directly relates to Goals 2 (Land Use Planning), 10 (Housing), and 14 (Urbanization). Staff finds that the application meets the above planning goals, for the reasons noted above under the Comprehensive Plan analysis. DLCDC has been provided notice of the application following the required timeline, but no comments have been received as of the date of this report.

**IV. FINDINGS AND CONCLUSIONS**

1. Staff concludes that the proposed amendments comply 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.
2. Staff concludes that there is a public need for the change. The need for these corrections was made evident during the Township Trail application process and hearings.
3. Staff concludes that the proposed amendments will serve the public need better than any other change which might be expected to be made. These changes will clarify and standardize the zoning in this area.
4. Staff concludes that the proposed amendments will preserve and protect the health, safety, and general welfare of the residents of the community; and
5. Staff concludes that the proposed amendments comply with the Statewide Planning Goals.

**Amendments to the Zoning Map**

- A. Staff concludes that the proposed zoning changes are in keeping with the Comprehensive Plan, assuming it is modified as proposed above; and
- B. Staff concludes that 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.

**V. RECOMMENDATION**

Based upon previous public meetings and the findings and conclusions stated in this report, and without benefit of a public hearing on the matter, staff recommends that the Planning Commission recommend approval of **CPA 04-03/ZC 04-04** to the City Council.

Exhibits:

1. Area maps for redesignation
2. Responses to request for comments











# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: September 14, 2004

- TO:
- FIRE
  - POLICE
  - PUBLIC WORKS
  - CANBY ELECTRIC
  - CANBY WATER
  - CITY ENGINEER
  - CANBY SCHOOL DISTRICT
  - CANBY DISPOSAL
  - WWTP
  - BIKE & PEDESTRIAN
  - WILLAMETTE BROADBAND
  - CTA

The City of Canby is proposing to change the Comprehensive Plan (CPA04-03) for 38 parcels (approximately 8.39 acres) on South Township Road. Zone Change 04-04 has been filed to change the zoning on 8 parcels in tax maps 41-E-04-AB, 41-E-04-AA and 10 parcels in 41-E-03-BB. Approval of the proposal requires a comprehensive plan amendment and zone change from R1 (low density) to R1.5 (medium) for seven lots and from R.2 (high density) to R1.5 (medium) for eleven lots. The proposed changes will not significantly affect the 38 parcels as they are almost entirely built out and are predominately single-family dwellings. The property is located on the south side of South Township Road.

Please review the attached site map and return with your comments to John Williams by Wednesday, October 8<sup>th</sup>, 2004. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

**Comments or Proposed Conditions:**

ALTHOUGH CANBY SCHOOL DISTRICT DOES NOT OPPOSE THIS PROPOSED REZONING, THE CAPACITY OF TROST ELEMENTARY IS 575 STUDENTS AND THE CURRENT ENROLLMENT IS 630 STUDENTS

**Please check one box:**

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: [Signature] Date: 10/7/04  
 Title: Superintendent Agency: Canby S.D.

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: September 14, 2004

- TO:
- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CANBY DISPOSAL        |
| <input type="checkbox"/> PUBLIC WORKS             | <input type="checkbox"/> WWTP                  |
| <input type="checkbox"/> CANBY ELECTRIC           | <input type="checkbox"/> BIKE & PEDESTRIAN     |
| <input checked="" type="checkbox"/> CANBY WATER   | <input type="checkbox"/> WILLAMETTE BROADBAND  |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CTA                   |

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**Comments or Proposed Conditions:**

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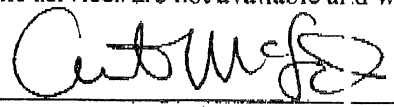
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Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: 

Date: 10/5/04

Title: CITY ENGINEER Agency: CURRAN-McLEOD, INC.



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: September 14, 2004

- TO:
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> POLICE          | <input type="checkbox"/> CANBY DISPOSAL        |
| <input type="checkbox"/> PUBLIC WORKS    | <input type="checkbox"/> WWTP                  |
| <input type="checkbox"/> CANBY ELECTRIC  | <input type="checkbox"/> BIKE & PEDESTRIAN     |
| <input type="checkbox"/> CANBY WATER     | <input type="checkbox"/> WILLAMETTE BROADBAND  |
| <input type="checkbox"/> CITY ENGINEER   | <input type="checkbox"/> CTA                   |

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**Comments or Proposed Conditions:**

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**Please check one box:**

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Ron Harbough

Date: 9.30.04

Title: Fire Marshal Agency: CFD #62

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: September 14, 2004

- TO:
- FIRE
  - POLICE
  - PUBLIC WORKS
  - CANBY ELECTRIC
  - CANBY WATER
  - CITY ENGINEER
  - CANBY SCHOOL DISTRICT
  - CANBY DISPOSAL
  - WWTP
  - BIKE & PEDESTRIAN
  - WILLAMETTE BROADBAND
  - CTA

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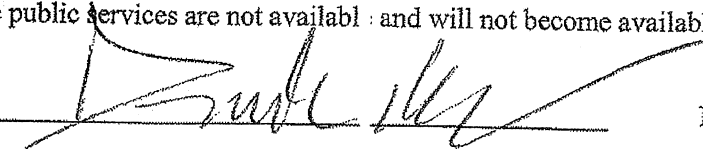
**Comments or Proposed Conditions:**

NO COMMENT.

**Please check one box:**

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: \_\_\_\_\_



Date: 10-7-04

Title: ASSOCIATE ENG.

Agency: CTA

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: September 14, 2004

- TO:
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  - CANBY SCHOOL DISTRICT
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  - WWTP
  - BIKE & PEDESTRIAN
  - WILLAMETTE BROADBAND
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**Comments or Proposed Conditions:**

THIS appears To HAVE NO EFFECT ON CANBY UTILITY ELECTRICAL  
Facilities

**Please check one box:**

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Bob Stockwell*

Date: 9-28-04

Title: Line Foreman Agency: Canby Utility Elect.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** September 14, 2004

- TO:**
- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                   | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> POLICE                 | <input type="checkbox"/> CANBY DISPOSAL        |
| <input type="checkbox"/> PUBLIC WORKS           | <input type="checkbox"/> WWTP                  |
| <input type="checkbox"/> CANBY ELECTRIC         | <input type="checkbox"/> BIKE & PEDESTRIAN     |
| <input checked="" type="checkbox"/> CANBY WATER | <input type="checkbox"/> WILLAMETTE BROADBAND  |
| <input type="checkbox"/> CITY ENGINEER          | <input type="checkbox"/> CTA                   |

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Please review the attached site map and return with your comments to **John Williams by Wednesday, October 8<sup>th</sup>, 2004**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

**Comments or Proposed Conditions:**

Access to CUB WATER IS REASONABLE.

**Please check one box:**

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Patrick Johnson

Date: 9/28/04

Title: Water Dept Foreman Agency: Canby Utility

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** September 14, 2004

- TO:**
- |  |  |
|--|--|
| <input type="checkbox"/> FIRE              | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CANBY DISPOSAL        |
| <input type="checkbox"/> PUBLIC WORKS      | <input type="checkbox"/> WWTP                  |
| <input type="checkbox"/> CANBY ELECTRIC    | <input type="checkbox"/> BIKE & PEDESTRIAN     |
| <input type="checkbox"/> CANBY WATER       | <input type="checkbox"/> WILLAMETTE BROADBAND  |
| <input type="checkbox"/> CITY ENGINEER     | <input type="checkbox"/> CTA                   |
| <input type="checkbox"/> NW NATURAL        | <input type="checkbox"/> CITY ATTORNEY         |

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**Comments or Proposed Conditions:**

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**Please check one box:**

- Adequate Public Services (of your agency) are available  
Adequate Public Services will become available through the development  
Conditions are needed, as indicated  
Adequate public services are not available and will not become available

**Signature:**  **Date:** 09/28/04  
**Title:** POLICE SERGEANT **Agency:** CANBY POLICE

# MINUTES

## CANBY PLANNING COMMISSION

October 11, 2004  
7:00pm Regular Meeting  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

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

**STAFF:** John Williams, Planning & Community Development Director, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Keith Galitz, Ron Tatone, Michelle Dahl, Justin Mott, Jerry Simonson, Marilyn Simonson, Tom Ferrin, Roger Harris, Kevin Batridge

### II. CITIZEN INPUT

None

### III. NEW BUSINESS

**MOD 04-04 Willamette Valley Country Club** The applicant is requesting to expand their membership to 200 social members while limiting their "golf memberships to 500. Current membership is limited at 500 members total.

John Williams, Community Development and Planning Director explained that the modification process was created to allow modified versions of applications that were not substantial enough to warrant new public hearings. There are two types minor, such as changing the type of street tree that is required and intermediate modifications that don't change the entire application but are still worthy of public review.

John explained that in 1996 the Planning Commission approved an application for a clubhouse with the condition that membership would not increase with the new facility. The Commission found that an increase in membership would have an adverse effect upon local traffic.

In 2001 the Club applied for a Conditional use permit, which would have allowed an increase the number of memberships and to build a swimming pool at the facility. John stated most neighbors who testified were concerned about the amount of noise that would come from the pool and that it would negatively impact their quality of life. Some people who were concerned about the added traffic on Maple. The Commission

found that North Maple St. was inadequate in width and could not safely support more traffic in its current condition. John explained that there had not been a traffic study done at that time the decision was made based on citizens input.

John explained the applicant would like to modify the 1996 conditions of approval so they could increase their membership to 500 full golf members and 200 social members for a total of 700 members. He explained that social members have limited use of the club and the golfing facilities and would generate less traffic.

John asked the applicant to complete a traffic study for this modification and based on the result of that study he decided to move ahead with the intermediate process. He explained that the Planning Commission will make a decision on the modification and if approved, notice would be sent out to the full radius area. If a request for a public hearing is received the applicant will be required to pay for the full notice process to be done.

John explained the Commission would use the same criteria that was used for the original application, that all public services and facilities be in place and that the use will not alter the character of the surrounding neighborhood or substantially limit or preclude the use of surrounding property.

John explained that there are approximately 430 golf members and 70 social members at this time. So there will be an increase of 70 full golf memberships and 130 social memberships. Those are the numbers that the traffic study worked with.

John stated the traffic study deals with volume, but volume is not the problem with Maple St., the problem is that Maple St. is in substandard condition and the lack of sidewalks. He explained that Maple St. is listed in the TSP as a street that needs widening and upgrades, but it is not funded at this time. John explained that it is the existing homes that do not have sidewalks are what causes the street to be substandard. One solution is to create an LID for property fronting onto Maple St to pay for the improvements. It is not a popular solution but if pedestrian safety is the main issue, it might be the most viable option.

John stated the traffic study determined the maximum impact from this application would be 98 trips a day. He explained that the peak hours from the Country Club would not be the same as peak hours from a subdivision. The total weekday traffic at the intersection of Maple and Territorial would increase about 5%, from 1350 to 1420 trips per day. The traffic states that the traffic load is not above standard for a neighborhood connector street.

John stated that the right-of-way exists and the issue is how to fund the street improvements. Other than traffic generation and traffic concerns there are no other impacts to the neighbors.

Mr. Brown questioned if the Planning Commission could condition a modification application. John believes that it could be conditioned.

Mr. Tessman stated at the last meeting residents were not as concerned about the volume of traffic as they were the speed of the traffic. John stated that speeding has become a problem in many areas around Canby. The Commission could decide that the problem needs to be solved before there could be extra traffic added to the area, or decide that there are options to help reduce the speed in the area at this time.

Mr. Molamphy questioned if the traffic study had taken into consideration the social events that are held at the Clubhouse. He stated that there could be 200 to 300 guests invited to these events. John stated that the traffic study only looked at the addition of 200 social members. Mr. Molamphy questioned if the traffic study was based on subdivision standards or on social standards. John explained the study was based on existing membership use of the facility, road tubes had been used in the driveway to accurately count the exact number of vehicles in and out of the club.

**Keith Galitz, Board of Directors for the Country Club.** He explained that older members of the Country Club are looking to change the status of their memberships from active golf members to social members. This would be a drastic change in revenue that the Club can't afford. He explained that there is a waiting list at this time of approximately 15 people who are waiting for social memberships to become available.

Mr. Galitz explained that an increase in social memberships would increase the use of the food and beverage facilities of the restaurant. He stated that the traffic counts were taken at the driveway of the club over a period of weeks and it would have reflected the traffic from social events, golf players, wedding guests and restaurant patrons.

Mr. Galitz explained that there are also 10 nonresident members who are only at the club every couple of months and there are current members who would like to convert to nonresident memberships. But the club cannot afford to diminish the total number of full paying memberships to add to the number of social memberships. That is why they are asking to increase the total number of social memberships to 200.

Mr. Brown stated that nationally golf clubs have had financial problems since the change in tax policies several years ago. He stated that the Willamette Valley Country Club is marketing heavily for new members. Mr. Galitz explained they are trying to keep their full membership level up especially during the winter months.

Mr. Brown asked if Mr. Galitz had noticed that improvements from Territorial to the club are spotty. Mr. Galitz explained that the traffic study shows the traffic volume does not even come close to what the streets are designed for, but saw the comments regarding sidewalks. He stated the entire club frontage has the only sidewalk in the immediate area. He questioned why there was a brand-new housing development across the street that has no sidewalks at all. Mr. Brown asked if there were any sections that had a full curb-to-curb width. John believed there might be one section.

**Kevin Batridge** stated he lives on the corner of Maple and Territorial and is impacted daily by the vehicles zooming by his property. He was concerned about the



safety issue of not having sidewalks up and down Maple. He also has seen a lot of near misses making a left turn from eastbound Territorial to northbound Maple. He believes the intersection is unusually wide and suggested the intersection be restriped and relined to assist people through the intersection.

Mr. Molamphy questioned the process for this type of process. John explained that if the Commission approves this request, notice would be sent to the surrounding properties. If anyone requests a public hearing then a full public hearing process would be held.

John stated that he has had conversations with the Public Works Supervisor who would like to improve the intersection, install the sidewalks and narrow the road to help reduce the speed from Territorial to the Club House, but he hasn't priced out each element.

Mr. Brown stated that the Country Club is a fantastic facility, it would be a shame to lose the investments they have out there. It is difficult to keep it full, especially during this time of year, and they need every membership they can get, on that level it doesn't seem unreasonable to ask for a modification, especially based on the level of traffic that was reported in the traffic report. He suggested linking the expansion of memberships to the completion of the improvements on Maple Street. Mr. Brown explained that the reason for denial at the last modification hearing was the inadequacies of Maple St. and questioned how the Commission could approve a modification now with Maple Street in the same condition. John explained that the previous decision was made without hard numbers from the a study.

Mr. Molamphy stated that the intersection is a mess; it needs new striping, a new stop sign and possibly a streetlight. He stated that if you drive that road at night, it suddenly turns into a 4-lane road without striping so you don't know where everything is. Mr. Brown stated that it just needs to be fixed, and they are not asking the Country Club to pay for it, just to organize it. Mr. Brown questioned where in the 20-year plan this project was listed. John explained it was listed as a 0-6 year project costing \$641,000 and would possibly be delayed by the building of the bridge over Molalla.

John stated that the Commission's decision seemed to be based on criteria C, that all public services are not available. Mr. Brown stated he would like to figure out a way to make this happen, and suggested continuing this discussion until the next meeting to give the applicant the opportunity to look at some options for making the improvements on Maple.

Mr. Galitz informed the Commission that they are not a wealthy club and have recently increased the memberships a little bit, but part of the reason they want the increase in the social memberships is to try and stabilize what has been a disastrous financial situation. Mr. Brown stated the Commission is not asking the club to pay for 600' of road, just to delay the membership increase until improvements could be organized. Mr. Galitz stated he felt they would be held blackmail by the residents to do something that the club does not have the resources to do.

Ron Tatone addressed the Commission. He asked the Commission to consider the traffic study that was done for this application. It states that 200 social members are not going to make a change to the pedestrian traffic and will only increase vehicular traffic by 5%. He believes there would be no significant increase to the traffic volume.

Mr. Tatone stated the Club has all the facilities to accommodate 200 social members, but the Clubhouse will not support more than 500 golf memberships. He explained that the social members do not normally use the club at peak hours so there would not be a significant impact on pedestrian or vehicle traffic.

Mr. Tatone stated he understood the problems with the width of Maple St. He questioned why a subdivision on the west side of Maple that was not required to put in sidewalks when it would have helped the situation.

Mr. Brown agrees there are benefits the club would bring and that there is a need to increase membership. The Commission's concern is that there is a less than ideal situation that could be fixed by this application.

Mr. Tessman stated that if this modification were approved by the Commission there is a large possibility a public hearing would be requested. He suggested there could be some solutions brought to the Commission by the neighbors.

Mr. Manley stated that while he agrees adding social members does not increase pedestrian traffic, adding additional cars creates more hazards for pedestrians who are walking on an inadequate street. The traffic study says yes the street can handle more cars, but it does not make it safer for pedestrians.

John explained that the challenge is, if an LID is the only funding option then the property owners are able to say yes or no since a majority can defeat it. Do we as a city prevent the Country Club from moving forward if the neighbors are the ones who walk on the streets and it's their homes that do not have sidewalks? He believes this is a policy decision.

Mr. Helbling stated the Country Club is an employer in Canby and provides jobs for the community and believed this modification would enhance their ability to stay in business. Mr. Brown questioned one the Country Club gets their approval what incentive would there be to do the improvements.

John stated when he wrote the report he tried to separate out the caused problems caused by this application from the problems that exist, such as the speeding. The Planning Commission and the Traffic Safety Committee could probably work on something that would solve that problem, so the question for the Commission would be if this application would make the situation less safe. He believes the City has some responsibility to fix some of these problems that exist there.

Mr. Molamphy stated that the adding of the additional members is not going to happen over night, it will happen gradually. He did not believe the Country Club should be held hostage because one subdivision does not have sidewalks, or because there is

a bad street, the traffic study shows the street has enough capacity.

It was moved by Mr. Molamphy to approve MOD 04-04 to increase the golf memberships from 430 members to 500 members and the social by 70 members to equal 500 full golf members and 200 social members. Seconded by Mr. Tessman. Motion carried 5-0.

### **Nonconforming Structure**

John asked the Commission for an interpretation regarding allowing rebuilding or expansion of nonconforming structures. He explained that in the past they have not been allowed and the process was used for approving expansions that met the city code.

John explained that there is an owner of an existing home that has a garage and carport that are only 18" from his property line, there is a building permit in the file for the carport, which was built in 1968, so it is unclear how the code was interpreted at that time. The carport is leaking and nonfunctional and the owners want to expand the garage towards the street and attach it to the house. The problem is that if it is built matching the existing structure it would not conform to the zone. John believed the code was written to allow houses like this to be expanded and to allow nonconforming additions.

John explained there are a lot of old homes around town that people would like to replace or rebuild but won't do it because they can't do it on the current footprint. He believes that the nonconforming structure section should be used for cases like this.

John stated he would like an interpretation on whether the code can be used to replace structures that don't conform to setbacks and whether an structure can be expanded along the existing setbacks with the notification set to the neighbors.

Mr. Brown questioned why the City would want to expand a nonconforming structure. John stated the expansion would be a little different than the replacement, if people weren't allowed to replace structures, houses will eventually sink into the ground.

John stated he does have a little concern that one owner would be allowed to expand the carport 18" from the property line but someone else wouldn't be allowed because the house wasn't set up like that now. John stated this would be one way to be a little more flexible if the Planning Commission believes it is appropriate.

Mr. Justin Mott addressed the Commission. He presented the Commission with a photograph of a property in Canby that illustrated what he intended to do with his carport. He explained that there is an existing detached garage connected to the house by way of this carport. He explained that the carports roof leak and it needs repairs but the structure is unsound and he does not want to put money into it.

Mr. Mott stated currently there is an enclosed mudroom in the carport that is

used as the laundry facility. This room is not insulated and they would like to have a laundry room that wouldn't be affected by the extreme temperatures. He stated that the expansion of the garage would create a better living situation and increase property values. He does not feel there would be a problem with any neighbors if they increased the garage.

Mr. Mott stated that the existing garage is 18" off the property line and there is a neighbor who's garage is approximately 12" off the property line, which shows this neighborhood has a lot of nonconforming structures.

Mr. Mott explained this would be a simple remodel/expansion. They would tie it into the house so it would look like it is part of the house and not make anything that would make the house not fit with the neighborhood, which is how it should have been done when the house was built.

Mr. Tessman questioned if the garage has ever been an issue with any of the neighbors. Mr. Mott stated they have only lived there a year but they have talked to the next door neighbor, but he rents the house and they haven't spoken with the actual owner yet but the seems to be no problem with the rest of the neighbors.

Mr. Mott addressed the safety issue and access for the Fire Department, he stated that at this time there is approximately 14' between his carport and his neighbors nearest structure and stressed that this remodel would not change that distance..

Mr. Brown stated that the lot is about 11,000 sq. ft. and there is 41' from the existing property to the curb in front, if they were going to tear down the carport why wouldn't they build it back, why wouldn't they want to build a larger 2 car garage in the front. Mr. Mott explained they have no desire to have a 2 car garage. Mr. Mott stated they did not want to move their laundry room. Mr. Mott believed having a garage that extends 30' out from the house looks disproportional and would decrease the value of the house.

John asked that the Commissioners not make a decision on his question based on Mr. Mott's particular case.

**Jerry Simonson** addressed the Commission. He stated he was Mr. Mott's father and a contractor from Vancouver, Washington. Mr. Simonson stated he has looked at the situation from many angles but the carport itself is only 7' high at the lowest side so a car can't even be parked there. There is a concrete footing that has been poured so it would be financially beneficial to build the garage there. If they garage was moved to the other side of the house they would have to enter the house through a bedroom, this is the only location that makes sense.

John explained that he did not want to waste the owner's money by encouraging them to apply for an expansion since in the past it has been interpreted they were not allowed. John ask the Commission for an answer to 2 questions, can a nonconforming structure be rebuild and can a nonconforming structure be expanded.

Mr. Brown stated he believed an expansion should be allowed only for situations where it could not be done meeting existing codes. Mr. Helbling stated he understood having financial issues, but there is a lot of property there and other options available even if they are more expensive. He was concerned granting a permit for this situation would set a precedent.

Mr. Tessman believed that if the expansion or alteration was improving the property he did not have a problem approving it.

Mr. Brown stated he would not discourage the owner from making an application, but he was sure the Commission was split on the issue.

Mr. Manley agreed that the code was designed to allow people the opportunity to rebuild and expand a nonconforming structure.

John clarified that the Planning Commission agreed that a nonconforming building could be replaced and could be expanded. Mr. Helbling had concerns that it should only be allowed to expand if there are no other opportunities to do so. John explained that the NCS process is that staff makes a determination and notifies surrounding properties, and if it is contested then a public hearing is held. John explained that they could bring these in front of the Commission if they want to hear them. Mr. Molamphy stated that as long as the neighbors are notified and if they have a complaint or a problem they would come before the hearing body he was satisfied.

John stated he would take the comments the Planning Commission had under advisement when he reviews these things. Mr. Brown stated that he would have not voted to approve this application. Mr. Manley stated he did not have enough information to make a decision on this application.

John explained to Mr. Mott that he would need to come into the office with an application and staff would make a decision, then notice would be sent to surrounding property owners and if there were no appeals filed within the appeal period then the decision would be final.

#### **IV. OLD BUSINESS**

##### **Proposed:** Pedestrian Walkway Closure at SE Township & 6<sup>th</sup> Way

John stated that there is no mention of the pedestrian walkway in the conditions of approval, possibly there is a water easement there and it seemed a good idea to pave over it and create the walkway. So a modification application is not required and all we need is a recommendation from the Planning Commission.

Mr. Brown explained that he had walked the pathway at night and his recommendation was to close not only this walkway but the other one also. He did not notice some of the things that were mentioned such as broken glass, but it is very long, dark and narrow. John believed the Commission should focus on the one the group

asked to be closed since there might be people who wish to keep the other one opened. This would give the group a chance to talk to those neighbors. John stated he would write a recommendation to the City Council and they can decide the financial matter on the brick.

John stated they would focus on the one that the group asked for and if they come in for the other one. John believes there may be more that people would like to have closed. John stated he would write a recommendation to the Council and they can decide the financial matter on the brick.

Mr. Tessman questioned what would happen if it were a utility easement. John stated that issue would be addressed in the recommendation, but if the utility company need to access the easement and there were structures or fences along it, it would be at the owners expense to remove them. The Commission agreed that the City should not pay for the bricks to close the path.

#### **IV FINDINGS**

**TA 04-01** It was moved by Mr. Manley to approve Ta 04-01 as written. Seconded by Mr. Tessman. Motion carried 4-1-1 with Mr. Helbling voting no and Mr. Ewert absent.

#### **V. MINUTES**

##### **September 27, 2004**

Mr. Manley noted that in the new business section, it stated that Mr. Brown had closed the Public Hearing when it had actually been Public Testimony. Mr. Tessman noted a misspelled word on page 3. Corrections noted. It was moved by Mr. Manley to approve the minutes for September 27, 2004 as amended. Seconded by Mr. Molamphy. Motion carried 5-0

##### **June 28, 2004**

It was moved by Mr. Manley to approve the minutes for June 28, 2004 as written. Seconded by Mr. Tessman. Motion carried 4-0-1 with Mr. Helbling abstaining.

#### **VI. DIRECTOR'S REPORT**

John stated the first meeting for the master plan for the area behind the Spinning Wheel would be in mid November, with a citizen's task force leading the work. He asked the Commission if they would want a representative attending the meetings and if they did who would that be. Mr. Helbling stated he would be at some of the meetings for CBRD and would share the task with someone. Mr. Brown stated he would be willing to attend some of the meetings.

John handed out a form that the City Council will be using for people to sign up on if they wanted to testify at a hearing. He questioned whether the Commission would be interested in implementing the same type of system. The Commission decided

there could be hearings that the use of the cards would move the process faster, but they would prefer to have most meetings held the way they are held now.

John stated he has heard that ODOT would be starting on the intersection of Territorial and Hwy 99E very soon. The added traffic volume could be a problem with N. Redwood St. since both sides are in bad shape at this time, due to the excavation at the Postlewait property, he had asked that ODOT delay the start of the project for 2 days until that project gets done. They are trying to get the County to upgrade the east side of Redwood so that it will be a decent road to travel on for 2 years.

John asked if the Planning Commission wanted to have their next workshop with the Traffic Safety Committee so they could deal with some of the issues that have been brought up. The Commission asked John to try and set up a night meeting with the Traffic Safety Committee.

John stated that the Agency and the Advisory Committee would be meeting tomorrow night to discuss funding a position for economic development. Mr. Manley stated that the paper had suggested John might be taking that position. John stated he hadn't read the article, but the discussion has been whether there needs to be additional emphasis placed on recruitment and marketing, coming out of the fact that there are not a lot of big projects sitting out there. The Agency and the Advisory Committee will be looking at hiring a city staff person, giving more money to CBRD or hiring a contract firm that can do recruitment and marketing.

## **VIII ADJOURNMENT**



# Suburbs

To Planning Commission FY1  
- John

## West Linn adopts new annexation rules

*The city is Oregon's first to require that voters be told all the costs of annexing land before they vote on it*

By **LISA GRACE LEDNICER**  
THE OREGONIAN

WEST LINN — Officials in this small southwest suburb, already well-known for their tough stance toward developers, cemented that reputation last week by requiring voters be informed of all costs associated with annexing property into the city.

That means that residents facing the question of whether to approve, say, the addition of a 5-acre parcel of land within the city limits, will receive detailed information on fiscal and other impacts.

Those include the maximum number of houses or businesses that can be built on the land and the impact the new residents would have on local schools (from the children who will live in the houses); state roads (from the homeowners who will commute to and from their homes); and city services (such as police and fire protection).

The City Council voted unanimously Wednesday to rewrite its annexation ordinance. West Linn is the only city in the state to include such information with annexations, according to the League of Oregon Cities.

Slow-growth activists have tried to persuade state legislators to require financial analyses with voter-approved annexation requests, only to be shot down multiple times.

"Isn't it a good idea to have as much information to voters for them to make an informed decision?" Mayor David Dodds asked. "It's incumbent upon governments to try to get a full and complete picture to people when they're voting on something."

The action is the latest effort by Dodds, who is facing a tough reelection battle, to slow development in this fast-growing city of 23,820 residents. Under his tenure, fees charged to developers to pay for infrastructure have skyrocketed and city officials have gone to court over Metro's attempt to expand the urban growth boundary and a church's proposal to erect a new building in a residential neighborhood.

"They're upping the ante," said Ernie Platt, director of local gov-

ernmental affairs for the Home Builders Association of Metropolitan Portland. "It's just one more requirement the city has made that attempts to make development more difficult or drive development toward other communities."

The city has required voter approval for annexations since 1998, when Dodds, who wasn't mayor, circulated an initiative proposing the idea. All annexation applications must be checked by the City Council before being sent to voters. Since Dodds took office in 2001, the council has received one request, which it denied.

Twenty-nine cities require voter approval of annexations, but none requires a financial analysis of the resulting growth, according to a consultant West Linn officials hired to rewrite the city's annexation ordinance.

Critics of annexation say voters often end up subsidizing developers.

"If you annex a large portion of property and you don't know what it's going to become, you cannot make an intelligent decision," said Jerry Ritter of Oregon Communities for a Voice in Annexation, which promotes the ability of residents to have a say in land-use decisions.

"What it does is it promotes growth that is well-planned and a good fit for the community's needs and its resources," he said. "Voters will have to be convinced that they're not going to have to subsidize it."

◆  
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# How Effective is Your Planning Board?

by Elaine Cogan

Is your planning board respected even when some of its decisions are controversial? That is just one of many questions to ask when gauging your effectiveness, a process that should be ongoing.

A rough measurement is what might be called the "sustain-ability" index. Check the record of the last two years. When your opinions were appealed to your governing body, were they overturned more than they were sustained? A yes answer may indicate the commission is at odds with the elected officials. If so, it could be that you are not effective advocates for your positions or out of step with your community. On the other hand, it may be that your governing body is failing to follow adopted codes in its decisions.

Either case should be cause for concern and honest evaluation. While planning boards should not expect their decisions to be rubber-stamped, neither should they be regularly overturned. If the problem is with the governing body's misapplication of the zoning code or other provisions, consider requesting a joint workshop to resolve matters. Please see my column, "Working Effectively with Elected Officials," in PCJ #20 (Fall 1995). If the situation persists, your community can suffer.

Even if the commission and the governing body generally agree, there are other ways to ascertain the commission's effectiveness.

**Reputation.** Is the planning board considered generally pro- or anti-development? Be wary of either label. Make sure all your rulings are fair and based on your honest interpretation of the values, plans, and statutes of your community. Deal openly and fairly with controversy. You probably are on the right track when the developers accuse you of being pro-neighborhoods and vice-versa.

But remember, planning commissions sometimes have to make tough decisions that are not popular with either side.

**Advocacy.** Are you willing to speak up for sound planning principles and when you do, do people listen? Do organizations such as the League of Women Voters and other civic groups look to the planning commission for leadership? Another measure is how often commission actions are the subject of letters to the editor of your local newspaper. Whatever side writers take is less important than if they consider the work of the commission worthy of serious dialogue.

WHILE PLANNING BOARDS SHOULD NOT EXPECT THEIR DECISIONS TO BE RUBBER-STAMPED, NEITHER SHOULD THEY BE REGULARLY OVERTURNED.

**Influence.** Are your policies routinely followed by other agencies and bureaus, or do they find ways to bypass them? Similarly, are you included in conversations about issues that affect planning but may be the responsibility of a separate agency, such as those dealing with freeways, schools, or parks? If planning is defined too narrowly, you will not be welcome at the table when such vital issues are discussed. A planning board will enhance its authority if it is seen as being interested in cooperating and collaborating with other agencies as the need arises, rather than acting in isolation.

**Oversight.** Do you provide appropriate direction to planning staff? While the board should never micro-manage, members should know what goes on

outside the board room. Are citizens treated with respect? How long do they have to wait to be served? Are planners being accused in the media and other circles of being either too strict or too lenient in their interpretation of the code? Whether or not you actually hire the planning director, the effectiveness of the board's planning decisions are directly related to how they are carried out.

**Personal relationships.** No commission or board can be effective or taken seriously if its members are constantly bickering. At all public meetings, you should respect each other regardless of your differences. If you absolutely cannot get along, you should seriously consider seeking intervention by a neutral, third party or asking for resignations from the warring parties.

In summary, though it may be difficult to measure the planning commission's effectiveness, it is nevertheless an exercise worthy of your time and effort. ♦

Elaine Cogan, principal in the Portland, Oregon, planning and communications firm of Cogan Owens Cogan, LLC, is a consultant to many communities undertaking strategic planning or visioning processes. Her column regularly appears in the *Planning Commissioners Journal*.



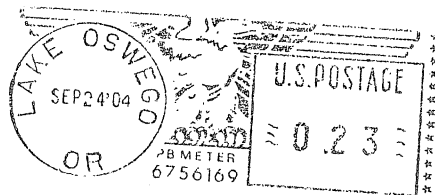
## Elaine Cogan's "Tip of the Month"

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Jim Brown  
Canby Planning Commission  
P.O. Box 930  
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**Rough-in? Sill plate? Units  
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### HOME BUILDING 101

A special free seminar for local officials,  
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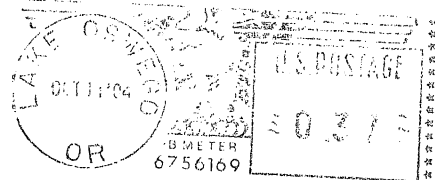
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For more details call Kevin Curry  
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