

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, September 28, 1998
7:30 p.m.

I. ROLL CALL

II. MINUTES

July 27, 1998

III. CITIZEN INPUT ON NON-AGENDA ITEMS

FINDINGS

DR 98-03 Pacific Rock Products

CPA 98-03 Leonard Kelley

V. PUBLIC HEARINGS

SUB 98-01 an application by John Meredith requesting approval for a six lot subdivision

VI. NEW BUSINESS

NONE

Possible continuation of testimony from Periodic Review Public Hearing
(Beginning at 6:30 p.m.)

VII. DIRECTOR'S REPORT

VIII. ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Keith Stewart, Chairman
Terry Prince

Vern Keller, Vice-Chairman
Jean Marie Tallman

Jim Brown

TIMELINES AND PROCEDURES

- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:
 - Applicant (or representatives) - not more than 15 minutes
 - Proponents - not more than 5 minutes
 - Opponents - not more than 5 minutes
 - Rebuttal - not more than 10 minutes
- Everyone present is encouraged to testify, even if it is only to concur with previous testimony. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access. All written testimony received both for and against shall be summarized by staff and presented briefly to the hearing body during the Staff Report.
- The applicable substantive criteria are those listed on the agenda sheet available at the rear of the room and on page 2 of the staff report. Testimony and evidence must be directed toward the applicable substantive criteria listed on page 2 of the staff report or other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision.
- Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.
- Prior to the conclusion of the initial evidentiary hearing, any participant may request opportunity to present additional evidence or testimony regarding the application. The Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the so-called 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.
- If additional documents or evidence are provided by any party, the Planning Commission may, requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the so-called 120-day time period.

Date 9.28.98

MOTIONS

FILE NO.: SUB 98-01
Meredith

Minutes _____
 Findings _____

30

Motion to Approve by Commissioner Brown
Seconded by Commissioner Prince *as amended*

Motion to Deny by Commissioner _____
Seconded by Commissioner _____

As recommended by staff

As recommended by staff with amended conditions
and/or added conditions

COMMISSIONER: YES NO ABSTAIN ABSENT

Stewart	_____	_____	_____	_____ ✓
Keller	_____ ✓	_____	_____	_____
Tallman	_____	_____	_____	_____ ✓
Prince	_____ ✓	_____	_____	_____
Brown	_____ ✓	_____	_____	_____
	_____	_____	_____	_____

Comments:

delete last sentence #1
" #4
Sidewalks in at time of develop
Well Abatement
Note - All City Sder Reg at time of Planck

Date 9.28.98

MOTIONS

FILE NO.: CPA 98-03

Leonard Kelley

Minutes _____

Findings _____

Motion to Approve by Commissioner *Brown*
Seconded by Commissioner *Prince*

3-0

Motion to Deny by Commissioner _____
Seconded by Commissioner _____

As recommended by staff

As recommended by staff with amended conditions
and/or added conditions

COMMISSIONER:	YES	NO	ABSTAIN	ABSENT
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Stewart	_____	_____	_____	_____ ✓
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Keller	_____ ✓	_____	_____	_____
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Tallman	_____	_____	_____	_____ ✓
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Prince	_____ ✓	_____	_____	_____
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Brown	_____ ✓	_____	_____	_____
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Comments:

Date 9.28.98

MOTIONS

FILE NO.: DR 98.03
Pacific Rock

Minutes _____
 Findings _____

2-1
~~2-0~~

Motion to Approve by Commissioner Brown
Seconded by Commissioner Prince

Motion to Deny by Commissioner _____
Seconded by Commissioner _____

As recommended by staff

As recommended by staff with amended conditions
and/or added conditions

COMMISSIONER:	YES	NO	ABSTAIN	ABSENT
Stewart	_____	_____	_____	_____ ✓
Keller	_____ ✓	_____	_____	_____
Tallman	_____	_____	_____	_____ ✓
Prince	_____	_____ ✓	_____	_____
Brown	_____ ✓	_____	_____	_____
	_____	_____	_____	_____

Comments:

Date 9.28.98

MOTIONS

FILE NO.: July 27, 1998

Minutes _____
 Findings _____

Motion to Approve by Commissioner Prince
Seconded by Commissioner Bron

Motion to Deny by Commissioner _____
Seconded by Commissioner _____

As recommended by staff

As recommended by staff with amended conditions
and/or added conditions

*passed
3-0*

COMMISSIONER:	YES	NO	ABSTAIN	ABSENT
Stewart	_____	_____	_____	_____ ✓
Keller	_____ ✓	_____	_____	_____
Tallman	_____	_____	_____	_____ ✓
Prince	_____ ✓	_____	_____	_____
Brown	_____ ✓	_____	_____	_____
	_____	_____	_____	_____

Comments:

**PLANNING COMMISSION
 TESTIMONY
 SIGN-IN FORM**

Date: September 28, 1998

PLEASE PRINT CLEARLY

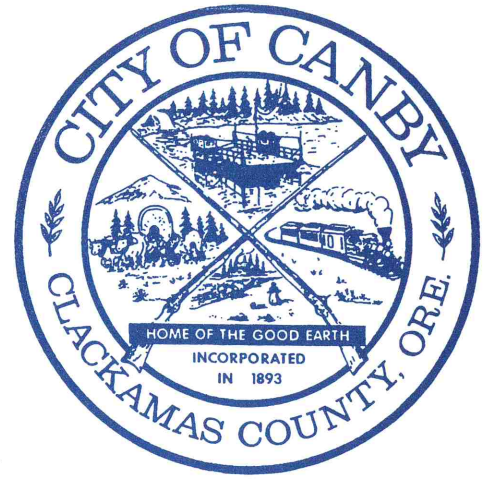
NAME	ADDRESS
George W. Wilson	546 TE Township Rd County, OR

PERIODIC REVIEW SIGN-IN FORM

Date: September 28, 1998

PLEASE PRINT CLEARLY

NAME	ADDRESS
✓ <i>Margo Shea</i>	<i>815 S. Douglas</i>
✓ <i>Rex C. Moore</i>	<i>Box 725 Wilsonville.</i>
<i>RON Holmerson</i>	<i>10115 S Blument Rd</i>
✓ <i>Ron Tatone</i>	<i>1127 NW 12th Ave</i>
✓ <i>David Lampe</i>	<i>8705 NW 117th Ave Vancouver WA 98682</i>
✓ <i>Terry N. Tolls</i>	<i>P.O. Box 577, Portland, OR 97207-0577</i>
✓ <i>CRAIG Bowcock</i>	<i>24250 S. SKYLANE DR.</i>
<i>Joan Jones</i>	<i>2554 NW Overton, PDX 97210</i>
<i>Catherine DAVIS</i>	<i>PO Box 73 Canby.</i>
<i>Dan EWERT</i>	<i>596 NW BAKER Canby</i>
<i>Krysti Bellmore</i>	<i>1440 N Ivy St. Canby</i>
<i>Tracie Jones</i>	<i>1375 N. Ivy St Canby</i>
<i>Bob Cryder</i>	<i>234 NW 5th Ave Canby</i>



STAFF MEMORANDUM

To: Mayor Taylor, City Council, Planning Commission and Administrator Jordan

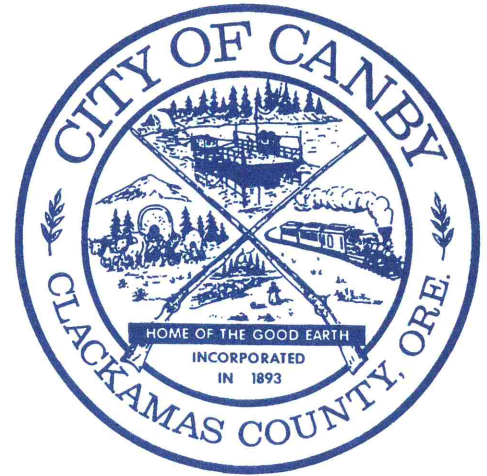
From: Jason Kruckeberg, Planning Director *JK*

Date: September 18, 1998

RE: Periodic Review Public Hearing

This memorandum is to provide you with background information on the periodic review public hearing scheduled for **September 28 at 6:30 in the Council Chambers**. The attached memorandum and information is the packet which was distributed to the Periodic Review Subcommittee. The subcommittee agreed that a joint hearing should be held to allow for public comments. As you know, the purpose for the meeting is to simply listen to issues raised by the public relating to our Comprehensive Plan and Development Code. We have provided notice to all parties who have responded in writing as well as others who have expressed interest.

Please read the attached memorandum, timeline, and comments from state agencies to get a better idea of what will be expected of the City through the periodic review process. Please call 266-9404 with any questions.



MEMORANDUM

To: Periodic Review Subcommittee (Walt, Barry, Keith, Terry)

From: Jason Kruckeberg, Planning Director

Date: September 8, 1998

RE: Periodic Review Meeting on September 14

Firstly, this memo is a reminder we will be meeting on Monday, September 14, at 6:30 PM in the Council Chambers.

Why are we meeting?

To discuss the first phase of our periodic review process. The first phase is called the "Evaluation". The evaluation is completed to allow Canby to determine if our Comp. Plan and Development Code are adequate to meet the needs of Canby residents for the next 10-20 years. The evaluation is completed to spur discussion and thinking as to how well the Comprehensive Plan and land use regulations are working and responding to change.

We have four months to complete the evaluation: November 30, 1998 is the due date. The state does not expect us to collect a lot of data during the evaluation. In most cases, existing information available in the plan, raised through the evaluation, and submitted by interested parties and agencies is adequate to complete the evaluation.

If the evaluation leads to a conclusion that a work program is necessary, the evaluation should include a list of possible topics for the work program.

If we determine a work program is necessary, we will have an additional four months to complete the work program. The work program will include a much more detailed analysis of the methodology and action steps the City will use in making modifications to the Comprehensive Plan and Development Code.

Required Steps in Evaluation

- 1) Identify the major planning issues which need to be addressed under the required three periodic review standards (and DLCDC's suggested list of questions).
- 2) Provide opportunities for citizens and all interested parties to participate in the evaluation.
- 3) Coordinate issues of local, regional, or state concern with DLCDC and the Periodic Review Assistance Team.

The State's Suggested Evaluation Process:

- 1) Staff analysis of the Comprehensive Plan/Development Code using the evaluation questions supplied by DLCDC;
- 2) Public comment through one or more meetings with Planning Commission;
- 3) Make revisions and prepare a tentative decision on whether or not a work program is necessary;
- 4) Provide 21 day comment period for periodic review assistance team and interested parties before making a decision on the evaluation;
- 5) Finalize the decision, including whether a work program is necessary; and,
- 6) If a work program is necessary, prepare a list of topics that might go into the work program.

Attachments

Please review the two included attachments. The first is my proposed timeline for the completion of our evaluation. This timeline meets the State's requirements and I believe it will give us enough time to complete a solid evaluation. The second attachment includes specific comments from our Periodic Review Assistance Team. The Assistance Team is made up of agency representatives from a number of State Departments. The comments from the various agencies needs to be considered and incorporated into our evaluation and tentative work plan. Please review this document to familiarize yourselves with what other agencies will be expecting of us.

I expect the meeting on September 14 to last no more than 45 minutes. Please call in advance if any of this information is unclear. Thanks for volunteering for this committee.

**PERIODIC REVIEW
EVALUATION OF COMPREHENSIVE PLAN/DEVELOPMENT CODE**

**Proposed Timeline
July 31 - November 30, 1998**

DLCD issues order to begin Periodic Review	July 31
Staff reviews DLCD evaluation questions and evaluates Comprehensive Plan/Development Code	August 1- ongoing
Meeting with Periodic Review subcommittee to discuss timeline and process of evaluation	September 14
Public hearing(s) to bring topics for work program (Possibly joint session with P.C./C.C)	September 28 (Commission has light workload). If joint session is desired, set date.
Incorporate public comments and staff review into tentative decision on evaluation/list of work topics	October 1 - October 23
Second meeting with Periodic Review subcommittee to approve decision and tentative work topic list	Week of October 19 - 23
Send decision to DLCD and Periodic Review Assistance Team	October 23
Provide 21 day comment period to all reviewers	October 23 - November 13
Incorporate comments from reviewers into evaluation report	November 16 - November 30
Evaluation results sent to DLCD along with decision on whether work plan is necessary and list of topics that might go into work plan.	November 30

PERIODIC REVIEW
SPECIFIC COMMENTS FROM STATE PERIODIC REVIEW ASSISTANCE TEAM

The following are comments provided by State agencies to be considered through the City's periodic review process. Each of the individuals providing comments will be involved in our review process and will act as agency liaison between Canby and the State. The comments provided should be considered for inclusion into our review and analysis of the Comprehensive Plan and Development Code.

Department of Land Conservation and Development (DLCD)

Agency Contact: Meg Fernekees

Phone: 503-731-4065

Fax: 503-731-4068

DLCD requests the City consider and address:

- 1) Requirements of ORS 197.296 (HB 2709) Planning requirements for buildable lands, density, and mix of needed housing; identification of low density residential areas to redesignate to higher densities.
- 2) Reassessment of areas designated Heavy Industrial, scale back to Light Industrial or Commercial,
- 3) Include provisions for accessory housing,
- 4) Re-prioritization of the annexation priority map
- 5) Transportation System Plan (Goal 12) Address access management on Highway 99E,
- 6) Goal 5 requirements (Open Spaces, Scenic and Historic Areas, and Natural Resources) (OAR 660-23).

Oregon Economic Development Department (OEDD)

Agency contact: Arthur Fish

Phone: 503-986-0140

Fax: 581-5115

Also: Patrick Allen, Clackamas County Development Agency

Phone: 650-3768

Fax: 650-3987

OEDD requests the City consider and address:

- 1) Evaluate City's industrial sites and future zoning as either heavy industrial, light industrial, commercial/industrial, or strictly commercial. The City should consider analyses which examine the following: specific sectors, industries and types of business operations that might potentially expand or locate in the Canby area, the relative likelihood of such development at relevant sites, the desirability of particular employers/suppliers in terms of public preferences and growth strategies, and finally, the

actions that must be taken to effectively facilitate or provide for such desired developments, especially in terms of resolving environmental constraints and ensuring access to essential public services for such sites. Mr. Fish states that some of this is addressed in the Industrial Area Master Plan

- 2) Much of the analysis for #1 above dates back to the 1988 Industrial Attraction Plan, which the City should consider updating.
- 3) With regard to public investments in water or wastewater systems, adequate revenue streams from service customers and all other benefitted parties should receive high priority, in order to service outstanding debt and sustain operations, maintenance and upgrades as well as programmed capital improvements.
- 4) The City should coordinate closely with Barlow and other nearby communities.
- 5) Water and wastewater plans and related capital improvement programming should realistically accommodate potential development of existing commercial and industrial properties.
- 6) OEDD may be able to extend financial assistance to local communities to upgrade or extend infrastructure. These and other funding sources at the state and federal level have restrictions in terms of the amounts or circumstances in which they may be used.
- 7) Lottery funded support could include awards for technical assistance.
- 8) Look into urban renewal district to capture incremental value from development in the industrial park and finance improvements to downtown, roads, and infrastructure.
- 9) A strategy to effectively capitalize on opportunities for attractive recreational and commercial development connected with tourism. Contact: Janet Porter, Tourism Development (503) 986-0004.

Department of Environmental Quality

Contact: Roberta Young

Phone: 503-229-6408

Fax: 503-229-6124

- 1) Wastewater: The City has an extremely well-managed and operated system. However, the system discharges to the Willamette River which is “water quality limited”. The City needs to address each pollutant parameter and ensure their discharge is not contributing to water quality violations. Contact is Steve Schnurbusch at 503-229-5491.
- 2) Water Quality Limited Streams; Total Maximum Daily Loads (TMDLs): To avoid exceeding TMDL on the Willamette, the DEQ suggests the following:

- Screen new developments for dioxins
- Protect existing tree and riparian cover streamside; create a 25-50 foot shade buffer; minimize plant removal during development, require riparian restoration.
- Acquire and protect wetlands; consider restoration of wetlands.
- Public education program on sources of pollution and what the public, agricultural community, and industry can do. OSU Extension and Metro are good sources for this. Create a watershed council.

Do not allow mowing or use of chemicals by waterways. Reduce city use of roadside pesticides.

- Treat stormwater prior to discharge to any water source; including retrofitting older establishments.
- Reduce use of riprap in favor of bioengineering.
- Do not allow septic tanks to be located in filled wetlands.
- Use of sumps and drywells for stormwater discharge must be registered with the state. These are not recommended for industrial or commercially zoned areas without pretreatment as they do not provide protection of groundwater from contaminated stormwater. Questions can be directed to Barbara Priest at 503-229-5945 or see <http://waterquality.deq.state.or.us/wq/groundwa/uichome.htm>

Oregon Department of Fish and Wildlife

Agency Contact: Patty Snow

Phone: 503-872-5255

Fax: 229-5602

1) City needs to update its inventory and protection programs for sensitive fish and wildlife sites, riparian corridors and wetlands to address the new Goal 5 requirements. The location of fish and wildlife sites should be coordinated directly with Tom Murtagh at 503-378-6925.

2) Riparian protection is especially important for both the Molalla and Willamette rivers.

Oregon Health Division

Agency contact: Dave Phelps

Phone: 503-731-4010

Fax: 731-4077

1) Drinking water issues. Updates and/or revisions should be made to the City's Water System Master Plan as part of review of DLCD Goal 11. The City should assess its water system for adequate capacity to meet projected water demands. Also, the City should devise strategies to respond to problems of contaminated or failed domestic water supplies beyond current service areas.

2) Monitor City processes for compliance with the Safe Drinking Water Act. Consider appropriate actions to mitigate or correct know contamination of drinking water supply.

3) Source Water Protection. Consider under Goal 5 discussion and analysis. Work with DEQ in delineating protection areas and providing inventories of know and potential sources of pollution. Future land development should be directed away from these areas. Evaluate these areas along with land use regulations.

To develop a drinking protection program or for source water protection planning, contact Dennis Nelson (Oregon Health Division) at 503 731-4010 or Sherlee Stewart at 503-229-5413 at DEQ.

Oregon Department of Transportation

Agency Contact: Akin Owosekun

Phone: 503-986-4220

Fax: 986-4174

1) Involve ODOT in the update of the City's Transportation System Plan (especially access management.

2) As part of the TSP, ODOT would like to be involved in implementing language. The Transportation Planning Rule requires implementation language be included in the TSP as well as City ordinances.

Water Resources Department (WRD)

Agency Contact: Rebecca Geisen

Phone: (503) 378-8455

Fax: (503) 378-8130

1) Canby and Barlow: Ground Water Protection Through Proper Abandonment of Unused Water Wells. Proper abandonment of wells as property with wells develops. Proper well abandonment procedures are outlined in OAR 690 Division 220. Water Resources Department also published a brochure on the subject.

2) Consider incorporating a water conservation element into periodic review evaluation.

3) Municipal Water Supplies: Incorporate into the public facilities element of the plan a summary analysis of the City's water rights and water supplies. Analysis should indicate whether water rights and supplies are likely to be sufficient to meet needs. If water rights or supplies are insufficient, the City should address other measures such as conservation and additional policy direction.

4) Areas with Individual or Small Group Water Systems: Analysis of areas not on the municipal water system. Analysis should include projected needs for the planning period, alternative sources if necessary, and conservation.

5) The City should review its ordinance and amend as necessary to include the following requirements for land use approval in areas where individual or small group water systems are used:

- require applicants to specify a water source.
- require applicants to obtain sign-off from water provider that service is available.
- require applicants to demonstrate that water right permits or permit transfers have been or can be obtained from WRD when appropriate.
- evaluate groundwater supply issues. Groundwater ordinances should be developed in consultation with WRD to avoid conflicts.