MINUTES
CANBY PLANNING COMMISSION
7:00 PM – May 9, 2016
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, John Serlet, and Derrick Mottern
ABSENT: Larry Boatright, Kris Rocha, and Tyler Smith
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff
OTHERS: George Dingeldein, Greg Blefgen, Colby Anderson, Kurt Nakashima, Carole Berggren, Daniel Webb, Bob Backstrom, Joe Shaddix, JoAnn & Lloyd Walch, Ethan & Stephanie Manuel, Bob Swelland, Jason Mattos, Keven Batridge, Eric & Josephine Recht, Ryan Oliver, and Gail Williams

1. **CALL TO ORDER**
   Chair Savory called the meeting to order at 7:00 pm.

2. **CITIZEN INPUT** – Kevin Batridge and Gail Williams, Canby residents, said they had received in the mail a notice of a public hearing for a minor lot division across the street from their properties and they wanted to know how to go about voicing their opinions on the matter.

   Bryan Brown, Planning Director, explained how they could submit written comments for the application to be put in the Commission packet. The full file was in the Planning office and they could review it anytime.

   Bob Backstrom, Canby resident, voiced his concern regarding traffic coming through the north side of town. He asked the Commission to be looking ahead at traffic safety issues. The commuter traffic had been increasing at Territorial and 99E over to Birch and Knights Bridge Road to avoid the freeways. When Redwood was built out, the intersection at Redwood and Territorial would be busy. He thought development should pay for these types of improvements, such as realigning that intersection so a four way stop could be put in. He was the chair of the Riverside Neighborhood Association and he did not think any of the applicants there that night held a neighborhood meeting and he thought that was a requirement.

   Commissioner Serlet was also concerned about traffic at that intersection. He agreed it would be beneficial to have a better connection between the freeway and 99E.

3. **MINUTES**
   a. March 14, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the March 14, 2016, Planning Commission minutes. Motion passed 4/0.

   b. March 28, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Mottern to approve the March 28, 2016, Planning Commission minutes. Motion passed 4/0.

4. PUBLIC HEARING

a. Consider a request for a Site and Design Review of Sequoia Grove Industrial Park **(DR 16-02)**.

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. Chair Savory had contact with the City Attorney to get clarification on some legislation that was recently passed on voter approved annexations.

Mr. Brown entered the staff report into the record. This was a request for site and design review for the Sequoia Grove Industrial Park. The site plan proposed three buildings built in two phases. Buildings B and C would be done in Phase 1, and Building A would be done in Phase 2. The buildings would accommodate warehousing and manufacturing uses with accompanying office spaces. They did not know the exact uses or tenants for the buildings. Storage bays would be put on the sides of the buildings and there would be parking areas for loading which could accommodate heavy truck traffic. There would be a six foot sidewalk on the frontage of Sequoia and they were sharing a driveway that would serve as an exit from the apartment complex and this site. There was an underground electric vault near the driveway that no one knew about until recently, and the applicant would have to research if the driveway or vault would have to be relocated. He explained the building elevations, loading bays, and aerial view of the property. Staff thought the application was in conformance with the Comprehensive Plan and Zoning Ordinance pending the recording of the plat of the two lot boundaries of the apartment development and this development. The application met the compatibility matrix scores for the Industrial Overlay Zone. The public services and utilities had all been agreed to and were satisfied. There might be consideration of tying some of the utilities over to the apartment complex as well. He then reviewed the conditions of approval. One letter had been received from Scott McCormick, adjacent property owner, who supported this application and the layout as proposed. Staff recommended approval of the application with the conditions.

There was discussion regarding having a 300 foot driveway separation in this area and resolution of the electric vault issue.

Applicant: Greg Blefgen, Architect/Engineer with VLMK Engineering, was representing Urban IDM for the Sequoia Grove Industrial Park. This was a phased development and they would be building both the apartments and Phase 1 at the same time. They had no exception to any of the conditions. The electrical vault was located north of the property line and on the inbound lane of the driveway. They were looking to shift the driveway east and would work with the City to confirm a reasonable off-set. They were not anticipating significant large truck traffic with the first phase. The more significant truck traffic would occur with the second phase. For inbound and outbound truck traffic, they would be pushing for a larger driveway width. He explained how both the apartment complex and this site would be served by the utilities and how stormwater would go to catch basins and then to dry wells. A traffic study was done and the majority of the traffic would come from the apartment complex. There was no

significant traffic from the industrial site and there would be some contribution to the Sequoia and 99E intersection. For the building elevations, there was good articulation and upscale design. The landscaping would complement the buildings.

Proponents: George Engledine (sp?), Shimadzu attorney, said Shimadzu supported development of this application. The traffic impact study identified points on Sequoia that were at failing levels of service. While the applicant was contributing to the costs of improving these intersections, the improvements had yet to occur. Shimadzu was planning to develop the remaining portion of their property and requested confirmation from the Commission that any such development would not be burdened with a disproportionate share of the costs and that they would not be asked to install the improvements as part of their approval.

Mr. Brown said the traffic impact study would evaluate what a fair proportion of the amount would be. Shimadzu would have to do a study to determine their contribution. If the issues were addressed before then, Shimadzu would only have to pay SDCs.

Neutral: None

Rebuttal: None

Chair Savory closed the public hearing at 7:48 pm.

Commissioner Discussion: None

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve DR 16-02 Sequoia Grove Industrial Park with the conditions as recommended in the staff report. Motion passed 4/0.

Chair Savory read the public hearing format once for the three annexation applications with agreement by the attendees. Commissioners had no conflict of interest nor any ex parte contact to declare.

b. ANN/ZC 16-01 Oliver/Walch Annexation

Mr. Brown read the City Attorney's statement on Senate Bill 1573 which became effective April 15, 2016. This was recent legislation that did not allow annexations to go to a vote of the people if certain criteria were met. He listed the criteria that had to be met. Mr. Brown entered the staff report into the record. This was a request to annex 1.85 acres consisting of two different tax lots with two different owners. There was an existing house on each lot, which did not conform to County codes. If they came into the City they would have the opportunity to decide if they would be a part of the future redevelopment of the area. This annexation application did have a neighborhood meeting, but the other two did not hold meetings. He reviewed the annexation standards and criteria that all three annexation applications had to follow in order to be approved. The North Redwood Development Concept Plan for

this area was adopted about five months ago. All eight parameters in the Concept Plan were met by this application. There was a concerned citizen who submitted a letter about those whose properties would be used for the park and how they would be reimbursed by the other property owners who would develop their properties in order to make them equal per the Concept Plan. The Council had discussed this issue and understood why staff did not deem these applications as incomplete. The Plan had not been changed since it was adopted and the Plan allowed these properties to make annexation applications. The applicants submitted an analysis of the need for additional property in the City limits including how many existing platted lots there were remaining in the City that were vacant and could be developed. The City had just under a three-year supply, but that was being developed currently. This was a good time for this annexation to provide more buildable platted lots. There was some additional land that could be platted and developed, but it would take a few years to get the infrastructure in place. Robert Bitter submitted comments regarding his support of the development of these properties, but was concerned about the additional traffic on N Redwood Street given it was rapidly deteriorating. There were areas outside of where the development would occur that also needed improvement. He had responded to Mr. Bitter that it was the responsibility of the City to figure out how to make the improvements in the future. If the Council approved these annexations, they were the final authority and they would not go to a vote of the people. The property had two houses on it, which was nonconforming to County's Code and if it was brought into the City, it would be a violation of the R-1 zone. The property could be grandfathered in, the applicants could partition the property and put each house on a separate lot, or the applicants could get a Conditional Use Permit for an accessory dwelling to remedy the issue. Staff recommended approval.

Applicant: Ryan Oliver, resident on N Redwood Street, said the annexation was not for development, but was what he had to do to relieve the situation with the County. He found out his property was nonconforming two years after he purchased it. He wanted to continue to live on the property. It did not make sense to partition the lot as when it was developed in the future, the master plan showed a road going through his yard and house.

Commissioner Serlet asked about the future roadway through his property. Mr. Ryan referred to the planned NE 18th Place and how it would go through his property unless it was offset to the south. Mr. Brown said streets needed to be aligned or have an adequate offset. He thought an offset might mess up the circulation in the Concept Plan due to the distance requirements.

Proponents: Daniel Webb, resident on N Redwood Street, attended the neighborhood meeting and supported the annexation application. He asked about grandfathering in and if it would set a precedent for later. He would prefer to see it handled another way so that it was in conformance with the code.

Carol Berkeran, resident on N Redwood Street, stated the situation of these homes would be easier if they were grandfathered in until future development took place. She did not agree with the Concept Plan for how these properties would be accessed in the future.

Opponents and Neutral: None

Rebuttal: Mr. Ryan referred back to the pre-app meeting with staff where he was told he would not have to do anything until he either sold or developed the property. His preferred choice was to have the property grandfathered in.

Chair Savory closed the public hearing at 8:36 pm.

Commissioner Discussion:
Commissioner Hensley didn't like the term grandfathered in. This meant the property was going to stay the way it was for now until it was sold or developed. Mr. Brown clarified through this annexation they would be creating a non-conforming lot. He did not know if it had to be addressed at this time.

Commissioner Mottern asked about the burden of partitioning the lot or getting a Conditional Use permit. Mr. Bryan explained the processes and requirements the property would have to meet.

There was discussion regarding the options and the costs of those options.

Commissioner Hensley was leaning towards leaving the property as non-conforming until something was done with it and removing Condition #1.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Mottern to recommend approval of ANN/ZC 16-01 to the City Council, removing Condition #1 and leaving Condition #2. Motion passed 4/0.

c. ANN/ZC 16-02 ManDan, LLC

Mr. Brown entered the staff report into the record. This was a request to annex 4.57 acres comprising three tax lots. The property was currently zoned as RRFF5 and would be rezoned to R-1.5 and R-2. All of the criteria had been met. The City had less than a three year supply of R-1.5 and R-2 platted lots in the City and there was a need for more. These lots were difficult to find in the City and it would provide a variety of housing types. No neighborhood meeting was held for this application because several neighborhood meetings were held during the year-long process to approve the Concept Plan and staff did not think another meeting was required. Annexations were not development proposals and there would be more neighborhood meetings when a development proposal was made. Staff recommended approval of the annexation.

Applicant: Ethan Manuel, representing his father Allen Manuel, addressed the neighborhood meeting issue. He was heavily involved in the Concept Plan process and there had been a lot of neighborhood participation. He thought it was somewhat redundant to go back to discuss it again. They had planned to meet with the neighborhood before the vote on this annexation, but that was before the new legislation went into effect. Since these annexations made up half of the area in the Concept Plan, the ownership group was a good sampling of the neighborhood that would be at the meeting anyway. Regarding transportation issues, such as the N Redwood St and Territorial connection, it was found to be

acceptable in the Concept Plan at full build out. Mr. Manuel had been waiting to annex this property for over 10 years. It met all the criteria and he encouraged approval.

Proponents: Daniel Webb, resident on N Redwood, was in favor of his neighbors' annexation in order for the City to maintain an inventory of buildable land. He still had a problem with not having a neighborhood meeting. Annexation was never a topic of discussion at the Concept Plan meetings and he did not think the requirement should have been waived. With the magnitude of this development, he thought citizens should have more involvement.

Opponents and Neutral: None

Rebuttal: None

Chair Savory closed the public hearing at 9:06 pm.

Commissioner Discussion:
Commissioner Hensley agreed about the neighborhood meetings. He had participated in the stakeholder meetings and they did not discuss annexations because it was up to the land owners when they would annex. The legislators had changed the voter approved annexation requirement, but the Commission still had to review the application to make sure it met the criteria.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to recommend approval of ANN/ZC 16-02 with the conditions in the staff report. Motion passed 4/0.

d. ANN/ZC 16-03 Ethan Manual et al

Mr. Brown entered the staff report into the record. This was a request to annex 31.83 acres comprising 10 tax lots. The City needed an adequate three-year supply of buildable land which had been depleted since the staff report was written. The consumption rate was about 45 lots per year for R-1 and staff was convinced this annexation was needed for the buildable land supply. The Concept Plan described how these lots would be developed in the future and the more properties that were annexed, the easier it was to implement the Plan. Staff recommended approval with the condition that it came in under the R-1 zone.

Applicant:
Ethan Allen, representing the six ownership groups in the 31.83 acres, said these lots represented the source for the neighborhood park and Willow Creek path that had been discussed. While this group came together to do a joint annexation, there had not been any discussion about joint development going forward. They did not know when it would be developed if it was annexed.

Chair Savory asked about the bridge over Willow Creek. Mr. Allen said that was contemplated during the Concept Plan discussions, but it was not adopted due to it being cost prohibitive. The back portion of

Commissioner Serlet thought these issues would be addressed in the development stage. He thought if it did not become a park, Willow Creek would become a dumping ground and a blackberry bramble mess. It needed to be protected and maintained.

Neutral: None

Rebuttal: Mr. Manuel said his job as a landowner was to dedicate the land for the park, but would not build the park or solve the maintenance issue. He did not think that should be a limitation on this annexation application. The Concept Plan for the entire area was a maximum density of 289 new lots and this 30 acres could not develop 180 lots as some of the land was lost to the creek swale and park. This would be developed in phases and the east side of the creek was independent from the west side as there was not access currently. The property with access on Redwood could be developed sooner, but the rest was a long way off from development. It met the criteria for annexation, especially as the land was needed for the buildable supply. The impact on property values was not an issue of annexation.

Chair Savory closed the public hearing at 9:42 pm.

Commissioner Mottern clarified for the Faist development, only six lots could be developed until a new pump station went in. Mr. Brown said if every one of the subdivisions were platted, it might be an issue, but many of them had not been planned for development yet and were two to three years out before platted lots would be available to sell.

Chair Savory agreed with Mr. Webb that if all this development went on at once it would stretch our infrastructure capabilities for fire, police, schools, etc. However, the decision had to be made on the criteria not whether or not they could maintain the park or if the schools were packed.

Commissioner Hensley thought development would help with funding to maintain the parks and better services as they put money back into the budget.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve ANN/ZC 16-02 with the conditions in the staff report. Motion passed 4/0.

5. FINAL DECISIONS

a. DR 16-02 Sequoia Grove Industrial Park
b. ANN/ZC 16-01 Oliver/Walch Annexation
c. ANN/ZC 16-02 Man Dan, LLC Annexation
d. ANN/ZC 16-03 Ethan Manuel et al Annexation

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet? to approve the final decisions for DR 16-02 Sequoia Grove Industrial Park, ANN 16-01 Oliver/Walch

the property would access Willow Creek from off of Teakwood. There would be a walkway that went the full distance of Willow Creek.

Chair Savory was concerned about the City not being able to maintain the park and asked if the neighbors had a plan for maintaining it. Mr. Allen said the Concept Plan asked the owners to dedicate the land for a park, but it was not their responsibility to maintain it.

Commissioner Serlet was not opposed to the development of this area, but questioned how they were going to maintain the park. He was in support of the annexation.

Proponents: None

Opponents: Daniel Webb, resident on N Redwood, was concerned about how an oversupply of lots could have a negative impact on property values. The only limit on City growth was annexations. Staff indicated how many available lots there were, but he thought the lots that were preliminarily approved or were currently under development should be taken into account. Currently Phase 3 and 4 of Northwoods Estates were being developed which was 43 lots, the Faist addition was 36 lots, a development on N Pine was 12 lots, the Mandan development would have 13 lots, and this application would bring about 186 lots in the 31 acres. These developments totaled 395 lots which gave the City an eight year supply. This did not take into account subdividing or partitioning of other lots already in the City limits. This would also make it difficult for other properties to be annexed because there would not be a need for the additional land. Regarding the park, most of the improvements would need to be done by the developers but the park was supposed to be funded by shared costs with the property owners. Did that mean the applicants or all of the property owners in the City had to pay for the park? He believed in parks as they benefitted all of the City and they should be funded by all of the City. He did not want the applicants to have to pay for the park that all the City would use. They needed to maintain the small town feel in Canby and growth needed to be controlled. If the lots were built and the economy went down again there would be a dead subdivision sitting there. There might also be an impact to fire protection and schools.

Commissioner Hensley said the Commission's job was not to tell property owners whether or not to annex, but to look at the applications to make sure they met the criteria. Property values were not up to the Commission. The park could be built through SDCs, but it was the maintenance that was the issue.

Mr. Brown said the way it was worded about the property owners paying for the park was misleading. What it meant to say was the landowners with the property that could not be developed because they were dedicating it as a park would be reimbursed from the SDCs of the property owners who could develop their land.

Commissioner Serlet thought these issues would be addressed in the development stage. He thought if it did not become a park, Willow Creek would become a dumping ground and a blackberry bramble mess. It needed to be protected and maintained.

Neutral: None

Rebuttal: Mr. Manuel said his job as a landowner was to dedicate the land for the park, but would not build the park or solve the maintenance issue. He did not think that should be a limitation on this annexation application. The Concept Plan for the entire area was a maximum density of 289 new lots and this 30 acres could not develop 180 lots as some of the land was lost to the creek swale and park. This would be developed in phases and the east side of the creek was independent from the west side as there was not access currently. The property with access on Redwood could be developed sooner, but the rest was a long way off from development. It met the criteria for annexation, especially as the land was needed for the buildable supply. The impact on property values was not an issue of annexation.

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Chair Savory agreed with Mr. Webb that if all this development went on at once it would stretch our infrastructure capabilities for fire, police, schools, etc. However, the decision had to be made on the criteria not whether or not they could maintain the park or if the schools were packed.

Commissioner Hensley thought development would help with funding to maintain the parks and better services as they put money back into the budget.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve ANN/ZC 16-02 with the conditions in the staff report. Motion passed 4/0.

5. FINAL DECISIONS

a. DR 16-02 Sequoia Grove Industrial Park
b. ANN/ZC 16-01 Oliver/Walch Annexation
c. ANN/ZC 16-02 Man Dan, LLC Annexation
d. ANN/ZC 16-03 Ethan Manuel et al Annexation

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the final decisions for DR 16-02 Sequoia Grove Industrial Park, ANN 16-01 Oliver/Walch

Annexation, ANN 16-02 Man Dan, LLC Annexation with the conditions, and ANN 16-03 Ethan Manuel et al Annexation. Motion passed 4/0.

6. **NEW BUSINESS** – None

7. **ITEMS OF INTEREST / REPORT FROM STAFF**
   a. Next regular Planning Commission meeting scheduled for Monday, May 23, 2016

   Mr. Brown said there were two applications on the next agenda.

8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION** – None

9. **ADJOURNMENT**

   Motion: Commissioner Mottern moved for adjournment, Commissioner Serlet seconded. Motion passed 4/0. Meeting adjourned at 9:51 pm.

The undersigned certify the May 9, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11th day of July, 2016

Bryan Brown

Bryan Brown, Planning Director

Laney Fouse

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood