

CANBY PLANNING COMMISSION
7:00 PM – Monday, September 10, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Derrick Mottern, Tyler Hall and Shawn Varwig, and Andrey Chernishov

ABSENT: Commissioners Larry Boatright, and John Serlet

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Bill Hill, Dennis Richey, Nick & Jamie Netter, Clint Coleman, Teresa & Scott Sasse, Regina & Robert Taylor, Bob Cambra, Micki Paul, Janet & Scott Sanders, Jackie Jones, Clyde & JoAnn Trapp, Jerry Slater, Mark Grenz, Kim & Betsy Redifer, Keri & Gary Morris, Craig & Barb Carpenter, Rich & Romana Monday, Pat Sisul, Frank & Kathe Cutsforth, Deanna Ball-Karb, Richard Montecucco, Phi Nguyen, Roger Steinke, Jason Montecucco, Susan Myers, and Kelsey Cordill.

CALL TO ORDER

Chair Savory called the meeting to order at 7:00 p.m.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES

- a. Approval of Planning Commission Minutes for August 13, 2018 and August 27, 2018

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Chernishov to approve the August 13, 2018 minutes. Motion passed 5/0.

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Chernishov to approve the August 27, 2018 minutes. Motion passed 5/0.

NEW BUSINESS – None

PUBLIC HEARING

- a. Consider a request from Butch Busse for a Zone Map Amendment of 2.59 acres located at 1300 S Ivy Street for a zone change from (R-1) Low Density Residential to C-R Residential/Commercial. **(ZC 18-04)**.

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare.

Commissioner Mottern drove by the site daily on his way to work. Commissioners Hall and Chernishov also drove by the site.

Bryan Brown, Planning Director, entered his staff report into the record. He also noted that in the last minute rush in preparing for the meeting that some of the PowerPoint was accidentally erased. This was a request for a zone change from R-1 to C-R for the property located at the southeast corner of SE 13th Ave and S Ivy St and is 2.59 acres. To the east was the Dinsmore Estates subdivision, to the north was R-1, to the south there was R-1.5, and R-1.5 in the entire Hope Village campus to the west of the property. The Comprehensive Plan map indicated this property as C-R and that was a result of Ordinance #1120 that was passed in 2003 that created a special area of concern for this property. In that discussion they talked about the suitability of a mixture of residential and commercial uses on this property in the future and talked about not only the C-R zoning, but the CC – Commercial Zone district for a convenience store at this corner. The conclusion was to designate the property C-R which provided for both residential and commercial uses, however they kept the zoning R-1 rather than changing it to C-R. Unfortunately, somewhere along the line the zoning map was changed and showed the C-R zoning for many of the past years. A corrected 2018 version of the zoning map now shows the R-1 zoning. The application today was to follow the Comprehensive Plan to rezone the property to the C-R zoning. The second item on the agenda was for a proposed development called the Canby Townhomes project, so the applicant's intent was for residential development, not potential future commercial development that would also be allowed in the C-R zoning if approved for this property.

Mr. Brown read the text of the Comprehensive Plan for this Special K area of concern: *The Special K area of concern is approximately 2.5 acres in size and is currently inside the city limits with a zoning of R-1. The parcel is located on the southeast corner of South East 13 Avenue and South Ivy Street and is currently being operated as a commercial nursery grandfathered in use from before it was annexed. Because of its proximity to Hope Village, schools, and residential neighborhoods this parcel was identified as a good area for some sort of convenience or residential commercial use because of the different allowed uses in each zone. It is difficult to determine which designation would be most appropriate. Many meeting participants felt that a convenience store allowed outright in the CC commercial zone but not at all in the residential commercial zone. The C-R that we're considering tonight is equally as compatible with surrounding uses as a placeholder designation of residential R-C has been placed on the parcel because it offers the property owner more options at this time but the city may wish to consider a text amendment to change the allowed or conditional uses in either of those above two zones to provide for a well-designed convenience store at this location. A zone change would be required from R-1 upon re-development of the property.*

Staff had interpreted this statement and was totally satisfied that the intent was to designate a placeholder of the R-C land use designation for this property. The Comprehensive Plan Map in 2003 was changed to show that R-C designation which becomes C-R when rezoned. In the records in 2003 when this text amendment occurred the text amendment itself was part of the City's periodic review process. In that process several properties were identified that could be up-zoned or increased intensity of use and/or to provide some opportunities for possible mixed use. That was identified as a need for the community to expand from the low density residential zoning district which was predominant in the community at that time and to identify willing property owners that would accept a future designation on their properties where it would be deemed suitable for the community as a whole to provide different kinds of housing types and areas that would be suitable for neighborhood commercial uses. A couple of those made it through the Planning Commission process, but before the Council meeting the property owners decided they were no longer interested and they dropped out of the proposed text amendment. This particular property's request for C-R zoning stayed in the plan and was adopted. He then gave a background of how some of these re-zonings in the Comprehensive Plan came about and how they had to be careful not to impose upon unwilling property owners. The property owner in this particular time was agreeable to that designation for this property and it did have a value in that planning process to meet state land use goals to find additional housing that provided for the full economic range within the community. Even today there is

more low-density residential zoning than medium density which is in fairly short supply. There was quite a bit of high density R-2 zoning but unfortunately it was all currently developed with single family homes. That was one reason why they downzoned some industrial zoning for an apartment complex by Fred Meyer. After review of the criteria, staff recommended approval of the application.

Applicant: Butch Busse, Estacada resident, thought staff had presented the application well. He was there to answer any questions.

The Commission did not have questions at this time.

Proponents: None

Opponents:

Clint Coleman, Canby resident, thought the proposal for 38 townhomes on this property would overpower the relatively small lot and nearby intersection and busy street. There was a new single family development that backed up to this property and this development would change their backyard experience. He thought instead of townhomes, single family homes should be built to be compatible with the neighborhood and for quality of life.

Dennis Richey, Canby resident, said the zone change and creation of a large townhome development would change the feel of the neighborhood and would not fit in.

Commissioner Hall asked if he would be opposed to the zone change if the proposed development was a convenience store. Mr. Richey said as long as it was not a marijuana store he would not mind.

Janet Sanders, Canby resident, stated it was fifteen years ago that the Comprehensive Plan review process occurred and at that time all of the growth was being projected to happen in this area. The growth actually went in the opposite direction. The C-R was a placeholder designation because it offered the property owner more options, especially for a convenience store. She thought this was being interpreted incorrectly and would rather see a convenience store built than a multi-family development.

Bob Cambra, Canby resident, voiced his strong objection to both the rezoning and proposed development. The impact of 38 townhomes so close to one of Canby's busiest intersections, S Ivy and SE 13th, cried out for them to stop and deny the applications. To approve them would forever impact this busy intersection, especially with traffic congestion, safety issues, and parking overflows. The many applications that had been approved in this area and the out of town growth utilizing this intersection would also contribute to the problem. The proposed development would not have adequate parking and parking would overflow into the nearby neighborhoods. This was the wrong location for this type of development due to the future problems it would cause. The rezoning was no benefit to citizens and he asked that the application be denied.

Regina Taylor, Canby resident, read a sentence from the Comprehensive Plan regarding this Special K area of concern. She thought it indicated that the City was not able to do the zone change as a separate step from the development of the property. They had to look at the zone change and development together.

Rebuttal:

Roland Iparraguire, attorney in Clackamas, said for fifteen years this had been a C-R zone. Any person interested in the property would have been told by the Planning Department that it was a C-R zone. It was the intent for this property. He did not know why the Special K area of concern language was included. He used

Dinsmore Estates as an example of how the developer had to use the C-R zoning and was not able to require an access road for the development. This was a similar situation.

Mr. Busse said he would not be here tonight if he had not thought this property would be in the C-R zone. It had been the intent many years ago that this property would be C-R. He thought the proposed development would be a much better use of the property than a convenience store, as the store would increase traffic even more. Commissioner Varwig asked how the applicant came to the conclusion that the Dinsmore Estates had used the argument of the C-R zoning for the access road.

Mr. Iparraguirre learned it from the owner who wanted the access road as part of his development. But since it was zoned C-R, it was something he could not compel the City to put in place.

Commissioner Chernishov asked if there were hard numbers that indicated there would be more trips with a convenience store than with the proposed development.

Mr. Busse said a study for that use had not been done for this property, but he had seen numbers from other such developments with heavy traffic flow.

Scott Sanders, Canby resident, pointed out when he purchased his property Dinsmore Estates was being developed and there was an access road shown at that time.

Mr. Brown said there were initial plans for an access road, but it was eliminated in the process and final approval. This was due to the C-R zoning and that it was not appropriate to funnel the commercial traffic through the residential.

Chair Savory closed the public hearing.

Commission Deliberation:

Commissioner Chernishov asked about the testimony regarding the area of special concern.

Mr. Brown explained that the testimony alluded to the zone change being connected with the development application. They did have to approve this zone change for the development application to be considered. There was a statement in the area of special concern language regarding a placeholder, which stumped staff. It was staff's opinion that the placeholder was the C-R designation. He wouldn't have used the word placeholder as it was not straightforward. They should have said that they approved the C-R designation for this Special K area.

Commissioner Mottern asked what other uses in the C-R zone could be placed on this property.

Mr. Brown said there could be a daycare, assisted living facility, mixture of neighborhood retail/commercial and residential, or an office building.

Commissioner Mottern thought the question before the Commission was what was the appropriate use for the neighborhood.

Mr. Brown added that there would need to be a text amendment to the Comprehensive Plan for this area to allow a convenience store or any other car intensive use.

Commissioner Varwig said a lot had changed in 15 years. They had to consider what the best use of the land was now.

Mr. Brown said in the text for the Special K area it stated that the zoning was not changed at that time because they wanted to give the owner of the property the greatest flexibility. A lot of change had occurred since then, but the zoning of the surrounding properties had not changed and the uses that were expected had happened.

Commissioner Mottern asked if it would be difficult to develop this property under the current R-1 zoning.

Mr. Brown said it would be similar to what was being proposed, as it would still be limited to one access, although it would be a much lower density development of single family detached homes.

Commissioner Varwig agreed this was a busy intersection and would continue to get busier. He did not think a convenience store would be a good use for the property. He thought development with the least amount of traffic would be best. He was not in favor of the zone change.

Mr. Brown discussed the traffic study that was done for this property. The result of the study was that traffic would still be under acceptable level of service standards and no mitigation was required.

Commissioner Varwig was skeptical about the numbers in the traffic study.

Chair Savory was concerned about the cumulative effect of all the new developments that kept adding vehicles to the streets. He did not think they were planning well for traffic in the future. He was not in favor of the zone change due the impacts to the livability of Canby.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to recommend to the City Council denial of ZC 18-04. Motion passed 4/1 with Commissioner Chernishov opposed.

b. Consider a request from Butch Busse for a Site & Design Review, Conditional Use Permit, Planned Unit Development and Subdivision to develop a 2.59 acre site located at 1300 S Ivy Street with 38 townhomes (single-family dwellings with common-wall construction) at the corner of SE 13th Avenue and S Ivy Street. (DR 18-03/CUP 18-03/PUD 18-01/SUB 18-02 Canby Townhomes).

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. Commissioner Mottern drove by the site for work.

Mr. Brown entered the staff report into the record. This was a request for a site and design review for a proposed townhome development as well as a Conditional Use Permit for the townhomes, which would be attached single family homes. The townhomes were not permitted outright in the C-R zone. There might be a need for conditions on the Conditional Use to ensure compatibility within the neighborhood setting. Also with this application was a Planned Unit Development and Subdivision request. The proposal was to divide the property into 38 individual platted lots so each unit could be sold separately. There was not room on this site to use the public streets and the applicant was utilizing a private street to develop the townhomes. This was more of a master planned development but on a smaller scale. By using this combination of applications, they were proposing something different than what they usually saw in a housing proposal. He explained the proposed development. There was a concern from the neighbors about the east boundary setback, which had been proposed to be 15 feet. The applicant had changed the setback to 20 feet, which was a standard setback. The

streets were proposed to be 26 feet wide. The minimum public street paved width was 28 feet for a low volume residential street and parking was restricted to only one side of the street. For anything less than 28 feet, no on street parking was allowed. The applicant had proposed five visitor parking places. All of the units would have single car garages with a parking place outside the garage. This met the minimum parking requirements, however it was likely that there would not be adequate parking for visitors and staff recommended the developer revise the plan to provide additional visitor parking. Another concern was enforcement of the no parking on the private streets. The Fire Department required 20 feet free and clear of parked vehicles. If the applicant could widen the street to 28 feet, they could provide interior parallel parking to help serve the development. Staff had asked the applicant to share a drawing of what the units would look like and they submitted pictures of units they had built in another community. However those units did not have garages and he was not sure if they would be the same. There was an open space planned near the intersection where a good amount of the required landscaping would be planted. There would be an emergency only exit as well. Neighbors had suggested matching 13th Avenue fencing to help the development fit in and to put in a landscape screen on the eastern border. One of the items for the Planning Commission to consider was whether the number of units should be limited to no more than 30 rather than the proposed 38. This was due to the one full service access even though it would place the number of units below the minimum density standard of 14 units per acre which was applicable to the Conditional Use for the C-R zone. Other considerations were whether the private street width was intended to provide any parking, whether the visitor parking was adequate, whether the total length of the structures created by attaching a series of common wall single family units needed to comply with the maximum 120 foot length when adjacent to an R-1 zone, and requiring the applicant to carry on the brick fencing established by the neighboring development. The limitation for impervious surfaces could be exceeded with 38 lots and he suggested the applicant do the calculations with the proposed footprints to make sure they met the requirement. Because of the number of proposed changes, staff thought the site plan could potentially look different enough that the Commission would want to see it again before approving the application. Staff recommended continuing the hearing so the applicant could address these items.

Applicant: Mark Grenz, Multi-Tech Engineering Services, said they had designed the property using the C-R zone provisions. This included the minimum density requirement of 14 units per acre. He understood the limitations of the code for the number of units that could be located on a single access road, but the Planning Commission had the ability to allow more units provided that there was an alternative emergency vehicle access. There was a proposed secondary emergency access for this project that would meet that requirement. There were many ways for pedestrians to get in and out and the traffic impact analysis used the 38 units for the site and the analysis said the intersection would still function at an acceptable level of service, Level B, with the development. The traffic projections for growth in this area for the next 20 years were also looked at and that analysis showed the intersection would continue to function at an acceptable level of service. He thought they could meet the minimum density requirement and provide safe accesses. The proposal was the best, most efficient use of the land and helped provide a variety of housing types in the City. These would be single family, owner occupied units that were a smaller footprint that would make the final project as affordable as it possibly could be. Eliminating eight units would have an impact on the final cost. They hoped to maintain the proposed density. They did not have a problem with limiting the building length to 120 feet. If they could not meet that standard, they would come back to request a variance. They also did not have a problem with meeting the impervious surface limitation. He thought the minimum density requirement was a clear and objective standard that had to be met and the Planning Commission had the ability to approve the application as they met the criteria. The street width of 26 feet was a State fire code standard for emergency access and parking on one side. They were not trying to develop a public street, but if the Planning Commission thought it was essential it could be an added condition.

Butch Busse, applicant, explained the pictures of the other townhomes were ones with rear loaded garages and everything else would be the same for this proposed development.

Mr. Grenz said that project was done in Happy Valley and it was similar in that there were private streets and all the units had garages. It was an attractive project, and that was what they were trying to demonstrate.

Commissioner Hall asked what the driveway length would be. Mr. Grenz said 18 feet was standard.

Commissioner Hall said the five visitor parking spaces were compact spaces and there would only be an 18 foot driveway. Even if parking was allowed, there was no place to park on the street without blocking driveways. He thought there would be no place for trucks to park either. Mr. Grenz said if the street was widened there would be space on the interior lots as there were no driveways there.

Commissioner Chernishov asked if the applicant could meet the suggestions made by staff. Mr. Grenz thought they could and he explained how they were open to the building length of 120 feet and impervious surface limitation. They were also open to putting in some type of exterior perimeter fencing to buffer the units from the arterial streets, but they also needed to take into consideration the visual clearance issues. He was not sure if the fence would be brick. They were also open to the request for a landscape screen.

Commissioner Varwig asked if the applicant had done any projects in Canby before. He emphasized Canby was proud of its small town feel. Mr. Busse said no, he had not developed in Canby. He had done projects in other small cities and was sensitive to that.

Chair Savory asked about going from 38 to 30 units. Mr. Busse said it would affect the cost of the project and might not pencil out.

Chair Savory asked if the applicant would be willing to come back with a revised plan with fewer units. He thought it was too many units on this size of property. Mr. Grenz said if the Planning Commission directed them on the changes they wanted to see, they could come back with a revised plan or an explanation as to why they could not make those changes. If they would be willing to leave the number of units open, they could demonstrate how they could provide all of the other items and still possibly have 36-37 units. If they only approved 30 units, he did not think they would need to come back because they would be able to comply. He hoped the Planning Commission would see the importance of achieving the most efficient use of the land.

Commissioner Hall asked if the parcel remained R-1, how many houses could go on the property. Mr. Brown said it would be four units per acre if the property was configured properly.

Commissioner Hall said that would be ten units, and in order to approve this they would have to get better than they would have gotten. With the 38 units, narrower road, and no parking it didn't seem like they were getting anything better as a community. He thought the Commission needed to decide what number of units they were going to hold the applicant to. He would like to see a revised plan that addressed the issues that had been raised.

Proponents: None

Opponents:

Bill Hill, Dinsmore Estates HOA President, said there was great concern about the number of young families that would live in this development and the increased traffic as well as the traffic pattern. This development was so tightly packed that they could not get the parking spaces necessary to serve the development. When they met with the developer in May, there was very little information shared and it made the neighbors question what the applicant was doing. They needed to make sure the safety of the children and community were served first.

Janet Sanders had been a resident of Canby for over 24 years. She had moved to Dinsmore Estates a couple of years ago. At that time she had been told that this property was going to be developed with single level detached homes. However, she found out later that was not necessarily the case. There had been a lot of ambiguity and confusion with this application. She thought the setback, even at 20 feet, was too close. They needed to serve the citizens of Canby, not a developer who was here to make the maximum amount of profit. She had asked for a mature landscaping screen, and it was not in the plan. She also questioned where the stormwater retention facility would go and if it was in the open space she asked if kids could still play there. The traffic study was done in July when school was out and she did not think it was relevant. She thought it was in the best interest of Canby to not allow any high density residential development on this property.

Bob Cambra, Canby resident, said the comments he made earlier also applied to this application. This development would have an impact to the traffic on the nearby roadways. The plan showed a concentrated curve of homes back to back without any greenspace between the homes. It felt more like a fortress and he did not think that would add to the livability of the area or give the City quality homes.

Dennis Richie, Canby resident, said when there was more high density housing crime went up as well and he gave the example of apartments and townhomes that were built in Portland and how crime had increased. They had to do what was best for Canby.

Clint Coleman, Canby resident, liked the idea of having the applicant come back with a scaled down application with about ten single family detached homes.

Regina Taylor, Canby resident, paraphrased the recommended revisions to the application that were in the staff report. She thought they deserved to see a site plan of what would be built before a decision was made. She read the definitions of apartment and townhouse and discussed what single family dwelling meant, especially in terms of what codes would apply. At the neighborhood meeting in December 2017, the applicant indicated he would be building an apartment complex, not townhomes. Since then the applicant had changed the design plan from apartments to townhomes and there had been no pre-application meeting for the townhouse proposal. There were items that were missing from the packet or were never resolved and should be remedied before a decision was made. They did not know where the private fire hydrants would be located, an ordinance was missing from the packet that related to the application, the traffic report calculations used the lower traffic rate for apartments and not the higher rate for single family developments, the site plan did not show the stormwater facilities or the revised 20 foot rear setback, 31 of the 38 lots violated the code for the depth of the lots which were not to exceed three times the width, an incorrect rear yard setback method was used as it had to be from the foundation bump out, the open space was calculated using the multi-family dwelling method not the townhouse method as it included the private yards of the lots, the site plan did not show the minimum 15% open space to qualify for the PUD, there was no review by emergency service personnel for the revisions to the street widths, no plan for clustering mailboxes or garbage containers, no plan for lighting the secluded pocket park and there should be no fences on the neighboring properties so people could see into the park, and there was no copy of the HOA agreement detailing maintenance of the private road, fire hydrants, and open space. She recommended placing access conditions on the property. She thought the access should be located as far away

from Ivy Street as possible. The traffic report was based on the original application for apartments which was half the traffic rate for single family homes. The report did not take into account all of the developments in this area, but left out an additional 250 units. The applicant used the homes in Hope Village as an example of other shared wall units, but there was no similarity as Hope Village were leased units and were not on subdivided lots, making them multi-family, not townhouses. This application would be a high density island out of character with the neighborhood with no attractive amenities. The code stated that a common wall single family dwelling situated on a separate lot shall not contain a common wall with more than one other dwelling. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear straight line or highway straight patterns. She also discussed the requirements that were not being met for the PUD request and how this flat parcel had no geography or topography that necessitated a unique design for a PUD and the City did not gain a development as good as or better than a traditional development. She thought the applicant was being sneaky in asking for a Conditional Use Permit to avoid the obligations through the density bonus program. The Conditional Use allowed the increased density of townhomes, but avoided the responsibility of giving amenities in return. The applicant's design was out of compliance with the requirements of the subdivision design standards. She stated 31 lots were out of compliance as the depth of the lots exceeded three times the width. The overall density was not R-1.5 as required for C-R, but was R-2. Alternative development was not supposed to exceed the underlying maximum density allowed by the zone. Staff was recommending a complete redesign with fewer units, however she submitted a separate list of concerns all based on the site plan provided in the packet. She thought the application should be rejected and the applicant should submit a new application.

Rebuttal:

Mr. Grenz said if the Planning Commission wanted them to come back with a revised plan, they would like some direction on what changes should be made.

Commissioner Chernishov thought they should try to make the changes that had been suggested by staff and the public testimony.

Commissioner Varwig asked if the units would be for sale or lease. Mr. Grenz stated they would be single family attached owner occupied units. The project did start out as something different, but they had determined the best use in this market was single family owner occupied attached housing and that was what they had done.

Commissioner Varwig asked if because the application had been changed, did they need another pre-application meeting. Mr. Brown replied staff had decided that it was not needed because any questions could be adequately addressed in the construction stage.

Mr. Iparraguirre discussed the rights of adjacent property owners, land owners, and developers. There had been a lot of concern about the R-1 vs. the C-R zoning. For 15 years this property had been actively represented with the C-R zoning. The owner of this property had the right to request a wider access road when the Dinsmore Estates were being developed, but it was not done based on the misrepresentation of the zoning for the property. If they went back to the zoning issue, they revived the argument about what could happen on the property. This was not a simple mistake, but an active decision by the City to act in a certain way. Unfortunately this decision had consequences and it was not as easy as saying they wanted to erase 15 years of decisions.

Chair Savory closed the public hearing at 10:06 pm.

Commissioner Deliberation:

Commissioner Chernishov was in support of asking the applicant to review the suggestions that had been made and making changes to the application.

Commissioner Varwig agreed more work needed to be done and the plan should be revised. It was important that the application meet the small town feel.

Commissioner Hall asked if they wanted the applicant to go by the design standard of 30 units or 38 units. He would also like to see a detailed plan with street widths, setbacks, parking, etc.

Commissioner Mottern did not think the application met the criteria as there were parking and safety issues. He thought it should be changed to meet the suggestions by staff, should be 30 units, and should fit the community better.

Chair Savory echoed those comments.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to continue DR 18-03/CUP 18-03/PUD 18-01/SUB 18-02 Canby Townhomes to a date certain of November 12, 2018. Motion passed 5/0.

c. Consider a request from Frank and Kathleen Cutsforth for an Annexation and Zone Map Amendment to annex three parcels totaling 9.55 acres including the adjacent N Territorial right-of way located in the northeast portion of the City's Urban Growth Boundary off NE Territorial Rd and rezone the property from Clackamas County's Rural Residential Farm Forest-5 to the City's Low Density Residential Zone. (ANN 18-02/ZC 18-02 Cutsforth).

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There was none.

Mr. Brown entered the staff report into the record. This was a request to annex 9.55 acres off NE Territorial Road. There were stub streets from the adjacent subdivision that would connect to this property when developed. The property included three tax lots and the adjacent N Territorial right-of-way would be included in the annexation. The City currently had jurisdiction of Territorial in this area. There was a drainage area on the southern edge of the property that slanted steeply and would be undevelopable. The applicant was considering putting 22 lots on the property and he explained the conceptual site plan. One comment was received from Lori Peterson regarding the number of trees that would be removed for the development. Mr. Brown said there were no laws in Canby that prohibited the removal of the trees and it might be possible to save a few of them. The applicant had provided a three year projected lot inventory and he explained how these lots were needed even if all current applications were approved and built. There were no concerns about extending the utility lines and serving this site. The property was surrounded by the City on three sides and it made sense for annexation. Staff recommended approval of the application and zone change to R-1. There was no need for a development agreement for this property.

Applicant:

Frank Cutsforth, applicant, said he had owned this property for many years and saw development go up around him such as Vine Meadows, Willow Creek, and Walnut Crossing.

Pat Sisul, Sisul Engineering, stated annexing this area would square off this corner of the City. On the southern portion of the site there was a deep ravine that covered 2.85 acres of the property. That area was undevelopable due to the drainage and steep slopes. The intent was to set that area aside as unbuildable tracts that would belong to the lots in front of them. It would allow 6.1 acres for the two existing homes on the property and 20 new lots to be developed. The size of this annexation was on the smaller end in comparison to other recent annexation applications. It would be a two to three month supply at the current rate. The timing was right due to the surrounding developments and the roadways had been stubbed as well as the utilities. Looping the roadways would improve emergency access and looping the utilities provided better water quality.

Jamie Netter, Canby resident, lived in Walnut Crossing. She was in favor of the application and the development of this property. This was the next logical step for the area.

Clint Coleman, Canby resident, lived in Vine Meadows. There were many new developments that would affect Territorial and 13th and he suggested in the traffic study that traffic calming recommendations be included. He was in favor of this application.

Opponents: None

Chair Savory closed the public hearing at 10:53 pm.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hall to approve ANN 18-02/ZC 18-02 Cutsforth). Motion passed 5/0.

FINAL DECISIONS

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

- a. ANN 18-02/ZC 18-02 Cutsforth

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve the final decisions for ANN 18-02/ZC 18-02 Cutsforth. Motion passed 5/0.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, September 24, 2018

Mr. Brown discussed upcoming agenda items.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

ADJOURNMENT

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Varwig to adjourn the meeting. Motion passed 5/0. The meeting was adjourned at 10:57 p.m.