

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, January 8, 2018  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners John Savory, John Serlet, Derrick Mottern, Tyler Hall, and Shawn Varwig  
**ABSENT:** Commissioners Larry Boatright and Andrey Chernishov  
**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary  
**OTHERS:** Craig Gingerich, Fred Mueller, Steven & Sharon Hughes, Rita Schmeiser, Brenda Mootz, Regina Taylor, Levi Levasa, Ryan O’Brien, Ed Netter, Rod Beck, Tom Scott, Cindy Bennett, David Peter, Sue Terry, Duane McMartin, Tucker Mayberry, Bob Price, Gordon Root, and Tom Scott

**1. CALL TO ORDER**

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

**Chair and Vice Chair Nominations** – This item was postponed to the next meeting.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**3. MINUTES**

a. December 11, 2017 Minutes – Available next meeting.

**4. NEW BUSINESS** – None

**5. PUBLIC HEARING**

a. Consider a request for an Annexation, Zone Map Amendment, and to adopt the South West Canby Development Concept Plan for seven different parcels located in the southwest portion of the City of Canby’s Urban Growth Boundary in the vicinity of S Fir Street, west of Hope Village, and the west side of S Ivy Street, south of Hope Village. (**ANN 17-02/ZC 17-03 Southwest Canby/Stafford**)

Chair Savory opened the public hearing at 7 pm and read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There was none.

Staff Report: Bryan Brown, Planning Director, entered his staff report into the record. This was a request for annexation of seven tax lots located in southwest Canby. He explained the Urban Growth Boundary in this area which was not defined any clearer than the top of bluff. Staff was taking a practical approach by saying straight across S Ivy down to the bridge would eventually be in the City and everything on the other side of the bridge would be outside the City. There was an amendment to the application to add four tax lots that were already annexed into the City and designated as R-2 into the Development Concept Plan. Those properties were still vacant and future development was identified for these properties in the DCP. The applicant had done a good job of getting as many property owners as possible to be included in the DCP. He showed the tax lots involved in the annexation including the rights-of-way on S Fir Street and S Ivy Street. The jurisdiction of S Ivy was still Clackamas County, but it would eventually be the City’s jurisdiction. The City was currently looking at changing the jurisdiction of S Fir St from 13<sup>th</sup> Ave to where it

currently ended which had been built to City standards. In developing the DCP, the applicant was responsible for concept planning the infrastructure for the entire area to help the City avoid piecemeal annexations. He explained how the sanitary sewer and water lines would be laid out as well as DirectLink lines. The lines could be changed or modified over time. He discussed the proposed DCP boundaries and zoning. Hope Village was looking at purchasing some of the high density residential to expand their housing. The DCP also showed the circulation patterns and streets. Down along the river a linear trail and park areas were shown which followed along the top of the bluff. It would be a component of Canby's Emerald Necklace. The City had the option to choose whether the applicant paid System Development Charges for parks or whether the applicant dedicated park lands in lieu of SDCs. Staff had proposed that park lands be dedicated in this case. The applicant was working with a couple of property owners who were concerned about a trail designated across the top of the bluff that included their properties. Another issue was related to turning left out of the intersection of S Fir St and SW 13<sup>th</sup> Ave. An extensive traffic study was done which indicated that although there would be negative impacts on that intersection, there would be no trouble turning right. It would become increasingly difficult to turn left. The applicant had proposed another access to help with the situation. There was a roundabout proposed to be constructed on 17<sup>th</sup> and Ivy Streets as well. It would be a good location for a roundabout as it was a way to calm traffic and slow traffic down. It would also be an entryway to the City. There were some complications since it was not currently an adopted proposal in the Transportation System Plan and would need to be included in the TSP and it could become a capital project. Right-of-way would also have to be secured to build the roundabout on both sides of Ivy. He then discussed the level of service in the traffic study and how the City had adopted a minimum level of service D. He also discussed the emerald necklace, an interconnected system of parks and trails that paralleled the UGB along the two major rivers surrounding Canby. This idea was in the Park Master Plan and the Visioning process. He went over the review criteria indicated in the Staff Report. The applicant was following the Comprehensive Plan land use designations for the rezoning, which would be R-1, R-1.5, and C-R. The City did not have a three year supply of available lots even with all of the newly added plats. There was a need for additional land to satisfy the demand. Items that did not get into the packet included: a letter from the Housing Land Advocates and Fair Housing Council of Oregon asking the City to delay the decision so the City could do a more detailed Goal 10 analysis on housing need and supply, Mr. Brown's response to that letter explaining this was not a Comprehensive Plan or Code amendment and an analysis was not needed, Ed Netter's letter who thought an all-way stop should be put in at S Fir and SW 13<sup>th</sup> and who was concerned about the trail at the top of the bluff as it would cross his property, and a letter from DirectLink.

Applicant: Gordon Root, Stafford Land & Development, planned to develop 62 lots on S Fir. It had been a long process to coordinate with all of the other property owners. Canby was a growing community where people wanted to live. This area would be developed in phases over time. The market would dictate how fast the land would be absorbed. The Concept Plan included a variety of zones which would provide attainability, balance, and choice with different price points and housing options. The traffic study was exhaustive and the property owners had jointly paid for the study to be done. This plan had been revised many times to come up with something everyone was satisfied with. He viewed parks as an amenity and he was in favor of the parks and trails. However, once dedicated, they would have to be maintained. There were also property owners who did not

want park land on their property, and an alternative trail system had been created. There would be an access to the west on Elm which would help alleviate the issues on S Fir and SW 13<sup>th</sup>. They had worked hard to get a plan that was acceptable to all and to meet the needs of the City long term.

Ryan O'Brien, planning consultant for Stafford, commented that the current level of service for the right turn on S Fir and SW 13<sup>th</sup> Avenue was an A and the current level of service for the left turn was a B. It was projected to remain at an A level for the right turn in 2035, but the left turn went to a D level. That was why the applicant was proposing another access on Elm. The land uses complied with the Comprehensive Plan and all of the services were available. The applicant would like to begin building in the summer and the first homes would be done by 2019. It would not be until 2021 or 2022 before all of the homes were built. This annexation was for 61 acres on 18 tax lots which included all of the property owners that wanted to come in at this time. There would be another annexation application for this area that would be submitted soon and about 85% of the land in the concept plan would be proposed for development. There were many pocket parks proposed along the trail.

Levi Levasa, Stafford Land & Development, stated there was a 333 lot deficiency in Canby. Even if all the newly approved applications were to be platted today there would still be an 80 lot deficiency for the three year buildable land supply. The three year inventory over the next 30 years averaged to 390. He explained how this analysis was done, comparing Portland State data with Metro data for the population assumptions. He also explained how many platted lots would be needed each year to maintain the three year supply. He did not think bringing more land in should be a question. He thought doing growth well according to code would help with the affordable housing issues in the City.

Proponents: Tucker Mayberry, Portland resident, was in favor of the annexation. He was currently working on the McMartin property annexation application. He liked the plan and thought it would fit well with the area.

Robert Price, Portland resident, had been a consultant for Hope Village for 8 or 9 years. He was in support of this project. He thought it was a good, useful project. He thought City staff was amazing.

Craig Gingerich, Executive Director of Hope Village, expressed the Board's appreciation to the Commission for all of their support in past planning. Hope Village was a significant provider of senior housing and services in Canby. They were in support of the proposed annexation. They looked forward to participating in the development of this area.

Opponents: Ed Netter, Canby resident, was not against growth as he was a developer. He thought some things needed to be addressed in the concept plan, including the intersection of S Fir and SW 13<sup>th</sup>. It was extremely difficult to turn left at that intersection now, and it would only be exacerbated by 62 more houses, and even more houses were proposed to be built in the future. It was an unsafe situation. A good number of the proposed homes would have driveways on S Fir and he thought the driveways should be on the inside of the subdivision, not on a main road where there would be a lot of traffic. He had attended the neighborhood meeting, but that was the only input he had into this

concept plan and he owned two properties in the plan area. He did not want a street to run through his property as was proposed. He did not plan to annex and develop the property and the road needed to go around it. He also did not want part of the trail to go through his property.

Tom Scott, Canby resident, was not opposed to the annexation, however it had to be done in a well-planned manner that created a good neighborhood for all. He was here to protect his property rights. The DCP was put into place to allow everyone to have a voice, but he did not have that voice throughout the process. He did not know about the neighborhood meeting and had only received a notice of this meeting. The applicant did get in touch with him last week to talk about his concerns. He had chosen not to annex at this time and was disappointed in this process. The driveway access on Fir was a problem. It was considered a residential street currently and the code allowed driveway access. However, he thought the Commission should not allow that to protect the livability of the neighborhood. The traffic study said this development would significantly add traffic to the street. It would be dangerous to add driveways to Fir and the project could be redesigned to have all of the accesses on a less busy street. It was impossible to turn left at the intersection of Fir and 13<sup>th</sup> during peak hours. It was very dangerous with people taking chances and having near misses. It needed to be addressed. He was opposed to the park trail on his property. He would have to dedicate about half an acre of property, which he thought was beyond what the City could require. He did not think they could accept a DCP that required that dedication. He owned 12 acres and most was outside of the UGB. If a park trail was put through he would lose full access to the lower portion of his property. He did not think the City had the authority to do that. He thought losing the property and his view would greatly devalue his property and he wanted to protect his rights.

Rebuttal: Mr. Root had talked to Mr. Netter and at one point Mr. Netter had talked about trading his property for some finished lots. There was a different road pattern when the McMartin property had been included. Regarding the driveways on Fir, it was a residential road and the code allowed driveway access on it. He thought the driveway accesses would act as traffic calming. Regarding the road alignment on Mr. Netter's property, it could be better addressed by Mr. Mayberry. This was a concept for how the roads could be developed. The outcome prior to subdivision could incorporate what Mr. Netter would like to see. Mr. Scott was on the meeting notice list. He knew that Mr. Scott did not want to annex for a long time, but it was a code requirement that a shadow plat had to be done that showed how the property could be accessed if it was developed. There was an alternative plan for the trail and parks that would address the concerns.

Mr. O'Brien said there would be no houses that fronted Fir Street on the east side, only on the west side. He just talked to Mr. Mayberry and there was an alternative way the streets could be configured that eliminated the need to go through Mr. Netter's property. The TSP indicated Fir as a local street and there was no prohibition to fronting homes on local streets. He thought it would help with traffic calming and would look better aesthetically. All of these issues would be addressed at the subdivision stage. This was a concept plan that showed the general layout and was flexible. The City Council could decide to put a four way stop in at Fir and 13<sup>th</sup> at any time. It did not have to be through this development.

Mr. Scott explained the amount of land he could be losing through this process, which would be about 21,000 to 22,000 square feet. He did not think the City could require him to give more park land than was required by code.

Mr. Brown said staff advocated for the originally submitted plan which showed the 35 foot pathway along the river and across Mr. Netter's and Mr. Scott's property because it was the plan that implemented the adopted Park Master Plan. The only leeway staff saw was the width of the trail, with 20 feet being the minimum and 35 feet being the desirable width. At this conceptual stage it was possible that the width could vary at different locations. It also helped the applicant meet their park dedication in lieu of Park SDCs. The difficulty in recommending the alternative plan was the temporary pathway going on sidewalks on local streets lacked a future connection along the river. The alternate path was considerably out of the way and not the same experience as strolling along the river. It was better to have it labeled for the future, knowing that until the property was annexed into the City and developed there would not be a trail connection. Narrowing the trail would take less land that needed to be dedicated. There was a potential for a density transfer for the properties that were dedicating the park land where property owners could be reimbursed for the park dedication. They were not going to satisfy every property owner, but they could work through the process until there was satisfaction that it was as good as possible. The concept plan was to show a logical infrastructure plan and to provide a way to implement the vision for the area. The City was not taking away anyone's property.

There was discussion regarding alternatives to the location of the trail.

Commissioner Varwig was concerned about property owners losing their property, but if there was a willingness to adjust that and the City would not take the property, he was in support. He wanted to make sure property rights were being protected.

Chair Savory had the same concerns about property rights. If it could be worked out to Mr. Netter's and Mr. Scott's satisfaction, then he could get behind it. He thought there should be a four-way stop at Fir and 13<sup>th</sup>.

Commissioner Serlet said he could take that recommendation to the Traffic Safety Commission. Mr. Brown clarified the traffic study said a four-way stop was not warranted and he did not think they could make the developer be responsible for that improvement.

Commissioner Serlet said Canby was proud of its livability and he did not want to give that up. He thought the street should be rerouted so it did not go on Mr. Netter's property.

Commissioner Hall suggested approving the alternative plan and noting the potential trail connection points, but not requiring them in the plan.

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Hall to recommend approval to the City Council of the annexation, zone map amendment, and adoption of the South West Canby Development Concept Plan alternative plan with the protection of Mr. Netter's and Mr.

Scott's properties and the adjustment of the street as discussed. (ANN 17-02/ZC 17-03 Southwest Canby/Stafford) Motion passed 4/1 with Chair Savory opposed.

## 6. FINAL DECISIONS

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

### a. ANN 17-02/ZC 17-03 Southwest Canby/Stafford

**Motion:** A motion was made by Commissioner Serlet and seconded by Commissioner Varwig to approve the final decisions for ANN 17-02/ZC 17-03 with the amendments made previously. The motion passed 4/1 with Chair Savory opposed.

## 7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. The next Planning Commission meeting would be held on January 22, 2018.
  - Northwood Estates Phase 4
  - Nominate new officers for the year

## 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

There was consensus that Commissioner Serlet take the issue of the four-way stop to the Traffic Safety Commission.

## 9. ADJOURNMENT

**Motion:** A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to adjourn the meeting. The motion passed 6/0. Meeting adjourned at 9:06 pm.