

Canby Planning Commission  
Regular Meeting  
April 25, 1979

MEMBERS PRESENT: Chairman Ross, Commissioners Hart, Davis and Kahut

MEMBERS ABSENT: Commissioners Edgerton, Schwartz and Cutsforth

OTHERS PRESENT: City Attorney Roger Reif, City Planner Stephan Lashbrook, Public Works Director Ken Ferguson, Dave Bury, Don Stastny, Harold Jeans, Dave Boland, Pat Graham, Bob Graham, Bill Watson, Jim Hawes, Mel Brim, Dick Mole, Evelyn Burt, Vera Stable, Maynard Nofziger, Mr. and Mrs. Jack Davis and others

Chairman Ross dispensed with the minutes of the previous meeting and any other correspondence and went immediately to Item #1 on the agenda.

Item #1: CONTINUED request for approval of a preliminary plat of a subdivision to be called "Willamette Green #2". This property is located north of Willamette Green and west of the Molalla Forest Road and described as Tax Lot 1900, Section 27C, T3S, R1E. The applicants are Dave J. Boland and Harold S. Jeans. City Planner Lashbrook gave his presentation and recommended approval based on the following conditions: 1) Recommendations of the Canby Telephone Association to be made conditions of approval; 2) All ingress/egress to meet the requirements of the Canby Fire Marshal for fire trucks and shall include (at a minimum): A) All turns in on-site roads to allow for a design speed of 20 M.P.H.; B) The acute angle turn ( $\pm 135^{\circ}$ ) at the north end of the property to have a 45 foot radius (based upon the design requirements of a cul-de-sac); C) The road through the existing Willamette Green development shall be connected with the proposed road in Willamette Green #2. A chain or other locking system shall be utilized to prevent a drive-through situation by other than authorized users of this gate. The City of Canby and the local garbage collection company shall be allowed to utilize this gate.; D) A turnaround shall be provided at the termination of the road. This turnaround shall be designed and constructed to allow for a  $180^{\circ}$  turnaround by a full sized American car with only a single reverse motion; 3) "No Parking" signs to be posted in the turnaround area and all other areas which are not intended for parking purposes; 4) "Dead End" and "Private Road" signs to be posted at the entrance to the development. A "Stop" sign to be posted at the exit point to Territorial Road; 5) Maximum number of units to be constructed to be 60. Minimum number of parking spaces to be 120; 6) Water lines to be as shown on the preliminary plat, with the addition of a 2" line to be run from the termination of the 4" line back to the main water line in the vicinity of building #1; 7) Individual water meters to be required for each building; 8) An additional fire hydrant to be placed in the vicinity of building #1; 9) On-site area lighting shall be the responsibility of the Association, with billing to be determined by the Utility Board; 10) Site drainage to be designed and constructed such that the resultant overall drainage capacity will be as good as, or better than, the pre-development drainage of the site. The staff recommended the Planning Commission adopt the following findings of fact: A) The proposal conforms with the adopted City Plan; B) It complies with applicable Statewide Planning Goals; and C) It meets the requirements of the City Zoning and Subdivision Ordinance. Mr. Lashbrook explained

the three parking plans submitted and stated he was recommending Plan A. Don Stastny (Architect for applicants) stated the number of units shown (60) in planning this project conforms with the limits of the staff report. The units have been designed in three different basic configurations which take into account the different slopes at the site. This is so the development will blend in with the natural contours of the site as closely as possible. The road presently running through Willamette Green will continue through the new development and the green space in Phase I will also continue through the new site. Harold Jeans (applicant) asked that the minutes reflect the fact that 60 units is the maximum number to be allowed but that possibly less units would in fact be built and that all staff recommendations would still remain the same even if less units were built. Dick Mole (Vice President of the Willamette Green Homeowners Assoc. and opponent) objected to any connection between the present road going through Willamette Green and the proposed road extending through Willamette Green #2. He also stated that homeowners in Phase #1 were led to believe that future development would be comparable as to size, square footage and appearance and they felt that this would not be so. Pat Graham (Willamette Green homeowner and opponent) stated that according to the County Assessor's office and Mr. Tatone's surveying service, the future development site is 4.35 acres. The original Willamette Green is 5.99 acres and there are 41 units. She expressed the opinion the new development had too many units in relation to the amount of land. She further stated that the Homeowner's Association was responsible for the upkeep of the present road through Phase I and does not want further maintenance by additional usage of more cars and trucks. Bill Watson (98 Willamette Green) asked who would own the new street. Chairman Ross stated it would be owned and maintained by the Homeowner's Association of Phase II. Mr. Watson did not see how the road could be curved as it is shown on the display map as it would be right up against a ditch along the logging road. Jim Hawes (43 Willamette Green) stated he understood when he moved in 2½ years ago that Phase II would be comparable to Phase I in quality, number of units, aesthetic values, architectural quality. He felt that putting 60 units in the new development could affect the property values in Phase I. He felt this would be unfair, as those who purchased in Phase I were under the impression that future development would be comparable. He was also concerned about joining the two roads between the two phases. Mel Brim (Manager of Willamette Valley Country Club) stated the Club was concerned about whether there would be an access road from Phase II to the maintenance building at the golf course. Mr. Stastny pointed out the access road was on the working drawings. Mr. Brim also asked where the parking area would be located in relation to the golf course. How close would the parking be to the 12th Fairway on the golf course? Chairman Ross stated by looking at the parking map on the wall there would not be parking adjacent to the country club. Mr. Brim asked how close to the property line the units would be built. Chairman Ross stated they would be 5 feet from the property line. Mr. Brim then asked whether these units would be for rent or for sale. Chairman Ross stated he would have the developer answer that question when it was time for rebuttal. Bob Graham (42 Willamette Green - opponent) asked whether

there is a club house as well as a pool in the new development. He also stated that he hoped the aesthetic beauty of this area could be kept. Mr. Graham handed out brochures that he was given when he bought his unit in Phase I. Pat Graham (opponent) wanted to know where the large trucks would turn around if only American sized cars could be accommodated. Dick Mole (opponent) stated the Homeowner's Association did not mind comparable units as shown in the brochure of Phase I being built, but they did not want to see 30 to 40% more and have problems with the road. They did not want the development overcrowded. They wanted the same type of architecture extended right on through to the new development. Evelyn Burt (Willamette Green homeowner - opponent) stated they felt very fortunate to live where they do. She wanted to keep as much of the true feeling of the countryside as possible and not have any overcrowding. Harold Jeans (applicant) stated the requirement for a break chain and some type of connection between the road in Phase I and Phase II was a condition placed on the developer when Phase I was approved. He stated that the road in Phase I was twenty feet in width. At the entry to Phase II the road is 28 feet and continues through at 25 feet as Mr. Jeans felt 20 feet was not wide enough. The same turnaround was put into Phase II as was requested by the City in Phase I. The Fire Department has a requirement that all emergency vehicles be able to enter from either side. Mr. Jeans stated they were not required to give the golf course any easements but felt it was only proper to do so. Mr. Jeans stated the setbacks along the golf course property line were zero to 10 feet in Phase I. He stated the smallest setback from the property line in Phase II was 11 feet. Some were as much as 35 or 40 feet from the golf course fringe. Mr. Jeans stated they were willing to give the golf course the easement talked about previously if the golf course would surface the easement and beautify the strip along the easement by marking the brush they wanted taken out and the developer would remove it. Mr. Jeans stated the developers would prefer to use the same parking scheme as was used in Phase I. They did attempt to break up the guest parking by putting several guest stalls throughout Phase II. Commissioner Davis asked Mr. Jeans to address the question of density in Phase II. Mr. Jeans stated the Planning Commission requested a set of plans showing a maximum density of 60 units. The developers had shown that 60 units could be accommodated but Mr. Jeans requested that the minutes reflect that less units could be built. Mr. Jeans stated until they saw what the market would require, they would not know how many units would actually be built. Mr. Jeans felt the floor plans in Phase II were superior to those used in Phase I. Approximately 12 of the new units are larger than any unit built in Phase I. Commissioner Hart mentioned that there was a putting green shown in the brochures originally made up for this development. He felt the developers had not necessarily represented what was actually being built. Mr. Jeans stated the original Board of Directors of the Willamette Green Homeowners Association were told that "these things were all not represented this way". Chairman Ross stated according to the computation in the brochure, it would leave Mr. Jeans roughly 35 new units to build. Mr. Jeans stated that was not a promise. He also stated they had three alternatives when starting to build this development: 1) Build single family residences; 2) Build apartments; or 3) Build condominiums. Chairman Ross stated the only

reason the area was zoned R-2 was to allow a condominium development because the city ordinances at the time of development would not allow condominiums in an R-1 zone. It was not rezoned for apartments. Mr. Jeans pointed out to the Commission that he did not view Phase II as a flaglot and it should not be treated as one. He also stated that the minutes of the original Planning Commission meetings of Phase I referred to the development as containing a maximum of 100 units. With the addition of 60 units in Phase II, there would be a total of 101 units. Commissioner Kahut asked Mr. Jeans whether there would be a club house and a pool. Mr. Jeans stated it was anticipated that there would be a pool. He stated that after Phase II was built, that possibly Phase I and Phase II might like to merge and would have compatible overlapping facilities. Mr. Jeans stated there was no firm commitment at this point on the construction of a club house. Mr. Jeans stated studies have shown that club houses are not receiving sufficient use to justify their existence. Mr. Jeans stated large trucks would turn around the same way they do in Phase I. Pat Graham (opponent) thought the Fire Marshal should be at the meeting to explain the staff requirements of the Fire Department as the homeowners definitely do not want the roads between Phase I and Phase II joined. Vera Stable (opponent) stated it was her understanding when she bought that the roads would not be connected. Since the Fire Marshal was recommending that the roads be connected, Mrs. Stable asked whether it was only a recommendation or a requirement as the residents of Phase I definitely did not want the roads connected. Fred Hughes (34 Willamette Green) stated there was a mock-up model of the completed development in the club house when he bought his unit. This model did not show the road going through and did not show the higher density Mr. Jeans has now shown. Chairman Ross then closed the public testimony. Commissioner Kahut asked whether apartments could be built in this area since it was zoned R-2. City Attorney Reif stated that unless the original minutes showed the applicant volunteered that it would be strictly condominiums, that apartments could be built. Chairman Ross stated the only reason the area was zoned R-2 was to allow the greater density needed by a condominium development. Commissioner Kahut felt the whole issue should be checked into. He felt if a planned unit development is approved, the Planning Commission should know exactly how many units are being built, where they are being placed, where the parking is going to be, where the recreation facilities are going to be, not just rough estimates. City Planner Lashbrook reminded the Commission they had the authority to approve, deny or modify the application. If modifications could be made that would mean approval of the application, Mr. Lashbrook felt this would be advisable rather than tabling or denying it. Mr. Lashbrook stated he had looked at the original minutes taken in 1968 and they were very unclear. He stated these minutes would not give the Commission any clearer information. Mr. Lashbrook also felt with an R-2 zone that it would be conceivable that apartments could be built on this property. Mr. Lashbrook also pointed out the Planning Commission could not reduce the required number of parking spaces below the zoning requirements (two stalls per unit). Mr. Lashbrook stated also that homeowners in Phase I should seek an attorney to pursue civil action if they felt they had been misled and not plead their case before the Planning Commission who

have no jurisdiction over some of the issues raised. Commissioner Kahut felt one of the issues at hand was density, which was a Planning Commission responsibility. Discussion followed on the options of the Planning Commission regarding approval, denial or modification of this application. \*Commissioner Kahut moved to deny the application for Willamette Green #2 as presented due to: 1) Exact location of buildings should be known per Section 29(1) of The Subdivision Ordinance; 2) Density is too great; and 3) Exact location of parking, landscape, etc. (showing setbacks, landscape design, community facilities) should be shown. The motion was seconded by Commissioner Hart. The question was called for and passed unanimously. The vote was 4 to 0 with Chairman Ross voting. Chairman Ross notified the applicants they had 10 days to appeal this decision to the City Council.

Chairman Ross called for a 10 minute recess and the meeting reconvened at 9:20 p.m.

Item #2: Request for a Minor Land Partition to divide a 34,160 sq. ft. parcel into 3 smaller parcels ranging in size from 7,600 to more than 24,000 square feet. The property is located south of N.E. 10th Avenue and west of N. Pine Street and described as Tax Lot 1300, Section 33AD, T3S, R1E. The applicant is Maynard D. Nofziger. City Planner Lashbrook gave his presentation and recommended approval subject to the following conditions: 1) All recommendations of other staff reports to be made requirements; 2) Access strip to flaglot to be paved for full 20 foot width; 3) Dedication of 10 feet to be required along both N. Pine Street and N.E. 10th Avenue; and 4) Waiver of remonstrance against any curb, gutter, sidewalk or street improvements on both N. Pine and N.E. 10th Avenue. Maynard Nofziger (applicant) stated he had no additional input to the city planner's presentation. Commissioner Kahut asked if there was room for another lot behind the present house. His concern was that another minor land partition would be requested for the lot the house was sitting on. Mr. Lashbrook stated that he doubted that there was sufficient room to create another lot and they would have to wait another calendar year to do that anyway. He felt there was no plan to do that. Discussion followed on the problem of access to the back portions of the neighboring lots. Mr. Nofziger stated the owner of one of the adjoining lots in question (Mr. Millar) was aware of this application and had other plans for access to his lot. \*Commissioner Kahut moved to approve the Minor Land Partition subject to the recommendations previously given by the city planner. The motion was seconded by Commissioner Hart. The question was called for and passed unanimously. The vote was 4 to 0 with Chairman Ross voting.

The meeting was adjourned at 9:40 p.m. for a report on the proposed Comprehensive Plan.

The meeting has been recorded on tape.

Respectfully submitted,

  
Virginia J. Shirley, Secretary  
Canby Planning Commission