

CANBY PLANNING COMMISSION MINUTES

Regular Meeting
November 19, 1990

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Bear, Westcott and Fenske. Absent: Commissioner Zieg

Others present: John Beck, Lisa Williams, Dirk Williams, Al Sizer, Marjorie Wolf, Arthur Ellickson, Kathy Ellickson, Ken Perinchief, Joan Perinchief, Ed Schram, Mary Ann Schram, Eric Long Street, John Torgeson, Sande Torgeson, Dave Nelson, Edna Nelson, Lynn Sharp, Roger Reif, Pat Ewert, Ginny Jones, Cheryl Pacholl, Bob Graham, Cheryl Learfield, Earl Walker, Bob Smith, Rusty Klem, Public Works Director; Bob Hoffman, City Planner; John Kelley, City Attorney.

II. MINUTES

The minutes of November 5, 1990, were approved unanimously.

III. BUSINESS FROM THE AUDIENCE

Al Sizer, 764 S.W. Westwood Drive, Portland, Oregon, the applicant for Planned Dollars Concepts, asked that the Findings for **SUB 90-02** be ruled upon first on the agenda because he had to leave the meeting early. The Commission accepted Mr. Sizer's request.

Robert Hoffman explained that two sets of Findings had been sent to the Commissioners, one that he had prepared, and one that had been changed by Ed Sullivan, the attorney for Planned Dollars Concepts. Mr. Hoffman felt that Mr. Sullivan's changes strengthened the original Findings and recommended to the Commission that the Findings prepared by Mr. Sullivan and approved by the City Attorney be approved.

Commissioner Fenske moved to approve the Findings for SUB 90-02 as submitted and altered by Planned Dollars Concepts with the staff and the City Attorney. Commission Mihata seconded the motion. The motion passed with Commissioners Schrader, Bear, Mihata, and Fenske in favor.

Commissioners Westcott and Wiegand abstained because they were not at the November 5, 1990, meeting.

IV. COMMUNICATIONS

Robert Hoffman explained that communications had been received with regard to SUB 90-05, Mr. Tatone's application for Lilian's Meadow. There were also a series of communications, illustrations, and a map relative to SUB 90-06, Mr. Nelson's application for Village on the Lochs that were submitted after the Planning Commission packets went out. Some of the items had been submitted on the date of the hearing, November 19, 1990. Also submitted was a draft of Ordinance 853 regarding manufactured housing to be reviewed at the December 3, 1990, meeting.

V. UNFINISHED BUSINESS

Continuation of the hearing on CUP 90-06, a request by Dave Nelson for approval to construct a 147-unit mobile home park on property identified as Tax Lot 1780 of Tax Map 4-1E-4C. The property is generally located east of Canby Community Park and south of S. Elm Street.

John Kelley, City Attorney, pointed out that because Mr. Nelson had submitted additional evidence the staff or the public had not seen before this meeting, if anyone wished to ask for a continuance to a later hearing date, they would be allowed that continuance by law, ORS 197.763 (4B) if they so requested.

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. At this time, the applicant recommenced his presentation of the application.

Applicant

David Nelson asked Mr. Hoffman to comment in terms of the information they have been working on.

Mr. Hoffman summarized the contacts made stating he had toured the site with the applicant. There has been substantial change in terms of grading and many trees cut. It does not appear that any of that has taken place within the staked wetlands area. The applicant has submitted new documents relative to the wetlands area and wildlife habitat. He has submitted maps indicating the new topography of the site. The applicant has also submitted rebuttal to the staff report on the fourteen questions prepared. The applicant further submitted information regarding the floodplain and a new proposed plan outlining additional information indicating no change within the existing wetlands area. Mr. Nelson also

has proposed dedicating some park land to the City, in fact, quite a bit of the wetlands area. The applicant has also agreed to help build a trail on the adjacent city property that would connect that property with the park to surface that area, and also build a footbridge. The new maps submitted earlier indicated there would be no second phase in the county. Mr. Nelson has designed this phase as a stand-alone project. The access will still come down the hill and across the bottom of the project. The applicant has shown a set of road alignments within the project similar to that which he showed at the hearing last time.

Mr. Hoffman stated that the applicant was concerned that some of the wording that was used in the staff report might lead people to believe that there is an outstanding violation regarding the wetlands. That was not intended.

Mr. Nelson referred to the Wetlands and Wildlife report dated November 1990. He stated he felt, based on this report, the wetlands should be left as they were. When he redesigned the park, it reduced the mobile home park down to 138 units from the original total. There will be 5.3 units per acre versus the 7 allowed. He stated he felt they had taken care of other concerns that staff had concerning road alignments, circulation, fire access, etc. He feels as a result, the present design is better than the previous one.

Lynn Sharp, the person who prepared the Wetlands Wildlife Report, spoke about the wetlands evaluation prepared by Loverna Wilson, a plant ecologist and botanist. She defined a wetland as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." She referred to the map indicating the areas that are wetlands on the site. There are three basic sites, the bottom lands associated with the stream at the north end of the property, the lower banks along the south end of the small stream, and the large sluice area that is adjacent to the stream in the center of the study area. The wildlife habitat is typical of disturbed sites in floodplain areas. She saw no evidence of endangered species of either plants or animals. There is documented use, however, of the Molalla River by the bald eagle, but there is no suitable nesting habitat or foraging habitat on site. She said they had recommended to Mr. Nelson that he leave the wetlands as they are and indicated that there might be some other management that could be done to improve these wetlands.

Mr. Nelson commented on the slope stability in terms of how close they could build to the bank. The soils engineer that Mr. Nelson hired has visited the site and states in a proposal letter that "the proposed extension of Elm Street crosses the slope at about 45 degrees and should provide an

increase in the stability of the slopes." Mr. Nelson stated he felt because they were flattening the slope out, it would be more stable because of the road nature. Mr. Nelson submitted a copy of the letter from GRI as Exhibit "1."

Mr. Nelson also commented on the fill in the floodplain. He referred to the map stating that much of the area which is indicated as in the floodplain would not have been in the floodplain prior to the mining operation. He indicated on the map which areas they would be filling to be above floodplain elevation. The rules say the floor of the dwelling has to be one foot above floodplain elevation. They will go higher than that to insure safety, approximately five feet of fill. A lot of the fill comes from another area and will be transferred from other areas of the property. In terms of storage capacity it is still there.

Mr. Nelson commented on the new park land dedication ordinance. He felt security was an issue and did not want the public going through a private development. One of the issues that came up was the DOGAMA permit, the mining reclamation permit, which says there must be public access to some portions of this area. As a compromise, he proposed to offer access from the City Park through a nature trail that will go along the edge of the wetlands, cross a small footbridge, and come down through the property dedicated by the Cedar Creek people. It will be a three-foot barkdust foot path. There will be gates by the entrances to his areas. It should be a real asset to the community. Mr. Nelson said it represented quite an investment for him, in the neighborhood of \$80,000 and would be a fine addition to the parks area.

Proponents

John Torgeson, 26940 S. Bolland Road, Canby, Oregon, spoke. He and his wife are the owners of the land which is the subject of this application. He believes that this development is something this community needs badly for affordable housing. He had some concerns about the City staff's handling of this matter as it personally affects him and his wife. The wetlands have been a bone of contention for a long time. He does not agree with Mr. Nelson dedicating park land to the City. He was concerned that the City would be able to control these wetlands. His second concern was the proposal to make Cairnsmoor Drive a public street. Since he will be retaining ownership of the County portion of the property to the south and east, he does not want to see Cairnsmoor Drive made a public street because it does not connect to any other public street and serves only private property. The benefit of this street to serve as a secondary emergency access to the bottom land and City park will remain whether it is public or private. He has had problems with trespassers from the City park for years, and one of the benefits of this sale is that the remaining

property would only be accessed from private roads. He disagreed with the City's desire to have this as a public street and felt it would cause Mr. Nelson additional expense for right-of-way that was unnecessary and would ultimately have to be passed on to homeowners which will increase the amount of the housing. He stated that when the City first started talking to Mr. Nelson about this application, it was Mr. Nelson's intention to annex in the County portion and make the street an extension of Elm Street. He understood that the City staff told Mr. Nelson it was never intended for the County portion to be annexed to the City, and that Elm Street was designed to extend east to Ivy in the future. He also understood that the City staff had a problem because part of the property was lower than what was shown in the original topography. This is true because it is part of the mining operation. He does not agree with staff's conditions of filling the property and restoring it to its original topography. He does not agree with the necessity of the lake and wetlands being made public. He stated that under the old reclamation plan if the lake was made accessible to the public he would have controlled the manner and time of use and the amount of fees charged for such use. The old reclamation plan did not say free public access, and he assured the Commission that fees would have been charged. However, approval of this application will mean that that aspect becomes moot and the City will have control and can allow free public access as it chooses. He supports Mr. Nelson's application because he feels it has tremendous benefit to the community, to himself, and to the City itself.

Al Sizer, 764 S.W. Westwood Drive, Portland, spoke in favor of the application. He represents Planned Dollars Concepts, the new owner of the property directly north of the proposed site. As it stands right now, the new development for the elderly borders a mining operation. He would prefer to have a residential development adjacent to his property than a gravel pit. He feels that the site is well suited for a manufactured home development such as the one proposed. The developer is not proposing to cram the homes in tightly, and he feels that the developer has taken great care to insure that the community is attractive to the surrounding neighbors as well as the residents. Furthermore, he believes that this application ties into what he would like to see as the goal of the neighborhood--to provide affordable housing to fulfill the needs of those citizens who have moderate income. He sees his development as fulfilling the needs of senior citizens and Mr. Nelson's proposed development as fulfilling the needs of a mixture of both senior citizens and young families who cannot afford traditional housing. The developer has proposed dedicating the final piece of the wetlands. The dedication of his part of the wetlands and Mr. Nelson's part of the wetlands to the city insures that the concerns of a number of Canby citizens to preserve the wetlands are positively addressed. This dedication provides a more desirable alternative to access of the total wetland area rather than coming down a steep slope on the embankment. He sees these

two communities as not only peacefully coexisting, but also offering benefits to the City of Canby.

Sandra Torgeson, 26940 S. Bolland Road, Canby, Oregon, an owner with her husband of the property which is the subject of this application, spoke next. She is in support of this application, primarily for her, to end the fighting over this property. She stated that her concern is over the need for affordable housing for young families and elderly. She feels that Mr. Nelson has designed a beautiful community which will provide a comfortable privately owned home for persons who otherwise could never hope to have one.

Opponents

Earl Walker, 9933 S. Carriage Lane, Canby, expressed a concern about the wetlands. He felt the study that had been done did not take into account that a significant portion of those wetlands have been destroyed over the last several years, and the ones that appear on the National Wetlands Inventory give a closer picture of what was there before the riparian habitat was destroyed and bulldozed into the wetlands themselves. Another aspect of it is that if there is not a riparian buffer strip, we lose a major part of the value. He would like to see a buffer strip of 25 feet along the edge. Washington is now proposing that this 25 feet of buffer be placed around general wetlands. The other concern he has is the cost eventually that will come because of the increase in children in the community, probably a \$500,000 a year increase in the school budget.

Bob Graham, 42 Willamette Green, Canby, stated that a riparian zone on the other side concerns him. Many of his concerns were taken away from the testimony he had just heard. He likes the idea of being able to use that area which was something he was concerned about. He had also heard that there would be some other management involved in this, and he would like to know what that meant. The trail and the dedicated area sounds good to him, but he would like to make sure there is a riparian zone on the other side, to provide some protection from the wetlands and the people that will live in that area.

Marjorie Wolf, 25261 S. Hwy. 170, Canby, stated that children love an area like the wetlands, and if there is a housing development right next to it, there are concerns about children being drawn to the area and it becoming a playground rather than a scientific or reserved area. A map of the flood control of the Army Corps of Engineers should show the actual flood elevation there before the digging that took place. One other slight concern she has is that whenever you fill, you are pushing flood water somewhere else. She also commented that the county will probably insist on cement foundations under mobile homes when it is in a floodplain. Mr.

Nelson wrote to them and explained he would not be using the easement that goes through their property as an emergency fire exit. He did not tell them what he was going to be using. She does not want these roads to become public, and she doesn't know how it became known as 20th Avenue. The county maps do not show that, they show it as a private easement through there. They have never been notified that their private easement has become a street.

John Beck, 1715 S. Fir, Canby, stated he was not either against or for the application until he hears what the county has to say about this application. The access to the property is through the county, and he will be interested in what the county has to say, because his property is adjacent.

Lisa Wilcox Williams, 685 N.W. 4th, Canby, stated that her interest was primarily in the big picture. Her particular area of interest is in the wetlands and wildlife habitat. Most of her concerns address Hearing Criteria A concerning consistency with our Comprehensive Plan, and Criteria B dealing with site stability. She reviewed the Oregon's Statewide Planning Goals 1990 and submitted a copy as Exhibit "2." She commented primarily on Goal 5--Open Spaces, Scenic and Historic Areas, and Natural Resources. She also commented on the topography of this area and drew a diagram of the riverbank area. She has had conversations with Dr. Leonard Palmer, a retiring geology professor at Portland State. He has studied this area and is concerned that the wetlands area here be preserved. She also went to the county with regard to the Comprehensive Plan. Clackamas County has identified "principal river conservation areas." Their principal river conservation area comes right up to this area. The County has some special development recommendations for anything that falls in that area including particularly concerns about continuing to keep those areas in agricultural use and preserving the open spaces. She expressed concerns about water quality. She commented that the county also requires a buffer strip. She realized that we are not required to comply with what the County does, but felt that their standards might be good guidelines to follow in this matter. Additional concerns she has regarding our comprehensive plan are:

1. Land Use, Policy 4--"Canby shall limit development in areas identified as having an unacceptable level risk because of natural hazards." Under that policy, Item B--"to continue to restrict the creation of additional building lots in areas designated by this overlay zoning to encourage developers to utilize cluster design methods which concentrate development in those areas which are protected from hazardous conditions.

2. Environmental Concerns--Resource section, Policy 2R-- "Canby shall maintain and protect ground water resources; Policy 7R--to seek to preserve scenic and aesthetic qualities; Policy 8R--open space--to continue to use the density bonus provisions of the 740 with the effect of encouraging cluster developments; Policy 9R--the adverse effect of new developments on fish and wildlife habitats and the continued enforcement of overlay zoning of flood prone and steep slopes areas to limit densities and intensities of development in such areas.

3. Housing goal--one of the chief concerns with the people who initially prepared the Comprehensive Plan was that there is a tendency to concentrate mobile home development some places that are out of sight and out of mind. Ms. Wilcox stated she is not personally opposed to mobile home developments. She questioned whether we should concentrate development in this area. She also stated that Mr. Nelson's proposal does not look like cluster development to her. There is not a lot of land in hazard overlay areas, and the fact that cluster development was held to be a viable approach to development in hazard areas indicates that is something the Commission should look for in a proposal like this.

As far as the engineering questions, sewers, filling, flooding, etc., Ms. Wilcox stated she would not feel satisfied until at least the point the staff is satisfied with the information they have received from the applicant. She would also like to know which of the recommendations Mr. Nelson suggested is he committed to fulfilling. She felt there was considerable vagueness regarding the size of the buffer zone and the possibility of a wildlife corridor. She felt that goals should be set with regard to what needs to be done in the wetlands area and how far the preservation should go.

Pat Ewert, 596 N. Baker, Canby, stated her concerns. She feels the application is a bad idea and would like it to be denied. She is a nurse and very concerned about cancer. She feels that Canby's drinking water will be affected by this development. She expressed concerns about where the fertilizers and rainwater that comes down on the asphalt shingles will go. What happens if the pump station breaks since this is a privately owned development? Who is going to fix it? How fast? Where will all that sewage go if it breaks? What happens if it were to flood? She does not want the water she drinks down river from this development. She is concerned about having to pump the sewer up 70 feet. She would like to know about the storm drains that are supposed to filter out the oils in the

water. Is it also going to separate chemicals that combine with water. She feels like this development has great potential for affecting our city water. She submitted several articles which were marked Exhibits 3, 4, 5, 6 and 7. She does not want to have to pay for something that has potential for causing us serious health problems. In the Comprehensive Plan, on page 76, it talks about the ozone levels. She is concerned about the relationship of our natural resources to the ozone level in this area. She feels that the proposal does not fit in with the Comprehensive Plan, and that alone should be enough to deny the application. In summary, she stated that we must protect ourselves from potential hazard to our quality of life. There should be no obligation to approve developers' applications just because they desire it.

Ginny Jones, 620 N. Baker, Canby, testified that she was concerned about the number of students this would add to the school system. She requested a continuance stating that she would be receiving information about the number of students that would be added based on the information available from when other mobile home parks were added. She also expressed concerns about the water quality issue and submitted Exhibit 8 which summarized her concerns about the water table and water quality.

Chairman Schrader stated that they would proceed to rebuttal, but that a continuance had been asked for by Ginny Jones and the issue would be continued. Mr. Nelson stated he wished to wait on rebuttal until after he had seen Ms. Jones' information. After discussion and advice from John Kelly, the hearing was continued to December 10, 1990.

VI. PUBLIC HEARING

MLP 90-11, an application by Kenneth Perinchief, requesting approval for a minor land partition to divide a 46,680 square foot parcel into three lots containing 18,335, 10,355 and 10,440 square feet each, plus a 24-foot access drive. The property is located at 563 N.E. 10th Avenue (Tax Lot 1000 of Tax Map 3-1E-33AC).

Chairman Schrader asked the Commissioners if there was any ex parte contact or conflict of interest. None was indicated.

Robert Hoffman presented the staff report. He reviewed the applicable criteria with regard to the Comprehensive Plan, the Land Use and Development Ordinance, and minor land partition approval. He described the property, its location and Mr. Perenchief's proposal. Mr. Hoffman concluded that this application did meet the necessary requirements and recommended approval with conditions as set forth in the staff report. He

noted that there needed to be an additional condition stating that three-foot insurance for the rear property line of the front lot should be added.

Mr. Fenske questioned whether it was wise to require, on an interim basis, the paving of 120 feet of street since it is not paved on either side.

Mr. Hoffman stated that he had been told that was the policy of the City to require street paving in cases such as these.

Rusty Klem, Public Works Director, stated that as a matter of practice the City has required all minor partitions to do the street improvements when the opportunity is there because it may never happen again--120-foot pieces add up in a period of time. There have been other instances on 10th Street where it wasn't required because 10th Street is a high priority on the Capital Improvement Program. If the City doesn't require it each and every time, they open themselves up to the comments, and it happens quite often, "Why are you requiring me to pave this 120 foot section of street when you didn't require it over here." As a matter of practice, City recommends requiring it in all cases. Mr. Klem said it would be paved and curbed at the point of where the dedicated widening of the street would be.

Mr. Hoffman stated that originally a 20-foot easement was proposed. Then Mr. Perenchief showed Mr. Hoffman that approximately 10 feet of the western edge of the parcel is really developed as a park strip. It is nicely landscaped. There are large trees, bushes and flowers. Mr. Perenchief is now proposing that that be included so that the total area would be 30 feet and retain the current development of the park strip as a part of the easement. There is also a very small easement, 11 feet by 56 feet, that goes towards the east. Mr. Perenchief is proposing that that be eventually sold off or given to adjacent properties as it really serves no useful purpose.

Mr. Hoffman said that a lady had come prior to the Planning Commission meeting and talked with Mr. Klem. She left a note saying she was against the application. The name on the note is Mr. and Mrs. Calvin C. Knott, 601 N.E. 10th. She gave no reason for opposing the application.

Chairman Schrader asked Mr. Hoffman for the wording of the additional recommendation. Mr. Hoffman said it should read, "11. The three feet necessary behind the pump house will be provided." The applicant stated that would be acceptable to him.

Applicant

Kenneth Perenchief, 563 N.E. 10th Avenue, Canby, stated he was delighted with the staff's homework, cooperation, and understanding of the problem.

He referred to an amended map which showed a 30-foot easement instead of the 24-foot easement. He proposed to go 30 feet to include both a 20-foot blacktopped strip and 10 foot easement for utilities leaving the parkway in the 10 foot strip as much as possible for beautification with reciprocal easements to all lots. He was prepared to accept this totally the way it was written along with all conditions that were put upon the application back on page 7, however, he talked to Mr. Hoffman prior to the meeting and feels that to (a) dedicate 10 feet of his property for a sidewalk,(b) blacktop to the existing curb, and (c) recess a sidewalk some 10 to 12 feet from the existing curb in an eight or nine block area where there are exactly three sidewalks seems difficult to reconcile. The expense of going through the process for sidewalks and paving right now is hard to justify. and he also wanted to know how to deal with it in the future.

Cheryl Pacholl, 860 N. Ash, Canby, suggested that something be recorded that at a later time when the sidewalks came in, this property owner would have to pay for the sidewalks.

Mr. Perenchief said he would accept a waiver that would postpone or delay the installation of the sidewalk until an appropriate time.

Mr. Klem said that there could possibly be a waiver of remonstrance for the improvements on 10th Avenue instead of getting the street improvements now. Improvements to 10th are going to happen very soon.

Proponents

None

Opponents

None

The Commissioners discussed the matter of the sidewalks and street improvements. Mr. Klem explained to the applicant a waiver of remonstrance and a Local Improvement District. Chairman Schrader suggested that since the improvement to 10th Street is probably not going to be accomplished by an LID, then probably the best way to go would be that Mr. Perenchief would pay his share of the improvements at the time the street is widened. Chairman Schrader summarized that the City's view is that the City wants to get the street improved, that it has been the policy that the developer or applicant pays that cost, that it is noted that that street is fairly unimproved as far as its ultimate design standards and sidewalks, that though it is an unfair burden for the applicant to bear that

cost right now while no one else on the street, or even the City has any immediate plans to develop that, therefore, the suggestion was made that the applicant, not being unwilling to contribute his fair share, but a date when the streets and sidewalks are fully improved.

Mr. Kelley stated he felt the question was who do you bind for the future. Should all three property owners be bound or just the applicant?

Mr. Perenchief stated he felt he was the only one who could speak for the property being developed. He felt the language should run with the front parcel which runs along the street. He didn't feel it would be possible to tie up the two new lots to be created, nor did he want them tied up.

Mr. Klem stated that in one instance in the past, the landowner gave the City the money that would otherwise be spent on street improvement. It could also be done with a lien against the front parcel.

Mr. Kelley stated he thought a condition could be put on the recording of the plat for the front parcel. That would put future owners of the property on notice that if they bought the property, it would be subject to assessment for street improvements.

Mr. Klem said that information could be put right on the face of the plat, because according to the new county and state standards for recording land partitions, mylars have to be prepared. Whatever you put on the face of that plat get recorded along with the plat.

Mr. Hoffman suggested the following wording: "8. A sidewalk and new pavement of the street area between curb and current street pavement shall be provided at the time of street widening and paid by the owner of the front lot, such condition being recorded on the final plat."

Commissioner Westcott moved to approve MLP 90-11 with the conditions as presented by staff with modification of Recommendation No. 8 as read into the record by staff and with the addition of Recommendation No. 11 which will maintain the three-foot rear lot line spacing from the existing pump house, or the removal of that pump house, or whatever is necessary to maintain the three-foot rear lot line.

Commissioner Bear seconded the motion, and it carried unanimously.

SUB 90-05, a request by Ron Tatone for approval to subdivide Parcel VIII (6.8 acres) of Partition Plat No. 1990-17 into 24-single family residential

lots (Lillian's Meadow). Development is proposed to be constructed in two phases. The property is located west of N.W. Ash Street, north of Knights Bridge Road, and south of N.W. 12th Avenue (Tax Lot 300 of Tax Map 3-1E-32A).

Chairman Schrader asked whether any Commissioner had ex-parte contact or has a conflict of interest. Commissioner Westcott stated for the record that some the property to be discussed, particularly the easement on the south side, was a piece of property he had looked at to buy and researched at one time.

Mr. Hoffman presented the staff report. He reviewed the applicable criteria with regard to subdivision approval from the general ordinances and Comprehensive Plan. He gave the background on the property indicating that the original tax lot had been partitioned in the past, creating six lots along the west side of Ash. All of those lots have structures on them or are under construction. The Commission has in the past considered plans for the area. He referred to a map showing the prior subdivision consideration showing the way the streets would have been laid out. The time expired on that subdivision approval before all the conditions could be met, and that subdivision no longer applies. He stated that the development implements the land use policies and follows the recommended land use map proposal. There appear to be no particular environmental concerns related to the site. He explained the transportation plans for this area and that there are public facilities and services for this proposed subdivision. Staff concluded that the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties provided that certain conditions of approval were to be adopted and that the driveway access issue to Lot 2 be resolved, a turnaround be provided, the driveway off Knights Bridge Road be extended, and signage be provided.

Mr. Hoffman stated that two letters have been received from neighbors requesting that this subdivision not be approved because of the potential increase of traffic on the adjacent street, Aspen Court. One of the letters reminded the City there is a very narrow opening out to Knights Bridge Road. Staff is satisfied that most traffic will go over to the next collector. Also one of the conditions is that there be a "No Right Turn" sign placed at the first corner.

Mr. Hoffman stated that he recommended this subdivision for approval with the conditions as set forth in the staff report. Further, there is a need to resolve the issue that the proposed lots at the southern end where there existed county right-of-way that has not been vacated to make sure there is

access to the adjacent parcels and to the owners' satisfaction. There has been discussion of the possibility of a condition stating in effect that these lots would not be able to be used until the vacation issue has been resolved.

Applicant

Ron Tatone commented first on the transportation portion of the proposed subdivision. On the transportation plan, Territorial Road is a designated arteriole. Knights Bridge Road has also been designated as an arteriole. Birch Street is not only a designated collector street, but it is also designated to be receiving funds for federal and state aid for improvement this year. There is an area that is deadended to near the westerly limits. Only a certain amount of traffic can be generated from that area. From a traffic generation standpoint and directive, he does not feel there will be a problem being created by the development of this parcel and the remaining parcel. He feels the plan he has is workable and compliments the balance of the property that the DuPonts have.

Mr. Tatone spoke of the background on Knights Bridge Road. When Knights Bridge was realigned in 1964, the County Road Department came to his parents and asked if they would deed the bulb area for a school bus turnaround. Mr. Tatone has talked to the Public Works Department in Clackamas County, and the County recommends vacation of the bulb area. They have no problem with vacation of the balance of Knights Bridge Road. The only reason he would vacate it is that he would leave an easement for public utilities. Paul DuPont and Mr. Mitch use that for access.

In response to a question from Ms. Mihata, Mr. Tatone said that he had no reason not to improve the street, it was just a property line. He had no intention of not improving the street as was originally planned in the ten-lot subdivision, before it was a dedication in the event the street would go through. He already has a curb in place past the last lot. He will make the needed adjustments.

The items marked on the map in red are drive-in turnaround areas for emergency vehicles and would comply with standards supplied by either the City of Portland Fire Department, Lake Oswego Fire Department, or Tualatin Fire Department.

There will be setback requirements allowed for housing to be located in the proper positions on the triangular-shaped lots. There would be a provision that in the event that this proposal is approved, there would be some trading of property to allow the normal configuration to have a buildable lot.

Open space has been mentioned. He does not feel that at this time it would do the City any good by trying to create something that is either not necessary or of good design or order. He has done some research and he believes that according to what has been done in the past with other subdivisions, the amount that would be assessed against each lot for parks and open space would be about \$232 per lot. He felt he has made his payment for being able to develop frontage along Ash Street. When Phase I is complete and before Phase II, he will commit \$5,000 to the park fund.

Mr. Tatone feels that he is building an area that the City will be able to take pride in.

Chairman Schrader continued the hearing in this matter to December 3, 1990.

V. FINDINGS

Staff submitted Findings to the Commission for approval on Harvest Oak Estates (SUB 90-03). There were no questions or concerns by the Commission.

Commission Fenske moved that the Commission approve the Findings in SUB 90-03 and SUB 90-04. The motion was seconded by Commissioner Mihata. The motion carried with Commissioners Schrader, Bear Mihata, and Fenske voting yes and Commissioners Wiegand and Westcott abstaining.

VI. ADJOURNMENT

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,



Joyce A. Faltus