

CANBY PLANNING COMMISSION

Regular Meeting

November 25, 1991

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Mihata, Westcott, Fenske, Wiegand and Zieg.

Staff Present: Robert Hoffman, Planning Director, John Kelley, City Attorney, and Joyce Faltus, Secretary.

Others Present: Ray Franz, Lucille Franz, Cathe Franz, Cyndi Klaetsch, Judy Sherrard, David Anderson, George Wilhelm, Karen Huiras.

II. MINUTES

The minutes of **October 14, 1991** were unanimously approved, as amended.

Consideration of the **October 28, 1991** minutes were postponed to the December 9, 1991 Planning Commission meeting.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Karen Huiras, 1177 N. Redwood addressed some of her concerns regarding the annexation of the Logging Road. She explained that she believes annexing the Logging Road would encourage crime in the area. As part of the Park Plan, the Commission directed staff to gather preliminary data with regard to safety issues such as it not becoming a hazard to those who try to use the road or the neighbors who would abut the property. Ms. Huiras requested a comparison between other such bike paths in similar settings with regard to safety issues.

Cyndi Klaetsch, 844 N.W. 13th, requested that any information regarding Planning Commission meetings be available at the public library. She was informed that public notices and agendas are posted in the library and that the library has a Planning Commission agenda packet available for inspection.

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Fenske moved for approval of ANN 91-06 (Bergen), as amended. Commissioner Mihata seconded the motion and it carried unanimously, with Commissioners Zieg and Wiegand abstaining.

Commissioner Fenske moved for approval of CPA 91-04 (Bergen), as amended. Commissioner Mihata seconded the motion and it carried unanimously, with Commissioners Zieg and Wiegand abstaining.

The Commission agreed to delay consideration of CUP 91-07/DR 91-07 (Canby Alliance Church) to the next Planning Commission meeting of December 9, 1991.

VI. OLD BUSINESS

None

VII. PUBLIC HEARINGS

AMENDMENT TO ZONING ORDINANCE - Amending provisions of Title 16 of the Canby Municipal Code regarding Parking Lots and Access to Provide for a Reduction in Required Access Drive Widths and Other Minor Changes.

Chairman Schrader asked if any Commissioner had had ex-parte contact or had a conflict of interest. None was indicated. He then explained the hearing procedures.

Mr. Hoffman explained that the request for this amendment to the Zoning Ordinance has been generated by staff. It was initiated by Paul Winklesky (Oregon City Physical Therapy Center, P.C.), who requested this amendment because two Code requirements affect the driveway into the parking lot and the sidewalk of property he is interested in developing, located on the northeast corner of N. Third Avenue and Ivy Street. Mr. Hoffman reviewed the applicable criteria and how these changes would relate to the policies of the Comprehensive Plan. Additionally, Mr. Hoffman stated that these amendments would help make more effective and efficient use of land. The current access standards appear to be excessive. The requirement, for example, of a 32 foot driveway makes many of the smaller lots undevelopable for commercial or institutional use. A 32 foot driveway is larger than two lane widths, which is all that is necessary for most driveways. Nine foot lanes are required by highway engineers for local streets, plus one foot additional on the outside of each lane for additional protection.

In cases where there will be a lot of truck traffic, as in industrial areas, staff is recommending eleven foot lane widths, with an additional one foot on the outside of each lane for additional protection. He then discussed the Statewide planning goals and how these amendments relate to them. Mr. Hoffman then reviewed each proposed amendment in this section, explaining that in each case there is a provision for a minimum five foot sidewalk next to the driveways.

The public portion of the hearing was opened. There was no testimony either for or against the proposed amendments.

Based on the findings and conclusions contained in the staff report, and Commission deliberation, **Commissioner Westcott moved to recommend approval of TA 91-01, amending provisions of Title 16 of the Canby Municipal Code regarding Parking Lots and Access to Provide for a Reduction in Required Access Drive Widths and Other Minor Changes, to the City Council. Commissioner Zieg seconded the motion and it carried unanimously.**

SUB 91-01, a request by David Anderson to develop a 17-lot single family subdivision, North Pine Addition II. The property is located east of N. Pine Street and north of N.E. 14th Avenue (Tax Lot 1500 of Tax Map 3-1E-34B).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Dr. Schrader stated he visited the site, but talked to no one. He then explained the hearing procedure.

Bob Hoffman presented the staff report and reviewed the applicable criteria. Mr. Hoffman explained various proposals that have been approved surrounding this site. The subject parcel, approximately 4 acres, was part of a recent annexation, which has been approved by the Metropolitan Boundary Commission. The Comprehensive Plan designation for this property is Low Density Residential (R-1). The subject parcel is in a transitional position between urban subdivisions and homes on small acreage, and is clearly within the Urban Growth Boundary, within the first stage of urbanization. North Pine Street is referred to in the Comprehensive Plan as a collector street, which will need to be improved, with sidewalks and curbs provided, as part of the development process. Staff is recommending that 10 feet additional be dedicated to widen Pine Street. All public utilities can be provided from Territorial Road, the Logging Road and Pine Street. Sewer is available in the Logging Road and at the southwest corner of the property, as is a water line. Staff is not aware of any unique problems involved in servicing this property, although some service extensions will be required and the developer will need to participate in such costs. There are a variety of ways this site could be

developed. After consideration of some alternatives, staff is of the opinion that the developer's proposal will get a better final development of a roadway system, than a series of cul-de-sacs would. Utility providers are more satisfied with looped systems as compared to cul-de-sacs. The Fire Marshal has asked that an eventual looped water line be provided. Canby's storm and sanitary sewer procedures will provide protection for ground water and surface water. Storm water will need to be handled on-site, but this vicinity recently experienced problems because of the high water table. Mr. Hoffman explained that the water table today was at 17 feet. As the City's usual standards for drywells is at about 22 feet, a solution will have to be worked out. In nearby developments, a stormwater system has been developed where the water is directed out to the Logging Road into a long underground perforated tube, where the water can gradually leech out. Pine Street is a collector street and does not presently meet the full width standard. As development proceeds along it, it will be widened. Staff is recommending, therefore, that an additional 10 feet be dedicated, and that half-street improvements, including streets and curbs, be provided. Staff felt it was unnecessary to do a full traffic impact analysis, as the 17 proposed lots will generate much less than 100 total daily trips. This subdivision will also help meet the demand for housing in Canby. Mr. Hoffman referred to the census statistics which points to the low vacancy rate in Canby for both private and multiple housing. Additionally, twelve of the proposed lots would meet the Solar Ordinance requirements, and some would be exempt as they are already developed along Pine. The three proposed flag lots meet all the ordinance requirements. Two would require reciprocal access agreements over the adjacent 10 foot driveway, and the other one has a 20 foot driveway access. All three are of more than adequate size for the development. No public open space is required under the Ordinance and none is proposed. Mr. Hoffman recommended adding two conditions, #17 and #18, to read:

17. The storm water disposal system shall be reviewed and approved by the Director of Public Works.
18. The developer and owner shall sign a nonremonstrance agreement against the establishment of any needed L.I.D. for financing facilities or road improvement.

Staff recommends approval of this application, with eighteen conditions.

With reference to the sewer line from Lot #1, the Commission questioned whether an easement would be required. Mr. Hoffman explained that it was a standard requirement that easements surrounding the outside of all lots be

provided. It appears none of the general easements showing on the proposed plat allow for direct access to the sewer from the house. Mr. Hoffman suggested adding a condition allowing for such private access over the public easement. The Commission requested that Mr. Hoffman enumerate which lots meet the Solar Access Ordinance. He explained that all of the lots that front on 15th Avenue meet the ordinance. The lots which run in an east-west direction do not. With regard to trees, Mr. Hoffman explained that the trees that were on the site were removed prior to annexation. Mr. Hoffman further explained that access was provided to the Logging Road behind Lot 8, from the end of 15th Avenue. Staff asked the developer for this access so people would not have to cross private property to make use of the Logging Road. The access was sited where an easement would be placed.

Applicant

Dave Anderson, 641 N. Baker, explained that he concurs with the staff report and has complied with staff's suggestions made at the pre-application meeting. Furthermore, Mr. Anderson stated that the use of cul-de-sacs would have provided two more flag lots and construction costs would be less. He added that the lots were laid out in the best way possible for the design of this land. He stated that the houses would sell for about \$130,000. Mr. Anderson then explained how he complied with the Fire Marshal's comments regarding the looped water line.

Opponents

Ray Franz, 980 N.E. 14th stated that he lives north of the site and that this development is not what he wants in the neighborhood. He submitted his "Position Statement" which he read into the record. He stated that the public notice gave an erroneous location for the property. When reviewing the ad, it was found that the Canby Herald sited the location as north of N.E. 4th, rather than north of N.E. 14th. Due to this error, Mr. Franz requested that the hearing be re-noticed, as he is unsure if everyone who should have received notice, actually did receive notice. He further questioned the siting of the new elementary school on Territorial, stating he believes it is questionable whether or not it would be sited there. He said he believes the staff report is in error, as there is no urban development of any kind around this site, that it is totally surrounded by county parcels of an acre or more, and stated that the density of this subdivision is not compatible with adjacent livestock farm land. Furthermore, Mr. Franz stated that it would be impossible for Canby to improve the overall scenic and aesthetic quality of the City by approving the extreme

density requested for this subdivision. Canby would not be preserving or maintaining open space because the applicant does not make mention of any park land dedication. Mr. Franz stated that he believes a traffic analysis is necessary because the intersection of 99E and Territorial will be impacted. Additionally, Mr. Franz stated that 15th Avenue does not provide adequate width for emergency vehicles to turn around, and formally objected to a traffic pattern which would allow 15th to dead end into Franz property. He added that the Franz family is unwilling to have their property in any way associated with this development and, therefore, the street would never be continued through that property. Mr. Franz further stated that provision should be made to assure that pedestrians who use the 10 foot connection to the Logging Road do not trespass on private property. Furthermore, he added that the developer should be required to place a 6 foot fence on the eastern, southern, and northern boundaries of the property. He then questioned the capacity of the sewer plant to handle this, or other, new development in Canby. Because the site is not truly adjacent to the City limits, he stated that the developer should be required to pay all the costs involved in extending facilities. The proposed flag lots are not easily accessible and should be eliminated, leaving only lots with traditional street frontage, he added. He stated that a moratorium on building is more desirable than burdening the taxpayers with an additional bond issue, and this application should be denied.

Karen Huiras, 1177 N. Redwood, stated that there should be no 10 foot access to the Logging Road because it has not definitely been established as a bike route or pedestrian pathway. She explained that Police Chief Geiger said there are problems with people parking cars on Pine, and walking to the Logging Road. She added that there is a lot of dumping on the Logging Road from new development, because it is very secluded there. She added that the police will not patrol the new street in this development, especially due to the dead-ends. Further, she added, developments should not be permitted to design dead-ended streets.

Cyndi Klautsch, 844 N.W. 13th, stated that she is concerned with the provision for public facilities and services because Mr. Klem told her that the plant is at 76% capacity. Later, at a City Council hearing, she heard it was at 97% capacity. She is very concerned with the rapid expansion of Canby. Besides the sewer issue, she is concerned with overcrowding in the schools. Ms. Klautsch stated that development in Canby should be slowed down and a moratorium put in place until residents are more aware about police services, and how to finance the sewer plant and new schools.

Cathe Franz, 980 N.E. 14th, concurred with her husband's previous testimony, and stated the trees were removed from the site in a very unorthodox way, which hurt the aesthetic value of the area. She stated her concern about 15th Avenue being dead-ended, due to it causing difficulty for emergency services. The high water table is of concern to landowners around the site, she added. This subdivision, she stated, has too many lots and is much too profitable for the builders.

Neither For Nor Against

Judy Sherrard, 1405 N. Pine, stated that there are curbs on her property and asked if they would be removed when Pine Street is widened. Mr. Hoffman explained that it was hard to precisely predict because the entire length of Pine has not been designed. At that time, a solution will be worked out that recognizes development that exists there and where dedication has occurred. Chairman Schrader suggested Ms. Sherrard contact Mr. Hoffman, Mr. Klem or Mr. Godon to discuss the matter.

Rebuttal

David Anderson stated that he believed the opponents' request for the entire subdivision to be fenced in, was a totally unfair request and infringes on the rights of the residents. Where dumping is a takes place, becomes a problem for the police department because the City has ordinances addressing this issue.

With no further testimony, the public portion of the hearing was closed for Commission deliberation. The Commission discussed the notice that appeared in the Canby Herald. Although the Herald erred in the published notice, proper notice was mailed to adjacent owners. John Kelley, City Attorney, stated that ORS 197.763(2) provides that notice of hearing shall be provided to the applicant and to owners of record of property on the most recent property tax assessment role, within 100' of the subject site if within the Urban Growth Boundary, and does not make mention that the notice must be published in the newspaper. It further states that failure of the property owner to receive notice shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was mailed. The wording in this section does not restrict the giving of notice by other means, including posting, newspaper publication, radio, etc. Chairman Schrader suggested that since the meeting will conclude around 10:30 and time will not allow discussion of each issue raised, the hearing should be continued, and another notice published. Mr. Hoffman referred to Section 16.88.130(B) where it states that prior to conducting a public

hearing, public notice shall be posted and published in the newspaper. The Commission agreed to continue the public testimony portion of the hearing to December 9, 1991.

VIII. DIRECTOR'S REPORT

Mr. Hoffman advised the Commission that although they were approved, no building permits have been picked up for Cedar Ridge yet. Five building permits were issued for Willow Creek. He also advised the Commission that the high school has applied for an addition and remodel, but no street vacation was requested yet. The elementary school board decided to continue pursuing the appeal, while continuing to investigate alternative sites.

The Commission agreed no building permits should be issued until all improvement are in place. Chairman Schrader stated he would like a report as to whether or not all conditions of approval have been met, prior to his signing a final plat.

With regard to the Sewer Revenue Bond, Mr. Hoffman stated that he expects an update from Rusty Klem, with regard to sewer capacity and connections to the various zones. He expects to have this after Mr. Klem gets the consultant's report. This report could possibly be ready for the January, 1992 meeting. The Commission requested input regarding the odor control issue also, even though the City is now has a new irrigation system for land-applying sludge in wet weather. He then advised the Commission of the meeting at the Adult Center wherein questions would be fielded with regard to the Wastewater Treatment Plant and a moratorium.

Mr. Hoffman reported that the City collected the first SDC fee which amounted to more than \$1,000. With regard to which subdivisions might be exempted from the SDC charges, Mr. Hoffman explained that Cedar Ridge would be exempted due to their dedication of the park land along the southern boundary ("Tract A"). It appears Phase II of Wayne Scott's project might be eligible for this exemption, depending on how the common area is developed. Mr. Nelson's dedication of land might be large enough to exclude him too, depending on how closely he works with Cedar Ridge connecting trails and all. Computations

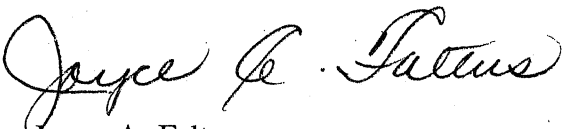
would have to be done regarding the new Township phases too and the wording reviewed, with respect to the new SDC. No cash-in-lieu has been received from Ron Tatone with respect to Lillian's Meadows. Mr. Hoffman said Mr. Tatone implied he would pay that \$5,000 when he brought Phase II in. The Commission remembered it as being \$5,000 **toward** the dedication. The Commission asked that it be informed when a subdivision requests exemption.

Responding to questions with regard to moratorium law, Mr. Hoffman explained that a moratorium could only be issued for a short period while the City investigates a solution. Then the physical and funding solutions must be instituted. The Commission requested a copy of the moratorium law.

IX. ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,


Joyce A. Faltus