

CANBY PLANNING COMMISSION

Regular Meeting

October 14, 1991

7:30 p.m.

I. ROLL CALL

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

Staff Present: Robert Hoffman, Planning Director and Joyce Faltus, Secretary.

Others Present: James Bergen, Sr., James Bergen, Jr., Nancy Johnston, Richard Imholt, Patrick Imholt.

II. MINUTES

The minutes of **August 26, 1991** were approved unanimously, with Mr. Wiegand abstaining.

The minutes of **August 12, 1991** were set aside to October 28, 1991, pending Mr. Hoffman's evaluation of the Solar Access Ordinance with regard to orientation of homes in new developments.

The **September 9, 1991** were also postponed to October 28, 1991.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Mike Patterson explained that he did not plan to appeal the Planning Commission's decision regarding his minor land partition and variance but, instead, was asking the Commission to reconsider on the basis of new evidence in support of his request. He submitted letters supporting his application from all adjacent neighbors. Mr. Patterson also explained that he tried to purchase land adjacent to the duplex lot from Mr. Pettit, who was unwilling to sell twenty feet of land. Mr. Patterson further explained that he has explored applying for a PUD on this site, but was advised it would probably not be approved. Mr. Patterson advised the Commission that the duplex across the street was larger than his, on a lot 3 feet wider than he proposes in his application.

The Commission asked staff whether the findings were final and were advised that they were, so the hearing could not be reopened. Therefore, in order to have the application considered at all, the applicant would have to reapply.

The Commission also expressed concern about:

- a. whether or not discussing the issues with Mr. Patterson could be considered ex-parte contact.
- b. whether or not the lack of opposition, or the new evidence in support of the application, would have any bearing in a new hearing.
- c. whether or not the applicant meets the variance criteria for hardship.

The Commission agreed that if the applicant reapplied, he would have to zero in on the hardship issue under the variance criteria, in order for anyone to even consider approving it. No motion was made for reconsideration.

IV. COMMUNICATIONS

Mr. Hoffman reviewed a letter that was received from the Oregon City Physical Therapy Center (Paul Winklesky), requesting an amendment to two Code requirements which affect the driveway into the parking lot and the sidewalk with respect to property located on the northeast corner of N. Third Avenue and Ivy Street (Tax Lot 4200 of Tax Map 3-1E-33CA).

Mr. Hoffman explained that he has encountered this problem many times in the last year. The Design Review Ordinance amended a section of the Development Ordinance regarding parking lots and access. The new standards regarding access would require very wide access widths. Mr. Hoffman explained that he talked with the City of Tualatin, whose ordinance we relied upon. They insisted they have not had problems with these standards. When one actually views the new standards with a regular street, it appears the new standards are rather extreme, requiring approximately three lanes to enter a parking lot for any size commercial or industrial site, as a minimum. Similarly, the new standards require almost three lanes for a residential parking lot. He further explained that the width of the sidewalk, which is what is required in all of downtown Canby, plus the new standards for access to commercial/industrial parking lots, makes

Mr. Winklesky's proposal almost impossible, especially since the City is not prepared to recommend reducing the sidewalk width in the downtown area. Mr. Hoffman stated that he would like to investigate the new charts included in the standards with regard to parking lot and access, and bring back a recommendation to the Planning Commission.

The Commission discussed existing parking lots in industrial parks in Canby that would not work had they fallen under these standards, and agreed some graduated approach is necessary. The Commission instructed Mr. Hoffman to investigate the matter further and bring back a recommendation to the Commission.

V. FINDINGS

None

VI. NEW BUSINESS

ANN 91-06, a request by James A. Bergen, Sr. for approval to annex a 2.37 acre parcel (Tax Lot 1700 of Tax Map 3-1E-34BC) to the City of Canby. The site is located at 640 N. Pine Street.

Mr. Hoffman explained that he would cover the annexation when he presents the Comprehensive Plan Amendment for this same property, under Public Hearings.

VII. PUBLIC HEARINGS

CPA 91-04, a request by James A. and Dessie M. Bergen for a Comprehensive Plan Amendment to change the current land use designation from Light Industrial to High Density Residential for Tax Lot 1700 of Tax Map 3-1E-34BC. The applicant ultimately will propose to develop the parcel into residential uses. The site is located at 640 N. Pine Street.

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was expressed. He then explained the hearing procedure,

Mr. Hoffman presented the staff report. He explained that the proposal is to amend the Comprehensive Plan such that this parcel could be developed residentially, rather than industrially, as the Comprehensive Plan now designates the parcel. Mr. Bergen then proposes to annex the parcel into the City.

A single family home and garage and shed presently occupy the site. There are existing apartments to the west. To the north is a 3-acre vacant tax lot. The Timber Lane Apartments are north of the vacant site, and a mini-warehouse is south of the site. Mr. Hoffman then reviewed the approval criteria for the Comprehensive Plan Amendment and the Annexation process.

The soil on the site is Latourel Loam, a well-drained soil. The site is generally flat, with a 0-3% slope, and is suitable for development.

The parcel is proposed to be annexed and is within the UGB. It is an appropriate site for urban development and it meets the intent of the Urban Growth goals and policies. This triangular parcel is surrounded on two sides by existing multiple residential land uses and multiple residential zoning. The third side is zoned for light industry and is developed with a mini storage warehouse. The proposed residential land use for the parcel would encourage increasing population and housing in land to be annexed to the City. Services are available, or can be extended. The proposed high density development can be accomplished in such a way that it will be compatible with the existing uses. With this density designation, a maximum of 32 units would be permitted. In staff's opinion, there would be less affect on surrounding property if this site was developed residential, as opposed to industrial. Also, as there are very few multiple residential units available, there appears to be a market for such sites in Canby. Mr. Hoffman further explained that the vacant parcel to the north, about 3.5 acres, is owned by a different owner than the subject parcel. If added to the subject parcel, it could be developed as a good multiple development as it is already annexed and zoned R-2.

The proposal for amending the Plan is consistent with the Comprehensive Plan policies and other government plans. As it appears public facilities and services can be extended concurrent with development, staff recommends that the Commission recommend approval of CPA 91-04 to City Council.

In terms of the annexation, Mr. Hoffman reviewed the applicable criteria. He explained that the annexation is consistent with the policies of the Comprehensive Plan. He reminded the Commission that this site is an island, surrounded by development and is a Priority "A" for development, clearly committed to urban development. Staff believes that all public facilities and services are available, or can be made available, concurrent with development of this site and, therefore, staff recommends that the Commission recommend approval of ANN 91-06 to City Council with three conditions, as follows:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. All City and service provider regulations are to be adhered to at the time of development.

3. Any large scale development of the property must be preceded by a subdivision review, or design review.

Applicant

James Bergen, Sr., 640 N. Pine Street, explained that he wants to develop the property so that he can give some of it to his children. He added that he wants to build a place for his disabled daughter to have a home in the event something happens to him or his wife.

James A. Bergen, Jr., 640 N. Pine Street, stated that he is in favor of the proposals. The berm is actually on the adjacent parcel, he added, and there is not much left of it. They once started clearing it out and cut all the trees on the other parcel, but abandoned whatever plans they had for developing it. He stated that the only trees on the parcel under consideration are fruit trees.

Nancy Johnston, 640 N. Pine Street, stated she is in favor of this application.

With no further testimony, the public portion of the hearing was closed for Commission deliberation.

Mr. Hoffman read a letter from Central Enterprises (Patrick W. Imholt) into the record. The letter stated that they have no objection to the classification of the property being changed to residential use, provided that the Bergens pay their proportionate share of the costs of construction he incurred in extending the main line sewer down Pine Street, which amount to \$3,222.45. Mr. Hoffman explained that the City does have a process for the advanced financing of public improvements, but he has not been able to find anything that shows this was applied for in this case. Unless something is found, the ordinance would not apply.

Issues discussed:

1. The Commission discussed the vacant parcel to the north. Mr. Hoffman explained that railroad tracks used to come down between the two parcels and there presently exists a berm across the whole parcel. Obviously, this presents a development problem and something would have to be done if the parcels were to be developed simultaneously.
2. Regarding the sewer extension, Mr. Hoffman explained that the ordinance section that provides the process for dealing with advanced financing of public improvements does not appear to have been applied for in this instance and should not be made a condition of approval. The Commission discussed the

ordinance and when the sewer line was installed. He said he would investigate further. Chairman Schrader explained to Mr. Imholt, that he could request that the record remain open for seven days so that he could submit more information regarding this sewer extension. Mr. Imholt so requested.

3. The Commission discussed the impact a development on this site would have on traffic. Mr. Hoffman stated it would amount to approximately 150 trip a day, from 35 units. The Commission was also concerned about the traffic impact from the three acre parcel to the north and felt it could better deal with the traffic impact from both parcels at the same time.
4. The Commission discussed the zoning and agreed R-2 would be more conducive to the traffic impact in the area than industrial zoning would.

The Commission agreed to continue to October 28, 1991, with the following issues to be discussed: the financial consideration with regard to the sewer, and traffic impact.

VIII. DIRECTOR'S REPORT

Mr. Hoffman discussed his response to John Torgeson with regard to the Cedar Ridge development's geotechnical engineering report. A copy of his letter was distributed to the Commission. Mr. Torgeson had requested information concerning the status of the setback requirements along the bluff for Cedar Ridge. Mr. Hoffman had explained that a further slope stability analysis on a lot-by-lot basis was accomplished. Rittenhouse-Zeman, in a letter dated September 16, 1991, stated that the setback for Lots 17-26 and 38-41 and 48 should be a minimum of 15 feet. Mr. Hoffman further advised Mr. Torgeson that the Commission's Condition #6 includes the provision that Rittenhouse-Zeman were to be given an opportunity to review plans when closer control was established at the site, to better define the actual crest of the bluff and confirm setback distance.

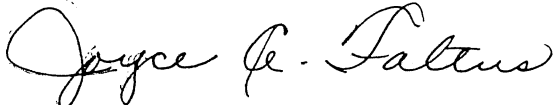
Mr. Hoffman also reviewed the handout which will be given to each builder/developer and purchaser of homes at Cedar Creek, which includes all the detailed recommendations that this new geotechnical report gave, including advising them that there is very little that can be done in the 15 foot setback that would not cause a problem. Mr. Hoffman explained that moving the structures closer to the bank would not limit the use or access to the park area trails or paths and that the trail was part of the consideration for the lot-by-lot analysis in the cross sections. Discussion was also held regarding the retaining wall separating this project from the school property. Part of the proposal for the 130 unit mobile home park is that all the wetlands area and the stream corridor will be made part of the City park, and be added to the slope, making

a fairly large area part of the park system. The area reserved for recreation vehicle parking has not been hard surfaced and the City has informed the developers that the lots along that portion and the r.v. parking area cannot be utilized until they have complied with the conditions of approval. Additionally, the developers have agreed to replace approximately fourteen trees that have been removed from certain lots.

IX. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus". The signature is written in dark ink and is positioned above the printed name.

Joyce A. Faltus