

**CANBY PLANNING COMMISSION**

**Regular Meeting**

**July 22, 1991**

**7:30 p.m.**

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**APPROVED**

**I. ROLL CALL**

Present: Vice-Chair Mihata, Commissioners Wiegand, Maher, Fenske, Westcott and Zieg.

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

Others Present: Larry Shortland, Thomas L. Witbeck, Ronald A. Pottratz, Cheryl Anderson, Dave Anderson, Vach Volder, Galen Rechner, Doug and Jan Hanson, Gregory W. Yoder, Lisa Johnson, E. Kitchner, P. Briese, Manfred and Jerilyn Schosnig, Ron Bohart, Bob L. Stuart, Dan Anderson.

**II. MINUTES**

The minutes of **June 17, 1991 and June 24, 1991** were approved unanimously. The minutes of July 8, 1991 were postponed to August 12, 1991.

**III. BUSINESS FROM THE AUDIENCE**

None

**IV. COMMUNICATIONS**

None

**V. UNFINISHED BUSINESS**

None

## VI. PUBLIC HEARINGS

**The following two items are not public hearings, but brought before the Commission for consideration and recommendation to City Council:**

**ANN 91-03**, a request by David Anderson (applicant) and Thomas and Rosemary Shiolas and Clarence Lepinsky (owners) for approval to annex 4.5 acres at 1430 and 1432 N. Pine Street into the City of Canby (Tax Lots 1500 and 1501 of Tax Map 3-1E-34B).

**ANN 91-05**, a request by David Anderson (applicant) and more than 20 property owners for approval to Annex Tax Lots 200, 800, 900, 1300, 1400, 1500, 1600, 1800, 1801 and 1802 of Tax Map 3-1E-34C, and Tax Lot 1100 of Tax Map 3-1E-34 (approximately 77.6 acres) into the City of Canby. The properties lie in a triangle-shape, located generally within the boundaries of 99E, the Logging Road, Township Road and S. Pine Street, with the exception of one parcel immediately east of the Logging Road.

Mr. Hoffman presented the staff reports. There are, totally, 13 tax lots involved in these annexations (Tax Lots 1500 and 1501 of Tax Map 3-1E-34B; Tax Lots 200, 800, 900, 1300, 1400, 1500, 1600, 1800, 1801 and 1802 of Tax Map 3-1E-34C; and Tax Lot 1100 of Tax Map 3-1E-34). Two lots are known as 1430 and 1432 N. Pine Street (ANN 91-03).

The eleven lots (ANN 91-05) are located within a triangle generally bounded by 99E, the Logging Road, Township Road, and S. Pine Street, with one lot east of the Logging Road, and comprise approximately 77.6 acres. The Comprehensive Plan designation for the lots within the triangular configuration, those that are zoned Light Industrial in the Comprehensive Plan Designation (with some High Density Residential and Commercial/Manufacturing) will come into the City, after annexation, as Light Industrial [with some heavy industry], some Medium Density Residential, and some Heavy Commercial/Manufacturing.

Mr. Hoffman discussed the alignment of Pine Street and said that Mr. Watson (who recently annexed adjacent property into the City of Canby) supported the realignment of Pine Street. Many of the property owners who are part of these annexations would support the realignment proposal because it would provide better access to many of these parcels. He further explained that dedication is not automatically required with annexation, but that dedication would be required when the properties are proposed for development.

With regard to access from the Logging Road onto Township, Mr. Hoffman explained that the bridge was removed and the access issue is still in the talking stages. In order for it to be used as a bike path, a trail would have to be constructed to Township.

In terms of Canby's economic development, these annexation are very important. Canby has virtually run out of large parcels for industrial development. A discussion was held regarding the attraction of industry to Canby, with regard to access to I-5. Mr. Hoffman said no inquiries have been received by companies who would require rail access. These parcels have Pine Street as an access road, which is very close to 99E. Industry on this parcel could employ 700 to 1400 people, which could eventually provide income, services, products and additional tax base to the City of Canby. The current agricultural uses could continue until development occurs. Staff believes the annexation, as proposed, is consistent with the policies of the Comprehensive Plan and recommends that the Commission recommend approval to City Council.

### **Applicant**

**David Anderson, 641 Baker Drive** explained that the property has access to City water at the present time and that the City sewer main exists across the rear of the property on the Logging Road. Because there is a serious shortage of medium priced homes in Canby, his intention is to build mid-priced homes on 7,000 square foot lots. To alleviate drainage problems in Township Village and the surrounding area, he explained that they have installed rain drains to the down-spouts off the roofs. In Township Village III, all the lots will be graded to slope toward the street so excess water will flow into the drywells in the streets, which are 27 feet deep.

Mr. Anderson explained that the City has supported annexation of these properties for several years. A few years ago, the City Council even authorized a new sewer trunk line down 99E, which is very close to these properties, with access down Pine. CUB also ran a 12 inch line on the western boundary of these parcels in anticipation of future development. This annexation would also bring another access to 99E, which would relieve the congestion at the 99E/Ivy intersection. Pine would eventually link to 13th also, through Township Village. All of the property owners involved are adjacent to Pine, which is totally unimproved now, and are well aware of the fact that they will have to participate in the improvement of Pine. The vast majority of the property would be light industrial, and approximately 6 acres (4 tax lots on the southwestern portion of the land) would come in as multi-family. Mr. Anderson explained that three property owners elected not to include their properties for annexation at this time.

In regard to inquiry by the Commission, Mr. Hoffman explained that the Chamber of Commerce is planning to try to attract industry into Canby.

**Commissioner Fenske moved to recommend approval of ANN 91-03 to the Canby City Council based on the Findings and Conclusions in the July 12, 1991 staff report and on Commission deliberations. Commissioner Westcott seconded the motion and it carried 6-0.**

Commissioner Westcott moved to recommend approval of ANN 91-05 to the Canby City Council based on the July 12, 1991 staff report, with the following conditions:

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 and/or Site and Design Review.

and adding a condition #4 which would describe how each of the Tax Lots (include Tax Map and Lot #) would be zoned when annexed. Commissioner Fenske seconded the motion and it carried 6-0.

## VII. PUBLIC HEARINGS

**MLP 91-06**, a request by Gregory W. Yoder for approval of a minor land partition to partition a 20,350 square foot parcel to create two lots containing approximately 9,900 and 9,430 square feet, respectively. The property is located at 1315 N. Locust (Tax Lot 700 of Tax Map 3-1E-33BA).

Vice-Chair Mihata asked if any Commissioner had ex-parte contact or conflict of interest. Commissioners Fenske, Mihata, Wiegand and Maher said they had visited the site and come to no conclusions.

Mr. Hoffman presented the staff report. Staff corrected an error on line 2, page 7, to read "two single family structures." rather than "three. . ." He explained that the property is zoned R-1, requiring 7,000 square foot minimum lots, but that the applicant was proposing lots in excess of 9,000 square feet. Mr. Hoffman reviewed the applicable criteria relating to Minor Land Partitions and flag lots, and policies of the Comprehensive Plan and other applicable ordinances. Additionally, he explained that all services are available or can be extended to the newly created lot. As there are no plans for widening Locust Street, no dedications will be necessary. Based on the findings and conclusions in the July 12, 1991 staff report, Mr. Hoffman explained that staff recommends approval of MLP 91-06, with conditions.

### Applicant

**Gregory Yoder, 1315 N. Locust Street** explained that he proposes a 12 foot paved driveway with approximately 3 feet on each side, which will be landscaped, as there is

27 feet between the property line and the existing house. Mr. Yoder said he concurs with the staff report.

### **Proponents**

**Ron Pottratz, 1309 N. Locust** stated that he is in favor of the application and that it is an opportunity for the City to raise additional tax money, at no cost to the City. He said that this partition is an excellent way of utilizing the property.

### **Opponents**

**Tom Witbeck, 1320 N. Juniper** stated that he is very concerned that the home proposed for the new lot will only be one-story. He strongly opposes a two-story building. He also asked if he would be allowed to partition his property. Mr. Hoffman explained that he would have to bring in an application for review, and that each of the parcels proposed to be created would have to be 7,000 square feet, minimum, not including the access drive. In response to Mr. Witbeck's concerns about restrictions, Mr. Hoffman stated that if there are restriction on this, as a subdivision, any of the subdivision residents could enforce the requirements.

**Larry Snortland, 1340 N. Juniper** stated he would oppose a two-story house on the proposed lot.

**V. Nolder, 1404 N. Juniper** questioned whether a duplex, triplex, or apartments, could be built on the proposed lot. Mr. Hoffman explained that the property was zoned R-1 and only a single family home could be built.

### **Rebuttal**

**Greg Yoder** stated that he intends to construct a single family, one-story home on the proposed lot and that he intends to live in it.

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

Mr. Hoffman read a letter from the Miller family, 191 N.E. 14th Avenue, into the record.

The Commission discussed:

1. The issue of the driveway. Due to Mr. Yoder's proposal to add 3 feet on either side of the driveway, in landscaping, it was agreed Condition #8 would be modified to read, "A minimum 12 foot driveway shall be made a part of the rear lot in the final partition."

2. Modifying Condition #9 to read, " A sidewalk on Locust Street shall be provided prior to occupancy of the home on the rear lot."
3. Whether 1315 N. Locust was part of a subdivision with deed restrictions.
4. The issue of signage in the accessway. It was agreed to add wording to Condition #8 - ". . . and shall be signed for NO PARKING."

**Commissioner Zieg moved for approval of MLP 91-06 based on the findings, conclusions and recommendations in the July 12, 1991 staff report, with the conditions as modified during deliberations, as follows:**

1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
2. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. Utility easements, a minimum of six (6) feet in width, shall be provided on the exterior and interior lot lines of each lot in the proposed development, and 12 feet along the street.
4. A final partition modified to illustrate the conditions of approval, shall be submitted to the Director of Public Works for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 91-06.
5. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
6. All monumentation and recording fees shall be borne by the applicant.

7. All utilities must meet the standards and criteria of the providing utility authority.
8. The 12 foot (minimum) driveway shall be made a part of the rear lot in the final partition, and shall be signed for NO PARKING.
9. A sidewalk shall be provided prior to occupancy of the home on the rear lot.
10. Prior to occupancy of the rear lot, the entire area between the curb and the current pavement shall be paved with oil mat.

**Commissioner Maher seconded the motion and it carried 6-0.**

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**DR 91-04**, a request by Wildflower Properties, Inc. (applicant) and Lucille Ritter (owner) for approval to construct a tri-plex on Tax Lot 2104 of Tax Map 3-1E-23DD. The property is approximately 11,900 square feet and is located on the north side of S.E. 5th Avenue, east of S. Maple and west of S. Pine Street.

**DR 91-05**, a request by Wildflower Properties, Inc. (applicant) and Lucille Ritter (owner) for approval to construct a tri-plex on Tax Lot 2105 of Tax Map 3-1E-23DD. The property is approximately 10,500 square feet and is located on the north side of S.E. 5th Avenue, east of S. Maple and west of S. Pine Street.

Vice-Chair Mihata asked whether any Commissioner had ex-parte contact or conflict of interest. Commissioners Mihata, Zieg, Fenske and Maher said they visited the sites and reached no conclusions.

Mr. Hoffman presented the staff reports simultaneously. He reviewed the applicable criteria. He explained the area is zoned R-2, and that tri-plex units are a permitted use since both lots are in excess of 10,000 square feet. Based on staff's analysis, the applications are consistent with the policies of the Comprehensive Plan. In terms of the Site and Design Review criteria, Mr. Hoffman explained that fifteen percent of the total area to be developed, must be landscaped. Staff believe that criteria has been met in both cases. However, not more than 30% of the landscaped area can be in barkdust. As shown, it appears the area in barkdust exceeds 30%. He then discussed the trees and vegetation proposed to be used. Mr. Hoffman added that the applicant

will, most likely, cover this in his testimony. In terms of the parking requirements, there is a requirement for two spaces per dwelling unit and, in both cases, there are six spaces indicated - three in garages and three outside. Turnaround areas exist on-site so no cars will have to back out onto the street. Utilities are available to both sites.

The architect/designer describes the structures as townhouse-like triplexes. The major materials proposed are cedar bevel siding, cedar trim board, aluminum windows, composite roof and sheetrock interior. Building plans and elevations have been submitted and are appropriate for the use and location. The color of the exterior has not been specified.

Based upon the findings and conclusions, staff recommends approval of these applications with the condition that a sidewalk and any necessary curbs and curb cuts shall be provided along S.W. 5th Avenue, and limiting the area to be barkdusted.

### **Applicant**

**Ron Bohart, 14180 S.W. 162nd, Tigard** stated that both tri-plex units will be owner occupied. The landscaping he omitted from his plan, was the back area which will be in a patio, surrounded by grass, with both deciduous and evergreen trees for shade and privacy. The color scheme will be in earthtones, compatible with the neighborhood, and insulated to Super Good Cents standards. With regard to the windows, Mr. Bohart explained that he planned to use vinyl windows, as opposed to aluminum. The height of the buildings will be 24-25 feet and, even with the chimney, would be less than 30 feet.

### **Opponents**

**Lisa Johnson, 647 S.E. 5th** expressed her concerns with regard to traffic and the flowering cherry trees which, she feels, creates a mess. She also stated that she was unaware tri-plexes could be built in this area.

**Ethel Ketchner**, a neighbor, stated that she was under the impression that the property was zoned for only single family and that she was concerned tri-plexes would reduce the value of her property. She also explained she was concerned about increased traffic in the area.

### **Rebuttal**

**Mr. Bohart** stated he was willing to use some other tree than a flowering cherry.

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



Issues discussed:

1. The Commission explained zoning regulations within the City to the opponents and stressed how important it was for prospective purchasers to check such zoning in City Hall.
2. The Commission discussed adding a condition of approval regarding the color scheme to be used.
3. The Commission discussed the flowering cherry tree and agreed to delete specificity to such tree, as had been submitted by the applicant.

**Commissioner Maher moved for approval of DR 91-04 based on the findings and conclusions in the July 12, 1991 staff report, with the following conditions:**

1. A sidewalk and any necessary curbs and curb cuts shall be provided along S.W. 5th Avenue.
2. The bark dust area shall be limited to a maximum of 30% of the required landscaped area, or approximately 300 square feet. The remainder of the outdoor yard space shall be kept and maintained in natural green plant material such as grass or ground cover.
3. The trees and vegetation on the lot shall include Coast Pine, Viburnum, azaleas, ivy, and flowering trees.
4. The color scheme of the tri-plex shall be in earthtones.

**Commissioner Westcott seconded the motion and it carried 6-0.**

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**Commissioner Maher moved for approval of DR 91-05 based on the findings and conclusions in the July 12, 1991 staff report, with the following conditions:**

1. A sidewalk and any necessary curbs and curb cuts shall be provided along S.W. 5th Avenue.
2. The bark dust area shall be limited to a maximum of 30% of the required landscaped area, or approximately 300 square feet. The remainder of the outdoor yard space shall be kept and maintained in natural green plant material such as grass or ground cover.

3. **The trees and vegetation on the lot shall include Coast Pine, Viburnum, azaleas, ivy, and flowering trees.**
4. **The color scheme of the tri-plex shall be in earthtones.**

**Commissioner Westcott seconded the motion and it carried 6-0.**

## **VIII. FINDINGS**

**Commissioner Zieg moved for approval of DR 91-03 (Hot Off The Press) Findings, Conclusions and Order, adding a condition that the building will be painted in an earthtone color scheme. Commissioner Fenske seconded the motion and it carried unanimously.**

The Commission discussed whether it was made clear, in the findings, that yards are considered as recreational areas. Mr. Hoffman pointed out that such a determination was made clear in the Order, under #8 on page 12. The Commission asked that staff add the following words to #8: "This aspect is covered in Condition #9."

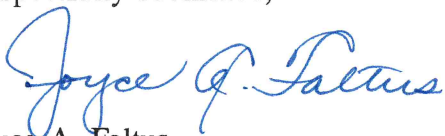
Commissioner Mihata asked that the Findings reflect, under #7 on page 12, her discussion of lot size averaging for partitions and subdivisions (Housing Element). **Commissioner Maher moved for approval of MLP 91-05/PUD 91-02 (Bob L. Stuart) Findings, Conclusions and Order, as amended. Commissioner Zieg seconded the motion and it carried 3-1.**

## **IX. DIRECTOR'S REPORT**

## **X. ADJOURNMENT**

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,



Joyce A. Faltus