

CANBY PLANNING COMMISSION

Regular Meeting

June 24, 1991

7:30 p.m.

I. ROLL CALL

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

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

Others Present: Dennis Cone and Cam Sivesind

II. MINUTES

None

III. BUSINESS FROM THE AUDIENCE

None

IV. COMMUNICATIONS

Mr. Hoffman explained that the applicant withdrew the application for **SUB 90-04/CUP 90-08 (Mod. 6-91)**, a request for approval to modify the requirements of Section 16.82, "Special Housing Projects for the Elderly or Handicapped" and Section 16.76.040, "Exceptions" within a PUD Overlay, with regard to building setbacks. The project is now called **Cedar Ridge** (Record No. B-95 P-29). The site is located at the end of 13th Avenue, west of the Elmwood Mobile Home Park, south of Canby Union High School and north of the Molalla River embankment (Tax Lots 800, 891, 900, 1000 and 1001 of Tax Map 4-1E-4C). The application was scheduled to be heard at this meeting.

V. UNFINISHED BUSINESS

None

VI. FINDINGS

VII. PUBLIC HEARINGS

CUP 91-03, a request by the Canby Elementary School District No. 86 for approval to place a portable classroom at the Lee Elementary School. The school is located at 1110 S. Ivy Street (Tax Lot 700 of Tax Map 4-1E-4A).

CUP 91-04, a request by the Canby Elementary School District No. 86 for approval to place a portable classroom at the William Knight School. The school is located at 510 N. Grant (Tax Lot 1400 of Tax Map 3-1E-33CD).

Mr. Hoffman presented the staff reports for both CUP 91-03 and CUP 91-04 simultaneously. He explained that these portables are necessary until the new elementary school is available and that, ultimately, the high school may have use for these portables while undergoing its major expansion. Further, he explained that staff has found no conflict with existing classrooms which are already on these sites. He explained that the suggested conditions are standard conditions with reference to these types of applications.

Applicant

Dennis Cone, 501 N. Grant explained that the schools desperately need the additional space these portables would offer and that this is the best solution until the new school is built.

With no further testimony, the public portion of the hearings was closed for Commission deliberation. Issues discussed:

1. The Commission discussed the time element involved in using these portables.
2. The Commission discussed the location of the portable at Knight, with respect to the softball field. Mr. Cone explained that the softball field would have to be moved further away from the portable.

3. The Commission discussed the use of these portables after the specific requested use.

Based on the findings and conclusions contained in the June 14, 1991 staff report, testimony, and Commission deliberations, **Commissioner Fenske moved for approval of CUP 91-03, as recommended by staff. Commissioner Zieg seconded the motion and it carried unanimously.**

Based on the findings and conclusions contained in the June 14, 1991 staff report, testimony, and Commission deliberations, **Commissioner Mihata moved for approval of CUP 91-04, as recommended by staff. Commissioner Westcott seconded the motion and it carried unanimously.**

VIII. DIRECTOR'S REPORT

Mr. Hoffman reported about some issues that have risen over the past week with regard to the Cedar Ridge PUD and Mr. Torgeson, regarding access over City property without permission from the City. Mr. Torgeson had been trucking up the bluff, over a temporary road he recently constructed on County land and on City property (Tract "A", from Cedar Ridge). When Mr. Torgeson was told he could not do that without permission, he responded that he had an easement which allowed him to do so. As that was not the case, a Stop Work Order was issued. Mr. Hoffman reviewed a letter received from Welborn Reimann Associates, where they have instructed the Wayne Jeskey Construction company to barricade the roadway that was constructed by the Torgesons, in order to deny access from Cedar Ridge to Tract "A."

The Commission discussed its concerns regarding developers who are not complying with the conditions of approval for their projects. Most recently, wetland spoilation, hazard area erosion, and excess tree removal. With regard to the Cedar Ridge property, Mr. Hoffman stated that initially, he was told the only trees that would be removed were those in the rights-of-way, but that fairly large trees appear to have been removed which were not in rights-of-way. Therefore, it appears the Cedar Ridge developers were clearly in violation of the ordinance restricting tree-cutting in a Hazard Overlay area. Clearly, the bank that geotechnical experts declared to be

unstable has been put in jeopardy, as well as the wetlands, by Mr. Torgeson's road. Mr. Hoffman explained that Mr. Nelson has a stream crossing permit in order to fill a road across the stream, but it is **not** at the location where the a culvert was placed and covered, and a road built. The **State** has requested a copy of the Stop Work Order issued on the Nelson property.

Additionally, the Commission is concerned about tree removal on the Willow Creek site. The Commission expressed concern that there has never been a tree cutting plan submitted for the Willow Creek project, even though it was conditioned to be submitted. The Commission discussed issuing a Stop Work Order until one was submitted. It was agreed that the Commission's decisions were negated when applicants violate the conditions of approval. Mr. Hoffman explained that, literally, the Willow Creek approval conditioned that a plan shall be prepared before the final plat and that the Director of Public Works shall work with the developer to see that it is implemented. Mr. Klem advised that he is attempting to work with the developer. The Commission expressed concern that the **intent** is, indeed, being violated and that the developer clearly understood the tree plan requirement and did not appeal any of the conditions of approval. The condition, as written, refers to a set of procedures spelled out in a special Tree Preservation Manual, which clearly expresses the City's intent, the spirit of which has not been met. The Commission discussed the wording of future approval conditions and agreed this should be discussed with the City Attorney. Additionally, the Commission discussed methods for restitution, when conditions are not complied with.

The Commission discussed encouraging the Council to seek some sort of restitution to be certain that developers comply with conditions of approval. Suggestions included:

1. Pull permits and/or not issue permits
2. Serve the site with a "Stop Work" Order
3. Consider additional donations of open space and other aesthetic things to take the place of the ones that have been removed in the case of wetlands, hazard zones, and tree plans.
4. Some sort of monetary restitution

5. With regard to overzealous specimen tree removal, planting decent sized (the largest that can be planted with one of those clam shells) trees at prominent locations to replace those that have been removed, was considered a good solution. And, in the future, making this a condition when any tree, larger than 6 inches in diameter, is removed, unless agreed to by the Planning Director or by the Commission.

IX. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,



Joyce A. Faltus