CANBY PLANNING COMMISSION
Regular Meeting
February 25, 1991

7:30 p.m.

APPROVED

I. ROLL CALL

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

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

Others present: Councilman Bob Smith, Wayne Scott, George Wilhelm, Roger Reif and E. Wayne Oliver.

II. MINUTES

The **February 11, 1991** minutes were approved unanimously, as amended.

III. BUSINESS FROM THE AUDIENCE

None

IV. COMMUNICATIONS

Mr. Hoffman suggested the order of the agenda be amended, in order to hear the reconsideration for SUB 90-06 first, then the findings and workshops. He explained that although the hearing for SUB 90-06 was not originally scheduled for this meeting, the request relates to the findings scheduled on the agenda. If the findings were acted upon, the findings would render the request for reconsideration moot. After lengthy Commission discussion, it was agreed to follow Mr. Hoffman's suggestion.

The Commission also discussed the winter schedule for Planning Commission meetings and whether or not two meetings should be scheduled each winter month. Based on the number of applications being submitted, the Commission asked staff to look into this matter.

V. UNFINISHED BUSINESS

Mr. Hoffman explained about the Planning Commissioner Training Program on Saturday, March 16, 1991 at the Seaside Convention Center. Any Commissioner who wants to attend should notify the Planning Office prior to March 8, 1991, as space is limited.

VI. PUBLIC HEARINGS

SUB 90-06, a request by Wayne Scott for reconsideration of the Commission's action on this application at its February 11, 1991 meeting. The applicant is requesting an opportunity to present additional information, at a future date, previously requested by the Commission. Previously, the applicant was seeking approval of a single family residential subdivision with a PUD overlay for Willow Creek Estates (Tax Lot 500 of Tax Map 3-1E-27DB and Tax Lots [easterly portions] 700 and 900 of Tax Map 3-1E-27C and Tax Lot 800 of Tax Map 3-1E-27C). Eighty-three single family units and 60 condominium units have been proposed with 5.6 acres of greenway. A portion of the site lies in the Hazard Overlay Zone. The site (approximately 32 acres) is located northwest of 99E, south of N.E. Territorial and east of Redwood.

Mr. Hoffman explained that the City received a letter from Mr. Scott requesting reconsideration of the February 11, 1991 decision to deny his application. Mr. Hoffman further explained that Mr. Scott waived the provisions of the Canby Development Code, Section 16.88.020 for the 60 day provision, along with the provisions of ORS 227.178 for the 120 day provision.

Additionally, Mr. Scott is requesting approval of Phase I, as delineated on the preliminary plat, which he indicated to the Commission, consisting of 50 residential lots (Lots 1-50). He explained that the request did not include any development in the wetlands area, hazard area, wildlife area, or any condominium lots. Mr. Hoffman explained that the applicant would address a temporary emergency access. Staff is prepared to point out, from the consolidated conditions submitted to the Commission on February 8, 1991, which conditions of approval could apply to the reconsideration, if the Commission decided to act on it at this hearing.

The Commission discussed why the application was denied on February 11, 1991 and the majority agreed the lack of certain information pertained to the wetland and hazard overlay phase of this development. **Commissioner**

Mihata moved to reconsider the decision of February 11, 1991 and consider the application in its present form. Commissioner Zieg seconded the motion and it carried 5-2, with Commissioners Bear and Wiegand voting no.

Mr. Hoffman explained the proposal to drain the streets into the wetlands. He reminded the Commission that Mr. Klem said this proposal would work only if filtering systems and a settlement area were provided for the catchbasins, but that direct drainage would not be approved. Each combination of a few lots would have to have a drywell. Therefore, drainage would not be directly to the wetlands, but would be through either drywells or a filtering system.

Regarding each of the conditions suggested in the February 8, 1991 memo to the Planning Commission [from staff], Mr. Hoffman explained:

#1 is not necessary to include at this time, until the final expert's report is available and the areas affected by the wetlands are part of the application being considered.

#2 It is still possible there would be some fill somewhere in that area and, if so, a fill and grading permit would be required. Thus, this condition should be included with the Phase I reconsideration.

#3 deals with the condominium lots and need not be considered with Phase I, as proposed by the applicant.

#4 Staff recommends that an arborist or urban forester is necessary. Mr. Hoffman suggested the following wording:

Prior to final plat approval, a Tree Preservation Plan, prepared by a recognized professional arborist/urban forester, shall be submitted.

Such plan shall **generally** follow the principles and practices described in pages 34-44 of the chapter entitled, "Preserving Trees Affected by Development" from Technical Guide to Community and Urban Forestry in Washington, Oregon and California, available from the World Forestry Center, Portland. The City Forester shall review and approve such plan for consistency with the approved

location of the emergency access if, in developing the remainder of the site, a better location can be mutually agreed upon between Mr. Scott and the City.

With regard to the water run off, Mr. Reif stated that the applicant plans to install a storm sewer system, with collecting catchbasins in the street.

He explained that water will be transported through pipes to the existing natural drainage, which is an unnamed creek that traverses across the property, and referred to sheet #2 of the submitted preliminary plat which indicates the route and discharge points.

With regard to the remainder of the property, Mr. Reif stated that the applicant plans to return before the Commission within the next few months with a report from the wetlands expert. The remaining development, he explained, will be developed in conformance with the expert's recommendations. As the report has not been submitted yet, the applicant will be submitting additional information that will address the Commission's concerns about development on the wetland lots (Lots 84-87).

Mr. Reif requested clarification with regard to exactly what the Commission wanted included in the traffic analysis they would submit with Phase II.

With regard to the memo to the Planning Commission, dated February 8, 1991, Mr. Reif explained that Conditions #1, 3, 5, 9, 13, 31 and 32 refer to the wetlands and did not pertain to this request for reconsideration. These conditions would be addressed when the expert's report has been completed. He asked for clarification on Conditions #4, 6 and 12. With regard to #6, Mr. Reif stated it is a question of understanding the term "during construction." He questioned whether it was to mean when the subdivision **improvements** or when each individual is building a house. With regard to condition #12, Mr. Reif requested that the watercourse be studied before the Commission imposes the 25 foot requirement.

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

Mr. Hoffman then referred to a letter the City received from **Carol Berggren, 1868 N. Redwood Street**, an adjacent property owner, on February 25, 1991, relating to the reconsideration. Ms. Berggren stated (to staff) that she is not opposed to the rezoning of the property, but is

concerned about the condominium density, which she termed as excessive and detrimental to the environmental area. She addressed her concerns about the access road construction near the stream bed as being inappropriate because most of the area has an extremely low water table.

Ms. Berggren further stated that the County road, Territorial, is not designed to carry the additional traffic. She questioned whether any input had been received from the County regarding a development fee from the project for improvements on Territorial. She addressed additional concerns regarding the impact on schools, water supply, and sewer capacity with regard to odor problems. Ms. Berggren added that she supports maintaining the best quality of life in the area for future residents, and that environment, traffic and availability of public services are issues that will need further refinement. Included with the letter, was a photograph of the area where the bridge crossing is proposed. This area, she wrote, was a former frog farm, where several thousand frogs still reside.
Issues discussed:

1. The Commission discussed erosion control methods. Mr. Hoffman explained that the Erosion Control Handbook does deal with individual lots. The purpose for these controls is to avoid dirt being trucked onto City streets, which would eventually drain into catchbasins. Staff contends that this condition should apply to the development of the subdivision and to the construction on individual lots. With this condition in place, the City could enforce such measures. The Commission further discussed the methods included in the handbook, such as straw and a pile of gravel laid where trucks leave the lot and enter public rights-of-way, and agreed the condition should remain in its present form.

2. The Commission discussed the drywell issue. Mr. Hoffman explained that one drywell can handle 20,000 square feet of surface area, so it might be possible in some cases, for one drywell to serve two lots. He added that there would be no runoff water draining into the pond other than from the streets, which would have to go through filtering devices.

3. The Commission discussed the temporary emergency access between Lots 7 and 8 and agreed such access should be noted as a condition of approval.

4. The Commission discussed the southern portion of Lot 45 that contains the watercourse. **After a lengthy discussion regarding the 25 foot setback from the centerline of the watercourse, it was agreed that the southern portion (approximately 25 feet northerly of the centerline of the watercourse) of Lot 45 would not be included in Phase I because the wetland expert will include the watercourse in her evaluation. Condition #12 would be reworded to include this change. It was agreed a line would be shown from the upper corner of Lot 56 to the corner of upper corner of Lot 57 to delineate this change. With this change, suggested condition #12 could be eliminated.**

5. The Commission discussed the tree preservation condition (#4). It was agreed the wording in boldface would remain, with the additional wording from Mr. Hoffman, as referred to above. The Commission agreed it was wise to have an expert make determinations with regard to the safety factor referred to in George Wilhelm's testimony at the previous meeting. The Commission agreed to discuss directing staff in a future workshop, to incorporate the Technical Guide to Community and Urban Forestry in Washington, Oregon and California into the Tree Ordinance.

6. The Commission agreed a condition relating to Section 16.68.040(G) [development fees], as stated above, will be included.

7. The Commission discussed and agreed to retain Conditions 21 and 30 as submitted.

8. The Commission discussed the width of Teakwood Drive, as denoted in Condition #15. Mr. Hoffman explained that a 36' pavement is wide enough for three lanes of traffic, with a center left-hand-turn-lane. Territorial will be widened to include 44' of pavement and the applicant will sign a waiver of remonstrance for improvements that might be required in the future.

9. After polling the Commission, it was agreed the traffic analysis would be submitted with the Phase II application. It would include the intersection of Territorial and 99E and Territorial and Redwood.

10. The Commission discussed the fact that there is only one ingress/eg' (**9^^*o Territorial. The Commission agreed, from a safety standpoint, this could present a problem when Phase II is planned and that it would be desirable to consider alternatives.

11. The Commission discussed whether Phase I was considered partially a PUD application. Mr. Hoffman explained that on the Phase I application, there was no request for any modification of any subdivision requirements, but that the application includes a request for PUD approval, and the applicant was fully aware of the obligation to provide a minimum of 10% of the total site as open space. The Commission discussed adding a condition providing 10% of the 50 lot subdivision as open space, in case Phase II does not come before the Commission. Because the application was submitted and advertised as a PUD, the Commission suggested adding a condition:

Prior to issuing building permits to more than 45 lots, the developer must present and have approval of the Phase II application.

Commission Fenske moved for approval of SUB 90-06 [Phase I - Lots 1-50 - not including the wetlands/floodplain area] being developed with a PUD Overlay with certain selected conditions as stated in the February 8, 1991 staff memo to the Planning Commission, as follows:

1. The southern portion (25 feet northerly of the centerline of the watercourse) of Lot 45 would not be included in Phase I because the wetland expert will include the watercourse in her evaluation. A line will be shown from the southeast corner of Lot 46 to the northwest corner of Lot 57 to delineate this change.

2. Any proposed fill and grading beyond that indicated on the "Master Plan - Tentative Plat" submitted with the application shall be submitted for review and approval of the Director of Public Works.

3. Prior to Final Plat approval, a Tree Preservation Plan, prepared by a recognized professional arborist/urban forester, shall be submitted. Such plan shall follow the principles and practices described in pages 34-44 of the chapter entitled, "Preserving Trees Affected by Development" from a Technical Guide to Community and Urban Forestry in Washington, Oregon and California, available from the World Forestry Center, Portland. The City Forester shall review and approve such plan for consistency with the approved plan and all conditions. The subdivision developer shall implement the approved plan. The lot layout on proposed subdivision maps, dated December 19, 1990, need not be redesigned in a major fashion, but minor adjustments may be necessary to preserve selected trees.

4. During construction, erosion control shall follow the Erosion Control Plans Technical Guidance Handbook published by Portland, dated November 1989 (as amended).

5. The applicant shall provide a waiver of remonstrance for any traffic improvements needed for N.W. Territorial Road.

6. All vehicular bridges and stream crossings to be used by fire equipment shall be engineered to sustain 41,800 pounds vehicle minimum. The water main on Territorial shall be extended to the east end of this development and connected to the main from the development, to complete the looped system. An adequate sized main shall be installed to supply all hydrants. An additional hydrant shall be installed at Teakwood & 18th. All hydrants shall be three port type hydrants.

7. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction of the first phase of development.

8. The applicant shall dedicate additional right-of-way along Territorial Road to meet both Canby and County standards. Such dedication shall include space for 5 feet minimum sidewalks and a 6 foot bikeway. Right-of-way shall be a minimum of 80 feet in width. Half-street improvements shall be provided by the developer

and shall include pavement, curbs, sidewalks, bikeway and urban-type street lighting, and shall meet Canby Construction Standards. Right-of-way designs and construction designs shall be approved by the Director of Public Works. Street pavement width between curbs shall be a minimum of 44 feet.

9. For Phase I, a temporary street ending, meeting the requirements of the Canby Fire Marshal and Director of Public Works, shall be provided at the end of Teakwood Drive that will continue at a later time. A full-width barricade shall be placed, at the developer's expense, at the end of this street.

10. Teakwood Drive shall be constructed with a minimum of 40 feet of right-of-way width throughout the subdivision, with a minimum of 36-foot pavement over its entire length within Phase I.

11. All utilities shall be constructed to the specifications of the provider.

12. Utility easements shall be provided and shall be twelve (12) feet along all streets and exterior boundaries of the subdivision, adjacent to other platted subdivisions with easements, if any, and easements along all interior lot lines, are to be six (6) feet wide off of each lot, for a total of twelve (12) feet. Utility easements along all interior lot lines shall be six (6) feet wide off each lot, for a total of twelve (12) feet.

13. "As built" drawings shall be submitted to the City of Canby within sixty (60) days of completion.

14. Five (5) foot curbs and sidewalks, designed to City standards, shall be constructed along all street frontages. If the sidewalk is set back from the curb, it may be four (4) feet wide. The setback for the garage, in that case, shall be measured from the back of the sidewalk in front of the garage, and shall provide twenty (20) feet for parking.

15. All requirements of the Canby Utility Board, Fire District #62, North Willamette Telecom and the Canby Telephone Association shall be considered as conditions of approval, with final plans to meet staff approval.

16. Water lines shall be constructed to the standards established by the Canby Utility Board. Hydrants shall meet CUB and the Fire Marshal requirements. Electric service and street lights shall meet CUB requirements. Street, curb, sidewalk, storm drainage and sanitary sewer construction shall meet the requirements of the Director of Public Works.

17. The final plat shall reference this land use application - City of Canby, File No. SUB 90-06, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.

18. The intersection of 20th Street and Teakwood Drive shall be designed to provide adequate radii to provide safe sight distance. Such design shall be reviewed and approved by the Director of Public Works.

19. Regarding covenants, conditions and restrictions, the following shall apply:

    a. Such covenants, conditions and restrictions and homeowner association by-laws shall be filed with the County Register of Deeds and shall provide for notice to the City Attorney and to the purchaser of any lot, at least ten (10) days in advance of any changes to be made, if such change is made prior to the sale of 75% of all lots in the development.

    b. Such covenants, conditions and restrictions shall assure the continued maintenance of the commonly held areas by a homeowners' association, created thereunder.

c. All covenants, conditions and restrictions and homeowner association by-laws adopted thereunder shall be reviewed and approved by the City Attorney to assure continued conformity with City Code provisions and the conditions of this approval.

20. Construction costs of all roads and utilities shall be borne by the applicant.

21. Street names and numbering shall meet City requirements, and numbering shall be uniform and conspicuous on all units.

22. The developer shall maintain separation between the sanitary sewer and water system improvements to comply with State health division requirements.

23. Street grades shall use vertical curve when grade breaks exceed 1%.

24. All driveway access to Lots 1-10 shall be from 21st Street and no direct access to Territorial Road is allowed from such lots.

25. The proposed sewer lift station and storm water system engineering design shall be reviewed and approved by the Director of Public Works and the City Engineer.

26. Emergency access between Lots 7 and 8, as shown on the map, to be constructed in such a fashion that it is not accessible to bicycle or other normal traffic, with the understanding that after the wetlands report, if there is another approvable emergency access, this emergency access will be deleted at that time.

27. Prior to issuing building permits to more than 45 lots, the developer must present and have approval of the Phase II application.

28. **No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified in Section 16.68.040(G).**

29. **A Traffic Analysis shall be required with the application for Phase II, which shall essentially study the intersections of 99E and Territorial and Territorial and Redwood.**

30. **The future phase for later approval of this total development shall include the area west of Teakwood Drive, as well as the area (shown on the proposed map from the applicant) occupied by Lots 54-83.**

Commissioner Westcott seconded the motion and it carried 5-2, with Commissioners Bear and Wiegand voting no.

The Commission discussed information it will require from the applicant with regard to Phase II:

1. The Traffic Analysis covering the intersection of 99E and Territorial. The Commission instructed the applicant to include the intersection of Redwood and Territorial and Teakwood and Territorial. The traffic study should also include the street pattern within the subdivision and how the total of both phases would affect the intersection of Teakwood and Territorial.

2. The Commission directed the applicant, from a safety standpoint, to consider alternatives to the one access that is presently designed for the entire subdivision. The applicant should address how the left-turn lane would avoid problems and a possible southern traffic pattern through the Egli property, eventually to connect to Redwood.

3. A Wetlands Report, to include conditions for the watercourse on Lot 45.

4. The Commission asked the applicant to address the noise control issue with regard to any lots that front on the railroad.

5. The Commission asked the applicant to address Section 16.72.030 and 16.76.020 guidelines, with regard to the condominium concept, particularly the footprints and elevation.

Discussion was held with regard to the possible modification of the overall concept (the applicant deciding not to use the PUD Overlay). Mr. Hoffman explained that the next hearing would have to be advertised and it would be advertised according to the proposal that is submitted at that time.

WORKSHOP - DEFERRING DECISIONS TO DESIGN REVIEW

Chairman Schrader recognized City Councilman Bob Smith, who is the liaison between City Council and the Planning Commission for all Site and Design Review applications.

The Commission discussed deferring density issues to Design Review, as opposed to actual structural build-out issues. As the Site and Design Review process will not cover duplex or single family issues, a discussion was held whether it considers condominium issues. It was agreed condominiums and townhouse units [three units or more] would fall under Site and Design Review because it fell under the multi-family category. It was further agreed height restrictions could not be modified, but parking, accessibility, landscaping, setbacks, and types of trees recommended in the Tree Ordinance would fall under this review. Under Land Use issues, at the Commission level, a footprint of the plan would be necessary to determine the parking requirements, as would a concept regarding the number of dwellings/people [density]. The Commission agreed it could defer the review of an actual design of a building to Design Review, which would include horizontal dimensions, architecture, aesthetic considerations, and detailed site plan review of an individual lot.

The Commission discussed the dilemma that occurs when a developer proposes a development, where he is not the builder. In this case, the applicant would not know what the structure would look like and neither would staff or the Commission. Mr. Hoffman referred the Commission to his February 25, 1991 memo. The language states, on page 303 of the Land Development Ordinance, that the application shall be submitted with a map, showing the proposed location, both horizontal and vertical dimensions of all buildings and structures **proposed** to be located on the site. In the Willow Creek case, no buildings are proposed at this time.

One way of interpreting the language, would be to say that building proposals will come at a later time. Mr. Kelly, the City Attorney, stated [by phone to staff] that the specific review of buildings on condo lots could be deferred to Design Review. The Commission felt that the entire process could be too drawn out if so many applications were deferred, and that concerned citizens want to know what is planned for the site - whether duplexes are planned, single family homes, apartments, etc. Mr. Hoffman referred to page 304 of the Ordinance, where it states that the applicant shall submit accurate information on all the following **which may be** applicable. Item D refers to **types** of dwellings and site locations thereon, which would have to be included with the application. The Commission discussed whether it could consider a general overall concept that includes generalized tree layout, types of trees, egress, etc., without buildings, at the Commission level and review the specific plan which would include the approximate number of residents and parking requirements under Design Review. It was questioned how, in a PUD, the Commission could approve density and some external limits with relation to the surroundings without having any idea of the number of units, which would affect the parking requirements. It was suggested that a developer who comes in with a PUD Overlay could have a **maximum** density per lot approved at the onset, and a generalized building envelope configuration. When a purchaser comes in, the maximum density would have been grandfathered into the lot. The Commission agreed that in the case of a PUD, the Commission level would consider the density, whether the concept would fit on the site, and a general footprint for the site. At that point, the developer would at least have a concept to sell, pending Design Review. The Commission discussed providing the developer with guidelines, to assist the applicant in understanding what information is required with his application. It was agreed a copy of the Design Review Procedures would be attached to every application. Chairman Schrader also suggested drawing up a resolution giving staff authority to require the information the Planning Commission feels is necessary in order to hear an application because, under the time constraints, there isn't sufficient time for the Commission to keep requesting new information. Mr. Hoffman pointed out that the current Design Review Ordinance explicitly permits architectural review, but there are no criteria included with which to base the review on other than aesthetic values.

The Commission agreed to schedule a special meeting to continue this workshop, and to hold a workshop to discuss giving more authority to the Planning Director to request information from applicants on March 18, 1991.

VII. FINDINGS

Commissioner Westcott moved for approval of DR 91-01 [Canby Union High School - Pole Building] Findings, Conclusions and Order, as presented by staff. **Commissioner Mihata seconded** the motion and it carried unanimously.

VIII. ADJOURNMENT

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

Respectfully submitted,

Joyce A. Faltus