

CANBY PLANNING COMMISSION

Regular Meeting

March 26, 1992

7:30 p.m.

APPROVED

I. ROLL CALL

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

Staff Present: Robert Hoffman, Planning Director, Jim Wheeler, Assistant Planner, and Joyce Faltus, Secretary.

Others Present: Ed Stelle, Sue Stelle, Heinz Rudolf, Pat Harmon, Judelle Rothi, Milt Dennison, Jack Hammond, Halvor Gregersen, Lillian Gregersen, Jerald Rothi, Ron Berg, Evie Berg, Guy Gibson, Ron Bohart, Don Lund.

II. MINUTES

The minutes of **February 24, 1992** were approved unanimously, as submitted.

The minutes of **March 9, 1992** were approved unanimously, as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

None

VI. OLD BUSINESS

ANN 92-01 - An application submitted by the Canby Elementary School District for annexation of a 20-acre site which fronts on S. Redwood Street and Township Road (Tax Lot 1100 of Tax Map 4-1E-3). After reviewing this application, the Commission will then make a recommendation to City Council.

Although most of the Commissioners stated they have visited the site, all agreed they have reached no conclusions by so doing. No ex-parte contact or conflict of interest was noted.

Bob Hoffman explained that a Certification proclaiming approval of the bond to improve the wastewater treatment plant and an update of Mr. Klem's request for comments regarding the ability of the plant to service the school were in each Commissioner's file. Once the bond issue was approved, Mr. Klem added that the plant will be operating at its new capacity around the late summer of 1994, but in the meantime there is 100,000-150,000 gallons per day available before we start incurring excessive violations, which breaks down to 250-300 residential units. Mr. Klem also checked the box which states that adequate public services will become available through the development. Mr. Hoffman then discussed the need to extend the sewer line to service the site, and the various way it could be accomplished. He then referred to a memo regarding the "search for a site" issue that Mr. Dennison submitted, and a map summarizing that data. Mr. Hoffman explained that Mr. Dennison would also submit a memo from the engineers which discusses the amount of flow expected from the new school.

Mr. Hoffman explained that staff revised its recommendation, after meeting with the architects for the school, to pick up the full width (40 feet) of the current Redwood with the proposed annexation. Staff concluded that since Redwood will be widened and the school would be proposing to build an entire new street, it would be wise to include the right-of-way of the present Redwood Street with this application as the City would be responsible for maintenance. The application and recommendation to City Council, then, would include the entire existing road, plus the widened road, and the targeted parcel for the school, all be within the City limits.

Applicant

Milt Dennison, 970 N.E. 24th Avenue, Superintendent of Canby Elementary School District, stated that with regard to the latest engineering report, it appears that the school would be using a maximum of 3,000 gallons per day, with a 500 student enrollment. The engineers believe it can be reduced by approximately half, with the water saving devices. Daily usage, nine months per year, would equal the approximate use of 10 homes.

With regard to the site, Mr. Dennison submitted photographs, taken from various directions. Mr. Dennison also stated that school officials have met with the neighbors twice, and no opposition was indicated.

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

1. Another site, zoned industrial, was discussed. Mr. Dennison explained that the City preferred the site remain zoned industrial, and that there was a problem with regard to the asking price. Further, Mr. Hoffman added that it would not only take a Comprehensive Plan Amendment and Zoning Amendment for that site but, for a community school, it would also be a much less desirable site.
2. The fact that the proposed site is a Priority "C" area was discussed. As it appears there were very few options in the Priority "A" or "B" areas, this appears to be one of the best sites that is available for a school.
3. With regard to the Traffic Study, Mr. Hoffman explained that it is available, but would be reviewed during Conditional Use/Design Review. He further explained that the report indicates the school will not be adding measurably to the existing traffic conditions at the Ivy Street/Township intersection.
4. With regard to the portion of the site being retained by the sellers, Mr. Dennison explained that it was the only way the parcel would be sold - as a flag lot.
5. The Commission discussed the appropriateness of the site with regard to the portable unit situation that presently exists at the elementary schools.
6. The Commission discussed the previously targeted site at Redwood and Territorial and its present standing in the appeal stage. Mr. Dennison explained the financial problems and penalties involved with regard to the Internal Revenue Service if the school does not go through. A two or three year delay, in the appeal for the other site, would severely limit the funds available to build a new school.
7. Mr. Hoffman explained that Redwood would be developed to collector street standards, continuous from Township to 13th Avenue. As the City has received another proposal to annex the parcel immediately to the southeast, coming from Township Village toward Redwood, so the opportunity exists, if it is approved, to have Redwood continue from Township to 13th. In that sense, the new school would be fronting on a collector street.

8. With regard to the funding mechanism for the sewer from the Logging Road to the school site, Mr. Hoffman explained that one of the discussions was that the school district would build it to service the school and then get reimbursement from those others who would gain advantage from it at some future point. If it were feasible to get developers to participate at this point, it would be a shared cost. Mr. Hoffman advised that it would cost about \$75,000, which fit into the school district's proposal budget. Mr. Dennison explained it would be most beneficial to draw up a joint agreement from others who would benefit and discussions are taking place now.

Based on the staff report dated February 28, 1992, testimony and deliberations on both March 9, 1992 and March 26, 1992, **Commissioner Maher moved to recommend that City Council approve ANN 92-01, including the 40 foot right-of-way of Redwood Street. Commissioner Wiegand seconded the motion and it carried 6-1.**

The Commission also approved the Final Order for this annexation request.

The Commission requested that the school district keep its options open with regard to the site on Redwood and Territorial.

VII. PUBLIC HEARINGS

DR 92-02, a request by Wildflower Properties, Inc. (Ron Bohart) for approval of a Site and Design Review application for the construction of a four-plex residence on a 12,500 square foot lot located on the south side of S.W. 3rd Avenue, west of S. Ivy Street (Tax Lot 6500 of Tax Map 3-1E-33CD).

Chairman Schrader explained the hearing format and procedures, and asked if any Commissioners had a conflict of interest or ex-parte contact. No conflict or ex-parte contact was indicated.

Jim Wheeler presented the staff report and discussed the applicable criteria. The site is 12,500 square feet, which is the minimum allowed footage for a four-plex. The area immediately to the west, adjacent to the site, is identified as High Density Residential in the Comprehensive Plan. Multiple family residential units would be allowed as a conditional use if the site was zoned Commercial-Residential (consistent with the Comprehensive Plan designation for the site), although the site is currently zoned R-2, Medium Density Residential, which is comparable to the High Density Residential designation found in the Comprehensive Plan. The sewer treatment plant, at this time, is determined to have the capacity to serve the proposed four residential units. On-site disposal of storm water will be necessary. Access to the site is by way of S.W. Third Avenue. The access drive meets the ordinance requirements of a minimum of 20 feet in width. Two five-foot landscaped

strips will border the access drive. Presently, there is no curb cut for the driveway on S.W. 3rd Avenue. Off-street parking will be provided for on-site. The parking requirement is 2 spaces per unit. Four garages, plus 8 parking spaces are indicated on-site, and turnaround space is available. A sidewalk will be necessary for the property frontage along S.W. Third Avenue. All public facilities are available for the proposal, with adequate capacity. As the total site is approximately 12,500 square feet, under Design Review 1,900 square feet should be in landscaped space. Approximately 4,700 square feet will be landscaped. He explained that the immediate surrounding area is planned for commercial and residential use in the Comprehensive Plan, and zoned for medium density residential use (R-2). He further explained that the adjacent land is single family and multi-family residential uses. There is a duplex on the east and apartments exist to the southeast. The application describes the project as a townhouse-like four-plex. Major materials include cedar bevel siding, cedar trim board, aluminum windows, composite roof, and sheet rock interior, with T 1-11 plywood on the sides. The color of the exterior is proposed to be in "earth-tones." After routing the application, the requests for comments noted that utilities are available in the vicinity. Although a sewer lateral exists in the driveway, it services an adjoining lot and does not have the capacity to serve this parcel, so a new lateral will need to be constructed. Also, a fire hydrant will need to be installed at the entrance, or near the entrance, of the access driveway on S.W. 3rd Avenue, according to the Fire Chief. The Fire Chief also requested that the access driveway be constructed and covered with an all-weather surface material prior to construction. All yard requirements are met and the two-story four-plex is less than the 35 foot maximum height limit. Staff concludes that the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and Development Ordinance, that the characteristics of the site are suitable for the proposed use; that all required public facilities and services exist or can be made to exist at the time of development to adequately meet the needs of the proposed four-plex; and that the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed. With regard to solar access, Mr. Wheeler explained that staff submitted a list of "solar friendly" trees to the applicant, but that the height of the building will not present problems in this area, the area to the south of this parcel is used as a parking lot, and the area on the south of this building takes advantage of solar access with the placement of windows and doors. Staff recommends approval of DR 92-02 with the following conditions:

1. That the maple trees planted on the north side of the property shall be of the type listed as "solar friendly."
2. A hydrant shall be installed at the entrance of the access driveway from S.W. 3rd Avenue, according to Canby Utility Board specifications.

3. Access driveway shall be constructed and covered with an all-weather surface material prior to construction of dwellings. A gravel driveway is an acceptable surface for this purpose, prior to and during the construction of the dwellings.
4. A concrete approach for the access driveway, designed as a sidewalk, shall be constructed for the property frontage along S.W. 3rd Avenue.
5. A new sewer lateral shall be connected to the sewer line in S.W. 3rd Avenue.
6. Addresses for the four-plex shall be displayed at the access driveway entrance from S.W. 3rd Avenue.

Applicant

Ron Bohart, Wildflower Properties, Inc., 14180 S.W. 162nd, Tigard, stated that he believed this is an ideal site for a four-plex and that he will orient the building to take advantage of solar access. He discussed the parking and turnaround, which he believed is more than adequate, as it could accommodate 12 cars. To the east, he explained, is a duplex, and to the south is an apartment complex with the parking lot directly behind this parcel. Mr Bohart further explained that the fire hydrant will be across the street on 3rd Avenue, consistent with the other existing fire hydrants on S.W. 3rd Avenue now, not at the entrance to the access drive. The two large Fir trees on the site will be saved. The landscaping will provide a buffer for the house to the north, in front of the parcel. He explained that the four-plex will be one building with four rental apartments and that the owner lives in Hawaii.

Opponents

Ed Stelle, 189 S.W. 3rd Avenue submitted photos of the area in question and nearby areas that have become like ghettos, and a map which included the parcel under consideration and nearby parcels. Mr. Stelle explained his concerns. He stated that he lives in front of the parcel in question, to the north. Mr. Stelle described the home and parcel when he purchased it, explaining that it was very badly in need of improvement. He stated that he purchased in this area because it is an older, well-established, single family neighborhood. One of his concerns is that the proposal will not fit in well in the neighborhood and is not compatible with the rest of the neighborhood. Other areas that have a mixture of single-family and multi-family housing have tended to become ghetto areas. Another concern is that the proposed four-plex will not fare well as it will not be owner-occupied. The City has had countless problems with multi-family housing on S.E. Knott and Third, which is not owner-occupied. Additionally, Mr. Stelle stated that he fears his property will

decrease in value if this application is approved. S.W. 3rd Avenue street surface, he explained, is 31 feet wide, with parking on the south side. Because there is a church on the north side of the street, traffic is greatly increased. He referred to the Comprehensive Plan, where it discusses lack of proper attention to site development and landscaping which hinders the harmonious development of the City and how it adversely affects the stability of the property values, which are his main concerns. Other concerns include the invasion of his privacy, noise, debris, and trespassers crossing his lawn. The proposed landscaping will not provide enough privacy and noise buffer for his home. Every car that enters or leaves the property will shine its lights into his home without some type of permanent barrier to obstruct it. The fence should be on the west and the north side to prevent such intrusion and abate some of the noise. The two-story design will also cause loss of privacy both in the yard and in the house, he stated.

Ron Berg, 203 S.W. Third Avenue stated that he lives immediately to the west of Mr. Stelle and the proposed development would be to his east. Under the current provisions, the nearby apartment complex would not be a permitted use. The duplex fits into the neighborhood nicely, he stated, and the neighborhood would benefit if a single-story duplex was proposed on the lot under consideration, more so than a four-plex. With the exception of the nearby apartments, Mr. Berg stated that there are only single family homes nearby. Therefore, under the Major Approval Criteria, on page 2 of the staff report, he stated that the proposed design of the four-plex is not compatible with the design of other developments in the same general vicinity. Mr. Berg concurred with the previous testimony, in that the southeast area of town has become ghetto-like, and that he hopes it does not happen in the southwest part of Canby. Furthermore, Mr. Berg stated that a two-story four-plex would be an invasion of his privacy in that it would look down into his backyard and bedroom. The apartment complex that is referred to in the staff report, on page 3, was poorly developed, on an inadequate lot (7,800 square feet). Mr. Berg referred to the Land Use Element, stating that he does not believe the development and use of this parcel would be aesthetically pleasing and suitably related to nearby structures. Mr. Berg stated there was a need for a walk-through park in this immediate area. In addition, Mr. Berg stated T-1-11 siding would not be compatible to nearby structures. Mr. Berg referred to the Request For Comments sheet which was returned from the Police Department, stating that he agrees it would not go along with the rest of the neighborhood and that, if approved, a 6 foot sight obscuring fence should be erected on behalf of the nearby residents.

Jerry Rothi, 311 S. Ivy Street, stated that he owns the home on the corner of S.W. 3rd and Ivy. He added that 141 S.W. 3rd is a rental, which he owns. He purchased it when it was badly in need of repair and to control who his neighbors are because he was afraid it would turn into a slum. Mr. Rothi said a four-plex would add too much traffic to the street. He added that he concurs with the previous testimony in opposition to this application. There would not be ample turnaround for emergency

vehicles in the proposed access to the four-plex. Mr. Rothi said that noise from the second story would be more noticeable than from most other dwellings.

Don Lund, 227 S.W. 3rd Avenue, described his concerns. The liveability of the neighborhood would be affected adversely. Most of the homes on the street are approximately 50-60 years old, and some are older, making this somewhat of a historic neighborhood. Due to that, the proposed development would be out of character in the neighborhood. The apartment complex is not kept up well, is a total eye-sore, and could be described as a "sewer." Mr. Lund stated that S.W. 3rd is the bypass for 99-E. More traffic on that street would cause a worse traffic hazard. As there is only parking on one side of the street, guests for the four-plex would not have ample street parking available. Additionally, a four-plex on this street would be an eye-sore, totally incompatible with the neighborhood and reduce the quality of life. Mr. Lund encouraged the Commission to deny the application.

Sue Stelle, 189 S.W. 3rd Avenue, stated that she concurred with all testimony in opposition. She stated that her concerns are on-street parking, which is extremely limited and that Maple trees are too messy.

Rebuttal

Ron Bohart agreed that a four-plex would increase the noise in a neighborhood, but stated that there are no guarantees limiting the number of children in a single family home, nor could anyone control who purchases a home in the neighborhood either. He stated that the renters would probably be professional, as is the owner. Further, he stated that the four-plex is very costly and, therefore, the owner would not let it get run down. The City recommended a fence to protect Mr. Stelle's property where it borders this site on two sides. The design of this building is old fashioned, to fit in with the neighborhood and fits in better than the existing apartment complex or duplex. The proposed structure has garages which the apartment complex does not, nor does the duplex. He explained that this lot is 12,500 square feet, without counting the flag-pole part, which is well suited to a four plex and consistent with the zoning requirements. The building is oriented to take advantage of solar access. Parking spaces are sufficient to avoid on-street parking. With regard to the trees, Mr. Bohart stated he is agreeable to whatever would suit the neighbors, as long as they are solar friendly, as conditioned by the City. The patios for these apartments are in the back, so entertainment would take place inside or on the south side of the building, which abuts a parking lot. Mr. Bohart further explained that the City Building Official makes sure every I is dotted and every T is crossed when following the building code to assure quality is built into every structure in the City.

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

Issues discussed:

1. The Commission discussed bringing the zoning and Comprehensive Plan land use designations into conformance with each other.
2. Mr. Hoffman explained that the area is zoned R-2 and a multiple residential structure is an outright permitted use. This application is before the Commission because, under the Design Review process, all uses except single family and duplexes must come before the Commission. He explained that Design Review looks at architecture, access, parking and landscaping of the site. Further, he explained that compatibility is an issue, but from a design aspect rather than a use aspect.
3. The Commission discussed whether ample turnaround area existed for emergency vehicles. Mr. Wheeler described the suggested layout and explained that it appeared there was sufficient space if all the garage and parking spaces were not in use at the same time, and that the proposed parking more than meets the requirements. The Fire Department has not requested a turnaround unless the driveway is longer than 150 feet, which it is not.
4. The Commission discussed the passage of the bond for the sewer treatment plant and questioned whether it was appropriate to condition new applications so that no occupancy permits would be allowed until the plant is complete. A concern was that previously approved applications would take precedence over current applications. The Commission asked Mr. Hoffman to look into the legality of this issue. Mr. Hoffman explained that he has been keeping track of approved units and that we are not near capacity yet, and are at about the same rate we have been in recent years, but if all the developments came in at the same time, we would exceed capacity. Mr. Hoffman explained that the City is keeping close track of these numbers, by closely scrutinizing the building permits. The Commission is also getting copies of the monthly report which includes these figures. Mr. Hoffman further explained that Mr. Klem said there was capacity for 250-300 more residential units. Improvements will be in place by 1994, but if the Stipulated Final Order is approved, that number would be expanded.
5. The Commission discussed the location of the new fire hydrant.
6. The Commission discussed the Fir trees on the access driveway and agreed it was best to save them, if practical.
7. The Commission discussed the sight obscuring 6 foot fence along the west and north side of the property that was recommended by the Police Department.

8. The Commission discussed the compatibility issue as it relates to the permitted use for a four-plex, and the height issue with regard to compatibility. Mr. Hoffman explained that it could legally be up to 35 feet tall and that a single family home or duplex could be 2-story if built on the lot.
9. The Commission discussed the area and some felt it should visit the site to see how this proposal would affect the neighborhood; how many two-story structures were in the area, etc. The Commission also thought staff might be able to supply this information. Mr. Hoffman said staff would visit the site and supply the information and would also ask the City Attorney, for an interpretation about the height limit of 35 feet, and if it could be limited to a single story. Additionally, he would ask the City Attorney for guidelines and limits with the "compatibility" interpretation.
10. The Commission discussed the age of many of the homes on S.W. 3rd and agreed T-1-11 siding was not available in the early part of the century, and whether T-1-11 was compatible with the area. It questioned whether beveled cedar siding would be more compatible.
11. The landscaping issue was discussed. The Commission requested more input regarding additional shrubbery and trees.
12. Mr. Hoffman suggested, since it appeared this hearing would be continued, that Mr. Bohart ask the owner if there would be on-site management.

Commissioner Fenske moved to continue the Commission deliberation portion of this hearing to April 13, 1992, with the record being held open for additional written communication and staff input with regard to the above deliberation. Commissioner Mihata seconded the motion and it carried unanimously.

VIII. DIRECTOR'S REPORT

Mr. Hoffman said he had expected the Commissioners who attended the Planning Conference in Salem to share their experience but, due to the lateness of the hour, it should be postponed. Jim Wheeler and Chairman Schrader submitted their information in writing, which will be copied and shared with everyone. Because the April 13th agenda is full, it was suggested we hold a special meeting on April 8th.

Mr. Hoffman also referred the Commission's attention to the Summary of Accomplishments he submitted with the budget, referencing the Community Services Department and Building Department efforts. Mr. Hoffman stated that with the addition of another planner, additional work will be accomplished in Advanced

Planning. Chairman Schrader suggested that a forward Planning time be reserved on one agenda per month.

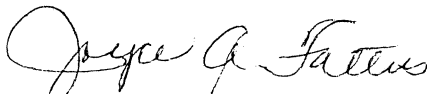
Mr. Hoffman discussed work done with the Historic Task Force. He explained that a grant application was submitted recently in order for staff to work with the Historic Task Force. The Transportation Study is also proposed in the budget, as is a GIS System. He reviewed the map that was prepared by the Historic Task Force which indicates structures already discovered by the County survey, structures too far gone to preserve, and ones the Task Force thinks should be given further consideration. Mr. Hoffman said we would be looking at what other cities are doing with regard to historic preservation. Mr. Hoffman further stated that he felt a stronger Historic Ordinance is in order to preserve neighborhoods.

Chairman Schrader informed the Commission of the County's bike path plan which Canby has been contacted to participate in.

IX. ADJOURNMENT

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,


Joyce A. Faltus