

CANBY PLANNING COMMISSION

Regular Meeting

April 13, 1992

7:30 p.m.

APPROVED

I. ROLL CALL

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

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

Others Present: Ruby Roe, Barbara Jones, Mary Kay Watson, Marirose N. Wood, Franklyn W. Wood, Kim Smith, Marguerite Cereghino, Ray Hudson, Gloria Hudson, Pat Ewert, Bev Warren, Jim Warren, Clara Abrams, Dorothy Knight Mickel, George E. Mickel, Flayella Moore, Tom Kitzian, Stu Aimes, David Herman, Howard and Eleanor Blessing, Julia Chapin, Gene Chapin, Becky Lehman, Mike Lehman, Mark and Tara Nofziger, Judelle C Rothi, Jerry Rothi, Walter Daniels, Stan Miller, Leo Rohrer-Heyebby, Teresa Myers, Tom Myers, Ron Bohart, Ed Stelle, Sue Stelle.

II. MINUTES

The minutes of **March 26, 1992** were delayed to April 27, 1992.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

Mr. Hoffman submitted a letter from Jack Hammond, requesting a continuance of one month for ZC 92-01 and CPA 92-01. The Commission agreed, 6-0, to continue the hearings to May 11, 1992, and explained to the audience that the City would renotece all adjacent owners with regard to such hearings. Additionally, the audience was advised that, in all probability, the hearings would be held at the Adult Center.

V. FINDINGS

None

VI. 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). **Continued from March 26, 1992.**

Chairman Schrader explained the hearing format and procedures, and asked if any Commissioners had a conflict of interest or ex-parte contact. No conflict of interest or ex-parte contact was indicated, although all the Commissioners stated they drove by the property and drew no conclusions.

Although written testimony was received from Mr. Berg, it summarized his position and did not add any new information. Mr. Hoffman explained that the City received another letter, from the real estate broker responding to Mr. Berg's letter, but it was received after the seven day period expired. Therefore, the Commission continued deliberations.

Issues discussed:

1. Mr. Wheeler explained that he and Mr. Hoffman met with the City Attorney, and that in Mr. Kelley's opinion, under the Site and Design Review Ordinance, a denial of a project because of the height of a building would result in a preemption of the Zoning Ordinance. Mr. Kelley specifically referred to Section 2.(1.A.) which states, "The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; . . .". That same section also states that the height of the proposed project must conform to the applicable City Ordinances. Additionally, it was explained that the Site and Design Review Ordinance is meant to be used within the context of the existing City Zoning Ordinance.
2. Mr. Wheeler presented information gathered with regard to existing structures in the area. Mr. Wheeler referred to a chart depicting single story, one-and-one-half story, and two story structures in the vicinity. He explained that the area was a fairly mixed use area, with an assortment of heights.

3. With regard to the historic nature of any homes in the immediate area, the Commission agreed no private homes were designated as being of historic value.
4. The Commission discussed the Fir trees on the access driveway and agreed it was best to save them, if practical. The Fir tree furthest south will be looked at by an expert due to an area that appeared to contain dead wood, to ensure whether it is wise to save it, so as not to jeopardize the owner's liability.
5. The Commission discussed the scarcity of landscaping. The landscaping portion of the Design Review Ordinance was reviewed with regard to intent. Mr. Bohart explained that the Solar Access Ordinance was considered, which is why there are no trees on the south side of the building. The ten foot setbacks on the east and west sides would allow for very little landscaping other than grass or small shrubs. It was agreed that if the application is considered for final approval, that the applicant should submit a revised landscaping plan, to be approved by the City, which would be included with the Final Order and approved by the Commission at the time the Final Order is signed.
6. The Commission discussed the sight-obscuring fence along the west and north side of the property. Mr. Hoffman explained that the "Request for Comments" sheet that was part of the staff report was not submitted by the Chief of Police. The Commission agreed that at least three solar-friendly trees should be planted between this parcel and the parcel to the north, along with the sight-obscuring fence, to cut down the glare of lights and insure privacy for the house to the north. Additionally, it was agreed the sight-obscuring fence should continue along the west side of the flag portion of the parcel.
7. 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 discussed whether T-1-11 was compatible with the area. The Commission agreed beveled cedar siding would be more compatible on the north side of the structure. The applicant explained that beveled cedar siding (lap siding) was planned for the north side of the structure from the beginning.
8. The Commission discussed ownership of the four-plex with regard to maintenance. Mr. Wheeler stated that the applicant mentioned that there will be two owners, and that one of them will live in the vicinity of S.W. 5th Avenue and Maple.

9. The Commission discussed trip generation from a four-plex. Mr. Hoffman explained that it depended on the number of adults living there. It approximates 5 trips per unit if two working adults reside in each unit.
10. The Commission found that the conditions proposed need to be the minimum necessary to meet the intent of the Ordinance, and should not unnecessarily raise the cost of the project.
11. The Commission discussed the location of the new fire hydrant. The applicant explained that it would be located on the north side of S.W. Third Avenue, where other fire hydrants presently exist.
12. The Commission discussed whether the applicant met the requirements of the Solar Access Ordinance and agreed the proposal did meet the requirements.

Based on the findings and conclusions in the staff report dated March 6, 1992 and on testimony and deliberations at the March 26, 1992 hearing and at this hearing, **Commissioner Maher moved for 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 on the north side of S.W. 3rd Avenue across from the entrance of the access driveway, 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.
7. A sight-obscuring fence shall be placed along the north property line of the main portion of the parcel, and along the west boundary of the access drive.
8. A tree expert shall be consulted regarding the condition of the existing fir on the east side of the parcel and any suggested course of action shall be taken. Another tree shall be planted if the existing fir tree must be removed.

Commissioner Mihata seconded the motion and it carried 5-1 with Commissioners Schrader, Mihata, Maher, Zieg and Fenske voting yes.

Mr. Stelle asked how a realtor had access to Mr. Berg's letter, as he delivered it to staff after the first hearing. Mr. Hoffman explained that any citizen may review any file at any time, as all files are open to the public. In this case, the applicant reviewed the file to see if anything new was submitted since the last hearing.

Jerry Rothi, 311 S. Ivy, asked why, if nearby residents oppose the construction of apartment complexes, they are permitted. Chairman Schrader explained that it all depends on how the property is zoned and suggested that residents input their feelings when the City is reviewing the Comprehensive Plan, Zoning Ordinances and Land Use Ordinances; that nothing can be done about the permitted use at the time a public hearing is being held. This matter was to consider the design of what was to be placed on the parcel, not the allowed use.

VII. NEW BUSINESS

ANN 92-02, an application by Dave Herman (applicant) and D. Anne and Harvey Tofte (owners) for approval to annex a 23.62 acre parcel in a Priority "A" Zone. The parcel is located west of Redwood Street on the north side of N.E. 13th Avenue (Tax Lot 1900 of Tax Map 4-1E-3).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None was expressed. Chairman Schrader explained he had visited the site, but drew no conclusions.

Jim Wheeler presented the staff report. He reviewed the applicable criteria. Furthermore, Mr. Wheeler explained that a new school is being proposed, with the annexation of 20 acres, on S. Redwood Street and Township Road, located to the immediate northeast of the subject parcel. Additionally, he explained that an application for the fourth phase of Township Village has been submitted for hearing, and the developers have indicated that the fifth phase will be submitted in the near future. The proposed seventh and tenth phases adjoin the western border of the subject property. A connection of the subject parcel to the Township Village development street system is currently proposed, in the Township Village Master Plan, as a part of the tenth phase. Mr. Wheeler then reviewed the proposal's consistency with the Comprehensive Plan. With regard to the Urban Growth Element, Mr. Wheeler explained that the property is entirely within the Urban Growth Boundary and is considered a Priority "A" area for annexation. The zoning classification of the subject parcel, if annexed to the City, will be Low Density Residential (R-1). The property immediately adjacent, to the west, is zoned R-1. The property to the north and east are E.F.U. (Exclusive Farm Use) and the property to the south is zoned G.A.D. (General Agricultural District). If the properties to the north, east, or south were annexed, they would be zoned R-1 also. S.E. 13th Avenue is proposed in the Comprehensive Plan, as an arterial Street. As part of the annexation and development plans for the new elementary school on Township and Redwood, S. Redwood Street is proposed to be widened to City standards. With the development of the subject parcel, continuation of S. Redwood Street would become possible, allowing for better traffic circulation for the new school site and for the residential development of the subject parcel. At the time of subdivision, dedications would be required for the roadway system, which would probably include S.E. 13th Avenue and S. Redwood Street. Sidewalks and interior streets will be provided and reviewed under any application for development of the subject parcel. At the present time, sewer service is not provided for the subject parcel. Major sewer construction will be necessary for any development of this property. Sewer service can be provided from either an extension of the services provided in Township Village, or through extension of services down S. Redwood Street, as proposed for the new elementary school. Some other service extensions will also be required, and the development will have to participate in such cost of extensions.

Mr. Wheeler explained that the City's population is growing at an annual rate of approximately 4%. With that in mind, he stated that there will be a need of approximately 1,100 residential units in the next seven years. The Land Use Element of the Comprehensive Plan states a goal of 43% of the share of residential units needed for future growth shall be furnished by single-family residential structures. Therefore, there will be a need, in the next seven years, for approximately 480 single-family residential units. At the present time, there is Low Density Residential zoned land available for approximately 450 single family residential structures, including scattered individual lots, through the City.

The proposed annexation will provide land for approximately 100 more single-family residential structures. The annexation of the subject parcel is in conformance with the objectives of Policy #2, in providing a balance of residential development densities. There are a large number of lots available which are zoned R-1.5 and more in R-2, zoned for multi-family residential units, than are called for in the 7-year planning period in the Comprehensive Plan.

Based on the findings and conclusions, staff recommends that the Planning Commission recommend approval of ANN 92-02 to the PMALGBC, with the following understandings:

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 Site and Design Review.

Mr. Hoffman explained the concept of "islanding," which State law permits, and explained that some of the Portland Boundary Commissioners tend to deny applications which result in islanding. He further explained that the City informed the owners of nine tax lots, of this annexation and the annexation application by the Elementary School. By so doing, they are made aware their properties could become "islanded," and that, by an obscure provision in State law, the City could annex islanded properties without the consent of the owners. He further informed them that the City has never used this provision and does not plan to, but that anyone within the "island" could add their request to annex to the pending annexations.

Applicant

Tom Tye, Compass Engineering, stated that he concurs with the staff report. He added that this would be a phased development, with approximately 30 homes built per year.

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

Issues discussed:

1. The Commission discussed its concern with previous approvals for residential units, with regard to the sewer plant capacity. Mr. Hoffman explained many of the previous approvals - 378 for H.O.P.E., and 130 for Dave Nelson's manufactured home park - which meet a different goal in the Comprehensive Plan, and are not included in single-family residential accounting. Mr. Wheeler explained that Township Village 3 is presently being developed and many are already connected to the sewer system.
2. The Commission also discussed that, although certain annexations have been approved or will be approved, the City reserves the right to limit subdivision or building permits if a problem exists with regard to limited available services.
3. The Commission discussed the necessity of an updated Traffic Impact Study with regard to this part of town. Mr. Hoffman explained that the Keech analysis (submitted with the H.O.P.E. application) covered all developments proposed for the 13th Avenue and Ivy vicinity. He further explained that while the traffic numbers are not extremely high, the speed at which the cars travel through the area is of great concern. To the present time, the City has been unable to convince the County to help fund any improvements, but the City intends to continue to pursue the matter.
4. A discussion was held regarding the concern for Comprehensive Plan policies which prompt the City to seek a balance to the kind of land use and development it wants.
5. The Commission discussed the cost of extensions for the City sewer. Mr. Hoffman explained that if it covered a very large distance and cost, there is a process in the Code which would permit the applicant to front-end finance, and be reimbursed by future development, as it happens, over a ten year period.
6. The Commission discussed the fact that this area was considered for a mini-park development. It further discussed that, as a requirement of development, land may be required as opposed to a fee. Mr. Hoffman advised the Commission that he reminded the developers of Township Village that they

were supposed to bring in the dedication for 6 acres for a neighborhood park prior to submitting the application for Phase 4. This has not been accomplished, although the application was submitted.

Based on the findings and conclusions in the April 3, 1992 staff report and the April 13, 1992 deliberations, **Commissioner Fenske moved to recommend that the City Council recommend approval of ANN 92-02 to the Boundary Commission with the suggested understandings listed in the staff report and that, upon annexation, the property should be zoned R-1 as proposed in the Comprehensive Plan. Commissioner Zieg seconded the motion and it carried unanimously.**

VIII. DIRECTOR'S REPORT

Mr. Hoffman reminded the Commission to reserve the evening of May 4, 1992 for the Special Planning Commission meeting, to be held at the Council Chambers, at 7:30 p.m., which will be televised on cable television.

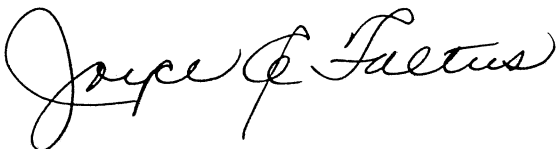
Mr. Hoffman advised the Commission that the Boundary Commission approved the Logging Road annexation.

Mr. Hoffman advised the Commission that the administrative staff was preparing reduced budget alternatives at Council's request.

IX. ADJOURNMENT

The meeting was adjourned at 10:20 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