

APPROVED

CANBY PLANNING COMMISSION

Special Meeting

May 4, 1992

7:30 p.m.

I. ROLL CALL

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

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

Others Present: David Bury, Dave Anderson, George Wilhelm.

II. MINUTES

The minutes of **April 13, 1992** were **approved** unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. DISCUSSION OF PLANNING ISSUES

Chairman Schrader explained that approximately one to one-and-one-half hours would be devoted to discussion of planning issues. This will become a regular item on one agenda each month. This month, the discussion would focus on information obtained by Commissioners who attended the APA Conference.

Jim Wheeler attended the APA Conference in mid-March and reviewed the issues, discussions, and ideas that were generated. The sessions he attended were Urban Growth Management, Neo-Traditional Development, Ordinance Ideas to Encourage Pedestrian and Transit-Friendly Development, and Cultural Diversity.

With regard to Urban Growth Management, Mr. Wheeler explained that the purpose of this session was held to discuss ways to improve the quality and livability of the community and the end result of planning efforts. A problem encountered in planning is that the build-out densities have been less than planned for. Problems that contribute to underbuilt densities include:

1. Not requiring adequate levels of infrastructure.
2. Fragmented responsibilities for development review.
3. Fragmented development.
4. Dispersed development.
5. Comprehensive Plan tends to be inhospitable to alternative modes of development.

Problems related to lower density buildout are:

1. Aesthetic balance
2. Cost of infrastructure (more streets, more water lines, more sewer lines, more utilities, etc. and the higher costs of maintaining and operating all systems). At higher densities, the cost per dwelling unit is reduced.
3. More densely developed areas generally have smaller homes, which are less costly. In less densely developed areas, residents are more auto-dependent, thereby conserving less energy. Also, the targeted population, living on larger lots than planned for in the Comprehensive Plan, would have to cover a larger area, infringing on natural resource lands and incurring the costs of expanding the infrastructure.

The Commission discussed the reasoning behind having lands designated Priority "A" or "B" or "C" for annexation. Further, Mr. Hoffman explained that it is City policy not to extend water and sewer to parcels that have not annexed into the City, which delays the subdividing of large parcels until they are ready to annex to the City. Mr. Hoffman then discussed new methods of annexation under consideration statewide, which would reduce opportunity for opposition. Also under discussion is a recommendation whereby Canby would not have to go through METRO to approve

annexations within the Urban Growth Boundary. Rather, it would be a local decision. A step toward all this is a new requirement by the State that the entire metropolitan area must have urban reserves outside of the Urban Growth Boundary. Those urban reserves must be large enough to contain their growth for 50 years.

Recommendations to improve Urban Growth Management include:

1. Facility Master Plans (tools to compel developers to build for the future)
2. Public Investment Area
3. Capital Improvements Program
4. Cooperative agreements (developers, citizens, staff all working together)
5. Adequate Public Facilities

Mr. Wheeler then discussed the centralization of lead growth management authority which really doesn't affect Canby, because any decisions regarding expansion of the Urban Growth Boundary is between the County and the City. During the discussion, providing a "floor" on the development fees was brought up. For a community that wants to plan its development, that wants commercial and industrial uses to come in without having a detrimental affect on the community, this would mean not losing that tax base to areas who have less or no fees and/or structure. In a recent comparison of application fees, Canby appears to be middle-of-the-road, with many similar sized cities having much higher fees and many having much lower fees. Mr. Hoffman explained that the City has made a proposal to fund a study to determine a way to pay for transportation improvements - at least to have the developers pay their fair share of making transportation improvements. It is possible that a Systems Development Charge for transportation improvements could be instituted, based on the results of that study. Mr. Hoffman also stated that stormwater is going to become a big issue and Mr. Klem has requested funds to do a study to see where Canby is headed with its stormwater problems. Many cities are looking into building a totally separate stormwater system, as opposed to Canby's drywell system. This could come down as a State mandate because some experts at EPA believe drywells are capable of polluting the water table, our basic source of drinking water.

Mr. Wheeler then discussed the concept of Cooperative Microplanning whereby the state would provide a model ordinance that can allow development by right. The discretionary decision would be changed from approval of the project to the design review. This concept appears to be based on some of California's experience with development agreements.

Neo-traditional planning is a concept of mixed use neighborhoods, where people work and live, inviting a strong sense of community. This concept is less auto dependent. The benefits of neo-traditional planning include creating more open space, reduced dependence on the automobile and increased densities. Key characteristics of this kind of planning are that housing, work, retail and civic activities all take place within the neighborhood; a grid system for circulation deemphasizes cul-de-sacs, creating less traffic on any one given roadway and becomes more pedestrian-friendly; there are neighborhood centers; computer drop-offs; reduced setbacks for single-family homes, using alleys for parking; etc. This type of planning is for different development than usually occurs in Canby. The difficulties, from the developers' point of view, lie in financing and marketing, as lower density cul-de-sac types of developments are easier to finance and market. Mr. Hoffman stated that Gresham has just adopted an ordinance permitting this type of development in a minimum, 200 acre, area.

To encourage pedestrian orientation throughout the city, the City of Ashland has added a number of provisions in their zoning ordinance that encourages this. To do so, they have reduced their front yard setbacks from 20 feet to 15 feet, require sidewalks for all development, whether residential or commercial, and try to emphasize parking in the rear or side of all structures. Pros and cons of this type of development were discussed, especially with regard to safety issues.

Cultural diversity in communities was then discussed, as it was presented at the conference, as it relates to community decision-making, overcoming language barriers, available housing, understanding the differences in perspectives among different groups, political domination by the majority group, etc. Canby appears to be heading in the direction of closing the gap by applying for an English As A Second Language grant, which would offer the Spanish-speaking citizens the opportunity to learn English through a variety of methods, and which would teach some City staff how to communicate with Spanish speaking residents.

V. FINDINGS

Commissioner Maher moved for approval of DR 92-03 (Dan Anderson/Marlon Financial Services) Findings, Conclusions and Order. Commissioner Mihata seconded the motion and it carried unanimously.

VI. PUBLIC HEARINGS

SUB 92-01, an application by Regan Enterprises for approval of Phase IV of Township Village. The subdivision application requests approval for 19 residential lots on 4.9 acres. The site is located south of Township Road, east of N. Ivy Street and west of S. Lupine (Tax Lot 600 [part] of Tax Map 4-1E-4A). **Continued from April 27, 1992.**

The Commission had entered the deliberation stage at the April 27, 1992 meeting. Issues left for discussion included:

1. Access to 13th Avenue
2. The Fence condition
3. Solar Access Orientation on the Master Plan in upcoming phases
4. Dedicated park land
5. Knott Street hook-up orientation
6. Traffic flow
7. Covenant questions raised at the last meeting

The Commission agreed the connection to 13th Avenue should occur sooner than planned for in the Master Plan. The harvesting of Christmas trees should be taken into consideration. Mr. Hoffman explained the harvesting schedule was planned in line with the phased planning.

George Wilhelm explained the harvesting schedule for the Christmas trees, explaining that Phases V, III and X were planted latest, but that Phase III was harvested earlier than expected because another ingress/egress to Township Village was necessary. Mr. Wilhelm added that Phase V will attempt to accommodate the needs of the developers of Mr. Tofte's property if they choose to develop the property.

John Regan, Regan Brothers, 31151 S. Needy Road reviewed the history of the acreage purchased for the Township Village development. He also explained the harvesting program and phasing plan associated with it. Mr. Regan added that developing the third phase was not as financially rewarding as had been expected, but that it was done to add another entrance to the development. Developing Phase III before the original planned time, destroyed more than 11,000 trees. Mr. Regan further explained that the youngest trees are planted on the acreage planned for dedication as a park and that it will take two years until they are harvestable, although if the City insists, they would agree to dedicate the land and destroy the trees now. That land is on a contract sale and, to deed it to the City now would cost approximately \$50,000 - \$60,000 (to give title to the City).

Mr. Hoffman read a proposed Resolution to the Commission, which he drafted for their recommendation to City Council, once the location is approved, which encourages City acceptance of dedication of the site, stipulating that the Regans will harvest the site within three harvest seasons.

The Commission discussed the access to 13th Avenue and the possibility of extending the road to 13th in Phase V. Mr. Wilhelm stated that they would consider it but that putting in the street before the Phase X lots would become extremely expensive without any payback because when the street is put in, it would be best to put in the water and sewer at the same time. The possibility could be considered, to build Phase X after Phase V. Mr. Regan stated that it was a possibility if they developed certain trees to oversized trees.

When asked if the developer has had any contact with the adjoining developer of the Tofte property regarding connecting streets, Mr. Wilhelm explained that he was unaware of any preliminary layout by the other developer. A stub street is shown on the Master Plan to that other property, but it can be adjusted. Mr. Hoffman explained that such plans were the intention of proposed Condition #14, for the new Master Plan to be reconsidered and a revision made, prior to Phase V, to at least consider the Tofte property and a connection to the new elementary school at 10th and Redwood. Mr. Hoffman added that he spoke with Mr. Herman (the developer who purchased the Tofte property) and, after discussing how the City would like to see the two areas related, Mr. Herman said he would be happy to work with the developers of Township Village. Mr. Herman stated that he has not finalized where it will be best to take the sewer service from, because he is almost adjacent to the new school along Redwood and also adjacent to this site.

With regard to the park site, the Commission discussed whether the parcel integrates with the existing school property and its recreation area. It was agreed that it integrates well, but that part of this area would probably be in parking in order for people to access the ballfields. From the school's standpoint, during school hours they would prefer that children not play on school grounds. Therefore, a portion to the north of this site would most likely be built as a mini-park for the children from the subdivision to play in, during school hours.

The Commission discussed whether a different layout of the lots on Phase X could be accomplished, to meet the requirements of the Solar Access Ordinance. Mr. Wilhelm explained that the developer was under the impression that the layout of the park site was acceptable to the Commission which was planned with the objective of creating an access from Township to 13th Avenue. In order to do so, it is necessary to create a north-south street in Phase X. Prior to designating the park land, the layout was slightly different, but still did not meet the requirements of the Solar Access Ordinance, because the parcel is narrow east/west and long north/south. Mr. Wilhelm referred to wording in the ordinance which allows the developer to meet the ordinance minimally because the parcel is restrained by a north/south residential collector street. Mr. Hoffman explained that a current reading of the ordinance restricts the Commission to reviewing the project phase-by-phase rather than as one total development, even though the total development is more than 80% solar oriented. Where adjustments could be made to the design of Phases V and IX to meet the Solar

Access Ordinance, staff does not see any way to adjust Phase X to meet the ordinance especially because it is the City that is requiring the Pine Street extension. Mr. Hoffman further explained that Phases V and IX, as presently depicted, will not meet the ordinance. Although current thinking claims lots on looped streets are more valuable and marketable than lots on straight streets, the Commission agreed it would encourage the developer to try to meet the ordinance requirements in future phases. Mr. Wheeler explained that there are provisions to argue that by meeting the basic requirements, if the developer has to increase the basic cost of development or decrease the density by a certain amount, the Planning Commission should reduce the percentage of lots required to meet the ordinance. There is also provision for Solar Building Lines that can go on the plat as well to dedicate certain areas that will gain solar access and the orientation of a home on a lot can also be changed to meet the requirements. The way the ordinance is written, to get the exemptions/modifications, the burden of proof is upon the developer.

The Commission discussed the planned jog in Pine Street, near 13th Avenue, as shown in the proposed new Master Plan. Mr. Anderson explained that it reduces speeding. Chairman Schrader reminded the Commission that the City went to a lot of effort and expense to put jogs in Locust a few years ago to reduce speeding. Mr. Anderson further explained that the island separating the ingress/egress at Township Village also reduces speeding.

With regard to fencing around the dedicated park land, Mr. Hoffman stated that proposed Condition #14 refers to the fence and a phrase could be added to insure a fence along the northern boundary of the Lee School and along the eastern edge of the expanded school site. Proposed Condition #14 would read:

14. The proposed Master Plan should be reconsidered by the developer for revision, prior to submittal of Phase V as follows:
 1. consider the Tofte property's Master Plan and connection to the new elementary school at Redwood and 10th; and
 2. provide for a fence along the northern boundary of the Lee School and along the eastern edge; and
 3. address the Park Land Dedication Resolution adopted by the Planning Commission on May 4, 1992.

Mr. Bury asked if the Commission would condition a fence separating the homes in Township Village from the older homes in the neighborhood. Mr. Hoffman explained that the Commission has never required a division between two residential parcels, but that private parties could do that. The Commission agreed it breaks down the sense of "neighborhood" and that the Knott Street access might encourage people to go around, and not through, property. Mr. Hoffman explained that with the pedestrian connection

between the old area and Phase IV, people can get from Township down that street to the west, and the tendency to cut through private property would be avoided, and once the Knott Street connection is in, it will also help.

With regard to the tentative layout of the Knott Street extension, the Commission agreed it was probably as good as could be expected. As discussed previously, moving it to the south was not desirable.

With regard to the issue of a Traffic Analysis of the impact this development, at buildout, will have on the intersection of Ivy/Township, Mr. Hoffman stated that the recent study that was done by the school only showed the impact of the school on Township. The latest one that was submitted by H.O.P.E., on 13th and Ivy, reflected the impact of all the developments planned for that area. As the same engineer did these analyses, he could probably assemble the data from the various studies to show the impact of a total Township Village buildout, and other planned nearby developments, on the intersection of Ivy and Township. The Commission expressed interest in requesting this at Phase V. Mr. Wilhelm stated that it was unfair to ask Township to take into account all other developments in the area, that he would have no objections to contributing to a study of the entire area with the other subdivisions also contributing to the study, and all developments contributing their "fair share" to traffic improvements. Mr. Hoffman explained the various levels of service that Keech & Associates use to determine traffic impact.

With regard to RV parking, Mr. Anderson explained that recreation vehicles are conditioned in the CC&Rs to be allowed only behind the grass line of the property, not on the street.

Based on the findings and conclusions in the staff report dated April 17, 1992 and on testimony and Commission deliberations at the April 27, 1992 meeting and May 4, 1992 meeting, Commissioner Fenske moved for approval of SUB 92-01 with conditions as recommended by staff, as amended during deliberations:

- 1. Full-width barricades shall be placed, at the developer's expense, at the end of the new streets which are planned to be extended later.**
- 2. Any necessary utilities shall be constructed to the specifications of the service-provider.**
- 3. Utility easements shall be provided and are to be twelve (12) feet along all streets and exterior parcel lines. Exterior lines of the subdivision adjacent to other platted subdivisions with easements, 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.**

4. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
5. Street name and traffic control signs shall be provided at the developer's expense. This shall include "dead end" signs for the end of the streets and "Stop" street signs, where required by the Director of Public Works.
6. A one foot "plug" shall be provided at the end of the dead ended streets to prevent access to the west and south until platted or developed.
7. The final plat shall reference this land use application - City of Canby, File No. SUB 92-01, 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.
8. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
9. Curbs and sidewalks shall be provided along all street frontages. While building setbacks are normally required to be measured from the property line, in situations where the sidewalks are built on private property, the driveways and parking areas shall be designed to provide a minimum of 19 feet of parking area between the sidewalk and the face of the garage (or some equal outdoor parking provided on-site).
10. No more than four lots in each block shall have the same house designs.
11. A walkway connection shall be provided connecting Phase IV to Lupine and 7th Place, as shown on the Master Plan.

12. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
13. The stormwater disposal system shall be reviewed and approved by the Public Works Director, including appropriate drywells.
14. The proposed Master Plan should be reconsidered by the developer for revision prior to submittal of Phase V, as follows:
 - a. consider the Tofte property "Master Plan"
 - b. consider the connection to the new elementary school at Redwood and 10th
 - c. provide a fence along the northern boundary of the Philander Lee Elementary School and also along the eastern edge.
15. The proposed location of the new 6.9 acre dedicated park site, as indicated on the Township Village Master Plan dated March 3, 1989, is hereby approved.

Commissioner Maher seconded the motion and it carried unanimously.

Mr. Hoffman suggested the following motion:

It is hereby moved that the proposed location of the new 6.9 acre park site, as indicated on Township Village Master Plan, dated March 3, 1989, is hereby approved and the City Council is hereby recommended to accept an offer of dedication of such park from the owners. Such offer may be conditioned upon the Regan's being permitted to harvest the current crop of Christmas trees within three years from the date of this resolution.

The Commission approved the motion unanimously.

VIII. DIRECTOR'S REPORT

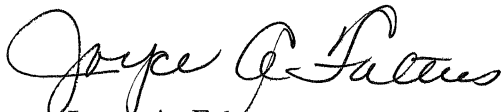
Mr. Hoffman explained that, with regard to Fairgrounds Park, all lots have been built on and sold. One condition of approval read that the entire subdivision be enclosed with a perimeter fence. There are 2 lots in the west end, where the developer installed a 4' high fence supported by farm-fence-type posts, not set in concrete. After many discussions, it appears the developer is refusing to install a proper urban fence. The City sent a registered letter indicating he has 10 days to correct the matter, or the City will have it installed and bill him. The City has received no response. The subdivision association wants the fence installed properly.

Chairman Schrader stated, that prior to occupancy, all conditions of approval should be met by developers. Too many rules were bent for the Fairgrounds Park development.

IX. ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,


Joyce A. Faltus