

CANBY PLANNING COMMISSION

Regular Meeting

June 22, 1992

7:30 p.m.

I. ROLL CALL

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

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

Others Present: Heinz Rudolf, Milt Dennison, Kathy Ellickson, Art Ellickson, Ron Tatone, James Grady, Shirley and Electa Ritter.

II. MINUTES

The minutes of **June 8, 1992** were **approved** unanimously, as amended.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

None

V. COMMUNICATIONS

None

VI. FINDINGS

The Commission unanimously approved the Findings, Conclusions and Order for CPA 92-01 and ZC 92-01. Chairman Schrader had not yet arrived.

The Commission unanimously approved the Findings, Conclusions and Order for DR 92-05. Chairman Schrader had not yet arrived.

VII. PUBLIC HEARINGS

CUP 92-04, an application by Dave Nelson for a Conditional Use approval of a proposed 5-unit manufactured home park at the end of S. Elm Street (Tax Lot 1300 of Tax Map 4-1E-4C).

Vice-Chair Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. Ms. Mihata then reviewed the hearing procedures.

Mr. Nelson submitted copies of his Agreement and Declaration of Restrictions with Mr. and Mrs. Ellickson, to each of the Commissioners. The City is not a party to these agreements. Mr. Hoffman explained that the Annexation application concerning this parcel was approved by the City Council, with regard to the Ellickson easement. He suggested that if the Planning Commission approves this Conditional Use application, that it should be based on the effective date of the Annexation approval by the Boundary Commission, which is scheduled for July 2, 1992. If approved, it would become effective 45 days later. Mr. Hoffman referred to the update of the site plan which was previously submitted. The original plan depicted a drainfield easement in the northwestern corner of the parcel and the units were slightly deficient in setbacks from the right-of-way. Based on the agreement with the Ellicksons, the drainfield will no longer be needed because they will be hooked up to City sewer and water. The updated plan shows larger units which will be of comparable value to the Ellickson home which market value, according to the agreement and without regard to land values, is approximately \$80,000, according to the agreement. The Ellicksons support Mr. Nelson's Conditional Use application now that the agreement has been signed. The new site plan shows a 5 foot sidewalk on the west, with a two lane, 32-foot roadway (one 16 foot lane in each direction), with an 8 foot sidewalk on the eastern side, with a stubout to the east which could eventually access Mr. Beck's property if it was developed at some future time. Part of the agreement with Mr. Beck (the neighbor to the east), was that a sound-barrier wall with textured concrete, approximately 7 feet high, be erected along the eastern edge of this parcel. Part of the Ellickson agreement included a sight-obscuring six-foot cedar or redwood good-neighbor fence along the western edge of the Ellickson property line and that the hedge along the northern property line would be trimmed back, with a 4-foot, non sight-obscuring fence constructed behind the hedges.

As there were questions raised about the stability of the slope area, Mr. Hoffman reviewed proposed Condition #22:

22. The City is to accept dedication of the slope area only after it is determined by the City Engineer to be in a safe and stable condition, free from erosion problems, and the Public Works Director has determined the slope suitability as a part of the City's Park System. If the City does not accept the dedication, occupancy of all units is not to be allowed until the City Engineer approves the slope as being stable and sound.

The part of the road that is under construction at the present time, is in the County. The County is supervising construction of it, and Mr. Klem and Mr. Godon have been to the site to see how they are handling the actual grading of the site at the bottom of the hill. A geotechnical engineer is there on a daily basis and Mr. Godon has been working with him to review the daily logs to ensure the grading is done in such a way to insure it is safe and sound, with no possibility of seepage or slippage. The two developments are legally unrelated except that the roadway is needed for accessing the lower slope. The previous proposal for the project to the south was conditioned upon getting access over a roadway through an area that is not in the City. Mr. Hoffman referred to the Design Review drawings that Mr. Nelson submitted, which is coming up for hearing on July 13, 1992. Mr. Hoffman reviewed the location of the entire Village on the Lochs development, including the walkways to the City park.

The Commission noted that the site plan attached to the Ellickson agreement did not appear to be the updated version. The updated site plan does not have the structures numbered. As the Agreement refers to numbers, it should be amended to include the current site plan. The southernmost structure was numbered "1" and the remaining 4 structures were numbered 2-5, clockwise. The Commission agreed a 23rd condition should be added, noting that the Declaration of Restrictions shall be amended to be consistent with the updated site plan attached to the June 16, 1992 supplemental staff report. The Commission agreed that the updated site plan should be attached to the Findings. Mr. Hoffman stated that Mr. Nelson has agreed orally to modifying the restrictions to be in accordance with the updated site plan.

Applicant

Dave Nelson, 25610 S.W. Mountain Road, West Linn stated that the site plan attached to the supplemental staff report, dated June 16, 1992, is the revised and correct plan. The one attached to the Agreement and Declaration of Restrictions is the old one, depicting the drainfield easement.

Mr. and Mrs. Arthur Ellickson, 1625 S. Elm Street stated they do not oppose the application.

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

Issues discussed:

1. The Commission discussed whether or not the fact that Design Review for the lower portion of Village on the Lochs would affect this application. Mr. Hoffman explained that most of the grading is on the County part of the property. Some soft areas that the applicant has run into, have been removed and replaced with gravel. Some of the major construction has been held in abeyance until certain conditions have been met, one of which is the actual dedication of the right-of-way of the roadway and, also, the dedication of the park areas. The legal descriptions are being revised to include City requirements for sidewalks on both sides of the road and for access to an easement on the slope to ensure proper road maintenance.
2. The Commission questioned whether all grading in the City should stop until the Design Review application has been heard. It was agreed that since it was scheduled for July 13, 1992, the minor amount of grading taking place within the City could continue. Mr. Nelson explained that he was waiting for approval of this application so he could tie this into the same Design Review application that the City has already received for the lower portion of the manufactured home park.
3. The Commission reviewed the Agreement and Declaration of Restrictions that Mr. Nelson and Mrs. and Mrs. Ellickson had signed on June 22, 1992.
4. The Commission reviewed staff recommendations for possible additional conditions of approval, including the fence design and the lot line between the Ellickson property and Nelson properties.
5. The Commission reviewed the revised site plan, dated June 16, 1992, which now utilized the drainage easement area for a homesite, and provided for all required yards and distances between units and was referenced in the Nelson/Ellickson Agreement and proposed restrictions.

6. The Commission discussed proposed Condition #4. Mr. Hoffman explained that the western edge shall be fenced with a 6-foot cedar or redwood site-obscuring fence and a 4-foot fence, which is not site-obscuring, shall be provided along the northern edge. Additionally, he explained, the vegetation along the northern edge would be trimmed back. Proposed Condition #4 shall be amended to note this change.
7. The Commission discussed the sound-barrier wall on the property line between Mr. Beck and Mr. Nelson's properties. Mr. Hoffman explained that a block wall, with texturing is proposed. Mr. Nelson explained that all landscaping and the wall are depicted on the Design Review plans which would be dealt with during Design Review.
8. The Commission discussed park land. Mr. Hoffman explained that with what Mr. Nelson was dedicating and with the Ellickson dedication, the only remaining gap in the walkway leading to the City park is owned by DeAnza (Elmwood Mobile Home Park). The City is working with DeAnza regarding this. Dr. Schrader referred to a condition of approval of Elmwood II regarding open space. Mr. Hoffman explained it did not literally say it had to be dedicated, but it is needed to make the pathway connection. That portion of the road is currently fenced off and has a locked gate leading to it. DeAnza is concerned about their liability if they dedicate it to the City.
9. The portion of the slope which is not in the City, but is within the Urban Growth Boundary, has no opposition from LCDC. The City was asked only to notify them formally, in writing, when it is finalized.
10. The Commission discussed proposed Condition #7. It was agreed to add "... prior to construction on **this** Manufactured Home Park.
11. The Commission discussed proposed Condition #15. Because the on-site manager will be living in the lower portion of the park, it was agreed the words "on-site" could be deleted.
12. The Commission considered Section 16.44.050 of the Planning and Development Ordinance, which states that conditions may be used to minimize conflicts with surrounding uses. Mr. Hoffman explained that the Ordinance provided that the Commission could not use the Conditional Use approval

criteria to deny a mobile home park development because of the nature of the surrounding residential development, since the City had adopted its Manufactured Home Ordinance. The Commission asked Mrs. Ellickson how they felt about being surrounded by manufactured homes. Mr. Ellickson stated that it was part of the agreement. Mrs. Ellickson stated that they did the best they could with the situation that was presented to them, especially in light of the Manufactured Home Ordinance allowing placement of manufactured homes on any City lot. After discussion of this matter, the Commission concluded that this provision did not apply to a situation where an adjacent home would be almost entirely surrounded by mobile or manufactured homes if the application was approved. Commissioner Schrader stated that the original proposal included nothing about building sites on the bluff. It addressed the need for access on the bluff and, quite suddenly, another manufactured home park evolved. Mr. Hoffman reiterated that if the Commission chose to deny, it must remember that the criteria must be followed and the reason for denial must be spelled out. He stated that, in his opinion, Oregon statutes and Canby's Land Development and Planning Ordinance prohibit denial because of the relationship of the project to the immediate surrounding area. Commissioner Mihata stated that it appeared to contradict the approval criteria for a Conditional Use application. With regard to the apparent conflict between the Conditional Use criteria and Chapter 16.44.050, Commissioner Schrader stated that these were exceptional and extraordinary circumstances because one stick built home would be totally surrounded by manufactured housing and would decrease the value of the stick built home. Mr. Hoffman read: "When reviewing a Conditional Use permit application for the development or expansion of a mobile home park or a trailer park, the Commission may impose special conditions of approval for the perimeter of the park to assure its outward appearance does not conflict with the surrounding uses or activities. The Commission shall not, however, interpret the requirements of Chapter 16.50 [Conditional Use criteria] as allowing the denial of a mobile home park development because of the nature of surrounding residential development."

Commissioner Schrader moved to deny CUP 92-04 based on the testimony of the last few hearings, including this one which referenced the new site plan, specifically because it does not meet the Conditional Use criteria "D" in that the proposed use will significantly alter the character of the surrounding area in a manner which substantially limits or precludes the use of those properties as usually permitted in the zone. Commissioner Wiegand seconded the motion and it carried 4-3. Commissioners Mihata, Schrader, Gustafson and Wiegand voted to deny. Commissioners Maher, Zieg and Fenske voted against the denial.

CUP 92-06, an application by Canby Elementary School District #86 for a remodeling and addition at Ackerman Junior High School, which will include sidewalk and street improvements to S.E. 13th Avenue. The school is located on the north side of S.E. 13th Avenue, east of S. Ivy Street (Tax Lot 1100 OF TAX Map 4-1E-4A).

Vice-Chair Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was declared. Commissioner Fenske stated he has visited the site but has not reached any conclusions. Ms. Mihata then reviewed the hearing procedures.

Jim Wheeler presented the staff report. He explained that the applicant is proposing renovations and building an addition to Ackerman Junior High School. The 25,234 square foot addition will include a Fine Arts Room, a Computer Lab, a Living Skills Room, a Technology Education Room, and a Physical Education Instructional Room. The renovations will be primarily in the administration and the biology labs areas. Additionally, improvements include a new entrance and waiting canopies, new service area screening and landscaping, expansion and relocation of parking and vehicular access areas, creation of a new, separate bus access lane, handicapped access improvement, a new landscaped courtyard, and improvements to S.E. 13th Avenue.

With the expansion and remodeling, Mr. Wheeler explained that additional capacity for on-site storm water disposal will be required. Approximately 18 evergreen trees of varying sizes will need to be removed from the southwestern portion of the site to accommodate the widening of S.E. 13th Avenue and the installation of a sidewalk from S. Ivy to the east side of the school property line. The proposed Physical Education Instructional Room will involve the removal of one evergreen tree. The location of this new structure is in a small clearing of trees and care should be taken during construction to properly protect these surrounding trees from damage. With the east side addition, a new landscaped courtyard will be installed. Additional shade trees will be planted between the east side addition and the fire lane, and at the main entrance. Cooperation between the City and the School District will provide the sidewalk and street widening for both the school property and the Canby Adult Center property. The addition and renovation do not require additional parking spaces, but five additional spaces will be provided with the new parking configuration on the south and east sides of the school. Also, the new parking lot configuration on the south and east sides will provide a service lane separated from the main parking area and the bus lane. An third ingress/egress point will be provided on S.E. 13th Avenue.

The proposed changes do not affect any utilities, and will improve the efficiency of the use of the public school facilities. Extensions of a water line will be necessary and the application shows a 10 foot easement for a water line to the proposed fire hydrant. A fire lane is proposed with a properly sized turnaround for emergency vehicles. Although one ballfield will be lost, one will remain intact, along with the track, on the junior high school site. There are three additional ballfields on the

adjoining Philander Lee Elementary School property. An additional six acres of parkland will be dedicated along the east side of the parcel.

Staff finds the school's addition and renovation to be consistent with the policies of the Comprehensive Plan and recommends approval, with conditions, as follows:

1. Twenty (20) feet of land for street widening purposes along S.E. 13th Avenue shall be dedicated. A sidewalk, curb, and widened street shall be provided along S.E. 13th Avenue for the full length of the subject property, to match the curb line of S.E. 13th Avenue, west of S. Ivy Street.
2. The applicant shall provide a waiver of remonstrance against establishment of an L.I.D. for any needed infrastructure improvements in S.E. 13th Avenue.

Applicant

Milt Dennison, Superintendent, Canby Elementary School District stated he concurs with the staff report. The agreement that is being worked out with the City is similar to the one worked out for the street in front of Philander Lee Elementary School, which tied in with the sidewalk on the Adult Center property on S. Ivy. This project will be completed up to the same standards. The ballfield to the east of the school has been rarely used. The part of that field that will be left, will be brought up to better standards to make it more usable for the school district and the community, as well. Since the school no longer has softball and baseball programs, the need for that type of field has been reduced.

Heinz Rudolf, 720 S.W. Washington, Portland 97205 stated that the water fixtures in the new restroom facilities will be much more efficient, but to retrofit all the toilets could backfire because of the slope of the sewer lines. Either the pipes have to get larger or the slopes increased.

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

Issues discussed:

1. The Commission discussed whether five additional parking spaces was sufficient after adding another 25,000 square feet to the complex. Mr. Dennison explained that the completion of parking area to the west has really reduced parking problems for the facility. The new parking area is very underutilized at the present time. Mr. Dennison explained that the lot is on school district grounds and is leased to the City for the Adult Center/Swim

Center use, but is rarely used by the Adult Center/Swim Center. Parking on the grass, which has become commonplace to the east, will be more difficult when the curb and sidewalk are in place.

Based on the findings and conclusions contained in the staff report dated June 12, 1992, on testimony, and on Commission deliberations, **Commissioner Fenske moved for approval of CUP 92-06 with conditions as recommended by staff. Commissioner Zieg seconded the motion and it carried unanimously.**

DR 92-06, an application by James A. Grady for Design Review approval of a one-story dental clinic, approximately 3,000 square feet. The parcel is located on N.W. 4th Avenue, west of N. Grant Street, and is approximately .26 acres (Tax Lots 6400 and 6401 of Tax Map 3-1E-33CB).

Vice-Chair Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated, although Commissioners Mihata, Wiegand, Zieg and Fenske all stated they visited the site but drew no conclusions.

Jim Wheeler presented the staff report. He explained that the subject property is currently owned by the City of Canby and that Dr. Danchock has a purchase contract with the City. Drs. Ittershagen and Severeide have entered into a purchase contract with Dr. Danchock and are proposing to build the dental office on the vacant site. The surrounding land uses include professional offices, single family homes and an elementary school. The subject site is zoned Downtown Commercial (C-1). The site is a part of the downtown stormwater drainage system. Access for the dental office is proposed to be from the alley and a new driveway on N.W. 4th Avenue. The new driveway will be an "entrance-only" driveway and egress from the parcel will be via the alley in the rear, which is proposed to be paved. A sidewalk will need to be provided for the property frontage along N.W. 4th Avenue.

Downtown Commercial development is exempt from the landscaping requirements of Site and Design Review, except if it is adjacent to a residential district. As the area to the north of the subject parcel is zoned R-2 (Medium Density Residential), this application is subject to Site and Design Review landscaping requirements. Mr. Wheeler reviewed the proposed landscaping treatment, which includes three flame ash trees along 4th Avenue, four flowering crabapple trees in the parking area, two weeping cherry trees on the south side of the building, and rhododendron, azaleas, Japanese andromeda, salal, Oregon grape, magnolias, and other small plants and bushes along the periphery of the building. Trees that will be removed to pave the driveway will be replaced. The applicant is proposing approximately 24% of the site

be in landscaping. Staff finds that the landscape plan, dated April 20, 1992, is in compliance with the standards and the intent of the landscaping provisions of Site and Design Review. Fifteen parking spaces are required and proposed. To meet the parking standards, four compact parking spaces must be designated. Two wood signs are proposed, one on N.W. 4th Avenue and one at the entrance to the building, in the rear, both flush with the building and unilluminated. Lap siding will be used, with cedar trim and fiberglass shingled roofing. The exterior of the building will be beige with blue trim and the roof will be a dark neutral grey color. The building will be approximately 20 feet high, well within the maximum height allowance of 35 feet. Utilities are available in the vicinity and service providers have not indicated that there would be any problem in servicing this office use.

Staff recommends approval of DR 92-06 with conditions, as follows:

1. The parking lot shall include four "compact-only" spaces in a configuration that will comply with the standards of 16.10.070 - Parking Lots and Access.

Applicant

James Grady, Architect, 5331 S.W. Macadam #244, Portland 97201 explained that the distance between the property line and the street, at this time, is 6 feet. The distance from the proposed building to the property line is 16 feet, and a 12 foot landscaped strip is proposed. The driveway cut will be 20 feet. Mr. Grady stated that there would be four compact stalls. He then described how autos would access the parking area from 4th Avenue or from the alley. The applicant proposes two signs on the street, which would indicate the two practicing doctors, and one at the rear entrance. The would all be routed wood signs. Mr. Grady reviewed the mounds in the landscape plan as being moving, flowing, and sculptural. This type of landscape treatment would defray moving the dirt from the site and would tie in with the unit on the corner. Both the office next door and this one would access parking off the driveway and share a good circulation pattern.

Proponent

Steve Danchock explained that his office is next door to the applicant's parcel, and that he is in favor of the shared access driveway, which he has done in his Lake Oswego offices too. He further stated he has room on his own property for additional parking, in the event any problems surfaced with regard to parking. He stated he would gladly have an easement prepared for the shared driveway access.

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

Issues discussed:

1. The Commission discussed the need for a pedestrian sidewalk on the east side of the building, leading to the back entrance. On the west side of the building, there is an employee walkway. Mr. Grady explained about the grade change on the east side of the building, which is necessary so that water does not run into the street. Mr. Hoffman explained that the ordinance only requires a 12 foot one-way drive, so there is room for the driveway and sidewalk in this same space. As the sidewalk would not be along the street, it could be less than 8 feet wide. Mr. Grady stated that if the driveway width could be reduced and a 3-1/2 foot sidewalk built within the area reserved for the access drive, the softening effect of the landscaping could remain in tact. He added that with the slope, there would be a slight hilly affect of about 14 inches to the walkway. Mr. Grady offered to address this issue on the drawings he submitted and the Commission agreed to accept this offer of a reduced driveway and 3-1/2 foot sidewalk.
2. The Commission expressed concern about the lack of a traffic circulation plan with regard to safety issues in the alley.
3. The Commission discussed the proposed landscape plan. Part of the discussion centered around whether barkdust serving as groundcover around the bushes was sufficient, as opposed to green groundcover, since there is no actual "lawn" proposed. Dr. Schrader referred to 16.49.080, #7 and stated he would prefer to see more "green" and that he did not interpret shrubs as groundcover. Mr. Wheeler reviewed the landscape plan and explained that as the bushes grew, there would only be "pockets" where the ground is exposed. Dr. Schrader stated that he believed the whole intent of the landscaping element of Design Review is to have more "green" and less barkdust, and that the proposed bushes are not low-lying type of shrubs. Mr. Grady explained that the landscape plan was drawn up with stages of blooming colors in mind. Instead of all the barkdust, a low alpine-type plant material could be planted on all the outward banks, visible from 4th Avenue, as the connecting ground cover because it is very hearty, and would reduce the amount of barkdust.
4. The Commission discussed the auto entrance to the office. There is an entrance from the alley and from N.W. 4th Avenue. From 4th Avenue, it is "entrance only."
5. The Commission discussed the importance of having an agreement in the file pertaining to an easement for the reciprocal access

Based on the findings and conclusions in the staff report dated June 12, 1992, on the public hearing testimony, and on Commission deliberations, **Commissioner Maher moved for approval of DR 92-06 with conditions, as follows:**

1. **The parking lot shall include four "compact-only" spaces in a configuration that will comply with the standards of 16.10.070 - Parking Lots and Access.**
2. **The applicant will submit a reciprocal access agreement to the Planning Department, for the driveway access.**
3. **The City shall accept the applicant's offer for a 3-1/2 foot sidewalk adjacent to the east side of the building, between the landscaping and the driveway, reducing the dimensions of the driveway access to 12-1/2 feet.**
4. **The applicant shall provide a low alpine-type plant material that will be planted on all the outward banks, as the connecting ground cover and reduce the amount of barkdust.**

Commissioner Schrader seconded the motion and it carried unanimously.

VIII. NEW BUSINESS

ANN 92-04, an application by Shirley and Electa Ritter to annex an approximate 1.65 acre parcel (1009 N.E. Territorial Road) located on the south side of N.E. Territorial Road, between N. Oak and N. Pine Streets, into the City of Canby (Tax Lot 1800 of Tax Map 3-1E-28DD).

Vice-Chair Mihata asked if any Commissioners had ex-parte contact or conflict of interest. None was indicated.

Mr. Hoffman presented the staff report. He explained that the Comprehensive Plan Land Use designation for the subject parcel is High Density Residential. City zoning is Medium Density Residential (R-2). The parcel is entirely within the Urban Growth Boundary and is in the Priority "A" area for annexation. Clackamas County did not express any concerns with regard to this annexation. The City's sewer capacity is considered to be adequate to service development of the subject parcel. At time of development, the developer would need to participate in the costs of service facility extensions onto the site. Currently, there is a home and barn on the parcel. The applicants plan to sell a portion of this parcel to their daughter for one single-family home to be built, which would require a Minor Land Partition application. N.E. Territorial Road is proposed as an arterial Street. N. Oak Street, immediately to the

west of the subject parcel, is proposed to be widened. With the development of the subject parcel, widening of N. Oak Street would be possible, allowing for better traffic circulation. At the time of partition or subdivision, dedications will be required for the roadway system and sidewalks will be required as part of site development.

Staff concludes that the proposal meets the requirements of the standards and criteria included in the Land Development and Planning Ordinance and recommends that the Planning Commission recommend approval of ANN 92-04 to City Council, with recommendations.

Applicants

Shirley and Electa Ritter, 1009 N.E. Territorial stated that they planned to sell part of the parcel to their daughter, who plans to build one single-family home. Some trees would have to be removed at that time.

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

1. The Commission asked where the house and barn are approximately situated on the site in question. Mr. Hoffman pointed out where they are. Mrs. Ritter described where her daughter planned to build a home on the site.
2. The Commission discussed understanding #4 - in order that the applicants would understand what was required of them for construction of sidewalks and curbs. The applicant stated they planned to access from Oak for the time being but understood if they developed the property where access would come from Territorial, that they would be responsible for curbs and sidewalks on Territorial too.
3. The Commission agreed to urge the applicant to try to save as many trees as possible.
4. The Commission asked when the existing home would be required to connect to sewer and water services. Mr. Hoffman explained that the law literally states that if the home is within 100 feet of an existing sewer, it must be connected.

Based on the findings and conclusions in the staff report dated June 12, 1992, on testimony and on Commission deliberation, **Commissioner Gustafson moved to recommend City Council approve ANN 92-04, with recommendations as follows:**

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 development of the property for additional dwelling units, must be preceded by a partition or subdivision review or special review.
4. Additional land for widening of Oak Street and Territorial Road will be required at time of development. A "fair share" allocation of costs for construction of road, curb and sidewalks will be required at that time.
5. A waiver of the rights to remonstrate against establishment of an L.I.D. for roadway or other improvements will be required at time of development.
6. The existing home will be required to connect to the sewer and water service.
7. The applicant shall try to save as many trees as possible.

Commissioner Schrader seconded the motion and it carried unanimously.

ANN 92-05, an application by Ronald G. Tatone to annex a 2.42 acre parcel on the west side of N. Redwood Street (between N. Redwood and the Logging Road), north of N.E. 12th Way, into the City of Canby (Tax Lot 1001 of Tax Map 3-1E-34B) for a future single-family residential development. The applicant is requesting that the Planning Commission recommend approval of such annexation to the City Council.

Vice-Chair Mihata explained that this is not a formal public hearing. This item is brought before the Planning Commission for consideration of a recommendation to the City Council.

Jim Wheeler referred to the maps on the wall that describe the location of the property, which is between the Logging Road and Redwood, north of N.E. 13th Avenue. He explained that this is the first application the City has received for annexation of property bounded by the Logging Road, N. Redwood, Territorial, and Highway 99-E. The City limits now officially extend to include the Logging Road. The Comprehensive Plan Land Use designation of the parcel is for Low Density Residential. Presently zoned RRFF-5 (Rural Residential Farm/Forest, 5 acre minimum), the parcel will, upon annexation, be zoned R-1, Low Density Residential.

With regard to utility services, Mr. Wheeler explained that electric and water service providers would like the main service to come off Redwood, either down Territorial or from 99-E. Sewer is in Redwood, but Public Works does not want many homes hooked up individually but, rather, via new interceptors. Major service extensions will be required for water service. The Canby Utility Board stated that the proper water and electric service extensions for the property would come from Territorial. Without extension of the water service from Territorial, there is some question regarding the capability of providing "urban level" fire protection service. Storm water drainage is a concern because the water table is approximately 19 feet deep, at which depth dry wells do not operate effectively. Nearby development has experienced difficulty with regard to surface drainage along the Logging Road. A storm water management plan will need to be developed prior to the development of the parcel. The City Council approved funding a Storm Water Management Study for the 92-93 fiscal year, which will cover developing a plan for storm water management in this area. The developer will need to participate in the costs of service facility extensions. Redwood is essentially unimproved and street improvements would start in the middle, which is not a preferred course to take. There are concerns about the intersection with 99-E and Redwood and Territorial and Redwood. There are special concerns about site distance on Redwood at 99-E. The proposal is consistent with the Comprehensive Plan, although there are concerns about storm water, extending services, and traffic. The parcel is in a Priority "A" area for annexation purposes and development. Part of the purpose of annexing the Logging Road was to facilitate annexation in this area. As the property is contiguous with the City limits and the owners have authorized the applicant to apply for annexation, staff believes the application complies with the requirements of ORS 222. Additionally, Mr. Wheeler explained that the Stipulated Final Order is awaiting signature of the Sewer Plant Supervisor. It runs through August 1, 1994, but the completion of the sewer plant update has been moved up to May of 1994.

Provided that urban level of utility and other services are extended to service the site, and a storm water management plan is effected for this area prior to development of the parcel, staff concludes that the proposed annexation meets the requirements of the Zoning Ordinance. Staff recommends that the Planning Commission recommend approval to City Council, with understandings, as follows:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. Development of the property will be postponed until a storm water management plan is effected for the area.
3. All City and service provider regulations are to be adhered to at the time of development.
4. Any development of the property, other than one single-family residential structure, must be preceded by a Subdivision of Partition Review.
5. Dedication of land for the widening of N. Redwood Street will be required at the time of development.
6. A waiver of the right to remonstrance against the establishment of an L.I.D. for roadway or other improvements in N. Redwood Street will be required at the time of development.

Applicant

Ron Tatone, 1127 N. Locust stated that there is a storage shed in the southeast corner of the parcel. In the Comprehensive Plan, the parcel is designated Priority "A" for annexation. Mr. Tatone explained that he is not thinking of sharing major water circulation or transmission lines, as the property is adjacent to the Logging Road and a subdivision and the parcel is within 150 feet of a 6 inch line which will serve N. Pine Addition II, which has recently been approved. Mr. Tatone explained that there is a main sewer trunk line abutting the property on Redwood. He concurs with the City's position with regard to the sewer, and installation manholes and laterals so there will not be individual connections to the sewer line. There is a 6 inch water line in 13th Circle and a dead-end 6 inch water line near the parcel which will serve an already approved subdivision. There is a 12 inch line closer to the property that could be connected and serve this parcel. There is a natural gully for storm water drainage to the property. Further, he stated that drywells are not the only way of disbursing storm water. The procedure Mr. Tatone has been using, has been to store excessive runoff water using standard coefficient factors, then releasing it through orifices in their natural drainage pattern. As the area develops, there would naturally be storm water collection systems, or drywells or storage, or combinations. In the 1970s the City had a Stormwater Management Master Plan which showed a considerable sized storm drain on Territorial Road, which may, by now, be part of a new management plan, as there has been a lot of development in that area over the years. Mr. Tatone added that issues such as streets, extensions of service, etc., are usually addressed at the time of subdivision or partition, not at the time an annexation application is addressed.

With no further testimony, the Commission moved to deliberations:

Issues discussed:

1. The Commission discussed whether or not the application was complete. The Commission suggested that applicants provide more information, especially with regard to applying the criteria. The Commission agreed less staff time would be consumed if staff had to review how the application meets or doesn't meet the applicable criteria, rather than research the information. Additionally, the Commission agreed that if more information was submitted, there would be less time spent adding conditions to address newly submitted information. The Commission agreed this issue would be addressed at time of discussion of future planning issues.
2. Priority areas for annexation which are vacant and the fact that annexation has not affected the rate of building permits issued over the last few years. Mr. Hoffman reviewed the annexed areas and Priority "A" areas remaining to be annexed.
3. The Commission reviewed the City limits, which now include the Logging Road, which Council voted would remain a bike or pedestrian path, only for **emergency vehicle access from 99-E.**
4. The Commission discussed the potential for future development in this area and the need for cooperative planning by developers, especially with regard to extension of services and improvements.
5. The Commission discussed the trees on the south property line of the parcel. Mr. Tatone explained that he believes they are on this property, although the parcel has not been surveyed yet. The Commission agreed that as many trees as possible should be saved and agreed to include this issue in the recommendations.
6. The Commission discussed properties in the area and agreed it would prefer that many parcels annex at the same time, for planning purposes.
7. The Commission discussed cooperative planning for the area with regard to providing public facilities, traffic circulation, road improvements, etc., and agreed to include this issue in the understandings.
8. The Commission asked if CUB has a Master Plan. Mr. Hoffman said they did not have a formal master plan with regard to developing this area over a period of years, but has pinpointed the areas they would prefer to be developed as their main trunk lines. In this case, Redwood would be targeted for a main

trunk line. Mr. Hoffman added that, to date, a traffic plan and storm water plan have been proposed and funded for this area. The two nearby interceptors that are planned are included in the sewer plan. In terms of electric, the lines must be brought to the property and the developer pays for installation on the property. In terms of water, it is more cooperative - the developer must help get the water to the property.

9. The Commission discussed the need for master plans to be in place so as to avoid piece-meal development in the area and in order for the City to have the tools in place to require the developers to provide their fair share of the costs at the time of development. Mr. Hoffman referred to a handout wherein LCDC is requiring the City to have a capital improvement program adopted as part of the Comprehensive Plan. The City is working closely with the new director of CUB to accomplish this directive. The Commission agreed this would work better than to try and encourage individual developers to enter into cooperative plans. Mr. Hoffman suggested encouraging multiple developers to join together in exploring way to finance facilities needed to provide an adequate level of urban services. Suggested wording for the understanding would be: "The City encourages cooperation among the developers in working with the City to provide financial capabilities and an overall Master Plan for development of this section of the City."
10. The Commission agreed that the "understandings" attached to the recommendation are meant to communicate to City Council the Planning Commission's line of thinking.

Commissioner Zieg moved to recommend approval of ANN 92-05 to the Canby City Council with the understandings as they appear in the staff report dated June 12, 1992, with two additional recommendations, as follows:

- 1. All development and recording costs are to be borne by the developer when the property is developed.**
- 2. Development of the property will be postponed until a storm water management plan is effected for the area.**
- 3. All City and service provider regulations are to be adhered to at the time of development.**
- 4. Any development of the property, other than one single-family residential structure, must be preceded by a Subdivision of Partition Review.**
- 5. Dedication of land for the widening of N. Redwood Street will be required at the time of development.**

6. A waiver of the right to remonstrance against the establishment of an L.I.D. for roadway or other improvements in N. Redwood Street will be required at the time of development.
7. The City encourages the owner/developer to save as many trees as possible.
8. The City encourages cooperation among the developers in working with the City to provide financial capabilities and an overall Master Plan for development of this section of the City.

Commissioner Fenske seconded the motion and it carried 6-1, with Commissioner Maher voting to deny.

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

The meeting was adjourned at 11:22 p.m.

Respectfully submitted,


Joyce A. Faltus