

APPROVED

CANBY PLANNING COMMISSION
Regular Meeting

October 26, 1992

7:30 p.m.

I. ROLL CALL

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

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

Others Present: George Wilhelm, Tom Kendall, Greg Anderson, Rudy Prael, Rosemary and Tom Shiolas.

II. MINUTES

The Commission unanimously approved the minutes for September 14, 1992, September 21, 1992 and September 28, 1992, as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Zieg moved for approval of SUB 92-04 [Township Village V] Findings, Conclusions and Order. Commissioner Wiegand seconded the motion and it carried 4-0.

Commissioner Mihata moved for approval of MLP 92-10 [Walter West] Findings, Conclusions and Order. Commissioner Wiegand seconded the motion and it carried 4-0.

VI. NEW BUSINESS

None

VII. PUBLIC HEARINGS

SUB 92-07, an application by Thomas Kendall to develop an 8 lot single family residential subdivision, with lots varying from 7,700 to 10,000 square feet (North Woods Addition). The parcel is located between the Logging Road and Pine Street, north of N.E. 13th Place (Tax Lot 4400 of Tax Map 3-1E-34BB).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site and coming to no conclusions, none was expressed. He then reviewed the hearing process and procedures.

Jim Wheeler presented the staff report. He explained that the parcel has recently been annexed to the City. The applicant is proposing a 40 foot right-of-way. The actual street is 30 feet, with two 11-foot driving lanes and an 8 foot parking lane, confined to the north side of the street. The remaining area will be an 8-1/2 foot landscaped buffer. Although the applicant proposes parking on the landscaping side, staff suggests parking be located next to the sidewalk. Also as part of the proposal, the applicant is dedicating ten feet for street widening purposes along N. Pine Street, including curb and sidewalk. The applicant proposes the street be located along the north side of the parcel, approximately half way between N.E. 15th Avenue and N.E. 14th Avenue, west of Pine Street, approximately 130 feet from centerline to centerline and another 130 feet from centerline to N.E. 15th Avenue. The required minimum street jog is 150 feet, making both distances substandard. If the street was located along the south boundary line of the proposed development there would be one street jog of approximately 20 feet. After discussing this with the County Engineer, the Public Works Director believes the south side would be a better location, and staff agrees. Mr. Wheeler then described the changes, which includes siting the landscape buffer on the southern end of the development. The Shiolas home would be surrounded by streets on three sides if the street is located on the northernmost part of the parcel. Staff also recommends that the landscape buffer strip be maintained by a homeowners association, although the applicant prefers the City maintain it. The

Public Works Director and the Street Works Supervisor both want the sewer line, which would run out to the Logging Road, placed in the paved section of the street which would necessitate at least one additional manhole. A walkway connection should be made from the cul-de-sac to the Logging Road between Lots #7 and 8. The subdivision, as laid out, does not meet the basic standards of the Solar Ordinance as only six out of the eight lots meet the standards. He explained how it could be readjusted so that 7 out of 8 lots, or 88% of the lots, meet the ordinance. With regard to storm water drainage, Mr. Wheeler explained that the Public Works Director recommended use of a test drywell in the cul-de-sac area to see if a drywell would work, as it is questionable whether one would work in this area. The applicant has proposed a catchbasin in the end of the cul-de-sac, drained out to the Logging Road. If the drywell does not work, the applicant's proposal would be satisfactory. Clackamas County stated a concern with a low point in N. Pine at the northern part of this parcel, with a catchbasin on the west side which has no outlet. Although it appears to be draining, standing water remains, causing problems to the road base. Although the County suggested that catchbasin be drained into the drywell or out to the Logging Road, Mr. Wheeler pointed out where an existing drywell is located, on the west side of Pine Street, and explained that plans are already being made to drain that catchbasin into it. He further explained that staff was proposing an additional condition to address County concerns regarding accessing the County roads and meeting County road standards. Staff recommends approval of this application with conditions, as outlined in the staff report, including the additional condition addressing County road standards.

Applicant

George Wilhelm, 546 S.E. Township stated that, for the most part, he concurs with the staff report. He stated his concerns with the proposed conditions. A 6 foot wide walkway would be sufficient. Ten feet would encourage uses other than as a walkway. The sewer being in the paved portion of the right-of-way is unreasonable. The applicant is willing to work with the Public Works Director to provide adequate sewer. With regard to the street dedication, Mr. Wilhelm explained that the County did an extensive review and recommended that the Commission accept the 10 foot dedication. Mr. Wilhelm further explained that the applicant prefers 14th Avenue be located along the north side of the parcel as it blends well with the layout of the N. Pine Addition subdivision. With regard to the landscape buffer between the existing lots and the new street, Mr. Wilhelm explained that the buffer is an attempt to screen this development from the existing residences, but does not wish to have a homeowners' association responsible for the required maintenance. If the City does not accept that responsibility, the applicant will build the standard 36 foot street, eliminating the landscape buffer. He requested that the proposed condition regarding storm water drainage be amended so as to allow the applicant to work with the Public

Works Director and Supervisor to provide a storm sewer system acceptable to both the City and the County, especially as Mr. Hester found there is a workable wet well along the west side of the parcel, near Pine. If the City accepts responsibility for maintenance of the buffer, Mr. Wilhelm stated that parking should be along that side. The protected Solar requirements would severely reduce the buildable area of the two lots in question, especially as there will be a walkway between them. Per Section 16.95.050(A) the design standard could be adjusted to 75%. There are trees worth saving along the south side of the parcel, which would have to be removed if the street was located along the southern edge of the parcel. The mobile home on the property will be removed, he added. Mr. Wilhelm stated that he did not know what the large cement object was, which was sticking out of the ground, but said he would research it.

Thomas Kendall, 20070 Lark Spur, #67, West Linn, 97068 stated that there are four 30' Fir trees, about 12 smaller ones, and some fruit trees on the southern portion of the parcel, which would be destroyed if the road was built there. Marketability would be increased if the road remained, as planned, on the northern portion of the parcel.

Neither For Nor Against

Rosemary Shiolas, 1430 N. Pine reconfirmed her concerns about the road being placed on the north side of the parcel.

Tom Shiolas, 1430 N. Pine concurred with his wife's concerns. There is a landmark tree on the southern portion of his parcel, intertwined with a tree on the northern portion of the applicant's parcel, which is an integral part of his landscaping. He questioned the fate of the tree.

Rebuttal

George Wilhelm stated that the two trees are in the 10 foot dedication for the North Pine Street right-of-way and may be beyond the applicant's control.

With no further testimony, the public portion of the hearing was closed for Commission deliberations. Issues discussed:

1. A walkway connecting N.E. 14th Avenue with the Logging Road. It would only need to be ten feet wide, with a paved surface at least six feet wide and should have a vehicle barrier installed in middle of the entry to the walkway.

2. The comments by the Public Works Director that the sewer line be located within the paved portion of the right-of-way for N.E. 14th Avenue.
3. The location of N.E. 14th Avenue. The Commission concurred with the Director of Public Works and the County Traffic Engineer that the location of N.E. 14th Avenue should be along the southern boundary line.
4. Parking restrictions for N.E. 14th Avenue because of the reduced paved width.
5. Location of landscaping in the right-of-way for N.E. 14th Avenue. Maintenance of the landscaping is to be done by the homeowners. The existing trees are to be retained, as much as possible.
6. That either Lot 7 or Lot 8 should be made to meet one of the alternative standards so as to comply with the Solar Access Ordinance.

Based on the Findings and Conclusions in the October 16, 1992 staff report, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata moved for approval of SUB 92-07 with the following conditions:**

1. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a performance bond for subdivision improvements for any improvement not completed prior to the signing of the final plat.
2. Any necessary utilities shall be constructed to the specifications of the utility provider.
3. Utility easements shall be provided and are to be twelve (12) feet along all exterior lot 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" and "Stop" signs, where required by the Director of Public Works.
6. The final plat shall reference this land use application - City of Canby, File No. SUB 92-07, 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.
7. 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.
8. A ten (10) foot wide easement connection between the end of N.E. 14th Avenue and the logging road shall be provided. A cement post shall be placed in the middle of the entry to the walkway for the purpose of limiting the use of the walkway to pedestrians and non-motorized vehicles.
9. The proposed sewer in N.E. 14th Avenue shall be located within the paved portion of the street right-of-way. Design and construction of the sewer line shall be approved by the Director of Public Works.
10. The applicant shall dedicate an additional ten (10) feet of right-of-way along N. Pine Street. Half-street improvements shall be provided by the developer and shall include pavement, five (5) foot sidewalks and curbs, and shall meet Canby Construction Standards. Street pavement width from centerline to curb shall be twenty (20) feet on N. Pine Street.
11. N.E. 14th Avenue shall be located along the southern property boundary. Parking on N.E. 14th Avenue shall be restricted to the side of the street with the sidewalk.

12. The additional non-paved portion of the street right-of-way shall be located north of the paved portion of the right-of-way. The sidewalk shall vary in setback distance from the curb, but remain wholly within the right-of-way, to retain as many of the existing trees as possible.
13. 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).
14. A storm water drainage system shall be approved by the Director of Public Works.
15. An alternative option to meet the Solar Ordinance design standards (16.95.030) shall be utilized for either lot 7 or lot 8. The option shall comply with either the Protected Solar Building Line Option [16.95.030(B)], or the Performance Option (16.95.030(C)).
16. Compliance with Clackamas County's standards and requirements for accessing a County Road shall be met.

Commissioner Zieg seconded the motion and it carried 4-0.

DR 92-10, an application by Rudy Prael (Copy-Rite Printing) to expand the existing business at 147 N.W. 3rd Avenue so as to have the production facilities on the same level as the printing facilities. The property is located on the south side of N.W. 3rd Avenue, between Holly and Ivy Streets (Tax Lot 7900 of Tax Map 3-1E-33CA).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. None were reported, but site visits were reported and statements were made that no conclusions were drawn. He then reviewed the hearing process and procedures which he outlined earlier.

Jim Wheeler presented the staff report. He explained that the applicant is proposing to construct a new, separate building, in order to expand the print shop. The property is located on N.W. 3rd Avenue, just east of the City library. The use is permitted

outright in the Downtown Commercial Zone. As the property is in the Downtown Parking Zone, it is exempt from off-street parking requirements. Under Site and Design Review, it is also exempt from the landscaping requirements, although landscaping presently exists and will be retained, except for the west side where the new building will be very close to the library's east wall. The sidewalk is currently 4 feet wide and drops one foot where it meets the library's property line, although the curb remains even along N.W. 3rd Avenue. The applicant will be raising the sidewalk to curb level on his property frontage and widening it to 8 feet. The sidewalk at the eastern edge of the subject parcel will still remain. Six employee parking spaces are proposed, which conform to the parking standards. Access for the new building will be on the eastern side of the building, toward Third Avenue. Access for the existing building will remain from 3rd Avenue. The loading area depth does not meet the standards; however, trucks that service the print shop will not impede the flow of traffic in the alley. A condition of approval is proposed to ensure that there will be no encroachment in the alley. Mr. Wheeler then reviewed the proposed sign, architecture, color scheme, and materials for the new building. Prior to occupancy of the new building, a Data Disclosure form must be completed and submitted to the Supervisor of the Sewer Treatment Plant for evaluation. Staff recommends approval, with conditions.

Applicant

Rudy Prael, 147 N.W. 3rd Avenue stated that he concurs with the staff report and proposed conditions. He added that this addition will enable all the facilities to be on one level. It will no longer be necessary to carry 40 and 50-pound cartons up and down stairs. Nor will it be necessary to carry equipment up and down stairs. Additionally, the facility will have more of a business look than it does now, as it is presently housed in a small residential-type home. The outside of the new building will be similar and compatible to the Bettis Building on N.W. 3rd and the new dental office. The landscaping will be brought up to the level of the sidewalk and will remain the same. As there will be no new equipment and the operation will remain the same, the data disclosure for sewer evaluation should remain the same. Mr. Prael stated he is well below the limits permitted.

Greg Anderson, 950 Knights Bridge Road reviewed the architecture of the building. He displayed samples of roofing material and siding material and colors and discussed the window and door arrangements.

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

1. The loading berth requirements for a commercial operation.
2. The color and material proposed for the new building.

3. While the Ordinance does not provide a minimum percentage requirement for landscaping for a development in the Downtown Commercial zone, the Commission agreed that if an applicant proposes landscaping, it will need to meet the standards of the Ordinance.

Based on the findings and conclusions contained in the staff report dated October 16, 1992, on testimony at the hearing, and on Commission deliberations, **Commissioner Zieg moved for approval of DR 92-10, with the following conditions:**

1. No vehicle using any of the paved area adjacent to the alley shall block the travel portion of the alley.
2. An eight (8) foot sidewalk shall be constructed for the property's entire frontage along N.W. 3rd Avenue. The sidewalk shall be at the same level or elevation as the sidewalk along the side of the library to the west. Provision for the change in grade shall be made at the east end of the new sidewalk. Such provision shall be approved by the Director of Public Works.
3. Any landscaping between the new sidewalk and the front of the existing building that is removed or covered by the construction of the sidewalk shall be replaced in kind.
4. Prior to occupancy of the new building, a Data Disclosure form must be completed and submitted to the Supervisor of the Sewer Treatment Plant for evaluation.

Commissioner Wiegand seconded the motion and it carried 4-0.

VIII. DIRECTOR'S REPORT

Mr. Hoffman advised the Commission that the City Council supported the Commission recommendation to deny the Ziebart Zone Change, based on the same findings. The Commission also accepted the Park Land Dedication from Township Village. There was no final action taken on the City-County Urban Growth Management Agreement because the County made further changes regarding delayed annexation and SDC

charges, a day or two before the meeting. Mr. Hoffman discussed the differences between delayed annexation and regular annexations. Under a regular annexation, when property is annexed, the cost of the land is added to the City's tax base as the assessment. Then the property is developed. Under Oregon system, the value of the development is added to the assessment and the limited tax base is divided by the total assessment to get the rate. The end result is that new development has the affect of reducing services for the rest of the people in the City. Under delayed annexation system, an agreement would be reached with the County about who would be responsible for reviewing the new development on the area to be annexed; then it is developed. The delay can be up to 10 years. Once it is developed, it can be annexed and added to the tax base. Then the City gets the money to service the property when it is annexed. The result of a delayed annexation is that services do not have to be reduced for the rest of the residents of the City.

Mr. Hoffman discussed a request from Roger Reif regarding an interpretation, which is scheduled for discussion on the November 9, 1992 Commission meeting.

IX. ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce A. Faltus". The signature is written in black ink and is positioned above the printed name.

Joyce A. Faltus