

APPROVED

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
November 22, 1993
7:30 p.m.*

I. ROLL CALL

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

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

Others Present: Karen Grady, Alan Grady, Mark Kaija, John Christensen, Brad Roberts, Ted Troutman.

II. MINUTES

The minutes of October 25, 1993 were approved, as corrected.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Fenske moved for approval of **SUB 93-04 [Harmon]** Findings, Conclusions and Order, as corrected. In addition, the Commission agreed that the Findings should include the fact that the applicant agreed to work with the neighbors regarding their concerns about the impact of the subdivision on neighboring properties. Commissioner Wiegand seconded the motion and it carried 6-1, with Commissioner Maher voting no.

Commissioner Mihata moved for approval of DR 93-07 [Watson] Findings, Conclusions and Order, as corrected. **Commissioner Maher** seconded the motion and it carried 7-0.

The Commission questioned the lack of a Final Order for the Watson Zone Change application. Mr. Hoffman explained that it was a recommendation to City Council, rather than a final action on the Commission's part. The Commission requested, since conditions could be applied to zone changes, a copy of the communication and/or final order that is forwarded to City Council regarding such recommendation.

VI. NEW BUSINESS

None

VII. PUBLIC HEARINGS

MLP 93-06, an application by Brad and Karen Roberts to partition a .59 acre parcel into three lots, 0.19 acres, 0.16 acres, and 0.23 acres, respectively. The existing house will remain on Parcel #1, and to partition Parcel #2 and Parcel #3 for future development. A 10 foot public walkway easement is proposed to connect N. Knott to N.E. 9th Avenue. The parcel is located on the south side of N.E. 9th Avenue, east of N. Juniper, known as 279 N.E. 9th Avenue (Tax Lots 9100 and 9500 of Tax Map 3-1E-33BD). (Carried over from November 8, 1993)

Chairman Schrader queried the Commission to see if anyone had ex-parte contact or conflict of interest since the last hearing. Other than visiting the site but drawing no conclusions, none was indicated. He then reviewed the hearing process and procedures.

Mr. Hoffman presented the staff report. He presented a drawing depicting the new lot configuration that has been submitted and reminded the Commission that the lot is located on the south side of N.E. 9th between Locust and Juniper. Staff has requested that the applicant provide a 10' public walkway easement, connecting Knott to N.E. 9th, on the eastern property boundary. Presently, Knott Street ends immediately south of this parcel in a provided turnaround. In staff's opinion, Parcel #1 is of adequate size to retain the existing home, although the side yard is deficient. The lot is more than 60 feet wide and in excess of 7,000 square feet. The two proposed lots are also in

excess of 7,000 square feet [in excess of 8,000 and 10,000 square feet, respectively]. The walkways will be considered part of proposed Parcels 2 and 3, thus insuring they meet the required lot widths.

In reviewing the history of the area, it appears that the thinking at that time was, clearly, to extend Knott Street to 9th Avenue. Such planning was taken into consideration when the subdivisions to the south of this site were built. Some elements, such as the curbing, indicate the temporary nature of the turnaround. The dilemma involved in requiring the extension of Knott Street at this time, is that the applicant is only required to provide enough land for a half-street and the additional half-street footage would be required from the 84-year old easterly adjacent owner, who is opposed to the extension of Knott and has no plans to partition the parcel. Therefore, staff recommends that a walkway would best serve the public at this time, rather than half-street improvements. If the partition is approved as proposed, Mr. Hoffman explained that a covenant for the lot that fronts on Knott Street would be necessary, so that it would be developed to take advantage of solar access. Mr. Hoffman then reviewed staff's recommended conditions of approval. Proposed condition #6 is based on the extension of Knott Street, by dedication of a 20' x 20' wide strip with half-street improvements, including curbs and paving. He explained that the actual construction could be phased to provide an 8 foot walkway/bike path and a 12 foot accessway from 9th Avenue to Parcel #2, to the satisfaction of the Public Works Director and Fire Marshal. The walkway/bikeway would have to be built with barriers at each end to prevent motorized vehicles entering it. He modified proposed Condition #7 to read that the 20 x 20 area would be a public right-of-way, and added to the end of Knott Street to a full right-of-way. A condition regarding the lot fronting on Knott to have a covenant that the house built on it would meet the performance option of the Solar Ordinance would have to be added. Additionally, a condition stating that ample access to the house fronting on Knott shall be provided to the satisfaction of the Fire Marshal.

Applicant

Ted Troutman, 11944 Ehlen Road, Aurora 97002 concurred with the staff report. He added that the neighbors are strongly opposed to the 10' walkway. With regard to the trees, the applicant intends to retain as many as possible. As the lots are configured presently, half-street improvements would not be feasible. If the improvements are required, the applicant would be willing to reconfigure the lots.

Neither For Nor Against

John Christensen, 602 N. Knott stated that he is the oldest resident on the street. He added that an additional house would be of benefit to the street. Further, he stated that the neighbors were concerned that making Knott a through-street to 9th Avenue would destroy the neighborhood, and added that the neighbors had been assured this would not happen. Mr. Christensen pointed out that Knott Street does not end in a cul-de-sac per se, but a turnaround. People purchased homes in this immediate area because they preferred living on a dead-end street, with less foot traffic and less bicycle traffic. Crime has increased by 200% in the neighborhood since the apartments were built three years ago, he added. Vandals have been chased over the 5 foot fence, and some have been caught. Further, Mr. Christensen stated that Knott would become a drag strip if it was extended to 9th. Had there been a walkway there, they would have escaped more easily. He requested that the Commission approve the partition without the walkway or half-street requirement.

Alan Grady, 666 N. Knott Street stated that he concurs with Mr. Christensen completely. Further, he stated that since there are no sidewalks on Knott Street, once someone accesses Knott via a walkway, they'd end up walking down the middle of the street. He further concurred about the deluge of vandalism in the area, which would increase, he stated, with Knott extended to 9th, or with a walkway.

Mark Kaija, 651 N. Knott concurred with both Mr. Grady and Christensen. He added that there would be no purpose for the walkway, especially since Knott does not continue past 9th or past 4th. The only thing the walkway would do, he continued, is increase foot traffic and vandalism.

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

1. **Walkway/extension of Knott with half-street improvements.** Mr. Hoffman explained that earlier Commission decisions indicated the intent to extend Knott to 9th Avenue, and that the turnaround was intended to eventually revert back to the original owner when the road was extended. The Commission agreed that creating a 700+ foot long cul-de-sac was not legal and that the half-street improvements should be required.

Mr. Hoffman stated that he'd had no input regarding the walkway prior to this, and further explained that it was clearly stated in the Notice that a walkway was planned. He then discussed access to the new lots via the walkway. Access to 9th without a walkway was discussed. The narrow width of Locust, which would be an alternative, and the lack of sidewalks was discussed. Mr. Hoffman pointed out that a walkway would improve access to 9th and 4th from Knott, especially for people who lived south of the turnaround.

The Commission discussed reserving the right-of-way for half-street improvements for eventual expansion of Knott to 9th, with the possibility of a temporary pedestrian walkway until Knott is expanded.

2. **Reconfiguration.** The Commission discussed the reconfiguration of the lots in an east-west direction. It was agreed that if the Commission denied the application, and requested that the lots be reconfigured, the applicant could return without any additional fee. Mr. Hoffman explained that what triggers the reorientation of the lots is a requirement that the lots be a minimum of 60 feet wide. Further, he explained that the Commission could approve a lesser width, with good reason, especially adequate access (i.e. eventual through street). The lots adjoining the west side of this parcel were discussed, which lie in an east/west direction. It was agreed it was logical to reconfigure them to be consistent with those to the west.
3. **Solar Ordinance.** Mr. Hoffman explained that a condition might be considered, regarding the lot fronting on Knott to have a covenant that the house built on it would meet the performance option of the Solar Ordinance. He added, though, that if the purpose of building is to extend the roadway, it can be exempted from the ordinance.
4. Whether to require a **waiver of remonstrance** for future street improvements [Knott to 9th]. Mr. Hoffman explained that the proposed orientation of the lots, with the strip reserved for half-street improvements, would create a lot that was too narrow. He added that it would be best to orient the lots differently to avoid this, resulting in the middle lot accessing off the half-street improvement.
5. **Trees.** Mr. Hoffman stated that the applicant has not submitted any details regarding them yet. It was suggested that more trees might be saved if the lots were reconfigured in an east-west orientation.

Based on the findings and conclusions contained in the staff report dated October 29, 1993, on testimony at the hearing, and on Commission deliberations, **Commissioner Fenske moved to deny MLP 93-06, but that the applicant could return with a different configuration, at no additional fee. Commissioner Gustafson seconded the motion.**

Mr. Hoffman recommended it be denied as configured, but continued to a future meeting to avoid additional notification. **Both Commissioner Fenske and Commissioner Gustafson agreed to continue MLP 93-06 to December 13, 1993. The motion carried 6-1, with Commissioner Maher voting no based on her desire to see the reconfiguration without a walkway.**

Chairman Schrader suggested the Commission see the reconfiguration prior to the December 13, 1993 meeting. The reconfiguration could show it with and without a walkway, for further discussion of this issue.

DR 93-08, a Design Review application by Douglas D. Hanson and Bruce Broetje for site and design approval for an industrial building, comprising 10,000 square feet, on a 2.5 acre parcel. The parcel is located on Lot #4 of the Logging Road Industrial Park (Tax Lot 1806 of Tax Map 3-1E-34C).

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

Mr. Wheeler presented the staff report. He explained that Mr. Broetje is requesting approval to construct a 100' x 100' building on a 2-1/2 acre parcel, Lot 1 of the 3-lot partition, the northern lot of the Logging Road Industrial Subdivision (Lot #4). The building would be located on the southeast portion of the lot. Access for the building would be from S. Redwood, with a 20' easement, for construction purposes only, across parcels #2 and #3, which is where the driveway is presently located. A proposed condition requires that the driveway be paved, although Mr. Stark, the Fire Marshal, after discussion with the applicant, agreed that a gravel road would be sufficient. At the present time, no office space is planned, but an office is planned for a future phase. Ten parking spaces are required for an industrial building of this size, but once the office is in place, taking into consideration the landscaping and handicap parking needs for an approximate 1200 square foot office space, fifteen spaces would be needed. Future development, including the office building, would require additional site and design review. To date, one

handicap parking space is required and proposed. A 12' x 60' loading berth is also required for an industrial building of this size, and two are proposed, side by side, parallel to the south wall of the building. There are no facilities provided for a truck to actually back up to the building; it appears a forklift will be used to unload the cargo. The loading dock area must be separate from the parking lot and parking lot maneuvering area. Parking spaces are required to be 18 feet deep, with a 24' maneuvering area for 90 parking, and the loading area must be 12' wide. Loading areas are required to be screened, so staff is recommending a fence along the south property line, and that the building be moved 5 feet to the north, as 55 feet are required between the building and the south property line to accommodate the loading area and parking/maneuvering area. The building is proposed to be metal siding, painted Old Town Grey in color, with blue trim and doors, and a white roof. The applicant has proposed two landscape areas, one on the northern portion of the site and one near the entrance. Landscaping will have to be delayed until S. Redwood improvements are completed, as the final grade of Redwood is not yet known. Although the applicant has not proposed landscaping for the parking lot area, staff recommends constructing four 9-foot wide landscape islands, with one tree planted in each island, with small shrubs or groundcover. Water, fire hydrants, electricity, a paved street, curbs, and sidewalks are required, and will be constructed by the City. During the construction process only, access will be along the existing residential driveway across Lots 2 and 3; after development and completion of improvements, access would be from S. Redwood, especially as S. Redwood is not expected to be constructed until the summer of 1994 and construction is expected to begin before that time. Staff recommends approval with conditions.

In response to an inquiry from the Commission relating to whether the application should be considered complete without a landscape plan, Mr. Wheeler presented the applicant's conception of what it will look like in the future.

Applicant

Bruce Broetje, 24510 S. Cass Road explained that there is a 13 foot drop in the road and a tremendous amount of dirt will have to be removed, but he is not sure how much to remove yet. This makes it impossible to design a final landscape plan.

In response to an inquiry from the Commission about why the application was submitted prior to being able to design a landscape plan. Mr. Broetje explained that he is assisting the City Administrator in trying to get grant money from the State for the road, by guaranteeing to create jobs in Canby. If the project is delayed, he further explained, he would be forced to build elsewhere. He attended a meeting with the State and feels assured the lottery money would be forthcoming from the State.

Michael Jordan, City Administrator, City of Canby, 715 Greenview Court, Canby, stated that what is involved is a timing issue. He stated that the City applied for Oregon Economic Development special public works money. In order to get those dollars you must be applying for economic improvement money (OEDD) as a loan, or grant money, which can be obtained by having a committed business desiring to locate within the jurisdiction because of the planned infrastructure. Mr. Broetje has agreed to being that committed business and to provide expanded employment, and has signed papers to that effect with OEDD, proving that it fosters the need for the road improvements. The road project would include Redwood from Township to the Fairgrounds crossing at Pine, and includes signalization and water service off the 12 inch main that passes through the property. He further explained that the sewer is already in place, serving Trost Elementary School. ODOT, he added, would contribute \$100,000 toward the signalization.

Mr. Jordan explained that the feedback he has received indicates Canby would be awarded the grant/loan and the paperwork is in process right now. The City must come up with monetary commitment on the loan portion, but it is approximately a \$710,000 to \$720,000 project

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

1. The Fire Marshall's letter stating that a gravel access drive will be sufficient for emergency vehicles during construction. Therefore, the construction access drive does not need to be paved.
2. That landscaping improvements will be permitted to be completed is six (6) months from the issuance of a temporary certificate of occupancy. Mr. Wheeler explained that each and every phase will meet the design standards, as will the project as a whole.

3. Although the application is lacking some important details, i.e., that the general landscaping information is insufficient, and parking lot landscaping information was missing, the Commission is favorably inclined to see this type of development in Canby. Because of Mr. Broetje's role in helping procure funds for the Logging Road Industrial Park road improvements, and due to timing complications of the road improvements and business commitments of the applicant, the Planning Commission agreed to expedite the Site and Design Review process for this application.

Based on the findings and conclusions contained in the staff report dated November 12, 1993, on testimony at the hearing, and on Commission deliberations, **Commissioner Maher moved to approve DR 93-08 with the following conditions:**

1. Prior to the construction of an office for the approved building, Site and Design Review approval must be received from the Planning Commission. Any other industrial and/or office building must also receive Site and Design Review approval from the Planning Commission prior to construction.
2. A temporary easement along the existing residential driveway shall be recorded for access across Lots 1 and 2. The easement is for construction purposes only and shall be vacated upon completion of the improvements in S. Redwood Street, specifically the paving of S. Redwood Street. The easement shall be twenty (20) feet wide. A turnaround for emergency vehicles shall be provided as directed by the Fire Marshal.
3. A water line and fire hydrant shall be constructed prior to the issuance of the building permit. The location and size of the water line and fire hydrant shall be approved by the Fire Marshal and the Canby Utility Board.
4. All utilities, including water and fire hydrants, must meet the standards and criteria of the providing utility authority.
5. The applicant shall reimburse the City, or sign an agreement for the reimbursement of infrastructure improvements in the S. Redwood Street right-of-way in accordance with an approved advanced financing agreement.

6. The parking lot landscaping shall include four landscape islands, nine (9) feet wide, shall be constructed within the parking area. Each island shall have one (1) tree with small shrubs and/or groundcover.
7. A landscape construction plan shall be submitted to the City Planning office within thirty (30) days of the completion of the S. Redwood Street improvements and prior to the final building inspection. The plan shall include irrigation system, planting schedule, where the plants are to be located within the landscaped areas, plant types and sizes, and the plant spacing.
8. The landscaping shall be installed prior to the final building inspection or a bond shall be posted for the amount of landscaping to be completed (plus 10%) with a date certain for completion of the landscaping improvements.
9. The street trees required for the S. Redwood Street right-of-way shall be 'Cleveland II' Norway Maples, at a spacing of 50 feet on center.
10. A six (6) foot high, sight-blocking fence shall be constructed on the south property line, for the full length of the parking area.
11. The building shall be located five (5) feet to the north of the proposed location, providing a minimum of 55 feet between the building and the south property line.
12. One parking space shall be "van" handicap accessible. The space shall be nine (9) feet wide with an eight (8) foot access aisle. A designated walkway shall connect the handicap parking space with the building (at a doorway).
13. A sidewalk shall connect the building with the sidewalk in the S. Redwood Street right-of-way.
14. A "Data Disclosure Form" shall be filled out and submitted to the City prior to the issuance of a business license.
15. If occupancy is desired prior to the City's completion of the S. Redwood Street improvements, the applicant must provide all the improvements.

The improvements include street widening, curbs, sidewalk, and all utilities necessary to service the development. The improvements shall be constructed to the northwestern end of the property.

16. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
17. All improvements are to be completed or bonded prior to the final building inspection.

Commissioner Fenske seconded the motion and it carried unanimously.

IX. DIRECTOR'S REPORT

A discussion was held regarding the last Commission discussion of planning issues and what would trigger construction of sidewalks and street improvements. The Commission had been concerned that the building permits could be issued without triggering such improvements. Staff added wording to trigger the improvements, but the cost was of concern, as it was estimated to run about 20%. Mr. Hoffman discussed a handout explaining the improvement costs per lot, which the Commission had requested. He reviewed the Shiolas' minor land partition and explained the costs of required improvements, which amounted to \$3,547 which would amount to 3-1/2% if a \$100,000 home was built on the lot they created. The Northwood subdivision's total improvements amount to \$9,885 per lot, which includes streets, sewer, and fire hydrants, but does not include sidewalks because they are constructed by the developer on each lot. That amounts to 9.9%, assuming each lot has a \$100,000 home on it. Valley Farms II amounts to \$5,762, or 5.8%. Therefore, Mr. Hoffman explained, it would be more fair to require 10% toward such improvements, rather than 20%, from all major partitions or subdivisions. For corner lots, though, the amount of improvements would be about double, and could amount 20%. The Commission agreed to amending the wording to read that 10% per lot should be set aside for such improvements, and 15% for corner lots, to cover City costs.

Regarding Chapter 16.46, Access Limitations on Project Density, Mr. Hoffman suggested adding a new section, G, which would allow the Commission to modify the requirement, provided it had information that no unwarranted problems for emergency response would result if the number of allowed units was increased. This would be a finding the Commission would make, based

on information presented. If the Commission agreed, Mr. Hoffman added that staff would be just as comfortable eliminating Chapter 16.46 entirely, especially as the section dealing with the width of the access routes when they are private roads has been revised to be more workable. Additionally, staff always considers the input from the police and fire departments as to their emergency response needs and safety issues. The Commission agreed to consider this issue at the December 13, 1993 meeting.

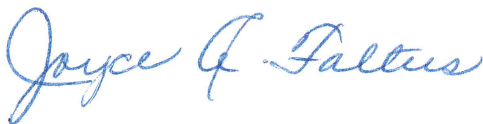
Mr. Hoffman explained that the Sign Ordinance is scheduled for the last meeting in January. He pointed out that it includes a Sunset Clause. The Council has discussed it and referred to the Commission for hearing. The Commission agreed to discuss this issue at the January 10 meeting, prior to the public hearing.

Chairman Schrader asked that staff and the Commission think about the quality of applications submitted and the standards applicants are expected to meet, especially for subdivisions, major and minor land divisions, and design review applications.

X. ADJOURNMENT

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

Respectfully submitted,



Joyce A. Faltus