

APPROVED

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
December 13, 1993
7:30 p.m.*

I. ROLL CALL

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

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

Others Present: Wayne Austen, Diana Precht, Ken Stricklin, Don Rasmussen, Bonnie Zacher, Smith French, Raleigh Keysed, Ray and Mary Hellhake, Charles Hagel, Brad Robert, Ted Troutman, Mike Jordan.

II. MINUTES

The minutes of November 8, 1993 were approved unanimously, as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Fenske moved for approval of DR 93-08 Findings, Conclusions and Order (Broetje), as amended. Commissioner Wiegand seconded the motion and it carried unanimously. (Mr. Hoffman advised the Commission that Canby did receive funds for the project.)

VI. NEW BUSINESS

Mr. Wheeler explained that Modern Building Systems, who is building the Canby Physical Therapy office at 3rd and N. Ivy, found that the lot is 7 inches more shallow than the survey indicated, causing the north parking row to be 18 feet instead of 17'-4". The original measurements are needed for two 90 parking stalls with an aisle in between them. Mr. Rasmussen presented three options for solving this dilemma. Mr. Wheeler explained that wheel stops placed next to the building could be placed, which would allow a car to overhang by approximately 8", is probably the best solution because the sidewalk is a bit over 5' in width. Compact spaces could be designated for the spaces adjacent to the door. Had this problem surfaced prior to the foundation being poured, the building could have been set closer to 3rd Avenue.

Mr. Rasmussen, Project Engineer, Modern Building Systems, Inc., 9493 Porter Road, Aumsville, OR 97325 explained that both they, and the architect, relied on the plot plan from the title company. There were corner surveyor stakes with caps on them and the measurements were taken from the closest stake, on 3rd Avenue, 5 feet to where the building would be. Once the building was in and they went to lay out the parking lot, they discovered the shortage.

The Commission concurred with staff's recommendation, especially as 60 feet is based on a car length that seldom exists anymore. To that affect, **Commissioner Elliot moved to approve staff's recommendation to accept Modern Building Systems' alternative #3 to allow the front parking row to overhang the 5'-0" sidewalk by 8", with the installation of wheel stops.** Commission Gustafson seconded the motion and it carried unanimously.

VIII. COMMISSION DISCUSSION OF PLANNING ISSUES

Due to the length of the agenda and the fact that two Commissioners are absent, the Commission decided to delay this item until the next meeting.

IX. PUBLIC HEARINGS

MLP 93-06 - Brad and Karen Roberts, an application by Brad and Karen Roberts to partition a .59 acre parcel into three lots. The existing house will remain on Parcel #1. Parcel #2 and Parcel #3 are planned for future development. A 20 foot dedication is proposed on the easterly portion of each lot for future expansion of N. Knott to N.E. 9th. 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 22, 1993*)

Vice-Chair Mihata inquired as to whether any Commissioner had ex-parte contact or conflict of interest since the last meeting. None was indicated. He then reviewed the hearing process and procedures.

Mr. Hoffman presented the alternative lot configuration, which was submitted December 1, 1993. Each lot, he explained, would be configured in an east-west direction. The resulting lot size, in order to meet the 15 foot rear yard requirement for the existing home, with the half-street dedication, would be in excess of 7,000 square feet. The remaining two lots would each exceed 7,000 square feet. In terms of the actual construction of the roadway, Mr. Hoffman pointed out situations similar to this one: Oak Street near Territorial was built in a similar fashion, and Grant near Territorial also, with an irrevocable offer to dedicate which was part of the partition process, but construction did not occur until such time as the City was ready to build the street. Alternatively, the right-of-way could be dedicated as part of the partitioning process, right on the plat, but have the road built as each lot develops. The lot with the existing home would probably have to provide a bond or put money in escrow to assure there would be funds to build that section of road. A third alternative would be to design flag lots where the entry to the center lot could come from Knott or 9th. When the access drive would be built, it could be built to street standards. The proposed conditions of approval include wording, in Condition #6, to the effect that the applicant dedicate the half-street now, with the assumption that the adjacent lot partitions, the other half would be secured, and that the road would either be built now or an escrow account or bonding would be provided to assure it would be built. The Commission suggested that the conditions permit the owner to sell the partitioned lots to realize some income prior to requiring improvements, and therefore, moving proposed Condition #6 to take effect prior to the issuance of building permits.

Mr. Hoffman then explained that this application is now considered a Major Land Partition, rather than a Minor Land Partition, and the Commission must make one of two additional findings, which he read [Section 16.60.040(F)(1)(2). Section (F)(2) appears more appropriate, he added.

Applicant

Ted Troutman, P.O. Box 25403, Portland 97225 explained that the applicant would prefer that the road be required prior to building permits so that some income could be realized before improvement are made.

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

1. Mr. Hoffman presented, and the Commission considered, the alternate lot configuration, as submitted on December 1, 1993.
2. The Commission discussed the construction of the roadway, citing alternatives which have set precedents, such as Oak Street near Territorial, and Grant near Territorial.
3. The Commission discussed the future street which could be the access easement to Lots 2 and 3, with an irrevocable offer to dedicate the land when the street is extended. The Commission discussed the dedication, which is part of the petition process, and agreed construction could either wait until the City is ready to build the street or, alternatively, the applicant could dedicate the right-of-way on the plat, as part of the petition process, and build the road as each lot is developed.
4. The Commission discussed setting the two new lots up as flag lots and constructing the accessway to the flag lots with full half-street improvements.
5. The Commission agreed that proposed condition #6 should be required prior to the issuance of building permits for Parcels 1, 2 or 3.

Incorporating the alternate lot configurations on the drawing dated December 1, 1993, and based on the findings and conclusions contained in the staff report dated October 29, 1993, on staff testimony and on the supplemental staff report dated December 1, 1993, on testimony at the hearings, and on Commission deliberations, **Commissioner Fenske moved for approval of MaLP 93-06 with the following conditions:**

For the Final Partition Plat:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MaLP 93-06.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.

3. All monumentation and recording fees shall be borne by the applicant.
4. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines, except where adjacent to another easement of at least 6 feet, in which case it shall be 6 feet.
5. The right-of-way for Knott Street shall be extended to the north from the current Knott Street, to 9th Avenue, by dedication of a 20 foot wide strip for public road and other public purposes.

Prior to the issuance of a building permit for Parcel 1 or 2 or 3:

6. A 20 foot wide half-street improvement including curbs and paving shall be built on Knott, to City standards as determined by the Public Works Director. Actual construction may be phased to provide an 8 foot walkway/bike path and a 12 foot accessway from 9th Avenue to Parcel #2.

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 surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

7. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
8. All utilities, including water and fire hydrants, must meet the standards and criteria of the providing utility authority.

Prior to the Issuance of a Final Inspection of the Building Permit or a Certificate of Occupancy on Each Lot:

9. Sidewalks across the full street frontage at each lot shall be provided, including 9th Avenue and Knott Street.

10. The street panel between the curb and current pavement on 9th Avenue shall be paved.

Commissioner Elliot seconded the motion and it carried unanimously.

MLP 93-07, an application by Duane A. Zacher to partition an approximate 2.42 acre parcel into two lots, approximately 1.59 acres and .91 acres, respectively. The applicant is proposing to build a home on the front 240 feet of this property, fronting on N. Redwood. The parcel is located on the west side of N. Redwood, 1150 feet north of Highway 99-E (Tax Lot 1001 of Tax Map 3-1E-34B).

Commissioner Mihata asked whether any Commissioner had ex-parte contact or conflict of interest. None was indicated. She then reviewed the hearing process and procedures.

Mr. Wheeler presented the staff report. He explained that this property, on the west side of N. Redwood, was annexed into the City in 1993, and the understandings that went along with that annexation. He added that this is the only property on the west side of Redwood, from Territorial to 99-E, which is presently within the City limits. They included (1) that the postponed until a stormwater management plan is affected for the area; (2) that all City and service-provider regulations are to be adhered to at the time of development; (3) any development of the property other than one single family residential structure, must be preceded by subdivision or partition review; (4) that dedication of land for the widening of N. Redwood would be required at the time of development; and (5) that a waiver of remonstrance against an L.I.D. would be signed.

The applicant is requesting to partition the parcel into two parcels. The front lot would be approximately 140' x 240' [30,000 - 35,000 square feet] with a 25' accessway to the second lot along the northern property line. Mr. Wheeler stated that the Commission, in looking at this parcel, should consider future development of Redwood Street. This partition would create an oversized lot for the City, and might create the potential for similar development all along Redwood Street. Sewer is readily available in Redwood. Referring to the C.U.B. Master Plan, Mr. Wheeler explained that CUB has planned Redwood with a main trunk line connecting with 9th from Pine, coming across a property to Redwood, then north to connect to the line from Territorial which runs down Redwood. An easement across this parcel would be required. The line from 9th to Pine is smaller than required and would have to be rebuilt. In any case, there is no water main close to this parcel. No stormwater plan was

submitted with this proposal. A consultant is presently working on a stormwater plan for the City, which would include this area, and is expected to be complete in March, 1994. Stormwater drainage has presented a problem in this area. There are many open ditch drains which has resulted in problems on various properties. One of the proposed conditions requires a stormwater plan prior to the signing of the plat. The City is requiring a 10 foot dedication, for a total of a 60' right-of-way on N. Redwood. Actual improvements of sidewalks, curbs, and road widening would be preferable, either by requiring a bond, or cash to be deposited in a special City fund so the City could build the improvements once the elevations are specific. Staff recommends approval and reviewed the proposed conditions of approval.

Applicant

Bonnie Zacher, 130 SW 6th Place stated that there is a very adequate well on the property that is serviced by P.G.E. Ms. Zacher explained she was under the assumption they could use it until the City sewer and water lines became available. It would be a financial impossibility to bring the water line all the way down Redwood, she added, and she could not understand why they could not use the services that are presently available to the site. Ms. Zacher stated that they are willing to sign bonds for future improvements if and when the property is developed further. She explained that the home being proposed on Parcel #1 will be their retirement home, and Mr. Zacher would use the shop after retirement. Ms. Zacher said they wanted to partition the parcel into 3 lots but the City advised against it. Mr. Hoffman explained that the partition application is triggering the additional requirements, and that there is nothing that could stop them from building on the parcel if it was not partitioned. Ms. Zacher explained that they did not want to tie up the entire parcel in the mortgage process, which is the reason for the partition request. Hopefully, she added, they would not have to borrow at all.

Mr. Hoffman explained that Mrs. Zacher assured the Boundary Commission that all they were seeking was to build one home on the lot and that they had the well to serve that lot and didn't need the other urban level of services. The Boundary Commission asked if Canby had the authority, in our current ordinances, to require full provision of urban services either at partition or subdivision time. He assured them we did, and that we would require urban level of services at either application. That is where we are now.

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

1. Criteria #5 was discussed - where all urban services have to become available as a condition of the partition. The Commission agreed the choice was to not partition and just build one home on the site, or to partition and figure out how to provide the services to the site. If the partition was approved and improvements were not complete at the time of signing of the plat, the improvements would have to be bonded. Mr. Hoffman explained that the cost of building the water line was between \$30,000 and \$60,000 and to post a bond or cash of that amount to guarantee the water line, would be excessive. The alternative, he explained, would be to build the home and tie up the property. In the future, with possible additional development along Redwood, this parcel could then be subdivided.
2. When this site was annexed, the improvements were discussed, as were traffic improvements. At that time, the applicant, Ron Tatone, stated he ultimately intended to subdivide this parcel into several lots. The approval was based on this becoming a fairly densely developed subdivision. In light of this hearing, the accuracy of testimony at the annexation hearing was questioned. Mr. Hoffman explained that this parcel would be considered an undersized lot in the County and could not be developed under County zoning. The Zachers were unaware it had once been illegally subdivided.
3. The Commission discussed the issue of lot size within the City. It was agreed that a maximum lot size was difficult to specify. It would need to stand the test of common sense and reason.
4. At the apparent dissatisfaction of the applicant, a motion was made and seconded to deny the application. The motion failed. The Commission agreed that without a good and compelling reason to deny the application it could be approved, because the applicant has a year within which to act upon the partition.

Based on the findings and conclusions contained in the staff report dated December 3, 1993, on testimony at the hearing, and on Commission deliberations, especially that it could be partitioned and Lot #1 built upon if improvements were bonded for, **Commissioner Elliot moved to approve MLP 93-07 with the following conditions:**

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 93-07.

2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. The access way for the back parcel shall be at least twenty-five (25) feet wide.
8. 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 surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
9. Ten (10) feet of right-of-way along N. Redwood Street shall be dedicated to the City.
10. N. Redwood Street shall be improved along the frontage of both parcels. The improvements shall include street widening, curbs, and sidewalk. The improvements shall be approved by both the Public Works Department and the County.
11. A water main shall be constructed to the property in accordance with the Canby Utility Board Distribution Master Plan (January 1993).

12. A storm water plan shall be submitted to the City and approved by the Public Works Department prior to the signing of the plat. Improvements according to the plan shall be constructed or bonded (Condition #8) prior to the signing of the plat.
13. The applicant shall provide a waiver of remonstrance for any traffic improvements needed for N. Redwood Street.

Commission Wiegand seconded the motion and it carried 4-0, with Commissioner Gustafson abstaining.

The Commission requested that staff meet with Mrs. Zacher to explain the motion and her options.

DR 93-09, an application by Austen's Body Shop [Wayne Austen] for approval to construct an approximate 2,850 square foot steel building to do body and frame work. The applicant is proposing five hard-surfaced parking spaces. Approximately 800 square feet of landscaping will be installed. The site is located at 801 N.E. 4th Avenue (Tax lots 300 and 400 of Tax Map 3-1E-33DA).

Commissioner Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated, other than visiting the site, but coming to no conclusions. She then reviewed the hearing process and procedures.

Bob Hoffman presented the staff report. He explained that the site is directly across from the Clackamas County Fairgrounds entrance on N.E. 4th Avenue and has a 20' easement. He reviewed the placement of the present building which is 5500 square feet, the placement of the proposed building, and the parking area. The proposed building, 30' x 95', will be placed on the rear portion of the tax lot. The railroad is located to the south of the parcel. Access to the proposed development will be from NE 4th Avenue via a 20' easement, 300' in length, which is in need of resurfacing. The applicant has proposed to landscape 1100 square feet of the site, with a row of trees located and shrubs along the rear property line, which could be seen from 99-E. The surface of the landscaped area should be in groundcover which would mature within the ordinance required 3-year period. The proposal exceeds the required 15%. Five additional parking spaces are required and staff suggested they be located near the existing shop, which area, including maneuvering space, would be hard surfaced with an apron in front of the building. The building is proposed to be steel with yellow siding, white doors, and brown trim, with a shed roof. He circulated the color chart. No additional signs are proposed. Staff is recommending approval with proposed conditions.

6. All landscape areas shall be irrigated utilizing a fully automatic underground irrigation system, or there shall be a readily available water supply within one hundred and fifty (150) feet of any landscaped area.
7. A landscape construction plan shall be submitted with the building permit application. The plan shall include an irrigation system, planting type and schedule, plant sizes, and plant spacing.
8. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
9. No sign is approved as a part of this approval.

Commissioner Fenske seconded the motion and it carried unanimously.

MLP 93-08, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel into two lots, approximately 2.11 and 2 acres, respectively. The applicant is proposing to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA).

Commissioner Mihata asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated. She then reviewed the hearing process and procedures.

Mr. Wheeler presented that staff report. He explained that there is an existing house and chicken coops/storage buildings on the site. The storage structures that infringe within 15 feet of the building setbacks of the newly created lots would have to be removed. Mr. Wheeler then reviewed the City-proposed realignment of Pine Street at Highway 99-E, and explained that split zoning exists on the parcel, prior to partitioning. The first 120 feet of this parcel, south of the highway, is zoned C-2 [Highway Commercial], while the remainder of the property is zoned R-1. The way the property is proposed to be partitioned would leave 150 feet of proposed Parcel #1 zoned R-1 and the first 120 feet zoned C-2; all of proposed Parcel #2 would be zoned R-1. The Comprehensive Plan designation for the entire site is Highway Commercial Land Use (C-2). The applicant is proposing to construct a fire station on proposed Parcel #2, which is a use permitted outright in both the C-2 and R-1 zones. With the improvements expected on Pine Street, staff expects that the currently zoned R-1 portion of proposed Parcel #1 would eventually be

rezoned to C-2. Regarding the roads, Mr. Wheeler explained that since a right-of-way already exists along Pine Street, only an additional 20' would be required to be dedicated, but the realignment of the intersection of 99-E/Pine would require additional right-of-way so as to be curved to align with N. Pine. The southern portion of the right-of-way should extend to where 3rd Avenue is planned to intersect with Pine, near John Watson's Manufactured Home Park location. Included in the improvements is signalization at Pine and 99-E. Two lanes are proposed from Pine onto Highway 99-E, with one being a left turn lane. No improvements would be required on Pine as part of the partition as they are to be made by the City; however, the applicant would be required to sign an agreement to reimburse the City as part of an advanced financing project, or actually reimburse the City for those improvements. There are no sidewalks along 99-E and it would be impractical to install 8' sidewalks in front of the gasoline pumps and existing building, but 4' sidewalks are possible without hindering the use of the gas pumps. An 8' sidewalk should be constructed on the remaining frontage of the property which is vacant, past the gasoline station. Mr. Wheeler then reviewed the proposed conditions of approval, amending #8, #9 and #11.

Applicant

Chief Smith French, 1000 N.W. 22nd, Canby explained that the Fire Department wants to relocate its main station because the present site S. Grant and S.W. 2nd is insufficient mainly because it is not easily accessible. Mr. French stated that the main problem appears to be the realignment of the intersection. He stated it was his opinion that a large portion of the property should not be dedicated for the realignment of the intersection because it involves several thousand square feet of valuable private property. Mr. French said it appeared strange that the owners of the property were not contacted about this dedication until this partition application was submitted and that undue pressure is being put on the owners due to this application. The fire department will withdraw this application, or request a continuance, if the City is not willing to negotiate or come to an equitable agreement with the owners. The owners should be duly compensated, he added. Chief French requested that the Commission focus only on the issues that pertain to the partition, and approve it with typical conditions, and that the City should deal with the owners for the dedication separately.

The fire department concurs with all the proposed conditions of approval, with a few exceptions. With regard to #5, Chief French asked for clarification; #9 is not relevant to the fire department and would have to be dealt with directly by the owners of the property; he asked what kind of monies were involved with the advanced financing agreement because the applicant could not agree with it until they knew the amount involved; and with regard to #11, he saw no problems with the storage structures located within the building setbacks

being removed, as long as access to them, and weather conditions, were favorable. Once the surveyor has time, he added, they would know exactly where the lot lines will fall.

Pete Kelley, 302 N.W. 1st explained that as of Friday O.D.O.T. did not get a copy of the new plan for the intersection of S. Pine and Highway 99-E, as Mr. McLeod was talking about changing the angle of the intersection by 1, 2, or 3 degrees, as each degree would add up to approximately 5 or 6 feet. He stated his concerns: (1) he feels staff is confusing the issues of the land partition and the proposed alignment of the intersection, using the fire department as leverage to force owners to dedicate property to the City; (2) the owners will need to be compensated for the loss of land that is dedicated; (3) the applicant has agreed to remove the coops or barns if they intrude in the right-of-way or setbacks, but it will have to be done in the spring as it is too muddy now; (4) there is asphalt on 99-E, the width of this property. Until they improve the property or sell it for improvement additional sidewalks should not have to be built; (5) the applicant opposes the advanced financing agreement until they know what the costs are going to be; (6) that since the new intersection will benefit many others, and since the applicant already has access to Highway 99-E and Pine Street, the improvement will not benefit the applicant as much as it will benefit others, especially the Fairgrounds; (7) that the County should be involved in financing some of the improvements because they will benefit from them; (8) regarding utility easements, Mr. Kelley stated that City water, sewer, and electric will be in the 20' right-of-way that will be dedicated on Pine. If that is so, he questioned the additional easement requirements; (9) if the applicant signs an Advanced Financing agreement, he questioned why the applicant would have to provide a bond for improvements, rather than a waiver of remonstrance; and (10) that no survey has been done because Pacific Survey is waiting to hear what the Commission wants for dedications and rights-of-way.

Charles Hagel, 23112 S. Bland, West Linn asked how much frontage would remain along Highway 99-E once the dedication was made. Mr. Wheeler explained it was needed to align S. Pine with N. Pine and showed on a map where the frontage would come from. He talked about the commercial importance of the property to the improvements of the intersection.

Smith French asked if the partition could take place without considering the northern piece of the property. When advised it could not, he asked for a continuance until the owners work out the dedication concerns with the City and know exactly how much property is required for dedication.

Mike Jordan, City Administrator, City of Canby stated that this issues surrounding this application have some similarity to the issues surrounding the Logging Road Industrial Park design review application reviewed recently.

The issues regarding the alignment of the 99-E/Pine Street intersection are laid out in general terms. The triangular portion other than the 20' dedication along S. Pine Street is still in question as far as the exact square footage that would be necessary for the realignment. The City's engineering firm is still talking with O.D.O.T. to try to establish the maximum angle of deflection that O.D.O.T. will allow. The City wants to line up North Pine and South Pine as much as possible. The angle of deflection on S. Pine will have an impact on the amount of land that would be necessary for dedication to align that intersection. The City has no objections to a continuance until O.D.O.T.'s needs are established.

Mr. Wheeler explained that the bonding is required for improvements that are not done by the City. The Advanced Financing agreement is required for the improvements the City builds. Further, he added, standard practice is to require improvements for the portion of the site not developed, as well as the portion that is going to be developed. Staff explained further that easements are not dedications, but are strictly for utility purposes and control the use of that portion of the land over them, another standard practice in any and all land partitions.

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

1. The Commission discussed the building setback matter which would be solved if the parcel's zoning was brought into conformance with the Comprehensive Plan designation of C-2.
2. The Commission expressed concern about the flexibility of the proposed lot line between Parcel #1 and Parcel #2.
3. The Commission discussed the signalization at S. Pine and Highway 99-E. Mr. Hoffman explained that the State has included this in its 5-year budget, based on the importance of the Fairgrounds, and that it is also part of the Industrial Park improvements.
4. Access to Parcel #2 was discussed. Mr. Wheeler explained that O.D.O.T. did not want any access to Parcel #2 from Highway 99-E without accessing S. Pine Street first.
5. The Commission discussed the requirement for sidewalks and agreed sidewalks are usually triggered by the partition. Since the gas station exists, the property is already developed.

Since the applicant requested a continuance to February 14, 1994, he explicitly waived the 120-day requirement.

Commissioner Fenske moved to continue this hearing to February 14, 1993. Commissioner Wiegand seconded the motion and it carried unanimously.

IX. DIRECTOR'S REPORT

Mr. Wheeler informed the Commission that Mr. Harmon requested the removal of 3 small diameter trees between Lots 2 and 4 in the Evergreen Subdivision, which lie between 8 trees that are located very close to each other. Other trees on Lot #2 will have to be removed due to their being in the building envelope area. The Commission agreed unanimously with this decision.

Mr. Wheeler also referred to a street tree planting diagram he submitted with the packet and reviewed it with the Commission. He asked that the Commission review it further so the City could decide if trees should be planted between the sidewalk and curb or outside the sidewalk, so we can request the placement in future conditions.

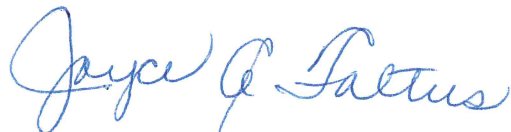
Mr. Hoffman reminded the Commission that the hearing for the Sign Ordinance is on the January 24th agenda and that the Commission had wanted to discuss it at the next meeting, prior to the formal public hearing.

With regard to Transportation, Mr. Hoffman explained that Mr. Hester requested that Curt McLeod to prepare some proposals for right-of-way for road construction. Also, as part of the Transportation Plan, alternatives should be brought in for right-of-way standards, part of which will be bike paths. Clearly, he explained, the 40 foot right-of-way is not a fixed number at the present time.

X. ADJOURNMENT

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,



Joyce A. Faltus