

M I N U T E S
CANBY PLANNING COMMISSION
Regular Meeting
April 11, 1994
7:30 p.m.

APPROVED

I. ROLL CALL

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

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

Others Present: Terry N. Tolls, Andy DiTommaso, Anselmo Pizzuti, Paul H. Burton, Michael McNichols, Al and Linda Geddes, Don and Donna Woodruff, Myrtle and Drogan Renschen, Jerry L. Shelhamer, Nathan Clayton, Lu Blake, Bob Christiansen, Sue Guster, Gary and Gay Kuykendall, Tom Tye, Doug Sprague, Tim and Sally Nichols, Art Marshall, S. Regan, Randi and John Gunter, Steve Montecucco, Jerry Burns, Art and Toookie Hall, Donald Smeback, Dana Tyler, Ron Tatone, Dixon Andrews, Doug Poppen, Theodore DeKanter.

II. MINUTES

The minutes of March 28, 1994 were postponed to April 25, 1994.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

Bob Hoffman explained that communications have been received regarding the upcoming Subdivisions since the staff reports were written and mailed, and would be discussed under Public Hearings. Mr. Hoffman further explained that since new information was submitted in support of the application since the staff report was issued, any party has the right to request a continuance. Additionally, as a result of the new information, a supplementary staff report was issued.

V. FINDINGS

None

VI. NEW BUSINESS

None

VII. COMMISSION DISCUSSION OF PLANNING ISSUES

As the agenda was full, the Commission agreed to postpone discussion of planning issues until the first meeting in May. Prior to that, the Commission requested staff submit a list of items for discussion. Chairman Schrader asked the Commissioners to contact him with any additional items they would like included on the list.

VIII. PUBLIC HEARINGS

SUB 94-01, an application by Anselmo and Judy Pizzuti for approval to develop a 4.22 acre parcel into an 8-lot subdivision, retaining the existing single family home on Lot #8. The property is located on the west side of Maple Street, between N.E. 20th Avenue and N.E. 21st Place (Tax Lot 600 of Tax Map 3-1E-28DB).

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

Jim Wheeler presented the staff report. He explained that the property was annexed in March, 1993. The criteria outlined in the staff report did not include #4, that "All required public facilities and services are available to adequately meet needs," which is one of the more recent changes in the Subdivision section of the Development Ordinance. The parcel is zoned R-1, Low Density Residential and the proposed development is consistent with that zoning. The applicant is proposing relatively low development density, similar to that of Libee Country Club Estates to the south. The proposed roadways include a 40 foot right-of-way running east-west in the center of the parcel with a "bulb" (half cul-de-sac) on the southern part of the proposed road on the western end of the development, similar to a bulb on S. Elm Court.

The minimal improvements required to N. Maple would be street widening and curbs, and within the subdivision itself would be the street, curbs, sidewalks and street trees along the south side. On the north side of N.E. 21st Avenue, sidewalks and street trees could be required, but with the lot locations presently unidentified, it would be impractical. When sidewalks are placed directly behind the curb, a conflict arises. Because of the placement of mailboxes, newspaper boxes, etc., the walking width of the sidewalk is limited. Therefore, staff is recommending that sidewalks, 5 feet wide, be set back two feet from the curb wherever such obstruction occurs, and against the curb otherwise. Street trees would be planted approximately nine feet behind the curb, with utilities between the sidewalk and street trees. An 8 inch water main will be required in N.E. 21st, for fire protection purposes. The lot arrangement meet all the standards specified for lots. Lots that front along the "bulb" are considered cul-de-sac lots and the frontage is permitted to be reduced.

Both the response from the school district and police department, received after the staff report was written and mailed, outline similar concerns regarding future funding in order to provide adequate services, as required by Criteria No. 4 under the Subdivision section of the Development Ordinance. Because of those responses, staff is amending the section of the staff report, "Conclusion Regarding Consistency with the Policies of the Comprehensive Plan" to read, "Review of the above analysis will show that the proposed subdivision is consistent with the policies of the Comprehensive Plan **with the exception of Policy No. 5 of the Public Facilities Element. Further information is needed to properly assess the consistency of the application with this policy, specifically in regards to the provision of police and school services. A this time the application is considered not to be consistent with Policy #5 of the Public Facilities Element.**" Until more input is received from the police and school district the application does not meet all the criteria. Staff recommends continuance until more information is received.

Applicant

Tom Tye, Compass Engineering, 6564 SE Lake Road, Milwaukie 97222 explained that he concurred with the staff report until informed of the revisions. Mr. Tye said he would like to see some policy developed rather than just a letter from service providers. From what he understands, there are school facilities available. If the project cannot be viewed as submitted and approved, Mr. Tye stated he would prefer a continuance rather than a denial.

Mr. Tye informed the Commission that Senate Bill 908, submitted by the Homebuilders Association, in essence, states that schools cannot be used to create a moratorium on development.

Proponents

None

Opponents

Dana Tyler, 680 N.E. 20th stated that the Canby schools are overcrowded. Further, she stated, the goal of the Comprehensive Plan is to view applications as they relate to the Comprehensive Plan goals, especially the Public Services Element.

Neither For Nor Against

Don Smeback, 625 SE 7th Place asked about the placement of street trees. He explained that he was afraid certain placements would erode the street and curbs. Staff explained the new requirements.

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

1. The one foot reserve strip which is controlled by the City, for access to N.E. 21st Avenue, from the undeveloped to the west. Staff explained that this strip controls access onto a public road. If it was strictly a right-of-way, technically, the undeveloped land to the west would have uncontrolled rights to its use.
2. The portion of N.E. 21st Avenue that abuts Tax Lot 601. Staff explained that, given the location of the home on that tax lot, it appears unlikely that further development of the lot would take place, making future sidewalk and street improvements unlikely. Conditioning the widening of the right-of-way will enable sidewalk and street tree placement along that portion of the southern side of the street. In the event that lot is developed later on, the applicant could apply for advanced financing of the portion that would benefit Tax Lot 601, to be reimbursed at that time.
3. The Request for Comments received from the Police Department. Staff explained that nothing had been checked on the form and that the form was signed by Chief Giger. Discussions with Chief Giger made staff aware that it was a question of future funding. Chief Giger wanted to discuss this matter with the Council and the Budget Committee first, and then would be happy to come before the Commission.

4. The input from the school district. Staff explained that, like the Police Department, school services were dependant on future funding. Additionally, the district was especially concerned with future development in the southeastern portion of Canby.
5. Reference to a park area to the west of this proposed development. Staff explained that it was west of N. Locust, mid-way between N. Locust and N. Holly, south of 22nd Avenue, which is the western end of Rebecca Estates.
6. Full street improvements on N. Maple. Staff explained that the owners of Tax Lot 601 have been notified that at such time that they connect to the City sewer, they will have to provide for dedication on N. Maple.
7. Input from the Police Department. Mr. Hoffman explained that although Chief Giger was at a Budget Meeting and unavailable to comment at this hearing, the Chief related that he is concerned that as population increases and his department's budget does not increase such that services can be increased to the new residents, it will result in a decrease in services to the entire community.
8. The size of the lots. Although there is no limit on the size of lots in the Ordinance, the Commission recalled a discussion held with METRO recently where it was agreed that better land use planning is necessary in order to accommodate growth. The Commission pointed out that such large lots would not necessarily improve the density problem and approving them would almost necessitate encouraging expansion of the growth boundary.
9. The Commission agreed more information was necessary from both the Police Department and School District. **Bob Christiansen, 713 N. Ash, Director of Education and Development, Canby Unified School District**, stated that he is concerned about accommodating the new students due to the growth Canby is undergoing. He concurred that there are empty classrooms at the Philander Lee School and in Carus, but explained that there are no plans to staff those rooms due to the restrictions in the operating budget, the effects of Ballot Measure #5. Further, he added, the Trost Elementary School area, the southeast quadrant, is the area of most concern as it is growing so quickly and houses the most developable land. The General Fund, he explained, is looking at lowering the budget which could increase the size of the classes. Mr. Christiansen explained that it costs approximately \$4,500 to educate a

student per year, and the district is getting \$3,800 now. Due to Measure 5, the district will be receiving less money in the next two succeeding years. He then submitted a 'Classroom Size Study' broken down by school and for the district as an average.

The Commission asked how, if the district is unable to state affirmatively that the schools are at capacity, it would be able to deny an application. Mr. Christiansen stated that although services are available, the level of service could be reduced because there are no legal requirements limiting the size of a class. He added that although the district agreed not to make boundary changes unless absolutely necessary, at the present time they are considering boundary changes, and the possibility of housing 2 to 3 classes in Carus and/or moving one grade level to Philander Lee. Presently, there is no Master Plan for the unified district in place. When asked if his comments and concerns related to all 3 subdivision applications, Mr. Christiansen stated they did.

When asked if the district had established an upper limit above which services are not available, Mr. Christiansen stated that too high of a pupil-teacher ratio could bring the level of service down. School staff is presently working on data as to what the Board considers an adequate level of services and how many additional students can be absorbed to provide an adequate level of service.

Commissioner Elliot moved to continue SUB 94-01 to April 25, 1994 for further information from the Police Department and for further information from the Unified School District. Commissioner Mihata seconded the motion and it carried 6-0.

After a short break, Chairman Schrader explained that Mr. Wilhelm requested a continuance for SUB 94-03. **Commissioner Mihata moved to continue SUB 94-03 to April 25, 1994 at the request of the applicant's representative. Commissioner Wiegand seconded the motion and it carried unanimously.**

SUB 94-02, an application by Zarosinski-Tatone Engineers, Inc. for approval to develop a 7.25 acre parcel into a 26-lot single-family subdivision. The site is located north of N.E. 34th Place, on N. Maple Street (Tax Lot 2602 of Tax Map 3-1E-21).

Chairman Schrader asked if any Commissioner had ex-parte contact or conflict of interest. Chairman Schrader stated that he received a phone call from Steve Montecucco on a separate issue. Mr. Montecucco indicated he had some concerns about this proposed development and Dr. Schrader advised him to come to this hearing. Commissioner Ewert stated he met people at the site and talked with them, but had not come to a conclusion pro or con. Other than visiting the site, no other conflicts or ex-parte contacts were indicated. Dr. Schrader then reviewed the hearing process and procedures and reviewed the applicable criteria.

Theodore DeKanter, 720 NE 34th Place spoke to the issue of specificity and referred to portions of the staff report he felt were not specific enough.

Jim Wheeler presented the staff report. He explained, once again, that the criteria outlined in the staff report did not include #4, that "All required public facilities and services are available to adequately meet needs," which is one of the more recent changes in the Subdivision section of the Development Ordinance. The property is zoned R-1 and is located at the end of N. Maple, north of N.E. 34th Place. The applicant proposes to develop the 7.25 acre parcel into 26 lots, with two 40 foot wide public roads and to preserve the man-made wetland area. The density of the proposed development is 5.2 lots per acre, which does not include the open space/wetland area or the roads. The parcel sits higher than the surrounding urban residential development and lies in the 500-year flood plain, according to the most current flood insurance rate maps. A concern has been brought to staff's attention, specifically with regard to the 1964 flood which crested at an approximate elevation of 95 feet, about 10 feet higher than the general elevation of this parcel. Staff explained that since that flood there have been a lot of changes to the Willamette River drainage basin since that time, which includes numerous reservoirs. In staff's opinion, the site will not be filled to such a degree as to create additional flooding problems to adjacent properties, although a specific fill plan with volumes has not been submitted. A brief discussion with the applicant's engineer revealed a general fill proposal with elevations to approximately 85-86 feet. There are two wetland areas in the southern portion of the site and one in the northern portion. There is a letter in the file from the Division of State Lands which states that even though wetlands are indicated, the property does not fall within their jurisdiction. The Army Corps of Engineers considers the wetlands in the northern portion of the site as an area of standing water, resulting from excavation, rather than a natural wetland. The southern area, which includes two wetland areas, is considered to be under their jurisdiction and should be preserved. Since there is no proposed filling activity or development for that area, no permit approval or further review is required.

If this application is approved, staff has recommended conditions that do require engineering and permits before additional fill can be placed on the site. Additionally, the proposed conditions include a precautionary procedure on the part of the City, to require engineering for the roads and building sites, because the characteristics of the soils already used for fill are unknown for development purposes, and this will assure that the homes will be built on soils that will properly support the structures.

The applicant is proposing to divert the existing storm water sewer which drains the adjacent field to the north as it has periodically plugged up. There is a letter in the file from Paul Montecucco from a consulting geologist who investigated the wetlands with regard to drainage.

Although the applicant proposes to preserve the most southerly wetland area as open space, the City does not feel it will benefit by maintaining it as part of the park system. The applicant indicated interest in dedicating it to the school district for educational purposes, but if that is not accomplished, some form of suitable private maintenance agreement covering the wetland areas will have to be recorded. Additionally, excess water around the southern wetlands areas during the winter months must be addressed as there is no apparent outlet for the additional water and could cause problems to the adjoining properties and surrounding development.

Mr. Wheeler discussed the approximate 220 trees on the property which are larger than 8" in diameter. Approximately 73 would remain if trees within 20 feet of the rear lot lines, within 6 feet of side lot lines, and in wetland areas were retained (with the exception of those which are in utility easement areas and in rights-of-ways). The City Arborist suggested a tree retention plan be submitted for his study, and if additional trees need to be removed due to the footprint of the house, the builder should apply to do so at time of building permit. A grade and fill plan should also be submitted to assess the potential impact on trees in the buildable areas, since fill will be brought in, and whether future hazards would be created.

An unspecified variance was granted regarding the cul-de-sac length for the Country Club Estates Development. With the exception of Maple Court, which is a loop back on to Maple, all cul-de-sacs north of N.E. 23rd Avenue are in excess of the 450 foot standard for maximum distance of a cul-de-sac. As the variance did not indicate that the maximum standard applied only to Country Club Estates, nor did it cite a replacement standard, staff assumes it applies here as well. On the plat for Country Club Estates #3 there is a statement regarding the cul-de-sac on the north end of Maple Street which indicates it is to be vacated upon further development and extension of Maple Street, and an additional condition should be added to cover this vacation, as the applicant does propose to extend N. Maple further north from the existing cul-de-sac.

The amount of required street trees would be variable depending on the number of trees retained and how close they would be to the roadway. Their location must be compatible with placement of utility lines so the trees have adequate growth room. The right-of-way width of 40 feet and the paved street of 36 feet does not afford a lot of extra right-of-way space. Staff proposes that the sidewalk be constructed against the curb and street trees planted 12' behind the curb.

The water line is proposed to be looped back at the southwest corner of the property. The City prefers that it be looped through 34th Court, via the southern boundary of the wetland area. A sewer line would be connected to 34th Court, between Lots 17 and 18 in the proposed subdivision from the easement already in place between Lots 22 and 23 in Country Club Estates, although such placement would necessitate the removal of trees in the existing easement. According to Bill Owen, the City Arborist, if the trees in the utility easement are properly removed, there should be no damaged to the remaining trees.

Emergency vehicle access is proposed via the Molalla Logging Road, up to the northern end of Maple Street. An easement will be required to accomplish this.

Only 23% of the lots meet the Solar Access Standard. However, the applicant is striving to retain certain natural features, in addition to restrictions regarding the lot dimensions and configuration. There is a provision in the Ordinance which states that the Planning Commission can reduce or adjust the required percentage of lots that meet the standard in cases where natural features are being preserved.

As with the previous application, the same comments regarding police and school services apply to this application. The conclusion regarding consistency with the policies of the Comprehensive Plan must be revised to show that this proposed subdivision is consistent with the policies of the Comprehensive Plan, **with the exception of Policy #5 of the Public Facilities Element. Further information is needed to properly assess the consistency of the application with this policy specifically with regard to provision of police and school services. At this time, the application is considered not to be consistent with Policy #5 of the Public Facilities Element.** Therefore, under additional information is received and reviewed, staff recommends denial.

Applicant

Ron Tatone, 1127 N. Locust, Canby explained that the site is between the 100 and 500 year flood plains, at about an 84'-85' elevation. He further explained that storm water goes through a pollution control manhole, underneath the Logging Road, before it is released into the Willamette River and that no oils and greases are released into the River. With regard to the traffic patterns, Mr. Tatone explained his traffic engineer stated that on a 26 lot subdivision, the tables show there would probably be about 260 trips per day, 26% during the peak am and pm periods. In the traffic engineer's opinion, it would not change the level of service -- it would not take significantly more time to get from point A to point B. Further, Mr. Tatone explained that there is provision on N. Maple for public sidewalk dedication. Emergency vehicle access from the Logging Road would be an improvement for the neighborhood. Caffall Brothers, owners of the Logging Road, have agreed to discuss the emergency access proposal, and easements for access and drainage. Mr. Tatone explained that the applicant had wanted to either dedicate the open space to the City or to the school district for a nature study area. There would be no problem having the maintenance of the area included in the CC&Rs of the Homeowners Association. He requested that the Commission approve the application.

Questions of staff:

1. The City's drainage system. Staff explained that the majority of storm water drainage is handled in drywells, separate from the sanitary sewer system. Further, staff explained that the applicant proposes to divert the existing storm water sewer that drains the adjacent field, to the north, as it has had periodic problems with plugging up.
2. The soils on the site. Staff explained that the wetlands consist mainly of clay loam soils which are poorly drained.
3. The 100-year flood plain. Staff explained that the building sites that are less than 85 feet in elevation would be adjusted to be above the 100-year flood plain, but that the entire site is not considered to be in the 100-year flood plain according to the Flood Insurance Rate Map.
4. The wetlands. The Commission asked if the State Division of Lands had any construction standards which would apply, to protect the wetlands during construction. Staff explained that the State Division of Lands does not consider this wetlands. Mr. Hoffman explained that the County has standards which would apply to protect drainage into the wetlands area from nearby farms.

5. Whether removal of some trees would create a safety hazard to the remaining trees. Staff explained that a tree retention plan was needed for just this purpose, as the potential does exist.
6. Access from the Logging Road. Staff explained that Caffall Brothers, owner of the Logging Road, submitted a letter regarding their conversations with the applicant for emergency access and, further, that there was a representative present who could field questions.
7. Future improvements on Maple Street. Staff explained that widening of the road is not possible at this time, until land on the west side of Maple, which is not in the City, is annexed into the City. At the present time, there is parking on one side of the street and it is possible to seek City Council approval to restrict it to enable two lane traffic.
8. The definition of wetlands and whether it is legally binding upon the City to treat the southern "wetlands" area as such. Staff explained that there are no rules regarding the definition or regulations of wetlands in Canby. For the most part, the City relies on the State, which does not recognize this area as a wetland. For additional information, City staff would have to consult with the Army Corps of Engineers.
9. Whether the ground at the tip of the development is higher the lift station. Staff explained that the elevation of the lift station is 73 feet and the southeastern portion of the site is 86 feet. Where the sewer line would be tied in, at the cul-de-sac, is approximately 75 feet.
10. Maintenance of the open area. Since there isn't a lot of land that is *usable*, and would have little, if any, appeal to potential homeowners, the Commission expressed concerns about maintenance. Mr. Hoffman explained that he walked the site with Scott Nelson, Director of Parks and Recreation, who was not prepared to recommend whether the site should be accepted for dedication. Initially, his conclusion was that it should not be part of the recreation plan, but after walking the site, could see it had potential. Mr. Nelson feels that as long as there would be no cost to the City in accepting dedication, he would not oppose it. Maintenance, however, would have to be agreed upon by the subdivision association. Additionally, he felt it should not be accepted in lieu of any SDC credits.
11. The Commission expressed concern about reducing the Solar requirements to 23%, as the minimum necessary to mitigate the problem.

12. The Commission agreed to accept the school district's testimony as part of the record for this hearing
13. With regard to the vacated cul-de-sac on Maple, staff explained that the extra land would be added on to adjacent lots when Maple Street was extended northward.
14. Regarding Mr. Burton's testimony, the Commission inquired about any accidents that have occurred on the Logging Road. Mr. Burton stated he was unaware of any.

Proponents

None

Neither For Nor Against

Art Hall, 845 NE 34th Court explained that 13 families met to discuss the application. They reviewed a copy of the plat and Development Ordinance. Regarding Criteria #2, he requested that the Commission follow the ordinance with regard to the wetlands. The people who met requested more information with regard to their concerns regarding the grade of the road, the amount of fill, the grade of the drain in the wetlands which will affect homes on 34th Court, the width of Maple Street [which has no sidewalks and, with cars parked on one side, leaves only 1 lane for traffic flow], and how traffic will be impacted due to the width of Maple.

Theodore DeKanter, 720 NE 34th Place addressed the issue of specificity, specifically with regard to page 4 of the staff report.

Art Marshall, 3270 N. Maple stated that after walking up and down Maple, he found no opposition to the proposal. He added that residents were opposed to limiting parking on Maple. Further, Mr. Marshall stated that speed is a concern because the downhill slope on Maple is dangerous, and that power lines are not adequate as they are overloaded. He questioned whether additional homes would further tax the electricity load. Mr. Marshall then addressed his concerns about the odor from the sewer plant.

Don Woodruff, 850 NE 34th Place addressed his concerns about traffic on Maple and surface water. Mr. Woodruff stated that he continually has a sump pump going and it is a constant fight.

Paul H. Burton, General Counsel, Caffall Brothers Forest Products, Inc., P.O. Box 725, Wilsonville 97070 stated that he is not opposed to the proposal and that Caffall Bros. will make every effort to work with the applicants. Mr. Burton submitted a letter basically covering two primary concerns: 1) safety, and 2) dust. Caffall proposes the Commission require an 8' chain-link fence be erected along the boundary between the Logging Road and the proposed subdivision, which could be gated for emergency vehicle access. He proposed that the gate should be locked at all times with a key held by Canby emergency services. Additionally, he suggested written disclosure be given to each purchaser in the subdivision regarding the use of the Logging Road and the dangers it presents. During the dry months, he stated, logging trucks travel the road very often and generate a significant level of dust. To minimize the dust generated, he suggested the road be regularly watered. Paving, he stated, is too expensive to consider and would be destroyed by logging trucks before too long. He suggested the Commission require that wooden or plastic slats be interlaced into the chain-link fencing to diminish dust penetration to the potential homes.

Nathan Clayton, 715 NE 34th Place questioned what would happen to adjacent farm land if Maple was widened. He also stated his concern about the increase in traffic, with more people using Maple to access the river. Mr. Clayton added that with more children living in the area, there would be an increase in potential accidents on the Logging Road.

Doug Poppin, 3220 N. Maple stated that he is concerned with the added vehicle traffic on Maple and safety issues with the increase of pedestrian traffic on the Logging Road. He discussed the vandalism to the golf course coming from children on 3-wheelers who travel very fast on the Logging Road and just go around the gate onto the greens. With the increase in that kind of traffic, he felt more concern should be shown for pedestrians on the Logging Road.

Opponents

Terry Tolls, P.O. Box 577, Portland 97207 referred to a letter from Roger A. Redfern, Consulting Geologist, regarding the probability of wetland occurrence at the subject site. Mr. Tolls stated that he has done many projects on the river and that the flood map cannot be totally relied upon. He also referred to a copy of a letter from Ed Sullivan, written on behalf of the Montecucco family, acknowledging that, in most respects, the application complies with City standards. In his letter, Mr. Sullivan raised certain concerns which he alleges need further investigation and that it must be demonstrated these concerns are consistent with City standards: 1) flooding; 2) development on wetlands; 3) drainage; and 4) school capacity. Mr. Tolls submitted photographs of the

Montecucco property which were taken in 1974, showing drainage damage to the Montecucco property as a result of excavation on adjacent property, interrupting the drainage, in preparation for the subdivision. He stated that this type of damage would increase when fill is added to the subject property, especially as the City cannot control the amount of fill added.

Mr. Tolls then **requested a continuance**, based on new information submitted since the staff report was written. Mr. Tolls offered to make copies of the photographs, but Mr. Hoffman advised him that they were now an official exhibit and must remain for the record.

Chairman Schrader suggested that anyone who could not attend the hearing on April 25 should testify at this hearing so they will be on record.

Linda Geddes, 740 NE 34th Place addressed her concerns regarding the environment. She stated that the wetlands areas are sanctuaries for animals, birds, and butterflies. Furthermore, she added, the trees act as a barrier for the Logging Road and should not be removed.

Al Geddes, 740 NE 34th Place stated his concerns. Mr. Geddes stated that there will be an 80% increase in traffic on Maple Street and was especially concerned about construction vehicles causing inconvenience and destroying the surface of Maple Street. Reminding the Commission that drainage problems resulted from fill being placed on the site without an excavation/grading permit in 1990, which resulted in a "Stop Work" order, Mr. Geddes said that a violation exists now also, in that there are seven piles of dirt in the cul-de-sac, which means further work has been done since then. Mr. Geddes further concurred with Ms. Geddes environmental concerns. He questioned where the water would go once fill was added to the site and explained that many of the houses in the area are already operating sump pumps due to the drainage problem in the area. Mr. Geddes also questioned the ability to receive emergency service in a timely fashion if the gate from the Logging Road access is locked. He also questioned how the emergency vehicles could access the site if a logging truck was using the road at the time of an emergency.

John Gunter, 930 NE 34th stated that he concurs with previous testimony. He also stated his concerns about the legality digging 10 feet in a 10 foot easement for the proposed sewer, which will run along the side of his lot. Further, Mr. Gunter stated his concern about the physical condition of Maple Street, adding that it is already approaching its useful life and that construction traffic would destroy it. Mr. Gunter suggested building an MSE sound wall along the Logging Road which would screen it and serve as a noise abatement structure which would be needed once the trees are removed.

Dixon Andrews, 2760 N. Maple stated that traffic on Maple is his primary concern, especially as they have two children and one is autistic. Mr. Andrews referred to Criteria #3 and stated that this development would hinder surroundings, as would parking restrictions. In addition, with reference to Criteria #4, Mr. Andrews stated that the Police Department will not be able to meet the needs of the community, especially as they do not respond to his complaints about speeding on Maple Street now.

The Commission decided to bring the public portion of the hearing to a close and afford the applicant the opportunity to get a list of issues he should be prepared to address at the next meeting: 1) the fill plan and how it might affect wildlife; 2) more information on the wetlands; 3) drainage and stormwater system plans; 4) tree retention plan; 5) traffic report/information; and 6) Maple Street widths. The Commission requested that staff communicate with CUB regarding low voltage in the area. Also, the Commission requested more information about the service and maintenance costs of a lift station, above and beyond the normal maintenance expenses.

Commissioner Gustafson moved to continue SUB 94-02 to April 25, 1994. Commissioner Ewert seconded the motion and it carried unanimously.

SUB 94-03, an application by Regan Enterprises for approval to develop Phase VI of Township Village. The applicant is proposing to develop 12-single family residential lots. The site is located south of Township Road, west of S. Pine, at S.E. 10th (Tax Lot 4500 [part] of Tax Map 4-1E-3BC and Tax Lot 4800 [part] of Tax Map 4-1E-4AA). *Continued to April 25, 1994*

VIII. DIRECTOR'S REPORT

Bob Hoffman reported that Mr. Kahut plans to submit his application for the Transfer Station shortly, and that he is accompanied a group of 15 people from Township Village to St. Helens to see the scale of Mr. Kahut's plans at a similar site that handles about the same volume of materials.

Mr. Hoffman further reported that he is attending a meeting on April 15th with METRO and ODOT shortly, regarding the City's application for funding to study the METRO alternatives and what the impacts could mean to Canby. It appears we would share funding with Sandy and North Plains and on Friday there would be input from METRO as to what considerations they would like included in such a project. Funding comes from ODOT and the Federal Government to Region I and METRO controls, to a large degree, how

those funds are used. As Canby is outside of METRO, we must have their approval to receive any funds. Canby is also in Region II, which does not have much money and is not likely to fund METRO's study. As the new Commissioners were unaware of the background, Mr. Hoffman explained that the Commission supported filing four applications with the State for funding for transportation planning. One application was to look at METRO's selected alternative for what impacts it might have on Canby.

Commissioner Schrader requested that staff advise City Council that the Planning Commission would like to be involved with the METRO project.

IX. ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

Respectfully submitted,


Joyce A. Faltus