

MINUTES

CANBY PLANNING COMMISSION

Regular Meeting

September 12, 1994

7:30 p.m.

I. ROLL CALL

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Elliot, Ewert, Maher, Gustafson

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

Others Present: John Middleton, Jane Blake, Jim Larson, Gary Kuykendall, Al Geddes, John Gunter, Nathan Clayton, Linda Geddes, Don Woodruff, Dick Sattler, Laura Sattler, Dana Tyler, Bob Steele, Paul S. Montecucco, Donna Woodruff, Vern Keller, Lee Blake, Kevin Howard, Jim Trenary, Carrol Steele, Bo Nevue, Gay Kuykendall, Ron Tatone, Richard White, Harry Irones, Doug Sprague, Dennis K. Hopper, V. Montecucco, Jerry Burns

Mr. Hoffman reminded the Commission that there is a Commissioner training conference scheduled for October 8th. He asked if any of the Commissioners wanted to attend.

II. MINUTES

The minutes of July 11, 1994 were approved, as submitted.
The minutes of July 25, 1994 were approved, as submitted.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

Jim Trenary, 4180 Markham Street SE, Salem 97301 spoke on behalf of the Chevron Station located on Highway 99-E. He discussed the landscaping plan and reminded the Commission that during deliberations the Commission discussed planting either grass or wildflowers as groundcover. It has been found that grassy areas portray park-like settings and create problems in that people tend to use it as a hangout, which could cause safety problems. Therefore, Chevron decided to plant

wildflowers. He explained that the wildflowers have been planted three times so far, because they take longer to get started than grass does. Further, he asked that the developer be given sufficient time to ensure that the plantings take effect.

The Commission discussed the request and although the majority preferred grass as a groundcover rather than wildflowers, which often appear to look like weeds, it was agreed that the applicant would be given until August 1, 1995 to see if the wildflower plantings take. Commissioner Elliot cautioned that irrigating wildflowers tends to breed weeds, explaining that wildflowers usually grow in barren, arid areas.

IV. COMMUNICATIONS

None

V. FINDINGS

None

VI. OLD BUSINESS

None

VII. COMMISSION DISCUSSION OF PLANNING ISSUE

Commissioners Mihata and Ewert informed the Commission about joint held on August 31, 1994, between the Planning Commission, the City Council, and the School District. They explained that the school district needs more information from the City about proposed subdivisions than just receiving the Request for Comments. The district would like the City to speculate about the number of school aged children that might result from a proposed subdivision. Further, an issue raised at the meeting was the timeline involved in processing applications for the school district to allow faster assimilation of students. The Commission suggested that the district should be enlightened as to the Priority A, B and C lands that could be considered for annexation so that they could take that into account when working with their newly hired consultant. Between the consultant and the visioning process that the City is undergoing, which will secure much citizen input, a lot could be accomplished before the next joint meeting.

The Commission discussed the emphasis on annexation of Priority "A," "B" and "C" lands, with the emphasis on how such annexations impact the school district.

Mr. Hoffman explained that he received a communication from Steve Miller outlining a schedule of 13 committee meetings dealing with boundary and grade configuration concerns. Mr. Hoffman advised that he is serving on that committee

VIII. PUBLIC HEARINGS

SUB 94-02, reconsideration of an application by Zarosinski-Tatone Engineers, Inc. for approval to develop a 7.25 acre parcel into a 25-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. None was indicated. He then reviewed the hearing process and procedures and indicated the criteria that was posted on the board.

John Kelley, City Attorney, referred to the August 12th memorandum which clearly set forth what occurred at the July 20th City Council appeal hearing, when this application was remanded back to the Planning Commission for reconsideration. Council found that five findings were made regarding the school capacity issue, which, after the workshop session between Council, the Commission and the School District, were found to be moot. Mr. Kelley explained that the application would be treated as a new application, but urged people who had been participating in the process to conserve time by keeping testimony brief and to the point, as the Commission is familiar with all the issues.

Mr. Wheeler presented two supplemental staff reports dated August 12 and September 2nd. He reviewed the issues that were discussed at previous hearings, which are covered in this report. Also in this report, are proposed conditions, should the Commission approve the application. At the last hearing, the Montecucco attorney brought in a letter requesting that certain agreements that had been reached, be included as conditions if the application is approved, which have been incorporated into the recommended conditions of approval in the memorandum dated September 2nd.

Mr. Wheeler explained that since both memorandums were written, he visited the site and spoke with some neighbors. Concerns that were expressed included the elevation of the subject property and the possibility of additional flooding to existing homes due to fill being placed on the site above the existing grade. He reviewed possible conditions that could be attached to an approval, which would restrict runoff to the property to the south.

With regard to the solar issue, Mr. Wheeler explained that the applicant has submitted a new subdivision layout which contains 25 lots, allowing for larger lots and a protected solar building line which places the houses that are constructed a little farther to the north, and better access for solar energy/conservation. The applicant outlined in his addendum, how the subdivision meets the solar ordinance, which includes existing shade, although a number of the trees will be removed. He indicated on a plan, the trees that were originally planned to be saved, such as along easements and back property lines, and reviewed the shadow patterns. He explained that if lots are to be considered exempt because of existing and future shade, 80 percent of the lots must be currently shaded and 50 percent of the shading must remain after development. If the trees not to be retained are removed, a majority of the lots will still have the 50 percent of shade remaining. Only one lot has a little less than the 50 percent retention required for shading. This is covered in the recommended conditions of approval. Mr. Wheeler then reviewed Section 16.95.050, Adjustments to Design Standards.

The wetland was discussed. In response to a question from the Commission, Mr. Wheeler explained that no further information has been received from the Army Corps of Engineers about it.

Regarding the width of N. Maple, concern about encroachment on the Montecucco farm was expressed by the Montecucco family. Due to this concern, the road has been built with a 5 foot strip between the edge of the road and the farm, which is not within the City limits.

With regard to electric service, staff explained that the existing lines, which were laid in the 1970's, were not enclosed in a pipe conduit. The occasional power outages experienced in the area are a result of the line degradation and not from insufficient voltage which serves the area. The Canby Utility Board has included replacing the existing lines in its budget.

Mr. Wheeler explained that Mr. Montecucco was concerned about the fill for the road area; more specifically, within the area just past the existing cul-de-sac, where it drops down to below 84 feet. In their last correspondence, they requested that the fill not be higher than the existing grade elevations of the Logging Road and Maple Street, at the point where the access road meets the Logging Road. Furthermore, 25 percent of the subject area will be hard surfaced, which will cause natural runoff to be reduced due to the storm drain collection system, lowering the water table somewhat and protecting homes to the south a little.

Applicant

Ron Tatone, 1127 NW 12th Avenue stated that he concurs with the September 2nd supplemental staff report and will abide by the recommended conditions of approval. Further, Mr. Tatone stated that the applicant has met Mr. Montecucco's requirements

regarding the fence, drainage and fill. The Caffall Brothers' requirements will also be met. He pointed out that the Montecucco farm has a farm drain tile throughout the farm. When Country Club Estates #3 was developed, that drain line was intercepted and reconnected to a large line. Prior to that time, it ran across the golf course and under the Logging Road and discharged north of the sewage treatment plant into the Willamette River. The outlet portion has not been changed, only the point of discharge. He pointed out that the level of water in the river is the controlling factor for the discharge of water in that line. The new plan for Country Club Estates #4 is to intercept that drain tile back further to the west, connect it into a new drain system. The result will be two drain lines into the Willamette River. With regard to the existing homes to the south, an option exists that the new drain line could be available for their use.

Proponents

John Middleton, Z-Tech Engineering, 3737 SE 8th Avenue, Portland explained that 84 feet is the 100 year flood elevation, as determined by the Army Corps of Engineers. The valve that water discharges through, into the river, is at 74 feet. He explained where most of the fill would be placed on the subject site, referring to the site plan. When asked if the new line could help the development to the south with their drainage problems, Mr. Middleton replied that their sump pumps could drain to the line that the new development drains into, which then pumps out into the river, if they are not situated lower than the storm drainage pipe. Regarding the wetland area, Mr. Wheeler explained that the wetland was seasonal. Mr. Middleton explained that even if it dried temporarily during the summer, it would remain as nice open space, and would have enough soil moisture to sustain the plants that are typically found in a wetland.

Opponents

Jim Larson, 970 NE 34th Place stated that the applicant calls the area a "wetland" area to avoid meeting the Solar Ordinance requirements. Regarding traffic, he questioned when a traffic counter was placed on Maple Street to measure the existing traffic load. Further, he asked what impact the heavy trucks, carrying fill, would have on Maple Street, and who would repair Maple Street. He asked whether it was true that the City would maintain the catch basin. Additionally, Mr. Larson asked who would be responsible for the maintenance agreement regarding the private open space.

In response, Mr. Wheeler explained that the traffic counts and volume came from the Traffic Analysis Report. Regarding Maple Street, Mr. Wheeler explained that construction activity does deteriorate a road faster than ordinary traffic, and that it was the City's responsibility to maintain N. Maple. Roy Hester, the Public Works Supervisor, confirmed that the City would be maintaining the catch basin and the

storm water line for that catch basin. The maintenance agreement would be between the homeowners living in the subdivision.

John Kelley, City Attorney, explained to Mr. Larson that the issues he raised must be more fully explained as "issues" rather than as "questions" to have standing. Mr. Larson explained that his concerns were issues because he feels Maple Street will be destroyed. He is also concerned that the City does not have the money to foot the bill to repair it.

Gary Kuykendall, 945 NE 34th Place stated his concerns about the negative aspects of this development. Regarding traffic, he stated that there are too many houses in the area. The traffic problem currently exists beyond 31st Avenue and will only become worse. Furthermore, the applicant does not guarantee the trees would remain standing. He questioned how it could be ensured some trees would remain. Mr. Kuykendall stated he was not sure emergency access would come from the Logging Road. Although the school issue does not appear to impact this decision, he added that children cannot continually be added to classrooms and teaching staff cut, while maintaining the quality of education that Canby's become accustomed to.

Mr. Wheeler explained that primary emergency access would come from Maple Street and secondary, from the Logging Road. The layout of the subdivision has provided for access from the Logging Road, he added, and a recorded easement would state that such emergency access is available.

Al Geddes, 740 NE 34th Place informed the Commission that, in August, there was a fire at the end of 34th Place. A fire truck came down Maple and had to cross the Montecucco Farm to get to the fire. Regarding the electric service capacity, he stated that as recent as August 10, there was a power delay on 34th Place. Adding new service to the existing line would create additional problems, he added. The traffic volume is at a dangerous level. Adding additional traffic would be even more dangerous. Mr. Geddes expressed concern that the new development would be filled to 86 feet. As the back of his lot is at 84 feet, he explained that a gully would be created, to collect runoff. He further explained he is concerned about the cost of buying into installation of drainage tile that the applicant has referred to.

John Gunter, 930 NE 34th Place stated that, as a construction estimator, he has calculated that approximately 6,000 tons of material will be required just to construct the streets and utility improvements. The 6000-10,000 yards of material fill is not available on-site and would have to be delivered via Maple Street, which is in marginal condition. The material on-site is unsuitable and will have to be transported out via Maple Street. Mr. Gunter stated that by the time the subdivision is complete, Maple Street will be ruined, and it will cost the City between \$35,000 and \$40,000 to bring it back to its original condition. Further, Mr. Gunter stated his concern about the sanitary sewer, which is projected to be between his lot and the adjacent lot. A

recommended condition of approval stated that it should be tunneled around the trees. There are physical constraints to placing the sanitary sewer 10 feet below ground in a 10' wide space where there is a 10' utility easement, trees, and a fence line, he added. Regarding the Logging Road, he explained that in 1987, a logging truck fell off the road while loaded with logs. He suggested that there should be more of a buffer than a cyclone fence.

Jane Blake, 880 NE 34th Place stated that the elevations on the site plan appear different from the elevations her plan show. She stated her concern that the existing homes to the south will be flooded from the new development. If the subdivision is approved, Ms. Blake asked if water from the gutters in her subdivision could be routed to the street instead of drywells. Ms. Blake discussed a variance for the cul-de-sac on 34th Place, which is more than 450 feet. She also addressed her concerns about traffic conditions on Maple Street.

Mr. Wheeler explained that the variance was granted for the length of the cul-de-sac and there was no explanation given in the minutes as to why it was granted approximately 20 years ago. He suggested it might have been approved because there was no means to connect it to another street. Maple Street dead ends too, which makes it a cul-de-sac as well, with other dead ends off of it, he added. This development would extend that pattern. The residents of 34th Place could hook up to the stormwater system, but the sump pumps are situated below the holes in the curbs, making it impractical. If the line was constructed behind their properties, as Mr. Middleton suggested, and it is a positive grade from their property, it would be feasible.

Don Woodruff, 850 NE 34th Place addressed the water problems in the area. He stated that he runs 2 sump pumps. Although it was stated there would be a 25 percent reduction in surface runoff, he questioned if staff considered the substantial irrigation that takes place in the summer, especially on 25 new lots. He described the conditions on Maple, especially if there is a car parked on Maple itself.

Laura Sattler, 965 NE 34th Place stated that she concurred with previous testimony. She addressed her concerns about the size and marketable value of the new homes. Chairman Schrader explained that the Commission does not address those concerns.

Linda Geddes, 740 NE 34th Place referred to the Transportation Goals, item #4. If 200 cars a day are added to the existing traffic on Maple Street, the City will not be able to provide an adequate sidewalk and pedestrian pathway to serve all residents. She disagrees with the Traffic Report, which states there would be no affect on the traffic flow. Regarding disturbance to the wetland area, she stated that birds and animals frequent the wetlands, and by building homes and installing a 6 foot fence, it cannot remain in a natural state. The State does not require a buffer zone around natural areas, she added. Once the human element is added, maintenance insurance is

mandatory, as debris will follow naturally. Mrs. Geddes stated that she is concerned about the one way in and out traffic. After a lot of rain, drainage is most important. If the valves close when the river is high, residents will get the least amount of help when they need it the most.

Nathan Clayton, 715 NE 34th Place stated that he concurs with previous testimony. He added that Maple Street is not a standard sized street. The Comprehensive Plan calls for 4.7 houses per acre. This subdivision proposes 5.2 houses per acre. Country Club Estates #3 has 3.8 houses per acre. Therefore, this proposal is not in compliance with the Comprehensive Plan. He added that this proposal is not compatible with the surrounding neighborhood. If Maple Street is to be widened, he questioned where the additional footage would come from. He asked why the marketability and design of the homes could not be considered. Chairman Schrader explained that the Commission considered what is required by ordinance, not the actual attractive or non-attractive features are not considered. Mr. Clayton added that he wished to go on record as opposing this development.

Mr. Wheeler explained that according to the construction drawing, the right-of-way is 25 feet, the pavement is 20 feet, and there's approximately 5 feet from the edge of the pavement to the edge of the right-of-way, which is where the additional footage for Maple Street would come from.

Dick Sattler, 965 NE 34th Place stated that there are too many homes proposed. He addressed his concerns regarding destruction of Maple Street, traffic on Maple, and the City's cost of repairing damage on Maple.

Chairman Schrader announced that it appears that the agenda items would not all be heard.

Kevin Howard requested a special meeting be held prior to the next officially scheduled meeting date as the cost of the constant postponements would cause the project to be shelved until spring, due to the forthcoming rainy season.

Scott Nelson, Director of City Parks, explained that the South Locust Street Park project was out to bid and bids will be opened on Wednesday and, hopefully, scheduled for the September 21st Council meeting. He is confident the architects have worked out everything with staff.

The Commission agreed to hold a special meeting on Wednesday, September 14th, at 8:00 p.m.

Rebuttal

Ron Tatone, 1127 N.W. 12th Avenue summarized the concerns addressed by opponents: drainage and traffic. Regarding drainage, he explained that there will be a drain line constructed to the back property line of the residents of 34th Place and provide 'T' connections for them to connect to so they can pump into or drain to it. It will be up to those residents to get their sump pump line or foundation line to that 'T' connection. Regarding traffic concerns, Mr. Tatone stated that the parcel is zoned R-1 and the proposed density is less than permitted. When Country Club Estates #3 was developed, he explained, a 30 foot right-of-way was dedicated. Although the City did not require sidewalks at that time, there exists a 5' strip of land between the property line and the face of the curb which should be used as a sidewalk instead of using Maple Street itself. He explained that the Traffic Report indicates additional traffic impact, but it does not influence any significant delays. With regard to the Logging Road, Mr. Tatone stated that the developers intend to use the Logging Road whenever possible and that they plan to work it out with the Cafall Brothers.

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

1. The Commission considered testimony from neighbors adjacent to the proposed development, that there is a high water table in the area and there is a need for sump pumps in their homes, and who were concerned that the proposed development might worsen the situation. The Commission considered the applicant's proposal to construct a storm water drain line that will be available to the adjacent neighbors to the south, and the fact that the maximum elevation for the inlet to the "wetland" catch basin will be 84 feet. The Commission discussed the fact that both the drain line and the 84' elevation would mitigate any adverse drainage impacts that this proposal could cause the adjacent properties to the south.
2. It was agreed that the fill in the building areas of the development should be graded toward the development streets or the "wetland" area and at an equal elevation with the property to the southern boundary line of this development.
3. The package of information regarding the joint meeting between the City Council, Planning Commission, and School Board, was made part of the record.
4. The Commission discussed the fact that the applicant is not totally responsible for the existing "poor" condition of N. Maple Street and would only be responsible for any additional degradation of N. Maple Street as a result of subdivision development activity, specifically related to the removal and

delivery of fill, if routed over N. Maple Street instead of the Molalla Logging Road. The dump trucks that are used for the removal and delivery of fill material will have a particularly adverse affect on the condition of N. Maple Street. This "wear and tear" on the road caused by the dump trucks is in excess of normal traffic and other subdivision and home construction activities.

5. To date, emergency vehicle access has not been found to be a problem for the residential developments along N. Maple Street. The Commission discussed a secondary emergency access via the Molalla Logging Road and the fact that it would mitigate any possible adverse emergency vehicle access effects that this development might cause to properties located along N. Maple Street.
6. The Commission discussed the wetland. Although the Army Corps of Engineers does say it is a wetland, doubt was expressed whether it was created over the years, basically due to fill on the site. It was generally agreed that whether it is an actual wetland or not, it must be treated as one, with a buffer around it, and protected during construction.
7. It was generally agreed that due to the changes in the application regarding treatment of the wetland, the application now meets the solar energy concerns of the Solar Ordinance.
8. Two hundred fifteen trees have been identified on the site, of which 130 are planned for elimination. The Commission discussed the fact that damage could potentially occur from the huge reduction of mature trees as they are nature's method of filtration, as well as serving to pull out a lot of groundwater. Further, the stability of the root structure of the remaining trees being damaged was discussed.

Based on the testimony presented at the public hearing on April 11, 1994, April 25, 1994, May 9, 1994, May 23, 1994, and September 12, 1994, the findings and conclusions in the April 1, 1994 staff report, the August 12, 1994 and September 2, 1994 supplemental staff reports, and on Commission deliberations, **Commissioner Maher moved to approve SUB 94-02 with the following conditions:**

For the Final Plat:

1. Twelve (12) foot utility easements shall be provided along all exterior lot lines, except the southern property line. The southern property line has an existing ten (10) foot utility easement, and that shall remain as is. The interior lot lines shall have six (6) foot utility easements as proposed. An easement to, and including, the catch basin in the "wetland" area shall be on the final plat.

2. The final plat shall reference this land use application - City of Canby, File No. SUB 94-02, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. The "protected solar building line" shall either be shown on the plat or recorded on a separate instrument recorded with the plat. The "protected solar building line" shall be recorded or shown on the plat for lots #1 through #5, and #23.
5. The following trees, as identified on the tree inventory plat submitted 8/5/94, shall be retained, through a recorded covenants, conditions and restrictions (CC&R's): 16-31, 35-39, 41-45, 48-55, 58-64, 79-83, 85-89, 96, 101-107, 109-110, 116, 127-129, 136, 141-143, 145-151, 156-159, 169, 178, 198-199, 204, 210-212, 215, 224.
6. The specific "wetland" areas shown on the plat submitted August 5, 1994, shall be shown on the final plat. A restriction against buildings within fifteen (15) of these "wetland" areas shall be on the final plat.

As a part of construction:

7. Any necessary utilities shall be constructed to the specifications of the utility provider.
8. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
9. Erosion-control during construction shall be provided by following the recommendations of the "Erosion/Sedimentation Control Plans Technical Guidance Handbook," by Clackamas County, dated August 1991, as revised.

10. No construction activities shall occur within fifteen (15) feet of the specific "wetland" area, as shown on the plat submitted August 5, 1994. Orange construction netting shall be staked out fifteen (15) feet around the "wetland" areas. Where the "wetland" areas are within fifteen (15) feet of the right-of-way, the netting shall be staked at the edge of the right-of-way.
11. Storm water design and construction for the subdivision shall conform to the Canby Public Works Department standards. The catch basin for the "wetland" area overflow shall be "environmental" in design, similar to that of the ones used in the Willow Creek Estates subdivision. The "wetland" catch basin inlet shall be at an elevation of no higher than 84 feet.
12. The field drains for the neighboring farm land to the west shall be drained through the subdivision's storm drainage system. All on-site storm water runoff for the individual lots shall be handled through the subdivision's storm drainage system.
13. The design and construction of the sewer system for the subdivision shall conform to the Canby Public Works Department standards.
14. Street improvements shall be built to the City specifications and standards. The improvements shall include the street, curbs, sidewalks, and street trees. A preconstruction conference shall be held with the City, the utility providers, and the developer/contractor prior to commencement of construction activities.
15. Immediately prior to the subdivision construction activity, the City of Canby and developer's representatives will video tape and inventory the present condition of N. Maple St. from Willamette Valley Country Club entry to the development site. The contractor will post a bond in the amount of \$34,000. The pavement will be re-evaluated after the City's approval of the subdivision's construction and the contractor will repair any deterioration not present at the start, to an equal or better condition. The City may invoke the bond for repairs not done.
16. An excavation/grading permit shall be applied for and issued for the fill that had been placed on the site prior to this development application. The permit shall precede any further development of the site.
17. The sidewalks shall be located against the curb, and shall be five-feet wide. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width.

18. The type of street tree to be planted shall be selected from the Recommended Street Tree list. The number of street trees to be planted shall be in accordance with the recommended spacing for the selected tree. The trees shall be planted eleven (11) feet from the street curb. The trees shall be planted along the street frontages of lots 1-12, 18, and 21-25.
19. Trees to be retained shall be clearly marked and protected from construction activity. Protection shall include, but not be limited to, avoiding compacting the soil underneath the drip lines of the trees with construction equipment, filling over the areas underneath the dripline, and felling of other trees into the trees to be retained.

Protection of the trees, until the subdivision construction is completed, shall be staking orange construction netting around the drip line of the trees. Sidewalk, street, and utility construction activity within 10 feet of the drip line of a tree that is to be retained shall be reviewed by the City Arborist.
20. The sewer extension from the subdivision's sewer to the sewer in N.E. 34th Place shall be tunneled under the existing trees between lots 22 and 23 of Country Club Estates Annex No. 3. The "roof" of the tunnel shall not be within three (3) feet of the surface.
21. Vacation of the existing cul-de-sac at the end of N. Maple Street shall be applied for and decided upon prior to the filing of the final plat.
22. A six (6) foot high chain-link fence shall be constructed along the site's entire western property line (lots 1 through 7), between the site and the Montecucco Farms property. The fence shall be in place prior to the commencement of any site improvement or construction work.
23. The fill for the construction of extension of N. Maple Street shall not be higher than necessary to meet the existing grade elevations of the Logging Road and the existing N. Maple Street at the points where the new N. Maple Street extension intersects with the Logging Road and the existing N. Maple Street. Fill for individual building sites shall be graded toward the subdivision streets or toward the open area. The grading at the southern edge of the development shall not be higher than is existing at that boundary edge.

Prior to the signing of the Final Plat:

24. 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 subdivision

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.

25. A copy of the easements for emergency vehicle access on the Logging Road and for the storm water drainage across the Logging Road shall be submitted with the Final Plat. A copy of the signed recorded easements shall be submitted to the City after the recording of the Final Plat and prior to the issuance of any building permit for homes in the subdivision. A copy of all CC&R's, protected solar building line recording instruments, and other recording instruments shall be submitted with the final plat to the City.
26. A written acceptance of the dedication of the wetland to the school district shall be submitted to the City with the Final Plat, if such dedication is feasible. If the wetland will not be dedicated to the school district, a maintenance agreement for maintaining the private open space shall be submitted to the City with the Final Plat. A copy of the recorded agreement shall be submitted to the City after the recording of the Final Plat and prior to the issuance of any building permit for homes in the subdivision.

After construction:

27. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
28. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.
29. The soils for each lot shall be tested for compaction and the results shall be submitted with the building permit.
30. Prior to the issuance of a building permit, the property owner's written acknowledgement of the trees to be retained shall be submitted to the City. The trees to be retained shall only be removed due to health or safety reasons, and shall only be removed upon recommendation of a certified arborist.

Commissioner Ewert seconded the motion and it carried 4-2, with Commissioners Schrader and Elliot voting nay. Commissioner Elliot was not satisfied that the development would not hinder the surrounding area, primarily considering the drainage issue and disruption of groundwater flow, nor that all

public services and facilities were available, primarily the streets with regard to safety and the road's ability to adequately service the area. Commissioner Schrader concurred with Commissioner Elliot's findings and, in addition, considered the lack of documentation that the wetland was, indeed, a "wetland," and that, in his opinion, the approval violates the solar ordinance.

Mrs. Geddes questioned why Commissioner Ewert participated in this hearing as he voiced a conflict of interest previously. Commissioner Ewert explained that the conflict never materialized.

City Attorney, John Kelley, explained that the findings will be brought before the Commission at the next regularly scheduled meeting and the appeal period begins when the Final Order is adopted and formally mailed to all parties who have standing. Then there is a 30-day period within which to file an appeal with City Council.

VIII. DIRECTOR'S REPORT

Mr. Wheeler explained that Pat Harmon has requested approval to eliminate the curb on the side away from the sidewalk on the private road to allow better runoff of groundwater from his 5-lot development on 10th and Juniper. Either this remedy, or curb cuts, were approved by the Public Works Supervisor. Mr. Wheeler explained that if this is not done, the water will run out onto 10th, where it will become the City's problem, where there is a stormwater catch basin problem. After taking a straw poll, the Commission agreed it would prefer curb cuts than elimination of the curb entirely. Further, Mr. Harmon has requested a 12 foot easement along the road frontage, and for Lot #4, where the existing home is, a 10 foot easement which would allow him to get a garage on the lot. No trees planned for retention would be affected. CUB has approved this request. The Commission agreed it could be reduced to a 10 foot easement.

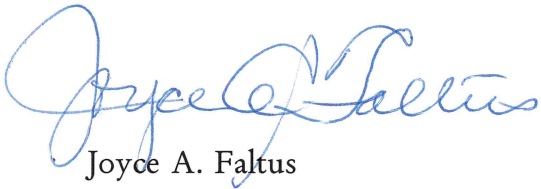
Regarding the Pine Crossing Manufactured Home Park, the City received a request from John Watson on September 9th, asking approval to retain space #3 and to eliminate space #11. Originally, he had designated spaces 3 through 10 as those which would not be occupied. Space 3 is a flag lot and, as flag lots are the most difficult lots to place a home, they would like to do it now to avoid placement constrictions later, especially as it will be much easier to place a home on space 11 later, with no impacts on adjacent spaces. In his request, he reminded the Commission that he is limited to occupying only 60 of the 74 spaces until either the Ordinance is updated to allow additional units, or until a second access is constructed. If this request is approved, spaces 4 through 11 would remain unoccupied, as would spaces 34, 35 and 59-62. Mr. Wheeler explained that the

access would not come through space 3. Additionally, when spaces 3-10 are sited, the owners will have to initial a certain page, showing they have been advised there is an industrial development across the street. This request does not affect that agreement adversely. The Commission approved his request.

IX. ADJOURNMENT

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,



Joyce A. Faltus