

MINUTES

CANBY PLANNING COMMISSION

*Regular Meeting
September 26, 1994*

7:30 p.m.

I. ROLL CALL

Present: Vice-Chair Mihata, Commissioners Elliot, Ewert, and Maher.

Staff Present: James Wheeler, Assistant Planner; and Joyce Faltus, Secretary.

Others Present: John Middleton, Doug Sprague, Ron Tatone, Elroy Knutson, Nathan Clayton, Al and Linda Geddes.

II. MINUTES

None

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. COMMUNICATIONS

None

V. FINDINGS

Commissioner Maher moved to approve the Final Order for DR 94-07 [Willamette Valley Country Club]. Commissioner Elliot seconded the motion and it carried 4-0.

Commissioner Elliot moved to approve the Final Order for DR 94-11 [Kevin Howard/Wilhelm Guttormsen]. Commissioner Ewert seconded the motion and it carried 4-0.

SUB 94-02 - Country Club Estates #4 - Mr. Wheeler discussed proposed Condition #15, regarding the use of trucks using N. Maple. Staff's proposed condition states that N. Maple has already been surveyed to determine its condition. After construction activity, if fill trucks use N. Maple, the applicant will have the same company do another survey to determine additional deterioration of the road, to insure that the road is improved back up to its current condition. A \$34,000 bond would be posted for resurfacing the entire road from the Country Club entrance road up to the development site, and an additional \$6,000 to ensure the additional evaluation. Furthermore, the applicant is videotaping that section of the road to note the deterioration. A representative of the Willamette Valley Country Club explained that a report was sent in to acknowledge the condition of the road at the present time, to make sure the impact from this development will be repaired. He stated that the road was in poor to very poor condition now, although one section was graded as being in fair condition. He requested that the contractor use the Molalla Forest Road instead. The Commission discussed the proposed condition and amended it to read:

15. Immediately prior to the subdivision construction activity, the City of Canby and developer's representatives will videotape 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.

Commissioner Maher moved to approve the Final Order for 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 unanimously.

VI. OLD BUSINESS

None

VII. PUBLIC HEARINGS

None


VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,


Joyce A. Faltus