

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
April 8, 1996
7:30 p.m.

I. ROLL CALL

Present: Commissioners Dillon, Stewart, Hartwell, Gerber, Jackson. Chairman Schrader arrived late and did not chair the meeting.

Staff: James Wheeler, Planning Director, and Joyce Faltus, Secretary

Others Present: Jon Eyman, Rodger Coupe, Mike Duncan, Adrian Fisher, Kim Arbuckle

II. MINUTES

Commissioner Stewart moved to approve the January 22, 1996 minutes, as submitted. Commissioner Hartwell seconded the motion and it carried unanimously.

Commissioner Jackson moved to approve the February 12, 1996 minutes, as submitted. Commissioner Stewart seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. OLD BUSINESS

Commissioner Stewart advised the Commission that he spoke with the F.A.A., Director of Aviation for Life Flight, the State Department of Transportation representative, and County Emergency Services regarding the monopole. Mr. Wheeler will be sending a memo to them shortly.

Pine Crossing - Mr. Wheeler explained that the landscaping is coming along and that, to date, no new applications have been submitted

V. NEW BUSINESS

ANN 96-02 - An application by Mark and Karen Callahan to annex a 66 x 220 square foot lot [0.33 acres], known as 1478 N. Locust Street, into the City of Canby. The site is located on the east side of N. Locust, just north of N.E. 14th Ave. [Tax Lot 1101 of Tax Map 3-1E-28DC].

Mr. Wheeler presented the staff report. He explained that the property is totally surrounded by property that is in the City limits. The owners did not want to be annexed into the City, and the City's policy is not to force annexation. The property is not hooked to the City sewer system and their septic system has failed, so they now have the need to hook up to the system, and have applied for annexation into the City. The Callahans and the City have reached an agreement so that they are in the process of hooking up to the system now, a conditional hookup, in order to remedy the situation. If the annexation is not completed within a reasonable time period, approximately 6 months, the City can terminate the agreement. Although there are other avenues the Callahans can explore which would permit them to hook up to the system, the City prefers the annexation, rather than having pockets within the City that are not part of the City. The lot is large enough to accommodate a tri-plex, and when it is annexed it will be zoned R-1.5, Medium Density Residential. However, after a site visit, Mr. Wheeler explained that there is not enough room on the lot for access or for off-street parking for a tri-plex. The house currently on the lot takes up the majority of the lot width. Staff recommends that the Commission recommend City Council approval of this application.

As the applicants were not present, no testimony was presented. The Commission then deliberated on the application. Issues discussed included:

1. The Commission asked if a tri-plex could be permitted if the current home on the lot was demolished. Mr. Wheeler explained that it would be permitted. He added that a tri-plex would require Site and Design Review, while a duplex would not undergo Design Review.
2. The Commission agreed the application was straight-forward and met the criteria for annexation.

Based on the findings and conclusions contained in the staff report dated March 29, 1996, **Commissioner Jackson moved to recommend that City Council recommend approval of ANN 96-02 to the Portland Metropolitan Boundary Commission, with the following understandings:**

1. The zoning classification for the property, upon annexation, will be R-1.5, Medium Density Residential.
2. All development and recording costs are to be borne by the developer when the property is developed.

3. All City and service provider regulations are to be adhered to at the time of development.

Commissioner Schrader seconded the motion and it carried unanimously.

VI. FINDINGS

None

VII. COMMUNICATIONS

None

VIII. PUBLIC HEARINGS

MLP 96-01, an application by Eyman Equipment, Inc. [applicant] and Adrian Fisher [owner] for approval to partition an approximate 4.60 acre parcel into two parcels, approximately 3.03 and 1.33 acres, respectively, which will be separated by a right-of-way that will be deeded to the City of Canby. The site is located on the north side of Highway 99-E, immediately north of S. Berg Parkway [Tax Lot 400 of Tax Map 4-1E-5].

Acting Chairman Gerber reviewed the public hearing process and procedures. He referred to the applicable criteria posted on the wall. He asked if any Commissioners had ex-parte contact or conflict of interest. Commissioner Gerber declared a possible conflict, explaining that there might be potential interest in the involved property. The applicant had no problem with Commissioner Gerber participating. Mr. Gerber further stated that he talked with the applicant regarding the nature of the application, but came to no conclusions based on those discussions. He offered to answer any questions regarding the nature of those discussions. There were no questions of Mr. Gerber. Commissioner Schrader stated he visited the site, but drew no conclusions. No other conflicts or ex-parte contacts were declared.

Mr. Wheeler presented the staff report. He explained that the purpose of the application is essentially to dedicate the street right-of-way to the City for the extension of S. Berg Parkway to establish access to Highway 99-E. The partition will empower the City to extend S. Berg Parkway north, through the property. At the present time, no development is proposed for either parcel and there are no improvements on the parcel. With the development of either parcel, improvements will be required. Due to having to cross the highway to extend some of the utilities, there will be a fair amount of expense to provide utilities to the parcels, so staff recommends improvements be made at time of development. The property fronts on Highway 99-E, and there is a steep slope to the

north. The top of the bluff is the edge of the site. It is zoned Commercial-Manufacturing, and permits industrial development as a conditional use. Any development of the property would require Site and Design Review approval. The site has remained vacant because of topographic constraints, lack of access from Highway 99-E, and limited rail access. With the installation of a traffic signal at the intersection of Highway 99-E and S. Berg Parkway, there will be opportunity for major access improvements.

As neither the applicant nor the owner desires to offer testimony, nor were any interested parties in the audience desiring to offer testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed ODOT's possible concerns about access from Highway 99-E. Mr. Wheeler stated they appeared to like this type of road dedication with access off of it into the parcels. When Parcel 2 is proposed for development, ODOT would again be contacted for their comments.
2. The Commission agreed the application was in conformance with the Comprehensive Plan policies and met the criteria for a minor land partition.

Based on the findings and conclusions contained in the staff report dated March 29, 1996 and on Commission deliberations, **Commissioner Stewart moved to approve MLP 96-01 with the following conditions:**

For the Final 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. MLP 96-01.
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 all lot lines, except;
12 feet in width along the dedicated S. Berg Parkway frontage

6. Dedication of right-of-way for street purposes shall be made according to the proposed location provided in the application.

Notes

7. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.
8. In conjunction with development of either parcel, construction of S. Berg Parkway shall be required, including street paving, curbs, sidewalks and utilities. Sidewalks along Highway 99-E shall be required with the development of each parcel.

Commissioner Hartwell seconded the motion and it carried unanimously.

DR 96-02, an application by Marvis R. Mackey [applicant/owner] for design review approval to construct a 6,155 square foot, single-story professional office building with adjacent on-site parking for 23 cars. The site is located at the southeast corner of N. Douglas Street and N.W. 2nd Avenue [Tax Lot 4500 of Tax Map 3-1E-33CC].

Acting Chairman Gerber reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall. He asked if any Commissioners had ex-parte contact or conflict of interest. Commissioner Hartwell stated that he had been considered for employment with Mr. Mackey's firm last year, but that he felt there was no conflict. Neither the applicant nor anyone else posed any questions. Other than visiting the site, but drawing no conclusions, no other conflicts were expressed.

Mr. Wheeler presented the staff report. He pointed out that, contrary to the statement in the staff report, the applicant did submit sample colors and materials, indicating a 2-color brick facade building with a metal roof. No signs that require a sign permit have been proposed. The applicant indicates signage may be placed in the windows, which does not require a sign permit and is not included in the area calculations for signage. After a discussion with the City Attorney, Mr. Wheeler explained, that a condition could be attached to the approval, requiring Planning Commission approval of any sign that requires a sign permit [any exterior sign or pole sign], in accordance with Site and Design Review criteria. This could be conducted through a limited land use process, where the Commission would review the matter and a 10-day notice would be sent, advising interested parties that they could request a public hearing. If no hearing is requested, it would be approved. Mr. Wheeler added that it would be best to include a time limit, such as "24 months after final occupancy of the building," to the condition.

The small house on the subject site is proposed to be removed, he explained. The lot has approximately 115 feet of frontage on N. Douglas and 140 feet of frontage along N.W. 2nd Avenue, and is directly across from the post office. The proposed building, approximately 6,150 square feet, will front on N. Douglas Street, with access to N.W. 2nd and to an alley that accesses N. Douglas Street. The alley will have to be paved 18 feet wide, according to the Public Works Supervisor, Mr. Wheeler added. The applicant proposes the required number of parking spaces, although the pavement length of the parking spaces is shorter than what is usually required. Since the sidewalk will be 7 feet wide (two feet wider than most), it offers a two foot overhang into the parking area which would be permitted, since a 5 foot walkway for pedestrian use would still be provided. The amount of landscaping, including the landscaping in the street right-of-way, meets requirements. No loading area is proposed although an office building of this size usually does require a loading area. The project narrative includes an argument for excepting it, which the applicant will, most likely, address during testimony. The proposed layout appears to indicate that two separate businesses will be housed in the building. The types of businesses it appears to be designed for, indicates small delivery trucks would be employed. The commercial nature of the zone would permit other types of businesses to be housed which might require a loading area.

Staff recommends approval of the application, with conditions.

Applicant

Kim Arbuckle, 363 State Street, Salem, representing the applicant, explained the portion of the narrative that requests exemption from the loading zone requirement. Mr. Arbuckle stated that a loading zone was included in the original site plan, and the building was designed around it. After a review of the site plan with the client, it was agreed that a loading zone really was not warranted for the type of professional office uses that would be operating from the project.

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

1. Loading facility - The Commission agreed that a separate loading facility is not required because the type of deliveries that will be generated by the proposed use will utilize small delivery vehicles. Small delivery vehicles will be able to either use existing parking spaces or temporarily use the parking maneuvering area.
2. Signage - The Commission agreed to include a condition requiring sign permit approval by the Planning Commission, because signs directly affect the appearance of a development, and it would ensure that this development is "compatible" with other developments in the vicinity. This requirement would expire 24 months after occupancy of the building. Such approval would be reviewed under a limited land use process for compliance with design review criteria.

3. The Commission discussed the possible change of use of the project and the possible future need for a loading facility. Mr. Wheeler explained the difficulty involved, because further review would only take place before the Commission with a design change to the building if the alterations amount to 60% of the value of the building, but not just a change of use.
4. The Commission agreed this was a welcome addition to the community, as it would bring additional business to Canby.

Based on the findings and conclusions contained in the March 29, 1996 staff report, on testimony at the hearing, and on Commission deliberations, **Commissioner Stewart moved to approve DR 96-02 with the following conditions:**

Prior to the issuance of the Building Permit:

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
2. The existing home shall be removed. Prior to removal of the existing home, the existing sewer lateral shall be capped.

For the Building Permit Application:

3. A detailed landscape construction plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans.
4. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards.
5. A storm system with catch basins shall be installed along N. Douglas Street. A storm water drainage plan shall be submitted with the building permit application.
6. The alley shall be paved to a width of eighteen (18) feet along the property's full frontage of the alley.
7. The arborvitae to be planted along the eastern property line shall be planted a minimum of three (3) feet from the curb along the parking spaces.
8. The walkway between the parking spaces and the building shall not be less than seven (7) feet in width. The A.D.A. parking space shall be designated as such with the appropriate and required signage.

Prior to Construction:

9. The address for the job site shall be posted and shall meet the Uniform Fire Code 901.4.4 requirements.

During Construction:

10. Compact spaces shall be designated as such, either by painting "compact" on the pavement, or providing signage in front of the compact parking spaces.
11. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.

Notes:

12. There is not sufficient parking to accommodate a medical office in this building.
13. Prior to the placement of any signage that requires a sign permit, approval from the Planning Commission shall be received. This condition shall expire twenty-four (24) months after the final occupancy of the building. The Planning Commission's review of the signage shall be in accordance with 16.49.040 and shall be conducted through a limited land use process.

Commissioner Schrader seconded the motion and it carried unanimously.

ANN 96-01, an application by Pahlisch Duncan Homes [applicant] for approval to annex a 38.11 acre parcel into the City of Canby. The property is located on the south side of S.E. 13th Avenue, east of S. Ivy Street and west of S. Redwood Street [Tax Lot 2200 of Tax Map 4-1E-3].

Acting Chairman Gerber asked if anyone in attendance would like him to review the hearing process and procedures. As everyone in the audience was present when it was reviewed, there was no request to do so. He asked if any Commissioner had ex-parte contact or conflict of interest. Other than visiting the site, but drawing no conclusions, none was indicated.

Mr. Wheeler presented the staff report. He explained that the site encompasses the southeastern portion of the Urban Growth Boundary, south of S.E. 13th Avenue. It is required that the entire parcel be annexed, rather than just the portion that the developer plans to develop, because the Portland Metropolitan Boundary Commission does not allow partial annexations and because of the current County zoning, which is GAD-20 [General Agricultural District - 20 acre minimum], would not permit partition of the site.

Upon annexation, the parcel will be zoned R-1, Low Density Residential.

For annexation purposes, the subject site is designated Priority "A," part of the first grouping of lands to be annexed into the City, of those within the Urban Growth Boundary. The property is currently in agricultural use. Although the applicant argues that the continued agricultural use of the property is not relevant, staff points out that the under the Environmental Resources Element, Policy 1-R-A directs that viable agricultural uses be continued as long as possible. Policy 1-R-B encourages the urbanization of the least productive agricultural areas as a first priority to be annexed. The implementation measures under those policies direct that the zoning allow the Ag uses inside the City to remain and to treat such uses as acceptable, rather than a nuisance when doing actual development review adjacent to Ag land, to encourage small, fragmented parcels first, and to review annexation in light of priority phasing.

The annexation appears to be appropriate, and zoning the non-developed land as an Ag zone does seem a fair course of action. The portion of the property that is not included in the subdivision application, would be zoned agricultural within the City limits, which would not allow further development under that zone. To further develop it, the portion not included in the subdivision application would have to be rezoned.

Regarding infrastructure, all utilities are readily available for the development of the subject site. Concerns include the impact of the development on the intersection of S. Ivy and S.E. 13th as, based on the number of accidents at that location, the intersection currently warrants a traffic signal. Denying land use development due to this limitation could be considered imposing a moratorium, if it is not limited to the specific project. If a moratorium is imposed, the City is required to provide a detailed plan on how it plans to remedy the problem, and a timeline in which the remedy would occur. A defacto moratorium is not an official moratorium, but could become a problem if it is challenged. Much of the funds needed to pay for this signalization comes from Transportation SDCs. If this land use application was denied no additional money would be collected for this signal. In making a decision based on these issues, the Commission would have to weigh all considerations carefully. Schools are another concern, specifically Trost Elementary School, as this development is within the Trost district. The school was built in 1992 and has been operating at or beyond capacity since its opening. The School District returned the Request for Comments, indicating that adequate services are available to handle the development of this property. Mr. Wheeler further explained that affordable housing is another concern to consider. There is a restricted supply of land in Canby, which drives the cost of housing up, thereby excluding a segment of the population from home-ownership. A short discussion was held reviewing the priorities and repercussions of this annexation and development of the subject site. Staff believes this is an appropriate property to be annexed at this time and recommends that the Commission recommend approval to City Council.

[Chairman Schrader was called away on an emergency call at 8:50 p.m.]

Applicant

Mike Duncan, 15100 S.W. Cole Parkway, Beaverton 97006 - Regarding traffic control at the intersection of S. Ivy/S.E. 13th, Mr. Duncan said he believed a 4-way stop would, if nothing else, slow traffic down, especially traffic from the rural area to the south, which travels very fast. He added that development must occur in the area in order for the SDC for the traffic signal to be collected. The bulk of heavy construction is typically done during the summer months, Mr. Duncan explained, because it does not then interfere with the school sessions and alleviates a lot of risk for the children. If the development is approved, the applicant intends to begin construction on the roads and underground utilities in late June.

Mr. Duncan explained that the applicant is starting with a 10 acre parcel for development, with an option on another 10 acre parcel on the main site. There is no commitment from Mr. Tofte for any more of the property.

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

1. Intersection of S. Ivy/S.E.13th - The applicant indicated willingness to contribute toward placing additional signage and traffic control measures at the intersection of S.E. 13th Avenue and S. Ivy Street. He stated that he would apply to Clackamas County for a 4-way stop sign measure to control the traffic at this intersection.

Mr. Wheeler explained that the County believes that a stop sign would create more accidents than it would be preventing for rural traffic coming north into the City, by having traffic enter the intersection when it should be stopping.

2. The Commission agreed that annexation proposal is compatible with the text and maps of the Comprehensive Plan.
3. Agricultural Land Production - Concerns about taking agricultural land out of production were expressed. Based on the property's Priority "A" designation in the Comprehensive Plan, those concerns were overridden.
4. Construction Traffic - The Commission discussed the amount of construction traffic and the heavy traffic that already exists at the intersection. Mr. Wheeler stated that there are two collector streets that traffic can use, other than Ivy and 13th, which are both arterials. Trying to restrict construction traffic to certain hours of the day would be difficult, he added, and nearly impossible.
5. Foot traffic, trying to cross S.E. 13th Avenue from the Trost Elementary School to the proposed development was discussed. A walkway on S.E. 13th Avenue was suggested as one solution, although signalization of the walkway would be highly unlikely due to traffic warrants.

6. Regarding a bicycle lane requirement from the County, Mr. Wheeler stated it would be addressed under road construction requirements while reviewing the subdivision application.

Based on the findings and conclusions contained in the staff report dated March 29, 1996, on testimony at the hearing, and on Commission deliberations, **Commissioner Stewart moved to recommend that City Council recommend approval of ANN 96-01 to the Portland Metropolitan Boundary Commission, with the following understandings:**

1. The zoning classification for the property upon annexation will be R-1, Low Density Residential, for that portion of the property under application for Subdivision (see tentative plat found immediately after page 28 of exhibit 1). The zoning classification for the remaining portion of the property upon annexation will be Ag, Agriculture.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.
4. No guarantees of rezoning of the portion of the property to be designated Ag zone are given. Any rezoning application will be given appropriate and due consideration as required by section 16.54.040 of the Canby Land Development and Planning Ordinance.

Commissioner Dillon seconded the motion and it carried unanimously, 5-0 [Chairman Schrader and Commissioner Ewert were absent.]

SUB 96-01, an application by Pahlisch Duncan Homes [applicant] for approval to develop a 56-lot subdivision known as Tofte Estates I. The property is located on the south side of S.E. 13th Avenue, east of S. Ivy and west of S. Redwood Street [Tax Lot 2200 of Tax Map 4-1E-3].

Everyone in the audience having heard Acting Chairman Gerber read the hearing process and procedures, there was no need to repeat it. He asked if any Commissioner had ex-parte contact or conflict of interest. None was indicated, other than visiting the site, but forming no conclusions.

Mr. Wheeler presented the staff report. He explained that the applicant was requesting approval to develop a 56-lot subdivision, which was redesigned from the original application. The new layout addresses concerns that staff raised with the original plat. The adjoining land will remain agricultural and there has been some concern expressed

about residential land being adjacent to agricultural land and about whether there should be a fence provided around the residential development to prevent trespassing onto the farm land. Proposed condition #16 addresses this issue with the construction of a 6' high chain link or solid wood fence being constructed along the perimeter of the subdivision, except along S.E. 13th Avenue. Furthermore, staff has recommended that potential homeowners should be notified, at the real estate level, that the adjacent land will be in agriculture. The concerns about traffic at the intersection of S. Ivy and S.E. 13th have been discussed in the previous hearing [ANN 96-01]. The traffic report recognizes that signalization is warranted and no further recommendations have been made by the traffic engineer. All other intersections in the vicinity are considered as having acceptable levels to handle the additional traffic that will be generated from this proposed subdivision. The information discussed during the hearing on ANN 96-01 regarding Mr. Duncan's willingness to fund a 4-way stop and signage for that intersection so as not to create a further hazard than already exists, can be incorporated into this hearing. Including such an offer as a condition of approval would be difficult, Mr. Wheeler added, as the City of Canby has no control over S. Ivy, which is a County road.

The proposed S. Pine Street has been relocated so that it is across from the existing S. Pine Street and it is not a collector street within the subdivision, as it is north of the proposed subdivision. All the streets within the proposed subdivision are local streets with 40 foot rights-of-way and 36 foot paved width. The street layout is designed for connectivity with further development of the surrounding lands, whenever that occurs.

The density of the subdivision is 5.3 lots per developable acre, not including street rights-of-way, which is average to low for current developments in Canby. The Comprehensive Plan uses a calculation for land needed within the UGB for residential purposes for growth population figures projected to 20,000 at 4.7 lots per developable acre. Therefore, more densely developed subdivisions reduces the need for expanding the Urban Growth Boundary.

As presently designed, the subdivision does not meet the basic standard for the solar ordinance. Alternative methods would prove difficult due to the size of the lots and the orientation. Solar building setback lines would not be possible. The applicant's narrative, Exhibit 2 of the staff report, asks for relief from this requirement and explains why the applicant believes relief should be granted from the 80% requirement. There is provision within the solar ordinance for the Planning Commission to grant such relief. Design is possible so that the subdivision could comply with the basic standard, but the applicant argues that it would increase the cost of development per lot.

Staff recommends approval, with conditions.

Applicant

Mike Duncan, 15100 S.W. Cole Parkway, Beaverton 97006 stated that he has found that one of the first thing homeowners do is put in fences, especially along rear lot lines.

Fences are also erected along the side lot lines almost immediately, he added, to ensure privacy. Depending on the price range of the homes, his firm has put in fencing and included it in the package price. In this instance, the agricultural land adjacent to the proposed development, is owned by the person selling the land to be developed, who understands the incompatibilities between residential and agricultural land. Mr. Tofte has not expressed any concerns regarding installing 3000 feet of fencing. Mr. Duncan pointed out that 3,000 feet of fencing would cost in the vicinity of \$35,000, and would increase the cost of the package. An option would be to include the fencing issue in the CC&Rs, requiring the homeowners to install fences within a certain period of time. The developers are pro-active in administrating the CC&Rs, going out and assuring compliance. He added that previous CC&Rs have included two fence options with specific details of the kinds of materials to be used, the design, etc., to ensure continuity of fencing and design. Further, Mr. Duncan stated that he is not 100% opposed to putting in the fencing, and should the Commission require that he install fencing, that it not be conditioned to be completed by a certain time, i.e. before any houses are constructed, because the houses will bring in revenue for the unexpected expense items that come up. There are certain things, he explained, that contribute to the long term liveability and marketability of a subdivision, one of which is continuity of products. The CC&Rs contain a clause that requires that landscaping, at least the front yard landscaping, be done within six months of occupancy. For marketability purposes, Mr. Duncan further explained that the developer will, most likely, put in all the front yards and most of the back yards. With regard to the solar exception requested for relief from an 80% requirement to a 75% requirement, which represents 3 lots that do not meet the solar requirements, Mr. Duncan stated that, in all his experience, no one has ever purchased a home just because it was solar oriented. If the applicant is required to fully meet the 80% requirement, the changes that would be required of the design would actually increase the cost about 11%, or \$1,400, per unit. Mr. Duncan then addressed the City requirement for 2" street trees, explaining that 2" trees, as opposed to 1" street trees like most other municipalities require, doubles the initial investment for the homeowner. In response to an inquiry from the Commission, Mr. Duncan stated that, due to the cost of the land and the SDC fees associated with doing this project, which set a new record for the developers, the houses might range from \$150,000 to \$200,000. Under these circumstances, it is difficult to remain competitive in the marketplace, although every attempt is made to keep the homes extremely competitive in the value department, he added. The need for affordable housing is great, but must be balanced against the cost of producing the product, the cost of the land, and still take into consideration what people want. It is a constant search for land on which to build entry-level housing, he explained.

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

1. The intersection of S.E. 13th Avenue and S. Ivy Street:
 - a. Currently warrants signalization due to accidents.

- b. Clackamas County has jurisdiction over the intersection of S.E. 13th Avenue and S. Ivy Street in that both roads are County roads.
 - c. That further measures to control traffic at the S.E. 13th Avenue and S. Ivy Street intersection are needed as further development occurs in this quadrant of the City.
2. The Commission agreed that a documented effort to further control traffic at this intersection is needed prior to further development which will affect traffic at the intersection.
3. The Commission agreed that a crosswalk, which will provide for pedestrian traffic crossing S.E. 13th Avenue from the development, is needed for school aged children who will be attending either Trost Elementary School or Ackerman-Lee Junior High School.
4. The Commission agreed that the proposed subdivision complies with the solar access standards for new developments in that 75% of the development complies with the basic solar standard, and for the development to reach 80% compliance, the cost of the development, per lot, will increase by approximately 11%.
5. The Commission discussed the issue of a fence around the subdivision for the purposes of deterring residential pedestrian trespassing onto the adjacent farm land. It was agreed that a fence would not be necessary because the owner of the adjacent farm has not expressed concern that a fence be erected. The Commission agreed that a "gated" development, or other restricted entry to a development, does not promote a community-oriented development.
6. When discussing permitted agricultural uses adjacent to residential subdivisions, Mr. Wheeler explained that it is spelled out in the Code itself, under the Agricultural zone.
7. With regard to the solar ordinance, Mr. Wheeler explained that the average lot development cost would increase by at least 5% if it was designed to comply with the basic solar standard.

Based on the findings and conclusions contained in the March 29, 1996 staff report, on testimony at the hearing, and on Commission deliberations, **Commissioner Jackson moved to approve SUB 96-01, with the following conditions:**

1. The subdivision's approval is contingent on the approval of the annexation of the property to be subdivided and dedicated. No construction approval, grading work, or plat approval shall be granted or permitted prior to the effective date of annexation.

For the Final Plat:

2. Twelve (12) foot utility and sidewalk easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility and sidewalk easements.
3. The final plat shall reference this land use application - City of Canby, File No. SUB 96-01, 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.
4. 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.
5. The street proposed as S. Pepperwood Lane shall be designated S. Pepperwood Street.
6. The prohibition of direct access onto S.E. 13th Avenue from lots 1-6, shall be stated on the final plat.

As a part of construction:

7. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, Clackamas County (S.E. 13th Avenue) and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, sidewalks, storm water, sewer, water, electric, telephone & cable, gas, fire hydrant location, street lights, and street trees.
8. A Street Construction and/or Encroachment Permit shall be obtained from the Clackamas County Department of Transportation and Development prior to road construction and/or work along S.E. 13th Avenue.
9. Any necessary utilities shall be constructed to the specifications of the utility provider.
10. The construction of the sewer system and street storm water system for the subdivision shall meet the standards and specifications of the City for the local streets and the County for S.E. 13th Avenue.

11. All local streets shall be constructed to the City specifications and standards. The widening of S.E. 13th Avenue shall be constructed to the City and the County specifications and standards. The improvements shall include the street, curbs, sidewalks, street lights, and street trees.
12. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
13. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Public Works Supervisor.
14. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. 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.
15. Street trees shall be planted along all streets. The type of street trees to be planted along all the streets shall be selected from the Recommended Street Tree list. The trees shall be a different variety for each street. 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, and shall be 2" in caliper.
16. A pedestrian crossing of S.E. 13th Avenue at the intersection of S. Pine Street, shall be provided, in accordance with County road standards. It is suggested that a cross walk, with school crossing signage and speed limit controls be implemented for this pedestrian crossing.
17. If there is some kind of entry designation for the development, it shall not include gates, or other means of restricting either pedestrian or vehicular traffic.

Prior to the signing of the Final Plat:

18. The developer shall offer to the County means of further controlling traffic at the intersection of S.E. 13th Avenue and S. Ivy Street. The suggested means of traffic control shall include, at a minimum: a 4-way stop, reduced speed limits to the south of the intersection, warning signage for the S. Ivy Street approaches to the intersection, and possibly "rumble warning strips" near the north-bound approach to the intersection. The offer shall be documented. A total period of not less than thirty (30) days shall be allowed after the offer, for Clackamas County to respond.
19. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.

20. 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.
21. Included in any Covenants, Conditions, and Restrictions filed with the subdivision, shall be wording that states that street trees are permitted, and will be planted, within the utility easement along the street frontage. If no other CC&R's are filed with the subdivision, then this wording shall be filed individually. A copy of the CC&R's to be filed with the subdivision shall be submitted to the City Planning Department with the Final Plat prior to the signing of the Final Plat.
22. One of two options shall be fulfilled for the planting of street trees prior to the signing of the final plat: Option 1, a contract, with a licensed landscape contractor, shall be executed, and the contract shall include the City as the contractee: Option 2, the developer shall pay the City \$11,715 for the 71 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.

After construction:

23. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
24. 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.

Additional Notes:

25. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
26. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).
27. Prospective property owners shall be notified of the permitted agricultural uses on the adjacent fields.

Commissioner Dillon seconded the motion and it carried 3-2, with Commissioners Hartwell and Stewart voting "nay." [Commissioner Schrader had left on an emergency call.]

Mr. Wheeler asked if Commissioners Hartwell and Stewart would each submit a memorandum outlining their reasons for their dissenting votes. Commissioner Hartwell asked for a written clarification of the motion before he could submit his memorandum.

IX. DIRECTOR'S REPORT

Mr. Wheeler explained that Canby Apartments has met the condition for placing the playground equipment, although after a site visit, it was found to be in a different location from the original plan. It is located in such a way that both Phase 1 and Phase 2 have easy access to it. As it is not near Pine Street, it is located more safely, he added

The League of Oregon Cities is holding a workshop for Planning Commissioners. The Commission was advised of the dates and places and asked to notify the Planning Office if anyone would like to attend.

Mr. Wheeler advised the Commission that the Chevron Gas Station/Car Wash which was approved for the corner lot on Highway 99-E/Ivy, will not be developed, although the applicant does have one year from the approval, to submit a building permit.

With regard to the annexation and subdivision applications heard tonight, and the issue of dealing with housing costs and "affordable housing," Mr. Wheeler explained that one of the ramifications, or consequences, of the priority classification for annexation is to drive up Priority "A" property values, as Priority "C" lands are not being annexed.

X. ADJOURNMENT

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Joyce A. Faltus