

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
March 10, 1997
7:30 P.M.

I. ROLL CALL

Present: Chairman Ewert, Vice-Chair Stewart, Commissioners Prince, Hartwell, Dillon and Keller.

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

Others Present: George Wilhelm, Allen Manuel, Dave Dalley, Cliff Bates, Alan Rudy, Mary Scot, Eric Longstreet, John Payte, Mike Campbell, Cherrol Pacholl, Bettylou Dalley, Kathryn Peterson, Vivian Carpenter, George Carpenter, Kelly Bates, Ethan Manuel

II. MINUTES

Commissioner Keller moved to approve the February 24, 1997 minutes, as amended. **Commissioner Stewart** seconded the motion and it carried unanimously.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

None

IV. FINDINGS

None

V. COMMISSION DISCUSSION ON PLANNING ISSUES

Commissioner Prince explained that he attended the meeting for Phase 2 of Industrial Land siting with Clackamas County. It appeared that they developed a project similar to the Red Soils Project, where the idea is to put the infrastructure in first, and people would come afterwards. Commissioner Prince stated that there are 400 acres to develop in Phase 2 of the Industrial Park, which is one of the largest tracts in the METRO area [although it

is not in METRO's jurisdiction]. There are approximately 40 acres remaining in Phase I of the Canby Industrial Park in ten different parcels. The Commission agreed the City would have to evaluate its position, keeping in mind that this is a very long-term plan and that with growth comes the needs for additional schools, road upgrades, etc.

Chairman Ewert reported that he attended a meeting of the Pacific Northwest Rail Corridor Association, because the plans included going right through Canby if it was approved. The Governor had \$5.6 million set aside for high speed rail, but it appears the budget committee deleted it from the budget. He stated he would stay on top of this and report back to the Commission. In addition,

Chairman Ewert also reported that he met with the Mayor and City Planner from Corvallis, with regard to voter-approved annexations. When he receives the material he requested, he will bring it before the Commission for consideration. Mr. Wheeler explained that he obtained a copy of the ballot measure that King City used, but cautioned that there is a cost involved when it goes before the voters for approval. Further, he explained that there is no test case history to base voter-approved annexations on because King City is the only city within METRO's jurisdiction that had adopted this measure, and that there have been no annexations since it was adopted.

Chairman Ewert further reported that he is working with a group of junior and senior high school students who are interested in becoming Junior Planning Commissioners, in an attempt to fuel their interest in learning more about the way government operates.

VI. PUBLIC HEARINGS

SUB 97-02 an application by Allen Manuel and Glennette Danforth to develop a 6-lot subdivision on approximately 40,000 square feet. The site is located on the north side of S.E. Township Road, east of S. Ivy Street and west of S. Knott Street [Tax Lots 5500, 5600 and 5700 of Tax Map 3-1E-33DC].

Chairman Ewert reviewed the hearing process and procedures. He asked if any Commissioner had ex-parte contact or conflict of interest. Commissioner Keller explained that he could have a potential conflict due to being a realtor as he could become involved in either the purchase or sale of these properties for personal compensation. No one in the audience had any questions of Commissioner Keller. Other than visiting the site, but coming to no conclusions, there was no other conflicts of interest or ex-parte contact indicated. Chairman Ewert then referred to the applicable criteria posted on the board.

Mr. Wheeler presented the staff report. He explained that the applicant is proposing 4 single family lots and 2 duplex lots in the six lot subdivision, with two access points off Township Road. At the present time, there are two existing single family homes which the applicant proposes to retain on two of the single family lots, adding another single family home on Lot 2, and duplexes on Lots 3 and 4. The property is zoned R-2, High Density Residential, and designated R-2 in the Comprehensive Plan, and is surrounded by

properties zoned high density to the west, north, and east. Existing land uses in the area include older single family homes, a duplex condominium, and a church. Although the applicant is proposing to develop a mixed residential subdivision containing 8 units, the number of units that are permitted on the subject property without a subdivision approval is 14 units. Road improvements along the property's frontage on S.E. Township will be required, and will consist of half-street improvements to include curbs, 5 foot sidewalks alongside the curbs, and a bike lane, meeting City standards for collector streets and aligning with other rights-of-way along Township. Additionally, ten feet of right-of-way along Township Road will be required. The proposed subdivision will be required to maintain a minimum of 28 feet of width along Township and to satisfy Section 16.46, Access Road Requirements for Subdivisions and, therefore, the applicant will be required to build a 4' panel of asphalt pavement for a distance of 73 feet to the east of the property, in order maintain the 28 foot width on Township Road. The intersection of S. Ivy/S. Township has been identified as functioning at a level of service "C" and a traffic signal is scheduled to be installed within the next 5 years, providing additional intersection capacity for vehicles, pedestrians, and bicycles. The City has applied for a Community Development Block Grant to fund the realignment and rebuilding of Township Road. Access to Lots 1, 2 and 4 will be provided from the current 12 foot road, adding 4 feet mutual access easements from both Lots 1 and 4, with the result being a 20 foot wide paved road, running from Township Road north to flaglot 2. Access to flag lots 3 and 6 will also be provided by a 20 foot paved access. The lots facing Township Road, Lots 1, 4 and 5, will not have any additional direct access roads onto Township Road. Six street trees will be provided, two on each lot facing Township Road, because three of the lots are flag lots which do not front on Township. Emergency vehicle turnaround capabilities are required, especially for the duplex flag lots, and are usually provided by a "T"-shaped driveway that provides a 3-point turning area.

VAR 97-02, an application by Allen Manuel and Glennette Danforth for approval to create two subdivision lots with frontage widths of 57.94 feet and 58.20 feet respectively, on S.E. Township Road, in variance to the minimum 60 foot width permitted by the Zoning Ordinance. The property is located on the north side of S.E. Township Road, west of S. Ivy Street and east of S. Knott Street [Tax Lots 5500, 5600 and 5700 of Tax Map 3-1E-33DC].

Mr. Wheeler presented the variance report, explaining that the applicant is proposing to subdivide a site which is just under one acre and consists of three parcels on S.E. Township Road. There are two existing homes on the subject lots which will be retained as part of the subdivision. The applicant is requesting a variance for the lot frontage of Lot 1 to be 57.94 feet, and Lot 5 to be 58.20 feet, in variance to the 60' lot width minimum in the R-2 zone. Lot 5, Mr. Wheeler explained, has a 60.10 foot frontage, but tapers towards the north, leaving a back lot line of 56.30 feet and the lot width is an average of the building setback lines of both the front and back, and is 58.2 feet, making it 1.8 feet shy of the minimum. Staff has tentatively determined that both extraordinary or exceptional circumstances exist, and that the applicant is requesting the minimum variance

to alleviate the hardship. Mr. Wheeler pointed out that under this approach to a development, the tax lots could be combined and developed as a multiple unit development on a single property at a higher density than is proposed, without the need for a variance.

Applicant

George Wilhelm, Wilhelm Engineering, P.O. Box 561, Woodburn stated that, in evaluating the alternatives for development of this property in an R-2 zone, a maximum density of 14 units could be constructed on the 6 lots under existing zoning and without a variance, by combining the lots. Mr. Wilhelm further stated that, after exploring the options, a PUD, a subdivision, and an apartment complex, the applicant felt that a PUD and/or a subdivision were more compatible with the neighborhood. With this application, the applicant has selected the best alternative for developing the site. The application of Section 16.46.010 to Township Road, is inappropriate, quoting ". . . In order to assure that sufficient access is provided for emergency response, as well as the convenience of the residents, the following special limitations shall be placed on the allowable number of units in the residential development." Township Road has provided an effective main route for emergency vehicles for a long time, and this development can be accessed from two directions with 24 foot of paving in each direction. Mr. Wilhelm further stated that it does not seem reasonable to require property owners to provide parking for property further down the street, when the street has been in acceptable condition for many years, but if the City is now requiring that, then the portion of the cost that the new development should pay, should come from the Transportation SDC. Further, Mr. Wilhelm requested that proposed condition #14 be eliminated. Regarding turnarounds, Mr. Wilhelm said he is not aware that they are required where the whole section of the flag lot is less than 100 feet in length. One of the reasons for Lots 1 and 4 accessing the single 12 foot accessway to Lot 2, is because of a request from the Public Works Department Supervisor to minimize the number of driveways coming on to Township Road. Although the County has not submitted any comments. Mr. Wilhelm believed they would agree with the City regarding this issue. In general, the applicant concurs with the rest of the staff report and, in particular, believes that this parcel meets all of the relevant criteria for both the subdivision preliminary plat and variances requested.

Allen Manuel, 1612 N. Redwood denoted where the single family lots are and where the duplex lots are, explaining the subdivision was designed so that single family lots will face other single family lots in the immediate area, and duplex lots will face other duplex lots in the immediate area. Changes to the original plans include revisions to comply with the Solar Ordinance. Discussion with Ron Yarborough resulted in an agreement to comply with Fire Department requirements for turnarounds. The remaining homes on Lots 1 and 4 have been partially remodeled already so they will be compatible with the rest of the subdivision.

Proponents

None

Opponents

David Dalley, 499 S. Knott discussed his concerns regarding the width of the street and the sidewalk/curb issue. Mr. Dalley asked where the 73 feet of asphalt on the north side of Township would be placed. Mr. Wheeler explained that the applicant would be doing a full half-street improvement on the north side of Township, from the development itself, toward Knott Street, and that curbs and sidewalks would only be in front of the development site on Township. Regarding the driveways that access Township, Mr. Dalley pointed out that with Mrs. Peterson's driveway, on the parcel just to the west of Lot 1, there would be 3 driveways accessing Township Road. He added that Mrs. Peterson is negotiating for the sale of her property with Bethany Church. The church would want to utilize the driveway from S. Ivy through to the existing Peterson driveway on S. E. Township.. Further, Mr. Dalley pointed out that the sidewalk would have no beginning and no end, as there is no sidewalk from S. Ivy eastward, or from S. Knott westward. Eventually, when the sidewalk is extended on the Township Road side of his property, it would, by the City's own regulations, be too close to his house. If a bike path is required on both sides of Township, Mr. Dalley pointed out that the bike path would take up the 4 feet of asphalt that is going to be required to ensure the street width of 28 feet. Mr. Dalley then addressed the issue of a huge Redwood Tree on Mr. Rudy's property which is adjacent to the subject site on the east. He explained that the tree would lie in the middle of where the bike path/sidewalk would be installed. Regarding the issue of duplexes, Mr. Dalley stated that Mr. and Mrs. Carpenter, who reside at 493 S. Knott, are concerned about the height of the duplex buildings because 2-story duplex structures would infringe on their privacy. Further, Mr. Dalley addressed the issue of the trees along the property line on the east side of Lot 6, which enhance privacy for the Carpenter family, asking if they would be retained. Mr. Wheeler explained that the applicant proposes to retain the trees. Mr. Dalley referred to the analysis of the Land Use Element which states that the subject property is not determined to be a "unique" site or "areas of special concern" and asked what it takes to become identified as a unique site or area of special concern. Mr. Wheeler explained that areas of special concern and unique sites are delineated in the Comprehensive Plan.

Cliff Bates, 285 S.E. Township explained that he lived just to the south and east of the subject site. Mr. Bates explained that he was concerned about Mr. Rudy's Redwood tree and is unclear about the changes that are proposed to the street and sidewalk on N.E. Township. With regard to Policy #3 of the Land Use Element, where Canby is to discourage any development that will result in overburdening any of the community's public facilities or services, Mr. Bates stated that the proposed development would certainly add to the burden on Township Road, which is already severely overburdened. Policy #6, regarding the unique character of certain areas, Mr. Bates stated that this neighborhood has its own unique character and Mr. Rudy's large Redwood tree is one of those unique characteristics. The required 4 feet of pavement, the sidewalk, and bike path

will kill the tree, he stated, and a professional evaluation on the effect of this development on tree should be performed. Regarding the Transportation Element, Mr. Bates cited Policies 3 and 4, stating that when partial improvements are made, it causes more problems than it solves. He explained that curbs and sidewalk and half-street improvements were made just east of his property and there is a small lake existing since the improvements were made. When dry, the lake turns to dust, he added. The additional traffic resulting from this subdivision, on S. Township, in no way improves the problem intersection at S. Ivy/S. Township, he stated, nor are the sidewalks installed in bits and pieces adequate.

Alan Rudy, 280 S. Township Road addressed his concerns. He directly asked if the Redwood tree is planned for removal, adding that he wants it to remain and that the tree adds to the uniqueness of the community and the street. The Commission responded in the negative. Furthermore, Mr. Rudy discussed his concerns regarding traffic on S.E. Township, and referred to the Environmental Element, Policy 7R, stating that development of this property will definitely affect the scenic and aesthetic quality of the City. With regard to the 4' x 73' asphalt panel, Mr. Rudy asked if it would be installed on the S. Township frontage of his property. Mr. Wheeler explained that there was no specific site for the panel at this point either on the north or south side of Township Road. Mr. Rudy explained that he would like a privacy fence on the garage side of his property to ensure some of the same privacy he now enjoys. Furthermore, the addition of a bike lane and sidewalk would almost ensure that people are nearly walking through his front yard.

Mary Scott, 487 S. Knott asked if the evergreen trees in the back of her lot would be harmed. [Mr. Wheeler stated that they would not be touched.] Ms. Scott explained that her property abuts the north end of Lot 6 and requested that the Commission require a privacy fence between her property and Lot 6.

Eric Longstreet, 1023 N. Ash stated that he has a rental home on Township Road. He explained that the street improvements, to date, have been "hit-and-miss" improvements, and that his property floods because of the sporadic half-street improvements. Furthermore, in his estimation, Lots 2, 4 and 5 of the proposal are too small for single family residential lots. Mr. Longstreet asked if parking would be permitted in the access easements and, if so, questioned how emergency vehicles would gain access. In addition, Mr. Longstreet stated that he is opposed to R-2 development in the area because it is an older community, pointing out that the lots on the south side of Township are larger lots. Approval of this application is not conducive to good City planning principles, he added.

John Payte, Bethany Church, 12711 S. Casto Road, Oregon City stated that he was not actually for or against the application. He explained that the church is in negotiations with Mrs. Peterson to purchase her property on S. Township Road [Tax Lots 5800 and 5900], for future expansion of the church. Mr. Payte explained that his concern is whether or not the road alignment on S. Township will affect Mrs. Peterson's property

with regard to access to or from S. Township. Access to Township is imperative in order accomplish the expansion plans, he added.

Rebuttal

George Wilhelm explained that the City requires developers to do certain road and street improvements when the property is developed. From the centerline to the applicant's property, the street would be paved 22' wide with curbs and sidewalk. Beyond that, the placement of the 4' x 73' asphalt panel, which requirement the applicant objects to, will either be on the north or south side of Township Road. The existing two homes on the subject site each have driveways. The proposal retains only two driveways at this location, even though the density will be increased. Regarding the Redwood tree on the property to the east, Mr. Wilhelm stated that the applicant does not plan to damage the root system. Regarding fencing between residential neighbors, Mr. Wilhelm explained that the applicant would prefer that the Commission does not require such fencing because it is not appropriate, as the property is zoned R-2 and no zone change is required or requested. Furthermore, Mr. Wilhelm explained that the applicant has chosen to develop the property with more of a residential atmosphere than an apartment atmosphere, with less units than are permitted in the zone.

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

1. The Commission discussed the lot size requirements of the R-2 zone. Mr. Wheeler explained that the R-2 zone minimum lot size for a single family home [or unit] is 5,000 square feet, with each additional unit requiring an additional 2,500 square feet [i.e. 7,500 square feet for a duplex lot].
2. The Commission discussed the access to Lot 2. Mr. Wheeler explained that there is a 12 foot roadway existing on Lot 2 and 4 additional feet from both Lot 1 and Lot 4 will be added, making it a 20 foot mutual access drive. When asked if the side setback requirements would still be met, Mr. Wheeler explained that it would be an easement for access purposes and would not actually change the setback distances, since the property lines remain the same. Furthermore, he explained that an easement does not change a lot configuration, the square footage of a lot, the lot size, or setbacks, although a right-of-way does. The Planning Commission agreed that the provision to provide shared access for Lots 1, 2 and 4 of the subdivision is appropriate.
3. The Planning Commission agreed that to try to ensure traffic safety there should be no individual driveway access on Township Road for Lots 1, 4, and 5 and that signage should be posted for the two 20' wide driveways indicating that they were not through streets.

4. The Planning Commission discussed testimony from neighbors to the east and agreed that in order to maintain the privacy for the residential areas surrounding the proposed subdivision, a sight obscuring fence should be required along the western, northern, and eastern property lines. The Planning Commission recommended that if a two-story structure is built on Lot 6, the second story have no windows that face east.
5. The Planning Commission discussed the need to provide for adequate public services and access. The Commission agreed that the existing drywell in Township Road, in front of the subject property, might need to be upgraded.
6. The Commission discussed the need to require a 28 foot minimum width along Township Road. It was agreed that a 4' asphalt panel should be required from the eastern edge of the subject property 73' eastward and should be approved by the Public Work Supervisor
7. The Planning Commission discussed an existing Redwood tree on the adjacent property to the east. It was agreed that the applicant should protect that tree.
8. The Commission discussed the IGA with Clackamas County. The Commission requested more information about the IGA in order to make educated judgements with regard to County and/or City responsibilities for Township Road.
9. The Planning Commission discussed the unusual shape of the subject property in that it is affected by the tapering of the existing eastern property lines in a westerly direction and that such tapering affects the requirement to provide adequate width for access.
10. The Planning Commission discussed the lot widths for Lots 1 and 5. It was agreed that although they are less than the required 60 foot minimum lot width in an R-2 zone, the small difference will not be materially detrimental to other property within the same vicinity.
11. The Planning Commission agreed that the variance request is the minimum necessary to alleviate the hardship for providing adequate lot width for the subdivision.

Based on the findings and conclusions contained in the staff report dated February 28, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Dillon** moved to approve **SUB 97-02** subject to the following conditions:

For the Final Plat:

1. The interior lot lines shall have six (6) foot utility easements. The exterior lot lines shall have twelve (12) foot utility easements and the access drives shall have utility easements for the entire width and length. An easement for street tree planting shall be recorded for the twelve (12) foot utility along the S.E. Township Road.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 97-02, 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. A ten (10) foot right-of-way on S.E. Township shall be dedicated.
5. A four (4) foot mutual access easement shall be provided on Lots 1 and 4, adjacent to the existing 12-foot access on Lot 2, to allow for a paved 20' wide access drive. A driveway from Township Road to the body of Lot 2, 20 feet in width, shall be provided in a mutual access maintenance agreement.

Prior to the signing of the Final Plat:

6. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.
7. 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.
8. 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. The contract shall include the City as the contractee: Option 2, the developer shall pay the City \$990 for the 6 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.

9. All trees are to remain with the exception of the trees marked for removal and the three (3) additional trees on Lot 1 needed for roadway dedication right of way on Township and the paving of the access drive to the main body of Lot 2. The existing Redwood tree will be preserved. All other tree removal will require approval from the Planning Department.
10. The existing garages shall be removed.

As a part of construction:

11. 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, 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, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. The street tree planting location shall be determined as a part of the pre-construction review process.
12. Any necessary utilities shall be constructed to the specifications of the utility provider.
13. 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.
14. Construction of the half street improvements, storm drainage, curb, sidewalk and bike lane for the subdivision shall be approved by the Public Works Supervisor.
15. A 4' x 73' asphalt panel along Township Road, from the eastern edge of the subject property 73' eastward shall be approved by the Public Work Supervisor.
16. 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. The sidewalks that are adjacent to the existing sidewalks shall be adjusted from the existing sidewalk setback of two feet to the new location against the curb. This adjustment shall occur in the shortest distance that is practicable.
17. Six (6) street trees shall be planted. The trees shall be planted eleven (11) feet from the street curb.
18. An emergency vehicle turnaround shall be provided for Lots 2, 3, and 6 and shall be approved by the Fire Marshall.

Notes:

19. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.
20. Signage shall be posted along the two (2) paved access driveways indicating "Not a through street".
21. A six (6) foot, sight obscuring fence shall be located along the western, northern, and eastern property lines of the subdivision.
22. Lots 1, 4, and 5 shall have no individual driveway access on Township Road.
23. It is recommended that if a two-story house is built on Lot 6, no windows on the second story shall face east.
24. The stormwater system for Township Road, in front of the subject property, shall be submitted to the Public Works Supervisor for his review and approval.
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).

Commissioner Hartwell seconded the motion and it carried 4-2 with Commissioner Ewert and Commissioner Keller voting nay. Commissioner Keller explained that he voted no because he did not agree with having the 4' x 73' paved strip built, and Commissioner Ewert voted no due to concerns with the lot sizes, and transportation congestion on Township Road.

Based on the findings and conclusions contained in the staff report dated February 28, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Keller moved to approve VAR 97-02. Commissioner Stewart seconded the motion and it carried 5-1, with Commissioner Ewert voting nay. Commissioner Ewert stated he felt the Commission should adhere to the 60' lot frontage requirement for an R-2 zone.**

MLP 97-02, an application by Mike Campbell Development Co. [applicant] and Wayne and Cheryl Spencer [owners] for approval to partition a 0.69 acre parcel into two residential lots approximately 113,500 square feet each. The site is located on the west side of N. Maple Street, north of N.E. 23rd Avenue [Tax Lot 400 of Tax Map 3-1E-28A].

As everyone in the audience was present when Chairman Ewert reviewed the hearing process and procedures, it was not necessary to repeat it. He asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated.

Mr. Wheeler presented the staff report. He explained that the applicant is proposing to remove the two existing homes on the site. The property, Mr. Wheeler explained, was annexed into the City in 1994 [ANN 93-02] after a previous partition which created two lots. The Urban Growth Boundary/City Limit line abuts the western property line of the subject parcel. There is currently a 20 foot easement along the southern property line, the purpose of which was to enable access to the parcel which is still in the County. The applicant proposes to relocate the easement access to the center of the subject parcel in order to facilitate development of the parcel and for better configuration for access to the rear parcel. A site visit revealed the presence of a large Fir tree in the southeast corner of the site. North Maple Street, to the south of this parcel, is 45 feet wide, curb-to-curb and decreases in width as it travels north. Without additional dedication, there is 50 feet of right-of-way. Staff is recommending that the curblines be reconfigured to jog out at least 5 feet, to retain the Fir tree, and remain wide enough for the curb and sidewalk and street improvements along the property frontage. Stormwater drainage issues would be addressed with a curb construction and placement of a drywell. With the full potential buildout that is possible on N. Maple, a 60 foot right-of-way and 40+ foot street, which is a collector/arterial standard, would service a higher traffic volume than would be generated on N. Maple. Minimum road requirements, with parking and a bike lane, would be 44 feet, with two travel lanes. With less than 3,000 average daily trips, bike lanes are not required. In order to utilize bike lanes, parking could be limited to one side. Mr. Wheeler explained that proposed condition #5 should be revised to read

5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles, and sidewalks shall be provided as follows:

10 feet in width along all exterior lot lines, except
12 feet in width for N. Maple Street frontage, and along the full width
of the common access drive.

Further, staff recommended amending proposed condition #14, which deals with removal of the tree at the southeast corner of Lot 2, to read:

14. Tree removal will consist of any trees that fall within the building envelopes of the new single family homes. All other trees, except for fruit trees and any diseased trees, will need approval by the planning department before removal.

Applicant

Mike Campbell, 32290 Armitage Court E, Wilsonville 97070 stated that he concurs with the staff report. With regard to the 20 foot paved access strip issue, Mr. Campbell stated that his initial proposal did include that as the access for Lots 1 and 2 from the easement. Regarding paving, Mr. Campbell requested that the paving of the access strip be required prior to occupancy rather than prior to the signing of the final plat, because of all the heavy machinery that will access the parcels during the building process. He explained that the paving would probably have to be heavily repaired if it was done prior to building construction. Mr. Campbell stated that he would like to save as many trees as possible, with the exception of some old fruit trees that are diseased.

Proponents

Cherrol Pacholl, 860 N. Ash stated that she was the realtor involved in the sale of these lots. She urged the Commission to approve the application.

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

1. The Planning Commission agreed that no new right-of-way on N. Maple Street is needed for the partition request and that the existing 50' wide right-of-way is adequate for the necessary street improvements, curb, and sidewalk. The existing 45' wide street, curb, and sidewalk alignment along the south will need to be reworked to transition into a 40' wide street in front of the subject property.
2. The Planning Commission agreed that adequate right-of-way now exists for N. Maple Street and that the existing Fir tree at the southeast corner of Lot 2 could be retained with the proposed road alignment.
3. The Planning Commission discussed the existing trees on the site and agreed that the property contains several mature trees, some of which, with future development, will fall within the building footprint of the new single family homes and would, therefore, need to be removed. The Commission further agreed that in order to preserve the remaining existing trees, all trees on the property [with the exception of fruit trees and any diseased trees], will need approval by the planning department before removal.
4. The Planning Commission discussed the common shared paved access to the two subject parcels. The Commission agreed that the shared access would be the common driveway for the two lots, with no additional driveways permitted.

5. The Planning Commission discussed the Solar Ordinance. Mr. Wheeler explained that the proposed homes would not meet the Solar Ordinance because they could not be oriented to an east-west existing street, which is necessary to meet the basic solar requirements. To do so, there would have to be a 90 foot north-south dimension and lot frontage within 30 degrees of true east-west orientation. Staff has generally looked at the controlling street pattern when reviewing the Solar Ordinance. If the developer has an option on the street pattern and how the lot is developed, then staff will usually apply some of the stricter development standards dealing with solar access.
6. The Commission discussed the paving of the access easement. The Commission agreed that since any and all improvements could be bonded, that it could be approved for paving prior to occupancy.

Based on the findings and conclusions contained in the staff report dated February 28, 1997, on testimony at the hearing, and on Commission deliberations, **Commissioner Prince moved to approve MLP 97-02 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 97-02.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition plat shall identify the newly created parcels as Lot 1 and Lot 2. 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, and sidewalks shall be provided as follows:

10 feet in width along all exterior lot lines, except
12 feet in width for N. Maple Street frontage, and along the full width of the
common access drive

Prior to Signing of Final Plat

6. Removal of the existing vacant homes shall be completed.
7. 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. The contract shall include the City as the contractee; Option 2, the developer shall pay the City \$330 for the 2 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.
8. Half street construction to forty (40) feet road width standard, curb, utilities and sidewalks shall be completed before building of houses or bonded prior to the signing of the final plat.
9. An access strip 20 feet in width between Lots 1 and 2 , shall be constructed from N. Maple Street to the west property line of Lots 1 and 2.
10. Access for Lots 1 and 2 shall be by shared access only with no other access for the lots.

For Construction

11. 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, 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, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. The street tree planting location shall be determined as a part of the pre-construction review process.

Prior to Occupancy of Lot 1 and 2

12. Emergency vehicle turnarounds shall also be provided that are acceptable to the fire district.
13. All Land Partition conditions of approval granted through Clackamas County File # Z0712-96-M will need to be met.

Notes

14. Tree removal will consist of the trees that fall with the building envelopes of the new single family homes. All other trees, except for fruit trees and any diseased trees, will need approval by the planning department before removal.
15. 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.

Commissioner Stewart seconded the motion and it carried unanimously.

VI. COMMUNICATIONS

Mr. Wheeler referred to a letter from Mike Duncan requesting consideration for allowing fireplaces to be laced no more than 2 feet into the side setback area.

VIII. OLD BUSINESS

None

IX. DIRECTOR'S REPORT

Mr. Wheeler referred to a flyer regarding basic Planning Commission training which will be held on Saturday, March 29, from 8:00 am to 4:00 pm. He explained that the City will pay all fees involved. He requested that anyone who was interested in attending, let the Planning department know as soon as possible. Commissioner Ewert requested that he be registered. Mr. Wheeler asked if anyone else wanted to attend, to let us know by March 21st.

Mr. Wheeler asked the Commission wanted to review 8 x 10 foot sheds (which do not require building permits in an R-1 zone) if they are located in commercial or industrial zones, under Site and Design Review. These accessories to structures in R-1 zones do not require building permits, but as an accessory structure in any other zone, it could require review, he added, if the Commission so deemed. The Commission did agreed though, that it would review temporary structures over 120 square feet along Highway 99-E, and those that are not in R-1 zones, under Site and Design Review if it will be in existence for more than 30 days.

Mr. Wheeler explained that he had a request regarding the 6-lot subdivision on Territorial and Pine, to combine 2 duplex and 2 single family lots in order to construct 2 four-plex units on the resulting 2 lots. The applicant is requesting approval of this request prior to signing the plat. Mr. Wheeler explained that, in any event, the applicant can make the change after the plat is signed and recorded by doing a "cancel-and-combine" and submitting a building permit for a four-plex, which would be reviewed under Site and Design Review. The Commission approved the request.

X. ADJOURNMENT

The meeting was adjourned at 11:30 p.m.

Respectfully submitted,


Joyce A. Faltus