

MINUTES
CANBY PLANNING COMMISSION
Regular Meeting
September 22, 1997

I. ROLL CALL

Present: Chair Ewert, Vice-Chair Stewart, Commissioners O'Shea, Tallman, Prince and Keller

Staff: James Wheeler, Planning Director; Jason Kruckeberg, Assistant Planner; and Dixie Harms

Others Present: Bill Kraxberger, Bill Wagoner, Tom Tye, Bonnie Zacher, Bev Woolhiser, Lynne Woolhiser, Allen Manuel, Glennette Danforth, Randy Carson, George Wittleman, Marty Moretty, James Surdam, Joseph Forsythe

II. MINUTES

Commissioner O'Shea moved to approve the minutes of September 8, 1997 with modification on page two. There was a second to the motion and it carried 5-0 with one abstaining.

III. CITIZEN INPUT ON NON-AGENDA ITEMS

James Surdam asked a question regarding the alignment for S. Pine Street and Commissioner Keller informed him when the public hearing is opened for SUB 97-07 he could testify.

No other items discussed

IV. FINDINGS

The Commission discussed final order ANN 97-07 - Riverside Homes. Commissioner Keller moved to approve final order for ANN 97-07 as written Commissioner Prince seconded the motion and it carried 5-0 with one abstaining.

V. PUBLIC HEARINGS

Chairman Ewert reviewed the hearing process, procedures and format. When asked if any Commissioner had a conflict of interest, Mr. Keller disclosed he is a licensed real estate agent in the state of Oregon. No objections from the audience or the Commission to his participation.

SUB 97-06, an application by Riverside Homes (applicant) and William T. Kraxberger, Tom Lichatowich, Dennis McCarthy, and Duane and Bonnie Zacher (owners) for approval to develop 9.7 acres into a 41 lot single-family residential subdivision. The property is located on the west side of Redwood Street, between Territorial Road and Highway 99-E (Tax Lots 900, 901, 1000 and 1001 of Tax Map 3-1E-3B).

STAFF REPORT: Jason Kruckeberg discussed the application by Riverside Homes and its location. One of the lots 1001 has already been annexed to the city and is zoned R-1, residential. The other three lots are proposed for annexation as R-1. Staff believes the proposed application is compatible with nearby developments. There are rural residential properties to the west; the south have been annexed into the city and is zoned R-1. The north and east are rural residential within the urban growth boundary. The size of the proposed lots are similar to average density of subdivisions developed in R-1 zones since 1988; 5.4 lots per acre, average.

With regard to the drainage issue, there is a swale that runs through the property that has caused storm water drain issues in the past, running north/south through the entire property roughly 100 feet wide. The applicant will be filling and grading the area prior to development. Public providers were sent response request forms and no adverse issues were raised. Clackamas county traffic analysts recommend denial of the application, not realizing traffic study had been completed on the property. Analysis was done and found the existing roads can accommodate the additional traffic. A copy of a letter from David Kelly, traffic engineer, September 18, 1997 re: Traffic analysis, was distributed. He concluded the impact of the additional seven lots is minimal.

The requirement for a 12-foot easement may not be necessary, but staff wants to keep it until further notice. Installation of storm water line and hook-up to it must be done before development of the lots occurs. Some cost estimates have been done. Telephone cable will be taken care of along with development of standard six-foot easements. They are not mentioned in the staff report. A 12-foot water main will be extended down through Redwood Street through the subject property. Interior water mains will be a minimum of 8 inches and will be looped.

The subdivision meets all the requirements for streets, easements, lots, and development ordinance, as long as the associated annexation application is approved, which is going through the process now. Other than what was addressed, staff recommends approval.

Questions from the Commissioners were answered by Mr. Kruckeberg regarding the staff report.

APPLICANT: Tom Tye, 6564 SE Lake Road, Milwaukie, 97222, discussed the storm right-of-way on the north property line if it doesn't work out elsewhere. Mr. Tye has contacted ODOT regarding the improvements to Highway 99. The State is currently looking into it. He would like the option to extend the widening on Redwood to the north or the south. He does not see any great problems with the grading of the property. Regarding the trees, he will look at that and look into having a landscaper or the City install them. He was pleased with the staff proposal and is working closely with them.

Commissioners asked about the storm water drainage and Mr. Tye explained how the storm drains would run and how water will be picked up on each street in the collector system. The system will be hooked up with Redwood.

PROPOSERS: None

OPPOSERS: None

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

1. The storm water drain issue was discussed and conditions need to be met before buildings permits would be issued. The drain line needs to go on the north property line unless other agreement is worked out.
2. ODOT should clear the brush away at the intersection of Highway 99E and N. Redwood Street.
3. The Commission wants the 10-foot panel to go north.
4. No building permits issued until drainage completed.
5. Maintenance and number of trees need to be put in CC&R's

Based on the findings and conclusions contained in the staff report, on testimony at the hearing, and on Commission deliberations, Commissioner Prince moved to approve SUB 97-06 with the exceptions or additions as mentioned. Commissioner Stewart seconded the motion and it carried unanimously.

SUB 97-07, an application by Allen Manuel (applicant) and Joseph and Gay Forsythe (owners) for approval to subdivide 1.66 acres into 10 multi-family lots ranging in size of 5001 to 8516 square feet, respectively. The property is located on the north side of Township Road, west of S. Pine Street [Tax Lot 1500 of Tax Map 3-1E-34C]. As everyone in attendance was present for the public hearing, Chairman Ewert did not reiterate the hearing process, procedures, and format.

When asked if any Commissioner had a conflict of interest, Commissioner Keller disclosed he is a licensed real estate agent in the state of Oregon. No objections from the audience or the Commission to his participation. When asked to disclose any ex-parte communication, Commissioner Keller disclosed a question before the commencement of the hearing by a member of the audience and Commissioner Keller said it would be discussed during the hearing.

STAFF REPORT: Mr. Kruckeberg presented the staff report. He noted the proposed site is 1.66 acres on the west side of South Pine street. The tax lot in question is lot 1500 of 3-1E-34C. Subdividing the property into 10 multi-family lots ranging in size of 5001 to 8516 square feet. The area is zoned R-2. Adjacent properties in all directions are zoned high density residential. To the north and northwest are apartment buildings; to the east are two single-family residences.

Staff believes the proposed development is compatible with housing in the area. Subject property is with an area of special concern of characteristics which should be addressed with development. Improvements to S. Pine Street are mentioned in various plans. In order to match the existing right-of-way configuration of S. Pine Street to the north, a 15-foot right-of-way is designated in the plan. In order to align S. Pine properly and accommodate the additional lots, a couple of small jogs will be necessary. At this time there is not a right-of-way to construct those jogs.

The applicant will be responsible to construct improvements along SE Township to a 44-foot width with an additional 10-feet of right-of-way. Curbs, sidewalks, street lights will be required. All utility providers were sent a request for comment. No comments received. Clackamas County analyst did respond the applicant would have to bring S. Pine Street up to city standards. The city is negotiating for dedications from owners on the opposite side of South Pine Street. They are not necessarily required for the development of the subdivision. A waiver of the solar access standards requirement is suggested.

Staff recommends approval.

Questions from the Commissioners were answered by Mr. Kruckeberg regarding the staff report.

APPLICANT: George Wilhelm, P.O. Box 561, Woodburn, Oregon, 97071, representing the applicant, Mr. Allen Manuel, addressed the jog on S. Pine Street, stating they would be willing to straighten out the jog. The developer is not proposing any CC&R's and would like to rely on existing ordinances. He believes the application meets all the criteria for approval. He is willing to give further testimony or answer any questions, if needed.

PROPONENTS: None

OPPONENTS: James E. Surdam, 480 S. Pine Street, Canby, Oregon, 97013, spoke in opposition to the application. He does not want the street to jog and take property away from him. The Commissioners questioned Mr. Surdam regarding specific measurements and placement of his property and the proposed street changes.

Lynn Woolhiser, 1222 SE Township Road, Canby, Oregon, 97013, spoke not in opposition but about some concerns regarding the development. The trees provide shade and privacy, which are important. Traffic along the area is a concern with egress out of her property. The Commissioners questioned Ms. Woolhiser about the loss of trees and arborvitae.

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

1. The street is to be straight and parking will be restricted until it's finished on the uncompleted portion.
2. The City is required to plant the trees on the east side of S. Pine Street, when the full street improvement is completed.
3. Solar access standards are not necessary, due to the mandatory alignment of S. Pine Street.
4. The City will work to develop the full width of the street contingent on acquiring the needed additional right-of-way.
5. Tax Lot 1701 (across S. Pine Street from the subject property and is not a part of this subdivision application) is given two 40-foot accesses and is to meet applicable ordinances.

Based on the findings and conclusions contained in the staff report, on testimony at the hearing, and on Commission deliberations, Commissioner Keller moved to recommend approval of SUB 97-07 with modifications as mentioned, to City Council. Commissioner Stewart seconded the motion and it carried unanimously.

VI. COMMUNICATIONS

Staff referred to a letter from the School District regarding a request for a joint workshop between the Planning Commission and the City Council. A discussion was had regarding the possibility of having a meeting in January.

Staff reported on the fact that a site design review approval for a warehouse on Township Road was granted (**DR 96-08**), and because of the overpass construction and utilities construction, it has resulted in a year's lapsed time between approval and ability to start the project. The owner would like an extension on the site design review. Commissioners granted a six-month extension.

Staff commented on the empty planning commission seat. There is an interview process and there are two people in the pool.

OTAK has been commissioned to do a study for the city on the industrial park master plan. There was a meeting with the property owners in the surrounding area regarding road alignment. They are also involved in the commercial services that might be used in the area and where they can be located in the industrial area. The Commissioners discussed the development of the streets surrounding the industrial area.

There was a report on the issues the City Council has been dealing with.

There was a request for the City Council to report to the Commissioners how they are coming to their decision of adequate capacity regarding police. The Commissioners would also like to know accident statistics at major intersections.

A lengthy discussion was had regarding annexation into the city of Canby and the pros and cons of development.

VII. ADJOURNMENT

The meeting was adjourned.

Respectfully submitted,
Catherine Teach-Schmitz