

**MINUTES**  
**CANBY PLANNING COMMISSION**  
**Regular Meeting**  
**Monday, December 14, 1998**  
**7:30 P.M.**

**DRAFT**

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**I. ROLL CALL**

Present: Chairman Stewart, Vice-Chairman Keller, Commissioners Brown, Tallman, and Bliss. Commissioner Prince Absent.

Staff: Jason Kruckeberg, Planning Director; Clint Chiavarini, Project Planner; John Williams, Associate Planner.

Others Present: David Edwards, Carol Edwards, Everett Locke, James Langham, Patrick Harmon, and Joan Jones.

**II. MINUTES**

September 28, 1998

Commissioner Keller made a motion to approve the minutes of September 28, 1998 as submitted. Commissioner Brown seconded the motion and it carried 4-0 with one abstention and one absent.

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

None.

**IV. FINDINGS**

None.

**V. PUBLIC HEARINGS**

Chairman Stewart reviewed the hearing process, procedure and format. When asked if any Commissioner had a conflict of interest or ex-parte contact, other than visiting the site but drawing no conclusions, none were expressed.

**ANN 98-03** Clint Chiavarini presented the staff report. Mr. Chiavarini explained that ANN 98-03 involved two properties. One property is on South Redwood, and one property is on Township Road. Both properties have residential structures but the

well. The properties are zoned a mix of high density and low density. Together the properties are about 1 ½ acres and could be developed as duplexes, apartments or single family units. The Canby City Council has authorized these properties to hook to City services. An agreement has been signed that states the property owners will not withdraw from the annexation process. Staff feels that the properties need to be annexed and hooked to City services because of the public health concerns to the owners and surrounding residents.

Commissioner Stewart asked the Commission if they had any questions.

Commissioner Brown asked why the septic had failed. Mr. Chiavarini explained that Clackamas County had declared the system failed but gave no specific reasons for the failure.

Commissioner Brown asked what happens with the structures that do not meet City codes. Mr. Chiavarini explained that they would be “grandfathered” in but if any development took place they would be made to conform to City code.

Commissioner Keller asked if the hedge on the property would be removed or trimmed. Mr. Chiavarini explained that if the property owner trimmed the hedge to 2 ½ feet and maintained it there that they could keep the hedge as it would comply with the City’s vision clearance ordinance.

Commissioner Keller asked about the requirement for a fire hydrant. Mr. Chiavarini explained that under the fire code it is required. If the owners could not pay CUB offers a program where they install fire hydrants each year, and this property could fall into that program.

Commissioner Keller asked if we could condition the requirement for a fire hydrant. Mr. Chiavarini did not think we could condition it, but if further development occurred it could then be conditioned. Mr. Chiavarini recommended strengthening the understanding to make the property owner aware of the safety reasons for putting a fire hydrant in at their cost. The cost for having a fire hydrant put in is approximately \$1000.00.

Commissioner Keller asked about the disposition of the well on the property. Mr. Chiavarini explained that the property owners intention is not to hook to City water at this time. They only intend to hook to sewer services. They are allowed to do that but if the well ever has a problem and needs to be repaired or replaced they would be required to hook to City water and decommission the well.

Commissioner Bliss asked about the failed septic system and how it would be decommissioned. Mr. Chiavarini explained that our Public Works Department has a process for dealing with that.

Commissioner Tallman asked if we could create an understanding about having the well tested on a regular basis. Mr. Chiavarini explained that the well had already been tested twice to his knowledge, and the property owners were aware of the problem so they would be keeping an eye on it.

Commissioner Stewart asked if this property is in a limited improvement district. Mr. Chiavarini explained that they are in the advanced financing district for the logging road, utility infrastructure improvements. Commissioner Stewart asked if they would qualify for sidewalks. Mr. Chiavarini explained that advanced financing is only for utility infrastructure.

Commissioner Stewart opened the public hearing for ANN 98-03.

**Applicant**

None.

**Proponent**

None.

**Opponent**

None.

**Rebuttal**

None.

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

Commissioner Brown asked about the understandings. Under new construction these would be conditions. Mr. Chiavarini explained that we can not condition an annexation, but we can provide understandings. Once the property is in our jurisdiction they would gradually conform to code as issues arose.

Commissioner Keller made a motion to approve ANN 98-03 with the understandings. Commissioner Tallman seconded the motion.

Discussion: Commissioner Stewart talked about finding a mechanism to get around the annexation process for this particular property because of the fact that it is a health concern. Mr. Chiavarini explained that there is a process through the State but it takes just as long as the City process.

Motion passed with a vote of 5-0.

Chairman Stewart reviewed the hearing process, procedure and format. When asked if any Commissioner had a conflict of interest or ex-parte contact, other than visiting the site but drawing no conclusions Commissioner Bliss reported having contact but no conflict was declared. None of the other Commissioners reported any conflict.

**MLP 98-05** John Williams, Associate Planner, gave the staff report. David Edwards had a 21,700 sq. ft. Lot on S. Ivy. He would like to make one lot into two by making a flag lot toward the back of the property. The existing structure would be kept and a 12' access road would be provided to the back lot. The property is zoned low density residential. There are two trees on the lot that the staff is recommending removal of. Sidewalks would be conditioned for the partition.

Commissioner Bliss asked about the existing structure. Mr. Williams recommended asking the property owner.

Commissioner Tallman asked about the trees. Mr. Williams explained that they are large deciduous trees, but he wasn't sure of the species.

Commissioner Stewart reported that in the past the Fire Marshall had required that for flag lots we condition no parking in the driveway and the address must be visible from the street.

Commissioner Stewart opened the public hearing for MLP 98-05.

### **Applicant**

David Edwards 27215 S. Gribble Road, Canby OR. Mr. Edwards explained his intentions. He said he would be putting a fence around the property. He has no problem removing the trees if necessary. He would like to put a 1800 to 2000 sq. ft. house on the back lot and keep the existing structure on the front lot. He would be renting the house to his son.

Commissioner Keller asked if both properties would be fenced. Mr. Edwards explained that they would.

Commissioner Bliss asked about the existing structure. Mr. Edwards explained there would be some more improvements to the structure. A new foundation has been put on the house and it has been inspected. It will need a new roof soon but structurally the house is fine.

Commissioner Stewart asked Mr. Edwards if he were willing to bring in an arborist to look at the trees in question. Mr. Edwards said he would be willing to do that.

### **Proponents**

Pat Harmon, P.O. Box 216, Canby OR. Mr. Harmon explained that he has gone through a similar process with some of his property but he put in two flag lots. Mr. Harmon explained that he has not had any trouble with his property having flag lots, and doesn't feel Mr. Edwards would either. Mr. Harmon explained that the size of Mr. Edwards property is in excess of the requirement for lot size, and would like to recommend the Planning Commission strongly consider this application.

Jim Langham, 140 SW 8<sup>th</sup>, Canby OR. Mr. Langham explained that he owns property that adjoins Mr. Edwards. Mr. Langham had questions about the fence. If a fence is going to be put up he would like to have a survey done of the property because his understanding is that 1 or 2 feet of his property is on Mr. Edwards side of the fence.

### **Opponents**

None.

### **Rebuttal**

None.

Commissioner Stewart closed the public hearing portion of MLP 98-05 for Commissioner deliberations.

Commissioner Brown asked if this property falls within residential/commercial in the Comprehensive Plan. Mr. Williams explained that it does not.

Commissioner Keller also felt like it would be a good idea to get an arborist report on the trees if they were going to be kept. He wanted to know if there should be a condition put on the fence. Commissioner Keller wanted to include verbiage from the memo from Clackamas County in the conditions.

Commissioner Bliss asked about the 5 ft. easement. His wanted to know if this was for each property or both. Mr. Williams explained that this covered both properties.

Commissioner Tallman asked about the sidewalks. She wanted to know if they would be 5 ft. or 5 ½ feet. Mr. Kruckeberg explained that S. Ivy is a County road inside the City limits. Clackamas County requires 5 ½ ft. Sidewalks, but the City only requires a 5 ft. sidewalk. The requirement would be for a 5 ft. sidewalk because someday the City would be taking over responsibility for S. Ivy. Commissioner Tallman asked if this was going to pose a problem with the County. Mr. Kruckeberg explained that we have not had any problems in the past with this issue.

Commissioner Stewart wants to condition making the address for both properties clearly visible from the street, and that no parking be allowed in the driveway. He would also like to see an arborist report on the trees.

Commissioner Tallman asked if the 1 or 2 feet in question on the property line was on the drive way side of the property. Mr. Williams explained that it does not affect the drive way.

Commissioner Stewart explained that the conditions would be for 5 ft. sidewalks, trees removed or have an arborist report, condition the fence, and to include the verbiage from the memo from Clackamas County.

Mr. Kruckeberg asked for clarification on the trees. Mr. Stewart explained that either they could be removed or an arborist report submitted saying it is safe for them to remain.

Commissioner Brown made a motion to approve MLP 98-05 with the conditions set forth by the Chair.

Commissioner Bliss asked why we were putting a condition on the fence since the property owner volunteered to include one. Commissioner Stewart explained that since there has been testimony from a neighbor involving the fence, and the property owner has volunteered it that it was better to condition it.

Commissioner Keller seconded the motion. The motion passed with a vote of 5-0.

## **VI. COMMUNICATIONS**

Discussion of Neo-Traditional subdivision elements. Mr. Williams reported to the Commission on this. He explained that the idea behind Neo-Traditional development is to create a neighborhood atmosphere within subdivisions. Narrowing the streets, making wide sidewalks and reducing front set backs are done to encourage people to see each other. Under current City ordinances this is difficult for us to do. We could possibly go through PUD process to get around some of the ordinances.

Commissioner Stewart asked if this had been brought to the City Council. Mr. Williams explained that he had not talked to the Council on this.

Commissioner Brown stated that he has very strong views about this issue. He feels the Ordinance should be as open as possible and we need to have the ability to grow and densify. The Metro Town Center designations would be a mistake for our area. The idea of Neo-Traditional should come from the developer and should not imposed by the Planning Commission.

Commissioner Tallman thinks Neo-Traditional subdivisions can be charming areas but has concerns about the parking if the streets are narrower. She feel developers should be allowed to design these areas.

Mr. Williams explained that we are not looking to impose but rather allow these types of

areas.

Commissioner Bliss felt like this should be left up to the developer.

Mr. Williams asked for some kind of consensus on this from the Commission.

Mr. Kruckeberg explained to the Commission that they have been approached by developers on this issue but they are coming from a stand point of what is currently allowed in Canby. Developers are currently building subdivisions similar to those which that have been put in for the last five years. Mr. Kruckeberg asked the Commission if the style that is currently being developed is acceptable for the future.

Commissioner Brown felt that diversity within subdivisions is desired and some changes would be good, but the process needs to be controlled because it could get out of hand.

Mr. Kruckeberg explained that a lot of developers have been asking about this.

Commissioner Brown is concerned with the extremes and feels there should be a frame work provided.

Commissioner Stewart recommended that this subject be brought up at the next joint meeting between the Planning Commission and the City Council to see what the opinion of the City Council is.

Mr. Kruckeberg asked about the resistance to the smaller streets. The Commissioners expressed their concerns as being lack of parking, more dangerous, lack of bicycle lanes, and the visioning process that the City has gone through has shown that the citizens like wider streets.

Commissioner Bliss wanted to point out that in some areas this could be successful.

Mr. Kruckeberg mentioned that there is currently one area in town with a narrower street and although citizens in town feel it is a traffic hazard, the residents like it because it slows people down.

Commissioner Tallman expressed her appreciation for large front porches and the garages in the back of houses.

Commissioner Stewart likes the idea of a park or fountain in the center of developments with hedges instead of fences.

The Commission will discuss this issue further at the next joint session with the City Council.

## **VII. NEW BUSINESS**

Commissioner Stewart reported that the Mayor is putting together an urban renewal feasibility study group. The first meeting of this group will be on December 22<sup>nd</sup> at 7:00 PM. Basically the group will go through urban renewal 101, there will be 4 or 5 meetings over the next 5 or 6 months. He wanted to know if any of the Commissioners were interested in attending these meetings and being the liaison to the Planning Commission. Commissioner Keller is already a part of this group and he is willing to be the liaison.

Commissioner Tallman asked why there has been such a dramatic drop in the number of building permits being issued. Mr. Kruckeberg explained that Hope Village was built last year and that inflated the number of building permits. 1999 figures will increase because there are a lot of lots in Canby just now being built on.

Commissioner Stewart asked about the Canby School District enrollment update. This will be discussed at the next joint session with the City Council.

Mr. Kruckeberg talked about priority A, B, and C property and how this affects the enrollment. Priority A property is currently in areas where the schools would have trouble absorbing the increase. This will be looked at during the periodic review process.

## **VIII. DIRECTOR'S REPORT**

There will be no meeting two weeks from now. The next meeting will be on January 11<sup>th</sup>, 1999. There are two annexations, and some code amendments to be brought up at that meeting.

The buildable lands study has received a \$10,000 extension from OTAK to finish the analysis of lands. This will also be a very good start to the periodic review process. Clint Chiavarini is working on this.

Access Management Plan for 99E. The last meeting seemed to re-energize the committee. The committee will be looking at a final plan at the next meeting. Commissioner Tallman is the Planning Commission liaison for this group. Commissioner Stewart wants the Planning Commission addressed before the final version of the plan is accepted. Mr. Kruckeberg will invite the committee. Mr. Kruckeberg explained that the committee did not start the plan from scratch. There was a plan made in 1995 but it was never adopted. This group has taken that plan and re-written some of the points that were not acceptable. The final plan will be brought to the Planning Commission prior to approval.

Mr. Kruckeberg reported on the Comprehensive Plan. The City Council has approved the evaluation of our Comp. Plan land use regulations. Staff is working on formulating a work plan. The due date is mid April to the Department of Land Conservation and Development.

We are continuing to search for Planning Commissioners. There has been no response to



the ad in the Canby Herald or the City Newsletter.

A Planning Commissioner training program is coming up. Some of the Commissioners had attended last year and found this training beneficial. The training will be held on Saturday January 23, 1999 from 8 AM to 4 PM in Stayton. If any of the Commissioners is interested Jason asked that they let him know. Commissioner Tallman wanted to attend. There is also some advanced training being offered some time later in the summer.

Mr. Kruckeberg pointed out that there had been two different kinds of staff reports presented tonight and wanted to know which format was preferred by the Commission. The report presented by John Williams was preferred.

Commissioner Tallman asked that the conditions be addressed more carefully in the presentations.

## **IX. ADJOURNMENT**

With no further business to come before the Canby Planning Commission the regular meeting of December 14, 1998 was adjourned.