

MINUTES
PLANNING COMMISSION
REGULAR MEETING
Council Chambers
January 24, 2000
7:00PM

I. ROLL CALL

Present: Chairman Keith Stewart, Commissioners Geoffrey Manley, Paul Thalhoffer, Jim Brown, Jean Tallman, Corey Parks, Teresa Blackwell

Staff: John Williams, Interim Planning Director, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

Others Present: Jerry Barkman, Bob Kauffman, Patrick Sisul, Betty Faist, Bob Downing, Elizabeth Stultz

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARINGS

SUB 99-04, Oregon Development, Inc., an application to build Phase 2 of the Faist Addition subdivision. This phase would add 27 lots south of the new homes on SE 11th Ave.

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, Mr. Thalhoffer stated that he represented DirectLink but saw no conflict of interest and planned to participate, Commissioners Brown, Tallman, Blackwell and Stewart visited the site but drew no conclusions, Commissioners Parks and Manley had no conflict and all planned to participate. When asked if any Commissioner had ex-parte contact none was stated. No questions were asked of the Commissioners.

Matilda Deas, Project Planner gave the staff report, stating that the applicant was requesting approval of Phase 2 of the Faist addition. Matilda stated that the Comprehensive Plan encourages a general increase in the density of permitted developments as a means of minimizing urban sprawl.

Matilda stated that the applicant's suggested names for the streets were 11th Avenue and 12th Place. Staff has recommended that 12th Place be changed to 11th Place to be consistent with the naming of the streets in Phase 1 (10th Avenue, 10th Place).

Matilda stated that the applicant was proposing a 20' paved access strip from Phase 2 to 13th Street, installing ballards or a gate to provide emergency vehicle access only and deferring the full street improvement until Phase 3.

Matilda stated that in phase 1 it was proposed to connect 10th Avenue with Redwood St but the development on the west side of phase 1 curved Redwood St west at that point and the Public Works Supervisor had stated an intersection would be dangerous. Matilda added the decision on the intersection would have to be addressed before Phase 4. Ms. Blackwell asked if any options had been discussed for the intersection. John replied that there needs to be a meeting with the applicant, neighboring property owners, School District and Public Works Supervisor to make a decision. John proposed that a consensus decision would be made at the staff level and brought to the Commissioners when the appropriate Phase came in.

Matilda explained that the wording in condition #18 (sidewalks, planting strips and street frontages would meet City standards, what ever they might be), is written that way because the city is in the middle of adopting the TSP and standards which are not yet final.

Matilda stated the applicant has proposed 1 street tree instead of 2 per unit because of problems that came up while planting trees and building bump outs in Phase 1. Ms. Tallman questioned that if 2 street trees weren't the standard where did the requirement come from. Mr. Manley replied that the applicant had proposed 2 street trees per unit in Phase 1 and stated one tree per unit was usually what the Commission required

Matilda stated that the City Engineer has requested a condition requiring DEQ approval of drywells and the Public Works Supervisor has requested that all construction vehicles for phase 2 be required to use S. Teakwood St. to access the project.

Matilda stated that there have been ongoing discussions between staff, the Parks Director and the applicant regarding providing a park for this development. She added that the applicant has proposed 2 options, dedicating lots 118 & 119 (approximately 15,000 square feet) to create a mini park or if the applicant acquires more land to the east they would be willing at that time to set aside a larger parcel for a park. She added that the Parks Director is comfortable with either option because it fits with the plan of connecting Redwood St. and the Logging Rd.

Matilda concluded that the staff recommends approval of the application as conditioned.

Mr. Stewart stated that DEQ approval of drywells was not conditioned in Phase 1 and asked if there was a mechanism that would allow for uniform construction of drywells between Phase 1 and Phase 2. John stated that he is planning to set up a meeting with the City Engineer

to figure out the details.

Mr. Stewart opened the public hearing.

APPLICANT

Patrick Sisul, Sisul Engineering, on behalf of Oregon Developers.

Mr. Sisul addressed the Commissioners explaining that this is the second phase of a five phase development. The 27 lot development is immediately south of Phase 1, which was approved approximately 1 year ago, the time line is to add one phase a year for 5 years.

Mr. Sisul stated in Phase 1 S. Sycamore and S. Teakwood Streets were dedicated across the project from north to south, in Phase 2 it is proposed to continue these dedications to the southern end of the Phase 2 and that 12th Place would be dedicated across the subdivision from east to west. Mr. Sisul added that all streets inside Phase 2 will be improved and that a 20' paved emergency access strip would be built extending from the south end of Phase 2 to 13th street as a secondary access to the development. Mr. Sisul stated the Canby Code requires a second access when there are 60 units or more in the development, with Phase 2 there will be a total of 57 units so the access is only needed for emergency purposes.

Mr. Sisul stated that the city has put in for a permit with DEQ for all the drywells currently in the city, this includes the drywells for Phase 1, the applicant is responsible for submitting an application for Phase 2, if permitted the drywells for Phase 2 will be the same as in Phase 1.

Mr. Sisul stated that the applicant is agreeable to the dedication of lots 118 & 119 for a mini park or is willing to discuss a larger dedication if they acquire the property to the east of the development. Mr. Parks asked why the park couldn't be located in another section of the development. Mr. Sisul answered that locating the park by the Logging Rd Trail so it was accessible to people who were using the trail seemed the best location. Mr. Parks asked if it would be built out prior to Phase 5. Mr. Sisul responded it would be possible but that the only access to the park would be from the Logging Rd before Phase 5 was built out.

Ms. Tallman questioned whether the paved access would have curbs or sidewalks. Mr. Sisul replied that it would be just a 20' paved access strip to meet fire code requirements, if full street improvements were made they would just be torn out in a year when the sewer and water lines were installed for Phase 3, he added that by just having an access strip it would not be increasing traffic loads on 13th St. Mr. Parks questioned the practicality of creating a roadway that would be torn up in a year.

Mr. Stewart asked if the applicant planned to do the 13th Ave. improvements when Phase

3 came in. Mr. Sisul responded the plan for Phase 3 is to do the 13th Ave. improvements and the infrastructure on S. Teakwood at that time.

Mr. Manley asked if the applicant would be willing to do full street improvements on S. Teakwood if they were not required to do full street improvements on 13th Ave. Mr. Sisul responded that there would still be a problem with utilities (sewer & water) under S. Teakwood since the sewer is approximately 1,200' at minimum grade and it would be difficult to find someone willing to do the middle section or to start from the high end and work back, a little mistake can amount to a lot of money.

PROPONENTS

NONE

OPPONENTS

NONE

Mr. Stewart closed the public hearing and opened Commissioner deliberations.

Mr. Stewart stated one of the things to consider on this application was the connection of 10th and Redwood in Phase 5, he felt at least a connection to the Logging Rd from Redwood Street was necessary. John responded that there was an understanding from the property owner that there would be an access to Redwood from 10th St. but there has been no supporting evidence. Mr. Stewart stated that it is not applicable to this application but it is necessary to look at the big picture when making decisions.

Mr. Brown stated that deferring the decision on the park would be in the best interest of the city at this time and in his calculation the applicant would not need to extend the sewer line across the property they could stub out each end. His recommendation was that S. Teakwood be continued with full street improvements all the way to 13th and to defer improvements on 13th until Phase 3.

Mr. Thalsofer stated that waiting to see if the development could acquire the property to the east and the possibility of obtaining a larger park in the Logging Rd area would be a better benefit to the public. He added that requiring S. Teakwood be finished down to 13th but not requiring 13th would be the best and most effective way to go.

Mr. Manley stated that he concurs with Mr. Brown regarding extending S. Teakwood to 13th. He added that the amount of parks they are proposing (1,500 square feet) seems inadequate, if by deferring there is a chance to get more acreage that would be the better option.

Mr. Parks stated that this isn't a take it or leave it situation since there will be further

negotiations for the remaining phases and that a park dedication could be addressed in the future. He agreed that S. Teakwood should be completed down to 13th and that 13th be deferred until Phase 3.

Ms. Blackwell believed that S. Teakwood should be built out to 13th and that the parks situation be left open for discussion.

Ms. Tallman stated that ½ street improvements on S. Teakwood would be a total waste of resources and that it would be wiser to complete S. Teakwood all the way to 13th. She added that one street tree per unit would be sufficient.

Ms. Tallman moved to accept SUB 99-04 with modifications (S. Teakwood be improved to 13th St, allowing 1 street tree per lot and deferring a decision on a park location) seconded by Mr. Brown. Motioned carried 7-0. Matilda stated that the applicant was requesting approval of the findings at the meeting due to a mis-communication between the office and the applicant that delayed their hearing for 2 weeks. The Commissioners agreed that since there were changes to the conditions of the application that they needed to read the findings.

MLP 99-06, Robert Downing, an application to divide the existing .86 acre lot at 609 S. Redwood Street into three parcels. The existing house will remain on one lot.

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any member had ex-parte contact, none was expressed.

Matilda handed out a new plot map that had a slight modification on the flag lot. She stated that this is a recent annexation to the city due to well contamination. She added that the upper third of the parcel is zoned R-2 (high density) and the lower part is zoned R-1 (low density).

Matilda cited that the Public Works Supervisor requires sidewalks along the full frontage of Redwood, Clackamas County requires encroachment permits for frontage improvements. She added that the applicant had proposed a reciprocal easement with an unpaved access strip but since this is full access for parcel 2 & 3 it requires a full 20' paved access.

Matilda stated that staff recommends approval.

Mr. Stewart asked for clarification on set backs and questioned the placement of the shop on parcel 1. Matilda replied that the set back could be as close as 5' on an pre-existing building at the time the flag lot was created.

Mr. Brown questioned the lot sizes especially lot 3 stating that if the access easement is excluded (which is not buildable) then the lot is 6391 square feet. John stated that easements have always been considered when figuring lot size. Mr. Brown commented that the usual easements are for utility accesses and since this would be physical hard scape he felt there was a difference. Matilda stated that there was nothing in the code that addresses that issue. John stated that the owners would still have to pay taxes on the easement

Ms. Blackwell questioned the secondary access for the shop and asked if the reciprocal easement was for the front lot also. Matilda explained that it is for parcel 2 & 3. Ms. Blackwell asked if it would be recorded on the deed. Matilda stated that it would be recorded on the deed.

Mr. Stewart questioned lot 1 accessing the access strip. Matilda explained that lot 1 has it's own driveway but it would have a secondary access to the shop off of the flag strip. Mr. Stewart stated that he did not remember approving any application that had 3 different lots were using the same 20' paved access, it would then be a private road as opposed to servicing a flag lot.

John asked if the access proposed met the requirements for 3 lots or for 2. Matilda responded that the code states if it accesses more than one flag lot there must be a 20' paved access. Mr. Stewart suggested that the Commissioners take a break to review the codes.

Matilda stated that staff had reviewed the code and it states that if you access 3 to 19 dwelling units with the addition of a 5' sidewalk and stated that this was a secondary access that the applicant has said will be used just once or twice a year.

Mr. Stewart asked if the 5' sidewalk would reduce the area of the lots to below 7,000 square feet. Matilda replied it would be a private sidewalk, not a public street, and would still be considered the owner's property.

Mr. Brown asked if the sidewalk could be placed on the north or south of the driveway. John stated that it would be a private sidewalk and that set backs would be measured from property line not from the sidewalk. John questioned if this was a dwelling unit that was being accessed which is what the code is intended for.

APPLICANT

Robert Downing, 605 S Redwood Street stated it would be a convenience to be able to pull through his shop instead of having to back his 30' trailer in and out. Ms. Tallman asked if a 25' radius was sufficient for turning his trailer. Mr. Downing replied it was ample room for turning and it was preferable to backing up.

PROPONENTS

NONE

OPPONENTS

NONE

Mr. Stewart closed the public hearing and opened Commissioner deliberations.

Mr. Parks stated that the shop was not a dwelling unit and that a 20' paved access was enough of a burden for the applicant to bear and doesn't feel that there will be heavy use on the access strip.

Mr. Manley stated that the accesses were sufficient but felt that there should be additional wording on condition # 6 to specifically address the reciprocal access maintenance and a condition written requiring street trees be planted on the lots facing the street.

Ms. Blackwell stated that with Mr. Manley's conditions she would support this application.

Mr. Thalsofer stated that he was in support of the application as it was planned and modified by Mr. Manley.

Mr. Brown stated there is a possibility at some point in the future parcel 1 could be subdivided again and in an effort to keep the amount of accesses down on Redwood, they would require access to the other parcels be off of this reciprocal access.

Mr. Stewart stated that the Commission can't make a decision based on what might happen to parcel 1 in the future, the decision needs to be decided on whether or not it meets the current code requirements.

The Commission decided that the Findings need to be brought back to them at the next meeting.

Mr. Manley moved to approve MLP 99-06 as amended, seconded by Mr. Thalsofer. Mr. Brown stated that during code review he would like further clarification on what constitutes square footage on a lot (inclusive or exclusive of easements) to facilitate future decisions. Motion carried 7-0.

DR 99-11, H.O.P.E., Inc. An application to build 24 new garden homes at HOPE Village on a new cul-de-sac south of SW 13th Avenue.

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any

member of the hearing body had any conflict of interest, Mr. Thalhoffer stated that H.O.P.E. was a client of his firm and would abstain from the hearing. When asked if any member had ex-parte contact Commissioners Manley, Brown, Stewart, Tallman, Blackwell had visited the site but drew no conclusions, Mr. Parks had no contact.

John Williams gave the staff report. He stated that this is a Site and Design Review only, the Conditional Use had already been approved with the original application in 1991 and added that some of the criteria for this project came from that application.

John stated that the this project is proposing similar landscape as in the other phases, the requirements are just met for this phase but over all the master plan is 50% landscaping.

John stated that the proposed landscaping for this application is similar to the other phases and it met the requirements. John continued that Canby's code allows a reduction to 1.3 parking spaces per unit for projects like this, the applicant is proposing 35 spaces which is over the amount required (22 garage spaces and 11 on 13th St.). John stated that the applicant is proposing to defer construction of the parking on 13th until construction of the next 2 units of garden homes.

John stated that Chief Giger had concerns regarding how private streets are addressed throughout the city, this project will be addressed as 1441 S. Ivy units 500-600. John added that he would be coming back to the Commissioners in a couple of weeks with questions about private street numbers. Mr. Stewart stated that this was a concern in 1997 and that it is time to settle it.

Mr. Stewart asked if bicycle parking racks were required. John replied that staff's opinion was that bicycles could be parked in garages.

Mr. Brown asked if sidewalks are required on one side of private streets. John replied that the master plan for this project has people moving through the open space areas instead of on the interior streets.

Mr. Stewart opened the Public Hearing.

APPLICANT

Jerry Barkman, Executive Director of H.O.P.E Village. Mr. Barkman stated that curbs can be a hazard to people who had trouble lifting their feet and they had designed a roll over curb that allows water to run off but eliminated the problem. Mr. Barkman added that sidewalks had been placed where people would want to walk.

Mr. Barkman stated that they are pleased with the landscaping of the existing projects and plan on continuing the scheme. He stated that he has monitored parking on the first 44 homes

carefully and the only time the parking lot is full is when there are large events. He stated that there is one bicycle in Hope Village and that it is parked in the garage.

Mr. Barkman stated that when putting phase 1 together, it was decided by the Planning Director that all units in the project would have the same mailing address 1441 S. Ivy, starting with unit 101, there was no discussion regarding the naming of private streets. He stated that the internal street names are for convenience for visitors and that emergency services are kept informed as to how the numbering of the units work.

Ms. Blackwell asked when the project began. Mr. Barkman stated that the property was purchased in 1989, annexation & PUD was approved in 1992 and development began in April of 1996. Mr. Stewart commented that the project was twice as far along as they had projected, Mr. Barkman stated that the plan is to bring the last major piece of the project before the Planning Commission in approximately 3 months.

PROPOSERS

NONE

OPPOSERS

NONE

Mr. Stewart closed the Public Hearing and opened Commissioner deliberations.

Mr. Stewart asked if the applicant met the PUD parking requirements if they considered the blended project, John agreed that it did.

Mr. Stewart asked where the walking trail was in development. Mr. Barkman responded that the street sidewalks are done on Ivy and 13th St. and with the development on Fir St. the walking trail will be approximately 80% done.

Mr. Brown stated that this was a clean application, the applicant has shown that he follows through with things, it's an excellent project and a good addition to our community. He stated that he hopes the Commissioners approve the application.

Ms. Tallman stated that she would like to see the sidewalks on 13th completed soon due to the schools in the area. Mr. Stewart asked if there was some way to move up the construction of the sidewalk. Mr. Barkman stated that they needed approximately \$150,000 to finish the project. Mr. Brown asked John what the time line was for the connection from 13th to Hwy 99E, John stated that it would be fairly soon, as soon as they get the right of way through the old Canby Disposal property. Mr. Barkman stated their 13th St. improvements will mesh with the city acquiring the connection so that it will be a true arterial. Mr. Barkman stated that it was also a

matter of money and that the sale of garden homes generated the revenue.

Mr. Stewart stated that he would appreciate Mr. Barkman's input on the addressing issue for Emergency Services.

Mr. Brown moved to approve DR 99-11 as written, seconded by Ms. Tallman. Motion carried 6-0 with Mr. Thalsofer abstaining.

IV. FINDINGS

DR 99-09/CUP 99-08, Canby Alliance Church, an application to expand their existing building at 900 N Juniper St.

Mr. Manley added that on page 5 where it states that Fire Marshal's approval would be needed, he would like it to specifically state that they need the Fire Marshal's written approval of any modifications.

Mr. Brown moved that they approve DR 99-09/CUP 99-08 as amended, seconded by Ms. Blackwell. Motion carried 7-0

V. NEW BUSINESS

Matilda Deas explained that this is an appeal by Elizabeth and Chad Stultz of a staff decision regarding a Carriage House which was used as a rental unit at 654 NW 3rd Ave.. Matilda stated that the original owners, Mike and Nancy Jones, had applied for and was granted a variance (VAR 96-01) with the condition that they bring the Carriage House up to current building codes standards within 180 days. The Stultz's bought the property in April but were unaware of the variance (which expired May 14, 1997) until a code officer stopped by to see if the Carriage House was still being used as a residence.

Matilda explained that the Stultz's are very interested in bringing the house up to code and asked staff to extend the variance. Matilda stated that after researching the codes, they informed the Stultz's that there was no language that would allow for staff to grant an extension of the variance and informed them that they could make a formal appeal to the Planning Commission.

Elizabeth Stultz stated that when she came into the Planning Office to fill out an application for a variance she noticed that everything was exactly the same as on the original application, she stated that bringing the Carriage House up to code is going to be very expensive and if there was a way to extend the original variance then they could put the \$900 fee into upgrading the house.

Mr. Stewart stated that he was on the Planning Commission when the original application was approved. He stated that there was a lengthy discussion as to whether the Carriage House could even be brought up to code. Mr. Stewart recommended waiving the \$900 fee stating that the house could be a large liability to the neighborhood and he felt it should be brought up to code or torn down.

There was consensus that it would be in the benefit of the neighborhood to have the structure brought up to code and a discussion on how to proceed. Mr. Brown questioned whether the Commission could waive fees, Mr. Stewart stated that it was within the power of the Commission to waive fees. Mr. Parks asked if the Commission would be setting a precedent if they granted this extension, Mr. Stewart stated each application stands or falls on its own merit. Mr. Thalhofer stated that if all facts were known by the applicant at time they purchased the property they may have made different decisions, so he was in favor of waiving the fee for a new variance.

Mr. Manley moved to affirm the staff ruling, seconded by Mr. Brown. Motion carried 7-0.

Mr. Parks moved that the Commission waived the filing fee for Elizabeth and Chad Stultz to reapply for a new variance, seconded by Ms. Blackwell. Motion carried 7-0.

VI. MINUTES

January 10, 2000

Mr. Brown stated that there was a typo on page 6 and that the word Unified need to be replaced with Uniform. Ms. Blackwell moved to accept the minutes as amended, seconded by Mr. Parks. Motion carried 7-0.

VII. DIRECTORS REPORT

John presented options regarding procedures for traffic studies. He explained that in the past developers supplied their own traffic studies and that they seemed to be biased toward the developers, at this time traffic studies are done by an independent engineer and paid for by the developer. There was a discussion regarding hiring a new consultant, what triggers the need for the traffic studies, allowing an abbreviated study for smaller developments, having an independent consultant review developers studies and what the cost increase will be. The Commissioners asked John to take the suggestions that they came up with and to bring back some options.

John stated that the City Council has approved a resolution allowing the city to be the applicant on a large annexation of the industrial area. Mr. Stewart questioned if it was unanimous by the owners to be annexed. John replied that anyone who is unwilling to be annexed will not

be included on the city's application. Mr. Stewart expressed concern regarding the creation of "pockets" of unannexed land. Mr. Brown asked if the city is the applicant and the Planning Commission approves it, is there a conflict of interest. John stated that there are plans to hire a consultant to be the applicant to minimize those concerns.

John handed out the latest enrollment projection updates for the school district, stating that there could be as many as 5500 students in the Canby School District by 2004. According to the report, Trost is "bursting at the seams" but the schools located outside of the city are holding steady or declining because land use laws prevent new developments.

John stated that David Evans & Associates, based in Bend, OR has been selected as the consultant for the Downtown Master Plan Grant.

VIII. MEETING ADJOURNED