

MINUTES
CANBY PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 14, 2000
COUNCIL CHAMBERS
7:00PM

I. ROLL CALL

Present: Jim Brown, Vice-Chairman, Jean Tallman, Geoff Manley, Teresa Blackwell, Paul Thalhofer, Corey Parks.

Absent: Keith Stewart

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

Others Present: John Torgeson, Pete Kelly, Dennis Pahlisch, Lila Gottman, Curtis Gottman, Hans Kautz, Mary Liechty and Tony Weller.

I. CITIZEN INPUT ON NON AGENDA ITEMS

NONE

I. PUBLIC HEARINGS

MLP 00-01 Hans Kautz. Application for approval to partition an existing lot with 2 houses into 2 lots with 1 house on each lot.

Vice-Chairman Brown 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. Thalhofer stated that Direct Link (a utility provider) is a client of his firm but did not see this as a conflict of interest. When asked if any Commissioner had ex-parte contact, Ms Tallman stated that she had visited the site but drew no conclusion. No questions were asked of the Commissioners.

Matilda Deas presented the Staff Report stating that the applicant, Hans Kautz is in the process of building 2 homes on one lot in an R-2 zone. She stated that the comments from the

Public Works Supervisor were made before he was aware that the homes were located in the R-2 zone (high density residential) which allows more than 1 dwelling unit per lot. She addressed the Fire Marshal's comment regarding the 12' access strip stating that it was allowed under the current code when the access strip serves 1 dwelling unit and is less than 100' long.

In conclusion Matilda stated that the existing structures are all being built to code, they meet all setback requirements and that staff recommends approval of the application.

Ms. Tallman stated that wording needed to be added to the condition that addresses must be visible from the street and that it is insufficient to have the numbers just painted on the curb (parked cars hide the numbers). She added that this should be made a standard condition on all applications.

Mr. Brown asked what would prevent future owners of the flag lot from erecting a shed on the emergency turn around easement. John replied that would be caught in the planning stage and it would not be approved.

APPLICANT:

Hans Kautz addressed the Commissioners stating that the application seems "backwards" because construction of the second dwelling had already begun when he had a conversation with the Planning Director and decided to apply for the minor land partition so he could sell the second parcel.

PROPONENTS:

Mary Liechty, 341 N. Cedar St. stated that she did not oppose this application but expressed her concern regarding future construction in her neighborhood. She stated that she was surprised that construction was going on before the partition was approved, adding that she would not like to see 2 story homes being built on other parcels around her and that she would like to be notified of future building in her area.

Mr. Brown asked if she was aware she lived in a R-2 zone and suggested that she spend some time at the Planning Department to get an understanding what could happen to the property in that zone. He added that if she was an adjacent property owner to a development she would be notified, but that 2 story houses would be allowed in that zone.

OPPONENTS:

NONE

It was moved by Ms. Tallman, seconded by Mr. Parks to approve MLP 00-01 as amended

regarding location of addresses. Motion carried 6-0.

DR 99-10/CUP 99-07 Pete Kelley. Application to approve the building of phase II, which includes 11 lots of Village on the Lochs, a manufactured home park.

Vice-Chairman Brown 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. Thalhofer stated that several years ago he represented a owner of Village on the Lochs regarding the sale of property to the applicant but added that he does not feel it is a conflict of interest. When asked if any Commissioner had ex-parte contact, Mr. Brown, Ms Tallman and Ms. Blackwell stated they had visited the site but drew no conclusions. No questions were asked of the Commissioners.

Matilda gave the Staff Report. She stated the applicant has proposed a 11 unit manufactured home addition to the existing Village on the Lochs development, the density permitted for a Mobile Home Lot is 7 units per acre allowing 11 lots on this parcel. Matilda added that the applicant has also requested an approval to modify Phase 1 by adding an extra lot located at the end of Havenshire Lane, with the additional lot the development would be at 5.5 units per acre which meets the density requirements.

Matilda stated the applicant had said utilities were located on the proposed lot but utility providers had not indicated that but had added that it would be no problem getting them there.

Matilda stated that there was a slight error in the staff report, she had informed the applicant that approximately 800 square feet of open space was needed for this phase of the development, subsequently she found that the original phase had set aside enough open space to cover future development but added that the applicant is still willing to set aside the 800 square feet to be located in lot # 9.

Matilda explained that a code requirement for a sight blocking fence had been waived for the original application and the applicant had requested it be waived for this phase also. She added that there is a 15% landscape requirement and a requirement for a 15' buffer around the interior lot line.

Matilda stated she had contacted the Division of State Lands regarding the wetlands delineation, they had visited the site and sent a letter stating that there would be no impact. She continued that she has not received any updated material from Clackamas County regarding the flood plain status and it is conditioned that it will have to be obtained before the construction can proceed.

In regards to the sidewalks Matilda asked the Commissioners to consider an option requiring that the sidewalk curve around the radius of the corner and continue on the same side of

the street instead of crossing over to the other side as was shown.

Matilda stated that the Fire Department has required an emergency turn around and 24' roads with rolled curbs.

Matilda continued that even though the code does not have a requirement for what type of landscaping would be done she felt the 15' buffer strip along the creek would be an appropriate place for native vegetation. Ms. Tallman agreed stating that there is a small creek at the base of the hill and native vegetation would help with erosion control. Mr. Brown stated that the original development had raised the elevation of the entire site 12" to remove it from the flood plain, the area along the back was designated as a wet land area and drains right into the Molalla River.

Matilda stated that there had been some concerns expressed by residents of Village on the Lochs of management not following through on their responsibilities. Matilda stated that there had been some forfeited landscape bonds from phase 1.

Mr. Brown stated that the surface water would drain off of the asphalt and into the creek without being ran through a bio-filter. Matilda stated that the only suggestion that the Division of State Lands had offered was for backyards to be fence. Mr. Parks stated that the run off water would be a DEQ issue. John responded that it is conditioned that the applicant will meet all DEQ requirements.

APPLICANT:

Pete Kelly, representative for Brian Fitterer current owner of Village on the Lochs, stated he talked to the County regarding the Flood Plain Status and they have agreed to get the information to Matilda. He added that FEMA had written a letter in 1992 that delineated the area from the flood plain. Matilda confirmed that the letter is in the files.

Mr. Kelly stated that there is a 15' buffer strip along the creek and is unclear what else would be required for landscaping since it is already in a natural state he added that a fence along the creek would detract from the rural motif of the development.

Mr. Parks asked if there were any bike lanes or pedestrian paths in the project that would allow access to the wet lands. Mr. Kelly stated that the other side of the creek is owned by the city so there is access to the wetlands.

PROPONENTS:

John Torgeson, P.O. Box 65, Canby OR, Mr. Torgeson stated that when they developed Phase 1, utilities were brought in for the proposed modification of the lot, the only problem is that no one is sure exactly where utilities are located. He asked for clarification from Matilda if

she was asking for sidewalks on both sides of the street in Phase 2, she stated that they were recommending the sidewalk continue on one side of the road all the way around the radius and down to the end of the development instead of crossing over to the other side of the road.

Mr. Torgeson stated that the regulation that calls for a sight blocking fence was out of date, since it was written when the developments were called trailer parks, now they are manufactured home parks and in his opinion putting a chain link fence around phase 2 would look ridiculous

Mr. Torgeson stated that in phase 1 they were not required to have landscaping on the backside where the creek is located, but they did have to bring in wetland materials to recreate some of the natural landscaping that was affected. He suggested conditioning the landscape to read that as people move in they submit plans of how they will be landscaping their lot.

Mr. Parks asked if there were any bike paths or trails in the development, Mr. Torgeson responded that there is no bike lanes inside the development but that he had dedicated property to the city to establish a connection from Elm St. to the wetlands.

Mr. Torgeson commented that the 25' set back goes back to when the road was built, it is not even in the city limits. The Public Works Director decided that it had to be built to city standards with bike paths and 5' sidewalks so Mr. Torgeson dedicated more property to the city with the stipulation that the property line started at the curbs with easements for the slopes.

Mr. Torgeson stated he hoped that the landscaping would be conditioned so it would not have to be put in until the homes had been located on the sites.

Mr. Torgeson responded to the concerns raised by Mr. Brown and Mr. Parks regarding the run off water draining into the Molalla River. He stated that in phase 1 he had been required by the DEQ to install pollution control storm drain manholes. He added that he owns a 5 acre manmade lake and monitors the discharge from the storm drains and stated that phase 2 will also be equipped with the pollution catch basins.

Mr. Brown asked for clarification of the ownership of the property, Mr. Torgeson responded that the lots are owned by the park but are maintained by the owners of the homes and are subject to the CC & R's of the park.

Mr. Brown closed the public hearing and opened Commissioner Deliberations.

Modifications were as follows:

- A chain link fence would not be required but could be installed by applicant.
- A 3' sidewalk was needed around the radius and continuing to Elm St.

- The open space requirement had been met with phase 1.
- DEQ requirements would be met during pre-construction.
- No additional access was needed to the park/wetland.
- Landscaping along buffer required, leaning towards native plants.

It was motioned by Mr. Thalhoffer to accept DR 99-10/CUP 99-07 as amended. Seconded by Ms. Blackwell. Motion carried 6-0.

SUB 00-01 Tofte Farms III. Application to approve a residential subdivision consisting of 47 lots.

Mr. Brown asked if any Commissioner had a conflict of interest, Mr. Manley, Mr. Parks and Mr. Brown stated that they live in Tofte Farms I, but had no conflict of interest and planned to participate. When asked if any Commissioner had ex-parte contact, all stated they had visited the site but drew no conclusions. No questions were asked of the Commissioners.

John Williams gave the Staff Report. He stated that there were 2 options with this application and the applicant has decided to go with the 47 lot development, leaving the original Tofte home on a large lot (which if were to be developed at a later time would require a separate sub-division application).

John stated that the right of way and frontage improvements on SE 13th St. will match existing streets. He added that a traffic study had been done that showed no deficiencies and that the existing streets would accommodate the development. It also suggested that the street be aligned with the school's driveway on 13th St. and that a cross walk be required there. John stated that condition #15 requires that a crosswalk be built to the standards of the Public Works Department.

John asked the Commissioners to consider the street naming process, explaining that when this project came in the streets did not line up with any existing streets so the names Magnolia & Mulberry were suggested, the Public Works Supervisor stated that he preferred to use existing street names and came up with Maple & Lupine. John stated that in the past the street names have been discontinuous, for example there are 5 or so different Ponderosa Streets and it is very confusing for people to find their way around the city.

John stated that the Bike and Ped committee had requested catch basins for the project be designed so bicycles could pass over them. The School District has written that they will have to install portable class rooms to accommodate the increase in school enrollment. There were written comments from Paul and Nancy Muller, 1493 S. Pepperwood, stating that Tofte is a good development but they had concerns about the impact on overcrowding at the school and stated there needs to be a crosswalk on 13th for the school crossing.

John stated that no parks were required for this development and none had been proposed but added that a private recreation space had been proposed for phase II to be seen by the Planning Commission at a future meeting.

John stated that the new cross sections for streets has a 4' 6" planter strip and the Commissioners will have to make some decisions as to what type of landscaping will be required and who will be responsible (the owner or developer). John added that a planter strip is not required for this development but they maybe included in this phase and will be an issue in future developments.

Staff recommends approval of the application with conditions.

APPLICANT:

Tony Weller, Representative for the applicant stated that 134 lots needs 3 accesses, they had contacted the adjacent property owner to obtain an access from Redwood St. to Ivy St. but the owner is not ready to sell. Thus, they decided to build this phase next.

Mr. Weller stated there have been 2 pre-application conferences regarding the development of Phase III and it has been modified many times, the plan submitted will allow access to the deeper sanitary sewer that Public Works stated was needed and allow for a possible connection to Ivy St. in the future.

Dennis Pahlisch, Pahlisch Neilson Homes, stated that as an applicant he would favor separate street names for this sub-division because disconnected streets could be more confusing for emergency providers.

Mr. Pahlisch stated that they have worked closely in the past with other school districts, getting involved in the school system, supporting bond measures and they plan on becoming involved in Canby also.

Mr. Pahlisch stated that they are in favor of planter strips and prefers sod. He added that irrigation is an option that buyers would be able to obtain and all lots would have 3" conduit installed under the sidewalks for future installation of irrigation if wanted.

Mr. Pahlisch stated that there were some set back problems with the location of the sidewalks and planter strips and that it pushes the homes back further, adding that the backyards were one of the biggest selling points of the homes and expressed his desire to work with staff on the setbacks.

PROPOSERS:

NONE

OPPONENTS:

NONE

Mr. Parks asked if there were plans for a signal light at the school, Mr. Pahlisch stated that there is no standard at this time but the city is working on establishing school cross walk standards and would be willing to go along with what ever decisions are made as to what those standards are.

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

There was discussion regarding the naming of streets, when to continue an existing street name and when to create new names. It was agreed to address this issue at a later date and to change condition # 4 which addressed street names to read that street names will be settled by staff prior to recording.

There was consensus that the planting strips would be consistent through out the development but to allow staff to work out the details with the applicant.

The Commission discussed the school crosswalk, 13th Street will become a east/west collector when the connection to Berg Parkway is made which will cause an increase in traffic. John recommended having this intersection done in concert with the other school crossings so they will have a coordinated system and to amend condition #15 to read that the crosswalk shall be provided at this location as required by the standards.

Mr. Brown addressed public concerns that the Planning Commission approves housing developments in the Trost School district when the school is over-crowded. He explained it was determined when the land was annexed that the housing would be built.

Modifications are as follows

- #4 names of north/south streets to be reviewed by staff and approved by the Commission prior to recording of the plat
- #14 the planter strip will be negotiated between applicant and staff with it being consistent through the development.
- Wording to be added to #15 to include all relevant parties for development of the intersection.

There was a motion by Mr. Manley to approve SUB 00-01 as amended. Seconded by Ms. Blackwell. Motion carried 6-0.

IV. 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.

Ms. Blackwell moved to approve MLP 99-06 as written. Seconded by Mr. Thalhofer.
Motion carried 6-0

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.

Matilda Deas stated that Condition #16 should be altered to read "South Teakwood Street will be constructed with ½ street improvements to match existing street improvements from phase 1 and will be extended to 13th Ave".

Mr. Thalhofer moved to approve SUB 99-04 as modified. Seconded Ms. Tallman.
Motion carried 6-0.

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.

Ms. Tallman moved to approve DR 99-11 as written. Seconded by Ms. Blackwell.
Motion carried 5-0 with Mr. Thalhofer abstaining.

- **NEW BUSINESS**

Mr. Parks stated that as a new Commissioner he would appreciate it if the City Council Liaison would attend the Planning Commission Meetings to explain things that have happened at the City Council that are related to the Planning Commission activities (especially annexation information). John stated that he tries to keep the Commission informed on issues and reminded the Commissioners that the joint meeting will be held on February 23, 2000. Mr. Brown suggested that Commissioners that have any questions could call Terry Prince directly.

John stated that there is a space reserved for a Planning Commissioner on the Urban Renewal Advisory Committee and asked for a volunteer to attend and for a back up. Ms. Tallman stated that she would be willing to be the back up member. They deferred a decision until February 23, 2000 on who would attend the meetings.

Matilda stated there will be a meeting March 1st on the Downtown Master Plan with David Evans and Associates regarding the final scope of work and it will be taking off soon. Mr. Brown stated that his experience with large firms is that there are times when they need to be pushed to get new, fresh ideas. John stated that they had met with this group twice and they seem willing to get a "Canby fit".

John stated there are still some issues that need to be settled on the TSP (street widths, travel lanes) so the City Council has extended the decision until March 15, 2000. The Commissioners will get copies as soon as they are available.

- **DIRECTORS REPORT**

- The traffic study information will be in the next packet.
- There are 2 Public Hearings scheduled for next meeting
- No Public Hearings scheduled for March 13st so there will be time to discuss Periodic Review and/or street names.
- Downtown Master Plan is on going.
- Citizen Involvement Committee meets on the second Wednesday of each month at 7:00pm at the Adult Center and he would like to have Planning Commission representation there.
- Planning Director position closed February 11, 2000 and to expect someone should be on board in 60 days.
- Bios are still needed from the Commissioners for the City's Web Page.

- **MEETING ADJOURNED**

10:30pm