

MINUTES
PLANNING COMMISSION
REGULAR MEETING

April 24,2000
7:00PM

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Geoff Manley, Jean Tallman, Corey Parks, Teresa Blackwell

ABSENT: Commissioners, Jim Brown, Paul Thalsofer

OTHERS PRESENT: Gary Rose, Rodney Rose, Ethan Manuel, Allen Manuel, Paulette Jarvey, John Finklea, Teresa Richey

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARINGS

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. Mr. Stewart asked if any Commissioner had a conflict of interest, none was expressed, when asked if any Commissioner had ex-parte contact, Commissioners Tallman, Blackwell, and Stewart had visited the site but drew no conclusions.

SUB 00-02 Asset Development Group, an application to subdivide an existing 1.44 acre lot into 9 parcels (existing home, 3 new duplexes, and 5 new single family units).

Matilda Deas, Project Planner, gave the staff report. She stated that the applicant had originally proposed a subdivision with an access on Territorial and 2 accesses off of N. Redwood, but Clackamas County had denied the access on Territorial, and would limit the amount of accesses on Redwood. So the applicant had reconfigured the subdivision with just two accesses on N. Redwood St.

Matilda explained that when the property was annexed in 1999 there was a condition that no development would be allowed until the light at N. Redwood and Hwy 99E was fully functional. Jerry Pineau, Community Development Director told John that the signal light is scheduled to be functional in June.

Matilda stated that the maximum density allowed by City code was 20 units, the applicant is proposing 12 units. She added that the County has requested an additional 5' of right-of-way on NE Territorial, the Public Works Director has required a dedication of property to increase the radius at the intersection of N. Redwood and NE. Territorial, and an additional 10' of right-of-way will be needed along Redwood to increase the width of the road at that point to align Redwood street, the applicant has agreed to the dedications.

Matilda stated that a traffic study was submitted prior to annexation, the Traffic Engineer who did the study has stated that since the two applications are similar in design, the study would apply to this application.

Matilda stated that the County requires 6' sidewalks but will allow the applicant to match the existing 5 ½' sidewalks in that location.

Matilda explained the 20' access strip which services lots 7,8,& 9 reduces to 12' when it reaches lot 2, the code states that a 12' access strip is allowed if it is less than 100' long, she added that the Fire Marshal had stated it did not present a problem for the Fire Department.

Matilda reported that Canby Utility Board had commented that the existing house will have to bear the full cost of connecting to utilities. She stated the school had commented that they were at capacity but they could provide services.

Matilda explained the fire hydrant located at the corner of Redwood and Territorial will have to be relocated to the south when the intersection is improved.

Matilda explained that because of the shape of the parcel, the 3 northern units will meet the Solar Standard, but there is no way to make the other 6 lots comply. She added that there is a provision in the code that allows the Commissioners to "reduce the percentage of lots that must comply to the minimum extent necessary, if it has an adverse impact on the density of a development", the applicant has asked for an exception to allow the increased density.

Mr. Parks questioned the 5' easement for the County, Matilda explained that the County calls for 70' road widths on all arterial roads (NE Territorial), currently they have 60' in that location, so they will obtain 5' from either side of the road. Matilda added that the 10' easement is for the City, to align that section of Redwood with the existing street to the south.

Ms. Tallman asked for clarification on the 12' access to lot #2. Matilda suggested having the applicant explain how the access will function.

Mr. Parks asked why a traffic study was not included in this report. Matilda stated that at the time of annexation the applicant had supplied a traffic study with an application very similar to the design of the present application, after studying the new application the Traffic Engineer determined the study would be applicable to both designs. Mr. Stewart explained that at the

time of annexation the Commission requires a traffic study be done that would cover the maximum density allowed.

Ms. Tallman asked for clarification on the County's comments regarding the applicant not providing a Master Plan demonstrating why access to the property to the west cannot and should not be provided. Matilda stated she spoke with the owner of the property and he does not want access.

Mr. Stewart asked if the Railroad has began work on the intersection at Hwy 99E and Redwood, John replied that it had started and it is on schedule.

Mr. Stewart asked about frontage improvements on N. Redwood. Matilda stated that she had conditioned sidewalks and curbs and will make sure it is written to include frontage improvements on Redwood to City standards.

Mr. Manley pointed out that street trees were needed on N. Redwood for lots #7 and #8. Matilda stated they would be added.

Ms. Tallman questioned the 5' sidewalks that were shown on the map, Matilda replied that the applicant will have to work with Clackamas County and they will require a 5' easement and 5 ½' sidewalk.

Mr. Parks asked where the provision is located in the code that allowed the Commissioners to reduce the percentage of lots that must comply with the Solar Access Standard. Matilda responded the Ordinance is 16.95.050.

APPLICANT

Ethan Manuel, Asset Development Group, stated he agreed with the issues discussed in the staff report, and feels this application addresses the City goals of increasing density, not using up farmland, and creating affordable housing.

Mr. Manuel stated this application will bring needed improvements to the intersection at N. Redwood and NE Territorial by dedicating additional land to increasing the radius, and installing the sidewalks and curbs.

Mr. Manuel stated that the project had been changed after the County made their comments, the multiple accesses had been condensed to just 2 common accesses off of N. Redwood.

Mr. Manuel explained that the access to lot #2 starts at the corner of the lot where the 20' access strip ends.

Mr. Parks asked if Mr. Manuel understood the Solar Ordinance. Mr. Manuel stated that

he did not understand all of the ordinance, but he knew it was difficult to get any kind of density on small parcels and stay within the requirements.

Ms. Tallman asked what the time frame was for occupancy, since there is the condition from the annexation that ties the build out of the property to the light being fully functional at Redwood and Hwy 99E. Mr. Manuel explained that it would be approximately a year before occupancy occurred.

PROPONENTS

None

OPPONENTS

None

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

Mr. Manley stated he would like to see the annexation condition regarding the light at Hwy 99E be added to the conditions of approval for this application.

Ms. Tallman stated that the Commissioners had made concessions in the past on the solar requirements. John agreed that in the case of long narrow lots there is a trade off between density and the Solar Standards. Mr. Stewart commented that they had not approved a project that was as low as 33% before.

Mr. Parks asked what the maximum density for this subdivision could be. Matilda stated that a PUD (Planned Unit Development) would be able to place 20 units on the lot but was unsure of how it would meet the Solar Standards. She added in order for this development to meet the Solar standards it would have to be reconfigured and there wouldn't be many lots left.

Mr. Stewart stated the Solar Ordinance is being looked at during Comp Plan Review, decisions will have to be made as Canby grows, to use up farmland or to allow for increased densities.

Mr. Allen Manuel addressed the Commissioners and asked if the condition regarding the light at Hwy 99E could be tied to building permits instead of lot development. Mr. Stewart explained that the condition could be tied to building permits or certificates of occupancy. It was agreed to have them tied to building permits.

Mr. Parks stated his concern regarding getting the maximum density off of this parcel since the Solar compliance was only 33%. He stated that there is very little available R-2 property at this time, and it should be used to it's full extent.

Matilda stated that if the existing home is removed from the figure, technically there could be 14 units on the property.

Mr. Parks asked how the development would be addressed. John responded they would have N. Redwood addresses.

Mr. Manley moved to approve **SUB 00-02** as amended, with the conditions that no building permits be issued until the light at Redwood and Hwy 99E is fully functional, frontage improvements on both Territorial and Redwood streets, a variance on the Solar issue, and street trees on all street lots. Seconded by Ms. Tallman. Motion carried 4-0-1 with Mr. Parks abstaining.

SUB 00-03/DR 00-04, Rustbusters, Rodney Rose.

Mr. Stewart asked if any member of the hearing body had a conflict of interest, none was stated, when asked if any member had ex-parte contact, Mr. Manley, Ms. Tallman, Mr. Parks, Ms. Blackwell, and Mr. Stewart had all visited the site, but drew no conclusions.

Matilda Deas, Project Planner presented the staff report. She stated that the applicant has applied to divide an existing 2 acre parcel into 4 fairly equal sites, and to build on one lot a 40' X 84' shop, and a 40' X 48' office building.

Matilda explained that the applicant presented some alterations from his original application prior to the meeting, instead of 26' tall it will be 14' tall. She stated that the easements were different from what the Commissioners usually see, that is because the easements were conditioned in the original subdivision.

Matilda explained the development is 15,595 square feet, and requires 2,399sq.ft of landscaping, the applicant has proposed 4,937 square feet. She explained that the amount of street trees that will be required will depend on the type of trees that are selected due to the amount of space each needs, so there could be as few as 2 and as many as 9 trees.

Matilda explained that originally the applicant was going to share the existing access strip with Hot off the Press. They have altered the application to increase that access by 24' and install 5' sidewalks around the development providing access to the other 3 lots.

Mr. Stewart questioned whether there would be a hammerhead turn on this application or would it be discussed in a separate site and design review. Matilda explained the Fire Marshal stated that as development occurs he will make sure there is adequate access to get around the buildings.

Matilda stated that the applicant has decided to use the colors "Forest Green" and "Polar White" which will closely match the existing colors of Hot Off the Press. She added that they

scored 85% on the Compatibility Matrix.

Matilda stated that the applicant has been working with the Public Works Supervisor, and the City Engineer to install a 1" water line and to get the sewer line up to the edge of the property.

APPLICANT

Mr. Rodney Rose, Rustbusters Owner, explained that at this time there is a shared access with Hot Off the Press, he would like to extend the width of the access another 24' on to his property and reserve the right to extend the 24' driveway to access the 2 back lots, in case there is a business that goes in the back that would have a high traffic volume.

Mr. Parks asked if there was a plan at this time to build the driveway, or if they wanted the right to build it in the future. Mr. Gary Rose responded that the intent is to keep the traffic off of Hot Off the Press's road, he explained that their business will not have a high volume of traffic but there is the possibility that what ever development goes into the back 2 lots would increase the traffic volume on the driveway.

Mr. Stewart asked for clarification that the applicant was proposing to increase the width of the access strip for 60' into the property, using Hot Off the Press's road past that point, but retaining the option to expand the additional 20' inside their property line if needed in the future. Mr. Rose stated that was what they wanted to do.

Mr. Stewart asked if it would be a reciprocal easements with Hot Off the Press. Mr. Rose stated there would be.

Mr. Stewart questioned the Fire Department having room to turn around. Mr. Rose explained that the Fire Marshal had several options, (backing into Hot Off the Press loading dock, using the applicants parking lot to turn around) and was satisfied with this application.

Mr. Stewart asked what CUB required for the moving of the telephone pole. Mr. Rose stated that it will have to be moved, and they will comply with what CUB requires.

Mr. Stewart asked about the need for a night watchman. Mr. Rose stated that they have valuable cars that come to their business, and the customers main concern is security. Mr. Stewart asked if they were going to fence the property, Mr. Rose stated at this time they had no plans to fence the property, but if it became a problem they would want to fence it in the future.

Mr. Rodney Rose stated that he doesn't like trees that drop leaves, and didn't see any conifers listed on the street tree list. Mr. Stewart stated that could be worked out with the staff.

PROPONENTS:

Paulette Jarvey, Owner of Hot Off the Press, stated that they have no problem with what the applicant wishes to do, and are allowing access to the fire hydrant in the back of their lot.

She added that at the present time there is a 24' driveway, they were concerned about future traffic increases due to the problems that could arise when improvements will need to be done and who will pay for them, but they are satisfied with the solution that the applicant has presented.

Mr. Parks stated that the access for Rustbusters will be the "in" and the access on Hot Off the Press will be the "out" for the development, basically a two way road. Mr. Stewart suggested that Ms. Jarvey attend the site and design review for lots #3 and #4 to express her concerns regarding the development of the roadway at that time.

Mr. Manley questioned whether the access agreement is a reciprocal easement and maintenance agreement. Matilda stated it would be.

OPPONENTS:

None

Mr. Stewart asked if there were plans for the back lots at this time. Mr. Gary Rose stated that they planned to use it for storage for antique cars.

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

Matilda stated that the Fire Marshal has required a condition that the applicant file a Hazardous Management Plan with the Fire Department when they are finished with the project. Mr. Stewart asked for clarification on what hazardous material the applicants use. The applicants responded that zinc is the only material they use that would require notification to the Fire Marshal, it came off the Hazardous List in 1996, the only hazard it presents to the Fire Department is if it is kept in water a long time, it will give off hydrogen gas. The applicant stated they would file the plan.

Mr. Stewart stated that when CUB finds out the applicants are planning to expand the width of the driveway they will probably want their pole moved right away. The applicants stated that would not be a problem, they have done everything that CUB has wanted.

Mr. Stewart asked for clarification regarding the caretaker being on site, the applicant stated that Mr. Rodney Rose would live at the site, John explained that the code allows a dwelling for a watchman or caretaker working on the property.

Mr. Stewart asked for wording regarding the access strip. Mr. Parks suggested granting the design for the entire road, but only requiring build out for the first 60'.

Matilda asked for clarification on where the sidewalk will be placed. Mr. Stewart reopened the Public Hearing to have the applicant respond. The applicant stated it would be located on the east side of the roadway for the first 60', and continue in that location for the full length of the project, and grass will be between the existing roadway and sidewalk until future build out of the road.

Mr. Stewart asked if the landscape would be irrigated, Matilda responded it would be manually irrigated. The applicant stated that they would prefer not putting an automatic sprinkler in until after the property is developed.

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

Ms. Tallman moved to approve SUB 00-03/DR 00-04 as amended, with conditions for notification to CUB regarding the relocation of the utility pole, granting reciprocal easement and reciprocal maintenance, filing a Hazardous Management Plan with the Fire Department, and allowing build out of the access road 60' into the property with an option to continue it along the whole project in the future. Seconded by Ms. Blackwell. Motion carried 5-0.

IV. FINDINGS

None

V. NEW BUSINESS

None

VI. MINUTES

March 27, 2000 Mr. Manley stated that there were some errors in the last sentence that needed to be corrected. Ms. Tallman moved to approve the minutes of March 27, 2000 as amended. Seconded by Ms. Blackwell. Motion carried 4-0-1 with Mr. Parks abstaining due to being absent at that meeting.

VII. DIRECTORS REPORT

John thanked Matilda Deas for taking on a lot of the responsibilities of the Associate Planner while he's taken on the duties of the Planning Director.

John reminded the Commissioners that the next meeting on May 8th will begin at 6:00PM, and Matilda was planning to give an update on the Downtown Master Plan.

John stated that Planning Director interviews are scheduled for May 11th. Mr. Stewart explained that he is working with Jerry Pineau, Community Development Director to clarify the Commissions involvement. He stated he has asked that the applicants present a short presentation of a land use application, and the Commissioners would be able to have a question and answer period.

John stated that the Solar Ordinance will be looked at during Periodic Review, and hope to have a planning student gather information from other jurisdictions and set up meetings with interested citizens. Mr. Stewart added he would like to see view sheds, solar ordinance and environmental issues all coming together in a package that can be understood.

John informed the Commissioners that the Gramor/Arneson Park will be dedicated May 6th 2000.

John stated that the City Council adopted the TSP and it is now in effect. John explained that there are a number of code changes, and a new code book will be available at the next meeting, he added there may be several new books in the coming years as pieces are adopted.

Mr. Stewart asked if the City Council is aware that the Commission may send them recommendations for code adoption, prior to 2002. John stated he tries to give everyone a heads up on what's going on.

John stated there have been several proposals from Traffic Engineers, and expect to hire someone soon. John suggested the Commissioners come by the office to see samples of their work.

Mr. Manley explained that the School Siting Committee is looking for 20 acres of property for a school, they are asking the Commission for information on where schools would be allowed.

There was a discussion of what zones were suitable (probably not heavy, possibly light industrial if on the edge of the zone), placement for the possibility of building of a second High School, going outside the Urban Growth Boundary, and changing zone designations if necessary. John explained the City Council would not be the final say on Urban Growth Boundary changes, the State would be.

John stated he was working on getting the Chief of Police, Fire Marshal or Supervisor of Public Works to attend one of the up coming meetings.

VIII. MEETING ADJOURNED 9:36PM