

MINUTES

CANBY PLANNING COMMISSION

7:00pm July 9, 2001

City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Paul Thalhofer, Tom Sanchez, Jim Brown, Jean Tallman, Randy Tessman, Geoffrey Manley

ABSENT: None

STAFF: John Williams, Planning Director, Clint Chiavarini, Associate Planner, Matilda Deas, Project Planner, Carla Ahl

OTHERS PRESENT: Ken & Susan Burkert, Larry & Sandra Gemberling, Penny & Mike Kissner, Augie & Betty Gabert, Bill Patterson, Shawn Carroll, Leonard Olson, Sue Gagliardi, Doug Gagliardi, JillMarie Wiles, Clay Hagler, Theresa Hagler, C. R. Driggers, Ada Stout, Virgil Scheer, Paul Satter, Jim & Nancy Verlinde, Don Burton, Ed & Becky Krebs, Bob & Sheila Tice, Bruce Van Gorden, Theresa Tobar, Lance Johnson, Walt West, Frank Cutsforth, Carol Koepplen, David Stepp, Randy Sajovic, Don Hanson.

II. CITIZEN INPUT ON NON AGENDA ITEMS

JillMarie Wiles, presented the Commission with a petition signed by residents on N Holly street which states traffic is a major safety issue, and requesting the 25 mph signs be repainted on the street, a 4-way stop be installed at N Holly and Territorial, regular traffic enforcement by the Canby Police Department, and that any future planning include an impact study that covers the entire concerns of citizens who live on streets classified as arterials. Mr. Brown requested the petition be entered into the public record. Ms Wiles encouraged citizens to be come proactive, and be involved in the public process.

Doug Gagliardi, stated he has lived on N Holly since 1962 and has seen seven people killed at the intersection during that time. He explained people used to pass the buck and tell him it was a county street and so it was a county problem, he believes it is a City problem now and the City should take care of it.

Teresa Tobar, stated she has lived on the corner of N Holly and the filbert orchard for 22 years. When the City continued N Ivy to Territorial she contacted the City Council to find out what the City had planned for N Holly St. She stated she was informed that there were no plans

for Holly for the next 20 years because it is under coded, and the road would have to be widened by 8' on both sides of the street, so she was surprised to hear there would be 45 new homes built on a street that was not up to code. Ms. Tobar asked the Planning Commission to look ahead to the day when the Canby Ferry will be replaced by a bridge and all that traffic will funnel down N Holly St.

Mr. Stewart questioned staff regarding what was meant by Holly being under code. Clint believed it might be referring to the fact that Holly is a substandard road, it wasn't built to City's street width standards. Clint explained this subdivision will be dedicating right-of-way in order to widen the street, and doing road improvements that will bring the road up to code.

John Williams, Planning Director stated the County is willing to give N Holly to the City but the City is unwilling to take County streets unless they are up to City standards, since the City doesn't have the resources to do improvements. John stated that the improvement of N Holly is definitely on the City's 20 year plan, but it probably dropped on the priority list since N Ivy was built out to Territorial.

III. PUBLIC HEARINGS

SUB 01-03 An application to subdivide a 10.5 acre tax lot located on the southwest corner of N. Holly St. and NW Territorial Road into 45 lots suitable for building single family homes. Continued from 6-25-01

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. Thalhofer stated his firm represents the school district and he would abstain from the discussion and vote. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he had a conversation with the Director of the Chamber of Commerce who questioned the process involved but did not discuss the specifics of this application, Mr. Tessman stated he had a conversation with a person who lived in the area, but there was no direct conversation regarding this subdivision, Mr. Stewart stated he had revisited the site, and had spoken with the Superintendent of Canby School District, regarding procedure and not specifics of the application. No questions were asked of the Commissioners.

Clint Chiavarini, Associate Planner, gave the presentation regarding the changes the applicant had made with the application. He explained the applicant has agreed to condition #9, which requires solar building lines to be established on the lots, with that condition the applicant meets the solar requirement.

Clint addressed the extension of Grant street, stating that the City has received an intent to dedicate right of way when the owners partitioned their property, but the City has no plans to continue Grant at this time, but does retain the right to exercise their option at a later date. Clint explained to facilitate future development N Grant will dead end at this time, but curbs and ADA

ramps will be installed on the north side, instead of extending the sidewalk straight across. He stated there will also be an additional 5' to 6' buffer on the north side.

Clint stated the applicant has agreed to require uniform fencing and it will be added into the subdivision CC & Rs.

Clint explained that Mr. West and his partners have agreed to give the City a 1 year option to purchase the corner lot in the development as a park/greenspace, which the applicant has volunteered to clear and sod, install an automatic irrigation system, an internal pathway, and have his landscaper install any trees and shrubs the City provides.

Clint addressed the water line issue, he explained that Karl Hansen, Assistant General Manager of Canby Utility has requested if the developer does trenching up Holly St. that Canby Utility be allowed access to the trench, any extra hours would be deducted from the SDCs.

Clint stated the intersection at Holly and Territorial was a County Road, and he has contacted the Clackamas County Traffic Safety Committee and they are willing to work with the City to explore possible solutions for the intersection. Clint stated a letter could be forwarded to the Committee with any recommendations the Planning Commission would like to make, but it would not tie directly into this application.

Clint stated the applicant has suggested recording deed restrictions on the lots on Holly and Territorial that houses will face Holly and Territorial but the driveways and garages would face interior streets.

Clint stated that there were concerns regarding water run off, he explained it will be the developers responsibility to take care of water run off on site.

Clint addressed the historical designation for the filbert orchard, the applicant has stated the filbert trees are blighted, which could be a safety problem, and a long term maintenance issue.

Clint stated that the developer is requesting to install planter strips on N Grant, Territorial and N Holly, but not on internal roads, which would allow for larger back yards.

Clint stated he has received suggestions from neighbors to eliminate the access on Holly St. He stated the Fire Marshal and the Fire Chief had discussed this issue and both believe the access to be necessary to serve the community.

Mr. Brown questioned the extension of N Grant Street and what was meant by exercising the City's option for the right of way. Clint explained that in 1980 and in 1992, Gladys Satter partitioned her property and made a promise that when the City decides in 5 or 50 years from now to extend Grant Street to Territorial, the City can exercise that option, until then it remains

in private hands. Clint stated the Police Chiefs comment regarding the continuation of Grant Street would still apply.

Mr. Stewart opened the public hearing.

APPLICANT:

Don Hanson, OTAK Landscape Architect, explained they worked intensively with staff after the last hearing to work out the issues that were brought up, he believes the proposed modifications will address those concerns.

Mr. Hanson stated that one of the main concerns was how the development would look, neighbors wanted it to be a gateway to Canby since it's one of the first things that you see when you come into town. The applicant has modified the design so the fronts of the homes on Territorial and Holly face the street, with the driveways and garages being accessed from interior streets, making it a more attractive community.

Mr. Hanson stated that the applicant was asking that planter strips be required on exterior streets only, with no planter strips on interior streets to match the existing subdivision and provide more yard space.

Mr. Hanson stated the fencing will be uniformed through the development. And that the drainage issue will be solved with site grading and drainage work.

Mrs. Tallman asked if there will be a barrier at the access to the future continuation of Grant street. Mr. Hanson stated the applicant had dedicated an additional 5 ½' there so there will be width to accommodate a fence, but suggested a different type of barrier be used at the street access so it would not give the impression that Grant Street would not go through in the future.

Mr. Manley questioned if the applicant would be opposed to adding uniformed fence height and type on the south edge of the development to the CC & R's. Mr. Hanson stated it would not be objectionable.

PROPONENTS:

None

OPPONENTS:

Teresa Tobar, stated the major concern she had was the uniform construction of the fences, and thanked the Commission for addressing the issue.

Nancy Verlinde, stated she appreciated the developer placing the houses so their front

yards face the street. Her questions were:

- if the lot is purchased for a park would it reduce the number of lots in the subdivision.
- if the City chooses not to purchase the corner lot, will it be sold as a building lot.
- if the City does purchase the lot who would be in charge of it, the City?
- what type of park will it be.
- who decides what type of park it will be.
- what will the sign say.
- will planter strips be required? If they are she would prefer they be consistent with the existing streets.

John Williams, Planning Director explained the City receives funds for the purchase of parks, through Park SDCs, and the City has a Parks Master Plan which identifies areas to purchase park land in, this property is not included in that plan so Parks SDC's can not be used to purchase that property at this time. The applicant has given the City one year to decide if this is a property they would like to purchase for a park, and if they decide not to purchase the property then it would revert to a saleable building lot.

Ms. Verlinde asked if the SDCs paid by this development would be earmarked for the purchase of this property. John explained the money is put in the Parks general fund. Mr. Stewart stated the Planning Commission could ask the SDCs from this development be used for the purchase of the park, but the decision would be made by the City Council.

Mr. Stewart explained the City does not have the money to take care of the lot if it is purchased by the City. The applicant has agreed to put down sod, and irrigate the lot, but the real care will have to come from the people who would use the park since the Parks Department has very few employees. The City is open to almost anything the community would like to do there as long as the community maintains it.

Mr. Brown stated the property would be owned by the City, and the responsibility for the maintenance would fall upon the City. He stated though it would be a good idea for the neighbors to maintain the park the City can not compel them to. He explained the design of the park would go through the public process of design review and public input, and all the questions would be answered at that time. He believed this is a good opportunity for the City, but the maintenance will be a on going concern.

Beth Saul, Parks Director stated the development and design of the park would require a public process. John stated there will be neighborhood meetings in August to discuss park acquisition strategies, should the City focus on larger project or should some funds be set aside to purchase smaller parcels similar to the one proposed. John explained there will also be public meetings held this week to discuss residential zoning issues, such as design of residential subdivisions.

Clint stated there is a condition that if the City does not exercise its option to purchase the

property and it becomes a building lot, the house would be required to face the street and have it's access from the internal streets. Clint stated the applicant is willing to set aside enough property for a gateway sign.

Clint explained the reason staff is recommending planter strip on Grant is because there is enough City right-of-way in that area to accommodate the strip without encroaching on peoples yards.

Paul Satter, stated his mother was the original owner of the property to the Northwest and the person who gave the right-of-way to the City. He had a letter to the Planning Commission stating his intention of reorganizing the Riverside Neighborhood Association. He believes with this development and the with the possibility of SB 929 passing and allowing more land into the UGB the rural feel of the neighborhood is in jeopardy, greenways need to be preserved because they are what attracts people to Canby. He stated his concern that the development would rob him of his peaceful surroundings and the solitude of his property, he proposed closing the access on to Territorial stating there is no room for increased traffic on the road.

Mr. Stewart explained that SB 929 died in Committee so it is not a major concern upon this application. Mr. Stewart addressed the buildable land issue and explained it had more effect upon annexations than on subdivisions already inside the City limits.

Jim Verlinde, asked if there could be some standardized fencing material that can be stipulated. He would like more specific information regarding the drainage issue, in case grading does not work. He stated that construction sites create noise and dust and asked if there was some way to mitigate the situation.

Mr. Stewart stated the Commission could require standardized fencing but not the building material. He explained the drainage issue would be handled by the Public Works Supervisor. Mr. Stewart stated the City has noise ordinances in place and the contractor will very likely do everything they can to keep noise and dust to a minimum, if there are concerns after construction he suggested they contact Mr. Godon, Building Official.

Penny Kissner, explained her family came from Illinois, and chose to live in Canby because of the green space. She explained that in Illinois, there are no green spaces separating Cities, and does not want to see Canby become like that. She was concerned about the safety of a children's playground built on the busiest intersection in the neighborhood. Ms. Kissner questioned if an independent nurseryman had confirmed that the trees in the orchard were blighted. She stated the schools have changed boundaries due to school overcrowding and how 45 new homes being built will affect them.

Mr. Stewart explained that when the school district changed boundaries, they took into account the vacant property that might be developed, and believe they have sufficient capacity to

handle the increase.

Mr. Brown stated he was a member of the redistricting committee and that the schools are now under capacity. He explained that Trost was the most overcrowded school and there have been some major boundary changes which did cause a small increase in Knight and Eccles school but they still have sufficient capacity.

Mr. Stewart stated the Commission will have John Williams, or Clint Chiavarini look at the orchard to determine the health of the trees. He stated they seem to be a hazard and after the last major wind storm the trees had lost a lot of branches and could be a safety issue at this time.

Mrs. Kissner stated her concerns that recent annexations are encroaching into the City's greenbelt. John explained the greenbelt is an inter governmental agreement between Clackamas County, Metro, ODOT, and the City. He explained the City has an established Urban Growth Boundary, and that is as far as the City can expand in 20 years, the land outside the UGB will be preserved in rural zoning. Mr. Stewart added that the greenbelt is planned to be 5 miles wide, and if citizens are concerned they can contact Clackamas County, which is the only entity that has not agreed to sign off on it.

Dave Stepp, stated he lives across Territorial Rd from the proposed subdivision. He stated his concerns that the traffic study was not as complete as it could have been, and questioned if a one day of study gives an accurate accounting of traffic. John stated the studies are taken on one, average work day. Mr. Stepp suggested that traffic studies should take into account the construction of the road, and not just the number of cars, Territorial Road will remain a skinny, narrow road with no sidewalks and that should be addressed in the study. Mr. Stepp questioned why the traffic analysis did not take into account the proposed intersection on Holly, Clint had discussed that issue with the traffic engineer, who explained the total number of trips generated would be the same, but they would be distributed between the two intersections.

Mr. Brown asked if Mr. Stepp believed the traffic study to be flawed, that the intersection at Territorial and Holly operates below an "F" level and the Planning Commission should deny the application for that reason. Mr. Stepp stated he did not believe the application should be denied based on the number of cars, he suggested the traffic engineer had not done an adequate study, and the actual structure of the roads had not been addressed.

Clay Hagler, stated Mr. Stepp made a good point regarding the adequacy of the traffic report and was directed at whether the intersection at Holly and Territorial needed any improvements to handle the additional traffic load, it did not address any safety impact to the streets. Mr. Hagler asked the Commission to address the safety of the street, not whether the intersection was congested.

Mr. Hagler addressed the Fire Marshal's comment regarding the Holly Street access into the development, he questioned how much faster using that access would really be, and if there

was a guideline the Fire Department uses to decide how many streets are needed in a subdivision. Clint had spoken with the Fire Marshal who stated the Holly Street access was necessary for quick response time to the southern part of the development. Mr. Hagler stated he would appreciate Clint getting a written statement from the Fire Marshal in situations like this, rather than just an oral accounting.

Mr. Hagler asked if it was realistic to expect the City to divert funds for the purchase of the park within a year, and questioned why the City couldn't be given 18 months to 2 years to purchase the property. Mr. Stewart explained the developer was not obligated to give the City any time to purchase the property, and a years time was a very generous time frame. Clint explained the City might not have a park there in a year but the City will know if it will purchase the land within a year.

Bruce Van Gorder, questioned if the power lines would be placed underground with this development. Clint suggested Mr. Van Gorder contact Canby Utility to find out the specifics regarding the power lines. Mr. Brown stated typically the development would take the closest pole and go underground from that point, but the developer would not be required to place any lines underground beyond their connections.

Mr. Van Gorder did not believe the completion of Ivy through to Territorial had relieved the congestion on Holly at all, because people don't use it. Mr. Van Gorder questioned the necessity of the Holly Street access since the developer is turning the houses around to face Holly now. Mr. Van Gorder expressed his concern regarding parking on Holly and how it will affect the vision clearance there since there is a rise in the road to the north. He stated his belief that the Holly St. access is unnecessary, and unsafe.

JillMarie Wiles, thanked the people for attending the meeting. Ms. Wiles stated she appreciated the information she received from John Williams, and Clint Chiavarini and stated they are very accessible to anyone who has questions regarding what is going on in Canby. Ms. Wiles stated she will work with Beth Saul, Parks Director to do everything possible to make the park happen. She believes it is an opportunity for the community to come together.

Ms. Wiles stated there were 2 major issues brought up at the last meeting, aesthetics, and safety. She suggested removing the access to Holly Street and replacing it with a pedestrian walkway, that would allow the children to walk to school crossing at the safest spot. She questioned the type of trees that will be planted, and requested they be consistent through the development.

Ed Krebs, stated he has spent 28 years in emergency services and disagrees that the access on Holly is necessary to adequately serve the development in case of an emergency. Mr. Stewart explained that issue is not in the control of the Planning Commission, requests for comments are sent to all the service providers in Canby and the Commission defers to the experts opinion as to what is needed for a development. Mr. Krebs asked how he could contact the Fire

Chief to discuss the issue with him. Mr. Stewart stated the Fire Chief would be able to explain the reasoning behind the decision to keep the access.

Clint stated he had a telephone conversation with a resident who has lived in Canby for 15 years and he believed facing the houses on Holly and Territorial would preserve the aesthetics of the neighborhood, and he did not believe safety was a big problem.

There was a question from the audience regarding whether there would be room for parking on Holly Street. Clint explained Holly would be widened to accommodate parking on at least one side.

Teresa Tobar, agreed with Mr. Van Gorder that the rise on Holly creates difficulty in backing out of her driveway.

REBUTTAL:

Don Hanson, OTAK stated he felt confident the purchase of lot by the City will go through, and the 1 year time frame will be ample time. He added that if for some reason the purchase did not go through the applicant would still be willing to allocate space near the corner to accommodate an entrance monument for the City.

Mr. Offer stated the details of the fence have not been decided yet, but it would be consistent through out the development. He stated the applicant was in favor of the 4 way stop at Holly and Territorial, and believed it would increase the safety of the neighborhood.

Mr. Offer explained that when emergency service providers tell him that an access is good he goes with that. He explained the applicant is not opposed to eliminating that access and having a pedestrian walkway to Holly, but would want the Fire Marshal to endorse that decision.

Mr. Offer explained that when ½ street improvements are done they will have to be done to City and County road standards and it will have to be demonstrated there is adequate site distance from the Holly street access point when the final engineering is done. Mr. Offer stated that the input they have received had been very constructive.

Mr. Stewart closed the public hearing.

Mr. Brown stated he believed the comprehensive plan criteria had been met for this application, he then addressed the issues that were brought up at the June 25th meeting.

- Solar Ordinance, the applicant had agreed to meet the solar ordinance as outlined by staff.
- Extension of Grant Street, it is not realistic to expect the applicant or the City to extend Grant to Territorial at this time, but condition #19 should be modified to fence the whole width of that property.
- Edge Treatments for lots 1 and 5, this issue has been addressed with condition # 7.

- Park and Community Signage, suggested modifying condition # 12, to allow adequate space for an entry sign structure.
- Water System Extension, Canby Utility's intent was to utilize the existing trenching done by the applicant.
- Territorial/Holly Intersection, proposed the members of the Commission sign the petition circulated by the neighborhoods, and forward it on to the City Council and Traffic Safety Commission.
- Fencing on the Exterior of the Subdivision, he believed it should be fenced along the back of lots 1-5, along the north side of NW 14th, and suggested modifying condition #7 to include lots 10, 17-22.
- Potential Run Off Drainage to Property to the South, condition #15 adequately handles that issue.
- Historic Designation of the Orchard, defers to staffs expertise and believes the trees are blighted, and the construction activities will require removal of trees
- Retention of Filbert Trees on the Corner Lot, not a reasonable expectation
- Planter Strips, agreed with the applicants proposed locations for planter strips except he believed that Grant Street should match the existing neighborhood and that planter strips not be required there.
- Location of the Holly Street Access, believed the Commission should follow the recommendations of the staff and of the experts in the Fire Department and allow the access there.
- Proposed modifying condition #19 replacing the word curb with sidewalk to prevent access to the neighbors property.
- Recording the CC & R's will allow for the street frontage the community was looking for and preclude some vehicular problems along Territorial and Holly.

Mr. Brown stated the redesign with the conditions he outlined makes the application one he supports.

Mrs. Tallman explained to neighbors that filberts are not trees they are bushes, they do not have the longevity of a tree, she believes this is an old orchard and the filberts have become brittle and now pose a safety problem. Mrs. Tallman suggested that the neighbors won't miss the orchard so much with the amount of trees that will be required to be planted for this development. She explained the City tries to maintain a uniformed planting of trees in each development and has created an acceptable tree list they must be chosen from.

Mrs. Tallman addressed the vision clearance problem with parked cars, explaining that there could be a no parking zone established that would solve any site distance problem. She agreed with Mr. Brown that the applicant and the neighbors have worked hard to solve the concerns that were raised and that she supports the application, with the modifications recommended by Mr. Brown.

Mr. Manley agreed with Mr. Brown's modification with the exception that he believed

the requirement for a planter strip on Grant Street should remain.

Mr. Sanchez had concerns regarding the neighbors getting together to take care of the park and compared it to community gardens where there is a lot of initial excitement among the neighbors, but it doesn't take long before people gave them up.

Mr. Sanchez stated he has major concerns regarding the location of a play park on the corner of a busy intersection, and believed it would be a very unsafe area for children. He questioned if there were other parks in Canby where they are maintained by neighbors. Mr. Stewart replied there is a private pool that is maintained by a homeowners association, but there were no other parks in Canby being maintained that way.

John stated that the City's park staff would have the responsibility to maintain the park, but with the limited staffing at this time, the City would have to install a very low maintenance park. If the neighbors got together and wanted to add some extra stuff it would be up to them to take care of it, if they lost interest, it would revert to a low maintenance park.

Beth Saul, Parks Director addressed the Commission. She agreed with Mr. Sanchez regarding volunteer efforts for park maintenance, it's not that volunteers are not wanted it is just that there are certain activities that need to be done by paid staff. She explained that volunteers work splendidly for a long time, until there is a change in their life, then they stop volunteering, so she looks at volunteers as a way to enhance the basics, but the basics need to be done by the City. Ms. Saul explained there will be a public process regarding designing the park. But there is no reason the park can't start with a simple design that can be added onto later.

Mr. Sanchez expressed his concern that making part of Holly "no parking" would mean there would be people who could not park in front of their own homes. John explained that the Traffic Safety Committee could find there was a site distance problem and create a "no parking" zone, but before that happened there would be a public process to go through. Mr. Sanchez questioned if there would be adequate room for bike paths on Holly if they did allow parking. Mr. Stewart explained that the Bike and Ped Committee and the Traffic Safety Committee will be looking at that issue in the future.

Mr. Sanchez questioned what was required for traffic studies, he believed accidents should be accounted for in the information provided by traffic engineers. He stated the comprehensive plan designates the land in the UGB to the north will come into the City as single family homes and believes the increase in volume will be a problem in the future.

Mr. Sanchez expressed his concern as to whether adequate public services did exist, in terms of the facility itself (infrastructure), and the level of service they provide. He explained one goal of the transportation element is to develop and maintain a system that is safe, convenient, and economical.

Mr. Tessman stated the public input was excellent and the applicant had made some modifications that will benefit everyone. Mr. Tessman commented that traffic impacts seem to get mitigated as areas get developed, because roads get widened, speed limit signs get posted, and people seem to slow down a lot sooner.

Mr. Tessman encouraged people to get involved in the park acquisition process, and let the City know what type of park system they want here. He stressed the importance of public input in deciding Canby's future. He agreed with Mr. Brown's comments and supported the application with the conditions.

Mr. Stewart thanked everyone who came down and testified on this application. He explained to Mr. Satter that the Commission has advocated neighborhood associations and will continue to do so. He addressed some of Mr. Satter's proposed modifications to the application, explaining that most of them have been dealt with through the additional conditions.

Mr. Stewart proposed a formal letter be drawn up for submitting Planning Commission recommendations on to the various committees, and that one be sent to the Traffic Safety Committee recommending a 4-way stop be place at the intersection of Holly and Territorial. Mr. Stewart stated the City does not have the funds to extend Grant Street at this time so he believes it would be appropriate to condition a fence/barrier on the future Grant Street access.

Mr. Stewart stated when Territorial was re-stripped to allow for a 4' bike lane, it made it impossible for 18 wheelers to turn north onto Holly without taking up both oncoming lanes, and this is an important safety issue that needs to be addressed. He added he would take the recommendations of the Fire Marshal and Fire Chief regarding the Holly Street access.

Mr. Stewart agreed the park would be a City responsibility and if the neighbors wanted more than grass, they would have to be involved. He agreed that an interior lot might have made a better park location, but the applicant has offered the corner lot and Mr. Stewart appreciated that and believes it is good for the community.

Mr. Stewart stated he has spoken to the Planning Director regarding the information contained in the traffic studies, and the studies will be altered.

Mr. Brown readdressed the planter strip on Grant Street. He stated since it will at some point extend to Territorial and could be the margin between urban development and rural land, requiring a planter strip may be appropriate.

Mrs. Tallman agreed the petition is a good first step in letting the County know how the neighbors feel about a 4-way stop at Territorial and Holly. The safety concern has to be initiated by the people who are affected by it, and she will be happy to add her signature to the petition. Mr. Stewart suggested signing the petition and sending a formal letter to the Traffic Safety Committee.

Mrs. Tallman moved to approve subdivision SUB 01-03 as amended. Seconded by Mr. Brown. Motion carried 5-1 with Mr. Sanchez voting nay and Mr. Thalsofer abstaining.

ANN 01-01 An application to annex one 0.61 acre into the City of Canby. The property contains one single family residence. If annexed the applicant intends to apply for a minor land partition, and create 2 or 3 lots.

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 stated. Mr. Stewart asked if any Commissioner had ex-parte contact, Commissioners Tessman and Stewart had visited the site but had drawn no conclusions. No questions were asked of the Commissioners.

Clint Chiavarini, Associate Planner gave the staff report. He explained this is an islanded piece of property (meaning it is surrounded by property that is already in the City limits) across from Trost School, priority "A" non-farm land. The proposed property could contain 2 additional single family homes.

Clint stated that the applicant is requesting that sidewalk improvements be deferred until the lots are developed.

Mrs. Tallman inquired as to the condition of the property's sewer and water. Clint explained the septic field is potentially failing, and that City water is available.

Mr. Stewart opened the public hearing

APPLICANT:

David Sheldon, addressed the Commission. He explained that when the septic system was last tested it showed a lot of water, which is a potential sign of failure, if a new septic system was build it would have to cross a future lot line. Mr. Sheldon asked the Commission to recommend approval of his application to the City Council.

PROPONENTS:

None

OPPONENTS:

None

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

Mr. Thalhofer stated he supported the application.

Mr. Brown stated the application met the necessary criteria, and it made sense to annex islanded pieces of property. Mr. Brown suggested that the intersection at S Redwood and Township Rd be monitored by the City to determine if any further safety measures need to be taken.

Mr. Stewart agreed islanded property should be brought into the City. He asked Clint to be sure Canby Utility had a chance to assess whether the well was one they could utilize.

It was moved by Mr. Thalhofer to approve ANN 01-01 as amended, by Mr. Brown's suggestion. Seconded by Mr. Tessman. Motion carried 7-0

V. NEW BUSINESS

MOD 01-04//DR 99-07 An application by Cutsforth Thriftway requesting modification to DR 99-07, by reducing the size of the original approved building, and adding a second structure to accommodate the drive thru facilities for a proposed bank

Matilda Deas, Project Planner presented the staff report. She stated the modification would require the removal of 6 parking spaces, but the site would be at 4.31 spaces which is above the minimum that was set by the Commission with the original application. Mr. Brown asked if the parking requirement included cars that were in the queue. Matilda stated it did not.

Mr. Stewart questioned the use of a temporary bank structure until the building was completed. Matilda stated the temporary structure would be a trailer located on site, and would be used by the applicant until the building was completed.

Mr. Stewart opened the public hearing.

APPLICANT:

Bill Paterson, Sienna Architects explained the original application had 2 buildings, they were changing that to 3 buildings. He stated they would maintain the aesthetics of the original approved design with a covered arch between the bank and the other building. Mr. Brown questioned how the awning would attach to the building. Mr. Paterson stated it would be on slip connections between the buildings.

Mr. Stewart questioned if the turning radius into the drive thru was adequate. Mr. Paterson stated it was based on the turning radius of a large suburban type vehicle.

PROPONENTS:

Leonard Olsen, Columbia River Bank, explained the temporary trailer would allow the company to train employees prior to the bank opening.

Mr. Stewart explained if the Commission allowed the use of the trailer it would be the first time a temporary structure would be approved, he questioned how it would work, and suggested if it was approved, setting a 6 month time limit on the use. Mr. Olsen explained they had used a temporary self contained trailer in Newberg when they opened their branch there, and he had no problem with a 6 month time limit on the use.

Mrs. Tallman questioned where the trailer would be located. Mr. Olsen explained it would be located in Cutsforth Thriftways parking lot facing 2nd street. He explained there would be a temporary loss of 6 spaces. Mr. Olsen explained there would be walk in service only.

Frank Cutsforth, stated his support of the application. He displayed a drawing of his proposed development that hangs on his office wall, and stated it is getting closer for this picture to become a reality.

Mr. Brown questioned how the parking ratio will be maintained. Matilda explained the site would be allowed to include on street parking.

Mrs. Tallman questioned where the cars would queue in the parking lot. Matilda showed how the drive thru facilities would function and that there was room for 7 cars to queue there.

Mr. Paterson explained an informal survey was done with local banks, they can queue 6 to 7 cars, this design can queue up to 8 vehicles.

Mr. Brown commented that Mr. Cutsforth is very customer oriented and had reduced the available parking to please his customers, he believed the reduction in the parking would not adversely affect the parking situation and supported the application.

It was moved by Mr. Brown to approve MOD 01-04/DR 99-07 as amended by placing a time limit of 6 months on the use of the temporary trailer. Seconded by Mr. Manley. Motion passed 6-0 with Mr. Thalhofer abstaining.

VI. MINUTES

June 11, 2001, Continued until 7-23-01

VII. DIRECTOR'S REPORT

John addressed the Commission, he reported:

- The final round of neighborhood residential zoning meetings will begin July 10th at

Thriftways Town Hall meeting room. These are follow up meetings to let people know what ideas had come out of the original meetings.

- There will be a Transit Plan meeting July 31st at the Canby Adult Center. A representative from Tri-Met will be there, and the public is welcome to give their input regarding the withdrawal.
- A recent Tri-Met study estimates the revenue at \$570,000 which would allow for service on weekends.
- The applicant for DR 01-05/PUD 01-01, which will be held July 23, 2001, is holding a public neighborhood meeting prior to their hearing to help mitigate any concerns they might have regarding their application.

VIII. ADJOURNMENT