

MINUTES
CANBY PLANNING COMMISSION
SPECIAL MEETING

7:00pm July 30, 2001
City Council Chambers, 155 NW 2nd

I. ROLL CALL

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

ABSENT: Commissioner Geoffrey Manley

STAFF: Clint Chiavarini, Associate Planner, Carla Ahl, Staff

OTHERS PRESENT: Ben Settecase, Steven Amick, Joe Evans, Jay Dee Wise, Mark Grenz

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARINGS

DR 01-05/PUD 01-01 Mt. West Investment Corporation/Melvin Beck, an application to build an 86-unit apartment complex located on the east side of N Pine Street just south of NE 19th Ct. Comprising of nine separate buildings with eight to 12 units each, an 8,600 sq. ft. central park, 2,256 sq. ft. recreation building, and a 19,400 sq. ft. park along the logging road which will be available for public use. Continued from 7-23-01.

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, none was stated. When asked if any Commissioner had ex-parte contact, Commissioners Brown, Tallman, and Stewart had visited the site, but had drawn no conclusions. No questions were asked of the Commissioners.

Clint Chiavarini, Associate Planner, presented the staff report, he stated the site is currently vacant and had been logged prior to annexation at the last general election. The applicant is proposing 10 buildings, nine of which will be two or three story buildings housing 8-

12 units each, and an office/recreational building. He added the applicant is proposing open space in the form of a play area in the center of the development and a public accessible park on the eastern edge of the site which abuts the logging trail.

Clint stated the design review matrix requires 30% of the developed area be landscaped and 25 trees to be planted in the parking lot, the applicant is proposing 47.3 % be landscaped and is providing 45 trees within 10' of the parking area, which did not included required street trees. Clint explained the applicant will be providing a total of 120 new trees, and that 51% of the landscaping will be irrigated lawn.

Clint explained the PUD (planned unit development) allows for a 15% increase in density if there is a significant benefit to the public, usually in the form of open space that is dedicated to the City. The applicant is proposing not to dedicated the property, but to record a perpetual public easement which will mean our Parks Department would not maintain the property. It would be required to be maintained by the applicant, but the public would have full access and use of the wayside.

Clint stated the applicant is providing 194 parking spaces, 4 over the required amount, they are providing 86 bike parking spaces, but are 11 short of the required amount that needs to be covered, there will be 24' access drives, with 5' internal walkways that connect with the Molalla Forest Rd. Clint stated there were no signs submitted with the application, and a condition was added that signage will be brought back before the Planning Commission as a new business item.

Clint presented the Commission with 4 options regarding the appearance of the buildings (colors and materials), he informed them the applicant prefers option 2 which has cedar type vinyl siding on top, with lap style on the bottom in shades of gray.

Clint explained the Fire Marshal stated this application would require a sprinkler system be installed, and that condition #21 had been added to address the Fire Marshal's comment that emergency access was needed from the Forest Rd through the park. Clint has had additional conversations with the Fire Marshal who stated the access as presented on the application would be adequate as long as there wasn't a ditch or other type of obstruction making access from the Forest Rd impossible, so condition #21 could be eliminated.

Clint explained the comments from Canby Utility and from Public Works had been addressed with the conditions. The applicants plan shows a 16' wide half street panel on N Pine but they will be required to build it out to a full 20'. Clint stated that staff has scored the application on the compatibility matrix at 89%, which exceeds the minimum required score of 65%.

Clint stated there are several 3 story buildings proposed, but they will all be under the maximum allowed height of 35'. A transportation impact study was done as part of the

annexation which determined there would be an increase in the amount of trips generated, but there would be minimal degradation of service at the major intersections. The intersection at Territorial and Hwy 99E is a failing intersection and the transportation study suggests that if the wait at that intersection becomes too long, residents from this complex would use one of the signaled intersections to travel north.

Clint stated the Public Works Supervisor disagreed with the transportation impact study, and believed there would be a greater impact than is estimated, he has suggested the development make a contribution towards the funding of the signal at Territorial and Hwy 99E. Clint explained that based on the number of units, and the increase in SDC fees, this development will make a sizeable contribution to the SDC fund.

Mr. Brown questioned if the City was within their rights to require letters of remonstrance against AFDs for future improvements along that corridor. John explained there is already a funding source in place for that intersection, anything additional would be a City Council decision.

Mr. Stewart asked for clarification regarding comments received from the school district. Clint read a letter that was received from the Superintendent of Public Schools stating that according to projections (which includes anticipated growth) Knight School will be at capacity in 2005 with 575 pupils. The district is planning to ask for a facility bond to construct a new middle school to open in 2006.

Mrs. Tallman questioned where the boundary was between Eccles and Knight Schools, Mr. Stewart explained it was Grant Street.

Mr. Stewart opened the public hearing.

APPLICANT:

Mark Grenz, Project Engineer, Mt. West. He stated he has worked on this project since last fall. He explained a neighborhood meeting was held 2 weeks ago and 15 to 18 people had attended. They asked questions and expressed concerns they had regarding this project and many of their ideas have been incorporated into this project.

Mr. Grenz stated one of the goals of this application is to create an upscale apartment complex. He explained, to lessen the visual impact of the development to neighbors, they have increased the number and the size of the trees that will be planted on the site: the trees will be 3" caliper and at least 20' tall. He stated that there was concern expressed at the neighborhood meeting regarding providing a fence for the facility, there will be a chain link fence along the northern and southern sides of the property that will be planted with clematis and ivy to turn it into a natural screen.

Mr. Grenz explained the placement of trees and the types were selected to break up the visual impact to neighbors. There will be a water feature (pond, waterfall) located in front of the office and recreation building which will face the entrance to the development. Mr. Grenz stated the open area located by the Molalla Forest Rd will be open and available for the public to use, but it will be built and maintained by the applicant, there will be a foot path, picnic tables for people to enjoy. There will also be a recreation facility located inside the development for the residents to use.

Mr. Grenz presented a board with photos showing different colors and siding options for the development. He stated the applicant was open to adding shutters to the windows, or using black iron railings instead of wood if the Commission preferred them. The applicants preference was for option #2, cedar shake siding over lap siding in shades of gray.

Mr. Grenz explained they are in agreement with the conditions that staff had attached to the approval.

Mr. Brown questioned if the whole complex was lit with bollard type lighting with 3 pole mounted fixtures located in the park areas in the center of the site, would there be a problem with using cut off fixtures around the perimeter of the project. Mr. Grenz believed there would not be.

Mr. Brown asked if there would be pack lights on the walls. Mr. Grenz explained they make sure there is good lighting at entrance ways and in the parking lots and will not have to use pack lighting. Mr. Brown suggested adding a condition which would prohibit the use of pack lights.

Mr. Brown stated the applicant had gone a long way to meet the needs of surrounding neighbors. He questioned the positioning of large trees at the entrances to the development and if they would obstruct the sight line for vehicles and suggested adding a condition requiring the trees be located to maximize sight lines. Mr. Grenz explained the trees would be limbed 6' off the ground to maximize sight lines, but had no problem with adding that condition.

Mr Brown questioned if the design presented was a preliminary design. Mr. Grenz explained the design of the building is final, but the applicant was giving the Commission a chance to select their preference.

Mr. Brown questioned the location of the swale and asked if there was a drainage structure that was not shown on the plans. Mr. Grenz stated there was not a drainage structure that they had found, and that the soils testing showed dry wells would work in that location.

Mr. Brown asked if there would be a bridge across the swale to the Molalla Forest Road. Mr. Grenz stated the applicant intends to tie it in when they build the access way across to the Forest Rd.

Mr. Sanchez questioned if there were some suggestions that were made at the neighborhood meeting that were not addressed in this design. Mr. Grenz stated that all suggestions presented relating to site and design had been incorporated into this design, the two issues that were brought up were fencing for security and the visual impact to the community, and both issues were addressed, and changes were made to the plan. Mr. Sanchez asked Clint if there were minutes from the neighborhood meeting, Clint explained there were not but staff is looking into establishing a more formalized format for neighborhood meetings.

Mr. Stewart asked if the applicant was willing to add shutters to the building to soften the impact. Mr. Grenz said they were willing to add them.

PROPONENTS:

Ben Settecase, Mt. West Investment Development Coordinator, stated that he has been involved with this project through the annexation, and the SDC hearings, but since this meeting dealt with design review he left it up to Mr. Grenz to address the Commission.

OPPONENTS:

Jaydee Wise, explained his property is in Clackamas County backed up to the Forest Rd. He had not known he would not be able to vote on the annexation of this property, he expressed his concern that the annexation application had stated there would be 76 units, but had no mention of a bonus program allowing 86 apartments to be built. Mr. Wise stated the flaw with the mail-in voting procedure was, when the information he requested was available, people had already mailed in their ballots.

Concerns Mr. Wise had included:

- the safety of children living in the development since the police respond to emergencies on the Forest Rd by using the swale located on the property.
- there are no obstacles that prevent teenagers from driving through the park to access the Forest Rd.
- the applicants proposed installing vinyl siding that would not hold up very well.
- whether the schools had taken into consideration the additional 45 unit development located on Holly before they made the comments that there was sufficient capacity.
- that tax payers, without industrial development, would be footing the bill for money that is needed for schools.
- the need for the traffic signal at Territorial and Hwy 99E.
- what happened to the money that was appropriated from the Fred Meyer Development for a signal on Territorial and Hwy 99E
- he requested that the applicant include large trees between his property and the development as they did for the property to the south.
- that his well will become contaminated by run off from this development

Mr. Brown stated he appreciated Mr. Wise testifying. Mr. Brown explained that since voter approved annexations have been in place, the approval rate has gone up, from 66% before to above 90% now. He added that most people are unaware 2 maps exist, (a current zoning map, and a comprehensive map), and that the corridor along Territorial has been designated as high density residential.

Mr. Brown asked Mr. Wise what type of siding he thought would be appropriate for the development. Mr. Wise suggested hardy pine because vinyl siding has to be thoroughly washed every year and as it gets older the vinyl becomes wrinkled.

Mr. Brown explained the intersection at Territorial and Hwy 99E is a major concern for the City, it is one of the worst intersections in the area, operating at a level F, or below, and complicated by the difference in grade between the railroad tracks and Hwy 99E. Mr. Brown clarified that the Canby Market Place developer had fronted \$1.8 million for all of the intersection improvements that were done. Mr. Stewart explained that the developer had made the proposal to the Planning Commission that a portion of SDCs would apply towards the light on Territorial and Hwy 99E, but for a number of reasons that option was taken off the table.

Clint explained the school sold the property to Mr. West, and therefore were aware that it would be developed as single family homes.

Mr. Wise stated there have been problems with the Forest Rd and people have been robbed, he questioned how the police will protect this area, will they continue to drive up his neighbors driveway and through the swale to get on the pavement to chase down kids? There is no lighting on the trail at night, and believes the safety of this situation should be considered.

REBUTTAL

Mr. Grenz, believed if Mr. Wise had been able to attend the neighborhood meeting many of his issues could have been dealt with prior to this meeting. He stated that the applicant is willing to trade 5 smaller maple trees with 5 of the larger trees by the parking lot, to break up the visual impact to Mr. Wise.

Mr. Grenz stated he did not agree that vinyl siding is a low quality product, and stated if it is installed properly and maintained there should not be a problem, some of the photographs he used in his demonstration were of buildings with vinyl siding that were over 5 years old .

Mr Grenz believed the run off could be controlled on site and there would be no significant risk of polluting Mr. Wises well.

Mrs. Tallman questioned if a light could be installed by the Forest Rd. Mr. Grenz stated there were 2 pole lights proposed for the park area and they could put a 3rd light where the walkway enters the Forest Rd.

Mr. Stewart asked if the applicant would be willing to install a 4' fence at the Forest Rd to mitigate against concerns the neighbors had. Mr. Grenz stated there would be no problem to install a fence if the Commission asked, but he believed it would discourage people who were using the Forest Rd from using the park.

Mr. Tessman asked if it would be an open bid project. Mr. Grenz explained the developer prefers to use subcontractors that he knows, and stated this project is built to keep, not built to turn and will be an attractive project for some time to come.

Mr. Stewart asked if the applicant had submitted a copy of the CC&Rs for the development. Mr. Grenz explained they were waiting to incorporate any issues the Planning Commission have into the CC & Rs.

Mr. Stewart explained Planned Unit Developments can have a 15% density bonus if the City receives a benefit from the development, in this case a public open space. He suggested having a neighborhood meeting where such issues as the CC & Rs and the access for the police department could be discussed.

Mr. Wise thanked Mr. Grenz for the offer of moving the larger trees over between his property and this development. He suggested a fence on the parking lot size to prevent teenagers from accessing the Forest Rd. He stressed that vinyl siding deteriorates over time.

Kevin Fox, stated it was his driveway that the police use to access the Forest Rd. He asked the Commission to consider whether or not the public would really utilize the open space and if it's worth the 15% increase in density. Mr. Fox thought people would believe the open space was owned by the development and that nothing would bring them in to use the park, if it is not utilized by citizens there would be no point in giving them an extra 15% density bonus.

Mr. Fox stated the Forest Rd was one reason he purchased his property, but he has seen it degrade and no longer allows his children to go past the bridge. Mr. Fox stated the Planning Commission has to figure out how to let people know the park is theirs to use. Mr. Stewart stated this is a perfect opportunity for the neighbors to get involved.

Mr. Thalhoffer suggested a low to the ground sign that would call it a public wayside and have a sidewalk leading to picnic tables, so people would realize they could use them. Clint stated the applicant has proposed 3 picnic table on the site.

Mr. Wise questioned how to get the meeting together regarding the CC & Rs, and the park. Mr. Brown stated they should start by contacting Beth Saul, Parks and Recreation Director.

Mr. Grenz stated the applicant is willing to disconnect the walkway from the development, leaving only the sidewalk connecting to the Forest Rd, move the picnic tables closer to the trail, placing a bench along the walkway, adding a few more trees, and installing the

sign that makes it clear the park is for the public to use.

Mr. Wise suggested a sign that would have history of the trail. Mr. Fox stated he wants to see something that the public will use, something that will draw people in.

Mr. Stewart closed the public hearing. He thanked the citizens that attended the meeting.

Mr. Brown addressed the conditions of approval and stated with conditions the application can be made to be compatible with similar development in the area, all facilities available, and this is a needed housing type.

Mr. Brown suggested the conditions of approval to be modified by:

- requiring not more than 1 foot-candle light to cross property lines
- lights on the bollards not be HIDs (which require 15 minutes to light back up after a power outage)
- installing a fence to prohibit vehicles from accessing the Forest Rd (Clint stated the Fire Marshals approval was based on the application having no fence on the Forest Rd and would need to be notified if the park area was fenced)
- requiring limit lines and diagonal striping at the crosswalks
- no floodlights allowed on the buildings
- locating trees to maximize the sight lines at the intersections
- to provide a bridge with a culvert to maintain the drainage patterns at the Forest Rd
- to improve or maintain the drainage structure at that location as required by Public Works
- add a pole light at the Forest Rd for a total of 3 pole fixtures
- to relocate 5 trees as proposed by the applicant and to incorporate the wraparound landscape
- provide for Parks and Recs approval of the park space prior to its construction with the public allowed to be a part of the process

Mr. Settecase questioned what type of public process it would be. Mr. Stewart explained that it would involve the Parks and Rec Committee and the applicant holding a public meeting and looking at ideas for what the park will look like. Mr. Brown stated there needs to be a set contribution by the applicant, with the design involving a public process. It was decided that a base line list of items the applicant is willing to provide be established, and the configuration be decided by the public meeting, if the desired facilities goes over and above the list the applicant has proposed, maybe SDC funds could be used. The application did not need to come back before the Planning Commission, information on the completed design would be presented to the Planning Commission by staff as a new business item.

Mrs. Tallman stated she preferred the applicants option #2, and that shutters would be a nice addition, it was agreed to condition shutters on the application. Mrs. Tallman stated she liked the applicants use of clematis as a natural visual barrier.

Mr. Thalhofer stated that a procedure should be established that applications such as these go through the Parks and Rec Board and a finished product brought before the Planning Commission. Mr. Brown agreed and that a mechanism needed to be developed.

Mr. Tessman agreed with Mr. Thalhofer and Mr. Brown. He questioned whether an application should receive matrix credit for vinyl siding and that standards should be established for different types of siding. He preferred option #2.

Mr. Sanchez questioned where in the process the traffic stop signs for Holly and Territorial was. Clint stated the formal letter has been signed and will be sent on to Clackamas County. Mr. Stewart believed the County is concerned with safety at that intersection and are opened to suggestions for improving it, the intersection at Territorial and Hwy 99E is on hold until some sort of funding is found. Mr. Sanchez asked what else the Commission could do regarding the safety of those two intersections. Mr. Stewart stated that there is nothing the Planning Commission can do short of not allowing new development.

Mr. Sanchez agreed that the park space needs to be made more inviting for people using the Forest Rd, but did not believe disconnecting the pathway from the apartments was the best solution.

Mr. Sanchez asked why irrigation received 4 points in the design matrix. It was explained that previously applicants would put in landscaping without irrigation and then let the landscaping die.

Mr. Stewart explained the City is modifying the parks acquisition strategy and is trying to become more proactive on behalf of the community. He stated the only condition he had questions about was #21 regarding the fencing at the Forest Rd because the Fire Marshal may have another comment if the fence is installed, he suggested going back to the original condition which states the Fire Marshal has to agree with the design. Clint suggested a condition stating the applicant shall coordinate with staff, Parks and Rec, Fire Marshal, and neighbors to produce a modified parks design, which will be substantially the same number and types of planting, number and types of equipment, and walkways as shown on the approved plans, any additional amenities may make the developer eligible for SDC credits.

Mr. Thalhofer questioned what time frame there would be for the process. It was decided the design process would be completed in 60 days and if it was not, the application would revert back to what the applicant had proposed.

Mr. Stewart asked if the open space would be in perpetuity. Clint stated it was.

It was moved by Mr. Brown to approve DR 01-05/PUD 01-01 as amended, modified and with new conditions added. Seconded by Mr. Thalhofer. Motion carried 6-0.

IV. MINUTES

It was moved by Mrs. Tallman to approve the minutes of June 25, 2001 as written. Seconded by Mr. Tessman. Motion carried 5-0 with Mr. Thalsofer abstaining.

I. NEW BUSINESS

None

VII. DIRECTOR'S REPORT

John stated the Tri-Met hearing is scheduled for July 31, 2001 at the Canby Adult Center, and encouraged everyone with an interest in the withdrawal to attend the meeting. Mr. Stewart stated that there was very little help from Tri-Met when the City asked for assistance in creating a nice place for people to wait for the bus. John stated that was one reason he uses for wanting to withdraw, Canby has not been served well by Tri-Met and at a meeting with Tri-Met 2 weeks ago, a staff member mentioned to him that revenues from Canby are approximately \$570,000, but Tri-Met is only providing about \$300,000 in service at this time.

Mr. Stewart questioned why Tri-Met has removed the benches from the bus stops. John was unaware they had removed them.

John stated that the City has been invited to a meeting of the Tri-Met Board on the 8th of August. He explained that the Hearings Officer will take testimony and look at the criteria and then reports to the Board who will consider the Hearings Officers report.

VIII. ADJOURNMENT