

MINUTES

CANBY PLANNING COMMISSION

7:00pm October 8, 2001
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Jim Brown, Jean Tallman, Geoffrey Manley, Randy Tessman

ABSENT: Paul Thalhofer, Tom Sanchez

STAFF: John Williams, Community Development & Planning Director, Clint Chiavarini, Associate Planner, Carla Ahl

OTHERS PRESENT: Ron Berg, Roy Hester, Vance Wilcox, Chris Mead, Ron Erickson, Mr. Holte, Tony Weller

II. CITIZEN INPUT ON NON AGENDA ITEMS

Mayor Terry Prince addressed the Planning Commission. He explained that a pavement management study was done approximately 2 years ago outlining Canby's needs in terms of street maintenance. Mayor Prince asked the Planning Commission to hold public meetings to find out what services are important to citizens and suggested this issue could be incorporated into the new neighborhood associations.

Mr. Stewart explained the document the Mayor had referred to was the "Budget Option Report for the City of Canby" prepared by EIS (Engineering Information Services, Incorporated), with the final report done July 2000.

Mr. Roy Hester, Public Works Supervisor explained the study was done to find out what the condition of Canby's infrastructure was, and what the future needs will be. He explained that currently the Public Works Department does "stop gap" maintenance, which means patching chuck holes when citizens complain. Mr. Hester stated the Public Works budget for the year 2001-2002 was \$59,000. He reported that after making repairs to SW Second from Elm Street to Grant, and Knights Bridge Road from the bridge to N. Aspen Street he has \$4,000 left in the Public Works Budget until July 2002.

Mr. Hester explained the importance of creating a program where streets are treated every 4-5 years with a treatment that rejuvenates the asphalt at a cost of \$1 a square yard allowing them

to last another 4-5 years, streets that show damage can be treated with a slurry seal that costs about \$8.50 a square yard, but if roads are allowed to deteriorate down to base rock it costs \$290 a running foot to rebuild a 40' wide street.

Mr. Stewart stated there had been a joint Planning Commission/City Council meeting on this issue due to the potential impact it will have, not only to residential building but also to commercial and industrial developments. Mr. Stewart had asked Mr. Hester to address the Planning Commission because several members were unable to attend the joint meeting.

Mr. Hester stated the City is \$4.3 million in arrears in maintenance of streets and that 20% of the streets are rated at fair or below, that equals 10 miles of pavement. Mr. Stewart stated the City Council and the Budget Committee are holding meetings on this issue and believe this problem can be dealt with.

Mr. Tessman stated he had spoken with the Supervisor of Public Works in Tualatin, where they have a quality management program in place and their street level rating is up to 87%-89%, but it does require an outlay from citizens to maintain the program.

Mr. Brown asked how the City can catch up a \$4 million deficit. Mr. Hester explained he needs a budget of \$600,000 a year just to maintain the streets at the level they are at now not letting them deteriorate any farther. Mr. Brown asked if there would be SDC money available to assist in road maintenance. John explained that SDCs only pay for improvements not maintenance.

Mr. Stewart stated the Planning Commission was concerned that if they continue to approve applications, they will be creating an unfunded mandate for future councils to deal with. He stated this is the start of a process to get input from citizens about what they expect the City to provide in terms of quality level of the streets. Mr. Hester stated that as long as there are no holes in the pavement and it's a fairly smooth ride, citizens don't complain. Mr. Stewart asked if it was true the City almost lost the 3 on 1 Basketball Tournament due to the bad conditions of the streets around Wait Park. Mr. Hester explained the sponsors were concerned that the condition of the streets would not allow the balls to bounce right. He explained he had repaired the streets around Wait Park so the City wouldn't lose the tournament.

Mr. Stewart explained the demand on street maintenance has outstripped the capacity at this point, potentially it will affect not only development but also the quality of life and the ability to bring in business into our community.

Mr. Stewart stated one issue the Planning Commission has to deal with is if the City can't afford to maintain the roads has now in an optimum manner, how can the Commission approve more. He stated he would like to have citizen input on where they see the City going in the future, stopping growth would hurt the business community but to grow and provide unfunded mandates is problematic.

Mayor Prince explained that implementing a maintenance program will save taxpayers money in the long run. He stated that the Public Works budget is low already and that the Legislature will be meeting again to talk about future cuts in transportation funding, which will trickle down to the City.

Mr. Stewart stated he spoke with state officials and was told that because of the economy, unfunded mandates state wide could exceed \$600,000,000. That is why the Governor is talking about a special session, because even with a 2% across the board cut in the state budget you cannot cut \$600,000,000. The gas tax will be on the table and the City could receive less gas tax funds than it does today. If funding is inadequate now who knows what the future will bring.

Mayor Prince stated that there have been 12 positions cut from City staff already this year, and one of them was a direct result of the gas tax decrease, if there are further cuts the scenario gets worse. The citizens need to know that one budget cannot fund everything, there are certain parts of the budget that the gas tax won't cover and dedicated funding will have to be found.

III. PUBLIC HEARINGS

SUB 01-05. A request to subdivide the 9.92 acre parcel into 41 lots. Continued from September 10, 2001.

Mr. Stewart asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, Mr. Brown stated he is a resident of Tofte Farms, but has had no other contact, Mrs. Tallman visited the site but had drawn no conclusions, Mr. Manley stated he was a resident of Tofte Farms, but has had no other contact. No questions were asked of the Commissioners.

Mr. Stewart reopened the public hearing.

APPLICANT:

Tony Weller stated he had no further information, but was available if there were any questions.

PROPONENTS:

None

OPPONENTS:

Chris Mead addressed the Commission explaining that he works for the City of Canby but was attending as a citizen and not as an employee of the City. Mr. Mead stated he was

concerned with the length of the pedestrian walkway and believed it needed to be lit. He also stated there were "tons" of children in the southwest area of the subdivision and believed funneling all of the traffic for the next phase through that area was a safety hazard, he suggested Ponderosa be built all the way through to prevent the traffic congestion in that location.

Mr. Mead stated the subdivision needs a park, the pool has been a real benefit to the community, but the size of the houses being built there draws families with 4-5 children with no place for them to play. Mr. Tessman asked Mr. Mead if having Ponderosa being a straight shot through the development wouldn't create speeding problems. Mr. Mead stated it would be possible, but people speed through it now, and if it became an issue it could be addressed by increased enforcement.

Mr. Mead stated the original developers had promised the homeowners that dues would never go over \$200, they have risen to \$280. He asked the Planning Commission put some checks and balances in place to assure that developers promises are kept. Mr. Stewart explained that the Planning Commission has no authority over homeowner associations, but agreed that the Commission had heard testimony at the original public hearing regarding a limit on the dues.

Ron Erickson addressed the Commission stating the development needed a park for the large number of children that currently play in the streets. He was concerned that the configuration of the development had all the traffic going through 16th St. He understood the master plan for the development included other access streets, but there were no time frames regarding their development and believed the increase in traffic through the neighborhood without a park for the children to play in was a major safety concern. He explained that Tofte Farms Subdivision is surrounded by a main arterial and a secondary arterial and in the summer time children crossing 13th Ave. to play at the school grounds are in danger, especially on Saturdays when there are sports games in the field and the streets are lined with vehicles. Mr. Erickson agreed that the City streets need repair and cited the area around 2nd and Ivy. He asked the Commission to take that into consideration if the City is to continue to grow.

Bruce Holte, Chairman of the homeowners association addressed the Commission. Mr. Holte was concerned that there were no parks planned for the subdivision. He explained there are approximately 30 children living on the west side of the current development. Most of them play in the street due to the lack of a park. He believed that increasing the traffic in that area without having a place for children to play would be unsafe.

Mr. Holte explained that one of the dead end access streets has been turned into a basketball court and is used by people from all over the subdivision. He would like to see a park with a play structure and a basketball court provided so the children won't have to cross 13th to go to the school yard to play.

Mr. Stewart explained the Planning Commission recently approved a pilot project with a developer that will allow the City to use SDC money to purchase a lot in the development for a

“pocket park”. The developer will provide irrigation but the homeowners will provide trees or other amenities. As the park master plan is being reformulated to require more parks this is something that can be done locally to alleviate some of the problem.

Mr. Tony Weller, CES Northwest, addressed the Commission. He stated the street pattern for Ponderosa was purposely jogged to help decrease speed through the development. He believed that as the development gets built out more people will use the second entrance and even out the traffic between the east and west side.

Mr. Weller stated there is no park called for in the master plan. But the applicant is hoping to site a park closer to the river instead of a “pocket park”. He stated the master plan should address whether the City wants small “pocket parks” which require maintenance crews to travel to many locations, or regional parks. He stated that if private parks are created homeowners dues will have to go up to cover maintenance of the park. Mr. Weller stated that neither he nor the applicant were involved with the pool or the promises made to homeowners.

Mr. Brown explained the City has a traffic systems plan, and there are master plans for specific areas, but there are not master plans for specific communities. He stated Canby has developed one and two acre parcels at a time which has created such problems as telephone poles and houses sticking out into streets due to the owners not being willing to sell, and suggested this could be the first community developed under a master plan.

Mr. Brown questioned if the applicants intended to build out to west to Ivy and south to the urban growth boundary. Mr. Weller explained that not all of the property is annexed, and some of the current owners are not interested in selling at this time, but if the annexation criteria could be met and the property purchased the applicant is interested in doing that. Mr. Weller stated they have already put a master plan process in place and are looking at traffic patterns, river buffers, and park locations.

Mr. Brown asked for specifics on future build out of parcel two (of MLP 01-04), when and where the parks will be located, how long will the existing community have to deal with the increase in traffic volume before the other accesses are opened. Mr. Weller explained that all the land in that area does not belong to Mr. Tofte, and there are people who are not interested in selling. Mr. Brown asked for Mr. Weller’s best guess regarding how long the current residents will have to wait before the rest of the development builds out.

Mr. Weller stated they started this process in 1997 (when the first piece of property was annexed) and at that time the Planning Commission was only willing to give approval for one bit of the development at a time. The applicant had to come back before the Commission for every phase of the development, and they have not been able to get a master plan approved. He stated that may have changed, but in 1997 they had to go back to get the zone change done on property that was already annexed. Mr. Stewart stated he was on the Planning Commission at that time and remembered that the applicant had presented the development to the Commission one phase

at a time.

Mr. Weller explained that there are many circumstances that affect the timing of full build out of this development, Mr. Tofte is not ready to totally give up farming, and there are other owners of property in the area who are unwilling to sell, without that information he could not give an estimate of the time frame for full build out.

Mr. Brown questioned if the applicant would be interested in exchanging land for a park in lieu of SDC money. Mr. Weller stated the applicant would address that issue.

Mr. Randy Sebastian, Renaissance Development, stated that this application was for a straight subdivision, they were not asking for any type of variations from the existing code. He explained the future master plan will be a Planned Unit Development, and they are planning on working with the Commission to establish a pocket park or river front park. He explained they had purchased the rest of Phase III and this plat for Phase IV, they had not contemplated losing any lots for parks with this development, and they did not have the ability to change to a PUD.

Mr. Sebastian stated it made sense to slow traffic down through the neighborhood by the proposed jog in the road. He stated that in his involvement with past developments, traffic is one of the biggest concerns residents have.

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

Mr. Brown suggested allowing the applicant to match the existing street standards (in regards to planter strips) as they have proposed, and to require the new streets to be built to current street standards.

Mr. Brown stated he regretted the neighborhood will be losing their basketball court, but it should have been clear by the termination of the streets that the connections would be made at some point in the future.

Mr. Brown stated he was concerned about the length of the pedestrian walkway, and believed the Commission needed to discuss the issue. He questioned how many accesses are required for 184 lots. John stated currently there are 3 accesses to the subdivision and believed that the applicant had met the requirement because they had changed the order of the development to comply with the code. Clint stated three accesses would accommodate 207 lots.

Mrs. Tallman asked for clarification regarding street standards. Mr. Brown explained the first phases were not required to have planter strips and the sidewalk is right up against the curb, he suggested that on streets where the subdivision is already built the applicant should match the existing standard but the new streets should be built with planter strips between the sidewalk and curb. Mrs. Tallman agreed with that proposal.

Mr. Manley stated he believed the area needs a park but realizes the current planning code does not allow the Commission to require a park. He agreed with Mr. Brown's proposal regarding the planter strips.

Mr. Manley stated he still has concerns with the road maintenance issue, and about creating unfunded liabilities, since the issue is not resolved. He was unsure the application really met the criteria for all necessary public services being available and believed the issue needed more discussion.

John explained the current code requires any block over 600' long to have a pedestrian walkway, and if the Commission removed the walkway, the street configuration would have to be redesigned.

Mrs. Tallman suggested requiring the applicant to install lighting along the pathway. Mr. Brown suggested requiring 3 light fixtures, one on each end and one in the middle, and to require uniform fencing along the length of the walkway.

John asked the Commission if street lights placed at either end of the walkway would meet the requirement for two of the required fixtures. Mr. Stewart replied that a street light had recently been removed from an alley, so there was nothing to suggest that other street lights wouldn't be removed in the future. Mr. Manley questioned if a street light was required as a condition of approval could it be removed. John suggested that if the condition was written that a street light met the condition then anyone who removed that street light would have to replace the light.

Mr. Weller questioned the height of the required lights since they will be in backyards. There was a discussion regarding what type of lights would be required, too low and they could be vandalized, too tall and they would disturb the neighbors. John stated there were ballard type light fixtures that were vandal proof. Mr. Brown suggested wording the condition that the entire pathway is illuminated no less than street standards.

Mrs. Tallman questioned if the access strip needs to be 20' wide. Clint stated the transportation system plan calls out this street as the collector street that goes all the way to Ivy. He explained that a local street is 40' wide with 36' curb to curb and 2' of planter strip on each side, the remaining planter strip and sidewalks are in the yards. A collector street has 60' of right of way with 40' curb to curb and 10' on each side allowing the planter strip and sidewalk to be located inside of the right of way.

Clint explained the applicant has proposed that 17th Street not go through to Ivy, but Roy Hester, Public Works Supervisor, and Curt McLeod, City Engineer have stated it did not matter which street goes through to Ivy as long as one of them did and that it meets the City standard. Mrs. Tallman stated the City may not need the 60' at this time. Clint agreed, but there would need to be a 60' street to Ivy at some point in future development.

Mr. Stewart questioned if the City could vacate the extra 20' if it is not needed. Clint stated it could be vacated, but the development would already be built and the pavement would be in the wrong place. Mr. Brown suggested allowing the applicant to develop the subdivision as proposed which would take traffic out and around the interior roads.

Clint explained this access control strip was similar to the control access strip which are typically 1' wide and used to prevent someone from building a large house in the county and having their driveway access right off of the dead end street. Mr. Weller stated that could be done with code restrictions instead of the 1' tracts.

Mr. Tessman agreed the sidewalks should match the existing neighborhood, and the new streets built to the street standard. He believed the pedestrian walkway is important to the development and that policing the development can be an issue, so the lighting would be important.

Mr. Tessman stated the development he lives in was built in phases, and a park had been promised that was never created, developers should realize that providing parks in their subdivisions increases the livability and the value of the homes in it.

Mr. Brown stated he appreciated the residents who came down and participated by giving their input on the application, he explained there are guidelines and criteria the Commission has to follow when looking at applications. He welcomed the applicant to Canby and stated there is an opportunity to look at that whole quadrant of the City while planning the development and to get the neighbors involved in the process.

Mr. Stewart explained that he would vote against this application because he did not believe it met criteria C and will significantly burden and hinder the neighborhoods. He outlined the Commissions recommendations:

- match the sidewalk extensions
- new streets to be at current City standards
- pedestrian walkway to be lit
- uniformed fence

Mr. Brown moved to approve SUB 01-05 as amended by recommendations. Seconded by Mr. Tessman. Motion carried 3-2 with Mr. Stewart and Mr. Manley voting nay.

DR 01-06 An application by Western Storage LLC for site and design review to build a "maxi-storage" facility behind the Canby Business Center at 300 S Redwood St. The facility will incorporate fully enclosed storage spaces, covered RV and Boat Parking, as well as outdoor storage/parking areas.

Mr. Stewart stated the Planning Commission had been asked by the applicant to continue

the public hearing until October 22, 2001 at 7:00pm.

DR 01-07 An application by Emmert International for site and design review to permanently place the old School Administration Building on the property directly to the west of the Post Office parking lot, at the dead-end of NW 1st Ave. The building will be used as a professional office building.

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

Clint presented the staff report. He explained the school district needed the building moved prior to school opening, that is why it was moved before the site and design review was completed. The applicant had provided a bond to ensure the City had recourse to remove the building if the Planning Commission found that site and design criteria could not be met.

Clint presented slides showing the building and the proposed site. He explained that the area indicated on the plot map was mislabeled as future expansion area, and it was actually the Post Office parking lot.

Clint stated the applicant is proposing 34.7% site landscaping which meets the landscaping criteria. He added that the application had not called out bicycle parking, but it was a condition of approval and there should be no problem locating it on site. He stated that any building over 5000 sq ft requires a loading bay, the applicant is asking that condition be waived since the building will be used as a general office building and will not typically have a lot of incoming or outgoing deliveries. What deliveries that will be made could be handled in the existing parking lot.

Clint stated half street improvements are required on frontage streets, but the property adjoining Cedar street to the south is Railroad right-of-way, Roy Hester, Public Works Supervisor has asked that in lieu of having a half street on Cedar the applicant completely build out First Avenue at this time. Clint explained that, in the future, if the property to the west develops and there is a need for an access on Cedar, the City would need to pay for the half street improvements at that time.

Clint explained the landscape plan does not have a lot of detail. He stated there is a condition requiring the applicant met the landscape standards and the Commission could assume that would happen, or they could require the applicant to bring the landscaping back as a new business item. Mr. Stewart stated the application could be continued until a completed application could be presented.

Mr. Brown questioned whether this property was part of the downtown storm drain system and suggested having the applicant connect to the system instead of using a dry well. Clint was unsure if this property was on the storm drain system but the Public Works Supervisor had not cited that issue in his comments, and explained storm wastewater will have to meet DEQ requirements.

Mr. Stewart asked if this property was ever part of the old Honda Pits Landfill and suggested conditioning a geotechnical survey be done.

Mr. Stewart opened the public hearing.

APPLICANT:

Mr. Vance Wilcox, applicant stated he has read the staff report, and he has no problems with any of the conditions and that he was willing to do whatever was needed in regards to the storm water situation. Mr. Wilcox stated he would not have purchased the property if it had once been a landfill, but he would supply the geotechnical report if necessary. Mr. Wilcox explained he owns a landscaping company and will comply with the landscaping requirements and there is no problem establishing a bicycle parking area near the front door of the facility.

Mr. Brown questioned how First Avenue will be terminated to accommodate emergency vehicles. Mr. Wilcox stated he would duplicate whatever the Commission had decided was acceptable for the Post Office. Clint stated Mr. Yarbrough, Fire Marshal had not brought that up as an issue, and suggested the turnaround could be handled by the driveway.

Mr. Brown stated the submitted plan did not show adequate space for handicap parking. He questioned how the garbage pickup would be handled and believed the proposed area would be unacceptable to the garbage company. Mr. Wilcox stated there is a third of an acre there and that there will be plenty of room to provide a turnaround area.

Mr. Brown asked what height and type of lighting the applicant was proposing for the parking lot. Mr. Wilcox stated he was not an engineer and would install whatever type the Commission required.

Mr. Wilcox stated he would resubmit a modification regarding all the concerns the Commission had by the end of the next week, and explained that the application had been put together fast due to the time restraints the school district had.

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

Mr. Brown suggested continuing the application to allow the applicant to address the issues the Planning Commission had. It was decided that the applicant needed to bring back to

the Commission information regarding:

- where the bicycle parking will be located
- exterior elevations to see if the building would be modified
- dimensional information regarding parking lot spacing
- a garbage and recycling plan
- a storm water drainage plan
- type and height of parking lot lights
- how NW First will be terminated
- a detailed landscaping plan
- information regarding whether the site was ever a part of the landfill

Mr. Stewart asked how much time the applicant needed to get the modification back to Clint. Mr. Wilcox stated he would get them to Clint by Monday October 8, 2001. Clint stated he would get the list of concerns to Mr. Wilcox and that the packets would be delivered on Monday instead of Friday. Mr. Stewart continued the hearing for DR 01-07 until October 22, 2001, at 7:00pm.

IV. FINDINGS

TA 01-03 Modifications to Canby's Residential Zoning Code, and other sections of the Land Development & Planning Ordinance

John explained the amendment list was longer than usually because he wanted to list not only the issues the Commissioners identified, but also the reasoning behind them.

Mrs. Tallman questioned if "extending beyond the footprint of the building" needed to be added to the definition of a porch. The Commission discussed what a porch was, and it was decided to strike the definition of a porch from the code.

It was moved by Mr. Brown to recommend approval to the City Council of TA 01-03 with amendments. Seconded by Mr. Manley and Mrs. Tallman. Motion carried 5-0.

V. NEW BUSINESS

VII. MINUTES

August 13, 2001

It was moved by Mrs. Tallman to accept the minutes of August 13, 2001 as amended with the clarification of Mr. Manley's statement regarding planter strips, and a typographical correction. Seconded by Mr. Manley. 3-0 with Mr. Stewart and Mr. Tessman abstaining due to not being present at the meeting.

VII. DIRECTOR'S REPORT

VIII. ADJOURNMENT