

MINUTES

CANBY PLANNING COMMISSION

February 24, 2003

7:00 PM

City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Paul Thalhofer, Geoffrey Manley, John Molamphy, Dan Ewert

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

OTHERS PRESENT: Leslie Ann Hauer, Ed Netter, Tony Marnella, Ryan Oliver, Steve Buchanan, Ken & Denise Parcher, Glennette Danforth, Vicki Saunders, Allen Manuel

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

ZC 03-01/CPA 03-01/SUB 03-01/PUD 03-01/MLP 03-02

The applicant is seeking to amend the Comprehensive Plan Land Use Map and zoning designation for a 4.79 acre tax lot on the northeast corner of Highway 99E and N. Redwood Street. The applicant has also submitted a concurrent request for Subdivision, Planned Unit Development and Minor Land Partition approval and is proposing a 56 unit planned unit development subdivision.

Mr. Brown reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, Mr. Molamphy informed the Commission that he had attended a rezoning meeting where the issue was discussed but he had made no conclusions regarding the application. Mr. Brown asked if any Commissioner had ex-parte contact, Mr. Ewert stated he visited the site, but had drawn no conclusions. No questions were asked of the Commissioners.

Clint Chiavarini presented the staff report. He explained that the Planning Commission would be making a recommendation to the City Council on the Zone Change and the Comprehensive Plan Amendment. He stated that if the City Council

did not approve the Zone Change and the Comprehensive Plan the SUB, PUD, and MLP would be nullified.

Clint explained that there were no concerns raised by the service providers. He stated that ODOT had recommended a right turn lane be established at the intersection for traffic turning onto Hwy 99E southbound, the applicant believes the intersection improvement could be included in the TSP.

Clint stated that the MLP created a separate lot for the existing house due to the applicants wish to sell the home separately. Clint stated that if approved the staff has conditioned the curb cuts along N Redwood would need to be removed, and access would be through the internal streets.

Clint explained that the SUB and PUD would be commonwall construction with 10% open green space which will include walking trails and a gazebo area. The applicant is asking for a variance which would allow for 5' set backs instead of the standard 7' setback and 28' wide private streets.

Clint stated that a Home Owners Association will be responsible for upkeep and for maintenance of the private streets. Staff is recommending that "End of City Maintenance" signs be installed for prospective buyers so there would be no confusion as time goes by as to who is responsible. He added that the applicant is asking for approval to allow stacked parking and has submitted photographs of developments that allows stacked parking to show that it works.

Clint explained that a professional management company will take care of the landscaping, common spaces, as well as enforcing the CC&Rs. He stated there will be a requirement that the same vehicle could not be parked continuously on the street, forcing residents with 2 vehicles to park one in the garage.

Clint stated that there is enough width to have 2 parking spaces in front on each unit but it would create a streetscape with very little green space. This would also limit the amount of on street parking that would be available. Staff believes that the parking as proposed would be adequate.

Clint stated the applicant is asking for a waiver of the solar access requirements for the entire project. He explained that solar standards usually apply to single family dwellings and multi-family dwellings are usually exempt. This is a situation where the dwellings are individually owned but are similar to multi-family dwellings.

Clint explained the Fire Marshal had conditioned one side of the street be designated "No Parking" and that signs be installed. He also required that rolled curbs be installed with the no parking side painted red.

Clint stated that the sidewalks on NE 10th St. are only shown on the east side of

the street, requiring sidewalks on both sides of the street would reduce the amount of common area. Clint stated this was a private street with no through traffic and one sidewalk should be adequate.

Clint stated there is a public pedestrian and bicycle easement along NE 10th Place and this development would allow people coming off Highway 99E to travel through the development to the north east end of the site and then travel parallel to the railroad tracks. It's a way to get people off of the highway, but still allow a direct route. Clint stated there will be an emergency access gate the north east end of the site that will allow pedestrians and bicyclists to go through but would be closed to traffic.

Clint stated that the applicant is not proposing any low income housing, but the houses will be separate and separately saleable. He stated that a home package will sell for around \$150,000 which is less than what most homes are going for in Canby.

Clint stated that based on all the criteria staff is recommending that the project be approved with conditions. He stated standard easements will apply, detailed rules will be included in the CC&Rs to explain the tandem parking requirements and enforcement procedures for noncompliance, streetlights will be installed to City streetlight standards. The Bike and Pedestrian path to the north has been conditioned to be 10' wide to accommodate 2 bicycles to pass.

Clint stated that the applicant has been in contact with the Fire Marshal and is looking at alternatives to the emergency access gate that is required. They have suggested changing the wording to state an emergency access will be required by the Fire Marshal.

Mr. Brown questioned Canby Utility's requirement of a 6' utility easement around the outside of every property, but the applicant has asked for a 5' setback. Clint stated that CU writes standard easements on most application, his interpretation was that CU was asking for a 6' easement around the parent property.

Mr. Brown stated the Planning Commission had not seen an application before that required off site grading like this one. He explained that the applicant is proposing grading 50' up to the railroad tracks and also grading 50' onto the neighbor to the north's property. Clint stated that the neighbor to the north is in the audience and could address that issue.

Mr. Brown stated that when PUD's were done in the past, 15% park land or open space was a benefit to the City or to the community itself. This application has a small bit of open space that meanders through the development, which probably adds up to 15%, but there is not a concentrated area of open space. Clint explained the code reads that it must provide useable open space, and the applicant is asking the Commission to interpret the tot-lot and the gazebo area with the hiking trail as useable space.

APPLICANT:

Leslie Ann Hauer stated the major concern was ODOT's issue with the functioning of the intersection at Redwood and Hwy 99E. The TSP requires that when a zone change causes a significant impact to a transportation facility, a decision must be made on whether to permit the change. She believes that the level of significant impact is not reached by this application, the projected capacity ratio in 2017 with out the proposed development was .78 and the projected capacity with the proposed development was .80 the intersection will be over capacity in 2017 whether this development went in or not so there is no significant impact from this development.

Ms. Hauer stated that the Dolan situation comes into play whenever the government requires something of an applicant, the government is required to show a rational connection between what is required and the project itself. She admitted there would be an impact to the Redwood Intersection she did not believe it was a significant impact and neither ODOT or the City has shown there is a rational nexus for the need.

Ms. Hauer stated typical demographics for a development like this is 1/3 singles, 1/3 singles or couples without children and 1/3 singles or couples with children. She explained that these people will typically have fewer vehicles than a single family home and so the trip generation rate is less.

Ms. Hauer stated the applicant is asking for tandem parking because paving that much area would serve no purpose. The parking regulations would be enforceable with CC & R's

Ms. Hauer asked that the condition requiring an emergency access gate be modified to read that an emergency access will be created that meets the Fire Marshal's requirements since the specifics are not worked out yet.

Ms. Hauer believed this was a good project and satisfied all of the City's requirements. She addressed Mr. Brown's question of what benefit the open space was, she stated that because of the slightly higher density that having some spaciousness throughout the development would give an open feeling to the whole site.

Mr. Molamphy questioned whether the lot separated out by the Minor Land Partition would be a part of the home owners association and subject to the CC&R's. Ms. Hauer stated she would defer that question to the applicants.

Mr. Ewert asked for clarity on the demographics. She explained that typically 1/3 of the dwellings will be purchased by single people, 1/3 will be purchased by couples, and the remain 1/3 will be purchased by a mix of single parents and couples with children. She added that about 1/2 of these purchases will be first time home buyers.

Mr. Manley stated that ODOT was recommending triple pane windows on some

of the dwellings and asked if the applicant was willing to install them. Ms. Hauer stated the applicant would need to answer that question.

Mr. Brown asked Ms. Hauer to clarify the statement regarding the need for the right turn lane. Ms. Hauer explained that according to the traffic report, a need for a south bound turn lane will be caused by a general increase in traffic between now and 2017. She stated that this proposed development was a minor fraction of that increase.

Mr. Brown explained the presented demographics might be correct but the Commission had to go by the 7 vehicle trips per single family household. Mr. Brown stated that adding 30 homes increases the vehicle traffic by 210 trips and asked if that would meet the test for essential nexus. Ms. Hauer stated she did not believe so since it represents such a small percentage of the overall total trips on the road. Mr. Brown asked if it met the second test of rough proportionality since the right turn is not extraordinarily expensive. Ms. Hauer stated that according to the transportation report this project does not have a significant impact on the roadway, and the transportation report recommends not doing the southbound turn lane because warrants aren't met.

Pat Sisul, Sisul Engineering stated that the site naturally drains to the northeast and explained the applicant has been in contact with the property owner to the northeast who has been agreeable to a joint drainage plan, but no specifics have been work out yet.

Mr. Sisul stated that sanitary sewer and water are both available on Redwood Street and the applicant will extend these to the property line to complete the grid.

Mr. Sisul explained the storm water will be handled with a bio infiltration and retention system per DEQ requirements. He explained that DEQ prefers that storm water drainage be handled through a bio filtration system with roof drain water allowed to go into the ground. He stated the bio filtration will have clean sand with 15% voids which will act as the retention system and let the water slowly flow to the pipe which will take it to the head waters of Willow Creek.

Mr. Brown questioned if there would be a problem with fines clogging the retention system. Mr. Sisul stated there would be geotech fabric which would prevent the fines clogging the system.

Ed Netter explained he would be the builder of the development. The houses will be priced between \$140 - \$160,000, will meet a necessary codes and look like any of the other homes he currently builds. He stated there needs to be affordable housing in Canby for single people or first time home buyers.

Mr. Netter explained the configuration of the homes could have been made denser by having a solid wall of housing, but end units are more desirable and this design will make each unit an end unit, that is why they are asking for a reduction of the

set backs to 5' which will allow the front and back yards to be maximized.

Mr. Brown questioned why the small open spaces instead of a larger area.

Tony Marnella, applicant stated that in Wait Park which is a large open space people use it in smaller sections. Some playing frisbee, some using the playground facility and others just walking or having a picnic. He believes the smaller areas would increase the livability of the community.

Mr. Marnella had taken pictures on Saturday and Sunday mornings of established neighborhoods that allowed tandem parking, showing that it works. He explained that having a professional management company dealing with the residents keeps the rules easier to enforce.

Leslie Hauer readdressed the Commission. She explained that the triangle shape of the property makes it harder to plan and that the applicant has worked hard to address all of the City's concerns. She stated that the property is close to transportation and to shopping making it a logical piece of property to rezone and asked the Commission to recommend approval of the application.

PROPONENTS:

Allen Manuel owns the property at the northeast corner. He supports this type of development because Canby needs affordable housing. He stated that density is an issue and likes this project better than a towering apartment complex. Mr. Manuel stated he supported the applicant's request for tandem parking because in a development like this, side by side parking creates a sea of concrete which is not very appealing. He also did not think the curbs on the no parking side should be painted red.

Mr. Manuel stated that right turn lane off of Redwood should have a funding source created that would spread the cost to each property owner.

Mr. Manuel explained that the applicant is allowed to drain stormwater onto his property at the natural rate. He asked that Mr. Sisul design the drainage system so that it can be continued onto his property

OPPONENTS:

Vicki Saunders stated her family has lived in this community for a year and had chosen the north side of Canby because it did not have a lot of apartment complexes. She did not like this concept either, but preferred it to apartments.

Ms. Saunders expressed her concern that there will not be adequate drainage. She explained they have problems with water pooling in their back yard and in heavy

rains the water comes from the back yards of the area and pools on Redwood.

Ms. Saunders questioned if the green spaces that are proposed will be available for the community to use or if it will be just for the residents of the development. Would the CC & R's limit the amount of people that could live in a unit. She stated that the more people that lived there the more cars there would be and asked that the CC & R's require people to use their garages for parking cars.

Ms. Saunders stated that the right turn onto Hwy 99E is needed now. She drives school bus for the district and sees the problems created by traffic trying to turn right.

Ms. Saunders suggested that the existing home could be part of the green space and provide a club house for the entire development. She believed the railroad green space needed to have a solid barrier because bushes and trees will not keep kids safe.

Ms Saunders had concerns this development would affect the wetlands on Willow Creek. She also asked if parking would be allowed on Redwood, since the parking there now creates problems.

Mr. Brown explained that it would be up to the property owner to decide if a club house would be an appropriate use for the existing house. It was explained that parking is not allowed on Redwood at this time, so it is a matter of enforcement. Clint believed that as the area develops and bike lanes and sidewalks are built out, people will be less likely to park there. Mr. Brown explained that the plan calls for fencing on the south side of the property along the railroad tracks.

Denise Percher stated she is against changing the zoning to R-2 in that area. She also believes the right turn lane is needed now since it takes 2 lights to get through that intersection. She stated the houses along Redwood should be required to have sight obscuring fences since people don't take as good of care of backyards as they do the fronts.

REBUTTAL:

Pat Sisul stated he was unsure how the drainage for the Heritage Park subdivision had been done but he was aware that the development was built on a stream corridor, but that is not evident on this site. He explained the native soil will not accept a lot of water which is why they are bringing in clean sand and taking the water to a natural channel to the north.

Mr. Sisul stated the right turn lane at Highway 99E will be looked at in the TSP and will be addressed when the warrants are met. The houses along Redwood will be facing Redwood and there will probably be a decorative fence out front. The intersection at Territorial and Hwy 99E has been funded by ODOT for 2006 and hopefully that will be in place before the warrants are met at Redwood and Hwy 99E.

Mr. Marnella explained the demographics for a single family development show they have a higher traffic counts than this type of development. Mr. Sisul explained that detached homes generate 25 trips at peak hours. This development would double that amount of homes but only increase the amount of trips to 30 at peak hours. A 95 unit apartment complex would generate 59 trips at peak hours. So this development would actually generate the least amount of traffic.

Mr. Sisul explained that this site naturally drains in the same pattern as the proposed drainage system so it should not affect the wetlands and it will meet all of DEQ's requirements. Mr. Ewert questioned Union Pacific's request to approve the drainage plan. Clint explained that Union Pacific is satisfied as long as they are unaffected. Mr. Sisul explained that the sand will collect the water, and a perforated pipe will meter the release of the water, there are other ways for the water to be handled but they believe this is the best option.

Mr. Ewert questioned what the fence will look like. It was explained that it would be a 6' black plastic coated cyclone fence with vegetation planted around it on top of the retaining wall so it will virtually disappear.

Tony Marnella explained they will be dealing with an off site professional management company located in Milwaukie who will assemble budgets for landscape and street maintenance, home owners will pay monthly dues and have local officers but enforcement of CC & R's will be handled by the off site company which is easier.

Mr. Marnella addressed Ms. Saunders concerns regarding the number of occupants per unit and explained that there are fair housing laws that prohibit regulations on who or how many can live in a house. Mr. Molamphy questioned if the existing house will be a part of this development and be included in the CC & R's. Mr. Marnella stated it would be.

Leslie Hauer addressed the Commission and stated that this site is suitable for the proposed rezoning, it satisfies the criteria and will be an asset to the City. She asked the Commission to recommend approval to the City Council.

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

Mr. Molamphy questioned the timing of the City's rezoning process and this application. John explained that the applicant has met all their deadlines and decided to go ahead with the application. The location of this property satisfies a lot of the criteria that was identified during the rezoning process.

Mr. Brown questioned if this development would prevent the property to the north from developing. It was discussed that there was adequate access for the property to the north to be developed, and they did not see a benefit from having the streets connect from this project.

Mr. Manley believes this is an appropriate place to rezone since it is close to transportation and shopping.

Mr. Thalhoffer agreed this was a logical place for a higher density development.

Mr. Brown stated it was a reasonable buffer between the industrial area to the south and the single family developments to the north.

Mr. Molamphy agreed that this is an appropriate rezoning.

Mr. Ewert did not agree this was an appropriate area for up zoning.

The Commission determined there was no problems associated with removing the house from the subdivision as long as it was included in the CC & R's for the community.

Mr. Thalhoffer stated he had lived in a development similar to this when he was in California, it did not have a large central open space, but instead had put smaller open areas throughout the neighborhood. He believed this created a development with smaller lots but with areas of open space throughout, which he believed was a better alternative than rows of houses and one large open area. His experience had been that the small areas were utilized by the people living next to them and children tend to play close to where they live instead of going a couple blocks away.

Mr. Molamphy questioned how much time the management company will actually spend at the development, will they just wait for complaints before they get involved, how will the development be kept clean and liveable. He added that there should be a sign installed at the entrance to the development explaining that the streets were privately maintained prior to the sale of any property. Clint stated that it was part of the CC & R's but agreed that not everyone reads all of their CC & R's and thought putting a time frame on the installation of the sign could be added to the conditions of approval.

Mr. Brown stated he did not have too many concerns with allowing the 28' wide private streets and believes it could be a benefit to the City since they will be privately maintained. He also had no concerns with allowing the 5' setback reduction and granting a waiver of the solar standards. He was concerned about the drainage issue and undecided regarding allowing tandem parking.

Mr. Brown stated he did not see an amenity to the City for allowing an increase in the density standards. He believed that the gazebo would not be used and removing it would allow another unit to be built and allow the applicant to take parcel 1 and create a large open space that could be used for a playground. He stated his concern regarding using an underground water retention system and has no faith in geotech fabric since they can clog with fines.

Clint read the ordinance that addressed PUD's which allows for diversity to obtain as good as or better than a regular subdivision. John explained that the applicant had not applied for a density bonus so no public benefit was required. He explained that the Manor on the Green was a PUD and has no public access.

Mr. Ewert did not like the open space as presented, the play ground is small and most of the children will probably play in the streets. He stated he did not like 28' wide streets and did not believe it would be a good policy to allow them.

Mr. Ewert believed the design of the drainage system should be a proven system and that pipes under sand and bio swales would be a marginal solution. Since the area already has a water drainage problem the drainage needs to be dealt with in a sound manner. There needs to be sound mitigation and stated that Willow Creek Estates have installed a concrete wall. He stated that with the narrow streets, the noisy train, no real open space there needs to be a more creative design.

Mr. Manley stated he likes some of the features but had concerns about the number of proposed homes and no place for kids to play, there was only enough room for 4 or 5 active kids to play in the playground at the same time. He stated he liked the CC & R requirement that the streets would be maintained by the community so they did not fail.

Mr. Thalhoffer stated he liked this layout and believed the small open spaces would be utilized more than one large open space. He stated this design would look nice as people entered Canby and would allow for affordable, entry level housing.

It was suggested by Mr. Brown to continue this application so the applicant could consider the issues that the Commission had discussed.

Mr. Molamphy believed this is a nice buffer from single family to high density. This is an abnormal shaped property which limits design options and that the walkways would help create a community feel.

Mr. Brown commented that there is no connection to the Molalla Forest Rd and it is not a part of the emerald necklace. Clint explained they have been looking for a pedestrian connection from the downtown core to Redwood St. and have looked at the railroad right of way but nothing has been worked out yet.

Mr. Ewert commented that he is not against this type of development, but he does not like the narrow streets the drainage issue and believes the visual presentation given misrepresents the development. He believes the applicant should consider installing some type of sound abatement.

Mr. Manley believed it would be reasonable to approve the ZC/CPA and to continue the SUB/PUD so the applicant could come back with some of the issues

addressed.

Mr. Thalhofer agreed that he would rather have the application brought back than to deny it.

John asked for clarity on the issues the applicant should address. There should be some type of acoustical abatement, larger open space area that could accommodate the entire development and more information on the water retention system.

Clint explained that the City had put in the N. Redwood drainage system for the western side of Redwood St. which took the water down to Territorial and dumped it into Willow Creek. The east side of Redwood will be handled by this drainage way. The reasoning behind this system is that this development cannot increase the amount of water that currently goes into the natural drain way, this system allows the water to percolate into the soil.

It was moved by Mr. Molamphy to recommend approval of ZC 03-01 /CPA 03-01 to the City Council. Seconded by Mr. Thalhofer. Motion carried 5-0.

Mr. Brown continued SUB 03-01/PUD 03-01/MLP 03-02 until March 10th, 7:00pm.

IV NEW BUSINESS

None

V FINDINGS

MLP 03-01 Scott Sprague. An application to partition an existing 15,601 square foot lot into two lots located at 680 N. Ivy Street. Lot one would be 8,091.55 square feet and contain the existing home and lot two would be 7,509.49 square feet, which the applicant plans to build a house on.

It was moved by Mr. Manley to approve MLP 03-01 as written. Seconded by Mr. Molamphy. Motion carried 4-0-1 with Mr. Thalhofer abstaining

MLP 02-05 Willowcreek Estates, an application to reduce three lots of approximately 8,038 square feet each into two lots of 11,902 and 12,211 square feet. All three lots are vacant single family lots, and would remain single family lots when reduced to two lots. The applicant wishes to make building on these lots less restrictive.

It was moved by Mr. Manley to approve MLP 02-05 as written. Seconded by Mr. Molamphy. Motion carried 4-0-1 with Mr. Thalhofer abstaining.

VI MINUTES

November 12, 2002

It was moved by Mr. Thalhoffer to approve the minutes of November 12, 2002 as written. Seconded by Mr. Manley. Motion carried 3-0-2 with Mr. Molamphy and Mr. Ewert abstaining.

VII DIRECTOR'S REPORT

John stated there will be a Budget Committee meeting on street a maintenance Wednesday night.

Clint stated the last of the public hearings regarding the rezoning will be held Tuesday night. He stated that at the last meeting there were approximately 30 people attending. And invited anyone interested to attend the meeting at the Canby Adult Center.

John stated there will be 2 public hearings at the next meeting, this continuation from tonight, and a design review application from Jack in the Box to be located on the final pad at Fred Meyer.

VIII ADJOURNMENT