

# MINUTES

## CANBY PLANNING COMMISSION

7:00 PM, September 22, 2003  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

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

**STAFF:** John Williams, Planning & Community Development Director, Darren Nichols, Planning Technician, Carla Ahl, Planning Staff

**OTHERS PRESENT:** Tom Scott, Pat Sisul, Ron Raines, Todd Snelson, Theresa Snelson, Jerry Foy, Roger Steinke, Jeff Scott

### II. CITIZEN INPUT

None

### III. PUBLIC HEARINGS

**SUB 03-03** an application by Willow Creek Estates, Inc. for approval to subdivide a 1.97 acre parcel into 12 single family lots. Ten of the proposed lots are intended to provide detached single family residences; the remaining two lots at the rear of the development will provide one duplex residence on each lot. Vehicular access to the site will be provided by means of a 36 foot wide cul-de-sac (SW 14<sup>th</sup> Ct) off of S Fir Street. The applicant proposes to construct 5 foot sidewalks on each side of the constructed access street and along existing street frontages.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, Mr. Thalhofer stated he does work for Willow Creek and that he would be abstaining from the discussion and vote, Mr. Brown disclosed that he had spoken with Mr. Harbison over 1 year ago regarding the sale of one lot and stated he intended to participate and vote. When asked if any Commissioner had ex-parte contact, no one had contact except as previously stated by Mr. Brown. No questions were asked of the Commission.

Darren Nichols, Planning Technician presented the staff report. He explained that the property is zoned R 1.5 (medium density), the property to the east is zoned R 1 (low density), property to the west is a mobile home park, property to the south is outside the City limits but inside the UGB and designated R 1.5 in the comp plan.

Darren stated that HOPE Village, located across Fir St. is in favor of this application. There are no natural hazards have been identified however geotechnical testing will be necessary due to nonstructural fill has been placed on the site.

Darren stated there are several large Sequoia trees which the applicant intends to maintain. He explained that the applicant is working with HOPE Village to construct S. 13<sup>th</sup> St. which will provide adequate access to the site.

Darren explained that Beth Saul, Parks Director had stated there was a possibility of a parks dedication to the south of this application and asked for wider sidewalks and possibly a bike lane that would allow for increased pedestrian and bicycle access to the park. Darren stated that the park development was a remote possibility and since the surrounding area had 5' sidewalks he was unsure wider sidewalks could be required. Bike lanes could be required at a later date when the City is certain that it can acquire the park.

Darren stated the City Engineer requires soil performance and maintenance recommendations from a licensed soil engineer pertaining to the infiltration swale.

Darren stated the applicant held a public hearing and no negative comments were received. He stated the property owner to the south had been unable to attend the meeting so she had come to the Planning Office to request a fence be erected to protect her privacy and that the homes that abut her property be limited to single story homes. Darren was unsure single story homes could be required by the code.

Mr. Brown asked for clarity on the possible park to the south. It was explained that the park is not in the Park's Master Plan but it is part of the Emerald Necklace along the Molalla River.

#### **APPLICANT:**

**Pat Sisul**, Sisul Engineering addressed the Commission representing Willow Creek Inc. Mr. Sisul explained the plan shows Fir Street as being an existing street, but construction for the Meadows is running behind schedule and Fir is not built yet. The applicant is working with HOPE Village to coordinate construction of Fir Street. He stated the work will be done as shown on the plans, but the time frame will be a little different than shown.

Mr. Sisul addressed condition of approval #9, and suggested that the 36' standard should apply to all public streets. On condition #10 there is a typographical error. Mr. Sisul explained that the original application shows curb tight sidewalks on 13<sup>th</sup> and on 3<sup>rd</sup>, with planter strips on the cul-de-sac. The applicant is now requesting that curb tight sidewalks be allowed on the cul-de-sac and believes the area would be better utilized as rear yards.

Mr. Sisul stated they believe that 5' sidewalk is adequate and that a possible connection with the Emerald Necklace which is 1/4 mile away is not sufficient grounds to require a wider sidewalk. He requested that condition #11 be modified to allow the curb tight sidewalk

Mr. Sisul explained that Fir Street will be built to city standards so that there will be room to accommodate a bike lane on one side if it is needed in the future, so he did not believe it should be conditioned at this time.

Mr. Sisul stated the applicant would prefer not having a condition regarding fencing the south side of the property, he believes that the home owners will eventually install fences and they should be able to choose the type of fence they have in their yard.

Mr. Manley questioned how close the trees on 13<sup>th</sup> will be to the sidewalks. Mr. Sisul believed that moving the sidewalk to the back side of a planter strip would impact the trees more than having the sidewalk curb tight would.

Mr. Brown question if there were homes that could be built on a 49' wide lot. Mr. Sisul stated the applicant could better answer that question.

Mr. Brown asked what would be done with storm water. Mr. Sisul explained that there will be a bio swale behind the sidewalk on 13<sup>th</sup> Street that will be 12" to 18" deep with 2' of sand. Mr. Brown asked who would have the responsibility for maintenance of the swale. Mr. Sisul stated it would be maintained by a homeowners association or similar other entity.

Mr. Molamphy questioned the swale on Lot #12 would collect water from the street. Mr. Sisul explained that there was about 40' of Fir Street that drains back that direction. Mr. Manley questioned if the swale would be on the homeowners property. Mr. Sisul stated it is in the easement and explained that when the home is built on the lot the swale will be tied into the roof drain, and it is possible that when Fir Street is extended the swale may not be necessary.

Mr. Brown questioned if the code requires that no water be drained across property lines. John explained that if the natural grade of the land drains in one direction they cannot increase the flow, generally storm water is required to be drained on your property.

Tom Scott, President Willow Creek Estates stated that they had about 15 house plans that would fit on a 49' lot. He stated his company would be building the homes themselves, most of the plans are 2 story homes, but they do have several single story plans available.

Mr. Scott stated that he would not like to see the fence on the south property line be a requirement and would rather see the fence installed as individual homes are built. He believes the property owner should have the option as to what kind of fence they want.

Mr. Scott did not believe that a wider sidewalk should be required since the rest of the neighborhood already has 5' wide sidewalks. He stated there should not be an issue with the trees, they had someone look at the trees and they are sound and unless something strange happens it is his intent to leave the trees.

Mr. Scott stated it is pretty standard that the property owners are required to take care of such things as bio swales and it will be included in the CC & R's for the neighborhood.

Mr. Brown questioned if a light would be required. Mr. Scott stated that lighting would be as required by Canby Utility but they had not designed the system at this time. John explained that it is covered by condition #5.

**PROPONENTS:**

None

**OPPONENTS:**

Teresa Snelson addressed the Commission. She explained that she lives to the south of this development and operates a nursery. Her issues are the loss of privacy, they live in a one story house and object to 2 story homes being built, the need for a fence, since she has kids, and a dog, to keep people out of the nursery and overflow parking on Fir Street. John explained that each dwelling is required to provide 2 parking spaces on site.

**REBUTTAL:**

None

**DISCUSSION:**

It was agreed to modify condition #9 that all streets will be built to city standards. To correct the typographical error on condition #10. To allow curb tight sidewalks on the cul-de-sac on condition #11. To add a condition of approval that the maintenance of the bio swale will be the responsibility of the home owners association. To condition the retention of the trees. That all access will be from 14<sup>th</sup> Court and no access will be allowed onto 13<sup>th</sup> St. That the applicant will provide a 6' good neighbor type fence along the south property line. That the existing trees on 13<sup>th</sup> would be allowed in lieu of street trees, but street trees would be required on all other streets. And to add the standard condition of approval regarding CC & Rs.

It was moved by Mr. Manley to approve SUB 03-03 as amended. Seconded by Mr. Molamphy. Motion carried 3-0 with Mr. Thalhofer abstaining.

**SUB 03-04** an application by Gerald Foy and Westwood Development Corporation for approval to subdivide one 2.28 acre parcel into 4 lots. No buildings are proposed at this time but some type of retail/commercial development is anticipated. Vehicle access is proposed from both Highway 99E and South Berg Parkway. Berg Parkway access to the development is proposed by means of a 30' drive entrance. Hwy 99 access is proposed by means of a 35' drive access at the east end of the subject parcel.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was stated. When asked if any Commissioner had ex-parte contact, no one had contact. No questions were asked of the Commission.

The staff report was presented by Darren Nichols. He explained that this parcel

is located in the northeast quadrant of the Hwy 99E and Berg Parkway intersection. Across from the Safeway development which is zoned C2. The property to the north is zoned M2 Heavy Industrial and currently vacant. The property to the east includes vacant land and is zoned Commercial Manufacturing, the same designation as this property which allows for a broad range of commercial development.

Darren stated that there is a steep grade to the north of this property which has been stabilized but will need continued work. No open spaces will be required, but the applicant will be required to maintain the public right-of-way along Hwy 99E.

Darren stated that there have been concerns in the past with vegetation obscuring the site distance. This situation has been improved to be acceptable for cars but only marginal for trucks. ODOT has indicated they will provide the access permit but it has not been finalized and have asked that their recommendations of approval be included in the Planning Commissions recommendations.

Darren explained that there are 5' sidewalks existing on Berg Parkway and the applicant will continue that sidewalk into the development. A sidewalk will be required along Hwy 99E and interior sidewalks to provide pedestrian access from 99E and from Berg Parkway will be required.. There are no bike lanes currently on Hwy 99E.

It has been recommended by Beth Saul, Parks Director that the applicant work with the city in landscaping and maintaining the strip along Hwy 99 that maximizes the aesthetic quality of the landscape but minimizes the visual hindrances, and the amount of maintenance that is required which would be the responsibility of the developer.

Darren explained that there were comments received that would not apply to the subdivision application but would be more applicable to the site and design application.

#### **APPLICANT:**

Gerald Foy, Westwood Development. Mr. Foy stated the applicant intends to comply with all of the conditions of the staff report. Mr. Foy addressed the stabilization of the bank, this land was a land fill and was monitored by Carlson Engineering a testing company and the City's Building Official. They purchased the property after the filling process and the slope of the bank had been completed. He stated they had another testing agency test the property by proof rolling the whole site and probe the slope. It was determined that the site was "soft" so they had the bank removed and recompacted.

Mr. Foy explained there is 28' of ODOT right-of-way the applicant will install the required 8' sidewalk and the rest of the area will be irrigated sod which will be maintained by the applicant.

Mr. Foy stated the driveway permit has not been issued yet but he has been in contact with ODOT and the sight distance issue has been resolved and the state is pleased there will be sod in lieu of other landscape materials. Mr. Foy stated he has not been in touch with Beth Saul, Parks Director but a pre-construction meeting is

scheduled for September 23, 2003 with all departments of the City and will be able to discuss the issue with her then.

Mr. Brown questioned the configuration of the development. Mr. Foy stated that this plan is not iron clad, it could change with the clients needs but the applicant would like to get the grading done prior to winter setting in and this plan will accommodate most uses.

Ken Deiner, KJD Architecture, stated there is 444' of frontage along Highway 99E, ODOT has requested a 425' sight distance on Hwy 99E. He explained that Lancaster Engineering determined there is 630' of sight distance to the east and 825' toward the west.

Mr. Deiner addressed Condition # 3 regarding easements. He explained there is an existing City LID which dedicated easements and requested the Commission use the established easements and the interior easements as proposed by the applicant.

Mr. Deiner stated that condition #6 and condition #12 both addressed the issue of no parking on the access easement. He explained that the access drive on Highway 99E has 2 parallel parking spaces and asked the conditions be amended.

Craig Harris, Westlake Consultants, asked that the Planning Commission allow the developer to obtain grading permits and erosion permits so they can prep the site before winter sets in, prior to final site and utility plan approval. He stated they would also provide storm water quality and drywells as per DEQ, Public Works Supervisor and the City Engineer.

Mr. Molamphy was concerned that if the applicant paved prior to final approval from the utility providers it might be necessary to cut into the asphalt when they do their installations.

**V. FINDINGS**

**VI. MINUTES**

**VII. DIRECTOR'S REPORT**

**VII. ADJOURNMENT**