
MINUTES

CANBY PLANNING COMMISSION

7:00 PM, October 13, 2003
City Council Chambers, 155 NW 2nd

I. ROLL CALL

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

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

OTHERS PRESENT: Bruce Goldson, Herman Bergman, Tom Kotzian, JillMarie Wiles, Barbara Busch, Curtis Gottman, Lila Gottman, Dick Crites, Marlene Elmore, Betty Ramey, Eldena Kersting, Lois Murray, Minnie Coon, Penny Greig, Steve Heiteen, Larry Kraxberger, Jeff Schwalm, Jim West, Dan Greenwald, Laurie Sandsness, Dennis Tuuri

II. CITIZEN INPUT

None

III. NEW BUSINESS

John Williams, Community Development & Planning Director, addressed the Planning Commission. He explained there was a new business item regarding an appeal of a staff determination on a building permit setback issue. The applicant had interpreted the code to read that a single story addition could be built to the 15' setback and subsequently had designed his addition to the 15' setback. John explained that staff has always interpreted the code to read that any portion of a 2 story house had to meet the 20' setback. The applicant was asking the Commission for an interpretation that would allow for a single story addition to extend to the 15' setback.

Steve Heiteen, general contractor, presented the Commission with a plot plan that showed where the addition extended into the setback. He explained that there would be no negative impact to the neighbor in that direction since this property abuts a golf club on that side.

Mr. Brown explained that the setbacks were established to prevent infill property from building 2 story homes that looked down into established single family homes. He was concerned that this situation was a logical place to allow the 15' setback, but what happens when someone wants to use this same interpretation when it is not a logical

place.

It was decided by the Commission to allow the home owner to use the 15' setback in this case. The Commission requested language to be drawn up explaining that a home that is 2 story anywhere will use the 20' setback, but under extenuating circumstances the Planning Commission can review. They believed they needed more time to consider a standard rule so these issues would not have to come back to the Planning Commission.

IV. PUBLIC HEARING

SUB 03-05 Apollo subdivision

Mr. Brown read the criteria. When asked if any Commissioner had a conflict of interest, none was stated, when asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commission.

Darren Nichols, Planning Technician, presented the staff report. Darren stated that there were concerns staff and citizens had regarding this development. He explained that the applicant had worked with staff and had made many changes to their original application. He presented the newest tentative plan that had no street connection to NW 1st, and had 2nd Avenue going through the development. The original plat showed a connection to the future park to the west, that had been removed due to the creation of a bioswale in that area.

Darren explained the property had originally been zoned light industrial but had been rezoned in April to high density. The traffic survey that was used at that time found that a residential development would have slightly more overall traffic than an industrial use would, but fewer trips at peak traffic times. The study stated that certain off site intersections function at C and D levels and determined that a high density residential development would not change the designations of those intersections.

Darren discussed the topography of the site, it is depressed along the railroad tracks and along the west property line, which is next to the skate park, so access to the site is limited. The applicant is asking for an exemption from the solar access requirement due to this configuration.

Darren stated that staff is recommending, at the least, a fence be installed along the south and west boundaries to prevent people from cutting across the railroad tracks or to access the future bioswale to the west. Half street improvements will be required along all streets.

Darren explained that the staff report recommended a cul-de-sac design for the southwest section to prevent parking for areas that are proposed ball fields in the park plan. The applicants have already included that as part of their newest proposal.

Darren stated that the Traffic Safety Committee expressed concerns regarding

the heavy traffic on NW 2nd and 3rd already and the number of large trucks that park there. Darren explained that the current vehicle code prohibits parking of any truck larger than 1 ton in residential areas.

Darren explained that there had been concerns expressed by the neighbors regarding the impact of increased traffic and the existing conflict between residential use and industrial truck traffic. Neighbors to the south suggested the construction of a sound wall for noise reduction and for safety along the railroad tracks.

Darren explained that the applicant had originally discussed creating the open spaces as part of a PUD application which would have allowed 4' setbacks instead of 7', but have chosen not to develop the property as a PUD so they will be using the 7' standard setback. He explained that the proposed green space to the north is very steep and the space to the south is to be used as a water retention area, and the City is not interested in maintaining those areas at this time.

Mr. Manley questioned if the bike trails will go through to the park. Darren explained that the trail does not go through at this time, but it would be possible to continue the trail into the future park when it is ready to be developed.

Mr. Brown asked if there was a minimum lot size in the R-2 (high density) zone. John explained that the R-2 zone has a minimum density of 14 units per acre of development, but the development they have designed is less dense than required so the applicant is asking for an exception to this requirement.

Mr. Able questioned the applicants intention of sending storm water and sewage to the Molalla River. Darren explained that DEQ will not allow any building on this site until an approved storm water system is in place. Mr. Able questioned who would monitor the system. John explained that the owners are responsible.

APPLICANT:

Bruce Goldson, Compass Engineering, thanked staff for working with them to create a design that works. He agreed that traffic will increase, but the homes on 3rd Street are designed to have access from interior streets so no driveways will access on 3rd Street. Mr. Goldson explained that the attached family homes will be located on the north side of the lot on the upper level of the steep slope, with the single family homes on the lower level. He explained that they could have gotten more units in this development but believed that the open spaces made better use of the ground due to the topography.

Mr. Goldson stated the applicant would provide a fence that would prevent people from accessing the "brown area" of the proposed park and the railroad tracks. He explained that they have not yet begun discussions with DEQ regarding storm water run off but he is aware that they are the governing agency for this type of disposal and is aware of their concerns.

Mr. Goldson believes most traffic would use 2nd Avenue as the main access point. He stated that the railroad is higher than the site and the road on the southeast section of the property and the green space on the southwest section creates a buffer for the lots from the railroad.

Mr. Able questioned the steepness of the interior roads of the development. Mr. Goldson explained that the maximum slope was 8% to 10%. Mr. Able asked what was the maximum allowed slope for emergency vehicles. It was stated they allow up to a 12 or 15% slope depending on road classification.

Mr. Brown questioned why this configuration when there were other options than a single family subdivision, and that density could be increased by building up. Mr. Goldson explained the character of the property limited the design. The area on top of the bluff, the existing street pattern, one face of the property being a collector street and the desire to have the development access 2nd Avenue put limitations on the design of the property.

Mr. Brown stated that the open space was not so much a benefit as it was required by the design because the open space to the north is a slope and to the south is water quality site. Mr. Goldson stated that the areas could have been incorporated into the lots but it seemed more practical to have the open space areas maintained by the group.

Mr. Brown questioned how the applicant anticipates handling sound and pedestrian access to the south. Mr. Goldson stated the applicant proposes a fence or some type of barrier along the entire south that would separate the railroad from the subdivision, but the final design has not yet been worked out, but the least it would be, is a fence. Mr. Manley questioned if any interior sound barriers in the homes had been considered. Mr. Goldson stated it had not been discussed at this time.

Mr. Ewert questioned why there was not a 1st Avenue connection. John explained that 1st and Elm is a dysfunctional intersection and staff had requested the 2nd Avenue connection since 1st is a right turn only at Elm and 3rd is not aligned correctly at Cedar.

Mr. Ewert questioned if there was a determination as to where the landfill ends. Mr. Goldson stated the land is clean as far as they know but no exploration has been done. He has surveyed and walked the site which has no signs of it being a fill. The applicant stated that there has been testing done and the site is clean.

PROPONENTS:

Mr. Brown stated the zone change had been done 8 months ago after a long public process and discussion of the change was not applicable to this application.

Dennis Tuuri lives across from this development and is happy about the development going in but has concerns regarding increasing traffic in the neighborhood. He stated that

backing out of his driveway is difficult and this development will make it worse.

Mr. Tuuri stated he is glad that 2nd will be the access, that the sidewalks will go through and hopes that there will be no truck parking allowed. John explained that the Traffic Safety Committee is looking at eliminating truck parking on that whole street. Mr. Tuuri believed that if the houses on 3rd were facing north they would look more a part of the neighborhood.

OPPONENTS:

Herman Bergman presented his opinion that Canby needs more industry and has enough housing. He questioned why this property had been changed from industrial without the neighborhood being notified. He stated that no one should be subjected to the noise from the trains. Mr. Bergman believed that there should be an overpass to make a connection to Hwy 99E so that no additional automobiles were added to the already congested Elm St. light. He added that there would be a large number of children living in this development and he was concerned about the impact to the school system.

Marlene Elmore, Chair of the Traffic Safety Committee, stated that at the time of the Committee's comments they did not have a traffic study. She questioned when the traffic study was conducted and how they had come up with the numbers they used. She stated that traffic backs up on Elm St., sometimes as far as 4th St. There have been 6 accidents this year at Elm and 99E. She stated that Eccles School is north of this development and that 70 school buses cross the intersection of Elm and 99E everyday, she is concerned about the increase of traffic this development would cause. She stated the Traffic Safety Committee is not in favor of this application and noted that they are doing their own traffic study for that area. She stated the committee will be taking the 3rd Avenue no parking issue to the City Council.

Curtis Gottman, Traffic Safety Committee, stated he agrees with the concerns Ms. Elmore presented. He believed that there should be only 2 exits from the development so the bottleneck that the additional traffic would create would be contained internally. He stated he is against this application and believes that by building this next to a railroad track the applicant would be creating future slums.

Laurie Sandsness, Traffic Safety Committee, stated her belief that this development is a mistake, traffic along Elm St. is very heavy already and this will increase the problem. She also stated that this will look like a walled in community and would not be very attractive.

Tom Kotzian , Johnson Controls, explained that Johnson Controls was the first land owner in the industrial park. They built here in 1973 because it was an industrial park. He stated that Johnson Controls is the highest paying employer with family wage jobs the City of Canby offers with the average employee wage \$18 to \$22 an hour. He stated Johnson Controls is opposed to this development. Their concerns are that 3rd St is only 40' wide, they have an average of 250 semi-trucks entering and exiting their facility and the only way in or out is 3rd and Elm. Their trucks arrive 24 hours a day and the truck is the driver's home, they stage their rigs parked on the street until the business opens. If they can't get these rigs in and out of the industrial park they have a difficult time doing business. He stated their concern that there will be an additional 5 streets accessing 3rd which is already heavily congested.

Mr. Kotzian stated that in addition to the trucks that service their facility they employ 256

people working 3 shifts a day, most of their employees drive to work. In addition Ruan who handles the transportation of the batteries employs 40 people, working 24 hours a day, 6 days a week. Most of these employees use 3rd Avenue to come to work. He stated they have concerns regarding noise issues, they have worked hard with the neighbors to control noise levels, but they run a 3 shift operation so there is associated industrial noise, not just from them but from the other businesses in the park. He stated that families and industrial parks are not a good mix. Another concern is children playing on their property. He does not believe this development should be allowed but if it is allowed they should remove the residential access to 3rd and leave the road for the industrial park use, truly separating the industrial park from the residential community by installing a noise barrier to the north.

Dick Crites stated he owned property that faces this development on Cedar St. He questioned if the houses on Cedar would be facing interior streets where all he would see is the back yards. Mr. Brown explained that he houses along Cedar would most likely face Cedar, but the applicant had not proposed any designs yet. Mr. Crites stated that the additional traffic would be hard on his property.

JillMarie Wiles, Canby Livability Coalition explained that the Coalition's goal is to ensure the quality of life and safety, and did not believe this design did either and the Commission should not approve the application until it did. She stated that the Cutsforth's development will be a beautiful enhancement to the downtown and an enhancement to the City. She believed this development had the potential to become a slum and believed the applicant should create a development that would be a part of the community. She added that the development being built down by Fred Meyer is installing a sound barrier between the homes and the railroad tracks.

Jeff Schwam, commended the people who have addressed the Commission. He did not believe this was a feasible development for this part of town. He stated his concern that this development will be visible from Hwy 99E and questioned if the tops of the roofs was the first impression Canby wanted to give. He did not think this was the best use for this property.

Barbara Busch was concerned that she had not been notified of any zone changes. She stated she agreed with everything that had been said regarding concerns that others have expressed. She added that the southern portion of the property has had fires in the past, started by the train as it went past and sparked into dry grass. She was concerned that the area will not be maintained or irrigated and be a danger to the homes.

Lila Gottman believed adding 828 car trips a day, which is just 2 people driving to work, and doesn't include driving children to school or going to the store will negatively impact streets that are already in trouble.

REBUTTAL:

Bruce Goldson stated he was glad there was one person who was in favor of this application. He believed the major concern was the increase in traffic. He explained that the minimum density for this zone allows either 168 single family homes, or a 300 unit apartment complex. The applicant is not proposing the maximum density, this is a residential zone and the applicant is proposing a residential development. He stated people who buy homes in this development will know there is a railroad there. This plan limits driveways onto 3rd St. which is a public street

and meant for trucks and cars to use. He believes the access streets onto 3rd are needed, having one access for this development is not feasible. He believes the fire danger from the trains needs to be considered.

Mr. Goldson explained they held a neighborhood meeting and unfortunately only 3 people attended. He thought it was unfortunate that these concerns were not voiced earlier so they could have been a part of the process. Concerns that they were aware of were addressed on the revised plan. He stated the traffic engineer was a professional and had identified the impacts a development like this would have and determined that this additional traffic could be handled.

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

Mr. Manley asked if 3rd Avenue and Cedar Street were both collector streets. Darren explained that 3rd is a collector as is Cedar St. north of 2nd Avenue. Mr. Manley questioned whether the code allowed driveway access onto a collector street out of a subdivision. John explained there is a spacing standard on the collectors but the challenge would be providing a different kind of access along there. Cedar has driveway accesses up and down the way right now. Mr. Manley stated that in other developments we have required new developments to look for other ways to do it without access onto the collector. John stated that only the 3 lots on Cedar between 2nd and 3rd would access Cedar.

Mr. Manley explained that when the Commission created the R-2 standard of 14 units per acre it was to create really dense developments. He believed apartments would make a better looking development because they could go up and would allow for more open spaces.

Mr. Able expressed his concerns regarding the 5 driveways on 3rd St., he believed that 50% of the traffic would come out on 3rd St. and that Cedar will become a minor collector between 2nd and 1st. He stated he had never seen a development that was this dense, with as little unusable open spaces and roads that were disjointed from the rest of the community. He stated that from a design standpoint he didn't like it. He added that he had a hard time increasing traffic at Elm and Hwy 99E which is a level D intersection. He stated there would be a lot of System Development Charges associated with this development and maybe they could be used to improve the intersection.

Mr. Molamphy questioned what the bioswale was going to be. He understood that DEQ is in charge of the drain water system but if they are going to use a bioswale who will take care of it to prevent it from becoming a weed patch. He stated his major concern was the railroad tracks. The applicant has stated they will install a fence, but this development will have a lot of kids and a chain link fence will not be adequate for keeping them from cutting through the fence and creating a shortcut for going to school or to the store. He added that he did not like the additional 5 accesses onto 3rd Ave.

Mr. Thalhoffer stated this property was rezoned recently and it will be developed this dense or even denser with something that may produce more traffic than is produced here. He stated that with the closure of some of the access to 3rd and with the conditioning of a substantial wall along the railroad, is this in its current condition a better proposal than a 300 unit apartment complex. He suggested removing the 2 easterly accesses on 3rd St.

Mr. Ewert stated he had hoped for something different on this land, and that he was concerned that the water drainage issues had not been addressed well enough. There will be an additional traffic burden on Elm Street and on Baker Drive and wondered if there was some way 1st Avenue could be developed to take some of the traffic. He was concerned about the number of school buses and the industrial trucks that are already in the area and that there is still a lot of undeveloped land he assumes will develop in the future. If this property is developed in this form it will negatively impact that industrial land.

Mr. Ewert stated there was an environmental issue with the noise, at this time the dirt has a deadening effect on the noise but when the property is developed the concrete will direct the sound back into this development. He did not believe the open space they were proposing was useable by the public since it is such a steep bank, you can't walk your dog or play with your kids there. He agrees there is a fire danger along the railroad tracks and wants to know how the swale will be maintained.

Mr. Ewert stated there is a serious issue with the water drainage, it drains into the Molalla River directly above the City's water system. The water drains through dirt at this time but he believes this property used to be part of the land fill and once this site is developed he is unsure what the water will filter through. He explained it would take a very high wall to lessen the sound of the train when the tracks are above grade. He suggested continuing this application for more information on the technical issues.

Mr. Brown explained the process the City used to determine what areas should be rezoned. There were a lot of public hearings and it was decided this was a good area to rezone from industrial to high density residential, and to move the industrial to the new industrial park at Sequoia Parkway where there would be no residential/industrial interaction. Rezoning to R-2 would revitalize the downtown by bringing residential housing to the core area. He believes it was a prudent decision because the City will either have to pick a piece of property to densify or if the City chooses to continue with single family homes on 8-10,000 square foot lots it will eat up the farm land. He stressed that Canby needs to develop property that new home owners can afford. Mr. Brown suggested that URD funds should be put to work on the intersections on this side of town.

It was moved by Mr. Able to deny SUB 03-05 based on not meeting criteria C and D. Seconded by Mr. Molamphy. Mr. Ewert stated he agreed with Mr. Brown's comments. He stated that this property has a huge potential for the community and encouraged the developers to come back with a little more data on the land, drainage and traffic. Mr. Molamphy agreed the applicant should be able to bring this application back. He stated there had been a lot of discussion regarding making this property high density, he still believes it's a good idea but the design has to fit the City and this doesn't. Mr. Molamphy withdrew his second. Mr. Thalhofer believed this should be looked at further and suggested there may be some advantages to having condominiums over apartments and that the reasons for rezoning are still valid. Mr. Brown stated that dense ownership would be preferable to dense rentals, people who own their houses are more invested in their community. Mr. Able stated that when lots are this small there will be no trees, no open space, no yards you will see an 8' block wall with asphalt shingles and a few tiny trees, density is good but density has to be off set with open space. Motion was seconded by Mr. Manley. Motion carried 4-2 with Mr. Molamphy and Mr. Thalhofer voting nay.

V. FINDINGS

SUB 03-03

It was moved by Mr. Manley to approve the Findings Conclusions and Final Order for SUB 03-03 as written, seconded by Mr. Molamphy. Motion carried 4-0 with Mr. Thalhofer and Mr. Able abstaining.

SUB 03-04

Darren presented an amendment from the applicant regarding condition #3 which required 6' utility easements on both sides between the south lot line of the northern 2 lots because the applicant intends to build on both sides of that lot line creating a single lot. The City Engineer stated that what the applicant is providing (a 30' easement through the center of the development) is more than sufficient to provide utilities.

Mr. Manley wanted ODOT's request to require the applicant to obtain an access permit added as a condition. It was agreed to add ODOT's language as a condition. It was moved by Mr. Manley to approve SUB 03-04 as amended with rewording condition #3 regarding easements, and adding ODOT's access requirements, seconded by Mr. Thalhofer. Motion carried 5-0 with Mr. Able abstaining.

CUP 03-01

John explained that the copy of the Findings the Commissioners received had 2 conditions they had proposed missing, one requiring bike parking and one required a sign permit if they wanted to have any sign. It was moved by Mr. Manley to approve CUP 03-01 as amended with the addition of the 2 conditions, seconded by Mr. Molamphy. Motion carried 3-0 with Mr. Thalhofer, Mr. Able, and Mr. Ewert abstaining.

VI. MINUTES

September 8, 2003

It was moved by Mr. Manley to approve the minutes for September 8, 2003 as written, seconded by Mr. Ewert. Motion carried 6-0.

August 25, 2003

It was moved by Mr. Able to approve the minutes for August 25, 2003 as written, seconded by Mr. Ewert. Motion carried 6-0.

June 9, 2003

It was moved by Mr. Ewert to approve the minutes for June 9, 2003 as written, seconded by Mr. Able. Motion carried 6-0.

VII. DIRECTOR'S REPORT

John stated there are 3 Public Hearings at the next meeting, 2 commercial design reviews (a dentist office and a bank) and a partition.

Mr. Brown questioned why when the Industrial Area Master Plan calls for a landscape median down Sequoia Parkway it is not going to happen. John explained that the problem was they could not find a place where everyone agreed there would not be a driveway. We have not established an access management plan on the Parkway and we don't know what the parcels will look like and where the driveway approaches will be. He explained that at every driveway has a turn lane and a turn in. The question was, do we want to leave the center dirt and pave areas that need them for the turn lanes, or do we want to pave everything and retro fit the medians. Mr. Brown stated his concern that the City will end up with a number of 5' long median strips.

Mr. Ewert stated that a lot of time had been spent on where the driveways and turn lanes were going to be located which directed the flow with driveways every x number of feet with turn lanes that were all synchronized. John stated there will be trees planted on the outside of the road now so they will be growing from day one, some may need to be removed when the properties develop.

VII. ADJOURNMENT