

MINUTES

CANBY PLANNING COMMISSION

7:00 PM June 14, 2004
City Council Chambers, 155 NW 2nd

WORKSHOP Discussion on Master Plan for the area bounded by Hazel Dell Way, SE 1st Ave. and Sequoia parkway

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners, Geoffrey Manley, Randy Tessman, Tony Helbling, John Molamphy, Dan Ewert

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

OTHERS PRESENT: Ed Netter, Pat Sisul, Mark Vodka, Charles Burden, Roger Reif, Tom Scott, Bob Zimmer, Scott Beck, Terry Tolls, Buzz Weygandt, Grace Bighause

II. CITIZEN INPUT

None

III. NEW BUSINESS

IV. PUBLIC HEARINGS

SUB 04-01The applicant is seeking approval to partition one 27,000 square foot parcel into five residential building lots of approximately 5,000 square feet for the construction of single family homes. **Continued from March 22, 2004**

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

Darren Nichols, Associate Planner presented the staff report. He explained that this is an "L" shaped parcel, 2 blocks east of Ivy St which contains a barn that will be removed. The Applicant has proposed 5 homes with a common private driveway, built to city street standards to accommodate future development of surrounding properties.

Darren stated that this property has recently been rezoned from R1 (low density) to R2 (high density), the applicant's original application consisted of 14 townhouse units. Neighbors expressed their concerns regarding the density of the development, so the applicant has presented the Commissioners with a revised application for 5 single family homes. They believe this development will be a good transition into the

R2 density and would be a better fit with the neighborhood. The neighbors are still concerned about traffic but are pleased with the reduction in density. The applicant asks the Commission to waive the density requirements.

The Public Works Supervisor suggested the access be a private driveway that would be built to provide the structure for an intersection to align with Locust St. to accommodate development in the future. The applicant has proposed to construct the access to city street standards to provide for expansion in the future. The Public Works Supervisor also stated that he did not want Locust Street cut to access the water line.

Darren stated a letter had been received from Jay Mulchey who would have preferred just 2-3 houses built on this property, but believes this revision is preferable to the original 14 unit plan. A letter had been received from an anonymous source stating their concerns about additional traffic, the need for a traffic light at Township and Ivy, maintenance of the additional roads and the possibility of this becoming slum property. Darren stated the applicant has worked hard to address the concerns of the neighbors and has minimized the impact to the surrounding properties. With the conditions staff recommends approval of the subdivision application.

Mr. Ewert questioned why the Planning Commission had originally denied this application. Darren believes the applicant had not proven there were adequate facilities available to support this type of density. John explained the Commission had denied the zone change and continued the design review and subdivision application, the design review element has been withdrawn since there is no multi-family development.

Mr. Ewert questioned how the public street would be laid out. Darren explained the access could be constructed to meet just private drive standards, which would require surrounding properties to deal with their own accesses as each develops, or the driveway could be built with the capacity to accommodate future development. This design would provide a better mechanism for the two lots to the east to develop than creating additional accesses onto Township. The applicant is willing to sign a waiver of remonstrance for the upgrade to the intersection at Locust when and if a signal is warranted.

Mr. Brown questioned what the intent of Tract "A" was. Darren explained that the applicant is attempting to provide additional parking to address concerns of neighbors regarding additional on street parking on Township and it would allow an area for children to play. Mr. Brown questioned if it could be a buildable lot. John stated the Planning Commission could condition the tract not be buildable.

APPLICANT:

Pat **Sisul**, Sisul Engineering addressed the Commission, he explained they have modified the application by reducing the number of units from 10 to 5, eliminated the attached dwellings, relocated the access to align with S. Locust and are proposing a wider access and dedicating it as a public street, they have also dropped the site and design application since they are no longer proposing multi-family units.

Mr. Sisul stated the original concept was to put in a private access across from S. Locust, but were told by the Public Works Supervisor that it could be confusing, so the applicant moved the access to the side of the property. The Planning Commission had concerns and wanted an access that would serve future development of the area.

Mr. Sisul stated that five single family lots on this sites makes sense, the lower density fits in with the surrounding area. The applicant held a second neighborhood meeting and the consensus was that this plan was much improved from the original and more compatible with the neighborhood.

Mr. Sisul questioned why condition #2 required an approved landscape plan be submitted for a subdivision application. Darren explained that they would like to know what the applicant plans for tract A.

Mr. Sisul stated that condition #10 requires a 5' sidewalk inclusive of curb be maintained the full length of the shared access street. He stated it is not known if this will be a public or a private street and asked the condition be clarified that the sidewalk requirement applies to the access strip that could potentially be the extension of Locust.

Mr. Sisul stated that condition #14 addresses curb cuts to each parcel, he asked that the wording be changed since it is undecided how the access drive will be configured. He stated the applicant is willing to work with the City on how to end Locust. St.

Ed Netter, applicant addressed the Commission. He stated that no one liked the first plan that was presented. They have taken the concerns raised at the last hearing and have presented a plan that is a better fit, most of the neighbors stated they prefer this plan. He explained there had been concerns that this development would increase on street parking and that there were no places for children to play, tract A creates extra parking and adds greenspace to the development.

Mr. Manley questioned who would own tract A and how would it be maintained. Mr. Netter stated it would be owned and maintained by the home owner association.

The Commission discussed the possibilities of how the surrounding properties could develop. No neighbors have plans to develop at this time, but this design gives them the opportunity to develop in the future.

PROPONENTS:

Mark Vodka, addressed the Commission, he stated he would have preferred a development that was built to R1 standards but is happier with this design than the original

OPPONENTS:

None

REBUTTAL:

Mr. Sisul explained that the Public Works Supervisors request that Locust Street not be cut to access the water line is due to the good condition of the street. He explained that Canby Utility standards does not allow for a dead end water line so there is no alternative but to access the water from Locust.

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

Mr. Tessman stated he liked this design better and appreciated the applicant listening to the neighbors concerns and incorporating them into this development. He believed the access road should be built to city street standards.

Mr. Molamphy stated it was unsure how the surrounding property would develop in the future but believed that constructing the access to city standards would benefit development. He likes the new layout with the added parking and the small park and thought it fit in the neighborhood better than the original.

Mr. Helbling stated the public street design would help plan the community and would allow continuation to the west.

Mr. Manley agreed the access should be built to city standards to allow for future expansion of the area. He believed that tract A and the park should be owned and maintained by the home owners association.

Mr. Ewert thought this was a better plan and the alignment solves the traffic flow problem. He expressed concern that approving this application would set a precedence for smaller lots and would be condemning the adjoining property owners into similar developments.

Mr. Helbling thought this was a nice transition to the R1 zone. The homes would be more affordable and would not be located next to the railroad tracks.

Mr. Brown questioned why the development needed the four extra parking spaces, if they were not necessary the park could be bigger. John explained the four spaces were needed since there would be no on street parking allowed. Mr. Brown believed the access should be private but with public street radius.

It was moved by Mr. Ewert to approve SUB 04-01 with the added conditions that the lighting be to residential standards, fencing to be coordinated with surrounding property owners, easements for a public street, no development allowed on Tract A and Lot 1 must face Township. Seconded by Mr. Molamphy. Motion carried 6-0.

ANN 04-04 The applicants are seeking to annex one 9.74 acre tax lot into the City of Canby. If annexed, the applicants propose construction of 39 single family homes on low density individual lots. Access to an eventual subdivision development is proposed from SE 13th Avenue and from Tofte Farms via SE 13th Place, SE 14th Place and SE 15th Place

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, Mr. Helbling stated he served on a Board with the applicant but planned to participate, Mr. Brown stated he served on a Committee with the applicant but has had no discussions regarding this matter and planned to participate.

Darren Nichols, Associate Planner presented the staff report. He explained that this application had previously been heard by the Commission who recommended to the City Council to approve the application, the City Council forwarded the application to the voters, but voters denied the application in the November 2003 election.

Darren stated the Comprehensive Plan designation is Priority A for annexation. The City Attorney had suggested that each housing type should be analyzed separately for the buildable land study so that so the need for each zoning type could be seen. The revised buildable land study shows there is approximately 11 months of R1 land platted and ready to build on with about a 4 year supply of unplatted land.

Darren explained that the traffic study from the previous application had been reviewed and was deemed adequate.

A letter from Robert Johnson stated that this annexation had been denied by voters and it was not appropriate to have it on the ballot again. A letter was received from an anonymous source citing over crowding in the school system increased water rates.

Darren stated that the application is consistent with the comprehensive plan and staff recommends the Commission recommend approval to the City Council.

Mr. Manley questioned the amount of unplatted land and believed there was a 2 ½ to 3 year supply. John explained that the amount does not include the possible number of flaglots that could be created.

APPLICANT:

Pat Sisul, Sisul Engineering explained that at this time the parcel is being farmed in conjuncture with an other parcel, but there is no longer a working well on site and the water is being provided from an off site well, if that property developed it could be possible that there would no longer be access to the well.

Mr. Sisul stated the only real constraint on the property is the sanitary sewer. It may be too shallow along 15th to have gravity feed and the applicant is aware of the situation and has discussed the issue with the surrounding property owner and they are aware that the first development in would put in the lift station.

Mr. Sisul stated the plan is to connect 13th, 14th, and 15th through, it is not decided which one of the streets would go through to lvy. Storm water would likely be handled through an infiltration system.

Mr. Sisul stated this is priority A and that designation should take precedence over the parcel being farmland and asked the Planning Commission to approve the application.

Tom Scott, President Willow Creek Estates, Inc., addressed the Commission. He stated Willow Creek Estates owns both this parcel and the parcel to the south. It is their intention to develop these parcels at the same time, which would be the best approach. If this application is denied they would be forced to develop the southern parcel independently.

Mr. Scott expressed his concern that the lack of available land in the City of Canby is becoming a huge problem. He stated that when land is unavailable it pushes the price of homes up, pushes business to locate elsewhere and keeps new businesses from moving here. He stated growth will come to a halt if the supply isn't kept up.

The annexation process is difficult and lengthy, this parcel of land has been in process for a year and a half and if it is approved it will be another year before it is developed. He stated that an eleven month supply of land is not enough.

It was moved by Mr. Tessman to recommend forwarding a recommendation of approval to the City Council for ANN 04-04 as written. Seconded by Mr. Molamphy. Motion carried 5-1-1, with Mr. Manley voting no, and Mr. Able absent.

ANN 04-06 The applicant is seeking to annex a single 1 acre tax lot into the City of Canby. The property is located at the southwest corner of N. Pine and NE Territorial Rd. If annexed, the applicant proposes to construct an 11-unit townhouse development with vehicle access from N Pine Street.

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, Mr. Helbling stated he served on a Board with the applicant but planned to participate, Mr. Brown stated he served on a Committee with the applicant but has had no discussions regarding this matter and planned to participate.

Darren Nichols presented the staff report. He explained that this is a small, flat piece of property that is surrounded by the City. The Fire Marshal has stated that due to the dry brush on the property it is a fire hazard. A traffic study has been done which shows that the only intersection that is not adequate is Territorial and Hwy 99E.

Darren stated that a letters had been received from F. F. Garmire and Norma Jean Vandenberg expressing concerns regarding traffic at the intersection of Territorial and Hwy 99E and over crowding of public services.

APPLICANT:

Pat Sisul, addressed the commission. He explained that half street improvements would be done along Territorial which would improve site distance. He

stated that services are available on Territorial, the only issue is the intersection of Territorial and Hwy 99E and stated people would have the option to access Hwy 99E through Pine or Redwood Streets.

Mr. Sisul stated that this is a priority A parcel which is non agricultural and it makes sense to annex it into the City.

Tom Scott, STJ, LLC addressed the Commission. He explained this is not the typical type of development he does but the owners had approached him regarding the property.

Mr. Scott stated that the problem with the intersection at Hwy 99E and Territorial will be resolved prior to full build out of this property. He stated that there had been a neighborhood meeting held and the neighbors would prefer a condo development instead of an apartment complex. He stated that he would take an active role in getting people out to vote on this election and to educate the public on the benefits of annexing property.

PROPOSERS: None

OPPOSERS: None

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

Mr. Brown explained that ODOT has scheduled the improvements to the intersection at Territorial and Hwy 99E for 2006. In the interim they have proposed some traffic flow devices to alleviate problems at the intersection.

It was moved by Mr. Ewert to recommend approval to the City Council of ANN 04-06 as written. Seconded by Mr. Manley. Motion carried 6-0 with Mr. Able being absent.

V FINDINGS

CPA 04-01/AC 04-02/LLA 04-02 Plantore/Smith

It was moved by Mr. Ewert to recommend approval to the City Council. Seconded by Mr. Helbling. Motion carried 5-0-1-1 with Mr. Tessman abstaining and Mr. Able absent.

ANN 04-01 Sprague Joint Venture

It was moved by Mr. Ewert to approve ANN 04-01 as written. Seconded by Mr. Helbling. Motion carried 5-1-1-1 with Mr. Manley voting no, Mr. Ewert abstaining and Mr. Able absent.

VI MINUTES

April 26, 2004 It was moved by Mr. Molamphy to approve the minutes as written. Seconded by Mr. Ewert. Motion carried 5-0-1-1 with Mr. Helbling abstaining and Mr.

Able absent.

May 24, 2004 It was moved by Mr. Manley to approve the minutes as written. Seconded by Mr. Ewert. Motion carried 5-0-1-1 with Mr. Tessman absent and Mr. Able absent.

VII DIRECTOR=S REPORT

John Williams questioned the Commission on whether they would like to continue to receive the Planning Journal. It was decided that they would like to continue the subscription.

John was questioned as to the status of the Ardnt Rd project. John explained there are several options under consideration and all options are being discussed.

VIII ADJOURNMENT