

MINUTES

CANBY PLANNING COMMISSION

7:00 PM August 8, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

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

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

OTHERS PRESENT: Pat Sisul, Paul Dupont, Richard Smith, Dick Colonso, Curtis Rice, Richard Ball, Florence Ball, R. Bruce Baron

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

IV PUBLIC HEARINGS

John Williams, Community Development and Planning Director informed the audience that the MLP had been postponed indefinitely. If a new hearing is scheduled the meeting will be re noticed.

SUB 04-05 (Dupont) Continued from July 26, 2004. The applicant seeks approval to subdivide one 12.85 acre parcel into 30 buildable lots of approximately 8,000-15,000 SF. One existing house is proposed to remain on a newly created parcel at the end of NW 8th Way. The applicant proposes to provide street access by means of a forty foot wide public right-of-way extending from North Baker and North Ash Streets.

Mr. Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, Mr. Molamphy stated he lives within 500' of the proposed project and intended to participate. When asked if any Commissioner had ex-parte contact, Mr. Ewert visited the site and asked Mr. Dupont if he could walk the bank, Mr. Dupont walked him to the area. Randy Tessman stated a neighbor had initiated a conversation regarding this application and Mr. Tessman had encouraged them to attend this meeting, both Commissioners intended to participate in the discussion. No questions were asked of the Commissioners.

Darren Nichols explained there were issues raised at the last hearing that the Commission wanted addressed. One issue was the public pathway or easement to provide access to a proposed conservation easement. There were discussion with the City Attorney who stated there were no grounds for requiring a public access if the applicant didn't offer one. The Parks Director stated they were not interested in accepting that type of property at this time. So that issue is no longer discussed.

Darren addressed the fire safety issue and erosion control. The Fire Marshall stated that there are only guidelines regarding setbacks. The Fire Marshall agreed that a 30' setback at the top of the bank would be sufficient to protect homes and to meet the erosion control requirement. The Fire Marshall also asked for landscape and structures be maintained in such a way to prevent or inhibit any fires coming up the slop. This would include such things as hardy plank siding, tile or fire resistant roofing and landscaping that is maintained as greenscape such as grass that is mowed to minimize the fire hazard.

Darren explained that to address the lot area requirements the applicant is proposing to add two more lots. Lots 17 – 21 has been incorporated into Tract A which will not be incorporated into this subdivision and will be developed at a later time. Recalculating the average lot size brought the average under 10,000 SF which meets Canby's Municipal Code. He added that more than 10% of the proposed building lots exceed the 10,000 Sf minimum, which means the Planning Commission can accept that if the applicant is able to provide some proof of a public benefit. The applicant intends to offer public access to the riverbank for the length of the parcel and maintaining the steep bank as a conservation easement and an easement at the rivers edge for public access if and when the City is able to come up with the funds to construct it.

Darren stated there had been some confusion regarding access off of Knights Bridge Road. He clarified that the 2 lots at the end of NW 8th Way would access NW 8th only and not have access to the rear of the parcels along the gravel driveway.

Darren addressed the storm water concerns The neighbors were concerned about how the potential drywells would affect flooding. He stated that all local, County and State requirements will be met through the pre-construction process.

Darren stated Ms. Freeman had suggested at the first hearing that truck traffic be required to use Birch Street. Darren stated that the Traffic Safety Committee will look at the recommendation at their next meeting.

Darren addressed the Commissions concern of irregular lot lines being created. He explained that the parent parcel is a triangle shaped which did make some oddly shaped lots. The applicant has worked on the design and has made some changes.

Darren stated there is one main issue, the lot sizes, and the number of lots that exceed the allowable lot size. The applicant has 2 options, to demonstrate a public benefit, or convince the Commission that the lot area requirement could not be met due to existing road patterns or other characteristics of the parcel.

Darren explained the applicant has cleaned up the lot lines making it look more like a normal street. Lots #1 and #2 have been combined to create a single lot, which will be easier to build on without going over the top of the bank. Darren stated the applicant has proposed an area along the Molalla River which they will designate as a conservation easement with public access. The City would be able to construct a trail and connect it at both end, limiting it to pedestrian access only.

Mr. Brown stated that until the City can make a connection to the north and south the access would not be useable. Darren stated that is the language they have submitted. Mr. Brown questioned if the City would have to buy the property. Darren explained that if the City required it, then we would have to purchase the property but the City is not interested in purchasing the property. The applicant is offering this as a public access to off set their average lot size.

Mr. Brown questioned why Tract A was not included in this application.

Ken Sandblast representing the owners addressed the Commission He introduced Pat Sisul who will present the utility plan.

Pat Sisul presented the Commission with an updated utility plan, he explained that it does not coordinate with the current plot plan. He stated the concept was to collect the water in various combinations of pipes, drywells, and manholes. The geotechnical engineer has recommended not infiltrating storm water into the ground within 200' of the top of the bank. There is also the DEQ restriction of not putting drywells within 500' of a domestic wells, which there are some to the north.

Mr. Sisul explained that the water from lots 1 through 9 and 10 through 18 and lots 28 and 29 and direct it to a private infiltration system at the backs of lots 28 and 29 because generally the Public Works Department does not like to maintain storm drains off of roof drains, they want it privately maintained.

Mr. Sisul stated the street drainage would be directed to the intersection of N. Baker and Baker Court, there would be a series of drywells in that location to handle that infiltration.

Mr. Sisul explained that lots on the northern side of the subdivision that are more than 500' away from the bluff would all have standard private infiltration systems.

Mr. Sisul stated that the geotechnical report states the presence of springs along the western slope of the site indicates that the ground water flows west to the river. The letter suggests the high permeability soil conditions at the 10' depth does not allow for adequate filling of the pits, the water infiltrates very quickly. He stated he has looked at well logs and the first water has been encountered at the 100' depth, so they believe the soil in this area is highly permeable to a depth of 100'.

Mr. Sisul stated they intend to use a public infiltration sump system that the City of Portland uses which includes a sedimentation manhole that drains to a sump

manhole which drains to a second manhole or drywell if necessary. He explained a private soakage trench would be used in the northeast corner of the site for the roof drains. A similar system would be constructed for lots 28 and 29 with a larger pipe, which would give greater storage capacity.

Mr. Sisul stated the infiltration system behind lots 28 and 29 will be at a depth of about 12' and the engineer does not see anyway that water would reach back up to the surface and cause concerns for the neighbors. The water will go down and west toward the river.

Mr. Sisul explained that from the bottom of a surface infiltration facility a four to one slope needs to be maintained to neighboring basements and crawl spaces, which what the applicant's intention is.

Mr. Sisul stated the applicant would be willing to install a grassy swale along 11th Ave to infiltrate some storm water on that side of the site. Mr. Sisul stated he did not know if the Public Works Supervisor would approve it but they would be willing to look at using it so water did not have to be diverted to Baker St. Mr. Sisul agreed with the language in the conditions of approval regarding the storm water issue.

Mr. Brown questioned how the system works from a legal standpoint since the owners of lots 28 and 29 accept the roof runoff from other property. Mr. Sisul explained there would be a common maintenance agreement between the owners of those 16 – 20 lots. He stated it would be an easement so there would be legal right to maintain and reconstruct the facility if necessary.

Mr. Brown asked why they are extending the catch basins and runoff from 11th Ave. past lots 22 and 27 to N. Baker. Mr. Sisul stated it is because they cannot take street water and inject it into the ground within 500' of a domestic well.

John asked what improvements are being built along Tract A, would the street be fully improved? Mr. Sisul believed it would improved except for the sidewalks.

Ken Sandblast stated he agreed with the issues that Darren had already covered regarding clarifying the driveway access from Knights Bridge Rd. He stated the irregular lot shape has been combined with lot 27 and that issue is resolved. The setback from the top of the bank is acceptable with the idea of the noncombustible siding and vegetation. He asked if there needed to be some clarification regarding the landscaping in the conditions of approval. Darren stated he would like to draft some language to have the Fire Marshal approve prior to putting it in as part of the condition. Basically don't let the grass get too tall, and keep everything green. Mr. Sandblast agreed the condition needed to be more specific.

Mr. Sandblast stated they had combined lots 1 and 2 and pulled the conservation easement back to the top of the bank so it is consistent with the rest of the lots. He explained that by combining those lots they decreased the number of lots and have added one more lot that is over 10,000 SF, so the average is now over 10,000. The applicant is requesting that the public benefit be found as the public access

easement, they are offering it without compensation in exchange for the Commission to find there is a benefit and allow the additional lots that are greater than 10,000 SF as well as the average being over 10,000.

Mr. Sandblast explained that the applicant has proposed a contour line at the 84' elevation which creates a variable width at the rivers edge; which creates for the most part a 15' easement.

PROPONENTS:

None

OPPONENTS:

Mr. Sutter addressed his concerns that the geotechnical report was done on a dry day and that there will be too much water concentrated into too small an area during a heavy rain day. He stated his own drywells flood the top of the ground during rainstorms in March April and May. He stated there is nothing to back up the fact that this will take the water and guarantee that it will take all the winter rain.

Mr. Sutter stated he lives across from this property and that the ground is not that pervious, once it becomes saturated the water will not move. When you add the street area it will feed into the same aquifer and he does not believe it will work.

Mr. Brown questioned if Mr. Sutter had a geotechnical background. Mr. Sutter stated he did not. Mr. Brown explained that there is a report that stated 2 tests had been done one on May 27th and one on December 30th 2003 that indicated the depth of the test pits were 11' deep and that the soil was so permeable that they could not even fill the pit with water. Mr. Sutter stated his concern that he is not being notified and questioned why. Darren explained that this report was part of the original application and has been available for public review. John asked Mr. Sutter if the catch basin work in this area. Mr. Sutter stated they did not, when there is a heavy rain Birch St. is flooded and water backs up almost to the foundation of some homes.

Mr. Ewert stated that the storm water system would be approved by the State DEQ and the City of Canby prior to issuance of any building permits. Mr. Sutter still had concerns that his crawl space would flood.

Dick Calento, Canby Grove Conference Center addressed the Commission. He questioned if there is a condition that lots 1 and 2 will be combined and will have a 30' setback from the river.

REBUTTAL:

Ken Sandblast confirmed that they have combined the 2 lots and there is a 30' setback. He stated they have provided reports that the ground is capable of handling the stormwater.

Pat Sisul stated that he puts his engineering stamp on the plans and he takes it

very seriously. He explained that the City Engineer, the Public Works Supervisor, the Geo Tech company and himself will come up with a plan that will be acceptable by DEQ.

Mr. Ewert questioned if the easement along the river be limited solely to pedestrian traffic, or would it be able to handle emergency vehicles. It was a question for Mr. Dupont to answer.

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

John Williams, Community Development and Planning Director stated that the Planning Department has no desire to hide documents from citizens. The department tries to make everything available for the public.

Mr. Tessman stated this was a better application than the original. He still had concerns regarding traffic on Aspen and suggested contacting the Traffic Safety Committee.

Mr. Molalmpy agreed that lots 1 and 2 should not be able to build out over the river. He stated the pedestrian connection should have emergency vehicle access. There is still a concern with the traffic on Aspen.

Mr. Ewert stated this is a good project and understood the restrictions on infill properties. He believed the access along the river was a good gesture on the part of the applicant.

Mr. Brown stated that condition #7 stated non-combustible materials should be used, he explained this means masonry, concrete and metal. He suggested the term should be fire resistant.

John stated he would check with the Fire Marshal regarding what is acceptable language.

Mr. Ewert questioned who would maintain the bioswale. John explained it would be the Home Owner Association's responsibility and suggested adding wording to clarify that the system be maintained in good working condition.

Mr. Manley stated he agreed that the construction traffic needs to be looked at, and may need to be routed off of Aspen St.

V FINDINGS
VII DIRECTOR=S REPORT
VIII ADJOURNMENT