

MINUTES

CANBY PLANNING COMMISSION

7:00 PM April 25, 2005
City Council Chambers, 155 NW 2nd

I. ROLL CALL

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

STAFF: John Williams, Community and Planning Director, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Terry Tolls, Allen Patterson, Jodee Kelly, Arbie Irasin, Pat Sisul, Ronald Berg, Bob Zimmer, Jason Bristol, Steve Bloomquist, Tom Zauner, Stacy Zauner, John Wyland, Charles Burden, Leonard Walker, Les Johnson, Georgia Johnson, Margaret Schoonover, Katie Westcott

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

SUB 05-01 Auburn Farms Phase II Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, Mr. Ewert stated he had visited the site but had drawn no conclusion. No questions were asked of the Commissioners.

Darren Nichols, Associate Planner presented the staff report. He explained the applicant seeks approval to create 53 buildable lots on two parcels containing 11.37 acres. He stated that this would be an extension of Phase I that the Commission approved last year. Darren explained street access would be by means of a 40' public right-of-way from N Locust, N Lupine, N Laurelwood, NE 21st Ave. and NE 22nd Ave., with a typical street grid matching existing developments.

All requirements for R1 (Low Density Residential) designation have been met and there are single-family developments to the south and east. The property is currently vacant with minimal structures that accommodate their nursery operation.

The applicant is requesting to continue to use an existing well on the property for use in their nursery operation. Canby Utility has expressed an interest in the well for possible future use. The presence of the well will require additional consideration from DEQ regarding storm water issues.

The intersection at Territorial and Hwy 99E is currently operating at level "F"; ODOT has begun improvements to the intersection, which will include the installation of the traffic signal in the spring of 2006.

Improvements are required including sidewalks, planter strips, and curb cuts and drive aprons along all street frontages, and one street tree pre lot will be required. The applicant plans to use planter strips as storm water infiltration swales in conjunction with the approved infiltration system for Phase I.

The Public Works Supervisor has concerns regarding placing a private water line under the newly constructed half street improvements along N. Locust. The County has jurisdiction over the road and they have agreed to allow the line to be installed with the understanding that all piping in the public right of way must be abandoned and removed prior to acceptance of N Locust by the City.

Darren explained that if this application is approved it would be the final phase of the development and a condition has been added that an irrevocable option to purchase parkland be completed prior to final approval of this phase. The details of this acquisition will be available for the Commission to review.

Staff concludes with appropriate conditions the application complies with all necessary criteria and recommends approval.

APPLICANT: Pat Sisul, Sisul Engineering explained that every property owner in the surrounding area has plans to develop in the near future, and the applicant has worked with them to design streets that will facilitate future developments, and the street system has been designed to not encourage through traffic on Locust St.

Mr. Sisul explained that Phase I has been constructed with half street improvements and improvements on the west side of Locust continuing out to Territorial allowing two 10' travel lanes with bump outs around the fir trees.

Mr. Sisul explained that the owner of tax lot 300 has granted an easement for the construction of the eyebrow, so when his application comes in, the street structure will already be in place

Mr. Sisul explained that this construction will improve the water quality in the area by creating a looped system, eliminating the dead end mains.

Mr. Sisul explained that the well is a high capacity well and has an 8" water line. They have met with the Public Works Supervisor and a representative from Clackamas County Dept. of Transportation to discuss the issues. Locust is a county road, and will remain county jurisdiction until such time as the city will accept it. The City won't accept it until it is fully improved, both sides from Territorial to 22nd. It was proposed to the county that the water line would be put into steel casing below the sanitary service. He stated there would be an emergency shut off valve clearly marked at the site of the well.

Mr. Brown questioned the water line being below sanitary sewer lines. Mr. Sisul agreed that typically they are not allowed, but they are taking precautionary measures that have been approved by the County. Mr. Brown asked if creating this water line under the street would preclude the city from accepting the street. Mr. Sisul explained that the County's language on the permit states that at any time the City could require the water line to be abandoned.

Mr. Sisul stated that maintenance of the bio swale would be by the Home Owner's Association. He asked that condition #2 be clarified that prior to any issuance of a building permit, the well will be abandoned and delivered to the City. Mr. Sisul asked that condition #30 clearly state the conditions for the transfer of the well and for the removal of the water line.

Proponents: None

Opponents: None

Mr. Brown questioned how the new process for obtaining the parks had worked. Matilda explained that it went very well

The Commission discussed lot #30, which will contain the well, it was decided that the lot needed to be landscaped and the well house needed to be secure. These issues will be added to the findings.

It was moved by Mr. Ewert to approve SUB 05-01 as amended by suggested revisions on conditions 2 – 8 – 14 – 18 – 20 and with the added wording on condition #30 regarding securing the well house and landscaping. Seconded by Mr. Tessman. Motion carried 7-0.

SUB 05-03 (Bristol) Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, Mr. Helbling stated he had visited the site but had drawn no conclusion. No questions were asked of the Commissioners.

Matilda Deas presented the staff report. She explained this is a four lot subdivision, with an existing home that will remaining on one lot and 3 new units

being created, two of which will be attached single family dwellings. She stated that the property and surrounding area are both zoned R2 (high density residential). There is an existing garage which will need to be relocated.

A neighborhood meeting had been held and one main issue discussed was the lack of on street parking along S. Fir Street. Neighbors were concerned that there would not be available parking if this property were developed. She stated that the current street standards only allows for parking on one side of the street.

It was unclear if the applicant was providing garages and she suggested the Commission question the applicant regarding garages and parking configuration. The City Engineer suggested that the drive access to the existing home be taken from S 3rd, on the westerly portion to remove it from the vision clearance area on the corner.

There is an existing tree that is located next to the house and next to the sidewalk; the applicant is looking at porous pavers to try and save the tree. There will be a new sidewalk and a new ADA ramp on the corner as part of the street improvements.

Matilda explained that the design of the home would have to meet the residential design standards, and most of the neighbors concerns would be addressed through that process.

Mr. Brown questioned what the minimum lot size was; Matilda explained that in the R 2 zone it is a minimum density standard of 14 units per acre and not a lot size. Mr. Tessman questioned what the surrounding lots were built out as. Matilda stated they were mostly single-family homes.

APPLICANT: Ken Sandblast addressed the Commission. He explained that the existing garage had already been removed, where the parking would be located and that the drive access could be moved to 3rd Ave. if the Commission would prefer it there.

Mr. Sandblast explained that the applicant is trying to save a large tree that exists on the lot, allowing the sidewalk to go around the tree would help keep the tree viable, and they ask that the street not be widened to keep from restricting the tree even more.

Mr. Sandblast stated that even if there were on street parking provided it would only provide one or two spots, code requires the applicant provide 2 parking spaces per unit and the applicant has met that requirement.

Mr. Sandblast stated that in the recommendations of the staff report which deals with easements needs to clarify that there is one side of the lot that only

has a 7' yard, so they would be unable to provide the 12' exterior easement mentioned there.

Mr. Sandblast stated they would like the condition which asks the sidewalk be allowed to meander, states the reason as trying to save the tree. He also pointed out that there are 2 conditions # 19.

Mr. Helbling questioned where the parking would be located. Mr. Sandblast stated parking would be on the north side of the house, the exact location would be determined by the location of the drive access.

Mr. Molamphy asked for clarity on the whole parking situation. Mr. Sandblast explained he had used the term tandem and typically it means double deep single car parking. He stated there would be at least a single-family garage.

Mr. Brown asked what the buildings would look like, since they were small lots. Mr. Sandblast stated they would be 2 story homes. Mr. Brown stated that there needs to be communication between the neighboring property owners and the applicant, since he was putting 2 story homes in a traditional single story neighborhood.

Mr. Helbling stated there were 2 story homes across the street and directly behind this lot to the south are new 2 story homes. So he believed these would match somewhat.

Mr. Tessman questioned when this area had been designated as an area for high-density development and was the plan that these larger lots would be built as higher density. John stated that was the theory that these lots would be redeveloped to the higher density, but this area has been slower to redevelop than other areas. John explained that this area has been zoned R2 since at least the early 80's. Mr. Brown believes that design standards will be an issue with this development.

PROPONENTS: None

OPPONENTS:

Tom Zauner stated his concerns as loss of privacy by having 2 story homes looking down into his property, that this will start a trend to divide and build duplexes, he stated there are only 5 parking spaces on Fir between 3rd and 4th and most of the time 3 of are taken and the duplexes will use on street parking. The street is narrow at one end to allow room for an existing large tree, he believes if parking was allowed on both sides of the street it would not make it any narrower than the area around the tree.

Margaret Schoonover agreed that parking is an issue, there have been 2-parked vehicles struck recently. She believes this area was intended for private homes and that duplexes would not fit in the neighborhood, and expressed her concern that the existing house could be turned into a duplex and create even more traffic congestion. She believes the property should be returned to a zoning that would only allow private homes. She stated her concern that this is a high traffic area with no areas for the children to play.

Sally Larson stated she had the same concerns. Traffic is a major concern especially between 7:30 am and 9:00 am due to school traffic, extra cars mean more problems. She explained she hadn't known it was a high-density area when she purchased her home and believes people will start selling their homes.

Stacy Zauner stated she believed that this development would eventually be built, but she hoped that the property would be fenced for safety reasons. She did not believe that Fir St. could support 2-sided parking because 3rd St. is extremely congested and traffic can only travel through one car at a time.

Ron Berg stated he shared his neighbors concerns. He agreed with Ms. Schoonover that the existing home could be converted into a duplex, since it had been a duplex before. He stated there is a traffic problem on Fir St and did not believe it could handle more traffic. He understood the zoning process, but there are times that a development doesn't fit, there are concerns with the narrow streets, and no off street parking, it is just cramming too much in a small area.

REBUTTAL: Ken Sandblast clarified that none of this development will be duplexes; they will all be individually owned, on individual lots. He stated that the applicant has investigated converting the existing house into a duplex but decided it was not economically viable to bring it up to code.

Mr. Sandblast stated that this application complies with the density requirements of the code. The City's planning is based on the comprehensive plan, transportation plan and the utility plans, the density that is planned for this area has been accounted for in those plans. The comments that have come back for this application from providers state there is capacity. The application meets all necessary criteria and asked the Commission to approve the application.

Mr. Tessman stated that this is another one of the crucial areas where high density abuts a low-density zone. John explained that the entire area is high density with a large variety of lot sizes. Mr. Tessman stated it is difficult to evaluate a development like this when everything, except the duplex across the street, is single family. He stated he could relate to the people who spoke in opposition to this application.

Mr. Brown addressed the criteria for approval. He stated the application meets most of the criteria, except "C", which requires the development not unduly hinder the use or development of adjacent properties. He believes this development will change the character of the neighborhood in a big way.

Mr. Molamphy believed the parking in the area was an issue. He knows this is a high-density area, but livability becomes an issue, ingress and egress and providing places for people to park, so he agreed it did not meet "C" either.

Mr. Brown believes that the vision for the high density in this area was that someone would purchase 7 or 8 lots and do a redevelopment that would create density, not create 2350 sq ft lots. John clarified that the home would have to meet the same setback requirements that homes in new subdivision would have to meet, 20' front yards, 20' backyard and 7' side setbacks, just the size of the houses are smaller.

Mr. Brown explained that there is a housing spike at this time, which is great for people who own homes, but not for people who are looking to buy their first homes and developments like this are where people start out.

Mr. Tessman stated that with the traffic and parking issues that have been brought up as well as the character of the neighborhood he would vote against this application.

Mr. Lucas stated that 10 or 15 years ago the City Council tried to address the traffic issues in this area. Nothing was changed and there was no solution to the problem, so the traffic problem hasn't gotten any better.

Mr. Helbling stated he also had a concern about 3rd Ave. It is a one-way street that alternates with the direction of traffic. He added that the corner by the high school is extremely congested and more parking on the street will make it more so.

Mr. Ewert stated he had a problem with the density issue when it was dealt with years ago. This application meets the requirements and the Commission needs to look at the zoning, if we want the neighborhoods to stay with the bigger lots then we need to do the work to fix the comp plan. If we don't want it, then the density goes in and every large lot that can be cut up and put into developments like this will be. He didn't see how this application would unduly hinder adjacent properties; they will just do the same thing. If the traffic is such an issue can we require a traffic study?

John explained that a traffic study deals with capacity, and that is not really an issue with this area. The city has the ability to remove on street parking and force people to park on their own lots and eliminate the problem.

Mr. Brown stated he drives down 3rd often, and has noticed there are a lot of cars parked on the street, but very little available off street parking, and most homes are on small lots with no garage or carport area, the only parking is along the street. It is a design problem not a transportation problem.

Mr. Helbling questioned that if this was approved, could the Commission condition the homes have some continuity with the surrounding neighborhood. John stated that the County not have the ability to require that. Mr. Brown stated that we have a weak code and other jurisdictions have much stronger codes. Typically Canby citizens do not want the City to have that kind of control. But every year there seems to be more support for it.

Mr. Manley commented that the project engineer had recommended places for access and parking which were not part of the conditions of approval and believed they should be added.

Mr. Ewert believed that the access to this development was not adequate. No matter what the zoning, if you can't safely get there, then it's a problem. He believes that development shouldn't get too far from common sense and everything he has heard tonight states that there is a problem there.

It was moved to deny SUB 05-03 for not meeting Criteria "C". Motion carried 6-1 with Mr. Manley voting nay.

SUB 05-04 Burden II, Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, Mr. Helbling stated that he has had contact with the applicant and with the realtors as a member of Canby Business Revitalization and Development but has not had any conversations regarding this application and intends to participate, Mr. Brown had visited the site but had drawn no conclusions. No questions were asked of the Commissioners.

John Williams presented the staff report. He explained that the application is to divide 43.86 acres into 12 lots of varying size. One existing residence and several accessory buildings will remain on the newly created parcels. The application meets zoning and comprehensive plan designations for M-1 and M-2 Light and Heavy Industrial zones. The majority of the parcels will be zoned M-1 with a corner of the west side zoned M-2.

John explained there is a deeded right-of-way running through the parcels for the construction of Hazel Dell Way with some parcels taking access off of 1st Ave. and the parcels to the south having access on S. Sequoia.

John stated the subdivision is intended to facilitate future industrial development of the properties. There are some parcels on the northern side that

will not have sanitary sewer services available until a lift station is put in, the Urban Renewal Advisory Committee and the Urban Renewal District are considering constructing a lift station that will provide service to these lots. Staff has determined that services will become available upon development.

John stated that if a design review comes in for one of the lots that does not have sewer service it would not be constructed until it does. So either the City builds it or the Developer pays it, either way it would be eligible for system development charge reimbursement.

John explained that the traffic study was deferred until development since there is a wide variety of industry allowed there with no way of knowing what will be built. So the traffic study would be part of the design process.

John stated that in the original master plan for the park Hazel Dell Way was going to come up from Sequoia to Hazel Dell, continue at First and possibly continue up to Hwy 99E. We have held out putting that road in based on the result of some traffic modeling that has been done. The model showed that the truck traffic will be handled by Sequoia, Mulino/ Haines and eventually by 13th Ave. on the south side. If the development of the park works out as the model indicates there will be no need to connect Sequoia with Hazel Dell.

Mr. Brown questioned if Hazel Dell would punch through to the east, if not why have the proposed geometry. John believed that the curve could be rounded off. Mr. Brown asked about the proposed "pork chop" John stated that originally when there had been talk of extra legs, all the traffic coming off 1st Ave into town will be coming on Hazel Dell, so the pork chop was to facilitate that. It may no longer be needed.

John stated that the lay out of the lots seems to be functional, with most of the access taken from Hazel Dell and several shared access agreements have been made in order to make sure it meets our spacing standard of 200'.

John stated that people are looking for smaller parcels, they want to own their own property with as small as 5000 square foot buildings. Staff has recommended approval of the application.

APPLICANT: Charles Burden, representing the Estate of Ray Burden explained that the lots have been reduced in size, there seems to be more of a market for the smaller lots.

Terry Tolls, Realtor stated they had intentionally put in a shared access point because they knew it would be needed for the Maderia property. They created a perpendicular property line from Hazel Dell Way to facilitate the access, even though it is not the most efficient alignment for the buildings.

Mr. Tolls hadn't realized that the shared access had been added to the conditions and asked that it be removed in case it would be necessary to reconfigure some of the lots for future buyers. They would maintain the 200' minimum spacing.

Mr. Tolls explained that they would be coming back to the Commission for lot line adjustments to accommodate buyers. He stated that waiting to divide the lots until there are buyers takes 6 to 8 months and that is too long. So the applicant realizes there may need to be adjustments, but that would be a faster process.

Mr. Tolls asked that if the turn on Hazel Dell Way is changed that John Williams notify the applicants engineer. John stated he would.

Mr. Ewert questioned how they plan on keeping truck traffic off of 1st St. and Haines Rd. Mr. Tolls explained that they are looking at Walnut St. to become the substitute for that traffic. Mr. Ewert asked how the intersection at 1st and Sequoia will work. Mr. Tolls stated there are many options at that intersection and will be solving some of those problems with internal circulation.

Mr. Brown questioned where the drainage swale went. Mr. Burden explained where the area is located on the site. Mr. Brown questioned if the lot sizes were partly due to the topography of the location. Mr. Burden agreed the slopes were an issue. Mr. Tolls stated that due to the size of the lots there will be a higher employee per acre ratio and a diversity of users.

Mr. Helbling questioned where the retention pond was located. Mr. Tolls showed where the pond would be located if it was needed.

PROPONENTS: None

OPPONENTS: None

Mr. Brown asked if once the applicant had created a tax lot, it is easy to adjust. John explained that a lot line adjustment is an administrative procedure and only takes 3 weeks.

Mr. Brown believed that allowing Mr. Tolls request to remove the condition requiring the joint access was reasonable, and suggested the 90% curve be reworked.

It was moved by Mr. Tessman to approve SUB 05-04 with the amendment to condition #7. Seconded by Mr. Lucas. Motion carried 7-0.

V. FINDINGS

DR 05-02 It was moved by Mr. Manley to approve the findings as written. Seconded by Mr. Helbling. Motion carried 6-0-1 with Mr. Tessman abstaining.

VI. MINUTES

April 11, 2005 It was moved by Mr. Manley to approve the minutes as amended by the correction of the date. Seconded by Mr. Molamphy. Motion carried 6-0-1 with Mr. Tessman abstaining.

VII. DIRECTOR-S REPORT

John stated there had been a meeting of the NE Canby Master Plan group and explained that the neighbors idea of smaller lots are 1 acre lots. They are doing a good job of doing some future planning and the Commission will probably see something from them in June. Their next meeting will be in May. Mr. Brown questioned how detailed the plan would be, John explained that they have shown how the plan will work, with local streets but it is not an exact plan.

John addressed the issue of the Bristol application and stated that there is existing high density areas like that in other places in town. He asked if the Commission would like for staff to hold public workshops and creating plans for existing areas. Mr. Brown suggested holding workshops to find out what is most important and work on it, then figure out where the City wants to go.

Mr. Tessman stated that screening buffers are important and they need to be looked at. Mr. Brown suggested that there are too few zones and creating more zone types would be appropriate. Mr. Ewert stated that as Canby grows there is a need to revisit areas and see if the zoning is working, He did not believe it was working in this area.

Mr. Manley questioned if the street is so narrow why the City isn't working at getting more right-of-way to widen the street. John explained that it is more of a problem with the location of the houses, and the big tree. Mr. Brown stated that to get an accurate picture, there needs to be time spend looking at the areas, breaking up into small groups and analyze what is working and what is not.

John commented that there is another issue to consider and that is Measure 37, if you take away someone's rights to develop their property, then you could be creating Measure 37 claims.

VIII. ADJOURNMENT