

MINUTES

CANBY PLANNING COMMISSION

7:00 January 23, 2006
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Vice-Chair Geoffrey Manley, Commissioners Dan Ewert, John Molamphy, Tony Helbling, Barry Lucas

STAFF: John Williams, Community Development-Planning Director, Carla Ahl, Planning Staff

OTHERS PRESENT: Bob Westcott, Stephan Westcott, Max Ward, Charlotte Ward, Wayne Woodard, Eileen Beeson, Job Cacha, Elizabeth Cacha, Evelyn Delker, Walt Daniels, Harry Landis, Arlene Landis, Howard Blessing, Eleanor Blessing, Dorothy Mickel, Barbara Le Baron, Bruce LeBaron, Pat Ewert, Shirley Tessman, Bob Brown, Bonnie Brown, Frank Russell, Paul Dupont

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

None

IV. NEW BUSINESS

Proposed Street Closure

John Williams, Community Development – Planning Director addressed the Commission. He explained that the City had received a request to close North Baker Dr. between the Industrial Park and NW 6th Ave.

John stated that in 1976 the City did a property exchange with the owner of the existing home on the south side of the property so they received property that bordered 6th Ave and the City received property that would go through to Baker. The intention was to create a real road connection from Baker to 6th Ave. John cited financial reasons for why the road was never built.

The neighbors have become more concerned about increased traffic through that connection since the Apollo Subdivision (now Darcy's Country Estates) was approved. The addition of 136 homes which will soon be occupied prompted the neighbors to circulate a petition to close the connection. John explained that one person signed the petition since it was sent to the Commission and passed out a copy of his signature.

John explained that the connection is more like a driveway, its narrow, curvy, dark with vegetation on both sides. John stated the City owns the property and the plan initially was to develop a road connection.

Notice was sent out to all of the service providers and Advisory Committees that normally get notified of applications, responses were as follows

* Police had no concerns regarding closing the road. They didn't need the road for emergency access. (a 2 year accident report at that location showed no formal incidents at that location).

* Lancaster Engineering responded that closing the connection would not impact the capacity of surrounding streets.

* Fred Kahut, Canby Disposal was in favor of closing the road stating that they had an accident on that street.

* Todd Gary, Canby Fire Marshal responded that this is the second entrance to the industrial area and would like to see the road improved. He stated that the hedge along the road makes a blind turn out. The Fire Districts mission is to provide service and get to every location in the City as fast as they can when needed. They want to maintain as many parallel routes as possible. This connection would be the fastest road if they were on the north side of Canby. They also believe that because of the mix of uses, the public park and the residences that are going in this is an area of concern and are not in favor of closing the street with gates or bollards.

* Public Works and the Traffic Safety Committee both commented that they are concerned about the load of traffic on Cedar and the school zones there. Their suggestion was to diversify the system and create parallel streets. Not load all of the traffic onto one section and to develop the street as it was intended.

* Post Office commented that they needed to get through because there was no other safe way. John stated he had not been able to get back to the Post Office to get an explanation of the comment.

* NW Natural, the City Engineer, Canby Utility, Canby Water, Canby Telephone and the Wastewater Treatment Plant all commented that the connection could be closed, if there were easements to provide access so they can maintain their facilities located there.

John summarized that the First Option is to keep the road open in its current state. Neighbors do not support this option because the road is very narrow, light is poor and visibility is bad. They are concerned also that when the new subdivision is built out these problems will increase.

Option number two is to close the road to vehicle traffic, install bollards or crash gates that would allow emergency service and utility access when needed but prevent pass through traffic. The Fire District does not support this option, they want the road to remain open. This option would require going to the City Council to get funds for the gate.

The Final option is to improve the road with sidewalks and lighting. This option is preferred by the Fire District, Traffic Safety Committee and the Public Works Department. Area residents are against this plan due to the increase in traffic. John stated truck traffic could be prohibited, but there would be an increase in vehicle traffic. The intersection at Ash and Knight's Bridge does not have good visibility and is not the best place to load traffic onto.

Mr. Brown questioned whether the City had enough right-of-way to build a full street. John explained it was acquired for a street. The narrowest area through the property is 50 feet. The constriction is to the south at Johnson Controls where there is only 25 feet of right-of-way, so the City would need to get right-of-way to improve the street. John explained it looks narrower than it is because some of the vegetation is on city right-of-way but the property was set up to create a street connection.

John explained that he had mailed out notices to the business in the industrial park, but they only had one week notice. He had believed that if the connection was improved, it would increase the traffic through the industrial park and that no business there would want that to happen. But a letter had been received from Mr. Bob Westcott owner Drawform Inc., in the industrial park stating he believed the connection should be improved, closing the connection because it would force all the traffic through the school zones, which would be unsafe. He also stated that a second ingress and egress was needed from the industrial park because of the times that Johnson Control trailers are blocking the road.

Mr. Westcott questioned if Mr. Tessman and Mr. Ewert planned on excusing themselves from the discussion, since both lived at the intersection of N. Baker and NW 6th. Mr. Tessman explained that he would not be participation on the Commission, since he would be making a presentation. Mr. Ewert stated he had a conflict of interest, to some degree, if someone had a problem with his participation would step down, if not he would remain on the Commission. Mr. Brown explained that for there to be a conflict of interest there must be a financial gain. John stated that the City would probably be looking at closing the connection not vacating the street. Mr. Brown stated the options presented were to put a gate at the intersection of N. Baker and 6th and another fence past the City yard located around the 90% turn, the petitioners are not asking for the street to be vacated, they are asking for it to be closed. Mr. Westcott stated it was up to the Commissioners to decide if Mr. Ewert had a conflict of interest.

Randy Tessman addressed the Commission. He gave a power point presentation which showed the poor condition of the road surface with ruts, cracks and potholes. Heavy trucks use the street and cannot navigate the turning radius. He reported criminal activity in the area including the discharging of firearms. Mr. Tessman stated that the drivers who do use the road drive over the speed limit, and most don't stop at the intersection, at one time a car missed the turn and landed in Mr. Tessman's backyard. Mr. Tessman included pictures of the semi-trailers that were parked on both sides of N. Baker in the industrial park and did not believe increasing traffic through that area would be safe.

Mr. Tessman believed that improving the road would include bike paths and sidewalks which would further restrict trailer parking. He believed mixing heavy truck traffic, vehicle traffic, bicycle paths and pedestrian would be a safety concern. He added that increasing heavy truck traffic on an unstable bank would not be a good idea, the solution is to close the road. It would be the minimal cost option needing only gates and signage, with access by a lock crash gate for Fire, Police, local neighbors and Utilities servicing the property.

Mr. Tessman believed the Post Office could access the one property from Cedar and believes it would be a more convenient way for them. The Fire Department want another access, currently there is a second access through 2nd and Aspen and there will be 2 more through Darcy's Country Estates. Emergency access is possible through the gate, and stated the reason the hedge was established was to curtail speeding around the corner and to keep vehicles from cutting across the neighbors yard. He stated the neighbors have no desire to acquire the property and in discussions with his neighbors he believes that there are only gas lines under the street.

Mr. Tessman stated that the road that went to the wetlands was washed out in the 1996 flood, there is no view of the Molalla River from the roadway for pedestrians and bicyclists. If Public Works improves the corner it would require other improvements. It would encourage heavy truck traffic through a neighborhood street and would increase street maintenance. It would be more hazardous to improve the road than to close it. The inconvenience of a small group of users should not jeopardize the residents.

Mr. Brown questioned if closing the road wouldn't create an area that would attract people and make the problems worse that Mr. Tessman has already cited. Mr. Tessman believed that the over all safety of pedestrians and bicyclists overrides those concerns. Mr. Brown asked if they had considered removable bollards instead of a crash gate. Mr. Tessman stated that any solution that closes the road would be fine, but improving the road would be creating a more dangerous situation.

Mr. Helbling questioned who owned the property that runs east and west south of 6th Ave. Mr. Tessman replied that Johnson Controls owned the property. Mr. Helbling believed that running a road along the north side of Johnson Controls would solve a lot of the problems.

John stated that when looking at the options for the road, the police will tell you that they do not have the time in their patrols to get out and walk down areas like this. They will drive through streets but if an area is unavailable to them it will not get patrolled. Mr. Tessman stated that the police do go down that road, but not on a regular basis.

Mr. Helbling asked how much of Johnson's Control was part of the URD (Urban Renewal District). John explain that none of Johnson's Control or the property to the north falls under the URD, south of third is in the URD and a tendril that goes to the drinking water site, but those boundaries could be modified. Mr. Helbling stated that if the boundaries were modified, then it would be possible to use URD funds.

PROPONENTS:

Ray Lawrence addressed the Commission. He explained that he is the one resident that the mailman would have to go around to serve, and he is the one stuck with trucks that idle all night. He does not think it is right to close off the road, which is his way out of the industrial park. He stated that to change his zoning to Industrial would cost him \$2,650 so he believes if the gate is installed and he is blocked out from using the connection it would only be fair for the City to waive the fee and allow him to rezone his property as industrial. John explained that Mr. Lawrence's home is zoned single family, the comprehensive plan shows it becoming industrial.

Mr. Lawrence stated that where he lives used to have corn and asparagus fields, now its trucks and trailers.

Joe Cacka addressed the Commission. He lives across the street from the intersection and his concern is the increase in traffic. He watches traffic "blow" the intersection all night and if they do stop, they scratch gravel when they take off. He believes if the road isn't closed then at least speed bumps should be installed to slow traffic down.

Walt Daniels stated he lives on N. Ash St. His concerns are that increased traffic from the Darcy Subdivision would not use Baker Dr. because of the truck traffic and they would use Ash St. He did not believe there should be increased car traffic through the industrial park. He stated that there is the additional hazard of the intersections that connect with Knights Bridge road, people are speeding up the hill at 45 mph and cars are picking up speed heading out of town. He has seen trucks not be able to make the curves and have to back all the way down to Johnson Control. He added that there is not the asphalt depth to handle the heavy trucks from the industrial park. There is a concern about putting more traffic through the school zones but believes that there are traffic calming devices that would slow traffic down. He agrees that the road should either be gated or have bollards installed.

Evelyn Delker stated she has lived on Baker Dr. for 29 years. She has concerns regarding the increase in traffic, the speeding and not stopping for the stop sign. She questioned how the Commission could allow the building permits to be issued without looking at the roadways to see if they were adequate. She suggested if the road wasn't closed to make it a one-way street. She believes the hedge is too tall and obscures visibility, and the railroad ties get moved and become a hazard. She is in favor of closing the roadway and believes that when the subdivision is developed the situation will get worse.

Mr. Brown stated that the Planning Commission does spend time looking at roads when they look at developments. But they have no way of funding them, they have tried desperate measures such as imposing a defacto moratorium until a traffic signal was installed at Hwy 99E and Territorial. He stated that the City Council is also looking at other ways to maintain pavement.

Shirley Tessman stated she was glad to see all of the citizen who came to the meeting. If the road is improved and not closed it would increase residential traffic through the industrial park and could actually hinder their businesses creating more hazards for them, pedestrians and bicycle traffic. She hoped the Planning Commission and the City Council take into serious consideration that all but one of the people who live on this street and who are the most affected, agree with closing the road.

Pat Ewert stated she has lived at the intersection of N. Baker and NW 6th for 20 years. She explained that they put in the hedge to prevent people from driving over their lawn, the railroad ties were put in to try to keep trucks from running over the hedge. She stated that when Sprague went in, there was a mandate that their employees would not use Baker Dr. and go down 3rd, but who monitors that. She expressed her concern that with all of the truck traffic, it is very dangerous, residential mixed with heavy trucks does not seem like good planning. She believes that the road should be closed but available to pedestrians and emergency vehicles

OPPONENTS:

Mr. Bob Westcott addressed the Commission. His business is located on the north side of the industrial park. His employees and their private cars are as isolated as Mr. Lawrence is, as far as being able to get out of the park with all the trucks and trailers, so a second exit from the industrial park is necessary. They instruct their drivers to get to their business through the industrial park and the truck route. He explained that his cul-de-sac was designed as the one place in the industrial park that a truck could turn around.

Mr. Brown questioned what mechanisms would work to segregate the truck traffic from the private vehicles. Mr. Westcott believes the signage should be more forceful than a home-made sign on Mr. Ewert's property. Mr. Westcott explained that if a truck misses the truck route sign at the light at Arndt and Knights Bridge they are into town before they know where else they are suppose to be.

Mr. Westcott was on the City Council when the property was obtained for the street, and it was engineered to be a full street. Mr. Helbling asked what Mr. Westcott views were on creating a drive along the green space north of Johnson Controls. Mr. Westcott believed it would be a big help. Mr. Brown suggested a large cul-de-sac similar to the one at Mr. Westcott's business. Mr. Westcott believed anything that would get some loop traffic, he also suggested Johnson Control taking that area to park their trailers. Mr. Helbling questioned if the people who live on NW 6th would be willing to lose their green space in order to eliminated the traffic problem. Mr. Westcott stated his concern that closing off the street would be removing the safest exit for his employees.

Mrs. Ewert explained that the people on 6th Street did not show up at this meeting because closing the street was not an issue for them. She believed eliminating the buffer zone/green space would be an issue for the people who live there.

Paul Dupont owner of a business on N. Baker stated that it had been a great presentation. He expressed his concern of where the traffic from the closed road would go, and believed it would go over to Cedar and to the school where the kids are, he couldn't believe the police did not care they were creating a dead end road. He wondered if anyone had contacted the school and the citizens that live on those streets. He believed the road should be improved to make it travelable. John stated the people who live on Cedar had not been noticed about this meeting. Mr. Dupont stated it would not be fair to the people who live on Cedar to close this road.

Mr. Brown suggested that an alternative design should be looked at. He wants a larger look at the whole area instead of just one street and some options on how to get a second truck access and how to get the traffic past the school. He proposed the Planning Commission would put a recommendation forward to the City Engineer to come up with a design of the vehicular traffic between commercial and residential traffic at this location with input from the surrounding community.

Mr. Molamphy stated he sympathizes with the neighborhood, but he is not in favor of blocking off a street. He would like to know what the traffic count is in that location. He stated that Johnson Controls is using a public street for parking, with trailers parked on both sides of the street it is very hard to drive through. He too would like to look at a plan that addresses those issues. Mr. Brown said the plan needs to get the trucks out of town, not just out of the neighborhood.

John stated the Arndt Road connection is not moving forward, (it is too expensive at this time) but it is still in the long range plan. Mr. Brown explained that the connection would have created a bridge from Berg Parkway to 3rd and on to Arndt Road. It would have solved a lot of problems like this one.

Mr. Helbling explained that the trailers that are parked on the street are not owned by Johnson Controls, they are owned by For-Hire truckers. Johnson Controls cannot control where they park. Mr. Ewert stated that it is Johnson Control that moves the trailers around. Mr. Helbling explained there is a lot of developable land in this area and the problem is bigger than just closing one street.

Mr. Ewert believes Johnson Control has expanded their parking lot into the buffer area, any road would have to be up to the north property line, which would eliminate the buffer zone. He explained that the trailers from Johnson Controls are heavy, they are hauling lead and batteries. He questioned whether the bank would be stable enough to accommodate the weight.

Mr. Brown stated there has to be a way to separate traffic at a minimum. An analysis of the whole area needs to be done, let the neighbors look at it, then come up with a solution for this area. He suggested placing a cul-de-sac at the north end which would give the trucks a way out, with a curb cut that allowed vehicle traffic out.

Mr. Manley was not in favor of closing the street, he would like to see it improved with lights to make it a safer situation. He believes that closed roads could become a nuisance in the future.

Mrs. Le Baron questioned why this issue was being discussed at this time and not when the subdivision on 3rd was approved by the Commission. Mr. Manley believes that 95% of the cars from that subdivision would not use this road. Mr. Brown explained that there was a traffic study done that indicated where the traffic would go from the subdivision and the impact on this area was minimal.

Mr. Brown explained some unintended consequences could arise without a plan for the whole area. The neighbors should be involved with the design of the plan because the problem is larger than just this one intersection.

John clarified that the Commission was asking for a design for the best way to eliminate truck movements and allow the residential movements and then weigh that against closing the intersection. He stated he would have the City Engineer come up with a drawing using traffic calming devices and then bring it back to the Planning Commission so they could evaluate it against other designs that have been discussed. John stated that copies would be distributed to all interested parties.

V. FINDINGS

DR 05-05 It was moved by Mr. Manley to approve the Findings Conclusions and Final Order for DR 05-05 as amended by the correction of the vote. Seconded by Mr. Ewert. Motion carried 5-1 with Mr. Brown voting no.

VI. MINUTES

November 14th 2005 It was moved by Mr. Ewert to approve the minutes of November 14th as written. Seconded by Mr. Helbling. Motion carried 4-0-2 with Mr. Tessman and Mr. Manley abstaining.

VI. DIRECTOR'S REPORT

John stated that the application for the Northwoods Subdivision is in the office and will be heard at either the last meeting in February or the first meeting in March. They will be showing their Master Plan and asking for approval of Phase I.

VII. ADJOURNMENT